



BRIEFING PAPER

Number 03750, 17 January 2018

The Ministerial Code and the Independent Adviser on Ministerial Interests

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Summary

The *Ministerial Code* sets out the standards and conduct expected of Ministers.

It was first published as *Questions of Procedure for Ministers* in 1992, although it had been in existence before this as a confidential internal circular, since at least the Second World War, and was well known unofficially in the media, academic texts and Parliament.

Its text has been subject to revision following recommendations from the Committee on Standards in Public Life and the Select Committee on Public Administration.

It has become customary for a revised Code to be published at the beginning of a new administration.

The latest version of the Ministerial Code was issued on 9 January 2018 by Prime Minister Theresa May following the resignation of three Cabinet Ministers, in November and December 2017, which attracted significant public comment. It aims to address the type of behaviour that led to their resignations; sexual harassment, improper behaviour and undisclosed ministerial meetings.

The 2016 Code had revised the 2015 Code removing the provisions on Extended Ministerial Offices and incorporating amendments on strengthening pre-release access rules for statistical releases. The 2015 Code attracted some comment as it removed the explicit reference in the 2010 Code of Ministers' duty to "comply with the law including international law and treaty obligations". It stated instead that Ministers had a duty to "comply with the law". Concerns were raised that this change may ease the pressure on Ministers to follow international law. However, the Cabinet Office indicated that the phrase "comply with the law" included international law.

Since 2006 there has been an Independent Adviser on Ministers' Interests, to give confidential advice on request from Ministers and to conduct investigations at the request of the Prime Minister. There have been calls for this role to be reviewed, particularly with regard to the current absence of any power for the Adviser to initiate investigations unless so instructed by the Prime Minister.

There has been some controversy over decisions of successive Prime Ministers not to refer individuals to the Adviser.

1. The 2018 Ministerial Code

1.1 Background

The Ministerial Code sets out the standards and conduct expected of Ministers.

It was first published as *Questions of Procedure for Ministers* in 1992, although it had been in existence before this as a confidential internal circular since at least the Second World War and was well known unofficially in the media, academic texts and in Parliament.

It has become customary for a new version to be published at the beginning of a new administration.

1.2 The 2018 Code

A new [Ministerial Code](#) was published on 9 January 2018 following a turbulent political period involving Cabinet resignations and widespread sexual assault allegations within Westminster.

The Code sets out the general principle that “Ministers of the Crown are expected to maintain high standards and to behave in a way that upholds the highest standards of propriety”.¹ It also states that Ministers “should be professional in all their dealings” and “harassing, bullying or other inappropriate or discriminating behaviour wherever it takes place is not consistent with the Ministerial Code and will not be tolerated”. In addition Ministers are expected to observe the *Seven Principles of Public Life* (appended to the Code), and the principles of ministerial conduct (see Box 1).²

Box 1: Principles of ministerial conduct

- The principle of collective responsibility applies to all Government Ministers;
- Ministers have a duty to Parliament to account, and be held to account, for the policies, decisions and actions of their departments and agencies;
- It is of paramount importance that Ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead Parliament will be expected to offer their resignation to the Prime Minister;
- Ministers should be as open as possible with Parliament and the public, refusing to provide information only when disclosure would not be in the public interest which should be decided in accordance with the relevant statutes and the *Freedom of Information Act 2000*;
- Ministers should similarly require civil servants who give evidence before Parliamentary Committees on their behalf and under their direction to be as helpful as possible in providing accurate, truthful and full information in accordance with the duties and responsibilities of civil servants as set out in the *Civil Service Code*;
- Ministers must ensure that no conflict arises, or appears to arise, between their public duties and their private interests;
- Ministers should not accept any gift or hospitality which might, or might reasonably appear to, compromise their judgement or place them under an improper obligation;

¹ Cabinet Office, [Ministerial Code](#), January 2018, para 1.1

² Cabinet Office, [Ministerial Code](#), January 2018, para 1.3

- Ministers in the House of Commons must keep separate their roles as Minister and constituency Member;
- Ministers must not use government resources for Party political purposes;
- Ministers must uphold the political impartiality of the Civil Service and not ask civil servants to act in any way which would conflict with the *Civil Service Code* as set out in the *Constitutional Reform and Governance Act 2010*.

Source: *Ministerial Code*, 2018

The 2018 Code contains detailed guidance on what is expected of Ministers with regard to the Government, appointments, their Departments, Civil Servants, their constituency and party interests, their private interests, the presentation of policy, Parliament and ministerial travel.

Ministers are personally responsible for deciding how to conduct themselves in light of the Code and for justifying their actions to Parliament and the public. The Code confirms that Ministers only remain in office as long as they retain the confidence of the Prime Minister.³

The Prime Minister appoints an Independent Adviser on Ministers' Interests who acts as an independent check and source of advice to government ministers on the handling of their private interests. The Independent Adviser also investigates any alleged breach of the Ministerial Code, if instructed to do so by the Prime Minister.

The current Independent Adviser on Ministers' Interests is [Sir Alex Allan](#).

1.3 Background to the changes introduced by the 2018 Code

Three Cabinet Ministers resigned from their positions in November and December 2017 following sexual harassment allegations, incidents of improper behaviour and undisclosed ministerial meetings. Another Minister was investigated about improper behaviour by the Cabinet Office in December 2017 but he was not found to be in breach of the Code.

Damian Green, former First Secretary of State

Following allegations of sexual harassment, the Prime Minister asked the Cabinet Office to establish the facts of the case and advise whether Damian Green, then First Secretary of State, had breached the Ministerial Code. The investigation focused on two main issues: first, allegations made by Kate Maltby, in an article published in *The Times* on 1 November 2017 that Mr Green had made an unwanted advance towards her and had sent her an inappropriate text message.⁴ The second issue related to public statements made by Mr Green following a

³ Cabinet Office, *Ministerial Code*, January 2018, para 1.6

⁴ Kate Maltby [Damian Green probably has no idea how awkward I felt](#) *The Times*, 1 November 2017

report in The Sunday Times on 5 November 2017 that during a 2008 police investigation into leaks of official information, pornographic material was found on Mr Green's parliamentary computer.⁵

The Cabinet Office concluded that Mr Green's statements of 4 and 11 November 2017, which suggested that he was not aware that indecent material was found, were inaccurate and misleading, as the Metropolitan Police Service had previously informed him of the finding of the material. Therefore, these statements fell short of the honesty requirement of the Seven Principles of Public Life and constituted breaches of the Ministerial Code.

