

Statement of evidence to the Committee on Standards in Public Life.

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(This statement and the oral evidence is given in a personal capacity, not on behalf of the Liaison Committee.)

STANDARDS MATTER 2

The formal terms of reference are to –

1. Review the evidence as to how well ethical standards are upheld in public life in the UK;
2. Review the evidence on the strength of the UK's arrangements for regulating and promoting ethical standards;
3. Review the adequacy and continuing relevance of the Seven Principles of Public Life;
4. Identify examples of best practice in the regulation of ethical standards;
5. Identify examples of best practice in the promotion of cultures that celebrate and encourage high ethical standards.

The most compelling evidence is not about how well ethical standards are upheld in public life in the UK, but about the cynicism about standards in public life expressed in so many quarters. This feeds on and also feeds the lack of public confidence that leaders in public life are sincerely committed to values intrinsic to the Seven Principles, to which they profess to subscribe.

On the question of “evidence on the strength of the UK’s arrangements for regulating and promoting ethical standards”, there is scrutiny and enforcement of codes and rules, and most people do their utmost to comply with such rules, but this is not the public perception. The evidence is less strong that scrutiny and enforcement is consistent, or that it is promoting personal and shared commitment to the attitudes and standards of behaviour that would demonstrate public service leaders try to live those values, whether there were explicit and enforceable rules or not. We can all think of recent instances of leaders who have demonstrated conscious disregard of rules or expected norms. There may be plenty of “best practice in the regulation of ethical standards”, but that is of little worth, unless there is more evidence of that personal and shared commitment.

The most important question arising from CSPL’s terms of reference is about the need to promote “cultures that celebrate and encourage high ethical standards.” How can this be achieved more widely and most particularly, so it is more vividly seen in political leaders?

There is now something of a crisis, regarding how to take forward standards and codes. This is certainly my experience after years of following the work of CSPL as Chair of PASC and then PACAC; and now as a member of the House of Commons Committee on Standards, which is midway through a much delayed tri-annual review of the House of Commons Code of Conduct. But this crisis is a cause for hope.

CSPL has historically been concerned about addressing ‘scandals’; things that have gone wrong and need for tighter regulation to put things right (such as financial scandals involving MPs; cash for questions; expenses; and the continuing concerns about party fund raising; and the ‘revolving door’. The more codes and rules that have been created, the less people seem to have been capable

of thinking for themselves. This is because CSPL may well find that “the best practice of the regulation of ethical standards” leaves little space for the exercise of personal judgement. Leaders see the rules as something to be navigated, and this has removed at least some of their responsibility for using their own judgement. The hope is in the growing understanding that we all need to move on from the mere application of rules.

At present, beyond the mere statement of the Seven Principles, there is little proper consideration of, engagement with, and discussion about, what these principles mean to leaders in public life, as they go about their daily lives; and why those principles are important. As leaders navigate increasingly complicated set of rules, they think less about what values people in public life should be required to adopt and about why the rules exist.

I see the same thing in the personal conduct of some colleagues in Parliament and in the world of special advisers. The problem is that rules in many peoples’ minds create implied permission to do anything that is “within the rules” - the utterly lame justification for our failure to have established an expenses system which could have any chance of maintaining the public’s confidence. But the tightest set of rules on their own do not make people into better leaders or better examples for their organisations for the rest of society. Rules that are too strict have other adverse consequences.¹ The reluctance to talk about values, attitudes and standards of behaviour is not new, but it is now more than ever necessary to break this taboo. It is very personal. There is not a ready language to employ. It can feel excessively pious, or self-exposing, or intrusive into others’ personal space, to raise such issues. It is an irony of the present age that woke values show no such reticence. Maybe the lesson for us in that is again a hopeful one: that younger people are hungry for discussion and understanding of values and principles which govern attitude and behaviour.

The hope now must be that leaders will begin to accept that it is possible and indeed necessary to inculcate the right values, and consequently the right attitudes and behaviour (the best ‘culture’) into an organisation, through the right kind of CPD; in particular through the sharing of ideas and experiences and through guided personal and collective reflection. The difficulty is when some attempt to do this without fully understanding that this will only be successful if the leaders are exemplifying those values themselves.

There are some very strong examples of where this is done. The armed forces regard it as imperative that there should be a set of shared values that is actively taught through instruction, reflection, and by the example set by leaders. This is also reflected in other organisations. The security services and the police forces recognise the value of creating bonds of trust through shared understandings of fundamental values. The challenge is that many public service leaders do not feel the experience of these institutions is relevant to them or to their own organisation or institution.

