ARTIFICIAL INTELLIGENCE AND PUBLIC STANDARDS: AN UPDATE ON PROGRESS MADE AGAINST OUR 2020 RECOMMENDATIONS

Introduction

1. In 2019, CSPL launched a review to consider whether the then regulatory and governance framework for AI was sufficient to ensure that public standards would continue to be upheld as AI is adopted more widely across the public sector.

2. Our report, *Artificial Intelligence and Public Standards*, was published in February 2020.[1] The report took the view that an adherence to high public standards, as articulated in the Nolan Principles[2], would help realise the benefits of AI in public service delivery. Our fundamental message was that the Nolan Principles are strong and do not need reformulating for AI, but that AI poses a challenge to three principles in particular: openness, accountability and objectivity.

3. Since the report was published, the Committee has retained a watching brief. Over the last four years, we have seen extraordinary advancements in AI capability with the emergence of progressively sophisticated foundation models, which may already be in use in the public sector.[3] Consequently, countries all over the world are grappling with how to regulate this fast-moving technology.[4] In 2023, the UK government set out and consulted on its pro-innovation approach to AI regulation[5], and held an AI Safety Summit to consider the risks of frontier AI.[6] Subsequently, the AI Safety Institute was launched to drive AI safety research and evaluate advanced AI systems.[7]

4. In light of these developments, we wanted to review progress made against the recommendations in our 2020 report, which are attached at **Annex A**. So, in July 2023, the then Chair wrote to the Minister for AI and Intellectual Property[8], regulators[9], and public bodies[10] asking for an update on progress.

5. Our 2020 recommendations were directed towards three key audiences:

---

1 https://assets.publishing.service.gov.uk/media/5e553b3486650c10ec300a0c/Web_Version_AI_and_Public_Standards.PDF

2 https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2

3 https://www.adalovelaceinstitute.org/policy-briefing/foundation-models-public-sector/

4 https://theweek.com/artificial-intelligence/1024605/ai-regulations-around-the-world

5 https://www.gov.uk/government/publications/ai-regulation-a-pro-innovation-approach

6 https://www.gov.uk/government/publications/ai-safety-summit-2023-chairs-statement-2-november

7 https://www.gov.uk/government/publications/ai-safety-institute-overview

8 https://www.gov.uk/government/publications/ai-and-public-standards-letter-from-lord-evans-to-ai-minister

9 https://www.gov.uk/government/publications/ai-and-public-standards-2023-regulators-survey

10 https://www.gov.uk/government/publications/ai-and-public-standards-2023-public-bodies-survey

a. Government – the regulatory and governance framework for AI in the public sector. Regarding transparency and data bias in particular, there was an urgent need for practical guidance and enforceable regulation.
b. Regulators – must prepare for the changes AI will bring to public sector practice.
c. Public bodies using AI to deliver frontline services – all public bodies must comply with the law surrounding data-driven technology and implement clear, risk-based governance for their use of AI.

6. This follow up report provides a summary of what stakeholders told us they have done in response to our recommendations; this report is not an assessment of the current AI policy framework.

7. We have published separately on our website the responses we received and the date received. Most of the responses were received between August and December 2023.

Recommendations to government and regulators

8. In our 2020 report, we called on the government to:

    a. Clarify which principles govern the use of AI in the public sector;
    b. Produce practical guidance and regulation on transparency and data bias; and
    c. Use its purchasing power in the market to set procurement requirements that appropriately address public standards.

9. This was because whilst there had been some progress in establishing expert bodies and ethical principles and guidance for AI, a robust and coherent regulatory framework for AI in the public sector remained, at the time of writing in 2020, a work in progress. Specifically, we heard that it was not clear how the Equality Act 2010 applies to automated decision-making in practice; that ethical considerations were not adequately covered in AI procurement processes; and that the government and public bodies were not sufficiently transparent about their use of AI, with most of what we knew coming from FOI requests and indecipherable procurement data.[11]

10. At that time, the weight of evidence was that the UK did not need an AI regulator, but that existing regulators should consider and respond to the regulatory requirements and impact of AI in their sectors and remits. Given the speed and complexity of AI developments however, the Committee felt that regulators would need guidance from an independent body about issues associated with AI, and recommended – in line

