

Standards Matter Review response

The overall architecture of the UK ethics system

1. This paper provides the Government's view on the UK ethics system and how ethical standards are upheld in public life. It explains the overall architecture of the UK ethics system, and sets out how existing mechanisms ensure the conduct of public servants and the stewardship of public resources are in the national interest rather than personal interests or the interests of others.
2. The United Kingdom does not have a codified constitution. As the Cabinet Manual sets out, the conduct and operation of Her Majesty's Government rests on statutes, court judgements, conventions and Parliament. This includes the constitutional convention that executive power is exercised by the Sovereign's Government, and the position of the executive in relation to the devolved administrations and international institutions.¹
3. The UK's constitutional order has evolved over time and within this, the roles of the Prime Minister and Cabinet are governed largely by convention, including the convention that the Prime Minister is the Sovereign's principal adviser. This means that, in relation to the Ministerial powers that are derived from the Royal Prerogative (the residual power inherent in the person of the Sovereign), these prerogative powers are exercised mostly on the advice of the Prime Minister.
4. The Prime Minister therefore has overall responsibility for the organisation of the Executive. It is for the Prime Minister alone to advise the Sovereign on the exercise of the Royal Prerogative powers in relation to Government, such as the appointment, dismissal and acceptance of resignation of other Ministers. Ministers hold office as long as they have the confidence of the Prime Minister. He or she is the ultimate judge of the standards of behaviour expected of a Minister and the appropriate consequences of a breach of those standards.
5. The Prime Minister holds his or her position by virtue of their ability to command the confidence of the House of Commons and, in common with all Ministers, is accountable to Parliament for the decisions and actions of the Executive.
6. Separately, the Civil Service is an integral and key part of the Government of the United Kingdom. It supports the government of the day in developing and implementing its policies, and in delivering public services. Civil servants are accountable to Ministers. It is logical that the ethical codes for the Government, along with the lines of accountability they set out, mirror this constitutional position.
7. The UK ethics system takes a principles-based approach to upholding public integrity. This approach, and the range of checks and balances which the ethics system incorporates, enables the UK to uphold and ensure government in the public interest for public good in the way most befitting our constitution and system of

¹ <https://www.gov.uk/government/publications/cabinet-manual>

government. Both the stewardship of public resources and the conduct of public servants should be in the national interest. There are two areas of focus: the use of public money, overseen by the Treasury (and ultimately Parliament), and the use of public position and information, overseen by the Cabinet Office (and held to account by Parliament and the public).

Specific systems which cover stewardship of public resources

8. The public, and Parliament acting on their behalf, have a right to expect that funds raised using powers agreed by Parliament will be used for the purposes intended in the public interest. Public servants have a contractual duty, through the Civil Service Code, to carry out their fiduciary obligations responsibly.² Her Majesty's Government utilises a range of principles and processes to ensure that public resources continue to be used in the public interest, for the purposes intended.
9. Managing Public Money (MPM) is the framework which sets out how public money (that is, income to the Government from taxes, levies and charges) is to be accounted for and spent by the Government.³ It also sets out requirements for civil servants to ensure that public spending demonstrates value for money, and provides a framework for advice to Ministers on such matters. The Permanent Secretary, or head of a department, is the Accounting Officer and is personally responsible for ensuring the requirements of MPM are followed. This includes personally accounting to Parliament. This is one of the very few areas where civil servants are directly accountable to Parliament rather than through their Ministers. It creates an important tension in the system to ensure that public spending is appropriately challenged, and that short-term political pressure or private interests do not lead to decisions that are not in the public interest.
10. Parliament votes to allocate money to departments and the National Audit Office undertakes audits against how departments spend money and manage resources, both from departments' annual accounts and in certain areas against value for money considerations.
11. The National Audit Office is independent of the Government and supports the Comptroller and Auditor General, who reports to the Public Accounts Committee (PAC). The Permanent Secretary, as the Accounting Officer, is accountable to the PAC for the use of public money and assets within their department.
12. MPM is owned by a team within HM Treasury. The head of this team, the 'Treasury Officer of Accounts' (TOA), is a senior official whose role is to advise and support the Government on difficult questions of public spending. The TOA provides advice to Accounting Officers on the proper spending of public money, and attends every meeting of the Public Accounts Committee to provide Parliament assurance that spending decisions are taken in accordance with MPM.

