



BRIEFING PAPER

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Committee on Standards in Public Life

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Summary

This paper sets out the background to the creation of the Committee on Standards in Public Life in 1994, and the subsequent broadening of its terms of reference in 1997. The paper also looks at its constitutional position and relationship to Parliament.

The Committee on Standards in Public Life's original terms of reference were to "examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life". In 1997 the then Prime Minister, Tony Blair, widened the terms of reference to cover the funding of political parties.

Recent reports have covered: MPs' outside interests; ethical standards in outsourced public services; and intimidation in public life. Previous reports have dealt with subjects including:

- standards in local government, on boards of executive NDPBs and in public service providers
- the funding of political parties
- the role of the Electoral Commission
- leadership, ethics and accountability in policing
- transparency around lobbying.

A report on ethical standards in local government is expected early in 2019.

The Committee is an advisory non-departmental public body. Its current Chair is Lord Evans of Weardale (previously Director General of MI5), who was appointed in October 2018 for a five-year term. The appointment of the Chair is subject to pre-appointment hearing by the Public Administration and Constitutional Affairs Committee.

The Committee was subject to a triennial review in February 2013 which recommended that topics of research should reflect emerging issues, that improving public trust was not in itself part of the Committee's role, and that its biennial research on public attitudes should be discontinued and public hearings used only sparingly.

1. Origins and status of the Committee

1.1 Establishment and terms of reference

The establishment of the Committee on Standards in Public Life (CSPL) was announced in October 1994 by the then Prime Minister, John Major. In his statement, announcing the establishment of the Committee in October 1994, Mr Major said:

I have decided to establish a body with the following terms of reference:

"To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life."

.....

The body needs to be able to respond quickly and to be sufficiently flexible to deal with the wide range of issues I have outlined. I have, therefore, decided to establish standing machinery to examine the conduct of public life and to make recommendations on how best to ensure that standards of propriety are upheld. It will contain prominent individuals who have practical experience of Parliament and public life, but also others with expertise and knowledge of our principal institutions. Lord Nolan, a Lord of Appeal in Ordinary, has accepted my invitation to chair this committee.

I have invited the Leader of the Opposition and the leader of the Liberal Democrats each to nominate a member of the committee, and I shall announce the full membership shortly. I hope that the committee will be able to produce at least a first report covering the main areas of current concern within six months, and then stay in being as a standing body to advise the Government of the day.¹

Further terms of reference were added by the next Prime Minister, Tony Blair, in November 1997 to cover the funding of political parties: "To review issues in relation to the funding of political parties, and to make recommendations as to any changes in the present arrangements".²

Two further amendments were made to the terms of reference on 5 February 2013:

The Government agree that in future the Committee should not inquire into matters relating to the devolved legislatures and governments except with the agreement of those bodies. Secondly, the Government understands the Committee's remit to examine 'standards of conduct of all holders of public office' as encompassing all those involved in the delivery of public services, not solely those appointed or elected to public office.³

¹ HCDeb [25 Oct 1994 c757-758](#).

² HCDeb [12 Nov 1997 c899](#).

³ HCDeb [5 Feb 2013 c7WS](#)

The Committee's terms of reference were further clarified in a House of Lords written Parliamentary Question on 28th February 2013 to explain that the Committee's remit means it "can examine issues relating to the ethical standards of the delivery of public services by private and voluntary sector organisations, paid for by public funds, even where those delivering the services have not been appointed or elected to public office".⁴

1.2 The Seven Principles of Public Life

The Committee produced an initial report, *Standards in Public Life*, and created the seven principles of public life (often known as the 'Nolan principles', after Lord Nolan, the Committee's first chair).⁵

Box 1: Seven Principles of Public Life

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.