[11] https://s3.documentcloud.org/documents/5993565/2019-05-08-TBIJ-Government-Data-Systems-Published.pdf

with the government's then published intention[12] – that the Centre for Data Ethics and Innovation take on that responsibility.[13]

Update from government

11. In July 2023, the Committee wrote to Lord Camrose, Minister for AI and Intellectual Property; Henry de Zoete, Adviser to the Prime Minister and Deputy Prime Minister on AI; and Simon Tse, Chief Executive, Crown Commercial Service (CCS), asking for an update on progress made against our 2020 recommendations to them. We are grateful to the Department for Science, Innovation and Technology (DSIT), and CCS for their updates, which are set out below.

12. The government's broad regulatory approach – set out in its February 2024 consultation response on its White Paper, 'A pro-innovation approach to AI regulation'[14] – remains aligned with the Committee's recommendation 4 that existing regulators should consider and respond to the challenges and requirements of AI in their sectors and remits, while having access to advice from a regulatory assurance body on the issues associated with AI.

13. The regulatory framework set out in the March 2023 White Paper[15] proposed five cross-sectoral principles for existing regulators to interpret and apply within their remits to drive safe and responsible AI use, and proposed a new "central function within government to monitor and assess risk across the economy and support regulator coordination and clarity". The government confirmed in its response to us the steps they are taking to deliver this approach, including:
    a. **Preparing and upskilling the UK's expert regulators** – the government has announced over £100m to support innovation and regulation and a new commitment by UK Research and Innovation (UKRI) that future investments in AI research will be leveraged to support regulator skills and expertise. This includes £10m for regulators to develop the capabilities and tools they need to adapt and respond to AI, which builds on the £2m previously provided to establish a multi-agency advice service with the Digital Regulation Cooperation Forum to support innovators navigating multiple regulatory regimes. The government also committed to assessing the existing powers and remits of UK regulators to ensure they are "equipped to address AI risks

---

12 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/757509/Centre_for_Data_Ethics_and_Innovation_-_Government_Response_to_Consultation.pdf

13 Renamed as the Responsible Technology Adoption Unit in the government's February 2024 White Paper consultation response (see paragraph 13).

14 https://www.gov.uk/government/consultations/ai-regulation-a-pro-innovation-approach-policy-proposals/outcome/a-pro-innovation-approach-to-ai-regulation-government-response

15 https://www.gov.uk/government/publications/ai-regulation-a-pro-innovation-approach/white-paper#ministerial-foreword

and opportunities in their domains, and implement the principles in a consistent and comprehensive way".[16]

b. **Driving coordination and the coherent implementation of the AI regulation framework** – alongside the White Paper response, the government published new guidance to help regulators implement the principles effectively.[17] The government will establish a steering committee with government representatives and regulators to support knowledge exchange and coordination across the AI governance landscape. To drive transparency, the government has written to regulators asking them to outline the steps they are taking to respond to AI by April 2024.
c. **Effective risk monitoring** – the government has already taken steps to establish a multidisciplinary risk monitoring and assessment team within DSIT, and in February, set out plans to conduct consultations on its risk register and monitoring and evaluation frameworks.

14. The government also updated us on the role of the Centre for Data Ethics and Innovation (CDEI), which CSPL said in 2020 should take on the regulatory assurance role proposed in recommendation 4: "CDEI's primary role is in developing tools and techniques that enable responsible adoption of AI in the private and public sectors, in support of DSIT's broader mission to drive innovations that change lives and sustain economic growth". The government announced in February that CDEI would be renamed the 'Responsible Technology Adoption Unit' to better reflect that mission.[18] However, it continues to provide some support to regulators, for example working with the ICO and EHRC on the ongoing Fairness Innovation Challenge, which supports the development of new ways to address statistical, human and structural bias and discrimination in AI systems.[19]

