**COMMITTEE ON STANDARDS IN PUBLIC LIFE**

**RESPONSE TO IMPRESS STANDARDS CODE CONSULTATION APRIL 2022**

**Background to the Committee on Standards in Public Life**

1. The Committee on Standards in Public Life is an independent, non-departmental public body sponsored by the Cabinet Office. It advises the Prime Minister on ethical standards across public life in England and reports on issues relating to the standards of conduct of all public office holders. The Committee has no investigative powers and does not comment on individual cases. Please see **Annex A** for the Committee’s remit and current membership.
2. In its first report (1995), the Committee articulated the Seven Principles of Public Life, commonly referred to as the Nolan Principles: selflessness, integrity, objectivity, accountability, openness, leadership and honesty. These principles apply to all public office holders, including those who are elected or appointed to public office and those in the private sector providing public services.

**Background on CSPL’s 2017 Intimidation in Public Life report**

1. The Committee was asked in July 2017 by the then Prime Minister, Theresa May, to undertake a review on the intimidation of Parliamentary candidates, considering the broader implications for all holders of public office. We heard evidence of persistent and shocking intimidatory behaviour, including harassment, threats of violence and sexual violence, and damage to property. Much of that abuse was targeted at certain groups and was accelerated and enabled by social media, which has played an increasingly prominent role in political debate in recent years.
2. The Committee [published the report](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/666927/6.3637_CO_v6_061217_Web3.1__2_.pdf) in December of that year. It made recommendations to government, social media companies, political parties, the police, MPs and Parliamentary candidates, and the press, to tackle intimidation in public life. Specifically, we recommended that:
   1. Press regulators should extend their codes of conduct to prohibit language that incites intimidation[[1]](#footnote-1); and
   2. News organisations should only consider stories from freelance journalists that meet the appropriate standards (ie. of IPSO’s Code of Practice or the Impress Standards Code).
3. In December 2020, the Committee [published an update on progress made against the report’s recommendations](https://www.gov.uk/government/publications/intimidation-in-public-life-progress-report-on-recommendations). As part of that process we took assurance from press regulators on the current arrangements.

**Comments on Impress Standards Code**

1. Thank you for inviting the Committee to submit evidence to your review of the Standards Code. Please find comments on the Preamble, Accuracy, Discrimination, Harassment and Transparency Clauses below.

*Preamble*

1. The Committee agrees that freedom of expression and the right of the press to report, scrutinise and comment on public affairs is essential and should be protected. However, we have always been of the view that editors and journalists should exercise discretion for their own content and use of language, particularly where it could incite intimidation. We are glad to see explicit reference to balancing freedom of expression against other countervailing rights, such as the right to prohibit discrimination, in the new Code.
2. The Committee welcomes the clarity around the scope and remit of the Code (i.e. that the Code applies to a wide range of individuals including non-journalists, and all forms of news gathering). It may be helpful to make explicit that this includes freelance journalists as per our recommendation but the sentiment is already there.
3. We are also glad to see that the updated Code is clear about the responsibility news publishers have for harmful user-generated content on their platforms. In our [*Intimidation in Public Life*](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/666927/6.3637_CO_v6_061217_Web3.1__2_.pdf) report, we said that social media companies should proactively identify and remove intimidatory content. We are pleased to see that if a publisher is notified of harmful or illegal content, the guidance says it should be moderated and removed.

*Accuracy*

1. The Committee did not take evidence on accuracy in journalism in its[*Intimidation in Public Life*](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/666927/6.3637_CO_v6_061217_Web3.1__2_.pdf) report but welcomes the new guidance for publishers on the use of artificial intelligence (AI) in journalism.
2. The Committee published a report on[*AI and Public Standards*](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/868284/Web_Version_AI_and_Public_Standards.PDF) in 2020. The report found that while AI has the potential to revolutionise the delivery of public services, AI systems are vulnerable to flaws and can have unintended consequences, including inaccuracy.
3. The report said that public bodies should establish suitable governance mechanisms to manage the risks associated with AI. For instance, they should use AI in ways that are legal and legitimate; set clear responsibilities for its use; and establish monitoring and oversight mechanisms that allow for AI systems to be properly scrutinised and to ensure they always operate as intended. To that end, the Committee agrees publishers should exercise human control and editorial oversight of AI. The Committee also feels strongly that such a mechanism for review should be made transparent to the public (see **paragraph 17**).

