

Speech by Lord Evans

Thank you to the Institute for Government for hosting this event at the end of my time as chair of the Committee on Standards in Public Life.

Quite rightly the tenure of a chair of this committee is five years and no renewals in order to avoid any risk that you want to curry favour with the government. But it's been an interesting five years because over that time we have seen 4 Prime Ministers (3 in the last year), 3 Independent Advisers on Ministerial Interests, all of whom have been outstanding. We have seen the Covid pandemic, we have seen Partygate, and we have seen other developments, and more.

When I took the job it was a quieter landscape - so it has been more exciting than I expected!

In my remarks today I do not want to dwell too much on past events, but to consider:

how the standards landscape has changed;

the gaps in the system; and

how I think public standards need to be strengthened in the future.

At the core of any democratic system is the principle that government operates on the basis of consent. This is demonstrated obviously through elections that decide who will govern, but it should also be demonstrated by the way in which those in office use the power they have won. That is where high public standards come in. In essence they are about ensuring that entrusted power is used for the public good, rather than for private or sectional benefit. Public standards underpin trust, which in turn bolsters public consent.

Despite some of what we have seen in recent years, I continue to believe that most public servants - whether MPs, ministers, civil servants, local government officials, or nurses - do try to uphold high standards. That is why when standards go wrong, we should avoid suggesting that they are all the same. That sort of cynicism seems to me to be an enemy of high public ethics. Most

people in public service are keen to do the right thing and they have joined the public service in whatever role because of their wish to contribute.

I have said before that I don't believe there was ever a golden age for standards. Scandals have arisen for decades, even centuries. Views, opinions and values change, the context of society changes, and codes governing conduct therefore require regular attention to meet these new challenges.

The Nolan Principles of honesty, objectivity, openness, selflessness, integrity, accountability and leadership - the Seven Principles of Public Life - haven't changed since they were established 28 years ago. On a personal note, my only reservation about them is that they are hard to remember because they are all rather general. Which is why whenever I'm doing anything in a public context I always have them written down in front of me in case the interviewer suddenly says "tell me the seven principles". I think I could do it, but I'm not taking the risk!

So they haven't changed in 28 years, and although the descriptions of them have been slightly updated, the Principles themselves have stood the test of time. They apply to everybody involved in the delivery of public services whether it's individual public office holders, institutions, or private companies who are involved in the delivery of public service. Personally speaking, when I became a school governor, I was given a copy of the Principles, which I think shows their reach; and at the start of every Parliament, as a member of the House of Lords, I sign an undertaking to abide by a Code of Conduct incorporating the Principles.

They are there to remind me - and other office holders - of the expectations of the public that we serve.

But they are not enough on their own. They need to be understood through Codes of Conduct applicable to specific contexts, and they need to be debated, discussed and made real in specific organisational settings (an issue which we touched on in one of our recent reports to which I shall return).

So those Principles haven't changed, but the polarised and unstable nature of British politics in recent years has placed them under great pressure.

Our political institutions, as well as our standards bodies and structures, have faced great challenge.

The attempt to tear up the independent system for maintaining standards in Parliament in November 2021, in the House of Commons - the Owen Paterson affair - was scandalous and damaging. And we've also seen instances of poor practice in hospitals and the police, and elsewhere, all part of a wider public landscape that undermines public confidence.

The damage done to the trust and confidence that the public have in those in political and public life has been significant. And I was looking only this morning at the recent data from the OECD (and the ONS were involved), which demonstrates that trust in public life, particularly political life, is low by international standards.

As a result, there has been increasing recognition that it's not enough to rely just on 'people behaving well'.

Members of the public simply cannot understand why behaviours that would not be tolerated in other organisations seem to go unchallenged in the political world without any apparent sanction.

The argument put forward by some through this period was that ministers should not be constrained; that they have a democratic mandate (which is true); and that the regulatory checks and balances between elections were standing in the way of getting things done. And for a while it seemed that the public would go along with this, and that maybe standards mattered less at a time of national stress or national emergency such as during the pandemic.

But as we have seen, the failure to adhere to accepted standards of conduct ultimately led to major public and political consequences. Consequences in my judgement were largely avoidable.

At the same time there has been increased tension in the key relationship between Parliament and government.

We saw a period of parliamentary activism of an unprecedented kind during the Brexit crisis in 2019, followed by a period in which government saw its electoral mandate as a justification for the domination of Parliament. And both periods served to polarise attitudes. When attitudes are polarised the consensus upon which standards and norms of conduct rest becomes more fragile. And polarisation encourages extremism, which opens the door to the intimidation of many ordinary MPs who are trying to do their best for their constituents - leading to widespread difficulty in recruiting the best candidates

(especially amongst women and ethnic minorities) and more generally turning politics into something many ordinary citizens do not want to be involved in.

