

House of Commons Committee on Standards

Final Reflections of the first lay members

at the end of their appointment period

December 2012 - March 2017

Purpose of this paper

1. The objective of this paper is to encourage debate and so help stimulate positive change in the function, structure and culture of the Standards System in the House of Commons.
2. As the first three lay members appointed to the Committee on Standards in December 2012, we felt it was important to record our experience and observations. Indeed, several of those whom we met during our induction programme indicated their interest in hearing our comments. As lay members, we felt our participation in the Committee on Standards, and our on-going experience of the Committee, should be documented as a contribution to the work and development of the Committee. So began our practice of bringing to the Committee a paper that we called 'Reflections of the lay members'. There have been two such sets of Reflections covering the periods January 2013 – January 2014 and January 2014 – January 2015, both of which have been considered by the Committee and subsequently published on the Committee on Standards website.
3. Our reflections in this paper are rooted in our experience over the last five years. We have proactively gone out of our way to understand the House and its systems. We have met key individuals including: The Speaker (on three occasions); the Chief Whips; and the Leader and Deputy Leader of the House. We have shadowed MPs both in Westminster and in their constituencies, attended surgeries, observed debates on the floor of the House and attended All Party Groups. We have met with the Clerk of the House and other key staff, as well as with relevant bodies such as the Committee on Standards in Public Life, IPSA and the Hansard Society.
4. As we, the three original lay members, come to the end of our appointment we present our final reflections to the Committee on Standards for consideration before our last meeting. A draft of this paper has been discussed with the Chairman of the Committee on Standards and the Clerk of the Committee. The main points raised have also been discussed with the Speaker of the House of Commons. We hope that the Committee will carefully consider our reflections and, as has previously been the case, in the spirit

of openness and transparency, agree that our reflections be placed on the Committee's website.

Executive Summary

The references, by paragraph numbers in this summary, are to be found in full context within the main report

5. The EU exit negotiations will clearly be taking up much Parliamentary and Executive time over the coming years. Standards issues may not, at first sight, seem a priority. However, at a time when lobbying activity is likely to increase and as established systems of checks and balances across the globe are being questioned, a robust standards system is even more important. Preparing the Parliamentary standards system for these risks would seem prudent.
6. This reflections document begins by assessing the achievements that have been made in the standards system in the last five years. The appointment of lay members to the Committee has had a positive impact and has started to change the tone and content of Committee debates. [Paragraphs 15 -18]
7. The paper then moves on to examine the barriers [Paragraphs 19-47] and enablers [Paragraphs 48 -67] to securing future positive change in standards issues in the House. Most of the barriers to change that we have identified can, if tackled, also become powerful enablers for change. In brief they are summarised below.
8. The current arrangements for standards in the House face four significant barriers:
 - (i) The fragmented responsibility for standards issues;
 - (ii) Time and prioritisation;
 - (iii) A lack of willingness to get involved in standards issues together with a low appetite for change; and
 - (iv) Corporate memory.
9. There are four possible enablers for change:
 - (i) The use of clear and meaningful penalties;
 - (ii) Changes in Committee membership;
 - (iii) The Committee's structure and processes; and

(iv) Increased public understanding of what MPs do and the role of social media.