15. In regards to our recommendation 3 on the role of the Equality and Human Rights Commission (EHRC), the government told us that the EHRC had announced a focus on "addressing the equality and human rights impact of digital services and artificial intelligence" in their 2022-25 strategic plan[20], and had, in line with our recommendation, published guidance on applying the Public Sector Equality Duty to AI.[21] The government also said in their February White Paper response that they are working closely with the EHRC to develop new solutions to address bias and discrimination in AI systems.[22]

---

16 https://www.gov.uk/government/consultations/ai-regulation-a-pro-innovation-approach-policy-proposals/outcome/a-pro-innovation-approach-to-ai-regulation-government-response

17 https://assets.publishing.service.gov.uk/media/65c0b6bd63a23d0013c821a0/implementing_the_uk_ai_regulatory_principles_guidance_for_regulators.pdf

18 https://www.gov.uk/government/consultations/ai-regulation-a-pro-innovation-approach-policy-proposals/outcome/a-pro-innovation-approach-to-ai-regulation-government-response

19 https://fairnessinnovationchallenge.co.uk/

20 https://www.equalityhumanrights.com/about-us/our-strategy/strategic-plan-2022-2025

21 https://www.equalityhumanrights.com/guidance/artificial-intelligence-public-services

22 https://www.gov.uk/government/consultations/ai-regulation-a-pro-innovation-approach-policy-proposals/outcome/a-pro-innovation-approach-to-ai-regulation-government-response

16. In response to recommendation 8 that government should establish guidelines for public bodies about the declaration and disclosure of their AI systems, the government told us they had launched the 'Algorithmic Transparency Recording Standard' (ATRS), which aims to facilitate trusted and trustworthy uses of algorithmic tools in the public sector.[23] "The ATRS establishes a standardised way for public sector organisations to proactively and openly publish information about how and why they are using algorithmic methods in decision-making; specifically, those that either have a significant influence on a decision-making process with direct or indirect public effect, or directly interact with the general public". The ATRS also includes information on relevant legal requirements and impact assessments, in line with CSPL's recommendations 2 and 7.

17. Following a pilot phase, approval of the ATRS by the government Data Standards Authority, and adoption by some public authorities, the government set out in the February White Paper response that it will be making the ATRS a requirement for all government departments.[24] The government plans to expand this requirement across the wider public sector over time, and will set out further details of this policy in due course.

18. In line with our recommendation 5 that government uses its purchasing power in the market to set procurement requirements that appropriately address public standards, the Central Digital and Data Office recently published guidance on the procurement[25] and use of generative AI for the UK government.[26] In February, the government announced that DSIT will launch the AI Management Essentials scheme, setting a minimum best practice standard for companies selling AI products and services.[27] The government will then consult on introducing this as a mandatory requirement for public sector procurement, using purchasing power to drive responsible innovation in the broader economy.

19. In response to recommendation 6 that CCS introduces practical tools that help public bodies, and those delivering public services, find AI products and services that meet their ethical requirements, CCS told us they had launched a 'dynamic purchasing system for AI' in December 2020, which establishes a baseline ethical standard that suppliers must meet to join their digital marketplace.[28]

---

[23] https://www.gov.uk/government/collections/algorithmic-transparency-recording-standard-hub and https://www.gov.uk/government/publications/algorithmic-transparency-template

[24] https://www.gov.uk/government/consultations/ai-regulation-a-pro-innovation-approach-policy-proposals/outcome/a-pro-innovation-approach-to-ai-regulation-government-response

[25] https://www.gov.uk/government/publications/guidelines-for-ai-procurement/guidelines-for-ai-procurement

[26] https://www.gov.uk/government/publications/generative-ai-framework-for-hmg/generative-ai-framework-for-hmg-html

[27] https://www.gov.uk/government/consultations/ai-regulation-a-pro-innovation-approach-policy-proposals/outcome/a-pro-innovation-approach-to-ai-regulation-government-response

[28] https://supplierregistration.cabinetoffice.gov.uk/dps

Update from regulators

20. In November 2020, the Committee wrote to regulators asking how they were adapting to the challenges posed by AI, in light of our recommendation 4, that "existing regulators should consider and respond to the regulatory requirements and impact of the growing use of AI in the fields for which they have responsibility" and that "there is a regulatory assurance body, which…provides advice to individual regulators…on the issues associated with AI". At that time, most regulators were in the early stages of considering AI regulation, with some raising concerns about their limited resources and AI expertise.[29]

21. We wrote again in July 2023 to 49 key regulators asking for an update, and received 25 responses from across sectors, including healthcare, education, legal services, and financial services, which have been published in full on our website. A summary of those responses is set out under each question we asked regulators below.

