

Making judgements in the grey zone

27 FEBRUARY 2026

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The dirty hands and many hands problems confront leaders in local government, writes the former chief executive of LB Lewisham and RB Kensington & Chelsea

The subject of judgement has rarely been far from public debate - and rarely examined carefully enough. Criticism of poor or bad judgement is commonplace, but the harder question is seldom asked: what does good judgement actually require?

This is a question addressed directly in the chief executive professional development scheme, and it deserves more than a superficial treatment.

Exercising good judgement is an everyday challenge for everyone. But for leaders and chief executives it is a core professional capability, precisely because they must make judgements on issues and topics in which they may have limited knowledge and little direct experience.

Effective leadership practice requires four elements to be combined and continuously held in tension.

Knowledge equips leaders with theories, evidence, and context for understanding people, systems, and sector trends. Experience enables leaders to test and refine this knowledge in real situations, building practical wisdom from both success and failure. Ethical principles ground a leader's sense of what is fair, just, responsible, and worth pursuing.

And judgement itself is the integrating capacity – the ability to bring knowledge, experience, and ethical principles to bear in choosing wise courses of action under conditions of uncertainty.

Accountability and blame

Poor judgement is usually evidenced through significant error. Put bluntly, there are two main types. A type 1 error involves choosing a particular course of action that subsequently proves to have been wrong. A type 2 error involves declining to act, or failing to choose a particular path, when doing so would in hindsight have been right.

Research on decision-making consistently shows that people know they are far more likely to attract criticism for choosing wrongly than for not choosing at all. This is why avoiding, deferring or failing to make decisions can appear to be the safest option.

But for political and managerial leaders it is also the most futile. No one seeks high public office in order to avoid decisions.

In local government we tend to reach for a six-syllable word, accountability, when we know that a one-syllable word, blame, is lurking nearby. Accountability requires us to take genuine ownership of our actions and their consequences. Blame involves personalised fault-finding and breeds defensiveness.

Organisations that excel at learning and continuous improvement have broad and deep cultures of accountability; they are not characterised by captiousness and the allocation of blame.

Dirty hands

Beyond the general challenge of judgement, there are two structural problems that bear particularly on those in leadership positions in government and the public sector.

The first is the problem of 'dirty hands'. This arises from the situational demands of moral compromise: from the uncomfortable fact that some wrongs are worse than others, and that choices sometimes have to be made between options that are wrong in unequal measure and with unequal consequences.

It is wrong to drive at 50mph in a 30mph zone. It is wrong to murder someone. These wrongs are not remotely equivalent. One is incomparably worse than the other.

To face a dirty hands problem is to be in a situation where every realistically available option involves doing something morally wrong or contrary to one's

principles; and yet where choosing one of those options may still be required for the sake of a greater good or a vital objective.

The dirty hands problem therefore requires leaders to make difficult decisions in the ethical grey zone. In public administration there is a substantial body of literature on this theme. The term itself was first used by Jean-Paul Sartre in his 1948 play of the same name, and it has been extensively developed since.

When we say a leader has dirty hands, we mean that they have accepted a measure of moral wrongdoing (such as breaking a promise, allowing harm to some in order to protect many, or similar) in order to achieve an important end. And we appreciate that they carry the weight of that choice rather than treating it as clean or innocent.

The burden of this form of moral residue is part of what distinguishes genuine public leadership from mere administration.

Many hands

The second structural problem is that of 'many hands'. In government bureaucracies, including local government and other public bodies, policies and decisions typically result from the contributions of numerous actors: political decision-makers, subject matter experts, advisers, suppliers, contractors and others.

And as each person's role is partial and often tightly specified, it can become incredibly difficult to identify who bears responsibility when things go wrong.

Is it the professional or other advice that was wrong? Was the decision maker wrong to accept or reject the advice that they received? Or was the decision so poorly implemented that a good choice, made on good advice, turned out wrong?

The term 'many hands' was coined by the political philosopher Dennis Thompson in his work on the moral responsibility of public officials. Thompson observed that when many different officials contribute in many different ways to decisions and policies, it can become very difficult to identify the precise character of any individual's contribution to a given outcome.

This is especially problematic when outcomes are adverse - and acutely so when they are catastrophic. In such cases, the very structure of modern government can obstruct the attribution of individual responsibility and, in doing so, undermine democratic accountability itself.

Grenfell inquiry

This is precisely the challenge examined by the public inquiry into the Grenfell Tower fire of June 2017, in which 72 people died, including 18 children. The inquiry's report represents perhaps the most sustained and detailed treatment of the many hands problem to have emerged from a UK public inquiry.

With exceptional forensic rigour, it identified the failings, incompetence and negligence of specific individuals, office holders and the organisations that employed them. It disentangled, as far as any inquiry can, the individual threads of responsibility from the collective failure.

The inquiry did not seek to apportion responsibility by allocating shares of culpability between organisations or individuals. Its role was evaluative rather than adjudicative: to examine, with care and precision, the nature and character of each actor's contribution to the events that caused people's deaths.

The task of determining legal culpability, criminal or civil, falls to the relevant authorities and ultimately to the courts. But the inquiry's work was indispensable in making that determination possible: it established, in the fullest public record yet assembled, how collective catastrophe can emerge from the accumulated decisions and failures of individuals.

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