

# John Major's Citizens' Charter

## A democratic perspective

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As one of her first moves after becoming Prime Minister in 1979, Margaret Thatcher announced a programme of civil service reform, not only to cut down its size by 25 per cent, but also to cut down its power – by making its performance subject to open review, and as we might now say 'changing its culture', from the 'Mandarin' values of trusteeship over the public good, to the managerialist ethic of Value For Money and Efficiency. Many would say that her unconcealed attack upon the civil service she found on taking office has been a successful one on almost all counts.

As one of *his* first moves after succeeding to Margaret Thatcher as leader of the Conservative Party and Prime Minister, John Major launched *his* attack on the civil service – not, this time on the Mandarin class, but rather on the middle and lower levels of bureaucrat – by publishing what he called *The Citizen's Charter* (Cabinet Office 1991). This document met head-on the common criticism that the Conservatives' radical programmes since 1979 had abandoned the criteria of 'public service' and substituted the values of the market, with money being the measure of all things. It said; Not at all; the aim of a Conservative government is to *improve* service to the public, to make public servants *responsible* to the people they serve, to give people *rights* to good quality services and to choice.

The government wanted, the document said, to 'give more power to the citizen', and 'to change the relationship between the citizen and the state'. It therefore promised that every government department and state agency would produce its own Charter for citizens, laying down in straightforward terms that any citizen could understand, precisely what standards of service the citizen would be entitled to expect from its officials, including courtesy and helpfulness at all times but more importantly, commitments to prompt action, expressed in terms of a target response rate for correspondence, or a target maximum waiting time or delivery time, and the like. Moreover, the Charters would lay out what

form of compensation the citizen was entitled to if these targets were not met, and what channels of complaint and redress of grievance were available.

This, then, is what these Citizen's Charters are about – there is not one but several, such as the Patient's Charter for the health services, the Parents' Charter in education, charters for the Passport Office and the Benefits Office and so on. They are not simply broad exhortations to civil servants to do better; they are almost particular contracts, expressed in terms appropriate to the service concerned, between the state agency and the client or customer or consumer of the service. But – it is important to note – they are administrative guarantees, not statutory or legal guarantees: they do not give any additional recourse to the courts of law, though I shall be surprised if the lawyers do not eventually find a way to judicialise these proceedings.

Such charters had already been pioneered by some Labour-controlled local authorities (such as York, and Islington in London), giving binding promises about such things as rubbish clearance frequency, turnout times for housing repairs, library opening hours, and much else; and it had become the fashion for banks and insurance companies, as well as retail chains, to publish glossy leaflets containing service 'guarantees' and 'customer service codes' of one kind and another. But Major's initiative, though somewhat ridiculed in the Press and by the Opposition parties as an election gimmick and mere 'window-dressing', was probably quite genuinely felt, with aims that deserve support by all who deplore 'bureaucratic' behaviour and the equation of public provision with producer-satisfying rather than consumer-satisfying output.

In this brief paper I want to discuss how far such charters can meet their expressed aims of empowering citizens, and their relationship to the democratic control of government services in my country. To do that requires me to put this initiative into perspective, and thus to begin by giving

you some background facts about what has been happening in Great Britain in the last fourteen years.

Everyone knows about Mrs Thatcher's massive privatisations (for a literature review, see Marsh 1991). By the end of this financial year, the Government will have raised £50 billion from the privatisation of (profitable) nationalised industries, and another £50 billion from the sale of Government land and buildings. There is not much left to sell, only the loss-making British Rail and British Coal, and perhaps the (very profitable) Post Office, and then this source of income with which to offset increasing public expenditure will dry up. Hence the need for a Conservative Chancellor of the Exchequer last year to begin *raising* taxes, totalling an extra £17 billion over the next three years.

It can be argued that privatisation has not altered the power of the citizen very much. The former 'consumer' of public corporation products has become a 'customer' of the new limited liability companies; but since the degree of *competition* has hardly changed, the degree of choice exercisable through market mechanisms has hardly changed; while the degree of control the citizen was able to exert over the public bodies through the responsible Minister is not much different from that now exercisable through the regulatory offices that have been set up in almost every case, though the transaction costs of the control may have increased (Veljanovski 1987).