How have you adapted your regulatory practices to deal with the challenges posed by AI in your sectors?

22. Almost all of the regulators are actively thinking about, reviewing and adapting their regulatory practices for AI insofar as their roles and remits allow. Only three regulators, the Food Standards Agency, Office for Rail and Road and the Gangmasters and Labour Abuse Authority, told us they had not made any changes to their regulatory practices for AI. The Office of Rail and Road highlighted a lack of "in-house skills or wider government contacts to leverage support from" as a reason for this.

23. A significant number of regulators have established AI as a strategic priority, and have committed to "encouraging and championing technology and innovation" in their strategic and business plans. Consequently, several regulators are currently investing in in-house data science and AI capabilities. However, some regulators told us that because they operate under restricted financial resources, the speed and scale at which they can address the implications of AI is limited.

To what extent can or do you place controls on the bodies you regulate to ensure they are using AI safely and ethically?

24. Most regulators said that they take a principles-based and technology-neutral approach to regulation. This means that they do not specifically regulate AI, insofar as their principles and regulations do not place hard controls on AI use or prohibit specific technologies. However, almost all regulators use soft powers to set expectations for knowledge, competency and behaviour around the use of new technologies.

---

29 https://www.gov.uk/government/publications/artificial-intelligence-and-public-standards-regulators-survey-and-responses

25. Most regulators set codes of conduct and professional standards, which include both explicit and implicit expectations and requirements around technology competence and use. For example, the Nursing and Midwifery Council (NMC) told us that its Standards Framework and Code[30] sets a clear expectation that nurses and midwives "have the digital and technological literacy skills needed to ensure safe and effective practice", and that they "keep their knowledge and skills up to date, taking part in appropriate and regular learning and professional development activities to maintain and develop their competence".

26. Several regulators also said that where AI plays a role in breaching a regulator's code of conduct, their usual procedures apply. For example, the Advertising Standards Authority told us that where the use of AI by advertisers results in "misleading, harmful or seriously offensive advertising", they will ban the advert and clarify any role AI played in the advert breaching their code of conduct.

27. Similarly, a number of regulators have registration requirements in place to ensure that only competent professionals are allowed to carry out regulated activities. For example, the Care Quality Commission (CQC) told us that before a healthcare provider can carry out any care or treatment, they must apply for registration and satisfy the regulator that they can meet certain standards and legal requirements. The CQC can impose conditions of registration to place controls on AI use e.g. to put in place a requirement for diagnostic images to be reviewed by a General Medical Council-registered clinician after an initial view has been given by AI.

28. Some regulators also encourage competency by setting standards for education and training. For example, the Architects Registration Board will require architects entering the profession from 2025 to demonstrate an understanding of how technologies influence various aspects of architecture and design.

29. Many regulators, including the Equality and Human Rights Commission (EHRC) and the Information Commissioner's Office (ICO), produce guidance, which is regularly updated, to help the organisations they regulate use AI in ways that are safe and ethical.

30. A handful of regulators have audit powers and disciplinary sanctions, which can be used to control the use of AI where appropriate. For example, the ICO can conduct compulsory and consensual audits to assess organisations' processing of personal information, including by AI. Specifically, an audit will assess whether an organisation has designed data protection safeguards into the development and deployment of AI systems to ensure data is being used fairly, lawfully and transparently.[31]

31. The ICO can also issue enforcement, information, assessment and penalty notices in relation to infringements of data protection law, including by AI, and takes "robust action" where it finds harm arising from non-compliance.

[30] https://www.nmc.org.uk/standards/
[31] https://ico.org.uk/media/for-organisations/documents/4022651/a-guide-to-ai-audits.pdf

Do you have access to sufficient advice and guidance to help you regulate AI effectively within your sectors and remits?

