HM Government

Ministerial Code

October 2025

Foreword by the Prime Minister

Restoring trust in politics is the great test of our era. The British people have lost faith in its ability to change their lives for the better. For a long time, they have looked at the conduct of politicians in Westminster and not seen the high standards of public service they expect or deserve.

This Government was elected to change this. It is a crucial part of our wider mandate to return Britain to the service of working people. Because failure to meet those high standards will always weaken the bond of respect between a government and the people it must serve. A bond that, if strengthened, will accelerate our efforts to take Britain forward.

Every one of this Government's national missions - growing our economy, delivering clean energy, securing our streets and borders, providing more opportunities for our children, getting our NHS fit to face the future – will be achieved more quickly if we do it in partnership with the British people. Therefore, restoring politics to public service is not a new mission or somehow separate from the business of change. Rather, service is a precondition for change.

This Code sets out the higher standards that the British people expect and that ministers must now follow. It enshrines the commitment we all make, on entering the service of this nation, to uphold the *Seven Principles of Public Life*. A document that is not just rules and guidance, but a statement of values. Namely, that public service is a privilege.

For too long politicians have acted as if service was an entitlement. This Government of Service will turn the page on those years, show that politics can be a force for good, and return Britain to the service of working people.

Keir Starmer

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Part A | Ministers' Standards of Conduct

Chapter 1: Ministers of the Crown

General principle

1.1 Ministers are expected to maintain high standards of behaviour and to behave in a way that upholds the highest standards of propriety.

1.2 Ministers are expected to embody the principles of public service and to set a positive example as they govern in the national interest. Ministers should recognise that as office-holders, they are held to the highest possible standards of proper conduct, and ensure that they are living up to those standards in their words and actions.

1.3 Ministers are responsible for their own behaviour, and are ultimately accountable to the Prime Minister for their conduct under this Code.

The Seven Principles of Public Life

1.4 Ministers are expected to adhere to the *Seven Principles of Public Life* (also known as the *'Nolan Principles'*), which are set out by the Committee on Standards in Public Life and apply to all public office holders:

a. **Selflessness:** Holders of public office should act solely in terms of the public interest.

b. **Integrity:** Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

c. **Objectivity:** Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

d. **Accountability:** Holders of public office are accountable for their decisions and actions and must submit themselves to whatever scrutiny necessary to ensure this.

e. **Openness:** Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.

f. **Honesty:** Holders of public office should be truthful.

g. **Leadership:** Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

Public service

1.5 Serving the country and the public in ministerial office is a privilege. Ministers should be courteous and professional in all their dealings and treat all those with whom they come into contact with consideration and respect. Working relationships, including with civil servants, ministerial and parliamentary colleagues and parliamentary staff should be proper and appropriate. Harassing, bullying or other inappropriate or discriminatory behaviour wherever it takes place is not consistent with the *Ministerial Code* and will not be tolerated.

1.6 The *Ministerial Code* should be read against the background of the overarching duty on ministers to comply with the law, including international law and treaty obligations, and to protect the integrity of public life. Ministers are expected to observe the following principles of ministerial conduct:

a. The principle of collective responsibility applies to all government ministers.

b. Ministers have a duty to Parliament to account, and be held to account, for the policies, decisions and actions of their departments and agencies.

c. It is of paramount importance that ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead Parliament will be expected to offer their resignation to the Prime Minister.

d. Ministerial office requires candour and openness. Ministers should demand and welcome candid advice. They should be as open as possible with Parliament and the public, refusing to provide information only when disclosure would not be in the public interest which should be decided in accordance with the relevant statutes and the *Freedom of Information Act 2000*. Ministers should be open and candid with public inquiries.

e. Ministers should similarly require civil servants who give evidence before parliamentary committees and committee inquiries on their behalf and under their direction to be as helpful as possible in providing accurate, truthful and full information in accordance with the duties and responsibilities of civil servants as set out in the *Civil Service Code*.

f. Ministers must ensure that no conflict arises, or could reasonably be perceived to arise, between their public duties and their private interests.

g. Ministers should not accept any gift, hospitality or service which would, or might reasonably appear to, compromise their judgement or place them under any obligation to people or organisations that might try inappropriately to influence their work in government. The same principle applies if gifts etc are offered to a member of their family.

h. Ministers in the House of Commons must keep separate their roles as minister and constituency Member.

i. Ministers must not use government resources for party political purposes.

j. Ministers must uphold the political impartiality of the Civil Service and not ask civil servants to act in any way which would conflict with the *Civil Service Code* as set out in the *Constitutional Reform and Governance Act 2010*.

Parliamentary requirements

1.7 Ministers must also comply at all times with the requirements which Parliament itself has laid down in relation to the accountability and responsibility of ministers. For ministers in the Commons, these are set by the Resolution carried on 19 March 1997 (*Official Report* columns 1046-47), the terms of which are included at **paragraphs 1.6 b. to e**. above. For ministers in the Lords, the Resolution can be found in the *Official Report* of 20 March 1997 column 1057. Ministers must also comply with the codes of conduct for their respective Houses and also any requirements placed on them by the Independent Parliamentary Standards Authority.

Ministers and civil servants

1.8 The relationship between ministers and civil servants is a partnership underpinned by their common duty of public service as set out in this Code and in the *Civil Service Code*. Ministers must uphold the political impartiality of the Civil Service, and not ask civil servants to act in any way which would conflict with the *Civil Service Code* and the requirements of the *Constitutional Reform and Governance Act 2010*. Ministers should be professional in their working relationships with the Civil Service and treat all those with whom they come into contact with consideration and respect.

1.9 Ministers have a duty to give fair consideration and due weight to informed and impartial advice from civil servants, as well as to other considerations and advice in reaching policy decisions, and should have regard to the *Principles of Scientific Advice to Government*.

1.10 Ministers should ensure that government resources (which includes Civil Service activity) are not used for party political purposes. They should be mindful of the requirements set out in *Managing Public Money*, and of the Accounting Officer's role as steward of the department's resources.

Ministers and security

1.11 Ministers have an important role to play in maintaining the security of government business. They should ensure that they follow the advice in the *Security of Government Business*. If in doubt about any particular arrangements, ministers should in the first instance consult their permanent secretary for advice.

Ministers and permanent secretaries

1.12 Permanent secretaries are the most senior civil servants in government departments. They are the principal advisers to departmental ministers and are responsible for translating ministers' ambitions into a clear vision to staff, and upholding the rules and guidance they are bound by as civil servants and Accounting Officers.

Ministers and permanent secretaries should have a trusting, positive relationship, with regular opportunities for the exchange of feedback. Any concerns about this relationship should be resolved as swiftly as possible with the Cabinet Secretary and Prime Minister.