² <https://www.gov.uk/government/publications/civil-service-code/the-civil-service-code>

³ <https://www.gov.uk/government/publications/managing-public-money>

13. At a high level, MPM asks that spending decisions meet the standards set out with respect to regularity, propriety, feasibility and value for money – this is explicitly supported by the Seven Principles of Public Life.
14. MPM is supplemented by more detailed guidance on risk and fraud (for example, the Orange Book on risk management in Government or the Functional Standard on counter fraud), and is supported by the professional communities and Functions in Government who lead on these issues.⁴ These professional communities and Functions work across government to ensure that deep expertise is embedded and available to Departments where needed.
15. While the Orange Book does not itself set out the procedure by which a public body should design and operate risk management, it does set out a principles-based approach that provides flexibility and judgement in the design, implementation and operation of risk management, informed by relevant standards and good practice. Where relevant, the Orange Book directs departments to other standards and guidance, including related functional and professional standards and codes of practice.
16. Her Majesty's Government has also invested in bringing together cross-government expertise on fraud under the Government Counter Fraud Function, which is centred in the Cabinet Office. This brings together the 16,000 people who work in the public sector to find, investigate and reduce fraud against the public sector.
17. The Function has also created the Government Counter Fraud Profession, thereby establishing the Professional Standards and Competencies that an individual has to demonstrate to be considered a Counter Fraud Professional. There are 7,000 members of the profession, including civil servants, local authority staff and police officers.
18. Her Majesty's Government has also undertaken a consultation on a Green Paper on transforming public procurement.⁵ The proposals in the Green Paper are intended to shape the future of public procurement in this country for many years to come. The Government's goal is to speed up and simplify our procurement processes, place value for money at their heart, and unleash opportunities for small businesses, charities and social enterprises to innovate in public service delivery. The UK will improve transparency in public procurement with a new and modern process that is more digital, faster, automatically-transparent, easier for small and entrepreneurial firms to compete through, and also more resilient against corruption and fraud.

⁴ <https://www.gov.uk/government/publications/orange-book>
<https://www.gov.uk/government/publications/government-functional-standard-govs-013-counter-fraud#:~:text=The%20Counter%20Fraud%20Functional%20Standard,and%20their%20arms%2Dlength%20bodies.&text=The%20publication%20of%20the%20Counter,government's%20commitment%20to%20fighting%20fraud.>

⁵ <https://www.gov.uk/government/consultations/green-paper-transforming-public-procurement>

Conduct and integrity of those in public office

19. The Seven Principles of Public Life (the Nolan Principles) outline the ethical standards to which all those working in the public sector are expected to adhere.⁶ The Seven Principles underpin the Ministerial Code, and they are applied and shaped for civil servants and Special Advisers in the core values of the Civil Service Code and Special Adviser Code.
20. The Ministerial Code requires Ministers to maintain high standards of behaviour and provides guidance on how Ministers should act and arrange their affairs in order to uphold these standards.⁷ The Prime Minister is the ultimate judge of the standards of behaviour expected of a Minister and the appropriate consequences of a breach of those standards.
21. The Civil Service Code sets out the standards of behaviour expected of civil servants, and outlines the core values which support good government and ensure the achievement of the highest possible standards in all that the Civil Service does.⁸ The Code of Conduct for Special Advisers sets out the standards of behaviour expected of special advisers, and aims to reinforce the political impartiality of the permanent Civil Service by distinguishing the source of political advice and support.⁹ Both of these codes of conduct are contractually binding, and both are given a statutory basis by the Constitutional Reform and Governance Act (CRaGA) 2010.
22. The Code of Conduct for Board Members of Public Bodies sets out the personal and professional standards expected from those who serve on the boards of Her Majesty's Government departments, non-ministerial departments, executive agencies, non-departmental public bodies, and national public corporations. It forms part of their terms of appointment.¹⁰
23. The principles set out in the codes of conduct apply in three stages:
 - a. on appointment to office or to a role;
 - b. when conducting that role; and
 - c. on departure from the role.
24. At these stages there are established procedures and guidance setting out what is required.

