

Prime Minister

Ref. A084/2729

PRIME MINISTER

Agreed - I assume

The proposed procedure looks effective and appropriate.

The person

concerned does

Agree para. 7 subject to colleagues?

Security Risks ^{E. not now have access to sensitive} in Certain Civil Service Grades

FERB

material. no 15.10

This minute seeks the Prime Minister's approval for the procedure to be adopted for dealing with a civil servant who becomes a security risk while employed in a grade for all of whose members normal vetting security clearance is essential. Such cases occur infrequently but any one case could lead to considerable political embarrassment.

Background

2. In 1976 the Home Secretary instructed the First Civil Service Commissioner not to accept, for Administration Trainee, direct entry Principal and equivalent grades in the economist and statistician groups, any candidate whom the Security Service had recommended should not be given access to CONFIDENTIAL information and above. It had previously been the responsibility of the Department to which the candidate was assigned to decide whether he was acceptable on security grounds, but on several occasions this had caused delay which resulted in embarrassment and risk to the confidentiality of normal vetting. The onus was therefore placed on the Civil Service Commission to identify and declare such candidates unsuccessful.
3. The system introduced in 1976 has worked effectively, and as a result a number of people who had applied and were otherwise suitable for entry into one of the designated grades have been identified as members and sympathisers of subversive organisations and have not been accepted. There remains the possibility, however, that such a person's membership of or association with a subversive organisation may not come to notice, or may not even begin, until after recruitment. There are usually arrangements for bringing such cases to the notice of Departments as soon as an individual is identified, but the problem then arises of what action to take. The posts in question are not posts which carry a PV requirement.

The NV process is covert, and action cannot be taken overtly on security grounds. In some cases, involving grades other than those mentioned above, it is usually possible to arrange transfer to a less sensitive post or to one without access to sensitive material, although, even so, there could be some impediment to the individual's career unless, in time, the Security Service's assessment is reduced. In cases arising in the designated grades, however, all the posts for which the individual might be eligible involve access to sensitive material and a NV requirement.

4. A particular case has now arisen which illustrates the problem and makes it urgent to find a solution.

whose work is well regarded and who in the normal course could expect to achieve early promotion to has been identified as a sympathiser of the Trotskyist organisation Militant Tendency. The Security Service have advised that he should not have access to information classified CONFIDENTIAL or above unless there are overriding departmental considerations. Since all posts in the economist group require NV clearance, the individual cannot be transferred to another post within the group but without access, and the Treasury does not feel able to exercise the discretion which the Security Service assessment allows.

5. Militant Tendency and certain other Trotskyist groups, notably Socialist League and Workers' Socialist Party, present a particularly difficult problem because they are clandestine organisations which deny their separate existence and conceal themselves within the Labour Party. The Trotskyists call this tactic "entryism". A member or close sympathiser would, if challenged, be likely to claim membership of the Labour Party and nothing else. Although the Labour Party is well aware of the existence of entryist groups, especially Militant Tendency, few Militant Tendency members have been expelled and most have successfully concealed their Militant Tendency membership from the Labour Party. Any adverse action could thus be presented as

victimisation for membership of a legitimate political party - with attendant political embarrassment. This aspect makes solution of the problem particularly difficult.

Possible Options

6. The Personnel Security Committee have considered what seem to be the practical options for dealing with this type of case:

(a) Challenge at Interview

This is sometimes a useful way of dealing with cases in which the use of Security Service information will not put their sources at risk and where there is a reasonable prospect of resolving the problem satisfactorily. It can be done formally or informally, either by the Department or by the Security Service. The challenge, however, may be ineffective, if the individual denies membership of or association with a subversive organisation; and, particularly in the case of a clandestine organisation, this course carries a risk of political embarrassment if the individual then wishes to seek publicity. In circumstances like those now under consideration, challenge should generally follow positive vetting procedure.

(b) Invoke PV Procedure

The PV procedure, unlike NV, is overt and known to the person being vetted. If it was invoked in such a case, it would give the individual an opportunity, in the full knowledge that vetting was taking place, to declare his membership/loyalty/sympathy either on the PV form and/or in the subsequent PV interview. The inquiries that are made of referees and others may also provide information which suggests the possibility of subversive associations and which can be followed up without putting at risk the sensitive source on which the original NV decision was based. PV is not intended to be used for posts which do not carry a PV requirement, but in exceptional cases, where it might help to resolve a problem like the present

and where there is no obvious alternative solution, it may be used. Those in the Grades now under consideration know that they are likely to have to go through the PV process at some stage in their careers. If the individual admits membership of or sympathy with a subversive organisation during PV, the Department could remove him from access. Even if he makes no such admission, the risk to the confidentiality of the NV process and to sensitive Security Service sources would be reduced by the knowledge that inquiries had been made if it subsequently became necessary formally or informally to confront the individual with the charge.

(c) The Purge Procedure

This is an established and overt process. It has not been used since 1969. This procedure provides for the transfer or dismissal of a civil servant who is no longer employable in his present post on security grounds, usually but not necessarily following a PV inquiry and the refusal of a PV certificate. The person concerned has to be given a statement of the allegations against him, though sensitive details and material that would prejudice sources is withheld. There is a right of appeal to the Three Advisers, whose Chairman is now Mr Justice Lloyd. The terms of reference of the Three Advisers are currently under review and, when amended, will cover Trotskyist organisations in the description of those subversive groups membership of or sympathy with which can lead to the purge procedure being invoked. Even then, however, the clandestine nature of Militant Tendency and similar Trotskyist organisations will still present the problems outlined in paragraph 5 above.