The Cabinet Secretary shared his full report with Sir Alex Allan, the Prime Minister's Independent Adviser on Ministers' Interests, who considered the report a clear and comprehensive account.⁶ The Prime Minister requested that Mr Green resign from his position which he did on 20 December 2017.⁷

Priti Patel, former Secretary of State for International Development

Ms Patel's enforced resignation as Secretary of State for International Development in November 2017 came after she failed to disclose meetings she held with Israeli government officials during a personal holiday. The Foreign Office was unaware of these meetings and none of its staff attended them. Instead Ms Patel was accompanied by Lord Polak, honorary president of Conservative Friends of Israel, a lobbying organisation.

Although she was not investigated by the Cabinet Office, there was a potential risk that the meetings could have breached the 2016 Code which stated that "Ministers must ensure that no conflict arises, or could reasonably be perceived to arise, between their public duties and their private interests, financial or otherwise".⁸ After initial information had been made public about the meetings, but before further information came to light that led to Ms Patel's resignation, the Prime Minister's spokesperson had been quoted as stating that "The code is not explicit in this area and one of the things which will follow from this is that the Prime Minister has asked the Cabinet Secretary to look at how the code can be made clearer in this respect".⁹

In her letter of resignation of 8 November 2017, she stated:

In recent days there have been a number of reports about my actions and I am sorry that these have served as a distraction from the work of the Department for International Development and the Government as a whole. As you know from our discussions I

⁵ Cabinet Office [Summary of the Cabinet Secretary's report on allegations about Damian Green's conduct](#) 20 December 2017

⁶ Ibid

⁷ Prime Minister's Office, 10 Downing Street [Damian Green's resignation letter](#) 20 December 2017

⁸ Cabinet Office, *Ministerial Code*, December 2016, para 7.1

⁹ "Theresa May will not sack Priti Patel for secret Israel meetings 'because no damage was done'", [The Independent](#), 6 November 2017

accept my action fell below the high standards that are expected of a Secretary of State.¹⁰

Sir Michael Fallon, former Secretary of State for Defence

Sir Michael Fallon resigned as Defence Secretary in November 2017 following allegations of improper advances towards female journalists. He admitted that his behaviour towards women in the past had fallen short. He apologised over an incident 15 years ago in which he made unwanted advances to the journalist Julia Hartley-Brewer, repeatedly placing his hand on her knee.

In his resignation letter to the prime minister, Mr Fallon said:

A number of allegations have surfaced about MPs in recent days, including some about my previous conduct. Many of these have been false, but I accept in the past I have fallen below the high standards that we require of the armed forces that I have the honour to represent. I have reflected on my position and I am now resigning as defence secretary.¹¹

Mark Garnier, former Parliamentary Under Secretary of State at the Department for International Trade

An investigation ordered by the Prime Minister into Mark Garnier, then Parliamentary Under Secretary of State at the Department for International Trade, reported in December 2017. The investigation followed allegations that he had asked his former secretary to buy sex toys and used derogatory language towards her. The Cabinet Office's investigation found that while there was "no dispute about the facts of the incident, there was a significant difference of interpretation between the parties".¹² It concluded that there was no evidence to suggest that Mr Garnier's conduct as a Minister had breached the expected standards of behaviour. He retained his position as Parliamentary Under Secretary of State at the Department for International Trade.

Following the Prime Minister's Government reshuffle on 9 January 2018, he was left the Government.¹³

1.4 Changes Introduced in the 2018 Code

Changes introduced by the 2018 Code aim to address the type of behaviour that led to the departure of the ministers mentioned above. The Prime Minister announced the publication of the new Code at the first meeting of her new reshuffled cabinet on 9 January 2018. She

¹⁰ "[Priti Patel's resignation letter to the Prime Minister in full](#)", *The Guardian*, 8 November 2017

¹¹ "[Michael Fallon's resignation letter](#)", *The Guardian*, 1 November 2017

¹² The Independent [Mark Garnier: Tory minister who admitted asking secretary to buy sex toys cleared by Cabinet Office investigation](#) 21 December 2017

¹³ Prime Minister's Office 10 Downing Street, [Ministerial Appointments: January 2018](#), 9 January 2018

asked all her Cabinet colleagues to confirm at a later date that they and their ministerial teams had read the Code.¹⁴

Culture of Respect

One amendment introduced by the 2018 Code is the objective to promote and establish a culture of respect in public life. It seeks to ensure that harassment (of any kind) and improper behaviour are deemed unacceptable and are viewed seriously by the Prime Minister and her Cabinet.

The new foreword to the Code by the Prime Minister stresses “We need to establish a new culture of respect at the centre of our public life: one in which everyone can feel confident that they are working in a safe and secure environment.”¹⁵

That general principle applied by the Code to all Ministers has been broadened to reflect that objective. Ministers are advised to “maintain high standards of behaviour”:

Ministers should be professional in all their dealings and treat all those with whom they come into contact with consideration and respect. Working relationships including with civil servants, ministerial and parliamentary colleagues and parliamentary staff should be proper and appropriate. Harassing, bullying or other inappropriate or discriminating behaviour wherever it takes place is not consistent with the Ministerial Code and will not be tolerated”.¹⁶

Promoting the same theme of respect, the general principle applied to the relationship between Ministers and Civil Servants’ in paragraph 5.1 has been extended to include:

Ministers should be professional in their working relationships with the Civil Service and treat all those with whom they come into contact with consideration and respect¹⁷

Ministerial Meetings

Another significant change introduced by the Code concerns the new rules on ministerial meetings. When Ministers are travelling abroad the Code clarifies that:

When holding meetings overseas with Ministers and/or officials from overseas governments, or where official business is likely to be discussed, Ministers should always ensure that a private secretary or Embassy official is present.

If a Minister meets an external organisation or an individual and finds themselves discussing official business without an official present – for example at a social occasion or on holiday – any significant content should be passed back to the department as soon as possible after the event.¹⁸

¹⁴ “[UK Government to publish new Code of Conduct for Ministers](#)”, *The Guardian*, 9 January 2017

¹⁵ Cabinet Office, [Ministerial Code](#), January 2018, foreword

¹⁶ Cabinet Office, [Ministerial Code](#), January 2018, para 1.2

¹⁷ Cabinet Office, [Ministerial Code](#), January 2018, para 5.1

¹⁸ Cabinet Office, [Ministerial Code](#), January 2018, para 10.5

It goes on to advise:

Ministers should seek guidance in advance from their Permanent Secretary, who should consult the Foreign and Commonwealth Office in cases of doubt.