⁶ <https://www.gov.uk/government/publications/the-7-principles-of-public-life>

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/826920/August-2019-MINISTERIAL-CODE-FINAL-FORMATTED-2.pdf

⁸ <https://www.gov.uk/government/publications/civil-service-code/the-civil-service-code>

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/832599/201612_Code_of_Conduct_for_Special_Advisers.pdf

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/809093/Code-of-Conduct-for-Board-Members-of-Public-Bodies-2019-WEB.PDF

Appointing to HMG roles

25. The appointment of Ministers is made by Her Majesty the Queen, on the recommendation of the Prime Minister. While it is a matter for the Prime Minister of the day who she or he recommends, factors such as their standing in their political party, their public profile and reputation and specific issues and causes that they pursue as part of public life may be considered.
26. The appointment of civil servants is regulated by the independent Civil Service Commission, which sets the recruitment principles that must be followed and authorises any exceptions. The Civil Service Commission is established by statute to provide assurance that civil servants are selected on merit on the basis of fair and open competition; and to help safeguard an impartial Civil Service. The role of the Civil Service Commission is set out in the CRAGA.
27. Appointments to the most senior roles are directly overseen by the Civil Service commissioners. Commissioners personally chaired more than 160 recruitment competitions in 2019-20. The Commission also carries out audits to ensure all of the 72 Civil Service organisations that it regulates are making appointments, at all levels, according to the recruitment principles, and investigates any reported breaches of the principles. In 2019-20, the Commission found 8 breaches of the recruitment principles (to put this in perspective, nearly 45,000 people were appointed to roles in the Civil Service in that year).
28. Special advisers are temporary civil servants appointed in accordance with Part 1 of the CRAGA. Special advisers are a critical part of the team supporting Ministers. They add a political dimension to the advice and assistance available to Ministers while reinforcing the political impartiality of the permanent Civil Service by distinguishing the source of political advice and support.
29. The Governance Code on Public Appointments sets out the principles that should underpin all regulated public appointments, including those appointments that Ministers have delegated to others.¹¹ The Commissioner for Public Appointments provides independent assurance that public appointments are made in accordance with these principles, and has a number of functions set out in the Public Appointments Order in Council 2019.¹² The Governance Code sets out that public appointments processes should be designed to ensure that the best people, from the widest pool of candidates, are appointed to these roles.
30. Outside the appointment structures explained above, direct appointments may be appropriate for short-term advisory roles, for example to lead a government review or to advise on, or champion, a specific subject. Before deciding that a direct appointment is needed, Ministers, on advice from their officials, should be clear about the need for and nature of the role. It is for a Minister to determine whether to make a

¹¹ <https://www.gov.uk/government/publications/governance-code-for-public-appointments>

¹² <https://publicappointments.cabinetoffice.gov.uk/wp-content/uploads/2019/04/2019-Public-Appointments-Order-In-Council.pdf>

direct appointment. The prior approval of the Prime Minister to appoint a specific individual must be sought before any commitment is entered into.

31. Before appointment, the information that may be accessed by the appointee once he or she has been appointed must be made clear, as well as the security requirements associated with the material. Appointees may not access material that Ministers would not be able to access, and may not make information public outside of the Government's own approach to publication. Direct appointments are not 'public appointments' for the purposes of the Public Appointments Order in Council and Governance Code made pursuant to that Order. However, the usual public law principles applicable to all ministerial decision-making still apply. Appointments must be rational, procedurally fair and non-discriminatory. Such appointments have been made under successive administrations.

