**CSPL: Academics Roundtable**

**Introduction:**

The Committee on Standards in Public Life is conducting a landscape review of the regulation of public standards in line with the Seven Principles of Public Life: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership. The review, entitled Standards Matter 2, is ongoing and will produce a final report with recommendations in the Autumn. The review is progressing towards the end of phase 1 where evidence has been gathered from a range of key stakeholders. These contributors have enabled the Committee to clarify where the gaps and weaknesses are in the standards regulatory landscape and to reflect on changes which may need to be addressed to meet current public concern. It is the role of the Committee to advise the Prime Minister on arrangements for upholding ethical standards of conduct across public life.

**The Roundtable:**

In April 2021 the Committee held a roundtable with invited academics prominent in the field. A list of attendees and their academic specialisms is shown in annex A. The discussion centred on academic research and thinking on a number of key aspects pertinent to the review:

1. The importance of high ethical standards in a liberal democracy
	1. Ethical standards and public trust
	2. Ethical standards, good governance and anti-corruption
	3. Assessing adherence to high standards
2. The effectiveness of standards regulators
	1. Standards regulation in an historical context
	2. The institutional resilience of standards regulators
	3. Standards regulation for elected and appointed officials

The discussion and its broad conclusions are reported here in summary form.

**The importance of high ethical standards in a liberal democracy**

‘Ethical standards are what makes a liberal democracy – it’s the liberal component in a liberal democracy’. Institutions matter but culture matters as well – it’s a matter of informal adherence to the norms as much as compliance with the formal rules. Political leadership therefore also matters, indeed, formal institutions will work only if a culture of observing high standards is sustained. These ethical standards are crucial to avoiding the abuse or misuse of power and to ensure that there is not a slow cultural slide towards any sort of corruption. Developing and sustaining culture and monitoring culture change pose difficult challenges. Standards scandals have often prompted institutional and cultural improvement, but they also often badly damage public trust and morale in the public sector.

Maintaining high ethical standards in a liberal democracy requires challenging self-reflection for those in public office. A culture of integrity is not always best supported by generating still further codes and rules. Rules cannot cover every circumstance and sanctions regimes tend to be blunt instruments that judge for or against clear breaches without the possibility for more nuanced action. It is important to generate openness in public life, not merely negative scrutiny and we need to promote reflection on how to achieve a positive ethical environment rather than focusing wholly on compliance and the evasion of rules. Ethical regulation should support and reinforce good behaviour as well as providing a deterrent to bad behaviour. Whilst scandals tend to prompt a desire amongst some of the public for further formal legal controls, it can be argued that this can exacerbate integrity failure, demoralise the public sector, and encourage a tick-box compliance regime that ducks the challenges of responsible decision-making. The Covid pandemic has underlined that if we want the public to follow guidelines and restrictions they have to trust the government: they have to trust them to give them the best guidance for managing the situation; and they have to be confident that members of the government and administration are also following the guidance.

Erosion of standards does affect public trust in the democratic process , especially when leaders appear not to be upholding the principles or following the rules or to be wholly partisan in their exercise of office. The exercise of public office in a liberal democracy is intended to serve all the public not just those who constitute an electoral majority. Politicians who resist accountability for their actions, do not admit failure, or assume impunity because of their political support, further damage public confidence in government.

Despite recent increasing pressure on ethical standards, it is acknowledged that probably some 80-90% of elected representatives and public officials do adhere to high ethical standards. Non-compliance and how to address it is probably limited to 10-20%. The standards are largely well articulated in the Nolan principles and their descriptors, but these need to be emphasised and interpreted in what is a changing political world. In order to achieve this, leadership that embodies and exemplifies the principles is critical, but so too is regular training emphasising standards throughout the public sector, perhaps especially in institutions that are not wholly open to public scrutiny or are cut off in various ways from the wider public.

Scandals often come in cycles and are often related to changes in the wider culture of the society. Most recently, such changes have included the outsourcing of provision for public services, with an emphasis on efficiency and service delivery, leading to a less cautious risk appetite, and the increasing prominence of private actors playing major public roles (as in social media companies). The increased complexity of government and public service and the rise of social media and its impact on the political process are also important factors. And the recent re-polarization of politics, together with the breakdown of party unity over issues such as Brexit, and what seems like the continuing erosion of some of the traditional values of public services, must be taken into account. This means that codes of conduct and standards regulation must be designed for a changing world. and We also need to recognise that this changing world may also be influencing the relevance of some of the values that we have taken to be central and how far they still resonate with the wider public. At the very least this means there has to be attention paid to underlining the central principles of a liberal democracy for the public and to reflection on the values that are most important to the public; for example, principles of fairness, civility and respect. Standards regulators may always struggle to keep up with social and political trends, but they can also inform and help shape these trends.

**The effectiveness of standards regulators**

Responding to scandals and crises in order to ‘put things right’ raises the question whether we should be creating more regulations and codes of conduct, or whether we should be working with people in public office to help them respond to some of the challenges they face, rather than waiting for them to get things wrong. In part, that also means looking more closely at proportionality in relation to breaches of codes and regulations so as to incentivise good conduct without damaging what is often a demanding set of challenges intrinsic to the political process. It also means looking to cultivate a culture in which people do the right things for the right reasons (because they are the right things) rather than because they want to avoid falling foul of the rules.

This also gives us grounds for thinking harder about how far ethics should be subject to political accountability, rather than being subject to judicial regulation. It also gives us reasons to go back to the principles to make sure that their force is not dissipated in a multitude of codes and regulations applying to different sectors of the public service but remains an active element in exploring the pinch points in the political systems where there are difficulties in reconciling both ethical and political imperatives. – For example, when determining the systems of accountability for ministerial conduct, remaining alert to whether we should be looking to forms of democratic accountability, which are inevitably politicised, or whether issues are best dealt with using more formal regulatory forms of accountability. Creating a positive ethical political culture will be better served by re-iterating the core principles with illustrations of cases where we think things went well rather than focusing wholly on cases where things are not working.

In reflecting on regulation and on the standards framework there are issues about the degree of centralization and coordination that can be achieved. This seems to be limited, as indeed does the appetite for a central super-regulator.

Nonetheless, there are five questions that need to be asked on a regular basis of every regulator:

1. What are they doing to educate those subject to their scrutiny and, where appropriate, the wider public (and which parts of the public are most relevant here)?

ii. What powers of investigation do they have, how adequate are these, and how carefully tailored are these to the demands of often very different types of context?

iii. What are the sanctions that can be used against those who breach the regulations of the codes of conduct and how proportionate and appropriate are those sanctions, and what impact are they having in shaping conduct (recognizing that we want them to support a culture in which people do the right things for the right reasons)?

iv. How far are they adequately resourced and supported within the political system and thus are able to do their job effectively?

v. And how resilient is the institution, how far is it able to resist capture by those it regulates, and what can be done to shore up its resilience (as in single term chairs). How far are some regulators especially likely to be systematically more prone to challenge and question in what remains a very adversarial political system, and what might be done to ensure that there are able to perform their role while remaining above the fray of political contestation?

**Concluding remarks**

**The Standards Matter Review is an opportunity for us to reflect collectively on how best to support an open and healthy standards regime in British political life. There is widespread support in academic circles for the core set of principles that emerged from the first Nolan report, but there remain issues about how to ensure these are fully embedded within the political culture of the society, and concerns that they have been rather side-lined as political divisions have become deeper. The Report aims to contribute to this wider discussion while also addressing areas where changes in rules or practices seem appropriate.**

**JEM**

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