The same could possibly be said of the second massive development of the 1980s, the introduction of what Hood calls 'the New Public Management' (Hood 1991), and in particular the internal 'privatisation' of the Civil Service known as 'executivisation' and 'market testing'. Following upon a report of the Prime Minister's Efficiency Unit which had the words "The Next Steps" in its title (Jenkins et al 1988), some hundreds of so-called 'Next Steps Agencies' have been created out of sections of central ministries with a definable purpose and an executive (as distinct from a mainly policy-making) function, such as the Central Statistical Office, the Ordnance Survey, the Benefits Agency, the Driver and Vehicle Licensing Agency, and many others. Each of these has been placed under a Chief Executive, sometimes recruited from outside the civil service, who will be rewarded according to the Agency's performance; and for each there is a 'framework document', which lists its powers, its mission, and its performance targets (Greer 1992). Also, in addition to widespread 'contracting-out'

of services like catering and cleaning, every ministry has been required to meet a target for 'market testing' of a variety of more 'administrative' in-house services like legal work, typing and computer services, even income tax records and VAT debt collection.

There has been severe criticism of these trends, from civil service unions (as you might expect), but also from journalists and academics of a not particularly left-wing tendency, pointing to the disadvantages of the erosion of the whole idea of 'public service' as the criterion for government action and its replacement by 'efficiency' as measured by an accountant, and to a diminution of the quality of service provided by contractors, who must work to a price governed by their successful bid (see e.g. Stewart and Walsh 1992).

But allegations of decreased citizen power in the new patterns compared to the old are not easy to sustain. Although released from many Treasury constraints on staffing matters, staff of the agencies are still civil servants, and the Chief Executive is still appointed by the Minister and accountable to the House of Commons in the same way as any department head. Members of Parliament may still ask questions, and although they will be answered in the first instance directly by the Agency in correspondence, if satisfaction is not obtained the Minister can be questioned in the House. The doctrine of ministerial responsibility is apparently intact, though that is not to say much about citizen power; for the accountability of civil servants to citizens produced by that doctrine has been somewhat uncertain for many decades.

The third massive development of these years is perhaps less well known in other countries than privatisation and managerialism, and only now is it coming to be fully appreciated in Britain itself. This is the extent to which the democratic significance of the institutions of local self-government have been eroded (see references in Wilson 1993) by ever-tighter central government control over their expenditure, by elimination of whole tiers of authorities, and now increasingly by the removal of the governance of the remaining great public services – health, education, and law and order – from elected local authorities and its entrusting to sometimes entirely non-elected bodies wholly appointed by Ministers. The staff of such bodies are not civil servants and even the vestigial controls of Parliamentary questions do not apply to their daily operations.

The popular name for such bodies in Britain is

"quango" (Barker 1982; Pliatzky 1992), and their proliferation was one of Mrs Thatcher's chief targets before becoming Prime Minister. Officially listed "non-departmental public bodies" appointed by Ministers numbered just over 2,000 in 1979, and that list had indeed fallen to just over 1400 by 1992 (Cabinet Office 1993). But that figure takes insufficient account of current reorganisations and proposed reorganisations in health, education and police.

The reshaping of the National Health Service created 145 district health authorities, 90 family health services authorities, and a number of hospital trust boards estimated to reach 400 by next April as more hospitals 'opt out' of their districts. Whereas the old district health authorities used to include by statute members of local elected councils, the new authorities and boards are all appointed, and although they must contain persons from the local community, none are responsible to an electorate.

Similarly, whereas state schools (as distinct from independent schools) used all to be run under local school governors by the elected local authority, as did Polytechnics and colleges of further education, the Government has encouraged secondary and primary schools to 'opt out' of local authority control, and accept funding directly from central government through the Funding Agency for Schools. About 700 secondary schools, out of a total of about 4000, have already done so. Polytechnics were removed from local authority control five years ago, and last year the bulk of the further education colleges followed, all being subsumed along with the traditional university system under the Higher Education Funding Council for England, a large number of them then adopting the title of University. For the first time in Britain, too, the central ministry has laid down a 'national curriculum' which must be followed by all state schools, supervised by the School Curriculum and Assessment Authority; and has 'privatised' the function of school inspection.

It has been alleged, and much evidence collected to demonstrate, that not only are the members of all these types of board and public body non-elected, but they are also drawn from known supporters of the governing party. One responsible Minister, in an unguarded moment, told a Sunday newspaper 'I can't remember knowingly appointing a Labour supporter' (Baroness Denton, *Independent on Sunday*, March 1993; quoted by David McKie, *Guardian* 21. 6. 93). But that is not the point here; which is, that however weak

the degree of democratic control exercised over health and education bodies in the past by virtue of the presence of elected local councillors, it is considerably weaker now.