1.13 Where a ministerial direction is required, the processes set out in *Managing Public Money* should be followed.

Severance payments

1.14 Ministers are expected to waive, on appointment, entitlement to a ministerial severance payment upon leaving office if they have served less than six months, or where they have committed a serious breach of the *Ministerial Code*, resulting in their departure (see **2.8**). Equally, if a former minister is found by the Prime Minister to have seriously breached the *Business Appointment Rules* they will be expected to repay their full severance payment.

1.15 Where a former minister is appointed to a ministerial office within three months of leaving office they will be expected to forgo their salary for the period overlapping with the severance payment period.

Chapter 2: Ministers' Adherence to the Code

General principle

2.1 **The Prime Minister is the ultimate judge of the standards of behaviour expected of a minister and the appropriate consequences of a breach of those standards.**

Application of the Code

2.2 The *Ministerial Code* provides guidance to ministers on how they should act and arrange their affairs in order to uphold these standards. It lists the principles which may apply in particular situations.

2.3 The Code is the Prime Minister's document. As such, the Prime Minister is the ultimate judge of the standards of behaviour expected of a minister and the appropriate consequences of a breach of those standards. It is not the role of the Cabinet Secretary or other officials to enforce the Code.

2.4 Ministers are personally responsible for deciding how to act and conduct themselves in the light of the Code and for justifying their actions and conduct to Parliament and the public. However, ministers only remain in office for so long as they retain the confidence of the Prime Minister.

2.5 The Code applies to all members of the government, and covers parliamentary private secretaries in **paragraphs 6.6 – 6.12**. The *Business Appointment Rules* (**paragraph 11.2**) and the *Radcliffe Rules* (**paragraph 11.1**) continue to apply to former ministers after they leave office.

Role of the Independent Adviser

2.6 The Prime Minister's Independent Adviser on Ministerial Standards has a role, set out in the Terms of Reference **(Annex A)** published by the Prime Minister, in advising the Prime Minister and ministers about adherence to the Code including the management of interests. Investigations into adherence to the *Ministerial Code* may occur:

a. If there is an allegation about a breach of the Code and the Prime Minister, having consulted the Cabinet Secretary, feels that it warrants further investigation, the Prime Minister may ask the Cabinet Office to investigate the facts of the case and/or refer the matter to the Independent Adviser on Ministerial Standards.

b. Where the Independent Adviser believes that an alleged breach of the Code warrants further investigation and that matter has not already been referred to them, they may initiate an investigation after notifying the Prime Minister. Ministers are expected to provide the Independent Adviser with all information reasonably necessary for the discharge of their role.

2.7 Where the Prime Minister determines that a breach of the expected standards has occurred, they may ask the Independent Adviser for confidential advice on the appropriate sanction. The final decision rests with the Prime Minister. Where the Prime Minister retains their confidence in the minister, available sanctions include requiring some form of public apology, remedial action, or removal of ministerial salary for a period.

2.8 Where it has been determined that the breach of the expected standards is serious, resulting in the minister's departure from the government, the minister will be expected to forgo any ministerial severance payment they would have otherwise been entitled to.

Part B | Ministers' Interests

Chapter 3: Ministers' Private Interests

General principle

3.1 Ministers are appointed to serve the public and must ensure that no conflict arises, or could reasonably be perceived to arise, between their public duties and their private interests, financial or otherwise. This is an ongoing duty that applies throughout a minister's period in office.

Responsibility for avoiding a conflict

3.2 It is the personal responsibility of each minister to decide whether and what action is needed to avoid a conflict or to manage the perception of a conflict, taking account of advice received from their permanent secretary and the Independent Adviser on Ministerial Standards.

Procedure

3.3 On appointment to each new office, ministers must provide their permanent secretary with a full declaration in writing of private interests which might be thought to give rise to a conflict, actual or perceived. This declaration should also cover interests of the minister's spouse or partner and close family.

3.4 The permanent secretary will review the minister's declaration of interests in light of their responsibilities and in discussion with the minister advise on actions needed to manage any interests. The minister's declaration should then be shared with the Independent Adviser. This must occur within 14 days of receiving the declaration of interests to complete. Ministers must record in writing what action has been taken as a result of advice received from the permanent secretary and the Independent Adviser, and provide the permanent secretary and the Independent Adviser on Ministerial Standards with a copy of that record.

3.5 Ministers have an ongoing duty to ensure that their declarations are kept up to date and that they notify their permanent secretary and the Independent Adviser of any relevant change in circumstances.

3.6 The personal information which ministers disclose to those who advise them is treated in confidence. However, a statement covering relevant ministers' interests will be published by the Independent Adviser on a quarterly basis.

3.7 Where it is proper for a minister to retain a private interest, they should declare that interest to ministerial colleagues if they have to discuss public business which in any way affects it and the minister should remain entirely detached from the consideration of that business. Similar steps may be necessary in relation to a minister's previous interests.

3.8 Ministers must scrupulously avoid any danger of an actual or perceived conflict of interest between their ministerial position and their private interests. They should be guided by the general principle that they should either dispose of the interest giving rise to the conflict or take alternative steps to prevent or mitigate it. In reaching their decision they should be guided by the advice given to them by their permanent secretary and the Independent Adviser on Ministerial Standards. Ministers' decisions should not be influenced by the hope or expectation of future employment with, or rewards from, a particular firm or organisation.

Steps to be taken where interests are retained

3.9 Where it is decided that a minister can retain an interest, financial or otherwise, the minister and the department must put processes in place to prohibit access to certain papers and ensure that the minister is not involved in certain decisions and discussions relating to that interest.

3.10 In some cases, it may not be possible to devise a mechanism to avoid a conflict of interest. In any such case, the Prime Minister must be consulted and it may be necessary for the minister to cease to hold the office in question.

Official residences

3.11 Where a minister is allocated an official residence, they must ensure that all personal tax liabilities, including any council tax, are properly discharged and that they personally pay such liabilities. Ministers who occupy an official residence will not be able to claim accommodation expenses from the Independent Parliamentary Standards Authority (see also **paragraph 4.2**).

Public appointments and association with non-public bodies

3.12 When they take up office, ministers should give up any other public appointment they may hold. Where exceptionally it is proposed that such an appointment should be retained, the minister should seek the advice of their permanent secretary and the Independent Adviser on Ministerial Standards.

3.13 Ministers should take care to ensure that they do not become associated with non-public organisations whose objectives may in any degree conflict with government policy and thus give rise to a conflict of interest.