Similarly, such standards apply to meetings with external organisations:

Meetings on official business should normally be arranged through Ministers' departments. A private secretary or official should be present for all discussions relating to Government business. If a Minister meets an external organisation or individual and finds themselves discussing official business without an official present – for example at a social occasion or on holiday – any significant content should be passed back to the Department as soon as possible after the event.¹⁹

Other changes

Other changes introduced include:

- Obligations on Former Ministers

Under the 2016 Code Former Ministers had to seek advice from the independent Advisory Committee on Business Appointments about any appointments or employment they wished to take up within two years of leaving office. The 2018 Code restricts this condition further by requiring that "Former Ministers must ensure that no new appointments are announced, or taken up, before the Committee has been able to provide its advice".²⁰

- Enhancing Collective Responsibility

In order to ensure collective responsibility paragraph 2.3 has been amended to include: "Ministers should take special care in discussing issues which are the responsibility of other Ministers, consulting ministerial colleagues as appropriate".

- Ministers and their Departments

Paragraph 4.3 no longer requires transfers "within the field of responsibility of one Minister when the change is likely to be politically sensitive or to raise wider issues of policy or organisation" to be approved by the Prime Minister.

¹⁹ Cabinet Office, [Ministerial Code](#), January 2018, para 8.14

²⁰ Cabinet Office, [Ministerial Code](#), January 2018, para 7.25

2. Previous editions of the Code

2.1 The 2016 Ministerial Code

The 2016 Code made some revisions to the 2015 version. This included removing the provisions on Extended Ministerial Offices and incorporating amendments on strengthening pre-release access rules for statistical releases.

Extended Ministerial Offices (EMOs)

One of the main revision made by the 2016 Code was the removal of a paragraph introduced in the 2015 edition which stated that Secretaries of State and other Ministerial Heads could have an Extended Ministerial Office. This removal was intended to reflect the disbandment of EMOs.²¹

EMOs were introduced in 2013 by the Coalition Government to enable ministers to recruit policy advisers as temporary, non-political, civil servants to help them on key initiatives, working with permanent departmental staff.²²

However, take up of EMOs was initially low. Despite publishing guidance on establishing EMOs in November 2013, no EMOs were set up under the Coalition. Five were subsequently set up under the 2015 Conservative Government led by David Cameron.²³

An Institute for Government blog questioned whether the disbanding of EMOs was a mistake:

Undoubtedly, there were some problems with EMOs. After all, the majority of departments did not adopt them [...]

But it does seem a shame that they have been canned without any proper evaluation of their merits. As with debates around special advisers, government seems much more concerned about numbers and cost than it is about effectiveness – politically savvy perhaps, but it won't make the wheels of Whitehall run any more smoothly.²⁴

Other changes

Other changes made by the 2016 Code included:

- appending and incorporating the Business Appointment Rules, which apply for two years after leaving ministerial office;
- stating that departmental boards should include a “Lead Non-Executive” as well as non-executive board members (largely

²¹ [PQ 59058](#) [Extended Ministerial Offices], 12 January 2017

²² Institute for Government, [Is scrapping Extended Ministerial Offices a mistake?](#), 6 January 2016

²³ [PQ 8466 \[on Ministers' Private Offices\]; PQ 18656 \[on Ministers' Private Offices\]](#)

²⁴ Institute for Government, [Is scrapping Extended Ministerial Offices a mistake?](#), 6 January 2016

drawn from the commercial private sector and appointed by the Secretary of State in accordance with Cabinet Office guidelines);

- amendments on strengthening pre-release access rules for statistical releases were also incorporated.²⁵

2.2 The 2015 Ministerial Code

Following the 2015 General Election, a new edition of the Code was published on 15 October 2015. It amended the previous 2010 edition, including removing references to the Coalition Government and the addition of paragraphs on Senior Responsible Owners and Extended Ministerial Offices. There were also a number of smaller changes, including the incorporation of an addendum to the 2010 Code, which had been published separately in 2011.

Removal of the requirement to comply with international law

One change to the 2015 Code which attracted attention was the removal of the explicit reference in the 2010 Code to Ministers' obligation to comply with "international law and treaty obligations".

Instead, paragraph 1.2 of the 2015 Code stated:

The *Ministerial Code* should be read against the background of the overarching duty on Ministers to comply with the law and to protect the integrity of public life.²⁶

An article in the *Spectator* suggested that this was a significant change, arguing that the Conservative Government was easing the pressure on Ministers to abide by international law, in particular the European Convention on Human Rights:

The European Convention on Human Rights drives Conservatives as wild as the European Union does.

[...]

The removal of the obligation on British ministers to abide by the solemn undertakings the British state has made is the first step in taking Britain out from under the international rule of law.²⁷

The Guardian also commented on the change, reporting that some lawyers had claimed that key issues which would be affected by the change could include decisions about whether to go to war or use military force.²⁸ However, the Cabinet Office told *The Guardian* that the updated Code is very clear on the duty that it places on the Ministers to

²⁵ Cabinet Office, *Ministerial Code*, December 2016, para 8.16

²⁶ Cabinet Office, *Ministerial Code*, October 2015, para 1.2

²⁷ 'Cameron tells Tories they no longer have to follow international law', *The Spectator*, 21 October 2015

²⁸ 'Lawyers express concern over ministerial code rewrite', *The Guardian*, 22 October 2015

comply with the law. “‘Comply with the law’ includes international law”.²⁹

On the day that the new Code was published, the Attorney General, Rt Hon Jeremy Wright QC MP, gave a speech on the importance of international law for government lawyers. In it he said

The constitutional principle to respect the rule of law and comply with our international obligations is reflected in the Ministerial Code – which applies to me as much as to any other minister. The Code states that there is an overarching duty on ministers to comply with the law, including international law and treaty obligations and to uphold the administration of justice and to protect the integrity of public life.³⁰

Other changes

Several of the other changes contained in the 2015 Code reflected that the Government was no longer coalition led. The instruction that the Code should be read alongside the Coalition Agreement was removed. The principle of collective responsibility was also reaffirmed, omitting the qualification from the 2010 version that this could be set aside under explicit circumstances.