10. During its current review of the Code of Conduct and Guide to the Rules, the Committee heard evidence that has raised wider questions about standards issues that go beyond the Committee's existing remit. Whilst the current review of the Code and Rules is to be welcomed, on its own it will not be sufficient to address the barriers and enablers outlined above. Indeed, the current review of the Code and Guide to the Rules is not designed to review wider standards matters. Many of the barriers and enablers to change, that we have identified, are actually issues for the Committee as a whole and, in some cases, would require wider changes across the House.
11. Since the expenses scandal, only a very small proportion of MPs have had issues with standards. However, even though the number of such issues has been small, each individual case clearly raises public concerns about the broader conduct in the House and contributes to damaging the wider reputation of Parliament.
12. There is still significant room for improvement in both the awareness and observation of standards issues in the House. Arrangements for standards in the House continue to lag some way behind those in other bodies [Paragraph 54]. Rather than 'leading' on standards issues, Parliament is 'following.' Without 'keeping in step' with wider changes, and addressing the barriers to change identified in Paragraph 8, Parliament is likely to be inadequately prepared for future controversy. Further action is needed to avoid another public confidence sapping scandal.
13. The current standards system has now been in place for some time. Indeed, the first Commissioner for Standards was appointed in 1995. The arrangements to deal with expenses have also had time to 'bed in.' The time is therefore ripe to step back from the existing arrangements and undertake a review of the wider standards system and the governance around this in the House of Commons. Doing so before the run-up to the next election would seem timely.
14. Such a review should help to ensure that Parliamentary standards and processes are not only fit for purpose but also deliver value for money to the taxpayer. Parliament clearly needs to own this issue. However, perceptions are important. To have public confidence any such review also needs to have an independent element. The Committee on Standards in Public Life would be able to help strengthen the independence of such a review and ensure the ensuing recommendations were consistent with best practice in wider public life [Paragraphs 27-29].

What the standards system has achieved in the last five years

15. Over the last five years the standards system in the House of Commons has changed. That Parliament decided to appoint lay members, to the newly established Committee on Standards, was seen as a significant development.
16. During the period, April 2014 – February 2015 the Committee on Standards set up a Standards Review Sub-Committee, chaired by one of the lay members (Peter Jinman – the first time a lay member had Chaired such a group) to conduct an inquiry which would examine the Standards of the House, and to consider improvements as required. The Committee on Standards considered the findings of the Sub-Committee and subsequently issued **The Standards System in the House of Commons - Sixth Report of the Session 2014 – 15**. An important part of that report provided an evidence based description of ‘What is an MP’ [Ch3 page 18 Sixth Report of Session 2014-2015 Committee on Standards] before considering further the system of regulation.
17. The Sixth Report recommended increasing the number of lay members on the Committee from three to seven, so that there would be parity of numbers in Committee membership between lay and elected members. It also recommended that the Committee should play a more proactive role in standards issues. The report, which was accepted by the last Parliament, thus paved the way for two important changes: (i) a Committee with an equal independent lay element (the Committee now does have seven lay and seven elected members), so that there is another significant independent element in the system in addition to the Commissioner for Standards; and (ii) a vision for future Committee work.
18. The process to recruit new lay members was, and continues to be, open and transparent, with efforts made to widen the search beyond ‘the usual suspects.’ As lay members, we have been involved in all aspects of the work of the committee - debates, judgements, evidence gathering and outreach sessions. This full involvement in the work of the Committee has changed the tone and content of debate and has been integral in bringing an external and independent perspective to the Committee’s work.

Barriers to change

Fragmented responsibility for standards issues

19. Responsibility for rules, conventions and standards issues, and the governance that is needed to ensure that all receive due attention, is spread across multiple bodies and groups in the House and beyond, including:

- The Committee on Standards
- The Commissioner for Standards
- The Independent Parliamentary Standards Authority (IPSA)
- The Public Administration and Constitutional Affairs Committee
- The Electoral Commission
- The Registrar for Public Lobbyists
- The Speaker, the Party Whips, the Leader, and Shadow Leader, of the House

20. In addition to the above, the Committee on Standards in Public Life provides an advisory commentary on the application of standards in all aspects of public life.

21. In our view, this plethora of bodies, groups and individuals with an interest in standards has the effect of diluting responsibility, making it difficult to identify leadership in what is already a complex area.

22. Each of the bodies, referred to above, working on standards issues, also has their own guides, practices and rules. This means that individual MPs also need to be aware of, and pay attention to, multiple sources of advice. We understand that there were reasons for creating some of the different bodies that have an interest in standards. However, in our opinion, there would be a clear benefit in ensuring that the aims of the different groups are better aligned, have clarification of purpose and ensuring, where appropriate, that they are using the same language and titles.