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.⁶

⁴ HLDeb [28 Feb 2013 cWA347](#)

⁵ Nolan Committee, *Standards in Public Life*, Cm 2850 I, May 1995. [A summary of the report is available online.](#)

⁶ See Cabinet Office, [The seven principles of public life](#), 1995

1.3 Status

The Committee is an advisory non-departmental public body. The Committee and its Secretariat are funded by, but independent of, the Cabinet Office. Its remit extends to Scotland, Wales and Northern Ireland, but the Committee consults the separate executives of these constituent parts of the UK where appropriate.

The Committee's website lists its responsibilities as follows:

- advising the Prime Minister on ethical issues relating to standards in public life;
- conducting broad inquiries into standards of conduct;
- making recommendations as to changes in present arrangements;
- promoting the [7 principles of public life](#).

Our remit does not allow us to investigate individual allegations of misconduct. That is the role of the relevant regulator.⁷

Sir Alistair Graham, the then Chair, appeared before the Public Administration Select Committee (PASC) on 27 April 2006 in connection with its inquiry on Ethics and Standards.⁸ The Committee on Standards in Public Life submitted a written memorandum to PASC, which briefly described the reasons for its establishment and its remit, and set out the results of its recommendations. In oral evidence, Alastair Graham gave further details:

First on status, it is important to stress that the committee is not a regulator. We are an independent committee which provides public policy advice to the Prime Minister on issues of ethics and propriety. We do not have any executive or regulatory powers or functions. Our line of accountability is to the Prime Minister and, through him, to Parliament, and he, in turn, is accountable for standards of conduct within government. Our role to provide public policy advice to the Prime Minister essentially, therefore, defines our status. The committee's remit is a wide one: to provide policy advice on standards of conduct of all public office holders, elected and appointed, central and local; and this is not, I believe, a remit that is duplicated by any other body. This remit means that, in addition to providing advice about standards of conduct within the Executive, the committee also has a role in providing public policy advice about standards of conduct in Parliament, and here our advice is given through the Prime Minister to Parliament.⁹

⁷ See Committee on Standards in Public Life, [About us](#)

⁸ Public Administration Select Committee, [Ethics and Standards](#), Corrected Transcript of Oral Evidence (27 April 2006), 6 June 2006, HC 884-iv 2005-06

⁹ Ibid.

2. Work, membership and impact

2.1 Approach of the Committee

The Committee's programme of work takes the form of inquiries leading to published reports. Its approach has most recently been set out in the Strategic Plan section of the 2017-18 Annual Report:

1.15 The choice and scope of our inquiries is informed by our assessment of the importance of the issue, the scope for the Committee to make a distinctive and authoritative contribution, and its potential impact.

1.16 In each inquiry we set out to make recommendations or identify areas of best practice which will encourage the highest standards of propriety in public life. We will continue our practice of following-up our recommendations to monitor our impact.¹⁰

In addition to its inquiry reports, the Committee responds to other organisations' consultations in order to promote the Seven Principles of Public Life. Recent examples have included:

- A contribution to the Independent Complaints and Grievance Policy Steering Group's consultation on a draft Behaviour Code in Parliament in May 2018¹¹
- Evidence to the Commons Public Administration and Constitutional Affairs Committee inquiry into pre-appointment hearings in June 2018¹²
- A response to the UK Statistics Authority's consultation on their updated Code of Practice in July 2018¹³

2.2 Chairmen and Membership

The Committee is currently chaired by Lord (Jonathan) Evans of Weardale, former Director General of the UK Security Service (MI5).¹⁴ Previous chairs have been:

Lord Bew	1 Sept 2013-24 Oct 2018
David Prince	1 Apr 2013-31 Aug 2013
Christopher Kelly	1 Jan 2008-31 Mar 2013
Rita Donaghy	May 2007-Dec 2007
Sir Alistair Graham	26 Apr 2004 -26 Apr 2007
Sir Nigel Wicks	1 Mar 2001-23 Apr 2004
Lord Neill of Bladen QC	10 Nov 1997-28 Feb 2001
Lord Nolan	1 Nov 1994 -9 Nov 1997

