



## Standards in Public Life

### Debate on 9 September 2021

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Are the ethical standards which govern the conduct of politicians and civil servants fit for purpose?

The Committee on Standards in Public Life, which advises the Prime Minister on ethical standards across public life in England, has recently published the interim findings of its 'Standards Matter 2' review. This was a wide-ranging examination of the seven principles of public life and their implementation, which comes at the same time as several parliamentary enquiries examine the conduct of former and current senior office holders.

This briefing examines those findings, ahead of the forthcoming debate in the House of Lords on 9 September 2021:

Lord Blunkett to move that this House takes note of standards in public life.

#### 1. The seven principles of public life

The seven principles of public life, or the 'Nolan Principles', outline the ethical standards those working in the public sector are expected to adhere to.<sup>1</sup> First set out by Lord Nolan in 1995 in the debut report from the Committee on Standards in Public Life,<sup>2</sup> the principles apply to all those who are elected or appointed to public office, nationally and locally. They also apply to all people appointed to work in the civil service, local government, the police, courts and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services.

The seven principles are:<sup>3</sup>

##### 1. Selflessness

Holders of public office should act solely in terms of the public interest.

##### 2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

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<sup>1</sup> Committee on Standards in Public Life, ['The Seven Principles of Public Life'](#), 31 May 1995.

<sup>2</sup> Committee on Standards in Public Life, [Standards in Public Life](#), May 1995, Cm 2850-I.

<sup>3</sup> Committee on Standards in Public Life, ['The Seven Principles of Public Life'](#), 31 May 1995.

### 3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### 4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### 5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### 6. Honesty

Holders of public office should be truthful.

### 7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## 2. Committee on Standards in Public Life

The independent Committee on Standards in Public Life advises the Prime Minister on arrangements for upholding ethical standards of conduct across public life in England.<sup>4</sup> It conducts broad inquiries, collecting evidence to assess institutions, policies and practices, and makes recommendations to the Prime Minister where appropriate. The committee is not a regulator and its remit does not include investigating the conduct of individuals, as the chair of the committee, Lord Evans of Weardale, recently made clear in correspondence with Anneliese Dodds MP.<sup>5</sup>

### 2.1 'Standards Matter 2'

Twenty-five years after the introduction of the seven principles of public life, the Committee on Standards in Public Life launched the 'Standards Matter 2' review in 2020.<sup>6</sup> The intention of the review was to evaluate the strengths and weaknesses of the institutions, policies and processes that implement ethical standards in Westminster and beyond. To that end, the committee received evidence from members of the public, civil servants, academia, think tanks, professional associations, standards regulators, and the Government.

The committee published its findings from Standards Matter 2 in June 2021, in advance of its final report. It found four areas of standards regulation that needed "significant reform".<sup>7</sup> These were: the

<sup>4</sup> UK Government website, '[Committee on Standards in Public Life](#)', accessed 24 August 2021.

<sup>5</sup> Committee on Standards in Public Life, '[Letter to Anneliese Dodds MP, Chair, Labour Party](#)', 6 August 2021.

<sup>6</sup> Committee on Standards in Public Life, '[Standards Matter 2](#)', 22 September 2020.

<sup>7</sup> Committee on Standards in Public Life, '[Standards Matter 2: Committee Findings](#)', June 2021.

Ministerial Code and the Independent Adviser on Ministers' Interests; the business appointment rules and the Advisory Committee on Business Appointments (ACOBA); transparency around lobbying; and the regulation of public appointments.