Two new paragraphs were also included on Senior Responsible Owners of the Government’s major projects. The first stated that Senior Responsible Owners were expected to account to Parliament for the decisions and actions they take when delivering projects for which they have personal responsibility. Paragraph 5.7 added that former Senior Responsible Owners, along with former Accounting Officers, may be asked to give evidence before select committees on matters for which they were previously personally responsible.³¹

Another addition to the 2015 Code was paragraph 3.5 on Extended Ministerial Offices (EMOs). It stated that Secretaries of State and other Ministerial heads of departments could have an EMO. Before any appointments could be made, however, they were required to secure the approval of the Prime Minister. It was also specified that any EMO must “include a member of staff focused on implementation, reporting to the Head of the Implementation Unit”.

Further changes to the 2015 Code included the addition of a paragraph permitting Parliamentary Private Secretaries to visit secure government establishments provided they had secured prior approval from the Head of that establishment.³² A paragraph from the 2010 Code, which required the relevant Permanent Secretary’s approval to be obtained

²⁹ ‘Lawyers express concern over ministerial code rewrite’, *The Guardian*, 22 October 2015

³⁰ Attorney General’s Office, The Importance of International Law for Government Lawyers, Gov.uk, 15 October 2015

³¹ Cabinet Office, *Ministerial Code*, October 2015, paras 5.6-5.7

³² Cabinet Office, *Ministerial Code*, October 2015, para 3.9

before a special adviser accompanies a Minister overseas, was also removed.³³

The updated 2015 Code included a commitment that any meeting with newspapers and other media proprietors, editors and senior executives would be published on a quarterly basis regardless of the purpose of the meeting.³⁴ This had previously been published on 15 July 2011 as an addendum to the 2010 Code.

2.3 The 2010 Ministerial Code

David Cameron became Prime Minister of a coalition government on 12 May 2010, and a new Code was issued on 21 May 2010.

Collective responsibility

The 2010 Code included a change to paragraph 1 which made specific reference to the Coalition agreement as well as the possibility of setting aside the principle of collective responsibility (new words in bold):

1.2 The *Ministerial Code* should be read **alongside the Coalition agreement** and the background of the overarching duty on Ministers to comply with the law including international law and treaty obligations and to uphold the administration of justice and to protect the integrity of public life. They are expected to observe the Seven Principles of Public Life set out at Annex A, and the following principles of Ministerial conduct: a. The principle of collective responsibility, **save where it is explicitly set aside**, applies to all Government Ministers;

The [Coalition Agreement for Stability and Reform](#), published in May 2010, set out more detail about departures from collective responsibility. This publication was designed to offer guidance on the operation of the Coalition Government and dealt with matters such as the reshuffling of ministers, appointment of PPSs, and the functioning of Cabinet and its committees. Much of the material could conceivably have been included within the Code itself. Some of the guidance also appears in the [Cabinet Manual](#) published in 2011.

Further changes in the 2010 Code

The 2010 Code made some minor changes to the previous edition of the Code, for example:

- A requirement on Ministers to comply with the findings of the Independent Parliamentary Standards Authority (IPSA) in paragraph 1.6.
- Paragraph 3.2 noted that although the general rule was for two special advisers per Cabinet Minister, “where a Minister has additional responsibility, additional advisers may be allowed.”
- Paragraph 3.3 added that special advisers “must uphold their responsibility to the Government as a whole, not just their

³³ Cabinet Office, *Ministerial Code*, May 2010, para 10.18

³⁴ Cabinet Office, *Ministerial Code*, October 2015, para 8.14

appointing Minister". This was added to reflect the realities of a coalition Government.

There was also a new paragraph requiring Secretaries of State to chair their departmental board, which should provide strategic leadership for the department. There was a new requirement in paragraph 7.24 for Departments to publish at least quarterly, details of hospitality received by Ministers in a ministerial capacity, and details of all travel overseas by Ministers in para 10.3. Ministers who occupy official residences will not be able to claim accommodations expenses from IPSA (para 7.10). Ministers "must" now abide by the advice of the Business Appointments Committee in para 7.25. The rules on use of official cars also changed.

2.4 Addendum to *Ministerial Code* July 2011

On Friday 15 July 2011 the following addendum to the Ministerial Code was agreed by the Prime Minister:

"The Government will be open about its links with the media. All meetings with newspaper and other media proprietors, editors and senior executives will be published quarterly regardless of the purpose of the meeting."

David Cameron referred to this addendum in his witness statement to the Leveson Inquiry on 14 June 2012, where he highlighted the new requirements to be transparent about relations with the media.³⁵

The addendum was incorporated into the 2015 *Ministerial Code*.

2.5 New guidance on quasi-judicial decisions

In his evidence to the Leveson inquiry on 14 June 2012 David Cameron said that ministers and special advisers needed adequate training and briefings to be "properly prepared" to take on quasi-judicial decisions in the future.³⁶ In response to a PQ on 25 May 2012, a letter from Jeremy Heywood and Bob Kerslake, Cabinet Secretary and Head of the Civil Service respectively, had been deposited in the Library which set out procedures for departments to follow when taking quasi-judicial decisions.³⁷

2.6 Transparency in Ministerial Interests: developments since May 2010

The 2010-11 Annual Report from then Independent Adviser on Ministers' Interests Sir Philip Mawer summarised moves towards greater transparency since May 2010:

3.4 Section 7.22 of the Ministerial Code published by the Prime Minister in May 2010 provides that Departments will publish, at

³⁵ [David Cameron witness statement Leveson inquiry](#) 4 May 2012, paras 26 and 27

³⁶ "Cameron at Leveson: Ministerial Code needs to change" 14 June 2012 BBC News

³⁷ HC Deb 23 May 2012 c701w [Dep 2012/0841](#)

least quarterly, details of gifts received and given by Ministers valued at more than £140.

3.5 Similarly, Departments now publish on a quarterly basis details of hospitality received by Ministers in a Ministerial capacity. Ministers are required by the Code to notify their Permanent Secretary if they accept hospitality in a Ministerial capacity.

3.6 Finally, under the provisions of the Code, Departments also publish, on a quarterly basis, information about all overseas travel by Ministers.