¹⁰ CSPL, [CSPL Annual Report 2017-18](#), 17 July 2018, p. 7

¹¹ CSPL, [Independent Complaints and Grievance Policy \(ICGP\) Steering Group Consultation on Draft Behaviour Code, Submission from CSLP](#) 29 May 2018. For background on the ICGP, see Library Briefing Paper 8369, [Independent Complaints and Grievance Scheme](#), 21 December 2018

¹² CSPL [Evidence to the Commons Public Administration and Constitutional Affairs Committee inquiry into pre-appointment hearings](#) 6 June 2018

¹³ CSPL, [Committee's response to UKSA consultation on Code of Practice](#), 13 July 2018

¹⁴ CSPL, [Prime Minister appoints Lord Evans of Weardale as Chair of the Committee on Standards in Public Life](#), 25 October 2018

Members of the Committee are appointed by the Prime Minister. The practice has not been to offer chairs re-appointment.¹⁵ None has served a second term, although other members are re-appointed. The full membership of the Committee [can be found on its website](#). Three party political members are appointed, on the recommendation of the Conservatives, Labour and Liberal Democrats.

The Public Administration and Constitutional Affairs Committee (which replaced PASC in 2015) conducted a pre-appointment hearing of Lord Evans' appointment. It approved his appointment, publishing a report in October 2018.¹⁶ Whilst PACAC supported Lord Evans as a qualified candidate for the role, it did note with concern that he is the seventh consecutive man appointed as Chair since the CPSL's creation.¹⁷

In his evidence to PACAC, Lord Evans acknowledged that his background with the Security Service was "a slightly unusual one in terms of its constitutional position" but he pointed to his emphasis on the need for the service to be "a world class security service operating on the basis of high ethical standards."¹⁸

2.3 Reviews

A quinquennial review on the Committee was published in January 2001.¹⁹ It concluded that the Committee had successfully mapped out an ethical framework, but there remained a continuing need to monitor the ethical environment and to respond to issues of concern which might arise. The review considered that in future there would be less scope for the Committee to review aspects of public life on a continuous basis. It recommended no change in the structure or composition of the Committee. However, as proposed by the review, the secretariat subsequently fluctuated in size according to workload.

A further triennial review was published on 5 February 2013.²⁰ It recommended that, in addition to consulting with the Prime Minister, the Committee should also consult with the Public Administration Select Committee and the House of Lords Constitution Committee regarding its work programme.²¹ It also recommended that:

- Topics of research should reflect emerging issues, instead of reacting to controversies;
- Improving public trust or confidence is not itself part of the Committee's role;

¹⁵ See Public Administration Select Committee, [Ethics and Standards: The Regulation of Conduct in Public Life](#) [Government response], HC 88 2007-08, 2007, p. 8

¹⁶ Public Administration and Constitutional Affairs Committee, [Appointment of Lord Evans of Weardale as Chair of the Committee on Standards in Public Life](#), HC 930 2017-19, 11 October 2018

¹⁷ Paragraph 26

¹⁸ PACAC, [Pre Appointment Hearing – Chair, the Committee on Standards in Public Life, Oral Evidence](#), 9 October 2018

¹⁹ Cabinet Office, [Report of the Quinquennial Review of the Committee on Standards in Public Life](#), January 2001, HC Deb 5 Feb 2013 c8WS

²⁰ Cabinet Office, [Report of the triennial review into the Committee on Standards in Public Life](#), 2013. See also the Written Statement on 5 February 2013.

²¹ Cabinet Office, [Report of the triennial review into the Committee on Standards in Public Life](#), 2013, p. 2

- The biennial research on public attitudes should be discontinued, and public hearings, which had been poorly attended, should be used only sparingly in the future;
- A pre-appointment hearing before the Public Administration Select Committee should take place when a new Chair is appointed (see above).

