

## **Government response to the CSPL Report: ‘Strengthening Transparency Around Lobbying’**

The Government welcomes the Committee on Standards in Public Life’s important report into transparency around lobbying. The Government supports the Committee’s view that lobbying plays an important role in the policy making process, ensuring that decision-makers hear a full range of views from those who will be affected by their decisions. It is important that everyone’s voice is heard, and that no one is discouraged from making their views known.

Alongside this the Government recognises that it is essential to ensure that there is a culture of openness and transparency around lobbying. This Government is the most transparent ever – and over the course of the last Parliament we put in place a range of measures to ensure there was greater clarity than ever around who is engaging with Government. We remain committed to this approach, and will, over the course of this Parliament, continue to increase transparency within Government, whilst improving those measures already in place.

A number of the recommendations put forward by the Committee were for organisations or individuals outside of Government. We have not sought to comment on the detail of those here – but welcome the Committee’s continued consideration of how the Nolan principles can apply across public life.

***Recommendation 1: To maintain integrity in decision making, public office holders should proactively and as a matter of course, satisfy themselves as to the identity of the person or organisation lobbying them (and where appropriate their client or employer), the reason for the approach and should keep a record of such meetings.***

The Government agrees with this recommendation.

The Government already proactively publishes the details of ministers’ and permanent secretaries’ meetings with external organisations and individuals, including the purpose of such meetings. We also extended the current requirements to include meetings between senior media figures and Government, including meetings held by special advisers, reflecting particular concerns following the Leveson Inquiry.

The statutory register of consultant lobbyists, provided for by Part 1 of the Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act, was designed to complement this and to address the specific problem that it is not always clear whose interests are being represented by consultant lobbyists. The register came into force on 1 April 2015 and requires all those who carry on the business of consultant lobbying to disclose the names of their clients and to declare whether or not they subscribe to a relevant code of conduct. By doing so, the measure has

increased transparency and will help to drive up standards by enhancing scrutiny of the ethical principles to which lobbyists subscribe.

A new independent statutory office, the Register of Consultant Lobbyists, has been established to oversee registration, monitor compliance and undertake enforcement action where appropriate.

***Recommendation 2: Public office holders should decline all but the most insignificant or incidental gifts, benefit or hospitality from professional lobbyists. Public office holders' registers of interest, gifts and hospitality should be published regularly and in an easily accessible format.***

The Government welcomes the Committee's recommendation and continues to support transparency in this area.

Details of all gifts and hospitality received and given by Ministers, Special Advisers and the most senior officials, are routinely published.

The Ministerial Code makes specific and detailed provision for the handling of gifts, underlining the principle that no Minister should accept gifts, hospitality or services from anyone who would, or might appear to, place him or her under an obligation.

Alongside this, under the terms of the Code, Ministers are required to provide their Permanent Secretary with a full list in writing of all interests which might be thought to give rise to a conflict. The Government will publish an updated list of Ministers Interests, reflecting changes made at the Election, shortly.

Civil servants and special advisers, similarly operate under specific Code provisions relating to the acceptance of gifts and hospitality. Both the *Civil Service Code and the Special Adviser Code* make clear that individuals should not accept gifts or hospitality or receive other benefits from anyone which might reasonably be seen to compromise your personal judgement or integrity.

The Government supports the application of these principles across public life and welcomes the House of Lords Privileges and Conduct Committee recommendation to lower the threshold for registering gifts, benefits and hospitality to Members from third parties from £500 to £140. This would bring the House of Lords into line with the cost threshold which is currently in place for Ministers, and this is to be welcomed.