3.14 Once in office, ministers should not therefore normally accept invitations to act as patrons of, or otherwise offer support to, pressure groups or organisations dependent in whole, or in part, on government funding. There is normally less objection to a minister associating themself with a charity, subject to the points above, particularly where the commitment dates from before the minister took office. However, in all instances, ministers should take care to ensure that, in participating in any fundraising activity, they do not place, or appear to place, themselves under an obligation as ministers to those to whom appeals are directed, and for this reason they should not approach individuals or companies personally for this purpose. In all such cases, the minister should consult their permanent secretary and the Independent Adviser on Ministerial Standards.

Membership of select committees and all-party parliamentary groups

3.15 In order to avoid any conflict of interest, on taking up office ministers should give up membership or chairmanship of a select committee or all-party parliamentary group. This is to avoid any risk of criticism that a minister is seeking to influence the parliamentary process. It is also to avoid being drawn into a situation whereby their membership of a committee could result in the belief that ministerial support is being given to a particular policy or funding proposal. Ministers should also take care to ensure that affiliations with any other types of parliamentary groupings or networks do not present a conflict of interest.

Trade unions

3.16 Ministers are entitled to hold trade union membership and to engage as ministers with trade unions of which they are a member but care must be taken to avoid any actual or perceived conflict of interest. Accordingly, ministers should arrange their affairs so as to avoid any suggestion that a union of which they are a member has undue influence. Ministers are expected to take no active part in the conduct of union affairs, should give up any office they may hold in a union and should receive no remuneration from a union. A nominal payment purely for the purpose of protecting a minister's future pension rights is acceptable.

Legal proceedings

3.17 Where ministers become involved in legal proceedings in a personal capacity, there may be implications for them in their official position. Defamation is an example of an area where proceedings will invariably raise issues for the minister's official as well as their private position. In all such cases, ministers should consult the Law Officers in good time and before pre-action or formal legal proceedings are initiated so that they may offer guidance on the potential implications and handling of the proceedings.

3.18 Similarly, when a minister is a defendant or a witness in an action, they should notify the Law Officers as soon as possible. Preferably, this should be before they have instructed their own solicitors in the matter. The Independent Adviser on Ministerial Standards should also be kept updated.

Nomination for prizes and awards

3.19 From time to time, the personal support of ministers is requested for nominations being made for international prizes and awards, for example, the annual Nobel prizes. Ministers should not sponsor individual nominations for any awards, since it would be inevitable that some people would assume that the government was itself thereby giving its sponsorship.

Foreign decorations

3.20 The rules governing the acceptance of foreign awards set by the Committee on the Grant of Honours, Decorations and Medals apply. Ministers should not normally, whilst holding office, accept decorations from foreign countries. Where such an award is offered directly to a minister and it would be difficult or embarrassing to decline, they can receive the award but should inform the Foreign, Commonwealth and Development Office (FCDO) and the Prime Minister as soon as possible. Generally, permission to wear the award will not be granted but the minister will be able to retain the award as a keepsake. Where the FCDO considers the case for restricted permission to wear the award might merit a national interest case exception, the FCDO will consult the Prime Minister who will make the final decision.

Acceptance of gifts and hospitality

3.21 Ministers have a responsibility to represent the government, engage with stakeholders and support relevant sectors of the UK economy. These responsibilities will require ministers to attend functions and events in a ministerial capacity, including those where hospitality may be offered.

3.22 However, it is a well-established and recognised rule that ministers should not accept any gifts, hospitality or service which would, or might reasonably appear to, compromise their judgement or place them under an obligation to people or organisations that might try inappropriately to influence their work in government. The same principle applies if gifts etc are offered to a member of their family.

3.23 This is primarily a matter of judgement for ministers who are personally responsible for deciding how to act and conduct themselves in light of the Code and for justifying their actions and conduct to Parliament and the public.

3.24 In addition, when attending such events, ministers should be mindful of their obligations at **paragraph 8.13**, ensuring discussions relating to government business are appropriately recorded.

3.25 Gifts given to ministers in their ministerial capacity become the property of the government and do not need to be declared in the Register of Members' or Lords' Interests. Gifts of small value (currently this is set at £140) may be retained by the recipient. Gifts of a higher value should be handed over to the department for disposal unless the recipient wishes to purchase the gift abated by £140. There is usually no customs duty or import VAT payable on the importation of official gifts received overseas. HMRC can advise on any cases of doubt. If a minister wishes to retain a gift they will be liable for any tax it may attract.

3.26 The Cabinet Office will publish, monthly, a Register of Ministers' Gifts and Hospitality. The Register will include details of gifts received and given by ministers in their ministerial capacity valued at more than £140, and details of hospitality above de minimis levels received by ministers in their ministerial capacity, specifying the nature and where possible the estimated value of the hospitality.

3.27 Gifts, hospitality or services given to ministers in their capacity as constituency MPs or members of a political party fall within the rules relating to the Registers of Members' and Lords' Interests. In deciding whether to accept, ministers should be mindful, in whichever capacity they are acting, of the associated need to maintain the public's confidence in the standards of propriety among ministers. Ministers should also take into account any relevant security considerations in making those decisions.

3.28 In cases of any doubt about the application of these principles to a particular situation, ministers should seek advice from their permanent secretary, who may also consult the Cabinet Office.

Chapter 4: Ministers' Constituency and Party Interests

General principle

4.1 **Ministers are provided with facilities at government expense to enable them to carry out their official duties. These facilities should not generally be used for party or constituency activities.**

Use of government property and resources

4.2 Government property should not generally be used for constituency work or party political activities. A particular exception is recognised in the case of official residences. Where ministers host party or personal events in these residences it should be at their own or party expense with no cost falling to the public purse (see also **paragraph 3.11**).

4.3 Official facilities and resources may not be used for the dissemination of material which is essentially party political. The conventions governing the work of the Government Communication Service are set out in the Government Communication Service's *Propriety & Ethics Guidance for Government Communicators*. Particular care should be taken to ensure that official social media accounts are not used for party political or constituency purposes.

Constituency interests

4.5 Where ministers have to take decisions within their departments which might have an impact on their own constituencies, they must take particular care to avoid any possible conflicts of interest. Within departments, the minister should advise their permanent secretary and, in the case of junior ministers, their secretary of state and permanent secretary, of the interest. Responsibilities should be arranged to avoid any conflict of interest. The Independent Adviser on Ministerial Standards should be notified of any agreed arrangements.

4.6 Ministers are free to make their views about constituency matters known to the responsible minister by correspondence, leading deputations or by personal interview provided they make clear that they are acting as their constituents' representative and not as a minister.

4.7 Ministers are advised to take particular care in cases relating to planning applications in their constituencies or other similar issues. In all such cases, it is important that they make clear that they are representing the views of their constituents, avoid criticism of government policies and confine themselves to comments which could reasonably be made by those who are not ministers. Once a decision has been announced, it should normally be accepted without question or criticism.