32. Most regulators said that they were aware of various sources of cross-sectoral advice and guidance on AI in the public sector. For example, guidance has been produced from across government and expert bodies, including the Office for AI, the Centre for Data Ethics and Innovation[32], the Central Digital and Data Office, the Alan Turing Institute, the Ada Lovelace Institute, the Open Data Institute, and the ICO. Some regulators, specifically across healthcare, also had access to sectoral guidance on AI.

33. Almost all regulators said that they got most of their advice and guidance from other regulators, through regulatory working groups and forums. For example, most regulators were part of the Digital Regulation Cooperation Forum[33] and the Regulators and AI Working Group, chaired by the ICO.[34] Most of the healthcare regulators were part of the AI and Digital Regulations Service, which was developed to support developers and adopters of AI in healthcare.[35] These forums were described as useful spaces to discuss AI issues and develop collaborative approaches to AI regulation.

34. However, several regulators said that they are likely to require more support in responding to new and emerging AI risks because AI is moving at a faster pace than legislation can keep up with. For example, the CQC told us that they would welcome a "centrally-facilitated industry or public service joint advisory group for regulators and the healthcare sector to collaborate with access to the latest data and information on AI", and the NMC said that a "pooled team of AI experts" would be valuable. The Office for Statistics Regulation also said that having a regulatory assurance body, in line with our recommendation, would help them regulate the use of AI in statistics.

35. Some regulators, including the Food Standards Agency, said that the current guidance landscape was "crowded, inconsistent and providing limited practical guidance", and the Environment Agency welcomed clarity on the expectations of regulators.

Recommendations to front line providers of public services

36. The evidence we took in 2019 suggested that traditional risk-management approaches were sufficient for upholding public standards in the implementation of AI

---

[32] Renamed as the Responsible Technology Adoption Unit in the government's February 2024 White Paper consultation response (see paragraph 13).
[33] Co-founded in 2020 by the Competition and Markets Authority (CMA), the Information Commissioners Office (ICO), the Office of Communications (Ofcom), and the Financial Conduct Authority (FCA) to "ensure greater cooperation on online regulatory matters". https://www.gov.uk/government/collections/the-digital-regulation-cooperation-forum
[34] https://ico.org.uk/about-the-ico/what-we-do/our-work-on-artificial-intelligence/
[35] Developed by the Care Quality Commission (CQC), the National Institute for Health and Care Excellence (NICE), the Medicines and Healthcare products Regulatory Agency (MHRA), and the Health Research Authority (HRA). https://www.digitalregulations.innovation.nhs.uk/

in the public sector. Because decisions about implementing AI in the public sector rest with individual government departments and public bodies, we took the view that government departments and bodies should establish governance arrangements to manage ethical risks and ensure regulatory compliance.

37. Our recommendations to providers of public services, both public and private, were therefore intended to help them develop effective risk-based governance for AI. We emphasised the importance of evaluating the potential impact of AI systems on public standards during the project design stage, focusing on legal and legitimate AI, system design, and diversity.

38. During project implementation, our recommendations cover clear allocation and documentation of responsibility for AI systems; monitoring and evaluating to ensure proper scrutiny with internal and external oversight; appeal and redress against automated and AI-assisted decisions; and continuous training and education for employees working with AI systems. This approach, we argued, would ensure ethical and regulatory compliance in the public sector

Update from front line providers of public services

39. In July 2023 we wrote to government departments, a selection of local authorities, police forces, and NHS England (31 organisations in total) asking for an update on progress made against this set of recommendations.

40. We received responses from 13 organisations. These were the Ministry of Defence, Department for Work and Pensions, Department for Transport, HMRC, Ministry of Justice, Crown Commercial Service, Birmingham City Council, West Midlands Police, Foreign, Commonwealth and Development Office, Cornwall Council, Kent Police, Department for Energy, Security and Net Zero, and Department of Health and Social Care. A summary of these responses is set out below under each question we asked.

Are you currently using AI to aid decision-making in your organisation?