The Triennial Review was critical of members of the Committee commenting in the media. The Review did not recommend that this should cease entirely, however. For instance, the then Chair Lord Bew made comments in February 2015 to the effect that candidates for election to the House of Commons should be required to disclose whether they planned to have a second job whilst in Parliament.²²

The Review also advanced the view that the Committee's influence had declined over the years, mainly as a result of a number of new ethics- and standards-related bodies having been established and competing for space with it.²³ It recommended a reduction of the Committee to the current seven.

2.4 Recent reports

The Committee has covered a wide range of subjects during its existence. These include:

- standards in local government, on boards of executive NDPBs and in public service providers
- the funding of political parties
- the role of the Electoral Commission
- leadership, ethics and accountability in policing
- transparency around lobbying.

Links to its reports since 1995 can be found in [Annex E of its 2017-18 Annual Report](#)²⁴ and other publications [can be found on its website](#).

MPs' outside interests

The CSPL's July 2018 report responded to "intense media interest ... triggered by the former Chancellor of the Exchequer's outside interests" prior to the June 2017 election.²⁵ The Committee said the current Code of Conduct was "insufficiently robust":

The negative perception, that MPs are in office for their personal gain, is shaped by a small but very public minority of cases.

In these cases, the current Code of Conduct for MPs is insufficiently robust to address the standards issues raised by outside interests. The Committee has concluded that there needs to be clearly understood regulation of MPs' outside interests, and this should be based on the principle that there is a standard expected of MPs in terms of their Parliamentary and constituency

²² Daniel Boffey, "MP ethics chief: tell voters about your second jobs", *The Observer*, 28 February 2015

²³ *Ibid.*, p. 10-11

²⁴ CSPL, [CSPL Annual Report 2017-18](#), 17 July 2018, pp 23-24

²⁵ CSPL, [MPs' outside interests](#), 3 July 2018

duties. Outside interests should not impact on an individual's ability to perform their principle role as an MP.²⁶

Recommendations included:

- An update to the Code so that any outside activity, remunerated or not, should be "within reasonable limits" and should not prevent MPs from "fully carrying out their range of duties"
- A review of the rules for registration of interests, and an urgent update of the Register to make it "digitally accessible to the public and other MPs"
- An update to the Code and guidance to "provide explicitly that Members should not accept any but the most insignificant or incidental gift, benefit or hospitality from lobbyists."
- Publication of Parliamentary candidates' existing interests at nomination

Ethical standards in outsourced public services

This CSPL report was a follow up, published in May 2018, to a 2014 report which made recommendations to "enhance the government's capability to commission providers who focus on ethical service delivery".²⁷ The new report found that four years on, "very little" had been done to implement those recommendations:

In our 2014 report, the Committee made a series of recommendations on how the Cabinet Office and government departments could reinforce the Seven Principles of Public Life with service providers. The Committee also published in the following year an online guide providing practical advice on ways to embed a culture of ethical conduct and apply standards.

The Committee found that the government has made some improvements in how it manages the ethical conduct of contractors as part of a broader maturing of outsourcing practices. There is some, limited evidence to suggest that the enhanced skill of the civil service puts some pressure on suppliers, but not necessarily to improve the ethical nature of their service delivery. The civil service has otherwise made little progress in adopting the Committee's recommendations; limited progress on introducing formal measures to reinforce the application of ethical standards; there has also been little done in the 'Commercial Strategy' to break down isolated pockets of commercial knowledge and the application of ethical standards since the Committee's 2014 report.²⁸

The CSPL highlighted the example of the sudden liquidation of Carillion in 2018:

One provider which published extensive updated values statements and ethical standards on its website but which clearly failed to translate these into an ethical culture, was Carillion.

