

Committee on Standards in Public Life
Room G07, 1 Horse Guards Road
London
SW1A 2HQ

Rt Hon Boris Johnson MP
Prime Minister
10 Downing Street
SW1A 2AA

Sent by email

**Committee on
Standards in
Public Life**

15 April 2021

Dear Prime Minister,

I am writing to you regarding our ongoing review of the arrangements for upholding ethical standards in public life, *Standards Matter 2*, and specifically the role of the Independent Adviser on Ministers' Interests.

The review is due to report to you in the autumn, but in order to facilitate the timely appointment of a new Independent Adviser I thought it might be useful to share with you now some of our recommendations in this area. These recommendations are informed by evidence that we have now taken from a wide range of witnesses including former Independent Advisers and former Cabinet Secretaries. We have also looked at arrangements in devolved administrations and the recently revised arrangements for the investigations of conduct matters in both the House of Commons and the House of Lords.

The Independent Adviser provides support and advice to Ministers in applying the rules outlined in the Prime Minister's Ministerial Code, and also provides advice to the Prime Minister on alleged breaches of the Code, so that the Prime Minister is able to maintain high standards of behaviour in government.

In appointing a new Independent Adviser, we recommend that the Adviser should be given authority to initiate investigations where, in their judgement, this is necessary in order to establish the facts surrounding allegations that the Ministerial Code had been breached. In order to avoid the risk of being drawn into the investigation of trivial or vexatious complaints, we recommend that the Independent Adviser should also have the discretion to decide that an allegation requires no further investigation. The Prime Minister or Cabinet Secretary may, of course, continue to ask the Adviser to launch an investigation into any matter of concern.

Second, we recommend the Adviser should be able to publish a summary of their findings, stating whether or not the Adviser believed the Ministerial Code had been breached, and the Adviser's view on the severity of the breach. Published findings should not include any comment on sanction.

Third, we recommend that the Prime Minister should retain the right to decide on any sanction following a breach of the Code. The current expectation that any breach of the Ministerial Code should lead to resignation is disproportionate. We recommend that there should be a proportionate range of sanctions where the Code has been breached, and will provide further detail on this matter in our final report. Resignation should be retained as an available sanction where a serious breach has occurred.

Fourth, we recommend the Adviser should be appointed for a non-renewable five-year term.

Finally, in view of the importance that we attach to the independent nature of the Adviser's role, it may be helpful to consider whether they should be supported by a small secretariat, independent of the Cabinet Office, following the model of secretariat support to other Independent Offices.

The Committee recommended the creation of the post of Independent Adviser in its 9th report, and has continued to take a close interest in the operation of the Ministerial Code. I will write to you with the Committee's full set of recommendations this autumn at the conclusion of our *Standards Matter 2* review.

We hope this will be helpful as you proceed with the appointment.

I am copying this letter to the Cabinet Secretary and the Director General, Propriety and Ethics Team, Cabinet Office.

Yours sincerely,



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