We don't yet know how far this is just history that can be put behind us, or whether it will continue to haunt public debate over the next Parliament. But we should be clear that for all its adversarial elements, the Westminster model relies on an underlying commitment to a system of conventions and rules of conduct that are central to preserving high standards and to maintaining public confidence and form part of the unwritten constitution. For government, accountability (one of the Nolan Principles) mostly means accountability to Parliament, which represents all electors. But it seems to me that governments have been increasingly reluctant to make parliamentary accountability a reality, both in the way Parliament runs and in the way that legislation is drafted. In avoiding accountability to parliament the government is also seeking to avoid accountability to the electorate - the public.

Now in any voyage, ships are repaired at sea. The monitoring of performance and rectification of errors needs to be an ongoing process. When the relationships between government and parliament (and the wider administration) become hostile and conflictual, necessary repairs are delayed - public appointments are not made, recommendations not responded to, and what might be seen as 'lesser' matters are put off. And we have seen many signs of this in the last few years - a feeling, well rehearsed in the media, that nothing works properly.

Looking back at the work of the Committee over the past five years, I think there are areas where the government could make significant improvements quite quickly.

In the past six years (and I say six years because I want to capture one of the reports that was published under the term of my predecessor) the Committee has published reviews on:

Intimidation in Public Life (2017)

MPs' Outside Interests (2018)

Local Government Ethical Standards (2019)

Artificial Intelligence and Public Standards (2020)

The Regulation of Election Finance (2021)
Upholding Standards in Public Life (2021) and
Leading in Practice (2023).

The government has responded positively to some of our recommendations, but not many. There is more that could be done in all these areas.

On MPs' outside interests, the public is clear that being an MP should be your full-time, principal, job - the current rules don't meet that expectation and I expect this issue will continue to impact on public perceptions of standards in the future.

A new Code of Conduct and Guide to the Rules came into force on 1 March this year, as a result of widespread consultation by the Commons Committee on Standards. Our submission proposed a more objective means of setting reasonable limits on paid outside employment. The new Code didn't go that far, but it does ban paid parliamentary advice; and it requires Members to have a written contract for any outside work; and tightens the lobbying rules - and of course we welcome these changes.

On local government standards there is still a major problem. We were very disappointed that the government took three years to respond to our 2019 report and then rejected our recommendations. We hope that our pragmatic reforms that we recommended, for which there is widespread support in the sector, can be looked at with fresh eyes. Whilst we welcome the Local Government Association's model code of conduct, members of the public still have no redress when there are standards failures at a local level.

On election finance, we produced a substantive and detailed report with a series of practical recommendations. The government told us on 10 July this year that it will not respond further to our 2021 report. There are significant risks in the government's failure to close loopholes in election donation laws, not least around foreign interference in our political process. This is where public standards meet national security and clear vulnerabilities have not been addressed by the government.

On lobbying there is more to be done to ensure transparency and we held a seminar recently with a good discussion on both sides of the argument. And I hope that the Committee might decide to return to this issue in due course.

It's an area that needs watching. There needs to be clarity on the standards expected of all public office holders and it needs to be pragmatic but act in the public interest and provide reassurance for the public that a fair and transparent approach to lobbying is actively being applied by those involved in making and influencing government policy. Much lobbying is good and it is a necessary part of democracy but there needs to be transparency and there needs to be fairness.

Back in 2020, the Committee produced a report on Artificial Intelligence, looking at how we ensure that high ethical standards can be upheld as technology assisted decision making is increasingly adopted across the public sector.

I think we may have been a bit ahead of time because nobody took much interest in it when we published it! But it's having a second life. The speed of advance means that Artificial Intelligence is now part of our everyday life and discourse. We welcome the government's intention to hold a high-level safety summit in November, and we're currently following up our report with regulators. The Committee will decide how and whether it wishes to take forward more work in this area.

The government recently responded to our 2021 report, Upholding Public Standards, which was a landscape review that included the Public Appointments system; the Business Appointment Rules; the Ministerial Code; and transparency around lobbying. We welcome the steps that have been taken and the signal that standards matter - but I'm sure the Committee will want to see how quickly the government meets its stated commitments to our recommendations and those of the Public Administration and Constitutional Affairs Committee and Sir Nigel Boardman.

Finally, our Leading in Practice report looking at how we encourage attention to high public standards as part of the normal life of organisations across the public sector. And in some ways I think this is almost the most important part of public standards. When I had my initial hearing on appointment I said that I felt that we need not just to have effective rules and compliance, we also needed to have attention to the culture and the behaviours within our public service organisations, which is important as making sure people do the right things as written rules.

Of all our reports, Leading in Practice seems to have had the most significant reach and impact across a wide range of organisations. We have been struck by the number of invitations we have received to talk about this report within government, outside government and even from overseas.

The clear message in the evidence we heard was, first, the importance of setting the tone from the top - what are the leaders saying and how are they behaving. This is where it starts. Leaders have a responsibility to ensure these rules are underpinned by a shared understanding of the core ethical values at the heart of public service.

Then, are people encouraged to talk about the ethical challenges in their work? What do the 7 Principles actually mean for us, how can we discuss them, how can we ensure they are reflected in our day to day work experience?