At present, there are no accepted ways of promoting “cultures that celebrate and encourage high ethical standards in public life” across all kinds of organisations, amongst leaders and potential leaders in public life. So, trying to frame rules and procedures to deal with the conflicts of interest which arise from party fund raising, or from the revolving door, are bound to be disappointing. *This is not helped by leaders who fail to appreciate that their own example, and the examples of those whom they promote, is the most important factor.*

The saddest example of the crisis we now face concerns the resignation of the PM’s Adviser on Ministerial Interests. Nobody has been appointed to replace Sir Alex Allan since he resigned (to my knowledge).

¹ Public Administration and Constitutional Affairs Committee. Managing Ministers’ and officials’ conflicts of interest: time for clearer values, principles and action. 2017. [Link](#)

I make no comment about the merits of the case, except to suggest that there were a great many exceptional circumstances which could have been so much better handled at the outset.²

Perhaps there is also a lesson about the Ministerial Code. It is a rather odd Code in this respect; it is very binary, reflecting how it grew out of Questions of Procedure For Ministers, which periodically postulated that if someone did certain things, they would be "expected to resign". Perhaps in a more private era, there was space for errors to lead to learning, but now, as a public document, there seems no space for someone to have breached the Code, and then for the issue, attitude or behaviour to be addressed, without a resignation.

The result is a mess; a sense that political leaders are either not committed or at least do not share the same understanding of the values and principles that are expected in public life. CSPL and people appointed to such roles as the PM's adviser or as Parliamentary Commissioner for Standards, risk being stranded in small islands of their own thinking, but surrounded by a sea of confusion or even indifference about the things we should care most about; the values we need leaders in public life to exemplify. They all subscribed to them in the abstract, but these values seem to many to be harking back to a different age and to lack practical relevance to the intense pressures and conflicts today's leaders need to address as a matter of routine.

There should be hope here too. In my experience, the vast majority of people in public life are longing for a way of engaging on questions of values and principles which would make it easier to navigate the moral hazards of public life. The question is how bodies like CSPL can do this, without being seen to preach, or to be setting themselves above the rest of us, which is bound to lead to misconstruing what it is seeking to achieve, and to resentment.

In summary, there is both a need and a hunger for a new way of approaching development of leaders, particularly political leaders, and special advisers which emphasises the mutual support and strengthening of personal capability and confidence which could be made available to us. This means that bodies like CSPL need to move on from thinking about which set of rules needs tightening up, towards a public discourse about what living the values intrinsic to the seven principles should mean, for example, to an MP going about their parliamentary, constituency or ministerial work.

Such a new approach needs to address what politicians and others in public life are actually faced with on a daily basis. This is best explained in evidence which has only just been published by the House of Commons Standards Committee received from Claire Foster-Gilbert of the Westminster Abbey Institute. She wrote, with MPs in mind:

Our democracy demands that they have to actively seek power - selection, election and re-election - even though their vocation and function is public service. Power is a constant companion to every politician, however motivated by service they might be, and power is morally corrosive. Not only does it skew already difficult moral choices and decisions and blur the clarity of what is and what is not in the public interest (how can a politician do anything in the public interest *without* power?) but it also creates a kind of aura around the one with power, which affects everyone with whom they come into contact, so that relationships too are skewed by this corrosive element. You cannot do away with the need to seek and retain power, because that is the price of democracy, so you have to guard

² For further discussion of these issues see Public Administration and Constitutional Affairs Committee. The Minister and the Official: the fulcrum of Whitehall effectiveness. 2018 [Link](#)

yourself against its corrosive effect. Self-aware MPs will take active steps to help themselves ensure their moral disposition is kept healthy.³

It is possible and necessary to create meetings where these kind of conversations can take place. It is unlikely that this will happen spontaneously, or through formal structures. The best examples are those which are facilitated by disinterested charitable or voluntary institutions, such as the Windsor Leadership Trust or the Westminster Abbey Institute. To promote such work on a bigger scale requires more resources, but CSPL is in a position to recommend to Parliament, to the Civil Service and to other public sector organisations, that they should find the resources to make this support for personal development available to all leaders and potential leaders in the public realm.

Perhaps 50 years ago, or even 25 years ago, it could be assumed that there was an unspoken but implicit set of common values in society. Today we have far wider religious and cultural diversity, a far stronger strand of individualism, in which there is a sense that it is the right of every individual to choose their values, in the same way as they might choose what car to drive, or what clothes to wear. In such a society, for organisations to function effectively, their leaders must more consciously decide what values and principles they expect their colleagues and subordinates to subscribe to.

This is not something that government or Parliament can contract out to CSPL or to an ethics regulator, which advocates the seven principles and writes a code so we can all say “job done”. The job of CSPL is to harness the needs of people in public life, particularly leaders under such daily pressures, and offer practical proposals for how those needs will be fulfilled. This should feel like an offer of support, which explicitly promises not more rules and admonition, but empowerment as leaders, and even a greater sense of self-fulfilment for them.

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8th March 2021

³ Claire Foster-Gilbert. Evidence to the Committee on Standards. Tuesday 2 March 2021. [Link](#)