Conduct

32. In respect of Ministers, the Ministerial Code sets out how the Prime Minister requires the Ministers that he or she advises Her Majesty the Queen to appoint to the Government to behave. The Ministerial Code may be updated by the Prime Minister, on the advice of the Cabinet Secretary, but has existed in some form or another for over forty years. It was made public from 1992 onwards and on taking office a new Prime Minister will consider whether they wish to make any changes or revisions to the Code. It provides guidance to Ministers on how they should act and arrange their affairs in order to uphold these standards and lists the principles which may apply in particular situations.
33. The Code applies to all government Ministers, and sections of it also apply to Parliamentary Private Secretaries. The Code itself is clear that it is not the role of the Cabinet Secretary or other officials to enforce the Code. Rather, Ministers themselves are personally responsible for deciding how to act and conduct themselves in the light of the Code and for justifying their actions and conduct to Parliament and the public.
34. The Code begins "Ministers of the Crown are expected to maintain high standards of behaviour and to behave in a way that upholds the highest standards of propriety." The Code sets out the principles of Ministerial conduct that the Prime Minister expects of his or her colleagues. Many of these expand on the Principles of Public Life and set out more detail of the requirements in the specific context of being a Minister. An important element of this is the requirement to "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".
35. The core values of the Civil Service and standards of behaviour expected of every civil servant are set out in the Civil Service Code. This forms part of the terms and conditions of every civil servant and was first introduced in 1996. The code was put on a statutory basis in the CRAGA. The core values, contained in the Code, of objectivity, honesty, impartiality and integrity, enable UK civil servants both to service governments of different political parties over time – and different governments in

London, Edinburgh and Cardiff. The CRAGA includes provision for the publication of a separate code of conduct covering civil servants who serve the Scottish or Welsh Governments. Civil servants who are part of the Scottish and Welsh Governments are accountable to Scottish and Welsh Ministers, who are in turn accountable to the Scottish Parliament and Welsh Senedd. In Northern Ireland, the Northern Ireland Civil Service also follows a very similar set of principles. Those same values also govern civil servants' dealings with the public and underpin the trust placed in civil servants to advise on or decide issues without any personal favour or prejudice.

36. The value of impartiality is especially important, as it relates both to carrying out responsibilities in a way that is fair, just and equitable and reflects the Civil Service commitment to equality and diversity, and it relates to the requirement to serve the Government, whatever its political persuasion, to the best of their ability in a way which maintains political impartiality irrespective what one's own political beliefs may be. This document is only two pages long, but it distils the essence of how a civil servant should behave. It is accompanied by more detailed contractual terms in the Civil Service Management Code, for example about how to declare a conflict of interest, or the rules on acceptance of official hospitality, this provides the guiding framework by which all civil service behaviour is judged.
37. Annual People Survey data helps to ensure civil servants understand the Codes of Conduct and how to raise a complaint under them.¹³ The 2019 People Survey data showed that 92% of civil servants are aware of the Civil Service Code. 66% of civil servants are aware of how to raise a complaint under the Code, and 72% are confident that if they raised a concern it would be investigated properly. The Government intends to raise awareness of the Codes and how to raise a complaint under them, through including this information in the new cross-Civil Service induction, details of which have been published.¹⁴
38. Departments make their own arrangements for publicising the Code and hearing complaints against it, which are normally dealt with by departmental HR teams. The Civil Service Code sets out that where someone has a concern about how they are being required to act, or the actions of someone else, they should start by talking to their line manager or someone else in their line management chain. If this would be difficult, they can speak to one of their department's nominated officers. Any criminal or unlawful activity should be reported to the police and the appropriate regulatory authorities. If someone has raised a complaint in accordance with the relevant procedures, and does not receive what they feel is a reasonable response, they can report the matter to the independent Civil Service Commission, which can hear complaints against the Code and can investigate alleged breaches. Within the Civil Service there is also a 'speak up' programme, to enable civil servants to escalate any concerns they may have about wrongdoing or misconduct, including in the use of public money. This means that civil servants can raise concerns, even when they might feel uncomfortable about speaking directly to their line manager.