Since their foundation in the early nineteenth century, the police forces of Britain have been locally controlled by committees comprising a majority of elected councillors and some representatives of the local magistracy – unpaid justices of the peace. The number of police forces has been reduced from the total of about 140 in 1945 to 42 today, but the principle of local government control has been maintained. Now the Government, although postponing a further set of amalgamations, has proposed to replace the traditional local government bodies by new police authorities of sixteen members, only eight of whom would be local councillors, three local magistrates, and five local people appointed by the Home Secretary, with the chair of the authority also selected by the Minister. Although not as draconian a change as in health and education, this is universally regarded – by the police, by local government, and by local opinion – as another step (following the creation of a central police computer, regional crime squads and other moves) towards a national police force, traditionally seen in Britain as a threat to civil liberties; and a step away from the ideal of community self-policing.

A survey commissioned by the *Guardian* newspaper has recently estimated that three years from now there will be more than 7,000 non-elected public bodies in total, comprising well over 40,000 appointed members, controlling some £54 billion of public money or almost a quarter of all government spending, and meeting in secret behind closed doors (*Guardian*, 'The Quango Explosion', 19. 11. 93). This development, then, has decidedly increased what in Britain, and in Europe generally, has come to be called the 'democratic deficit'.

This is the background against which we should see John Major's initiative of 'the Citizens' Charter'. It is a slightly odd situation: the very centre of government has set out to champion the weak individual against the monolithic structures of the state, to strengthen the hand of what the responsible Minister actually called 'the little man'. It is too simple to say that citizens are to be seen as customers, for that is not always appropriate: rather are citizens seen as having contractual rights to efficient, prompt and courteous service, in return for the taxes they pay. The White Paper announcing the Charter, for example, casti-

gated the courts of law in general for creating a poor impression upon jurors and witnesses, for laxity and delay in providing information that was in no way secret, and for the unfriendliness of their summonses to attend and their reception routines.

Christopher Hood perhaps drew up the blueprint for all this some five years earlier, speaking of looking at public services from the ground up:

Instead of aiming for public officials with the integrity and wisdom of Plato's philosopher king, we might ... try to design a framework of rules that reward public service producers for meeting the preferences of consumers and punish them for not doing so, rather than giving the producers the job of deciding as trustees what beneficiaries ought to want in the way of quality, quantity and cost of services provided. (Hood 1986: 170)

It is just such a framework of rules that the Charter aimed to provide. A special Cabinet unit was set up to cajole the other Ministries and agencies into producing their own charters. The initiative was not well received at first in Whitehall, and 'foot-dragging' undoubtedly occurred; but by the end of the first year some twenty charters had appeared, and by now there are only a few stragglers.

One of the early promises under the 'Patients' Charter' of the health service was the elimination of hospital waiting lists of two years or more. British Rail agreed to pay cash compensation for the late running of trains in certain circumstances. Perhaps the most far-reaching of such commitments was the undertaking in the 'Parents' Charter' to publish performance 'league tables' for every state school in the country, on the basis of national examination results and truancy figures, so that parents had some information on which to select a school for their children or to bring pressure on the school governors and staff. There was heavy criticism of the unfairness of using raw examination results for this purpose, unmodified by social background or average family income statistics, or by considerations of 'value-added' to a known base; but the figures have been published for two years now and the Minister talks of their refinement in such ways.

By May 1993 some £2 million had been paid out in compensation to citizens for breaches of the charters, roughly half by the Benefits Agency (which handles social security payments) and half by British Rail. A shutdown of the entire underground rail system in London last year as a consequence of a failure in 70-year old electrical equipment led to an ironic result: London Underground was obliged to recruit extra staff to han-

dle the applications for compensation that flooded in, but the cost of such extra staff will have to be met by further sackings of regular staff and further postponements of maintenance and renewal. In similar fashion the charter-guaranteed treatment of patients who had been waiting for more than two years for their operation simply led to larger numbers on the one-year waiting lists.