4.8 Particular care also needs to be taken over cases in which a minister may have a personal interest or connection, for example, because they concern family, friends or employees. If, exceptionally, a minister wishes to raise questions about the handling of such a case, they should advise their permanent secretary and the Independent Adviser on Ministerial Standards, and write to the minister responsible as with constituency cases, but they should make clear their personal connection or interest. The responsible minister should ensure that any enquiry is handled without special treatment.

Lottery bids

4.9 In order to avoid the impression that ministers are seeking to influence decisions on awards of National Lottery money, ministers should not normally give specific public support for individual applications for National Lottery funding. Where a minister wishes to lend support to a specific project within their constituency they should do so on the very clear understanding that it is in a constituency capacity.

Parliamentary Commissioner for Administration cases (Parliamentary Ombudsman)

4.10 Ministers in the Commons who are asked by members of the public to submit cases to the Parliamentary Commissioner for Administration should act no differently from other MPs in deciding whether to refer complaints to the Commissioner on the merits of the individual case.

4.11 Where a complaint from a constituent is against the minister's own department, the minister should make the relevant permanent secretary aware and ask a neighbouring MP to take up the constituent's case on their behalf.

Part C | Ministers' Procedures of Government

Chapter 5: Ministers and the Government

General principle

5.1 **The principle of collective responsibility requires that ministers should be able to express their views frankly in the expectation that they can argue freely in private while maintaining a united front when decisions have been reached. This in turn requires that the privacy of opinions expressed in cabinet and ministerial committees, including in correspondence, should be maintained.**

Cabinet and ministerial committee business

5.2 The business of the cabinet and ministerial committees consists in the main of:

a. Questions which significantly engage the collective responsibility of the government because they raise major issues of strategy or policy or because they are of critical importance to the public.

b. Questions on which there is an unresolved disagreement between departments.

Collective responsibility

5.3 The internal process through which a decision has been made, or the level of committee by which it was taken, should not be disclosed. Neither should the individual views of ministers or advice provided by civil servants as part of that internal process be disclosed. Decisions reached by the cabinet or ministerial committees are binding on all members of the government. They are, however, normally announced and explained as the decision of the minister concerned. On occasion, it may be desirable to emphasise the importance of a decision by stating specifically that it is the decision of His Majesty's Government. This, however, is the exception rather than the rule. Ministers also have an obligation to ensure decisions agreed in cabinet and cabinet committees (and in write rounds) are implemented.

Ministers should take special care in discussing issues which are the responsibility of other ministers, consulting ministerial colleagues as appropriate.

5.4 Matters wholly within the responsibility of a single minister and which do not significantly engage collective responsibility need not be brought to the cabinet or to a ministerial committee unless the minister wishes to inform their colleagues or to have their advice. No definitive criteria can be given for issues which engage collective responsibility. The cabinet secretariats can advise where departments are unsure, however, the final decision rests with the Prime Minister. When there is a difference between departments, it should not be referred to the cabinet until other means of resolving it have been exhausted. It is the responsibility of the initiating department to ensure that proposals have been discussed with other interested departments and the outcome of these discussions should be reflected in the memorandum or letter submitted to the cabinet or a cabinet committee.

Attendance at cabinet and cabinet committees

5.5 Cabinet and cabinet committee meetings take precedence over all other ministerial business apart from the Privy Council, although it is understood that ministers may occasionally have to be absent for reasons of parliamentary business and international commitments. A minister may delegate attendance at cabinet committees to a junior ministerial colleague (although there may be exceptions for particular meetings at the discretion of the chair), but officials cannot attend cabinet committee meetings in place of a minister. There are restrictions on officials attending cabinet committees. If exceptionally officials or advisers need to attend, they should inform the secretariat. The ministerial chair of the committee must agree attendance of officials and advisers in advance.

Publication of policy statements and consultation papers

5.6 Before publishing a policy statement (white paper) or a consultation paper (green paper), departments should consider whether it raises issues which require full collective ministerial consideration through the appropriate cabinet committee. The expectation is that most such papers will need collective agreement prior to publication. Any command paper containing a major statement of government policy should be circulated to the cabinet before publication. This rule applies to papers containing major statements even when no issue requiring collective consideration is required.

Quasi-judicial decisions

5.7 Some ministerial posts have responsibility for quasi-judicial functions that are exercised by the individual minister and not through cabinet, for example in relation to planning or competition law. When exercising such functions, it is particularly important that ministers act independently and are not subject to any improper influence.

Further guidance and advice should be sought from departmental legal advisers and the relevant permanent secretary.

Cabinet documents

5.8 Ministers relinquishing office should hand back to their department any cabinet documents and/or other departmental papers in their possession.

5.9 On a change of government, the Cabinet Secretary on behalf of the outgoing Prime Minister, issues special instructions about the disposal of cabinet papers of the outgoing administration.

Access by former ministers to official papers

5.10 By convention and at the government's discretion, former ministers are allowed reasonable access to the papers of the period when they were in office. With the exception of former Prime Ministers, access is limited to former ministers personally. Subject to compliance with the *Radcliffe Rules* (see also **paragraph 11.1**), former ministers may have access in the Cabinet Office to copies of cabinet or cabinet committee papers which were issued to them when in office, and access in the relevant department to other official papers which they are known to have handled at the time. The requirements of **paragraph 5.14** below also apply.

The Law Officers

5.11 The Law Officers must be consulted in good time before the government is committed to critical decisions involving legal considerations.

5.12 By convention, written opinions of the Law Officers, unlike other ministerial papers, are generally made available to succeeding administrations.

5.13 When advice from the Law Officers is included in correspondence between ministers, or in papers for the cabinet or ministerial committees, the conclusions may if necessary be summarised. If this is done, the complete text of the advice should be attached.

5.14 The fact that the Law Officers have advised or have not advised, and the content of their advice, must not be disclosed outside government without their authority.

Use of non-corporate communication channels

5.15 In general, it is expected that ministers and civil servants should use government systems for all government business. Any use of non-corporate communication channels for government business engages ministers' obligations to keep accurate public records. Ministers in this position must follow the government guidance.[1]

[1] https://www.gov.uk/government/publications/non-corporate-communication-channels-for-government-business

Chapter 6: Ministers and Appointments

General principle

6.1 **Civil Service appointments must be made in accordance with the requirements of the *Constitutional Reform and Governance Act 2010*. Ministerial involvement in such appointments is set out in the Civil Service Commission's *Recruitment Principles*. Public appointments should be made in accordance with the requirements of the law and, where appropriate, the *Governance Code on Public Appointments* issued by the Cabinet Office. The ultimate responsibility for public appointments and thus the selection of those appointed rests with ministers who are accountable to Parliament for their decisions and actions. Ministers have a duty to ensure that influence over Civil Service and public appointments is not abused for partisan purposes.**

Special advisers

6.2 Cabinet ministers may appoint special advisers to support them and their department. The Prime Minister may also authorise the appointment of special advisers for ministers who regularly attend cabinet. All appointments require the prior written approval of the Prime Minister, and no commitments to make such appointments should be entered into in the absence of such approval. All special advisers will be appointed under terms and conditions set out in the *Model Contract for Special Advisers* and the *Code of Conduct for Special Advisers*.