Noting that it was unusual for the committee to publish its findings early, the report noted that the issue of standards in public life was currently the subject of notable interest:

Though it is unusual for the committee to publish findings in advance of a final report, our system of standards regulation is currently under sustained public scrutiny, and the upholding and enforcement of the seven principles of public life is the subject of a number of parliamentary and government inquiries. The committee is releasing these findings now to contribute to that debate in a timely manner.<sup>8</sup>

## 2.2 Ministerial code and the independent adviser

The *Ministerial Code*, first published with this title in 1997 (it was formerly known as 'Questions of Procedure for Ministers'), sets out the standards and conduct expected of ministers.<sup>9</sup> The code is a combination of ethical principles and procedural guidance, and ministers are also expected to observe the Code of Conduct for MPs or for Members of the Lords, and the guidance brought together in the *Cabinet Manual*.

The text of the ministerial code has been subject to revision following recommendations from the Committee on Standards in Public Life and the House of Commons Public Administration and Constitutional Affairs Committee. A revised code is customarily published at the beginning of a new administration and the latest version was issued on 23 August 2019 by Prime Minister Boris Johnson.<sup>10</sup> However, following recent controversial incidents, questions have been raised on whether the code and the role of the independent adviser on ministers' interests remain fit for purpose.

The role of independent adviser on ministers' interests was created in 2006 to give confidential advice on request from ministers; to conduct investigations at the request of the prime minister; and to provide advice on the registration of ministers' private financial interests. However, questions have been raised regarding whether the role is truly independent given that the adviser lacks the power to initiate investigations, unless so instructed by the prime minister.<sup>11</sup> There has also been some controversy over decisions of successive prime ministers not to refer individuals to the adviser.<sup>12</sup>

These questions intensified in November 2020, when the previous Independent Adviser, Sir Alex Allan, resigned.<sup>13</sup> This followed the decision of the Prime Minister not to accept Sir Alex's advice that the behaviour of the Home Secretary, Priti Patel, in her working relationships with civil servants

<sup>8</sup> Committee on Standards in Public Life, [Standards Matter 2: Committee Findings](#), June 2021, p 2.

<sup>9</sup> House of Commons Library, [The Ministerial Code and the Independent Adviser on Ministerial Interests](#), 12 August 2021.

<sup>10</sup> Cabinet Office, [Ministerial Code](#), August 2019.

<sup>11</sup> House of Commons Library, [The Ministerial Code and the Independent Adviser on Ministerial Interests](#), 12 August 2021, pp 23–4.

<sup>12</sup> *ibid.*

<sup>13</sup> Cabinet Office, [Statement from Sir Alex Allan](#), 20 November 2020.

within her department had been “in breach of the Ministerial Code, even if unintentionally”.<sup>14</sup> Lord Geidt was appointed as Independent Adviser in April 2021.<sup>15</sup>

As a result of these issues and other high-profile incidents, the Institute for Government (IfG) is among those who have suggested that the ministerial code and the role of the independent adviser were “no longer working”. Indeed, the IfG suggested there were a number of ‘fundamental flaws’:

It has no permanent constitutional status, which means it can be disregarded. The independent adviser tasked with investigating potential breaches of the code is not actually that independent, as they are unable to act without the prime minister’s permission. And the code’s content urgently needs updating: it has no explanation of what sanctions might be applied to different breaches, for example, and lacks clarity over how ministers should respond to lobbying [...]<sup>16</sup>

Similarly, Transparency International contends that “the evidence is increasingly clear that guiding principles alone are not sufficient when it comes to guaranteeing integrity in public office”.<sup>17</sup>

Both organisations have called for the ministerial code to be embedded in statute. Transparency International said:

If we are serious about our politicians and civil servants maintaining standards of integrity, we need oversight mechanisms with sufficient autonomy and comprehensive sanctions that act as a far more effective deterrent to misconduct in all its forms.<sup>18</sup>

The Institute for Government has also said that the Independent Adviser’s role should be put on a statutory footing, saying that:

The legislation should be tight and focused, setting out simply that there should be a ministerial code, that it should require ministers to abide by the ‘seven principles of public life’ [...] and that there should be an independent adviser on ministerial interests with appropriate powers to help the prime minister uphold the code [...]<sup>19</sup>