3.7 Further steps towards greater transparency and accountability taken since the publication of my first report include the publication, online and on a quarterly basis, of information about Ministerial meetings with outside interest groups.³⁸

2.7 Calls for a statutory Code or parliamentary approval of the Code

There has been much debate as to whether the Ministerial Code should be underpinned by statute. There has been a particular interest in the argument that there should be statutory obligations on ministers to act with propriety towards the civil service and to take due notice of their advice. The *Constitutional Reform and Governance Act 2010* gave a statutory underpinning to the existence of a non-partisan civil service, but it did not specifically refer to the Code.³⁹

On 17 July 2012 Mr Jenkin, Chair of the Public Administration Select Committee, suggested that the Code should be "owned by Parliament and controlled by Parliament in order that it can become a mechanism that can be used by Parliament to hold Ministers to account."⁴⁰ The Government response to a Public Administration Select Committee report on this subject responded to Mr Jenkin's comments, stating that the Government's belief was that "Parliament already has a powerful range of mechanisms to hold the Government, including the Prime Minister and his Ministers, to account" and that "it would not be appropriate to change the Ministerial Code" so that it was owned by Parliament and controlled by Parliament.⁴¹

³⁸ Independent Adviser on Ministerial Interests [Annual Report 2010-2011](#)

³⁹ For background see Lords [Constitution Committee report on Constitutional Reform and Governance Bill 2009-10](#)

⁴⁰ HC Deb, 17 July 2012, col 876

⁴¹ Public Administration Select Committee, [The Prime Minister's Adviser on Ministers' Interests: independent or not? Government Response to the Committee's Twenty Second Report of Session 2010-12](#), HC 976 2012-13

3. Process for investigating breaches of the Code

If there is an allegation about a breach of the Code and the Prime Minister, having consulted the Cabinet Secretary, feels that it warrants further investigation, she may refer the matter to the Independent Adviser on Ministers' Interests, a post which has existed since 2006.⁴²

Prior to the appointment of an Independent Adviser on Ministers' Interests, the Code confirmed that the Prime Minister was the ultimate judge of the standards of ministerial behaviour. The development of the process for investigating alleged breaches of the Code is covered in greater detail in section 4 of this note.

The Independent Adviser may only undertake investigations if instructed to do so by the Prime Minister. However, the Public Administration Select Committee (PASC) had recommended that the Independent Adviser should have the power to initiate inquiries on his own initiative, and that the Code should be amended to allow the Adviser to undertake shorter inquiries to establish the preliminary facts of the case:

That is exactly how other regulators work, and it is how our own Parliamentary Commissioner for Standards operates. He would command little public confidence if he could not instigate his own investigations. The Committee on Standards in Public Life has recommended the same thing for the Prime Minister's adviser on ministerial interests, on more than one occasion. The mystery is why these recommendations have not been implemented, and why the previous Labour Government did not accept them. The Opposition are now proposing this motion precisely because their Government refused to implement them.⁴³

This section sets out developments to the role of Independent Adviser on Ministers' Interests during the tenure of the three Advisers to have been appointed since the role was established in 2006.

3.1 Appointment of the Independent Adviser

The Independent Adviser on Ministers' Interests is "entirely a personal appointment of the Prime Minister of the day".⁴⁴ The role does not have a statutory basis, and is not subject to open recruitment or a pre-appointment hearing.

PASC published a report in 2012, [*The Prime Minister's Adviser on Ministerial Interests: Independent or Not?*](#),⁴⁵ which considered whether the new Adviser, Sir Alex Allan, should have been subject to an open appointment process. It concluded that appointment by the Prime Minister of a recently retired senior civil servant did not lend credibility to the "independence" of the role. The report renewed PASC's

⁴² Cabinet Office, *Ministerial Code 2010*, para 1.3

⁴³ HC Deb 13 June 2012 c365

⁴⁴ Q9 HC 1761 2010-12

⁴⁵ HC 1761 2010-12

recommendations of the previous Parliament that the Independent Adviser should be appointed through a transparent open competition and subject to a pre-appointment hearing by a parliamentary select committee.

The Government response to this report, [*The Prime Minister's Adviser on Ministers' Interests: independent or not? Government Response to the Committee's Twenty Second Report of Session 2010–12*](#), was published in February 2013, and stated that the Government remained of the view that the role of the Independent Adviser should be a personal appointment made by the Prime Minister of the day.

Three individuals have been appointed Independent Adviser on Ministers' Interests to date; Sir John Bourn held the post from 2006 to 2007, Sir Philip Mawer from 2007 to 2011 and Sir Alex Allan from 2011.

3.2 Sir John Bourn, 2006–7

On 23 March 2006 the then Prime Minister, Tony Blair, announced that he had appointed Sir John Bourn, the Comptroller & Auditor General, to advise ministers on their interests.⁴⁶ This followed intense pressure from media and politicians about loans given to political parties undeclared to the Electoral Commission. This appointment was welcomed by the Committee on Standards in Public Life (CSPL) as a belated response to their recommendations of 2003.⁴⁷ However, in oral evidence to the Public Administration Select Committee on 27 April 2006, the then Chairman of the CSPL, Sir Alastair Graham, said that he was concerned that the details of the role of Sir John had not yet been put into the public domain. He stated there was a need for the role to be clarified and raised concerns about whether reports produced by the Independent Adviser would be published, whether the Opposition parties would be consulted on appointing a successor.⁴⁸

The subsequent PASC report, [*The Ministerial Code: the case for independent investigation*](#), published in July 2006 recommended that the investigatory machinery should:

- be manifestly independent of the Executive;
- not involve the creation of yet a further regulatory office and, ideally, should be undertaken by an official connected to the House;
- concern itself only with establishing the facts of the case;
- make its findings available to Parliament and the public;
- reserve to the Prime Minister the right to judge whether the facts amount to a breach of the Ministerial Code and what the consequences should be;

⁴⁶ HC Deb 23 March 2006 [c34WS](#)

⁴⁷ "Appointment of Sir John Bourn as Adviser on Ministerial Interests" 23 March 2006 *Committee on Standards in Public Life*

⁴⁸ [Uncorrected oral evidence](#) 27 April 2006 to Public Administration Select Committee

avoid the proliferation of frivolous or vexatious complaints.⁴⁹

In May 2006 the terms of reference for Sir John were deposited in the Library.⁵⁰ Not only would Sir John act as a confidential adviser to Ministers, but he would be available to the Prime Minister ‘to establish the facts in certain cases concerning the Ministerial Code and to provide private advice to him’. It would be the decision of the Prime Minister as to whether to publish Sir John’s findings in such a case. Sir John did not conduct any investigations during his appointment, which terminated with the resignation of Tony Blair.⁵¹

3.3 Sir Philip Mawer, 2007–11

Gordon Brown announced on 3 July 2007 that he had asked Sir Philip Mawer to act as Independent Adviser on Ministerial Interests. *The Governance of Britain* Green Paper was published the same day stating:

The Ministerial Code outlines the behaviour that is expected of Ministers. Until now, it has developed over decades as an amalgam of good practice, but it has become outdated and unwieldy. The Prime Minister has therefore tightened the Code. There are a number of key changes to it:

a new Independent Adviser will be appointed to advise on Ministers’ interests. He or she will be able, at the Prime Minister’s request, to investigate alleged breaches of the Ministerial Code;

the Independent Adviser on Ministers’ Interests will publish an Annual Report and List of Ministers’ Interests. Subsequent lists will be published with the Independent Adviser’s Annual Report;

the Annual Report will be laid before Parliament to ensure proper scrutiny of ministerial conduct;⁵²

This established a clearer role for the Independent Adviser regarding the investigation of alleged breaches of the Ministerial Code, and created a new role of publishing an Annual Report and List of Ministers’ Interests. The appointment and changes to the role were welcomed by the CSPL Interim Chair, Rita Donaghy.⁵³

The Government responded to the PASC report of May 2006—published during the tenure of the previous Independent Adviser—on 27 October 2007. It signalled that the use of an Officer of the House in the form of the Comptroller and Auditor General was no longer considered desirable:

The Government does not believe that it would be appropriate for a serving Officer of the House to investigate alleged breaches of the Ministerial Code as to do so could blur the lines of accountability. However, the Government believes that the appointment of Sir Philip Mawer with his recent Parliamentary experience and expertise will serve to ensure that Ministers fully

⁴⁹ HC 1457 session 2005-06

⁵⁰ Dep Paper 06/965 17 May 2006

⁵¹ “Brown praises under fire Prescott” 28 April 2006 *BBC News*

⁵² *The Governance of Britain* [Cm 7170](#) Ministry of Justice, para 121

⁵³ “Standards Committee welcomes the new ministerial code and legislation on the civil service” 3 July 2007 *Committee on Standards in Public Life*

account for their actions and decisions and that, where needed, there is a genuine investigatory dimension.⁵⁴

Sir Philip undertook an inquiry in May 2009 into allegations against Parliamentary Under-Secretary of State, Shahid Malik, in relation to the rate of rent paid on constituency offices and constituency house. During the investigation, Mr Malik stood down from his ministerial posts. Sir Philip concluded that Mr Malik had not been shown to have breached the conflict of interest provisions in the Ministerial Code.⁵⁵

The first statement on ministerial interests was published on 12 March 2009,⁵⁶ together with an annual report from Sir Philip.⁵⁷ The first List covering the interests of members of the Coalition Government was published in February 2011. A subsequent list of ministerial interests was issued in [December 2011](#). A [second and final annual report](#) was issued by Sir Philip in November 2011.⁵⁸

The 2010 version of the Code referred to the office of Independent Adviser in para 7.2 and Sir Philip Mawer remained in post until the end of 2011. There was a new requirement to issue a statement covering relevant Ministers' interests twice a year in para 7.5. The 2007 commitment was for an annual statement.

3.4 Sir Alex Allan, 2011–

In January 2012 it emerged that Sir Alex had been appointed to replace Sir Philip who had resigned in November 2011. Sir Philip and Sir Alex subsequently gave evidence to the PASC, discussed in the section below. Sir Alex has worked almost entirely in the public service, most recently as a senior civil servant. Sir Alex was asked to consider one case since his appointment, relating to the business interests of the Conservative party chair, Baroness Warsi.⁵⁹ She had already referred herself to Parliamentary Commissioner for Standards the over allegations by the *Sunday Times* about her parliamentary expenses.⁶⁰ There was some comment over the use of the Independent Adviser for Baroness Warsi and not for Jeremy Hunt, former Secretary of State for Culture, Media and Sport, following the phone hacking affair and his role in considering the News Corporation bid for BskyB.⁶¹

⁵⁴ [HC 1088](#) session 2006-07

⁵⁵ [Allegations against Mr Shahid Malik Report by the Independent Adviser](#) June 2009

⁵⁶ Dep 2009 /0777

⁵⁷ Independent adviser on ministers' interests: annual report 2008-09

⁵⁸ Independent Adviser on Ministerial Interests [Annual Report 2010-11](#) Cabinet Office

⁵⁹ "[David Cameron orders Baroness Warsi investigation](#)", *Independent*, 4 June 2012

⁶⁰ "[Lady Warsi to submit to parliamentary inquiry over her expenses](#)", *The Guardian*, 28 May 2012

⁶¹ "[Race and religion are why Warsi, and not Hunt, is being thrown to the wolves](#)", *The Guardian*, 5 June 2012

4. History of the Code

The official guidance note for ministers, *Questions of procedure for ministers (QPM)*, was first published in May 1992 although it had been in existence before this as a confidential internal circular since at least the second world war and was well known unofficially in the media, academic texts and in Parliament.⁶²

4.1 Background

Beyond relevant provisions of the criminal and civil law and parliamentary rules of conduct affecting Members generally, there are few if any 'rules' regarding ministerial responsibility which guide and bind ministers in their official capacity.

QPM came under scrutiny in the 1990s as part of the background to the Scott Inquiry on arms sales to Iraq.⁶³ The Committee on Standards in Public Life's first report recommended a new seven point first paragraph setting out the general principles of ministerial conduct. Following consideration by the Treasury and Civil Service Committee⁶⁴ QPM was amended in 1995 to include the obligation to 'not knowingly mislead Parliament':

Ministers must not knowingly mislead Parliament and the public and should correct any inadvertent errors at the earliest opportunity. They must be as open as possible with Parliament and the public, withholding information only when disclosure would not be in the public interest, which should be decided in accordance with established Parliamentary convention, the law, and any relevant Government Code of Practice.⁶⁵

The Public Service Committee also recommended the passage of a parliamentary resolution setting out the terms of ministerial accountability which was accepted by the Major Government. Similar (but not identical) resolutions passed both Houses in March 1997, just before the general election.⁶⁶

QPM was revised and reissued as the Ministerial Code in 1997 with a foreword from the new Prime Minister, Tony Blair, which stated that 'I will expect all Ministers to work within the letter and spirit of the Code.'⁶⁷ An earlier proposal by the Shadow Leader of the House, Ann

⁶² See Amy Baker's *Prime Ministers and the Rule Book* 2000 for a definitive guide to the history of QPM

⁶³ *Report of the Inquiry into the Export of Defence Related Equipment and Dual Use Goods to Iraq and Related Prosecutions* HC 115 1995-6

⁶⁴ Fifth Report of the Treasury and Civil Service Select Committee, *The role of the civil service*, HC 27-I 1993-94 (became the Public Administration Committee in 1997)

⁶⁵ First set out in Roger Freeman's speech, HC Deb 2 November 1995 vol 265 [cc456-7](#). He stated that the new version 'becomes effective immediately'