41. Of those organisations that responded, most are in the early stages of utilising AI technology. The Ministry of Defence (MoD) is not yet operationally using AI decision-support capabilities, but some teams have been authorised to use publicly-available large language models like ChatGPT for specific tasks. The Department for Work and Pensions (DWP) is exploring AI's "potential to support providing more digital services with a human touch in a safe, ethical and considered way".

42. The Department for Transport (DfT) is developing an internal AI programme to detect fraudulent grant applications and streamline work processes. CCS has implemented projects to provide insight to aid decision-making, but has not implemented automated decision-making.

How do you demonstrate that you are using AI in ways that are legal and legitimate?

43. The MoD has established an AI Ethics Advisory Panel to advise on AI development, ethics, military ethics, and international law.The DWP has an AI Steering Board and Advisory Group overseeing AI governance. The Central Digital and Data Office (CDDO) guides AI governance, including the Department of Science, Innovation and Technology's risk register. The DfT is committed to complying with UK GDPR and Data Protection Act 2018 and The Equality Act 2010. The Ministry of Justice (MoJ) is collaborating with the Alan Turing Institute to create an ethical framework for data science and AI in the criminal justice system.

How do you assess the potential impact of a proposed AI system on public standards (e.g. openness, accountability, and objectivity), and ensure that the design of the AI system mitigates any standards risks identified?

44. The MoD has adopted AI ethics principles to ensure safe and responsible adoption of AI systems and capabilities in Defence, whilst DWP has updated its Data Protection Impact Assessment (DPIA) to include considerations for AI, such as fairness, human review, transparency, and 'explainability'. DWP has built strong relationships with DWP Legal and Data Protection colleagues and regulators to ensure legal and public standards are adhered to.

45. The DfT will explore the creation and use of complex algorithmic tools in line with the Government's Algorithmic Transparency Reporting Standard (ATRS). HMRC uses the Predictive Analytics Handbook and QA checklist to ensure transparency and explainability of AI solutions. HMRC's Professional Standards Committee (PSC) considers how HMRC's actions could affect trust in the tax system and public perception of fairness.

46. MoJ's Legal Services Innovation team is working with the Office of AI to ensure complexities are taken into account in the proposed framework for AI regulation. The MoJ-specific risk assessment process, Analytical Quality Assurance, has been developed from Aqua book guidance. Birmingham City Council (BCC) expects human responsibility for decisions and accountability for ensuring public standards on openness, accountability, and objectivity.

How do you tackle issues of bias and discrimination in AI systems and decisions? For example, by taking into account a diverse range of behaviours, backgrounds and views.

47. The MoD is enhancing the accuracy and quality of AI models used in their work. It will assess training data sets to identify biases and rebalance datasets with excessive bias. Temporary authorised staff will be given guidance on potential issues and must understand their responsibility for the end product's accuracy. AI teams must complete an "Equality Analysis" assessment, considering the Cabinet Office's ethics framework.

48. The DWP's independent AI Advisory & Assurance Board reviews the "Equality Analysis" and reports to Parliament annually on the impact of data analytics on protected groups and vulnerable claimants.

49. MoJ's Data Science team holds Algorithm Consultation Panels to consider technical, ethical, legal, and operational considerations for algorithm development. Birmingham City Council will continue to engage with the sector to understand the challenges faced by organisations when using AI to prevent bias and discrimination in decision-making.

How do you ensure that responsibility for AI systems is clearly allocated and documented, and that operators of AI systems are able to exercise their responsibility in a meaningful way?

50. The MoD is implementing an AI Ethics Principle for "Responsibility", requiring clear human responsibility for AI-enabled systems, whilst DWP is developing a live list of AI systems in use. The DfT is implementing the Data Protection Impact Assessment (DPIA) process, with a project lead responsible for the AI system - a Data and AI Board oversees the department's internal projects.

51. AI solutions used by HMRC go through rigorous IT testing and quality assurance, with a Predictive Analytics Handbook providing a framework for industrialising AI models. The MoJ is currently exploring opportunities to strengthen and adapt its governance structure and accountability process to the risk associated with AI.

How do you monitor and evaluate your AI systems to ensure they always operate as intended?