The Government has rejected these calls, saying that “it is the Prime Minister’s responsibility to set standards of behaviour for members of the executive, and to account for the actions of the Government”.<sup>20</sup> Similarly, the Committee on Standards in Public Life did not agree that Parliament should draft or have ownership of the code in Standards Matter 2. In fact, the committee suggested that the code largely drew its power from the fact it was authorised by the prime minister:

The committee’s findings on the ministerial code from its sixth report still ring true: “It is the

<sup>14</sup> Cabinet Office, [Findings of the Independent Adviser](#), 20 November 2020; and ‘[Ministerial Code investigation](#)’, 20 November 2020.

<sup>15</sup> Independent Adviser on Ministers’ Interests, [Annual Report](#), May 2021.

<sup>16</sup> Institute for Government, [Updating the Ministerial Code](#), July 2021.

<sup>17</sup> Transparency International, ‘[It’s time for the ministerial code to become law](#)’, 17 March 2021.

<sup>18</sup> *ibid.*

<sup>19</sup> Institute for Government, [Updating the Ministerial Code](#), July 2021, p 10.

<sup>20</sup> House of Commons, ‘[Written Question: Ministers: Codes of Practice](#)’, 13 April 2021, 174953.

prime minister's document: he authorises and guides the drafting and contributes a personal foreword to it. In the foreword, he makes it clear that the code constitutes his guidance on how he expects ministers to behave." As former Cabinet Secretaries and former Independent Advisers contributing to this review made clear, the code draws its power from the prime minister's authorship.

It is on this basis that the committee does not support calls for the code to be drafted or owned by Parliament. The prime minister should issue the code and is accountable to Parliament for any decisions he or she makes relating to the code and its implementation.<sup>21</sup>

However, the committee did offer recommendations for reform of the sanctions process and the independent adviser's powers, stating that there should be a range of graduated sanctions for breaches of the ministerial code, and the issuing of those sanctions should be a matter solely for the prime minister.

Further, though the committee welcomed the appointment of Lord Geidt as the new Independent Adviser, it said that all future independent advisers should be regulated by an enhanced version of the current process for significant public appointments. Finally, the committee also said that independent advisers should be able to initiate investigations, determine findings of breaches, and a summary of their findings should be published in a timely manner.

### 2.3 Business appointment rules

The Government's business appointment rules regulate the employment of ministers, civil servants, and special advisers after they leave public office. The rules allow government departments (or for the most senior cases, ACOBA), to apply delays, conditions, and restrictions on private sector employment, or to advise that a proposed appointment is unsuitable. The rules apply for either one or two years after leaving public office, depending on the seniority of the applicant or the nature of their work. The rules include a "general principle" of a two-year ban on lobbying.<sup>22</sup>

In recent years, several parliamentary inquiries have been held on the business appointment rules and ACOBA, including by the Public Administration and Constitutional Affairs Committee (PACAC), and its predecessor committee the Public Administration Committee. Notably, in 2017, a report from PACAC was highly critical of the system for regulating business appointments and called for "major reform".<sup>23</sup>

The committee said:

The business appointment rules should be fundamentally changed. A system to manage conflicts of interest needs more than just a code of rules and declarations. A principles-based system, if it is effectively taught by leaders and learned by everyone to be intrinsic to the public service, creates an expectation that individuals will act with integrity, and regulate their own behaviour

<sup>21</sup> Committee on Standards in Public Life, [Standards Matter 2: Committee Findings](#), June 2021, p 7.

<sup>22</sup> *ibid*, p 12.