*Discrimination*

1. We are glad to see that the new Code is wide ranging and protects individuals against discrimination and harassment in most circumstances.
2. We welcome the lower threshold on what constitutes a breach of the discrimination clause (i.e. “publishers must not encourage hatred or abuse against any group based on their protected characteristics”), and it is good to see guidance on what constitutes abusive behaviour. We are also glad to see that the guidance on what constitutes prejudicial or pejorative language has been updated to include specific reference to the objectification of women, as well as religion and race. In our [*Intimidation in Public Life*](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/666927/6.3637_CO_v6_061217_Web3.1__2_.pdf) report, we found that abuse was often targeted at certain groups, notably women and black and minority ethnic groups.

*Harassment*

1. Your consultation document references the Committee’s [*Intimidation in Public Life*](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/666927/6.3637_CO_v6_061217_Web3.1__2_.pdf)report and makes clear behaviour that could “result in an individual withdrawing from social media, public events or public life” would constitute intimidation and a breach of the Standards Code. The Committee strongly welcomes this.
2. However, this could be made clearer in the guidance on clause 5. We would welcome explicit reference to intimidation under sub-clause 5.1 as “words or behaviour by a journalist that could deter someone from engaging in public life”.

*Transparency*

1. The Committee welcomes the new guidance for publishers on AI in regards to transparency (see our response to the accuracy clause). We agree that publishers should label and be transparent about content that has been generated by AI. In our 2020 [*AI report*](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/868284/Web_Version_AI_and_Public_Standards.PDF), we said that organisations using AI need to have clarity on their websites about its use and governance; this provides some transparency for the public about how and why it is used and how it is reviewed, which is important.
2. We are glad to see the guidance on clause 10.5 makes clear that “publishers should be aware that members of the public have the same ability to complain to Impress about AI-generated content as they do with human generated content”. In the AI report, we said that public bodies need to enable people to challenge decisions and to seek redress using procedures that are independent and transparent, irrespective of whether AI is involved in a decision-making process or not.

**CSPL**

**April 2022**

**ANNEX A**

**Committee on Standards in Public Life: Background**

The Committee on Standards in Public Life is an independent, advisory Non-Departmental Public Body (NDPB). The Committee was established in October 1994, by the then Prime Minister, with the following terms of reference:

*To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life.*

The Principles of Selflessness, Objectivity, Integrity, Accountability, Openness, Honesty and Leadership remain the basis of the ethical standards expected of public office holders and continue as key criteria for assessing the quality of public life.

The remit of the Committee excludes investigation of individual allegations of misconduct.

On 12 November 1997, the terms of reference were extended by the then Prime Minister:

*To review issues in relation to the funding of political parties, and to make recommendations as to any changes in present arrangements.*

The Committee’s terms of reference were further clarified following the Triennial Review of the Committee in 2013. The then Minister of the Cabinet Office confirmed that the Committee:

S*hould not inquire into matters relating to the devolved legislatures and Governments except with the agreement of those bodies. Secondly the Government understands the Committee’s remit to examine “standards of conduct of all holders of public office” as encompassing all those involved in the delivery of public services, not solely, those appointed or elected to public office.*

Committee membership as April 2022:

* Lord Evans of Weardale KCB DL, Chair
* Rt Hon Dame Margaret Beckett DBE MP
* Ewen Fergusson
* Professor Dame Shirley Pearce DBE
* Professor Gillian Peele
* *[Vacancy]*
* Rt Hon Lord Stunell OBE
* Rt Hon Jeremy Wright QC MP

The Committee’s work is supported by a Research Advisory Board, chaired by Professor Mark Philp.

1. For the purpose of the review, we defined intimidation as “words and/or behaviour intended or likely to block or deter participation, which could reasonably lead to an individual wanting to withdraw from public life.” Intimidation is different from legitimate persuasion or influence which takes place as part of the democratic process. [↑](#footnote-ref-1)