52. The MoD is implementing robust processes for testing, evaluating, and certification of new systems and military capabilities, but acknowledges the potential challenges of AI due to its unpredictability and difficulty in interpreting its learning and decision-making processes. The Defence AI Centre is working with Defence Regulators, other government departments, industry partners, and external experts to adapt policies, processes, and assurance regimes to manage AI technologies.

53. AI models used by DWP undergo rigorous testing and monitoring for bias and accuracy. The DWP also collaborates with the Data Protection Office (DPO) and the National Audit Office (NAO) to ensure safeguards for data use.

54. At the DfT, a metric is used to select the most performant AI methodology and to provide an indication of how well the system will perform in a real-world setting. Within the CCS, performance metrics are defined and monitored for AI systems, separating test datasets and assessing effectiveness based on domain expertise. The MoJ's Analytical Quality Assurance (AQA) checklist provides guidance for producing quality government analysis.

What internal and external oversight mechanisms do you have in place to ensure that your AI systems are properly scrutinised?

55. The MoD collaborates with various experts to develop and test AI technologies, ensuring transparency, inclusivity, and a rigorous evidence base. It has also

established an AI Ethics Advisory Panel (EAP) to advise the Second Permanent Secretary on the safe and responsible use of AI in Defence. The DfT has established an AI board for developing and delivering the Transport AI strategy, and AI algorithms undergo the same governance and assurance processes as traditional coded models and bespoke software development.

56. The Data Science & AI Board within HMRC is responsible for oversight of data science and AI initiatives, opportunities, and risks. The board includes various groups, including the AI Ethics Working Group, the Special Interest Group, and the Data Science Academy. The Professional Standards Committee (PSC) oversees HMRC's tax system and policies.

57. The Government Internal Audit Agency (GIAA) produced a maturity report for the MoJ, highlighting areas of good practice in data ethics and risk assessment but also recommending further development of an AI strategy and risk management approach. Birmingham City Council has an Information Assurance Framework and Information Assurance Board, chaired by the Senior Information Risk Owner, to provide oversight and assurance on data use and management.

How do you enable people to challenge automated and AI-assisted decisions and to seek redress using procedures that are independent and transparent?

58. The MoD is implementing controls to mitigate the impacts of AI-enabled systems in Defence. The department will continue to apply the principle of “Human Centricity” to address the rights of redress for those affected by AI systems. DWP uses AI to detect and prevent fraud and error and to aid decision making. DWP does not use AI to replace human judgement in determining or denying payments.

59. The DfT states that data protection law applies to all automated decisions and profiling involving personal data, and appropriate privacy information is provided to protect individuals from such decisions. HMRC uses AI for customer service and compliance decisions, but always maintains a human in the loop for compliance cases.

Do your employees working with AI undergo continuous training and education about AI and the ethical risks associated with it?

60. The MoD is developing a Defence AI Skills Framework to identify key skills requirements across the Defence sector. The Head of AI Profession will oversee this, setting standards for delivery team skills and creating AI career development pathways. DWP is planning a data literacy programme, including AI and ethical risks, whilst the DfT is developing an AI skills and awareness capability plan, expected to be rolled out by 2024.

61. CCS's AI team is engaged in continuous professional development, working closely with data scientists across government. HMRC treats AI as a profession, recruiting and retaining the right people and ensuring ethical AI deployment. Whilst at

Birmingham City Council, employees are expected to undergo AI training, similar to any new system or technology affecting their work.

General responses

62. The Foreign, Commonwealth and Development Office (FCDO) said they were exploring the potential of AI and related technologies to enhance trade-craft, decision-making, and service delivery across diplomatic, development, consular, and corporate operations. The FCDO is working with key partners and HMG institutions to ensure appropriate use and compliance with relevant legislation. They are delivering a multi-year Digital, Data and Technology Strategy, establishing a dedicated innovation capability (FCDO-x) to secure the use of these technologies.

63. Cornwall Council acknowledged the potential benefits of AI, taking a cautious, risk-based approach. They are developing policy and governance frameworks focused on generative AI use and ethics, including legal, compliance, and legitimacy. Likewise, Kent Police is exploring AI options but has not yet implemented it within their workstreams. They are developing predictive modelling to help decide what crimes are most likely to be solvable, and have recruited a candidate to focus on AI and robotics within their Change Team.