<sup>23</sup> House of Commons Public Administration and Constitutional Affairs Committee, [Managing Ministers' and Officials' Conflicts of Interest: Time for Clearer Values, Principles and Action](#), 24 April 2017, HC 252 of session 2016–17, p 3.

and attitudes according to those principles. But we believe there should be independent checks across all government departments and executive agencies to reinforce this, particularly where the risk of conflicts of interest is high.<sup>24</sup>

However, the committee's calls for changes to the civil service management code and ministerial code were turned down by the Cabinet Office.<sup>25</sup> In its response to the committee, the Government said:

The Government is committed to maintaining the highest standards of conduct for ministers and civil servants, including special advisers, and the business appointment rules are an important part of the process for ensuring these high standards. [...] As noted in our evidence to the committee, the framework we have in place to ensure propriety in this area is significantly stronger than elsewhere in the public sector, including local government, the police and the National Health Service. The business appointment rules form part of civil servants' contracts of employment, and as such are legally enforceable.<sup>26</sup>

The Government did accept that there were certain areas in which it may be possible to strengthen procedures and practices to raise awareness of the business appointment rules, as well as strengthening incentives to comply. It said that it was working with ACOBA to implement measures to strengthen those processes.

These initiatives did not satisfy the committee, however, which said in a subsequent statement that it considered the Government response as "inadequate given the seriousness of the issues raised in the report and their potential to undermine public confidence".<sup>27</sup>

The issue of business appointments and lobbying has been given further recent prominence by the case of Greensill Capital, and the former Prime Minister, David Cameron. Mr Cameron reportedly lobbied government ministers and senior civil servants on Greensill's behalf through a variety of channels prior to the company's collapse. The Greensill Capital case is currently the subject of a number of inquiries and investigations, including an independent inquiry ordered by Downing Street; the Treasury Committee; PACAC; the Public Accounts Committee; a Cabinet Office review; the Committee on Standards in Public Life; and the National Audit Office.<sup>28</sup>

On 10 May 2021, ACOBA, now chaired by Lord Pickles, issued a statement to those inquiries.<sup>29</sup> In it, ACOBA set out what it called its 'limited role' stating that it is not a regulator or a watchdog. The statement also said that the drafting of the current rules was at times "unhelpful" and that consideration should be given to making it explicit in the rules, and in employment contracts, that it is not appropriate for individuals to work in areas where they have had direct regulatory, commercial,

<sup>24</sup> House of Commons Public Administration and Constitutional Affairs Committee, [Managing Ministers' and Officials' Conflicts of Interest: Time for Clearer Values, Principles and Action](#), 24 April 2017, HC 252 of session 2016–17, p 3.

<sup>25</sup> House of Commons Library, [The Business Appointment Rules](#), 11 April 2019.

<sup>26</sup> House of Commons Public Administration and Constitutional Affairs Committee, [Managing Ministers' and Officials' Conflicts of Interest: Time for Clearer Values, Principles and Action: Government Response](#), 21 December 2017.

<sup>27</sup> House of Commons Public Administration and Constitutional Affairs Committee, [Government fails to take faults in ACoBA seriously](#), 25 January 2018.

<sup>28</sup> Jessica Elgot, [Greensill lobbying scandal: the full list of inquiries](#), *Guardian*, 16 April 2021.

<sup>29</sup> Advisory Committee on Business Appointments, [Submission to various Greensill inquiries: the work of the independent Advisory Committee on Business Appointments \(ACOBA\)](#), 10 May 2021.

or contractual responsibilities. Further, ACOBA said the rules and the wider business appointment system were not visible enough to be understood widely, and nor was any other process that exists to manage propriety surrounding moves in and out of government. It added:

The Government must do more to demonstrate how it holds individuals to account in respect of their responsibilities to act without impropriety. At the very least, government should increase the information available on how the propriety of outside appointments [is] managed—whether these outside roles are agreed whilst in service, after leaving office, or are where an individual holds an outside role when the Government appoints them to a new role (advisors, tsars, reviewers, envoys, taskforce leads, formal appointments etc).<sup>30</sup>

ACOBA also said it was “damaging to the integrity of government if former officials and ministers leaving office are seen to trade on their time in government—to be paid for access to and or to influence the government”. The statement said ACOBA made it explicit that lobbying the Government to unfairly benefit a new employer on leaving office is “inappropriate and unacceptable”.