¹³ <https://www.gov.uk/government/collections/civil-service-people-surveys>

¹⁴ <https://www.gov.uk/government/publications/the-new-curriculum-and-campus-for-government-skills>

39. The Civil Service Commission publishes the numbers of Code appeals and investigations it receives in its annual report and accounts. For instance, in 2019-20, the Civil Service Commission received 97 Code complaints (compared to 85 in 2018/19). The majority of these were either out of scope or required a departmental investigation before the Civil Service Commission could consider whether there were grounds to investigate. All complaints received are published on the Civil Service Commission website, with decision notices being produced for cases investigated by a Commissioner panel.¹⁵ In 2019/2020 a Commissioner panel investigation was only necessary for one case.
40. All special advisers are bound by the standards of integrity and honesty required of all civil servants as set out in the Civil Service Code. They are also required to follow the Code of Conduct for Special Advisers. Special advisers are selected for appointment by a Minister personally and all special adviser appointments must be approved by the Prime Minister. As set out in the Code of Conduct for Special Advisers and the Model Contract for Special Advisers, the responsibility for the management and conduct of special advisers, including discipline, rests with the Minister who made the appointment and the Prime Minister's Chief of Staff. The Prime Minister may also terminate employment by withdrawing consent to an individual appointment at any time.

Addressing potential conflicts

41. The requirement under the Seven Principles of Public Life to act with integrity means that public office holders must avoid placing themselves under any obligation to people or organisations that might try to inappropriately influence them in their work. Conflicts of interests processes are particularly important here - and it is for all holders of public office to declare and resolve any interests. Under the terms of the Ministerial Code, government Ministers must ensure that no conflict arises or could reasonably be perceived to arise between their public duties and private interests, financial or otherwise. On appointment, they are required to provide a list of interests to their Departmental Permanent Secretaries. They are also assessed by the Independent Adviser on Ministers' Interests. This process provides a centralised mechanism for the assessment of potential wider conflicts and ensures consistency of approach, as well as an independent, external check. The Ministerial Code provides that interests which are relevant to the role and an individual has retained are published. The Ministerial Code also sets out a mechanism for investigating allegations that the Ministerial Code, including the provisions relating to conflicts of interest, has not been adhered to. This includes a role for the Independent Adviser.
42. Special advisers are bound by the standards of integrity and honesty required of all civil servants as set out in the Civil Service Code. In summer 2020 a change was made to the Model Contract for Special Advisers to update and improve the process for declarations of interest, including making a declaration mandatory. Under the policy, departments publish special advisers' interests judged by the Permanent Secretary to be relevant in the departmental report.

¹⁵ <https://civilservicecommission.independent.gov.uk/publications/code-complaints/>

43. The Civil Service Code is clear that Civil Servants must not misuse their official position, for example by using information acquired in the course of their official duties to further their private interests or those of others. The process for declaring and managing conflicts sits within management units, as conflicts are more effectively assessed at a local level. In all cases, civil servants are required to declare their (for example, business or financial) interests in real time to senior management, up to Permanent Secretary level if necessary, so that senior management can determine how best to proceed. Civil servants must comply with any instructions from their department or agency regarding the retention, disposal or management of such interests. Senior civil servants and civil servants working in particularly sensitive roles declare any potential conflicts of interest during their recruitment process. Permanent Secretaries' interests are also published in departmental annual reports and accounts (for example, as part of Executive Board declarations - as is required by the *Corporate Governance Code for Central Government Departments*).¹⁶
44. A conflicts of interest process also exists for board members of public bodies, which is set out in the Code of Conduct for Board Members of Public Bodies. It explains that board members must consider, with advice from the department, how conflicts are managed, agreeing this with the organisation. The code also sets out that "*As a minimum, these will require you to declare publicly, usually in the body's register of interests, any private financial or non-financial interests of your own, or of close family members, which may, or may be perceived to, conflict with your public duties*".

