



# Five steps to higher standards in public life

## *What should happen now?*

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The government's U-turn in the Owen Paterson case has yet again raised the question of how standards in public life can be upheld. The public outcry triggered by the government's heavy-handed approach to Paterson's suspension is just the latest in a year of scandals – from Greensill to Matt Hancock and the prime minister's flat refurbishment – which have exposed the weakness of the UK's standards regime. The government needs to recognise these failings and make changes now, however uncomfortable those may be for ministers. Failing to do so will lead to further erosion of public trust in this government, in government overall, and in the UK's reputation in the world. This is the choice the prime minister faces – change is only possible with his leadership.

These questions and more were discussed at our [conference on standards on 4 November](#), the day of the government's U-turn following its attempt to overturn Owen Paterson's suspension from the House of Commons for breaches of lobbying rules, and the day of Paterson's resignation as an MP. Lord Evans, chair of the Committee on Standards in Public Life (CSPL), opened the conference with a fusillade of reprimands to the government for its behaviour, saying that "it cannot be right to propose an overhaul of the entire regulatory system in order to postpone or prevent sanctions in a very serious case of paid lobbying by an MP."<sup>1</sup>

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The responsibility for upholding standards in public life can never be fully separated from those who hold public office. As Lord Evans argued, in our democratic system, parliament will always need to make the final decision on the consequences of serious misbehaviour by its members, and the prime minister will need to do the same for the members of his or her government. There can be no external, fully independent arbiter of standards who is completely apolitical. All roads in judging behaviour in public life must lead back to politics, and ultimately to the voters who pick MPs.

But the system for upholding standards can and should be improved – not for the benefit of any one individual or party but because it underpins the democratic system of the country as a whole. As Lord Evans said, “the political system in this country does not belong to one party, or even to one government. It is a common good that we have all inherited from our forebears and that we all have a responsibility to preserve.”

This paper sets out the IfG’s recommendations – drawn from the conference and our wider work on standards in public life – on how the government should strengthen that system.

## **1. Standards regulators must have their powers and independence guaranteed in law**

When ministers criticised the parliamentary standards commissioner, Kathryn Stone, they showed that even supposedly independent regulators can have their independence undermined by a hostile government. If they are to be properly protected, then standards regulators, including the independent adviser on ministerial interests, the public appointments commissioner and the Advisory Committee on Business Appointments (ACOBA), need greater independence from government.

As the CSPL has argued, this means giving both them and the codes they uphold, a statutory basis. It also means ensuring that each is appointed following a fully independent process. Peter Riddell, former public appointments commissioner, argued at our conference that these roles “should all be appointed through the process for significant public appointments...and, most importantly, the assessment panel for each should have a majority of independent members.”

To be properly independent, the adviser on ministerial interests must also be able to start his or her own investigations into possible misconduct, and publish the findings, without needing permission from the government. The current arrangements allow for far too much uncertainty – and frustration – when a minister is accused of breaching the code. Trial by media – as with allegations that Robert Jenrick overruled a planning decision in favour of a party donor – can be inconclusive. If the independent adviser on ministerial interests had the ability to begin investigations and publish the findings, ministers and the public would be reassured that the process was being handled properly.

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## 2. Those in public office must be more transparent

Tougher rules on transparency give people an incentive to abide by the rules. Chris Bryant MP, chair of the Commons Committee on Standards, argued at our conference that the transparency requirements on ministers are much more lenient than on backbench MPs, saying:

**“Two people might go to a Wimbledon final – cost of a ticket £3,000 or something – the shadow secretary of state for culture has to declare it [in their capacity as an MP], but the secretary of state for culture doesn’t have to declare it, or only declares it in the ministerial code, which is published nine months to a year later. I just think that that’s a nonsense.”**

There is no reason why the perks of being a minister should not be declared as quickly as those of being an MP. Lord Evans argued that ministers should declare all their government meetings on a monthly basis, rather than quarterly as at present. [We recently found](#) that departments often struggle to meet their existing targets, so more onerous reporting requirements would probably be an administrative struggle – but the government needs to accept that there are now higher expectations of transparency about what ministers do.

There also needs to be greater transparency in how standards are actually upheld. As well as giving the independent adviser the ability to publish his or her own investigations, ministers should have to justify to their select committee any public appointments where the candidate was judged ‘unappointable’ by the appointment panel, as the CSPL has argued.

## 3. The prime minister should tighten and clarify the ministerial code

The ministerial code is currently a jumble: a combination of both ethical standards and processes of cabinet government. As we and the CSPL have recommended,<sup>2</sup> [the code should focus on the behaviour expected of ministers](#), with processes of government described in a separate document (or possibly an updated Cabinet Manual). This would focus the code on the ethical standards expected of ministers.

When Boris Johnson appointed his current independent adviser on ministerial interests in April 2021, he also promised to publish an updated version of the ministerial code “in due course”.<sup>3</sup> In order to defray building public concern about the ethical standards of his government, the prime minister should issue the new code as soon as possible, and make sure that it is focused on standards.

The prime minister then needs to apply those standards rather than let ministers off the hook when it is politically expedient to do so. While the independent adviser can investigate, it will always be the prime minister who is the final arbiter of the ministerial

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code – he needs to take that responsibility seriously, and should explain to parliament the decisions he makes on each alleged breach.

## **4. Figures in public life should formally commit to uphold standards of behaviour**

One of the key themes of our conference was the need for the public to trust that those in public life genuinely intend to uphold the standards expected of them. One way to do this would be to require ministers and MPs to acknowledge publicly and commit to abiding by the code(s) of conduct and other regulations that apply to them, just as civil servants' contracts notify officials that they are bound by the Official Secrets Act.

MPs must swear an oath to the Crown when taking their seat in parliament<sup>4</sup>; they should also have to swear to abide by the code of conduct, or at the very least the Seven principles of public life. [And as we have argued in the past](#), ministers should have to write a letter saying they will abide by the ministerial code, which should then be published on their departmental website. This would make clear that those in public life know what is expected of them, and raise the political cost of breaching those expectations.

## **5. The prime minister must take the lead on these reforms**

Pressure is rising on the prime minister to show leadership (one of the seven principles of public life) on this issue. Systems and processes are important but they must be supported by culture and values, which start at the top.

It is ultimately the prime minister who must take the lead on defining and maintaining standards in government. Some might doubt, particularly after the government's self-serving behaviour this week, and the prime minister's own past indifference to the views of standards regulators, that he has any desire to do so. But the anger in parliament, the media and the country that forced the U-turn in the Owen Paterson case should remind him that breaches of standards cut through to the public – and to an international audience watching Britain.

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## The time for change is now

The Paterson case has once more brought questions of standards into sharp relief. It has raised specific questions about how the Commons upholds its own standards, and this is a question to which we at the Institute will return soon. But we already have some answers to the bigger question of how standards in public life generally can be strengthened, from [our conference](#) and from the work of others in this field.

These changes are widely supported and would go a long way to improving standards in public life. Some, like the new ministerial code, could be done immediately. Others, like greater independence for regulators, will require primary legislation to be implemented properly – but given the strength of feeling across both sides of the Commons on this issue, there would probably be support for such legislation. The prime minister has every reason – it is in his government’s own interest, and in the interests of the country and its international reputation – to make these changes now.

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## References

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- 4 UK Parliament, Swearing in and the parliamentary oath, accessed 5 November 2021, [www.parliament.uk/about/how/elections-and-voting/swearingin](http://www.parliament.uk/about/how/elections-and-voting/swearingin)

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