6.3 All special advisers must uphold their responsibility to the government as a whole, not just to their appointing minister. The responsibility for the management and conduct of special advisers, including discipline, rests with the minister who made the appointment. Individual ministers will be accountable to the Prime Minister, Parliament and the public for their actions and decisions in respect of their special advisers. It is, of course, also open to the Prime Minister or appointing minister to terminate employment by withdrawing their consent to an individual appointment.

6.4 The government will publish an annual statement to Parliament setting out the numbers, names and pay bands of special advisers, the appointing minister and the overall paybill.

Departmental boards

6.5 Secretaries of state should chair their departmental board. Boards should comprise other ministers, senior officials, a lead non-executive and non-executive board members (largely drawn from the commercial private sector and appointed by the secretary of state in accordance with the *Governance Code on Public Appointments*). The remit of the board should be performance and delivery, and to provide the strategic leadership of the department.

Parliamentary private secretaries

6.6 Cabinet ministers and ministers of state may appoint parliamentary private secretaries. All appointments require the prior written approval of the Prime Minister. The Chief Whip should also be consulted and no commitments to make such appointments should be entered into until such approval is received.

6.7 Parliamentary private secretaries are not members of the government. However, they must ensure that no conflict arises, or appears to arise, between their role as a parliamentary private secretary and their private interests.

6.8 Official information given to them should generally be limited to what is necessary for the discharge of their parliamentary and political duties. This need not preclude them from being brought into departmental discussions, where appropriate, but any such access should be approved by the relevant appointing minister. They should not have access to information classified at 'secret' or above. Any proposal to visit a secure government establishment requires the approval of the head of the establishment.

6.9 Parliamentary private secretaries are expected to support the government in divisions in the House. No parliamentary private secretary who votes against the government can retain his or her position.

6.10 Parliamentary private secretaries should not make statements in the House nor put questions on matters affecting the department with which they are connected. They are not precluded from serving on select committees, but they should withdraw from any involvement with inquiries into their appointing minister's department, and they should avoid associating themselves with recommendations critical of or embarrassing to the government. They should also exercise discretion in any statements outside the House.

6.11 Where it is proposed to take a parliamentary private secretary or other parliamentarian on an official visit overseas, the Prime Minister's approval is required. Official overseas travel by a parliamentary private secretary, or other parliamentarians, should be exceptional. In such cases, the cost of travel may be met by public funds.

6.12 Parliamentary private secretaries, particularly those in departments with planning responsibilities, should take special care when making representations to ministers about planning issues. In particular, they should not discuss planning cases with interested parties or imply that they have any influence over planning decisions. In representing their constituency interests, they should abide by the guidance in chapter 4 of this Code. Permanent secretaries should be advised of any such interests.

Chapter 7: Ministers and their Departments

General principle

7.1 **The Prime Minister is responsible for the overall organisation of the executive and the allocation of functions between ministers in charge of departments.**

Approval criteria

7.2 The Prime Minister's approval must be sought where changes are proposed that affect this allocation and the responsibilities for the discharge of ministerial functions. This applies whether the functions in question are derived from statute or from the exercise of the Royal Prerogative, or are general administrative responsibilities.

7.3 The Prime Minister's written approval must be sought where it is proposed to transfer functions:

a. Between ministers in charge of departments.

b. Between junior ministers within a department unless the changes are de minimis.

7.4 In addition, the Prime Minister's written approval should be sought for proposals to allocate new functions to a particular minister where the function does not fall wholly within the field of responsibilities of one minister, or where there is disagreement about who should be responsible.

7.5 Unresolved disputes concerning the allocation of functions should be referred to the Cabinet Secretary before a submission is made to the Prime Minister.

Ministers outside the cabinet

7.6 The minister in charge of a department is solely accountable to Parliament for the exercise of the powers on which the administration of that department depends. The minister's authority may, however, be delegated to a minister of state, a parliamentary secretary, or to an official. It is desirable that ministers in charge should devolve to their junior ministers responsibility for a defined range of departmental work, particularly in connection with Parliament.

7.7 A minister's proposal for the assignment of duties to junior ministers, together with any proposed courtesy titles descriptive of their duties, should be agreed in writing with the Prime Minister, copied to the Cabinet Secretary.

7.8 Ministers of state and parliamentary secretaries will be authorised to supervise the day-to-day administration of a defined range of subjects. This arrangement does not relieve the permanent secretary of general responsibility for the organisation and discipline of the department or of the duty to advise on matters of policy. Any conflict of view between junior ministers and the permanent secretary should be resolved by reference to the minister in charge of the department. If the dispute cannot be resolved it should be referred to the Prime Minister and the Cabinet Secretary.

Arrangements during absence from London

7.9 Departments should ensure appropriate arrangements are made for ministerial cover when ministers are absent from London.

Maternity leave and other extended absence by a minister

7.10 The Prime Minister's prior approval should be sought for the arrangements for superintending the work of a department when the minister in charge will be absent. Special care must be taken over the exercise of statutory powers. Ministers should seek legal advice in cases of doubt.

7.11 Under the provisions of the *Ministerial and Other Maternity Allowances Act 2021*, ministers may take paid maternity leave (of up to six months) at the Prime Minister's discretion. While doing so, the minister will be designated as a 'Minister on Leave'. During this period, the minister will cease to perform ministerial functions and will not count towards the statutory limits that exist on ministerial numbers and salaries.

7.12 Ministers may also seek the permission of the Prime Minister for an extended absence in other circumstances, such as ill health, adoption or paternity. Where the Prime Minister agrees to such a request, the minister must not exercise their functions as a minister during their period of absence unless this is agreed by the permanent secretary and the minister who is temporarily covering the ministerial responsibilities.

Royal Commissions and Public Inquiries

7.13 The Prime Minister must be consulted in good time about any proposal to set up:

a. Royal Commissions: these can only be set up with the sanction of the Cabinet and after The King's approval has been sought by the Prime Minister.

b. Public inquiries established by ministers.

7.14 A Cabinet Office minister must be consulted before a department seeks the Prime Minister's agreement to set up a public inquiry, and on its terms of reference.