There is also the question of recruitment - should we have an element of values-based recruitment? Recruiting not just by technical skills but also by how far the people we are recruiting actually align with the values of the organisation and of public service? This matters in my view in public service.

And sitting across all of this I think, is the whole question of speaking up. There must be accessible routes for people to speak up without fear or the feeling that it's futile to do so. And when people summon up the courage to speak out, leaders need to listen with curiosity and be willing to act. The Lucy Letby case demonstrates with stark clarity why this matters.

Looking to the future, the standards regime needs to respond to this changing environment.

We live in a society where there are fears and lack of understanding about the implications of Artificial Intelligence; where social media's power continues to grow; and where intimidation in public life is a very real problem.

Against that difficult background, the key challenge is not to allow any damage done to lead to a further weakening of trust in institutions and those who work in them.

I recognise that structural solutions cannot solve political problems, but equally they are an important component.

But there are some immediate problems to solve:

First, the government system for ensuring compliance with standards is very weak and needs overhaul. The priority that is given to this across government departments is low and this opens a door to opacity and potentially corruption. If you look at, for instance, the very unsatisfactory way in which transparency reports are published in respect of lobbying, it's pretty clear that that is not a priority. Financial interests and conflicts of interests must be disclosed and the information must be accessible to the public. There is no reason for the government not to act quickly on its commitment to reforming this area in its response to our report, *Upholding Standards in Public Life*. Some private corporations are miles ahead of the government in this area.

Second, alongside proper transparency and accountability, is the need to develop a culture where people are comfortable discussing the ethical dimension of their work and the standards of conduct expected in their organisation. An organisation where the values are front and centre and underpin how people go about their work, helps delivery of public services because morale is high and people are comfortable speaking up, so risks are spotted before they escalate and people can find better ways of doing things. This was very clear in the evidence process that we undertook for *Leading in Practice*. Some organisations were very comfortable talking about these issues and these are organisations that would generally be seen as high performing.

I'm constantly struck, when a major scandal breaks, just how many of these issues were known about within the system. Whether it's lockdown parties, or misogyny and racism within the Met or other problems, staff often knew. And sometimes they tried to raise it. Untold distress could have been avoided, the many public inquiries and investigations could have been made unnecessary if the culture of those organisations had been different and the internal systems had identified issues and allowed people to speak up had been in place.

Thirdly, I think it is important that there are consequences if standards are not adhered to. If there is an investigation and then consequences in a timely manner where appropriate, that's a success. That is true for the public and private sector and we need to look not just at outcomes but how they are achieved - the how is often as important as the what.

Finally, perhaps the most serious problem is around the abuse and intimidation of those in public life. We first looked at the impact of this back in 2017 at the request of Theresa May, the then Prime Minister. There has been some progress in some areas - imprints required from November on digital political

campaign materials, passing of the online safety bill, and so on, but intimidation across public life remains a big issue. It is hugely damaging to democracy and is a major factor in putting people off serving in public roles.

It is completely unacceptable that individuals and, in many cases, their families, should be subject to threats and abuse for doing their job. And we've seen examples of that reported in the last week. And I'm not just talking about national politicians, but many others holding public roles - councillors, doctors, teachers.

We have complex problems to solve as a society. We need to be able to debate and disagree with each other. If intimidation and threats cause talented people to feel they have to leave public life (and that is happening), or deter good people from considering playing their part by standing as a councillor or a local MP, or applying for a public appointment, we are all losers.

In conclusion, there is no room for complacency. There are still gaps in the system, and I hope the government and others will look at those and maintain a dialogue on what we can do to drive high standards.

And there is a responsibility on us all to be leaders. And to build a trustworthy public life on behalf of our fellow citizens.

In closing, I would like to say a few words of thanks.

It has been a privilege to lead the Committee. The past five years have been made much easier by knowing I had the support of the Chairs and Officers of the whole range of standards bodies in this complicated landscape (a number of whom I can see today). They have been thoughtful, honest and generous with their advice and support.

And of course, I am indebted to my fellow Committee members. All of the members, past and present, have contributed wisely to the standards debate, giving their time and experience. I have greatly valued the voices of both our independent and political members - the Committee's work really benefits from having this mix of expertise around the table.

I am also greatly indebted to the outstanding Secretariat whose diligence, sound judgement, good humour, and integrity show the essence of what good public service is about.

Finally, my thanks to those who give evidence to us. One of things that I will sometimes miss is the stream of emails coming to my House of Lords account.

Some of which are very insightful and some of which are misdirected! It's the Committee's role to review arrangements for standards in public life against that framework established by Lord Nolan 28 years ago, but we could not do our job without hearing the experience and expertise of others - academics, practitioners, those in public office - elected and appointed - as well as people in the private sector and members of the public, who are willing to give evidence and talk to us. And I am grateful to them all.

I wish the next Chair, my successor, every success in their role, and perhaps a smoother time in the standards world! I know they will have the excellent support of Committee members as well as many in the room today.

Thank you.