Committee on Standards

Informal Sub-Committee (Code and Guide revision)

The following draft text of a proposed revised Code of Conduct for Members of Parliament has been drawn up by an informal sub-committee of the Committee. Please note that this text has not been approved by the full Committee, but is placed by the Committee in the public domain to provide an update on the sub-committee’s work. If the present Parliament continues, it is the intention of the Committee to issue a final text of these proposals for revising the Code, along with an explanatory commentary, for formal public consultation – a further announcement will be made in due course.

More background information on this matter is contained in a letter dated 12 September 2019 from the Committee Chair to the Parliamentary Commissioner for Standards; this is available on the Committee’s website.

In addition to the text below which tracks changes to the current Code, the Committee has also published the draft text in a “clean” version.

26 September 2019

Draft revisions to The Code of Conduct for Members of Parliament

I. Introduction

I. Members of Parliament are elected representatives. Given the range of commitments and choices made by MPs, it is not possible to provide a simple template for how MPs should go about their duties. Notwithstanding this freedom of choice in interpreting their role, some obligations are binding on all MPs. In order to take their seats, they must take an oath or make an affirmation of allegiance to the Queen; they all have a duty to uphold the law; and they all must adhere to the principles, duties and rules set out in the Code of Conduct.

II. Upon election all MPs are subject to this Code of Conduct. They must also follow the other rules of the House and the rulings of the Chair, and Ministers and Government Whips must follow the Ministerial Code.

III. Members should act on all occasions in accordance with the public trust placed in them. They should always behave with probity and integrity, including in their use of public resources.

IV. The Code of Conduct consists of: Section I and Section II which introduce the Code and explain its purpose; Section III which states the general principles governing the Code; Section IV which states the Rules of Conduct and Section V which outlines how the Code is upheld. The Parliamentary Commissioner for Standards may investigate an alleged breach of the Rules of Conduct (Section IV of the Code of Conduct). He or she will not investigate a breach of any other part of the Code unless it also involves a breach of the Rules of Conduct (Section IV of the Code of Conduct). The Guide to the Rules Relating to the Conduct of Members is a separate document which provides detailed instructions about how to conform to the Rules of Conduct within this Code.

II. Purpose of the Code
I.V. The Code of Conduct applies to Members in all aspects of their public life. It includes the Rules of Conduct and is supported by detailed rules of the House. The purpose of this Code of Conduct is to assist in all Members in the discharge of their obligations to the House, their constituents and the public at large by:
   a. establishing the standards and principles of conduct expected of all Members in undertaking their duties;
   b. setting the Rules of Conduct which underpin these standards and principles and to which all Members must adhere; and in so doing
c. ensuring public confidence in the standards expected of all Members and in the commitment of the House to upholding these rules.

6. The Code does not apply to Members’ purely private and personal lives.

II. Scope of the Code

II. The Code applies to Members in all aspects of their public life. It does not seek to regulate what Members do in their purely private and personal lives.

III. The obligations set out in this Code are complementary to those which apply to all Members by virtue of the procedural and other rules of the House and the rulings of the Chair, and to those which apply to Members falling within the scope of the Ministerial Code.

III. Duties of Members

IV. By virtue of the oath, or affirmation, of allegiance taken by all Members when they are elected to the House, Members have a duty to be faithful and bear true allegiance to Her Majesty the Queen, her heirs and successors, according to law.

V. Members have a duty to uphold the law, including the general law against discrimination.

VI. Members have a general duty to act in the interests of the nation as a whole; and a special duty to their constituents.

VII. Members should act on all occasions in accordance with the public trust placed in them. They should always behave with probity and integrity, including in their use of public resources.

IV. III. General Principles of Conduct

7. This section sets out the guiding principles for the Code of Conduct. Section V comprises rules which must be obeyed.

8. In carrying out their parliamentary and public duties, Members will be expected to observe the following general principles of conduct identified by the Committee on Standards in Public Life in its First Report as applying to holders of public office. These principles will be taken into account when considering the investigation and determination of any allegations of breaches of the Rules of Conduct in Part V of the Code.

“Selflessness

Members should act solely in the public interest. Any Members’ interests outside their official duties should not compromise their principal role as MPs. Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
**Integrity**

Members must not place themselves under any obligation to others who might to try inappropriately to influence them in their role. In the course of their official duties, they should not act or take decisions to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships. If a conflict of interests arises, it should be resolved in a way that protects the public interest. Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

**Objectivity**

Members should act and take decisions fairly and on merit. They should weigh carefully the available evidence, advice and other factors and responsibilities on which they base their decisions. These factors may include national interest, constituent interest, conscience and political context. In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**Accountability**

Members are accountable to their constituents through the ballot box and to the wider public and Parliament through their adherence to these principles and the rules of the House. They must submit themselves to the scrutiny necessary to ensure this. Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**Openness**

Members should act in an open and transparent manner. They must register and declare any relevant interests and should not withhold information from the public unless there are clear and lawful reasons for doing so. Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**Honesty**

Members should be truthful. Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**Leadership**

Members should lead by example and must treat everyone with dignity, courtesy and respect. Members should challenge poor behaviour whenever it occurs. Holders of public office should promote and support these principles by leadership and example.

**Parliamentary Behaviour Code**

9. Members are also expected to observe the principles set out in the Parliamentary Behaviour Code of respect, professionalism, understanding others’ perspectives, courtesy, and acceptance of responsibility.
Members are expected to observe the following rules and associated Resolutions of the House.