7.15 The Lord Chancellor and Secretary of State for Justice should also be consulted where there is a proposal to appoint a judge to the above.

The role of the Accounting Officer

7.16 Heads of departments and the chief executives of executive agencies are appointed as Accounting Officers. This is a personal responsibility for the propriety and regularity of the public finances for which he or she is responsible; for keeping proper accounts; for the avoidance of waste and extravagance; and for the efficient and effective use of resources. Accounting Officers answer personally to the Public Accounts Committee on these matters, within the framework of ministerial accountability to Parliament for the policies, actions and conduct of their departments.

7.17 Accounting Officers have a particular responsibility to see that appropriate advice is tendered to ministers on all matters of financial propriety and regularity and more broadly as to all considerations of prudent and economical administration, efficiency and effectiveness and value for money. In line with the principles set out in *Managing Public Money*, if a minister in charge of a department is contemplating a course of action which would involve a transaction which the Accounting Officer considers would breach the requirements of propriety or regularity, the Accounting Officer will set out in writing his or her objections to the proposal, the reasons for the objection and the duty to inform the Comptroller and Auditor General should the advice be overruled.

7.18 If the minister decides nonetheless to proceed, the Accounting Officer will seek a written instruction to take the action in question. The Accounting Officer is obliged to comply with the instructions and send relevant papers to the Comptroller and Auditor General. A similar procedure applies where the Accounting Officer has concerns about whether a proposed course of action offers value for money. This notification process enables the Public Accounts Committee to see that the Accounting Officer does not bear personal responsibility for the actions concerned.

Senior Responsible Owners

7.19 Senior Responsible Owners of the government's major projects (as defined in the *Government's Major Project Portfolio*) are expected to account to Parliament, for the decisions and actions they have taken to deliver the projects for which they have personal responsibility. This line of accountability relates to implementation (not policy development).

Select committee appearances by former Accounting Officers and Senior Responsible Owners

7.20 Former Accounting Officers and Senior Responsible Owners may be invited to return to give evidence to departmental select committees and the Public Accounts Committee on matters for which they were previously responsible. Where a committee wishes to take evidence from a former Accounting Officer or Senior Responsible Owner, the request should be agreed by the minister in charge of the department, where there is a clear rationale for doing so.

Chapter 8: Ministers and the Presentation of Policy

General principle

8.1 **Official facilities paid for out of public funds should be used for government publicity and advertising but may not be used for the dissemination of material which is essentially party political. The conventions governing the work of the Government Communication Service are set out in the Government Communication Service's *Propriety & Ethics Guidance for Government Communicators*.**

Media interviews, speeches etc

8.2 In order to ensure the effective coordination of cabinet business, the policy content and timing of all major announcements, speeches, press releases and new policy initiatives should be cleared in draft with the No. 10 press and private offices at least 24 hours in advance. All major interviews and media appearances, both print and broadcast, should also be agreed with the No. 10 press office.

8.3 In all cases (other than those described in **paragraph 4.7**) the principle of collective responsibility applies (see also **paragraph 5.1**). Ministers should ensure that their statements are consistent with collective government policy. Ministers should take special care in referring to subjects which are the responsibility of other ministers (see also **paragraph 5.3**).

8.4 Ministers must only use official channels, including social media, for distributing texts of speeches relating to government business. Speeches made in a party political context should not be distributed via official channels.

8.5 Ministers invited to broadcast on radio, television and/or webcasts in a political or private capacity should consider if such a broadcast would have a bearing on another department's responsibilities, in which case they should clear the matter with the ministerial colleague concerned before agreeing to the invitation.

Press articles

8.6 Ministers may contribute to a book, journal or newspaper, including a local newspaper in their constituency, provided that publication will not be at variance with their obligations to Parliament and their duty to observe the principle of collective ministerial responsibility. No payment should be accepted for such articles.

8.7 Any minister wishing to practise regular journalism must have the prior approval of the No. 10 press office.

Payment for speeches, media articles, books, memoirs etc

8.8 Ministers should not accept payment for speeches or media articles of an official nature or which directly draw on their responsibilities or experience as ministers or with a view to donating the fee to charity. If the organisation in question insists on making a donation to a charity then it should be a charity of the organisation's choice. This is to avoid any criticism that a minister is using his or her official position to influence or take the credit for donations to charity.

Books

8.9 Ministers may not, while in office, write and publish a book on their ministerial experience. Nor, while serving as a minister, may they enter into any agreement to publish their memoirs on leaving their ministerial position.

Surveys

8.10 Ministers are sometimes asked to give interviews to persons engaged in academic research or in market opinion surveys or questionnaires. Ministers should bear in mind the possibility that their views may be reported in a manner incompatible with their responsibilities and duties as members of the government and such interviews should normally be declined.

Publication of white and consultation papers

8.11 Care should be taken to avoid infringing parliamentary privilege when publicity is being arranged for white papers and similar documents. A procedure is available whereby Confidential Final Revise proof copies can be made available. In some cases, for instance where commercially sensitive material is involved, no copies should be made available to the media before publication. See also **paragraph 5.6** for clearance of the content of white papers and similar documents.

Complaints

8.12 Ministers who wish to make a complaint against a journalist or a particular section of the media to the appropriate regulator, must have sought approval from the No. 10 Chief Press Secretary. **Paragraph 3.17** is also relevant in relation to defamation proceedings.

Meetings with external organisations

8.13 Ministers meet many people and organisations and consider a wide range of views as part of the formulation of government policy. Meetings on official business should normally be arranged through ministers' departments. A private secretary or official should be present for all discussions relating to government business. If a minister meets an external organisation or individual and finds themselves discussing official business without an official present (for example, at a social occasion or on holiday) any significant content should be passed back to the department as soon as possible after the event. Departments will publish quarterly, details of ministers' external meetings. Meetings with newspaper and other media proprietors, editors and senior executives will be published on a quarterly basis regardless of the purpose of the meeting.

Statistics

8.14 Ministers need to be mindful of the UK Statistics Authority's *Code of Practice* which defines good practice in relation to official statistics, observance of which is a statutory requirement on all organisations that produce National Statistics in accordance with the provisions of the *Statistics and Registration Service Act 2007*.

Pre-release access rules

8.15 Ministers also need to have regard to the *Pre-Release Access to Official Statistics Order*, which places strict conditions on access to official statistics in their final form and significantly limits access ahead of publication. The Order requires ministers to restrict pre-release access to a minimum number of persons and prohibits any statement or comment to the press ahead of release of the statistics.