Departing from a role

45. The rules on conduct after leaving the Government or the Civil Service are set out within the Ministerial Code and within the Civil Service Management Code.¹⁷ These are known as the Business Appointment Rules (BARs) and are designed to ensure that individuals do not make personal gain or gain for a new employer by virtue of their access to information or ongoing relationships.
46. The Advisory Committee on Business Appointments (ACOBA) advises Permanent Secretaries and the Prime Minister on the application of the BARs.¹⁸ The Committee considers applications about new jobs for former ministers, senior civil servants at Director General level and above (and special adviser equivalents) and other Crown servants, and publishes its advice transparently where a role is taken up. The Committee is made up of independent members recruited openly under the Governance Code for Public Appointments, as well as a small number of political members drawn from across the House.
47. Applications from all other levels of Crown Service, including any special advisers who are not assessed by ACOBA, are handled by their employing departments in line with the Business Appointment Rules and their own internal processes. Final

¹⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/609903/PU2077_code_of_practice_2017.pdf

¹⁷ <https://www.gov.uk/government/publications/civil-servants-terms-and-conditions>

¹⁸ <https://www.gov.uk/guidance/new-business-appointments-for-senior-public-servants>

decisions on special advisers are made by the relevant Permanent Secretary. Departments will publish summary information in respect of individuals at SCS2 and SCS1 level (and equivalents, including special advisers of equivalent standing), setting out the advice given and the restrictions (if any) imposed.

48. In February this year, ACOBA published its Annual Report.¹⁹ The Annual Report sets out the Committee's analysis of how the current system is operating. Some recent high profile cases (published on ACOBA's website) where the Committee has highlighted non-adherence to the requirements, as well as the small number of retrospective applications compared to the overall number of cases considered, demonstrate that the system is working well. Of the total 347 applications which ACOBA considered in the reporting period only 8 were retrospective (2%).
49. Affording ACOBA statutory powers to enforce the BARs would be out of line with the general principle of UK law that Ministers and officials are subject to the same legal system and statutory framework as all others.
50. ACOBA is able to enforce a range of sanctions for non-compliance. ACOBA records where an individual has failed to seek advice or may be acting in a manner contrary to advice received. This transparency generates better public awareness and more effective scrutiny of the process, thus creating a greater moral and reputational pressure on people leaving public office.
51. In addition to this moral pressure, publication of non-engagement with the system has a bearing on individuals' ability to gain employment outside of government, by bringing an additional reputational pressure to bear on prospective employers. If a former Minister or senior civil servant is nominated for an honour, ACOBA's input will be sought on an individual's adherence to the BARs as part of the Honours and Appointments Secretariat's existing vetting process. Furthermore, during public procurement processes contracting authorities can take into account individuals' engagement with ACOBA in order to mitigate against the exercise of improper influence over the tendering process.
52. ACOBA is seeking to improve the efficacy of the system even further by introducing a framework for the risk based consideration of cases, introducing greater transparency about the risk profile of cases, and better reporting of breaches of the Rules.
53. The Cabinet Office is also leading a programme of work, agreed with the Chair of ACOBA, to improve: the scope and clarity of the Rules; the consistency and proportionality of their implementation across government; and enforcement of the Rules.
54. Ongoing duties of confidentiality, and the application of the Official Secrets Act (OSA) for the most sensitive of information provide legally enforceable sanctions for

¹⁹ <https://www.gov.uk/government/publications/advisory-committee-on-business-appointments-annual-report-2018-2019-2019-2020>

unauthorised disclosure of information both during the role and after a civil servant has left. The majority of people who come into contact with this type of information treat it appropriately, but where occasionally individuals abuse their position by disclosing protected information without authority this can trigger an internal inquiry and may ultimately lead to a police investigation and prosecution under the OSA. In exceptional circumstances, individuals may be prosecuted for committing the common law offence of misconduct in public office.