In the wake of its collapse, the Committee is concerned that despite these tilts at ethical standards, the practice within Carillion and its subsidiaries was very different. It appears that an absence of ethical leadership, honesty, transparency and accountability has

²⁶ CSPL, [MPs' outside interests](#), 3 July 2018, p32

²⁷ CSPL, [The continuing importance of ethical standards for public service providers](#), 10 May 2018

²⁸ Ibid p6

come at the expense of the shareholders, government and taxpayer and above all, its employees, subcontractors and those who rely on the public services it was contracted to provide.²⁹

Intimidation in Public Life

In December 2017, the Committee published its 17th Report on [Intimidation in Public Life](#).³⁰ The Prime Minister had asked the Committee to review the intimidation of Parliamentary candidates including those who stood in the 2017 General Election, and in his letter to Mrs May, Lord Bew said:

A significant proportion of candidates at the 2017 general election experienced harassment, abuse and intimidation. There has been persistent, vile and shocking abuse, threatened violence including sexual violence, and damage to property. It is clear that much of this behaviour is targeted at certain groups. The widespread use of social media platforms is the most significant factor driving the behaviour we are seeing.

Intimidatory behaviour is already affecting the way in which MPs are relating to their constituents, has put off candidates who want to serve their communities from standing for public offices, and threatens to damage the vibrancy and diversity of our public life. However, the Committee believes that our political culture can be protected from further damage if action is taken now.

Those across public life must work together to address this problem: we must see greater energy and action from social media companies, political parties, Parliament, the police, broadcast and print media, and from MPs and Parliamentary candidates themselves.³¹

Recommendations included:

- legislation to “shift the liability of illegal content online towards social media companies”, which (the Committee observed) could be done once the UK has left the European Union without breach of EU law
- codes of conduct to be set by political parties specifically prohibiting any intimidatory behaviour, which clear consequences for breach
- consideration of a new electoral offence of intimidating Parliamentary candidates

In its response, the Government said:

- it was considering a “new approach” for social media platforms through its digital charter
- it would consult on introducing the new electoral offence (it did this from July-October 2018 and is currently analysing feedback)³²

²⁹ pp20-21

³⁰ CPSL, [Intimidation in Public Life: A Review by the Committee on Standards in Public Life](#), Cm 9543, 13 December 2017

³¹ Ibid p7

³² Cabinet Office, [Protecting the Debate: Intimidation, Influence and Information](#), 29 July 2018

- it did not propose to initiate a *joint* code for parties but recommended that each should put their own in place.³³ In a [follow-up blog](#) in October 2018 CSPL Member Jane Ramsey reported some progress:

Almost a year on, I'm pleased to report some progress. The [government responded formally](#) to the Committee's report in March, to say that they are working to develop a new approach to social media platforms, particularly in regard to the levels of liability that social media companies should have for content on their sites. The government has also announced a [consultation on the introduction of the new offence of intimidating Parliamentary candidates](#). And, through the [Digital Charter](#), the government said they are working to understand how they can make the existing frameworks and definitions work better. At present, limited liability is defined in EU law.

The [National Police Chief's Council's](#) response confirmed that they are creating and providing training courses to enable the police to effectively investigate offences committed through social media and we look forward to hearing more about the take up of the new training across police forces in due course.

We were also pleased to see a positive response so far by the political parties. To varying degrees all the political parties have been actively considering and revising their own Codes of Conduct since our report to ensure they are able to tackle issues of intimidation and harassment within their membership. We look forward to hearing about how their Codes and related sanctions work in practice and the parties' progress towards a joint Code of Conduct for elections when we host our meeting with them in November.

The detailed response we received from Twitter described their heightened rules to protect users, including enhanced safety policies, better tools and resources for detecting and stopping malicious activity, tighter advertising standards and increased transparency to promote public understanding of these areas. We welcome Twitter's engagement on these serious issues and remain keen to hear where they are on developing transparent performance indicators on takedown of content.

It is, however, very disappointing that Facebook and Google have not yet responded formally to the recommendations made in our report, almost a year on.

³³ Cabinet Office, [The government's response to the Committee on Standards in Public Life Review of Intimidation in Public Life](#), Cm 9578, March 2018

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