

Committee on Standards in Public Life
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Lord True CBE
Minister of State, Cabinet Office
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Sent by email

**Committee on
Standards in
Public Life**

30 May 2022

Dear Lord True,

Thank you for your letter of 27 May regarding the publication of the government policy statement on the Ministerial Code and the role of the Independent Adviser on Ministers' Interests, reflecting the government's consideration of the Committee's recommendations in our *Upholding Standards in Public Life* report, which made recommendations concerning a number of important areas of public life. In light of the importance of the Code in regulating the conduct of all ministers, including the Prime Minister, I am sharing with you the Committee's response to the government's announcement.

In our report, we put forward a series of measures designed to improve the regulation of the Ministerial Code, taking into account each stage of an investigation of an alleged breach of the Code: the initiation of an investigation; the determination of a breach; and the Prime Minister's decision on sanction in the case of a breach. In doing so, we sought to balance the need for independent, credible regulation of the Ministerial Code with the Prime Minister's prerogative powers and the democratic mandate of elected ministers.

The government's decision to allow "the Independent Adviser to independently initiate an investigation, having consulted the Prime Minister and obtained his consent", and for "the reasons for an investigation not proceeding be made public" in most circumstances, represents an improvement in the process for regulating the Code, which we welcome. Similarly, it is an important step forward for the Code to make explicit a range of sanctions for breaches of the Code, in line with the Committee's recommendation. It is disproportionate to expect resignation for what may be a minor breach of the Code.

Nevertheless, our recommendations were designed as a package, with the introduction of graduated sanctions designed to enable greater independence in the initiation of

investigations. Past governments of both parties resisted granting the Adviser the power to initiate investigations independently due to the presumption of resignation, as this would have given the Independent Adviser the effective power to fire a minister - a power that only the Prime Minister should have. The introduction of a range of sanctions, with the appropriate sanction decided solely by the Prime Minister, removes this constitutional obstacle. We continue to be of the view that a system where the Independent Adviser requires the Prime Minister's permission to launch an investigation is not sufficiently independent.

Similarly, current arrangements retain the risk that - irrespective of sanction - the Prime Minister can directly overrule the Adviser on the finding of a breach, circumstances that would critically undermine the credibility of the Adviser's office.

You will also recall that we recommended that the Independent Adviser be appointed through an enhanced version of the current process for significant public appointments. We regret that this has not been implemented, and that the post remains an unregulated, direct appointment.

High ethical standards, and effective regulatory processes to maintain the standards expected, are integral to the operation of effective government. They are part of the checks and balances that define the character of our democracy, provide accountability in between elections and help ensure public trust in the integrity of government. The Seven Principles of Public Life continue to define the public's expectations of conduct for all those in public office.

Upholding Standards in Public Life also made a number of recommendations regarding ACOBA and the Business Appointment Rules, the regulation of public appointments, and transparency around lobbying. These were published last November, and the Committee has not yet received a government response on these issues. We look forward to receiving a response to those matters soon.

I am copying this letter to the Director General, Propriety and Ethics Team, Cabinet Office, and will publish this letter on the Committee's website today.

Yours sincerely,



Lord Evans of Weardale KCB DL
Chair, Committee on Standards in Public Life