64. The Department of Health and Social Care (DHSC) does not use AI in decision-making. However, it has a “mature analysis function with growing capacity and capability in data science”, which allows the department to “explore machine learning models for more accurate public health statistics and to derive trends from unstructured text-based reports to identify areas for further investigation.”

65. We also received a nil return from the Department for Energy, Security and Net Zero.

ANNEX A

RECOMMENDATIONS FROM 2020 REPORT, ARTIFICIAL INTELLIGENCE AND PUBLIC STANDARDS

Recommendations to government and regulators

Recommendation 1

There are currently three different sets of ethical principles intended to guide the use of AI in the public sector. It is unclear how these work together and public bodies may be uncertain over which principles to follow.

a. The public needs to understand the high level ethical principles that govern the use of AI in the public sector. The government should identify, endorse and promote these principles and outline the purpose, scope and respective standing of the three sets currently in use.

b. The guidance by the Office for AI, Government Digital Service and the Alan Turing Institute on using AI in the public sector should be made easier to use and understand, and promoted extensively.

Recommendation 2

All public organisations should publish a statement on how their use of AI complies with relevant laws and regulations before they are deployed in public service delivery.

Recommendation 3

The Equality and Human Rights Commission (EHRC) should develop guidance in partnership with the Alan Turing Institute and the CDEI on how public bodies should best comply with the Equality Act 2010.

Recommendation 4

Given the speed of development and implementation of AI, we recommend that there is a regulatory assurance body, which identifies gaps in the regulatory landscape and provides advice to individual regulators and government on the issues associated with AI.

We do not recommend the creation of a specific AI regulator, and recommend that all existing regulators should consider and respond to the regulatory requirements and impact of the growing use of AI in the fields for which they have responsibility.
The Committee endorses the government's intention for CDEI to perform a regulatory assurance role. The government should act swiftly to clarify the overall purpose of CDEI before setting it on an independent statutory footing.

Recommendation 5

Government should use its purchasing power in the market to set procurement requirements that ensure that private companies developing AI solutions for the public sector appropriately address public standards.

This should be achieved by ensuring provisions for ethical standards are considered early in the procurement process and explicitly written into tenders and contractual arrangements.

Recommendation 6

The Crown Commercial Service (CCS) should introduce practical tools as part of its new AI framework that help public bodies, and those delivering services to the public, find AI products and services that meet their ethical requirements.

Recommendation 7

Government should consider how an AI impact assessment requirement could be integrated into existing processes to evaluate the potential effects of AI on public standards. Such assessments should be mandatory and should be published.

Recommendation 8

Government should establish guidelines for public bodies about the declaration and disclosure of their AI systems.

Recommendations to front line providers of public services

Recommendation 9: Evaluating risks to public standards

Providers of public services, both public and private, should assess the potential impact of a proposed AI system on public standards at project design stage, and ensure that the design of the system mitigates any standards risks identified. Standards review will need to occur every time a substantial change to the design of an AI system is made.

Recommendation 10: Diversity

Providers of public services, both public and private, must consciously tackle issues of bias and discrimination by ensuring they have taken into account a diverse range of behaviours, backgrounds and points of view. They must take into account the full range of diversity of the population and provide a fair and effective service.

Recommendation 11: Upholding responsibility

Providers of public services, both public and private, should ensure that responsibility for AI systems is clearly allocated and documented, and that operators of AI systems are able to exercise their responsibility in a meaningful way.

Recommendation 12: Monitoring and evaluation

Providers of public services, both public and private, should monitor and evaluate their AI systems to ensure they always operate as intended.

Recommendation 13: Establishing oversight

Providers of public services, both public and private, should set oversight mechanisms that allow for their AI systems to be properly scrutinised.

Recommendation 14: Appeal and redress

Providers of public services, both public and private, must always inform citizens of their right and method of appeal against automated and AI-assisted decisions.

Recommendation 15:Training and education

Providers of public services, both public and private, should ensure their employees working with AI systems undergo continuous training and education.