⁶⁶ For the Commons resolution see HC Deb 19 March 1997 [cc1046-47](#), the terms of which are repeated in para 1 ii. to v. of the Ministerial Code. The Lords Resolution is on 20 March 1997 [column 1057](#)

⁶⁷ Cabinet Office, *Ministerial Code: A Code of Conduct and Guidance on Procedures for Ministers*, Dep 3/5263

Taylor, to omit the term ‘knowingly’ before ‘mislead Parliament’ was not implemented in Government.⁶⁸ The new Code also redrafted the section on ministers and the presentation of policy to require all major interviews and media appearances to be cleared through the no 10 Press Office.⁶⁹ PASC described the Code in 2001 as ‘the rule book for ministerial conduct, including the responsibilities of Ministers to Parliament’⁷⁰ but there has been resistance to the treatment of the Code as a definitive document. The former Cabinet Secretary, Lord Butler of Brockwell, stated in a guide to the history of QPM that it was ‘neither comprehensive nor absolute. Ministers are accountable to Parliament, not a piece of paper.’⁷¹

The Government made a number of changes in the 2001 version of the Code.⁷² This edition accepted a recommendation from the Committee on Standards in Public Life in 1995 that the Prime Minister should explicitly recognise his role as ultimate judge of the standards of conduct of his ministers.⁷³ The new version also incorporated the Seven Principles of Public Life into the Code as an Annex, added paragraphs on the treatment of special advisers and leaked select committee reports, and clarified and expanded advice on the treatment of private interests. No other major changes were made.

During the Report Stage of the *Freedom of Information Bill* in 2000, the then Home Secretary, Jack Straw, proposed that the Code would be amended to include guidance on the procedures for any ministerial veto on disclosure.⁷⁴ The legislation came into force in January 2005, but the 2005 Code and subsequent versions did not contain such guidance.

A commitment was made in June 2003, during the debate on the new arrangements for the supervision of the Code of Conduct for Members, to amend the Code to clarify that Ministers must comply at all times with the requirements that Parliament has laid on them as Members.⁷⁵ An amendment was made to the text of the Code in 2005 which included a reference to parliamentary codes of conduct, as well as the parliamentary resolutions on accountability of March 1997. This has been reaffirmed in subsequent versions. The 2005 Code was issued on 21 July, the last day in which the Commons was in session before the summer adjournment.⁷⁶

⁶⁸ HC 313-III 1995-96 Q1055.

⁶⁹ For commentary on this change, see Peter Riddell “Tories should focus on what really matters” 1 August 1997, cited in Giles Edwards ed *The Gresham Reader on Cabinet Government* 2004

⁷⁰ [The Ministerial Code: Improving the Rule Book](#) HC235 2000-2001 para 15

⁷¹ Amy Baker *Prime Ministers: The Rule Book* 2000 Foreword by Lord Butler of Brockwell

⁷² Dep 01/1167 *Ministerial Code 2001*

⁷³ This appeared in the fourth sub-paragraph of para 1 in the 2001 version of the Code and remains there in the 2005 version.

⁷⁴ HC Deb 4 April 2000 [cc918-22](#)

⁷⁵ HC Deb 26 June 2003 [c1241](#)

⁷⁶ *Ministerial Code: A Code of Ethics and Procedural Guidance for Ministers* Dep 05/1003

Following the appointment of Gordon Brown as Prime Minister, a new version of the Code was issued on 3 July 2007, the same day as a green paper on constitutional reform, which emphasised the importance of the Code.⁷⁷

The new version of the Code was not subject to any advance examination by the CSPL or PASC. The CSPL Interim Chair, Rita Donaghy, welcomed the new Code, while making specific points, reproduced earlier in this note, about the Ministerial Adviser.

The 2005 Code was rearranged into two parts, as recommended by the CSPL. The first part was headed 'a ministerial code of ethics' and the second 'procedural guidance for ministers'. The 2007 version did not retain this split, instead rearranging the material so that each chapter began with a general principle. This drafting has been retained in subsequent editions. Many of the procedural points about for example, attending Privy Council or Cabinet Committees, were removed.

The 2007 Code simplified much of the earlier drafting, removing some detailed matters, such as arrangements for unpaid advisers, or delegations to Ministers, or prohibition of civil service attendance at party conferences. The chapter on Ministers' private interests provides for an annual statement covering 'relevant Ministerial interests. Specific advice was added to ensure that Ministers personally pay council tax on at least one property. Detailed advice on the creation of blind trusts is omitted, but there was a new paragraph requiring departing Ministers to abide by the Business Appointments Rules.⁷⁸ The chapter on Ministers and Parliament was shortened and the prohibition of Ministers becoming members of select committees or all party groups did not appear in the 2007 version. The requirement to publish an annual list of travel by Ministers was retained. There was some media concern that references to the role of the monarch had been removed; for example in respect of advising the Queen of ministerial travel abroad.⁷⁹

4.2 Recommendations for reform

Since its publication, the Code has been subject to a number of recommendations for reform. It was reviewed by the Committee on Standards in Public Life (CSPL) as part of its sixth report *Reinforcing Standards* in January 2000.⁸⁰ It recommended that the presentation of paragraph 1 of the Code be improved to reflect its importance as a statement of the ethical principles governing ministerial conduct. As noted above, some redrafting took place in 2001, but the broader recommendation aimed at separating out ethical principles from general guidance did not take place until 2005. The current draft moves away from this separation.

⁷⁷ *The Governance of Britain Cm 7170* Ministry of Justice, para 121

⁷⁸ See Library Standard Note no 3745 *Business Appointments Rules* for background

⁷⁹ "Brown to politicise the civil service" 8 July 2007 *Express on Sunday*

⁸⁰ [Cm 4557](#) January 2000.