The Boardman Review

55. The Prime Minister has asked Nigel Boardman to conduct a review that will look into the decisions taken around the development and use of supply chain finance (and associated schemes) in government. Mr Boardman will have access to all necessary government information required to conduct the review and will engage with those involved at the time when decisions were made and will report his findings to the Prime Minister no later than the end of June 2021.
56. The Terms of Reference, which are available on GOV.UK, set out detail on the scope of the Review as well as the approach, outputs and timings. The Review will be wide ranging and cover areas including Mr Greensill's engagement and activities with the Government, contracting arrangements for Supply Chain Finance and associated schemes, the relationship between current and former Ministers and officials and Greensill Capital and engagement with Government by those acting on behalf of Greensill Capital. Some of these areas relate to the operation of what is set out above. The findings of the review will demonstrate whether the system is operating as it should.

Transparency requirements

57. The Seven Principles of Public Life set out a general principle of openness in public policy making. An effective and proportionate transparency regime, conceived of in its broadest sense, enables the public to see who is seeking to influence those holding senior roles in government and where their engagement is directed. It enables the public to understand government decision making and to hold those making decisions to account.
58. In upholding these principles, Her Majesty's Government makes a range of data routinely available to the public. Details of meetings with senior media executives are published for Ministers, special advisers and Permanent Secretaries. Information is published on Ministerial and senior official (Permanent Secretary level) meetings with third parties, along with any gifts and hospitality received (which also extends to special advisers). This focus on Ministers and the Permanent Secretary reflects the decision making powers they have (compared to more junior officials and special advisers who will usually provide the advice upon which decisions are based). This is proportionate as it focuses on where influence could be brought to bear in decision making, but allows more junior advisers a safe space for deliberations where other checks or tools guard against undue influence.

59. The Freedom of Information Act 2000 (FOIA), which provides a statutory right of access to recorded information held by public authorities, is another fundamental means of achieving transparency and openness. Aside from certain information which is exempt, the Government is required under the FOIA to release information about its decision making. Connected to the openness about meetings, this allows interested parties to follow up for more information of specific interest. Ministers are also held to account through Parliament, including Parliamentary Questions and Select Committee scrutiny.
60. The statutory Register of Consultant Lobbyists is a UK-wide legislative measure to regulate consultant lobbying of Ministers and Permanent Secretaries, which ensures that third party lobbyists cannot use consultants to hide their engagement in policy making. The register does not cover in-house lobbyists as the Government publishes data on meetings between Ministers and Permanent Secretaries and external interests including details of attendees and the organisations they represent; this information captures the activities of in-house lobbyists.
61. The purpose of the register is to ensure transparency of consultant lobbying of the Government. The Registrar has recently updated the guidance for registrants to enhance understanding of the statutory requirement to register and the quarterly information required. Her Majesty's Government is undertaking post-legislative scrutiny of the legislation underpinning the register and has engaged with key stakeholders to invite their views.
62. The Code of Practice for Statistics details the practices which departments must commit to when producing and releasing official statistics, and which Ministers must be mindful of, under the Ministerial Code.²⁰ The Code plays an essential role in ensuring that statistics published by the Government command public confidence through demonstrating trustworthiness and in providing high-quality statistics that enhance public value.
63. The Code of Practice is set by the UK Statistics Authority, an independent statutory body accountable to Parliament through its regulatory arm, the Office for Statistics Regulation (OSR). The Authority speaks out publicly on the use of statistics in public debate, challenging misuse by public bodies and / or elected officials, and recommending action where necessary to uphold the integrity of official statistics. OSR reviews compliance with the detailed principles and practices of the Code through formal assessments and more wide-ranging reviews, and will investigate where there are specific issues in the use of statistics. The Code and the work of the Authority help to safeguard ethical and transparent use of data in government.
64. The Government's fourth National Action Plan (NAP) makes commitments to increase public participation in government and help deliver solutions that are transformative. The 8 commitments it sets out are in line with the Open Government Partnership values of access to information, civic participation, public accountability,

²⁰ <https://code.statisticsauthority.gov.uk/wp-content/uploads/2018/02/Code-of-Practice-for-Statistics.pdf>

and technology and innovation. Our fourth NAP was developed in dialogue with the UK Open Government Network (OGN), a coalition of active citizens and civil society organisations committed to making government and other powerful institutions work better for people through enhanced transparency, participation and accountability. Presently the OGN has more than 400 members.