On 20 July 2021, PACAC published an interim report on Greensill Capital which drew particular attention to the “complexity” of the business appointment rules and the role of ACOBA:

We found that the Government’s Chief Commercial Officer at the time, Bill Crothers, went to work for Greensill Capital part time while still working in the Cabinet Office, and later went on to become a director at the company. At no point was the Advisory Committee on Business Appointments consulted. Though the company did not, at that stage, hold any Government contracts, it was to go on to do so. Whilst there were no apparent conflicts of interest at the time, too little attention was given to the potential reputational risk for Government and the civil service in allowing him to hold the two roles simultaneously. The complexity of the Business Appointment Rules and their implementation seemed to account for the omission.<sup>31</sup>

The House of Commons Treasury Committee also published the results of its inquiry on 20 July 2021. Though predominately concerned with financial matters stemming from Greensill’s collapse, and noting that questions of propriety fell outside its remit, the committee nonetheless said:

We accept that Mr Cameron did not break the rules governing lobbying by former ministers, but that reflects on the insufficient strength of the rules, and there is a strong case for strengthening them.<sup>32</sup>

Two days later, on 22 July 2021, the Cabinet Office published the findings of the first part of Nigel Boardman’s investigation into Greensill Capital.<sup>33</sup> Described as a ‘report of the facts’, the document presented the results of Mr Boardman’s review of the evidence and interviews with ministers, civil

<sup>30</sup> Advisory Committee on Business Appointments, ‘[Submission to various Greensill inquiries: the work of the independent Advisory Committee on Business Appointments \(ACOBA\)](#)’, 10 May 2021.

<sup>31</sup> House of Commons Public Administration and Constitutional Affairs Committee, [Propriety of Governance in Light of Greensill: An Interim Report](#), 22 July 2021, HC 59 of session 2021–22, p 4.

<sup>32</sup> House of Commons Treasury Committee, [Lessons from Greensill Capital](#), 20 July 2021, HC 151 of session 2021–22, p 5.

<sup>33</sup> Cabinet Office, [Review into the Development and Use of Supply Chain Finance \(and Associated Schemes\) in Government—Part 1: Report of the Facts](#), 21 July 2021.

servants and special advisers. A second report containing recommendations will follow. As part of the part I review, the report identified four areas that “clearly correlate to wider questions”, which were:

- the suitability and desirability of private sector personnel within government and how to manage their appointments, including any appropriate conditions on their engagement;
- the suitability of supply chain finance and associated schemes for central government and its arm’s length bodies;
- what (if any) are the most appropriate conditions to place on public servants once they leave government service; and
- whether the current rules relating to the ‘lobbying’ of government are adequate and, if not, how they should be strengthened.<sup>34</sup>

Whilst not commenting directly on Greensill Capital in its findings from Standards Matter 2, also published in July 2021, the Committee on Standards in Public Life made further recommendations regarding business appointment rules and ACOBA. It stated that:<sup>35</sup>

- The current business appointment rules should be expanded to prohibit for two years business appointments where the applicant has significant and direct responsibility for policy, regulation, or the awarding of contracts relevant to the hiring company.
- The Government should amend the rules to enable government departments and ACOBA to issue a longer ban on lobbying, not exceeding five years, where deemed appropriate, and to make clear that applications to work with lobbying firms will not be accepted for a specified period of time.
- The business appointment rules should be made enforceable through employment contracts for civil servants and special advisers, and through parallel legal arrangements for ministers. Should that prove impossible or impractical then the Government should explore how a statutory scheme with civil penalties could operate.
- Government departments should publish details on their implementation of the business appointment rules, and the Cabinet Office should ensure the application of the rules is consistent across all government departments.
- ACOBA should be given additional resources to promote awareness and understanding of the business appointment rules.