(d) Dismissal and the Use of the Ministerial Certificate

Under the Employment Protection legislation, an employee dismissed on security grounds has no right of appeal to an industrial tribunal. A tribunal must dismiss any complaint provided there is produced a certificate, signed

by or on behalf of a Minister of the Crown, certifying that the action was taken for the purpose of safeguarding national security. Its use, however, except as a conclusion to the procedures above could lead to considerable adverse publicity and to the case being taken to the European Court of Human Rights, and might do so even if the other procedures have been followed.

Recommendation

7. The Personnel Security Committee recommend that, in cases where it is not possible to allow individuals who have been identified by NV as security risks to remain in post under supervision or to move them to non-sensitive posts, positive vetting should be invoked, followed if necessary by challenge and the purge procedure. They do not advise dismissal until these procedures have been completed. If there is an appeal to the Three Advisers, and if they support the decision to withhold or withdraw security clearance, or if the individual does not appeal to the Three Advisers, he should be offered the option of regrading and employment in a non-sensitive area, if that is feasible; otherwise he must be dismissed on security grounds.

8. I am afraid I can see no alternative to proceeding in this way in these exceptional and hopefully rare cases, and I therefore endorse the Committee's recommendations. I should be glad to know whether you agree.

9. I am copying this minute to the Lord President, the Home Secretary, the Foreign and Commonwealth Secretary, the Chancellor of the Exchequer and the Attorney General.

RA

ROBERT ARMSTRONG

15 October 1984



FILE 807

10 DOWNING STREET

From the Principal Private Secretary

SIR ROBERT ARMSTRONG

SECURITY RISKS IN CERTAIN CIVIL SERVICE GRADES

The Prime Minister has seen your submission of 15 October (A084/2729). Subject to the views of her colleagues, she is content with the recommendation of the Personnel Security Committee outlined in paragraph 7 of your submission. She has added that she assumes that the specific person referred to in your minute does not now have access to sensitive material.

I am copying this minute to Miss Lewis-Jones (Lord President's Office), Mr. Taylor (Home Office), Mr. Appleyard (Foreign and Commonwealth Office), Mr. Peretz (HM Treasury) and Mr. Steel (Attorney General's Office).

P.E.R.B.

18 October 1984

PERSONAL AND CONFIDENTIAL

SC



Ref. A084/2833

MR BUTLER

MS attached

Security Risks in Certain Civil Service Grades

Thank you for your minute of 18 October.

2. On the point at the end of your first paragraph, Sir Peter Middleton has been taking such steps as can be taken without attracting attention to keep highly sensitive papers away from the individual in question. In the nature of things the embargo cannot be anything like total, but it should be effective in terms of highly sensitive material.
3. The individual concerned will now be PVd, as proposed in paragraph 6(b) of my minute.

RA

ROBERT ARMSTRONG

25 October 1984



Treasury Chambers, Parliament Street, SW1P 3AG
01-233 3000

5 November 1984

Richard Hatfield Esq
Private Secretary to
Sir Robert Armstrong
Cabinet Office

Dear Richard

SECURITY RISKS IN CERTAIN CIVIL SERVICE GRADES

The Chancellor has seen Sir Robert Armstrong's minute of 15 October, Robin Butler's minute of 18 October, and the letters and minute recording the Foreign Secretary's, the Home Secretary's and the Attorney General's agreement. The Chancellor, also, is content with the recommendations of the Personnel Security Committee, and positive vetting of the particular person concerned has now begun.

I am copying this letter to Robin Butler (No.10), Janet Lewis-Jones (Lord President's Office), Hugh Taylor (Home Office), Henry Steel (Attorney General's Office).

*Yours ever
David*

D L C PERETZ
Principal Private Secretary

From: THE PRIVATE SECRETARY

FEEB.

CONFIDENTIAL

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

NBPM



26 October 1984

Dear Richard,

SECURITY RISKS IN CERTAIN CIVIL SERVICE GRADES

The Home Secretary has seen your submission of 15 October (A084/2729), and Robin Butler's minute of 18 October.

The Home Secretary supports the recommendation of the Personnel Security Committee outlined in paragraph 7 of the submission.

I am copying this letter to Robin Butler (No 10), Janet Lewis-Jones (Lord President's Office), Len Appleyard (Foreign & Commonwealth Office), David Peretz (HM Treasury) and Henry Steel (Attorney General's Office).

Yours ever,

H H Taylor

H H TAYLOR

Richard Hatfield, Esq.

CONFIDENTIAL

NBPM



Foreign and Commonwealth Office

London SW1A 2AH

24 October 1984

Dear Richard,

Security Risks in Certain Civil Service Grades

The Secretary of State has seen Sir Robert Armstrong's submission of 15 October (AO84/2729), together with Robin Butler's minute of 18 October. This is to confirm that Sir Geoffrey Howe agrees with the analysis and recommendations and has nothing to add.

I am copying this letter to Robin Butler (No 10), Janet Lewis-Jones (Lord President's Office), Hugh Taylor (Home Office), David Peretz (H M Treasury) and Henry Steel (Attorney-General's Office).

Yours ever,

Len Appleyard

(L V Appleyard)
Private Secretary

Richard Hatfield Esq
PS/Sir Robert Armstrong
CABINET OFFICE

CONFIDENTIAL

4 OCT 1984

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PRIME MINISTER

Security risks in certain Civil Service
Grades

Attached I have seen the minute which the Secretary to the Cabinet sent to you on 15 October. I agree with his analysis and with his recommendations and have nothing to add.

I am copying this minute to the Lord President, the Home Secretary, the Foreign and Commonwealth Secretary, the Chancellor of the Exchequer and the Secretary to the Cabinet.

M.H.
—

19th October, 1984