65. The Register of Members' Financial Interests also provides information about any financial interest which a Member of Parliament has, or any benefit which he or she receives, which others might reasonably consider to influence his or her actions or words as an MP.²¹ It is updated fortnightly online when the House is sitting, and less frequently at other times. Interests remain on the Register for twelve months after they have expired. The Register is one of the chief means by which members of the public can see the organisations and individuals seeking to engage with MPs and influence the legislative process.
66. Another means open to the public for seeing which interests are being brought to bear on the legislative process through political parties is the Electoral Commission's reports on party donors.²² Political parties are required to submit quarterly donation and loan returns to the Electoral Commission. Within these returns, parties report: donations accepted above the £7,500 threshold (£1,500 for accounting units); smaller donations from a single donor which add together to exceed the reporting threshold; donations which ought to have been reported in previous quarters; and impermissible donations they have received and the action taken in relation to these. Publishing this data allows voters to see clearly how parties in the United Kingdom are being funded, enhancing public confidence and trust in our democratic processes.

Policy making processes

67. The wider processes and standards of policy making play an important role in ensuring national interests are upheld. Only having the input of a small number of stakeholders can leave policy-makers more susceptible to undue influence from lobbyists and other outside interests. The UK has published government consultation principles, which are an important part of the Policy Profession Standards and demonstrate Her Majesty's Government's desire to engage more effectively with the public and affected parties.²³ These principles make it easier for the public and businesses to contribute their views in policy making, thereby ensuring that policy makers can safeguard against undue influence by taking into account a broad range of relevant views and interests.
68. Her Majesty's Government policy is also subject to collective agreement, which ensures the Government speaks with one voice and that impacts on other departments have been considered before a major announcement or action is taken.

²¹ <https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/parliamentary-commissioner-for-standards/registers-of-interests/register-of-members-financial-interests/>

²² <https://www.electoralcommission.org.uk/latest-uk-political-party-donations-and-loans>

²³ <https://www.gov.uk/government/publications/consultation-principles-guidance>

Collective agreement is secured by the agreement of Cabinet or a Cabinet Committee, either at a meeting or by ministerial correspondence seeking clearance for a proposal. This process ensures that no significant changes can be made to Her Majesty's Government policy without the views of all teams across government who are affected by those changes having been taken into account. It also ensures that a proper assessment is made of the impact which new policies have on, for instance, the environment, equalities, or the economy.

69. Ahead of the collective agreement process, all policies are subject to, for instance, cost and legal assessment by subject experts, again reducing the risk that undue influence goes unchecked throughout policy development. Policy development is undertaken based on, for instance, the MPM requirements (which ensure that public servants use public money responsibly and effectively), the Orange Book (which ensures the sound development and implementation of risk management processes in government organisations), or the Green Book (which provides guidance on the appraisal and evaluation of government policies, projects and programmes).²⁴ These standards, and a range of others across government, provide a framework for testing policy at all stages of the policy cycle to ensure it is delivering public, rather than private, needs.

70. Furthermore, if a change in policy requires a change in the law, policies and the rationale underpinning them are subject to parliamentary scrutiny. This scrutiny provides a rigorous external check on government activity, and ensures that no single interest is unduly represented in public life or the policy making process.

Conclusion

71. In conclusion, Her Majesty's Government has a full framework in place to ensure that public money is spent efficiently and that those who serve Government as stewards of these public resources act in accordance with the highest ethical standards and in the public interest. There are checks and balances in place throughout a person's service in government (when they enter government, during their role, and when they depart that role) which ensure the high standards of propriety expected are understood and upheld. Transparency data and the policymaking process in government help to provide sufficient assurances that the process is free from external interests.

72. Overall, the provisions in place ensure that the public can trust the Government in implementing policy and delivering public services, but we should not be complacent. Understanding of and adherence to the principles are vital and we should remain vigilant. We will consider recommendations from the Committee and the Boardman Review when they have been published.

²⁴ <https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-government>