## 2.4 Transparency in lobbying

Following on from previous reports from the Committee on Standards in Public Life, including in 2013 which prefaced the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014,<sup>36</sup> Standards Matter 2 also examined the role of lobbying and, in particular, the issue of transparency.

<sup>34</sup> Cabinet Office, [Review into the Development and Use of Supply Chain Finance \(and Associated Schemes\) in Government—Part I: Report of the Facts](#), 21 July 2021, p 7.

<sup>35</sup> Committee on Standards in Public Life, [Standards Matter 2: Committee Findings](#), June 2021.

<sup>36</sup> Committee on Standards in Public Life, [Strengthening Transparency Around Lobbying](#), November 2013.

As a result of the 2014 act, the Office of the Registrar of Consultant Lobbyists was set up to create and administer the statutory register of consultant lobbyists. The then Government's aim in introducing the register was to "enhance the transparency of those seeking to lobby ministers and permanent secretaries on behalf of a third party".<sup>37</sup>

In recent questions on lobbying rules in the House of Lords, the Cabinet Office minister Lord True outlined the work that had been done to tighten these provisions since the registrar's introduction.<sup>38</sup> Yet he said that he did not reject suggestions that more may need to be done:

Since 2010, with the help of the party opposite, we have brought in a statutory registration of consultant lobbyists and a new routine of regular government transparency publications on spending, salaries, contracts, and tenders. We are implementing the recommendations of the Boardman review on procurement. We have banned the practice under previous Governments of quangos hiring lobbyists to lobby the Government. We have made sure that taxpayer-funded government grants are not used for lobbying purposes and have provided for greater transparency on trade unions. We have done a number of things. That does not mean that more may not need to be done. I accept that work is ongoing to consider these matters.<sup>39</sup>

However, the Committee on Standards in Public Life went further in Standards Matter 2, describing the current system of lobbying transparency as deeply flawed:

The current system of transparency around lobbying is not fit for purpose. Transparency matters not just for transparency's sake. Transparency matters to the extent that data released facilitates effective scrutiny and accountability. Despite significant improvements in the availability of government information over the past 25 years, lobbying data published by government and the Registrar does not meet this requirement. Transparency International cite 26 lobbying scandals since 2010 where "critical information... was not captured either by the statutory lobbying register or departmental disclosures", and academic analysis that showed "major discrepancies" between reported ministerial meetings and the Register of Consultant Lobbyists.<sup>40</sup>

Again, recent events, particularly around Greensill Capital and the awarding of contracts during the coronavirus pandemic, have prompted numerous calls for change. This included a proposal from the Labour Party for the creation of a parliamentary committee with a specific remit to investigate the lobbying of government.<sup>41</sup> Ministers subsequently rejected these proposals and the related motion in the House of Commons was defeated by 357 votes to 262.

The Committee on Standards in Public Life suggested that there was cause for significant reform of lobbying transparency. Saying that the responsibility for this transparency rested "with the lobbied",

<sup>37</sup> Office of the Registrar of Consultant Lobbyists, '[Home](#)', accessed 24 August 2021.

<sup>38</sup> [HL Hansard, 22 April 2021, cols 1960–1.](#)

<sup>39</sup> *ibid.*

<sup>40</sup> Committee on Standards in Public Life, [Standards Matter 2: Committee Findings](#), June 2021, p 18.

<sup>41</sup> [HC Hansard, 14 April 2021, col 325.](#)

the committee recommended that the Cabinet Office should:<sup>42</sup>

- Collate all departmental transparency releases and publish them in one centrally managed database, ensure that a sufficient level of detail is provided on the subject matter of all lobbying meetings and any policy matters discussed, and ensure that all transparency releases are published in a timely manner on a monthly basis.
- Publish details of meetings held with external organisations by senior civil servants below permanent secretary level and publish details of meetings held with external organisations by special advisers.
- Update guidance on the use of modern communications, to apply the principle that ‘government business is government business’ to any informal lobbying, and revise the categories of published information to close the loophole by which informal lobbying is not disclosed in departmental releases.