***Recommendation 3: The Committee on Standards and the House of Commons should reconsider implementing the recommendations of the Parliamentary Commissioner for Standards to the Code of Conduct for Members of Parliament to:***

- ***impose restrictions on parliamentary lobbying by former Members by extending the lobbying rules to them for two years in respect of approaches to Ministers, other Members or public officials; and***

- **require former Members to register for two years any occupation or employment which involves them or their employer in contact with Ministers, other Members or public officials.**

**Consideration should be given to:**

- **whether Chairmanship of a Select Committee brings with it a particular influence on matters of public policy that justifies the imposition of additional restrictions in relation to conflicts of interests; and**
- **providing explicitly that Members should not accept all but the most insignificant or incidental gift, benefit or hospitality or payments from professional lobbyists.**

**The House of Lords Commissioner for Standards and the Committee for Privileges should review the Code of Conduct and guidance to its Members on registering employment payments, gifts, benefits and hospitality and in relation to lobbying.**

The Government notes the Committee's recommendation, which is a matter for the relevant House Authorities to consider.

**Recommendation 4: As a matter of good practice, any guidance on lobbying should remind all public office holders of the principle of equality of access and the need proactively to consider, after any meeting, whether a balance of views should be obtained.**

The Government supports the kind of even-handedness the Committee recommends. Ministers and officials meet with a wide range of stakeholders as part of the formulation of Government policy and operate under a continued obligation to ensure that they are not influenced by improper pressures from others or the prospect of personal gain.

Regular publication of details of Ministers' meetings with external organisations reflects this Government's on-going commitment to openness in this regard.

**Recommendation 5: Public bodies should routinely publish information about all significant meetings and hospitality involving external attempts to influence a public policy decision. This should include significant contact (including private meetings) where a specific matter is raised which has a bearing on official business.**

**The published information should include dates of meetings, details of attendees and meaningful descriptors of subject-matter. It should normally be published within one month on a relevant website in an easily accessible format.**

**In the case of central government, the disclosure arrangements should cover special advisers and senior civil servants as well as Ministers, Permanent Secretaries and Departmental Boards.**

**Public office holders who are outside the scope of the Freedom of Information Act (including Members of Parliament, Peers and Councillors) should be encouraged to disclose the same information**

***and consideration should be given to including this in relevant Codes of Conduct.***

Over the course of the last Parliament, the Government published an unprecedented amount of information about who ministers and senior officials meet. This commitment will remain in place for the duration of this Parliament. Each department publishes, details of ministers' and permanent secretaries' meetings with external organisations and individuals. Provisions have been extended to include all meetings between named senior media figures held in a Government, personal or party capacity (including those held by special advisers).

This is a significant exercise involving a wide range of detailed and often sensitive data held across Departments. It is of course essential that any proposed arrangements are deliverable and do not place an undue burden on departments. In this respect, we do not currently have plans to extend the requirement to declare details of external meetings outside of Ministers and Permanent Secretaries.

The Government has committed to improving the timeliness and accessibility of this information.

We do not propose to move away from the current quarterly structure but the Cabinet Office has introduced new templates and guidance for Departments to improve the way this information is collected and presented on GOV.UK, ensuring greater consistency in content and form across Departments.

***Recommendation 6: The Code of Conduct for Members of Parliament should be revised to allow complaints to be made against an MP who is a former Minister and who takes on outside paid employment but does not follow advice provided by the Advisory Committee on Business Appointments (ACoBA).***

The Government notes the Committee's recommendation, which is a matter for the relevant House Authorities to consider.

***Recommendation 7: For transparency and public confidence reasons, Departments (and other bodies) should be required, regularly, to publish consistent summary information on cases they consider under the Business Appointment Rules.***

The Government agrees the Committee's recommendation.

The Committee will be aware that the Cabinet Office undertook a full review of the Business Appointment Rules in the light of the report of the Public Administration Select Committee, and on 10 July 2014 published revised rules in line with the Committee's recommendations. The revised Rules have a clearer definition of lobbying, and the practical application of a lobbying ban. Additionally key staff within departments are to have access to a list of names of former public servants subject to lobbying bans and any other restrictions on their activities. The revised Rules also contain a requirement

for Departments to publish information about the advice they give to applicants at senior levels, mirroring the approach currently taken by the Advisory Committee.

