



10 DOWNING STREET  
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28 April 2021

THE PRIME MINISTER

*Dear Lord Evans,*

Thank you for your letter of 15 April. As you will be aware, I have today announced that the Rt Hon Lord Geidt has been appointed as my Independent Adviser on Ministers' Interests. I hope you will agree that Lord Geidt's distinguished record of impartial public service makes him an excellent candidate for the role. I appreciate you making the time to discuss the role with the Cabinet Secretary.

I am grateful for your specific recommendations and for sending these in advance of your wider report. As part of Lord Geidt's appointment I have agreed with him new Terms of Reference for the Independent Adviser role, and take into account the recommendations you have made.

Taking each point in turn:

The Independent Adviser will now have the authority to advise on the initiation of investigations. Previously the Independent Adviser's role began if a matter was referred to him, but I can see that it is in the public interest for the Adviser to have an active role in considering if a matter should be investigated and providing confidential advice about this to me. The constitutional position of the Prime Minister, as having sole responsibility for the overall organisation of the Executive and recommending the appointment of Ministers, means that I cannot and would not wish to abrogate the ultimate responsibility for deciding on an investigation into allegations concerning Ministerial misconduct. That vital responsibility is quite properly mine alone and, as an elected politician, one for which I am ultimately accountable to the electorate.

In reaching this view, I am also mindful of the point you raise in your letter, of the risk that an Independent Adviser with initiative powers may be drawn into the investigation of trivial or vexatious complaints. I believe that it is necessary to avoid creating incentives for such allegations - which may be spuriously made for partisan reasons - and which can undermine public confidence in standards in public life rather than strengthen it.

Where a matter is referred to the Independent Adviser and his work has concluded, the Adviser's advice on his conclusions (save concerning sanctions per your recommendation) will be published in a timely manner.

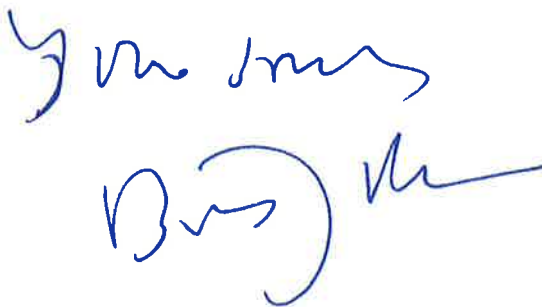
I agree with your recommendation that there should be a range of potential outcomes if a breach of the Ministerial Code is determined to have occurred. This has always been the case but, over time, an expectation has arisen that any breach should lead automatically to resignation, which I agree is disproportionate. I have agreed with the new Independent Adviser that he should have a specific role in providing recommendations about the appropriate sanction in the circumstances where it is determined that a Minister has failed to adhere to the standards set out in the Ministerial Code.

I also agree that the Independent Adviser should be appointed for a non-renewable five-year term and you will see that this is the approach that I have agreed with Lord Geidt.

I further agree that when the Independent Adviser undertakes work he should be supported by civil servants who act under his direction and report to him. Civil servants are required by law to observe the requirements of the Civil Service Code and therefore to act with honesty, objectivity, impartiality and integrity. This applies to work they undertake in support of the Independent Adviser. These civil servants will not report to Cabinet Office Ministers and be drawn from areas of the Cabinet Office which report directly to the Cabinet Secretary.

The updated Terms of Reference have been published alongside the appointment and will come into effect immediately. I also intend to revise the Ministerial Code to better reflect the updated position in due course.

I am grateful for the work you and the Committee on Standards in Public Life are undertaking and in particular for these thoughtful recommendations.

A handwritten signature in blue ink, appearing to read 'Gordon Brown', with a stylized flourish at the end.