Chapter 9: Ministers and Parliament

General principle

9.1 **When Parliament is in session, the most important announcements of government policy should be made in the first instance in Parliament.**

Timing and form of announcement

9.2 Even when government announcements are not of major importance, their timing may require careful consideration in order to avoid clashes with other government publications, statements or announcements, or with planned parliamentary business. The offices of the Leader of the House of Commons, the Chief Whip and the Prime Minister should be given as long an opportunity as possible on all important announcements. Bids for oral statements should be co-ordinated via the Leader of the House of Commons.

9.3 Every effort should be made to avoid leaving significant announcements to the last day before a recess.

Oral statements

9.4 Ministers should not give undertakings, either in or outside the House of Commons, that an oral statement will be made to the House until the agreement has been given by the private secretaries to the Prime Minister, the Leader of the House of Commons and the Chief Whip. The Leader of the House of Lords and Lords Chief Whip should be consulted where a statement is to be made in the House of Lords in the first instance.

9.5 Ministers should provide clear titles to both oral and written statements wherever possible. A copy of the text of an oral statement should usually be shown to the Opposition shortly before it is made. For this purpose, copies of the statement and associated documents should be shared electronically with the Chief Whip's office at least 45 minutes before the statement is to be made. At the same time, a copy of the final text of an oral statement should in all cases be sent in advance to the Speaker.

9.6 Every effort must be made to ensure that where a former minister or a ministerial colleague and/or a fellow MP/Peer is mentioned in a statement or report which prompts a ministerial statement, he or she is given as much notice as is reasonably possible.

Select committee reports

9.7 Any minister or parliamentary private secretary who receives a copy of a select committee report in advance of publication, excluding copies sent to departments at the Confidential Final Revise stage, should make no use of them and should return them without delay to the clerk of the relevant committee. Civil servants, including special advisers, are also covered by this ruling.

Government responses

9.8 Ministers should, where possible, provide full and timely responses to written parliamentary questions, ministerial correspondence and select committee reports.

Chapter 10: Ministerial Travel

General principle

10.1 Ministers must ensure that they always make efficient and cost-effective travel arrangements. Official transport should not normally be used for travel arrangements arising from party or private business, except where this is justified on security grounds.

Overseas visits

10.2 Ministers should make it their personal responsibility to approve the size and composition of ministerial delegations for which their department is responsible, including any accompanying special advisers, keeping delegations as small as reasonably possible. Ministers will wish to be satisfied that their arrangements could be defended in public.

10.3 Departments will publish, quarterly, details of all travel overseas by ministers.

10.4 When ministers travel on official business, their travel expenses should be borne by the departmental vote. Offers of free travel should not normally be accepted. The only exception to this is in the case of an offer of transport from an overseas government, provided no undue obligation is created.

10.5 When holding meetings overseas with ministers and/or officials from overseas governments, or where official business is likely to be discussed, ministers should always ensure that a private secretary or embassy official is present. If a minister meets an external organisation or individual and finds themselves discussing official business without an official present (for example, at a social occasion or on holiday) any significant content should be passed back to the department as soon as possible after the event. Ministers should seek guidance in advance from their permanent secretary, who should consult the Foreign, Commonwealth and Development Office in cases of doubt.

Non-scheduled flights

10.6 Only members of the cabinet and ministers in charge of departments have discretion to authorise special flights either for themselves or other ministers within their departments. Non-scheduled flights may be authorised when a scheduled service is not available, or when it is essential to travel by air, but the requirements of official or Parliamentary business or security considerations preclude the journey being made by a scheduled service. Use of special flights by parliamentary secretaries should only be approved in exceptional circumstances.

10.7 Non-scheduled flights must not be diverted for journeys to or from party business or constituency visits. When the time factor is critical, diversions from direct routes may, however, be authorised to collect or deliver a minister to an airfield near his or her home provided that the only extra cost results from the extra flying time needed to carry out the additional landing and take-off.

10.8 In addition, ministers travelling on business of the defence departments or visiting a service or defence establishment may use Ministry of Defence aircrafts in accordance with rules and procedures approved by the Secretary of State for Defence.

Ministers recalled from abroad

10.9 If a minister is abroad with permission and is called home for ministerial or parliamentary reasons (including to vote) the cost of the extra journey back and forth may be met by public funds.

UK visits

10.10 Ministers intending to make an official visit within the United Kingdom must inform in advance, and in good time, the MPs whose constituencies are to be included within the itinerary.

10.11 Similar courtesies should be extended when UK ministers are visiting the constituencies of Members of the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly.

10.12 Ministers who are planning official visits to Scotland, Wales and Northern Ireland should inform the secretary of state concerned.

Use of official cars

10.13 Ministers are permitted to use an official car for official business and for home to office journeys on the understanding that they are using the time to work. Where practicable, ministers are encouraged to use public transport.

10.14 The number of ministers with allocated cars and drivers will be kept to a minimum, taking into account security and other relevant considerations. Other ministers will be entitled to use cars from the Government Car Service Pool, as needed.

Party political occasions

10.15 Where a visit is a mix of political and official engagements, it is expected that the department and the party each meet a proper proportion of the actual cost.

10.16 The Prime Minister, and any other minister for whom the security authorities exceptionally consider it essential, may use their official cars for all journeys by road, including those for private or party purposes.

Air miles

10.17 Air miles and other benefits earned through travel paid for from public funds, other than where they are de minimis, for example, access to special departure lounges or booking arrangements which go with membership of frequent flyer clubs, should be used only for official purposes or else foregone. If it is impracticable to use the benefits for government travel, there is no objection to ministers donating them to charity if this is permissible under the terms of the airline's scheme and the charity is one chosen by the airline.

Travelling expenses of spouses / partners

10.18 The expenses of a minister's spouse/partner when accompanying the minister on the latter's official duties may occasionally be paid from public funds, provided that it is clearly in the public interest that he or she should accompany the minister. The agreement of the Prime Minister must be obtained on each occasion before travel.

Chapter 11: Obligations on Leaving Office

General principle

11.1 It is fair and reasonable that former ministers with experience in government should be able to move into new roles after leaving office, both in business and other areas of public life, and be able to start a new career or resume a former one. It is equally important that when a former minister takes up an appointment or employment, or writes a memoir, the integrity of government is protected and there should be no cause for any suspicion of impropriety. Those who have served in a privileged position in government must not profit improperly from that experience, nor should their future employers gain any unfair advantage through privileged access to government.

Business Appointment Rules

11.2 For two years after leaving office, former ministers must abide by the Business Appointment Rules and seek advice from the Independent Adviser on Ministerial Standards about any appointments or employment they wish to take up. Former ministers must abide by the advice provided by the Independent Adviser, details of which will be published when a role is announced or taken up. Former ministers must ensure that no new appointments are announced, or taken up, before the Independent Adviser has provided their advice. If a former minister is found to have seriously breached the Business Appointment Rules they will be expected to repay their full severance payment.