The Public Administration Select Committee (PASC) made recommendations in 2000 for Parliament to have a voice in the formulation of the Ministerial Code. It recommended formal approval by the House, citing as precedent the formal approval of the Welsh version of the Ministerial Code by the Welsh Assembly in May 1999.⁸¹ The Government in its response rejected the possibility of parliamentary approval for the Code:

The *Ministerial Code* is the Prime Minister's guidance to his Ministers on how he expects them to undertake their official duties. It is for the Prime Minister to determine the terms of the Code. The Government notes the Committee's concern that there is no requirement for the Ministerial Code to be published. It is, however, normal practice for the Ministerial Code to be updated after an Election, and since 1992, each revision has been published. The Prime Minister undertakes that he will continue to publish the Code and any revisions to it on this basis.⁸²

The CSPL returned to the overall presentation of the Code in its 2003 report *Defining the Boundaries within the Executive: Ministers, special advisers and the permanent civil service*.⁸³ It recommended the separation of matters relating to standards of conduct from other material on procedures to produce a free-standing code of conduct, defined as of equal weight and authority as the Civil Service Code and the Code of Conduct for Special Advisers.⁸⁴ The then CSPL chairman, Sir Alastair Graham, indicated interest in reviewing the content and operation of the Code, including the variants in devolved administrations.⁸⁵

4.3 Development of the process for investigating breaches

Pre-2006 versions of the Code made clear that the Prime Minister was the ultimate judge of the standards of ministerial behaviour and the person to deal with breaches of behaviour, and were silent as to the means by which allegations should be investigated, other than noting (since 2001) that *"it is not the role of the Secretary of the Cabinet or other officials to enforce [the Code] or to investigate Ministers"* interests.⁸⁶

The CSPL heard evidence in its sixth report as to the undesirability of investigations by the Cabinet Secretary in 2000 and from 2001-6 the practice was for the Prime Minister to nominate individuals to investigate allegations on an ad hoc basis.⁸⁷ An example of the use of an external investigator was Sir Alan Budd who was commissioned to

⁸¹ HC 235 2000-01

⁸² HC 439 2001-2

⁸³ Cm 5775 April 2003

⁸⁴ Recommendation R1

⁸⁵ Letter to Chris Grayling, Shadow Leader of the House 3 August 2005

⁸⁶ para 1.3 in the 2005 Ministerial Code

⁸⁷ For further details of individual cases see Research Paper 04/31 [Individual ministerial responsibility - issues and examples](#).

examine allegations against the Home Secretary, David Blunkett on 29 November 2004 in respect of inappropriate assistance to a friend. His report was published on 21 December 2004.⁸⁸ Mr Blunkett had announced his resignation on 15 November 2004.⁸⁹

The PASC advocated the use of the Parliamentary Ombudsman as an independent mechanism for investigating breaches of the Ministerial Code in 2001 considering that Parliament lacked an investigatory officer to act on its behalf when there were allegations of ministerial failure or misconduct. This was rejected by the Government.⁹⁰

In contrast, the CSPL had recommended in its sixth report in 2000 that no new officer for the investigation of ministerial conduct should be established, believing that it would be undesirable to fetter the Prime Minister's discretion to decide how to handle allegations against individual ministers.⁹¹ But in its 2003 report the CSPL changed its stance and advocated independent mechanisms to investigate alleged misconduct by Ministers. The Committee was concerned that the Permanent Secretary and Cabinet Secretary should not be drawn into an investigatory role:

5.13 Of particular concern to witnesses was the way in which Permanent Secretaries became involved – as a result of their advice-giving role – in any investigation into an allegation of a breach of the Code. The Code itself contributes to a Permanent Secretary being drawn into the investigatory process. It states:

If an allegation is made that a particular Minister has a conflict of interest it must be for that Minister to explain their position and justify what has been done. ... It is open to them if they wish to confirm (if it is the case) that they have consulted their Permanent Secretary in accordance with the Code.

The Committee recommended that Permanent Secretaries and the Cabinet Secretary should have no responsibility for giving advice to Ministers on conflicts of interest arising under the Code, and recommended the appointment of an independent Adviser on Ministerial Interests to advise incoming ministers and record ministerial interests. The list of interests would be published but not the value of any financial interest. The closest model to that advocated by the CSPL appeared to be arrangements in Canada where there is an Ethics Counsellor, an office now combined with Parliamentary Commissioner for Standards in the Canadian House of Commons.

The Government accepted the principle of an independent adviser, to supplement the advice of Permanent Secretaries, in its response in September 2003, but did not make an appointment. The response did not accept that the Permanent Secretary and the Cabinet Secretary should have no responsibility for giving advice to ministers on conflict of

⁸⁸ *An inquiry into an application for indefinite leave to remain* HC 175 2004-5. This took the form of a parliamentary paper, thus attracting parliamentary privilege

⁸⁹ "Blunkett's resignation statement" 15 November 2004 *Press Association*

⁹⁰ Government response and Committee comments in HC 439 2001-2 December 2001

⁹¹ *Reinforcing Standards* Cm 4557 Recommendation 7 2000

interests, maintaining that Secretaries were best placed to understand the work of departments.⁹²

The CSPL also recommended the appointment of two or three senior individuals at the start of each parliament as being available to investigate allegations of ministerial misconduct. Its recommendation was as follows:

5.42 The main elements of the process for handling an investigation as **we recommend** it are set out below.

1. At the beginning of each Parliament, the Prime Minister should nominate two or three individuals of senior standing as being available to carry out an investigation into an allegation of ministerial misconduct. We envisage that only one person would be needed to carry out an investigation, but two or three names are needed to ensure there is an alternative individual where necessary;
2. The individuals should be nominated by the Prime Minister after consultation with the leaders of the major opposition parties. This process will help ensure confidence in the individuals chosen;
3. The names of the individuals should be made public.

This was not accepted in the Government response, which considered that it had to be for the Prime Minister to decide whether an investigation was needed. The CSPL continued to express dissatisfaction that its recommendations had not been implemented in a letter to Sir Andrew Turnbull, the then Cabinet Secretary.⁹³

Following the publication of the 2005 Ministerial Code the new CSPL chairman, Sir Alastair Graham, said:

...I am disappointed that the Government has not used this opportunity to adopt the Committee's recommendations to enable the investigation of complaints about alleged breaches of the Ministerial Code to carry public confidence. Specifically, these are: the appointment of an independent office-holder to advise on ministerial interests; and, at the beginning of each parliament and in consultation with major opposition parties, the appointment of a panel of people of senior standing to be available to investigate alleged breaches of the Code.⁹⁴

Sir Alastair reiterated these points in November 2005, following the resignation of Mr Blunkett from his position of Secretary of State for Work and Pensions', after concern that he had not taken the advice of the Advisory Committee on Business Interests.⁹⁵

⁹² Cm 5964 September 2004

⁹³ CSPL Letter to Sir Andrew Turnbull 12 January 2004

⁹⁴ *Committee on Standards in Public Life* PN 171 Statement by Sir Alastair Graham 21 July 2005

⁹⁵ "Sleaze watchdog calls for immediate review of ministerial code" 6 November 2005 *Independent on Sunday*. For background, see Library Standard Note no 3745 *Business Appointments Rules*

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