23. The Commissioner for Standards is considering the plethora of rules that fall under her purview as part of the current review of the Code of Conduct and Guide to the Rules. Although this is clearly to be welcomed, it does mean that MPs will still be left with a vast range of rules and regulations from multiple sources, which they need to know exist, understand and obey. This is added to by there being unwritten conventions that become apparent when transgression is pointed out by the knowing! Indeed, we understand that some of the 'rules' in the House are not even currently in the public domain. We would reflect that this is inefficient and confusing for MPs and their staff, and totally bewildering for those outside the House.

24. The Whips clearly have an important role in terms of standards; many of the strongest unwritten points of leverage that MPs face are in their hands. We reflect that the Committee on Standards could do more to work with the Whips to try and get a clearer focus on ethical conduct, education and cultural issues in the House.

25. The Committee's Sixth Report of the Session 2014-15 found that the vast majority of complaints received by the Commissioner for Standards fell outside her remit. Between April and July 2014, for example, of the 165 complaints made, only 6 were accepted and

of those declined, 80% were outside her remit. Of the cases accepted for investigation, most were related to the declaration, or failure of declaration, regarding financial interests. As the Commissioner's caseload has, to date, been the biggest factor shaping the agenda of the Committee on Standards itself, this has meant that its work has also been focused in these areas. Due to the lack of clarity over responsibility for standards issues, the Commissioner, Registrar and her staff spend a significant amount of time carrying out 'triage' of these complaints trying to direct the complainant to the correct person or body that can deal with the matter. This is as wasteful of their time as it is for the complainant and can erode public confidence in the system.

26. We would reflect that most professional regulators take a broader view of conduct than that just focused on financial issues. Such other bodies also have regard to the reputation of the profession in question. In the evidence for the current review of the Code, we have heard that the House does not necessarily have the 'space' to consider issues of governance. Bernard Jenkin MP commented:

'Governance is about leadership and the protection of reputation by looking at people's attitudes and behaviours. You cannot regulate people's attitudes and behaviours purely by rules. There needs to be a different conversation. Governance is in that space between the principles and what should be the rules.'

27. It is customary in terms of good governance, and it is our experience outside of the House, for all processes and Committees to be regularly reviewed to ensure fitness for purpose. We would therefore suggest that given the time now passed since the creation of the appointment of the first Commissioner for Standards, in 1995, and all subsequent developments in relation to standards, registration of interests or all engaged with Parliament, it would be appropriate and timely to now carry out a review of the wider standards system in the House.
28. Such a review should help to ensure that Parliamentary standards and processes are not only fit for purpose but also deliver value for money to the taxpayer. We consider that it would be beneficial for this review to also consider how issues of reputation are most effectively dealt with in the standards system in the House and to identify / suggest how the space for discussions about governance, in this area, can best be created.
29. Parliament clearly needs to own this issue. However, perceptions are important. In order to develop public confidence, any such review also needs to have an independent element. Asking the Committee on Standards in Public Life to help undertake such a review could help ensure that it is perceived, by the public, as being independent and in-line with wider practice in public life.

Time and prioritisation

30. We take the view that the pressures of the Parliamentary timetable – recesses, conference season, elections, referendums and other events – can make it difficult to develop sufficient focus on standards issues and to build momentum for change.
31. Time pressures regarding Committee on Standards work have been exacerbated by the fact that during our appointments, we have observed delays in selecting MPs to sit on the Committee. There have been long gaps when positions have been vacant and very little appearance of urgency from the party leaders to fill the vacancies.
32. That MPs are placed under such significant time pressures when in London seems, we reflect, totally contrary to the aim of producing sound judgement. We have commented previously on the attendance of MP members at Committee on Standards meetings and how they are often expected to be in more than one place at any one time.
33. Individual MPs are clearly heavily time constrained. We have heard that many MPs routinely work in excess of 60 hours a week. Making time for Committee on Standards issues can be difficult, particularly when they are faced by conflicting demands of party, constituency and individual interests. However, together with the press and public, we would note, and have heard testimony, that there are MPs who consider that they do have the time to also undertake additional employment outside of the House. We consider that this does raise questions, for the public and others, around prioritisation of the role and work of MPs, the organisation of the Parliamentary week and length of the sessions / terms.
34. In the evidence given during the current review of the Code of Conduct, we have heard that there is still much public uncertainty about the role of MPs. We are also aware of wider debates about the need, particularly in the digital age, to radically rethink how MPs work. These wider discussions may well have an impact on how the role of MPs is defined. It may perhaps inevitably also have consequences for how standards issues are dealt with, including the time and priority devoted to them.
35. Attendance by MPs at Committee on Standards meetings has improved over the last year or so, but the ability of individual elected members to devote additional time to meetings which would move beyond ‘fire-fighting’ mode is, in our view, still limited. The time pressures on MPs make it more challenging to find the time to explore external perspectives and comparisons thereby moving the Committee to a more pro-active approach. It can also make it difficult to draw a proper assessment as to whether the length of time it takes to deal with individual cases is indeed justified.