10. This section sets out the Rules of Conduct which Members must obey. The Parliamentary Commissioner for Standards may investigate allegations of breaches of specific Rules of Conduct and may consider the relevance of the principles set out above in any inquiry. He or she will only investigate an allegation that a Member has failed to follow the principles if it is as part of an investigation into an allegation that the Member has also broken the Rules of Conduct.

11. Other than in the exceptional circumstances of a potential breach of rule 20, the Commissioner will not investigate complaints about:

a. the way in which a Member has dealt with an individual problem or issue;

b. the expression of a Member’s views or opinions; or

c. policy matters

Respect

12. A Member must treat his or her staff and all those who work in Parliament and for IPSA with dignity, courtesy and respect.

Conflicts of Interest

13. Members must base their conduct on a consideration of the public interest. They must avoid conflict between personal interest and the public interest. If there is any conflict between the two, they must resolve it at once, and in favour of the public interest.

14. A Member who takes outside employment must ensure that it does not conflict with the duties set out in the Code of Conduct.

Advocacy and paid lobbying

15. A Member must not act as a paid advocate in any proceeding in the House, or in any approach to Ministers, other Members, or public officials.²

² “Public officials” includes all those who are responsible for matters of public policy, public expenditure or the delivery of public services. The term therefore includes all staff of government departments, local authorities and agencies, and all public office holders.

3 No Member shall act as a paid advocate in any proceeding of the House.³

**Bribery**

16. A Member must not accept a bribe to influence his or her conduct as a Member. A bribe would include any fee, compensation or reward in connection with promoting or opposing any Bill, Motion or other proceeding which is (or is intended to be) before the House or any of its Committees.

IX. The acceptance by a Member of a bribe to influence his or her conduct as a Member, including any fee, compensation or reward in connection with the promotion of, or opposition to, any Bill, Motion, or other matter submitted, or intended to be submitted to the House, or to any Committee of the House, is contrary to the law of Parliament.  

**Disclosure of Interests**

17. A Member must always be open and transparent in drawing attention to any interests which may be relevant to any aspect of his or her activities as a Member of Parliament, in the Chamber, in the constituency and elsewhere. In particular, a Member must draw attention to any relevant interests in proceedings of the House and its Committees and in all communications with Ministers, Members, public officials and public office holders.

18. A Member must record his or her interests in the Register of Members’ Financial Interests in accordance with the specific rules. This includes recording interests in a conscientious and timely manner.

X. Members shall fulfil conscientiously the requirements of the House in respect of the registration of interests in the Register of Members’ Financial Interests. They shall always be open and frank in drawing attention to any relevant interest in any proceeding of the House or its Committees, and in any communications with Ministers, Members, public officials or public office holders.

**Keeping Information Confidential**

19. A Member must ensure that information which he or she receives in confidence in the course of his or her parliamentary duties is used only in connection with those duties.

---

4 Resolution of 2 May 1695, 22 June 1858, and 15 July 1947 as amended on 6 November 1995 and 14 May 2002

20. Such information must never be used for the purpose of financial and personal gain.

XI. Information which Members receive in confidence in the course of their parliamentary duties should be used only in connection with those duties. Such information must never be used for the purpose of financial gain.

Use of Resources

21. A Member must personally ensure that his or her use of expenses, allowances, facilities and services provided from public funds is in accordance with the rules and in support of his or her parliamentary duties.

22. This use must not result in undue personal benefit, undue benefit to someone else, or undue advantage to a political organisation.

23. A Member has overall responsibility for the actions taken by his or her staff in the course of their duties, whether paid or unpaid.

VI. Members are personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services provided from the public purse is in accordance with the rules laid down on these matters. Members shall ensure that their use of public resources is always in support of their parliamentary duties. It should not confer any undue personal or financial benefit on themselves or anyone else, or confer undue advantage on a political organisation.

All-Party and Cross-Party Parliamentary Groups

24. A Member who chairs an All-Party Parliamentary Group must ensure that the Group complies with the rules of the House as set down in the Guide to the rules for All-Party Parliamentary Groups. A Member who chairs an unregistered cross-party group is also responsible for the group’s compliance with the House’s rules.

Maintaining the Reputation of the House

25. A Member must never do anything which would significantly damage the reputation and integrity of the House of Commons as a whole, or of its Members generally.

XII.____

XIII. Members shall never undertake any action which would cause significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally.

Respect

XIV. A Member must treat their staff and all those visiting or working for or with Parliament with dignity, courtesy and respect.
XV. VII. Upholding the Code

26. The application of this Code is a matter for the House of Commons and particularly for the Committee on Standards and the Parliamentary Commissioner for Standards. Standing Orders Nos 149 and 150 set out their responsibilities.

27. Members must co-operate, at all stages, and in a timely manner, with any investigation carried out under the authority of the House. Members must not lobby a member of the Committee with the aim of influencing the Committee’s consideration of an alleged breach of this Code. They also must not ask others to lobby the Commissioner or the Committee on their behalf.

28. The Committee will consider any report which the Commissioner sends to it. The Committee will report its conclusions and recommendations to the House. The House may impose a sanction on a Member, where it considers it necessary.

XVI. The application of this Code shall be a matter for the House of Commons, and particularly for the Committee on Standards and the Parliamentary Commissioner for Standards acting in accordance with Standing Orders Nos 149 and 150 respectively.

XVII. The Commissioner may investigate a specific matter relating to a Member’s adherence to the rules of conduct under the Code. Members shall cooperate, at all stages, with any such investigation by or under the authority of the House. No Member shall lobby a member of the Committee in a manner calculated or intended to influence its consideration of an alleged breach of this Code.

XVIII. The Committee will consider any report from the Commissioner to it and report its conclusions and recommendations to the House. The House may impose a sanction on the Member where it considers it necessary.