But it is not the detail of the Citizens' Charters or the problems of their implementation that is my main interest in this paper. Rather is it how the idea fits into the argument about empowering the citizen at a time of increasing democratic deficit. The claim of the Cabinet Minister responsible for the working-out of the Charter initiative, Mr William Waldegrave, is that the Charter initiative is aimed at the improvement of services to the public, especially where the conditions are such that privatisation or exposure to market forces are not appropriate. Certainly it seems to be one of the few initiatives of this Government that is not designed mainly to reduce public expenditure. That the full implementation of the Charter idea will require another change of organisational culture, from the classic Weberian records-based 'trusteeship' bureaucratic values *and* the more recent managerialist 'value-for-money' ethos, to the customer-responsive 'service-with-a-smile' values expected in commercial life, is acknowledged by civil service 'human resource managers' (Lovell 1992). But to the extent that such a culture-shift is attained, we might ask, what more *democratic* system is needed than that public servants – say, waiting-list administrators in the health service, classroom teachers in state education, or policemen on their beats – should have to account directly to the citizens they deal with for the quality of public service they give?

My own brief answer is that the Charter idea is a very good one and long overdue, but that it is not a substitute for democratic control of a public service through electoral and representative machinery, and must be additional to that. Several analyses can support that conclusion.

**First:** as Richards points out (1992: 26), the Charters are concerned only with micro-level service delivery and have nothing to say about macro-level policy or meso-level structures. Charter guarantees and promises are concerned with waiting and delivery times, demeanour and deportment of officials, availability of information, and so on, which characterise the interface between the user and the provider of the service.

They do not deal with the proportion of total government expenditure that shall be allotted to a particular public service; they do not empower consumers to define the public good on such questions as the balance between family doctor care and hospital care, or what is to be taught in the national curriculum, or whether drug-busting should be given more attention than burglary clear-up.

They do not, either, mention meso-level questions of centralisation and decentralisation, organisational structure, personnel management, or operational scheduling. It is not, of course, reasonable to expect them to do so: the customer in the High Street, after all, has no rights in these matters in respect of the retail chains or banks. But that is the point: the citizen in a democratic polity *does* have rights in these matters in respect of public services, and the Charters are not relevant.

**Second:** several commentators have remarked that the Charters are perhaps wrongly named: they are service-user charters, or consumers' charters, not Citizens' Charters (see e.g. Wilson 1993; Stewart and Walsh 1992). This comment depends upon a linguistic analysis of the terms and may not always translate well into another language, as between, for example, consumer, user, and customer – though there would perhaps be less difficulty with regard to the main distinction between 'customer' and 'citizen'. Broadly, two things are noted: (1) that the philosophical justification of the Charter idea is one of liberal individualism, or contractual rights, whereas citizenship is more usually considered as membership of a community, with the emphasis at least as much on duties; and (2) that whereas the Charter provisions substitute for an unavailable 'exit' reaction (Hirschman 1970), which is paradigmatically an individual and even discourseless proceeding (taking one's business elsewhere), the citizen role is essentially a collective one, achieving 'voice' through representative communication. The Charters take no account of collective reaction by 'citizens'.

**Third:** a decision analysis would soon demonstrate the frequency and indeed virtual inevitability of conflict of interest at all levels. Charter-fulfilling behaviour may conflict with equitable treatment of similar cases, and budgetholders may be forced to ration resources. Even for a single citizen, there may be a conflict of interests between the roles of customer, voter, and taxpayer. And what may satisfy one customer may be intolerable to another. The responsibility

for resolving such conflicts rests somewhere in the system, and it cannot rest with the individual citizen. Accountability for that responsibility is carried by the ordinary machinery of representative democracy and if that machinery is already defective the Charter arrangements will not supply the deficiency.

In conclusion, then: as many commentators have noted, the marked movement in the 1980s towards 'rolling back the state' and 'increasing freedom of choice', legitimated by theories of market-type solutions to allocation problems but perhaps driven by a desire to reduce taxation, and demonstrated by divestment of nationalised industry, transfer of the costs of the welfare state, and the conscious substitution in every feasible arena of 'market discipline' for allocation by bureaucrats and politicians, has been accompanied by a considerable increase in the centralisation of decision making in what has proved resistant to such solutions, and a weakening of representative institutions at the periphery, giving rise to claims about a 'democratic deficit'.

The 'Citizens' Charter' initiative is something of an anomaly for such analyses. On the one hand, it can be seen as part of this shift of legitimation from the theory of representative democracy to the theory of market forces, with its emulation of 'customer' relationships. On the other hand, it is not part of the redistributive 'hidden agenda' of Conservative governments and would have a legitimate place in a social democratic programme. However, it is clear that because of its very limited scope it is no substitute for full-hearted representative democracy in empowering citizens.

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