***Recommendation 8: ACoBA should publish their assessment of overall compliance with the Rules by Departments (and other bodies) in their Annual Report. Certification of compliance with the Business Appointment Rules would necessarily form part of the annual certification of the adequacy of ethical standards by accounting officers.***

The Government notes the Committee's recommendation and of course, the content of the Annual Report of the Advisory Committee on Business Appointments is a matter for the Committee.

Accounting Officers are already responsible for regularity and propriety within their organisations, and ensuring the appropriate application of the Business Appointment Rules (including the consideration of individual cases where necessary). The Government does not see a need for any additional certifying requirements at this stage.

***Recommendation 9: Given the lack of available evidence and data, the Cabinet Office, in considering the government response to the Public Administration Select Committee Report on the Business Appointment Rules, should undertake a best practice post-implementation review of the Rules including consideration of the extent to which post – public employment restrictions should be applied to all public office holders and whether a risk based approach can and should be adopted to the implementation of the Rules.***

As set out above, last year the Cabinet Office undertook a full review of the Business Appointment Rules. That review took account of, and was informed by, the recommendations set out by the Committee in this report, and in particular the need for a proportionate and risk based approach to application. The revised Business Appointment rules were published on 10 July 2014.

***Recommendation 10: As a matter of best practice, before any individual agreement for secondment or interchange is entered into, consideration of the possible conflicts of interest that may arise should actively be discussed and managed by public bodies. This may require recording the possible conflict of interest, the imposition of restrictions or conditions as part of the agreement in order to manage that conflict, or ultimately refusing to agree to the secondment or interchange.***

The Government agrees with the Committee's recommendation.

There are well established processes in place within Departments to manage any potential conflicts of interest around proposed secondments, with particular consideration given to an individual's existing relationship with the organisation in question.

***Recommendation 11: For transparency and public confidence reasons, Departments and their Agencies should be required to publish, on an annual basis, in an easily accessible format, the number of secondment and interchanges in and out of their organisation. Other public bodies should similarly proactively disclose such information.***

The Government is committed to effective and appropriate interchange between the civil service and other sectors and strongly supports the use of secondments as a key development tool and driver of motivation and morale. Secondments in and out of the civil service come in many forms, and can range from informal exchanges (which might be as little as half a day), to long-term, paid secondments (which might last months). It would not be possible – or proportionate – to capture or publish all of this activity. All secondments must take place in line with the Civil Service Code – we recognise that there are some, particularly at senior levels, where there is scope for a conflict of interest (or the perception thereof). There are robust processes in place for managing this – but we will look at whether there is scope to make more information on the most significant appointments available.

***Recommendation 12: Effective management of secondment and interchange would necessarily form part of the annual certification of the adequacy of ethical standards by accounting officers.***

The Government notes the Committee's recommendation. Accounting Officers currently provide an overall assessment of recruitment within Annual Report and Accounts and already plays a key part in Accounting Officers' consideration of the overall effectiveness of their Departments.

***Recommendation 13: The relevant codes of conduct and guidance are essential information to be received by Members of both Houses of Parliament on induction. Ethics training should be included in their induction and training programme.***

***Recommendation 14: Scenario based ethics training is recommended as an approach to raising consciousness of and adherence to high ethical standards in lobbying.***

The Government supports and welcomes the Committee's recommendation, which is a matter for the House authorities.

A range of propriety and ethics issues, including Codes of conduct, are a key part of the induction programme for civil servants. Ministers and Special Advisers receive their respective Codes of conduct on appointment.

***Recommendation 15: Accounting officers personally should certify annually that they have satisfied themselves about the adequacy of their organisation's arrangements for safeguarding high ethical standards. This annual certification should include ensuring that officials are vigilant about contact by lobbyists, and in the case of Permanent Secretaries, that their Ministers and special advisers are reporting relevant contacts.***

The Government notes the Committee's recommendation. Accounting Officers are already responsible for regularity and propriety within their organisations, and Annual Reports provide a wide range of detail on the operation of Departments, including the Accounting Officer's assessment of key risks. The Government does not see a need for any additional certifying requirements.