

SECRET

UNITED KINGDOM CIVIL SERVICE PURGE SYSTEM

In March of 1948 The Prime Minister of the United Kingdom made a statement in the House of Commons concerning the transfer and dismissal of certain government servants. His statement was to the effect that there were in the United Kingdom Government Service certain duties of such secrecy that the state was not justified in employing in connection with these duties any person whose reliability was in doubt. Experience had shown that an association with a communist party might involve acceptance by the individual of a loyalty which could be inimical to the state. As a result, the only prudent course the government could take was to ensure that no one who was associated with the communist party in such a way as to raise legitimate doubts as to his reliability was employed in work, the nature of which was vital to the security of the state. He went on to state that the same rule must apply to persons actively associated with fascist organizations. The Prime Minister made clear that this action was prompted solely on security grounds, and that the state was not concerned with the political views of its servants. While in a number of cases there would be no alternative to the refusal of employment or dismissal, as far as possible attempts were made to find alternative employment in the wide range of non-secret work.

2. Within the system, as instituted at that time, when a security case arises which could involve dismissal, the minister or head of department is given information on which to decide whether the employee is prima facie to be regarded as coming within the scope of the Prime Minister's statement. He will be so regarded if:

- (a) he is employed or is intended to be employed in connection with work, the nature of which is vital to the security of the state; and simultaneously
- (b) he is believed to be:
  - (i) either a member of the communist party or of a fascist organization, or

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- (ii) associated with either the communist party or a fascist organization in such a way as to raise legitimate doubts as to his reliability.

3. No statement of general applicability can be made as to what constitutes a association under (b) (ii) above. The mere fact that a person has at some time in the past been a member will not in itself be considered as sufficient evidence on which to dismiss him. If membership is fairly recent, that would be a consideration to be taken into account, the best judgment being formed in the light of all the facts known, of which this would be one.

4. If the minister feels, on the basis of the evidence before him, that there is a prima facie case, the employee is at once so informed and is also informed that he falls either into category (b) (i) or (ii). He will also be given other particulars; for example, the date of his alleged membership or the nature of the alleged association, which might enable him to clear himself. The information he is given, however, is strictly limited in order to safeguard sources. The employee is at the same time asked to state whether he accepts or denies the allegation. If he accepts, he is dealt with as will be described later. If he does not admit the allegation he may make representations to the Three Advisers (who were appointed by the Prime Minister on the advice of the Permanent Head of the Treasury) and may appear before them in person. He is given 14 days in which to decide. At the time he receives the minister's ruling he is normally sent on leave and care is taken not to disclose the reasons for his absence to his colleagues.

5. If the employee decides to see the Three Advisers, their function is limited to advising the minister of the question of fact: is the civil servant either (a) a member of the communist party or of a fascist organization; or (b) associated with either the communist party or a fascist organization in such a way as to raise legitimate doubts as to his reliability. They will take into account all the information he has to set before them

and will hear him in person if he wishes. Third parties may testify as to his record of reliability or character, but he may not be accompanied and/or be represented by a third party before the Advisers.

6. The Three Advisers usually begin by interviewing the establishment officer of the employing department, from whom they obtain the employee's departmental record. A representative of the security service attends this interview. The Advisers then interview the security service representative alone and thoroughly examine all the information relative to the charge, satisfying themselves about the nature and reliability of its sources. All evidence is produced when the security service is fully confident of the integrity and discretion of the Advisers, it being understood that nothing would be revealed to the employee which would compromise their sources of information.

7. On receiving the report of the Three Advisers, the minister reconsiders his prima facie ruling, and if he upholds it, he gives the employee an opportunity of making representations to himself or to his representative before final action is taken. A similar opportunity is given the employee when he does not wish his case brought before the Three Advisers.

8. If the case is upheld, the employee is posted to a non-secret branch of his own department or if this is not practicable he is posted to a non-secret branch of another department. If it is impossible because of his qualifications or for other reasons to post him to a non-secret department or to a non-secret position elsewhere in the government service, he will be dismissed unless he accepts his option to resign. Either dismissal or resignation under these circumstances involves the forfeiture of rights under the Superannuation Acts.

9. It is also the practice in the United Kingdom, before the decision to re-post or to dismiss is made effective, that the Civil Servants' Staff Association is given the opportunity to suggest alternative re-posting which they consider more suitable.

10. It is the practice of the security service when submitting the case to a department for action to furnish three documents:

- (a) a secret document headed "Statement for Minister" giving all the relative facts but no information as to sources;
- (b) an unclassified document headed "Statement for Suspect" clearly indicating under which category the employee is believed to fall, and giving as much of the information as contained in (a) as can be disclosed without risk of compromising sources; and
- (c) a covering letter to the department expressing the opinion of the security service that a prima facie case of untrustworthiness exists.

It is usually possible to include in statement (b) specifications of the party branch to which the employee is believed to belong. If, on the other hand, the proposed charge is one of association with the communist party, it is usually possible to include in statement(b) either the party branch or the specification of the communist-front organization involved, or certain other supporting particulars.

11. Experience has shown that slightly over half of the civil servants who have been served with notices have accepted the truth of the allegations. It has been departmental practice, if the employee sends a reply denying the truth of the allegations, to submit this reply to the security service for comments before the minister decides whether or not at this stage to maintain his prima facie ruling.

12. As to the possibility of dismissal from the civil service, the constitutional authority for such action is well settled, not in the statute law but in the unwritten law of the constitution as upheld in decisions of the English courts.

Privy Council Office,  
Ottawa, September 12th, 1956.