11.3 As a general rule, for two years after leaving office, former ministers are prohibited from lobbying government or undertaking activity that could reasonably be perceived to be lobbying and they must also avoid working or advising on any bids to secure government funding or contracts. At any time after leaving government, former ministers must not draw on privileged information gained in office.

11.4 The Business Appointment Rules state that a minimum waiting period of three months from the date of leaving office to taking up an appointment or employment will be expected when the former minister was a member of Cabinet.

11.5 To ensure that ministers are fully aware of their future obligations in respect of outside appointments after leaving office, the Business Appointment Rules are published on GOV.UK.[2]

Memoirs

11.6 Former ministers intending to publish their memoirs are required to submit the draft manuscript in good time before publication to the Cabinet Secretary and to conform to the principles set out in the Radcliffe Report of 1976 (Cmnd 6386).

[2] https://www.gov.uk/government/publications/business-appointment-rules-for-ministers

Annex A

Terms of Reference: Independent Adviser on Ministerial Standards

The Independent Adviser on Ministerial Standards is appointed by the Prime Minister to advise them on matters relating to the *Ministerial Code*. The post-holder is independent of government and expected to provide impartial advice to the Prime Minister. The post-holder is required to observe the *Seven Principles of Public Life*.

1. Ministers' interests

1.1 Under the *Ministerial Code* (**paragraph 3.2**), "it is the personal responsibility of each minister to decide whether and what action is needed to avoid a conflict or to manage the perception of a conflict, taking account of advice received from their permanent secretary and the Independent Adviser on Ministerial Standards".

1.2 Ministers are required, upon appointment to each new office, to provide to the Independent Adviser a full list of interests which might be thought to give rise to a conflict with the minister's public duties. This must occur within 14 days (**paragraphs 3.3-3.4**). The list should have been reviewed where relevant by the appropriate permanent secretary or Accounting Officer. Ministers have an ongoing duty to ensure that their declarations are kept up to date and that they notify their permanent secretary and the Independent Adviser of any relevant change in circumstances.

1.3 The personal information which ministers disclose to those who advise them is treated in confidence (**paragraph 3.6**).

1.4 The Independent Adviser must review any information provided by a minister and may, in confidence, provide advice to that minister on any action that should be taken by the minister in order to uphold the standards set out in the *Ministerial Code* (**paragraph 3.4**). Advice on the handling of interests may also be provided on an ad-hoc basis (see **paragraph 3.2** below).

1.5 A minister to whom advice is given must provide the Independent Adviser with a record of what action has been taken in response to the advice (**paragraph 3.4**).

1.6 On a quarterly basis the Independent Adviser must prepare and publish a statement covering the relevant interests of ministers (**paragraph 3.6**). The statement must set out such information about those relevant interests as the Independent Adviser considers appropriate. The Independent Adviser will advise the Prime Minister of their intention to publish the list which will then be published as promptly as possible.

2. Investigation of alleged breaches of the Ministerial Code

2.1 Under the terms of the *Ministerial Code* (**paragraph 2.6a**): "If there is an allegation about a breach of the Code and the Prime Minister, having consulted the Cabinet Secretary, feels that it warrants further investigation, the Prime Minister may ask the Cabinet Office to investigate the facts of the case and/or refer the matter to the Independent Adviser on Ministerial Standards".

2.2 Where the Independent Adviser believes that an alleged breach of the Code warrants further investigation and that matter has not already been referred to them, they may initiate an investigation (**paragraph 2.6b**). Before doing so, the Independent Adviser will notify the Prime Minister in writing.

2.3 Where a minister is concerned that they have failed to uphold the standards set by the Prime Minister in the *Ministerial Code*, or faces allegations in relation to the Code, they may refer the matter to the Independent Adviser in writing having notified the Prime Minister. The Independent Adviser will determine whether further action is needed and will advise the Prime Minister accordingly.

2.4 Following an investigation carried out by the Independent Adviser, the Independent Adviser may advise the Prime Minister on whether, in their view, there has been a breach of the standards expected in the *Ministerial Code*. Additionally, the Independent Adviser may recommend what sanction should be considered.

2.5 The decision on whether a minister remains in office is for the Prime Minister, as the ultimate judge of the standards of behaviour expected of a minister and the appropriate consequences of a breach of those standards (**paragraph 2.3**).

2.6 Following an investigation carried out by the Independent Adviser, the Independent Adviser may require that any advice provided to the Prime Minister on the outcome of such an investigation is published in a timely manner.

3. Further advice on the Ministerial Code

3.1 Before the *Ministerial Code* is amended, the Prime Minister will consult the Independent Adviser.

3.2 The Independent Adviser may, at the request of a minister, provide the minister, in confidence, with general advice in relation to the *Ministerial Code*.

4. Information

4.1 A minister must provide the Independent Adviser with any information the Independent Adviser reasonably requires for the purposes of discharging the responsibilities set out in these terms of reference (**paragraph 2.6b**). Where the Independent Adviser considers that a minister is not providing such information, they will notify the Prime Minister.

4.2 Information provided to the Independent Adviser for the purposes of their functions is provided in confidence. The Independent Adviser may publish information provided to them, including in summarised form, if they consider this is necessary to discharge their responsibilities.

4.3 The Independent Adviser may require a minister to publish information relating to adherence to the *Ministerial Code*.

4.4 The Independent Adviser must publish an annual report on the exercise of the Independent Adviser's functions, which must:

a. Set out information about the work carried out by the Independent Adviser during the year.

b. Include observations on matters relating to the role of the Independent Adviser.

4.5 The Independent Adviser will advise the Prime Minister of their intention to publish their annual report providing at least four weeks' notice of the publication date.

5. Business Appointment Rules for Former Ministers

5.1 Under the terms of the *Ministerial Code* (**paragraph 11.2**): "For two years after leaving office, former ministers must abide by the Business Appointment Rules and seek advice from the Independent Adviser on Ministerial Standards about any appointments or employment they wish to take up. Former ministers must abide by the advice provided by the Independent Adviser, details of which will be published when a role is announced or taken up. Former ministers must ensure that no new appointments are announced, or taken up, before the Independent Adviser has provided their advice."

5.2 Following an application made by a former minister for advice under the Business Appointment Rules, the Independent Adviser will provide advice in writing. Details of the advice provided will be published if a role is announced or taken up.

5.3 Where the Independent Adviser considers that a former minister has not upheld the standards expected in the Business Appointment Rules, they may inform the Prime Minister.

5.4 Before the Business Appointment Rules for Former Ministers are amended, the Independent Adviser will be consulted.

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