## 2.5 Regulation of public appointments

The Commissioner for Public Appointments, currently Peter Riddle, was established as a result of the first report from the Committee on Standards in Public Life.<sup>43</sup> The commissioner has a number of functions as set out in the Public Appointments Order in Council 2019,<sup>44</sup> which include ensuring that ministerial appointments are made in accordance with the governance code and the corresponding principles of public appointments.

As noted by the Committee on Standards in Public Life, at the outset of the creation of the role, Lord Nolan recommended that public appointments be the responsibility of ministers, but guided by merit:

Lord Nolan outlined the principles that guide public appointments to this day: that “ultimate responsibility for appointments should remain with ministers”, but that the appointments process “should be governed by the overriding principle of appointment by merit” and that ministers should be advised on appointments by “a panel or committee which includes an independent element”.<sup>45</sup>

Stating that these principles remain applicable, the committee noted that the role of the commissioner changed significantly as a result of the 2016 review of public appointments by Sir Terry Grimstone.<sup>46</sup> The committee said:

Prior to [the] review, the commissioner played a more active role in significant appointments. The Grimstone reforms replaced the commissioner's independent assessors with senior independent panel members (SIPMs), who are appointed by departments after consultation with the commissioner. To the disapproval of many, including the previous Commissioner, PACAC, and this committee's predecessors, the commissioner's role was transformed from an active

<sup>42</sup> Committee on Standards in Public Life, [Standards Matter 2: Committee Findings](#), June 2021, pp 3–4.

<sup>43</sup> Commissioner for Public Appointments, ‘[Home](#)’, accessed 24 August 2021.

<sup>44</sup> [Public Appointments Order in Council 2019](#).

<sup>45</sup> Committee on Standards in Public Life, [Standards Matter 2: Committee Findings](#), June 2021, p 23.

<sup>46</sup> Cabinet Office, ‘[Better Public Appointments: Review of the Public Appointments Process](#)’, 11 March 2016.

participant in the appointments process to an independent regulator of it. Fair and equal assessment by a panel against the job specification remains central to the commissioner's oversight.<sup>47</sup>

The committee said that it agreed with the commissioner's finding that the post-Grimstone process had generally worked well to date. However, the committee also noted that the commissioner has warned that the precarious balance between ministerial patronage and appointment by merit "is under threat". The committee said that of particular concern was the leaking of preferred candidates to the media, which may discourage suitable candidates from applying for posts, and which risked undermining the integrity of the system and weakening the public's perception of the independence of the regulatory process.

The committee added that, in the case of significant appointments, reforms are necessary to ensure the commissioner has sufficient powers to uphold the integrity of the process by which a list of appointable candidates is produced, from which ministers can make their choice. The committee said that it welcomed proposals by the commissioner to strengthen their role and would consider these as part of its final report in the autumn.

In the interim, the committee concluded that:<sup>48</sup>

- Reforms are necessary to the regulation of significant public appointments to ensure the Commissioner for Public Appointments has sufficient powers to uphold the integrity of the appointments process.
- The appointment process for non-executive directors of government departments should be regulated.
- Government departments should each publish a list of unregulated appointments.
- The appointment process for standards regulators requires a greater element of independence than is the case for other significant appointments.

### 3. Read more

- Committee on Standards in Public Life, [Standards Matter 2: Committee Findings](#), June 2021
- House of Commons Library, [The Business Appointment Rules](#), 11 April 2019; and [The Ministerial Code and the Independent Adviser on Ministers' Interests](#), 12 August 2021

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<sup>47</sup> Committee on Standards in Public Life, [Standards Matter 2: Committee Findings](#), June 2021, pp 23–4.

<sup>48</sup> *ibid*, p 25.

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