36. In our lay experience from outside the House, nearly all organisations face problems around time pressures and heavy agendas. Parliament is not alone in this area. We would reflect that like other organisations, the House needs to prioritise how it deals with standards issues and to be clearer as to what weight it gives to ethical regulation. Our impression is that there needs to be a review of the time management of the business of the House and that this should be undertaken using external persons as well as members. If the House considers that it is 'unique' in this respect, it needs to more clearly explain and communicate the reasons why.

Willingness to get involved in standards issues and appetite for change

37. The Committee on Standards can only make recommendations to the House. It is up to MPs on the floor of the House to decide whether to accept these. The sovereignty of Parliament clearly lies at the heart of our democratic system. Whilst this is right and proper, it can mean that issues of standards can become difficult to progress if they become the subject of party political machinations.

38. As lay members we are aware that the revision to the Code of Conduct recommended to the House by the then Standards and Privileges Committee in 2012 was held up for two years by disagreements between various parts of the House, linked to just one or two clauses. Memory of this unnecessarily difficult time provides an excuse for those that wish to avoid considering change. It has been frequently said to us that it can be exceptionally difficult to alter the 'system.' The adversarial nature of the Parliamentary debating chamber exacerbates this problem. It makes it challenging to build consensus on the need for change and indeed for the Chair of the Committee to agree a plan of action and to build support across the House in order to make progress .

39. During the period of our appointment, MPs both serving on the Committee and elsewhere in the House, have told us that many elected members are reluctant to sit on the Committee. It would appear to be generally felt that it is not pleasant to sit in judgement on colleagues and therefore membership of the Committee is unlikely to be a route to advancement in the House or party. In our opinion, as long as the Committee operates in a reactive mode, dealing mostly with cases resulting from complaints, this reluctance to join the Committee is likely to remain.

40. We have already highlighted the important role played by the Whips in terms of standards [Paragraph 24]. They clearly have a vital part to play in helping to ensure that elected members coming on to the Committee have an appetite for achieving cultural change in the standards area. Without the political side of the House championing change in this way, it will be difficult to move on from the existing 'chicken and egg' situation.

41. We would reflect that the Committee will work at its best if all members have a genuine interest in being there and want to achieve positive change. The motivation for membership is clearly something that is explored with potential lay members during the recruitment process. It would seem to us that it is also important to explore motivation with potential MP members of the Committee and to that end perhaps selection of MPs for the Committee should also have lay member input.
42. We have been pleased to note that regarding standards matters, the induction process for new MPs in 2015 was a significant improvement on what had gone before. However, we reflect that more could still be done to prepare new MPs for public office, and that this could extend to candidate training prior to elections. We consider that the House Authorities could do more to prioritise induction on standards and compliance issues by ensuring that the Commissioner's office and the Committee Clerk have sufficient resources to deal with both the peaks in activity at the beginning of each Parliament and for on-going 'training and development' during the Parliamentary term.
43. Experience within the professions has shown that it is not just the new members joining who may have trouble with standards, but often those who have been part of a profession for some time and have not kept up with the changes and expectations. Ensuring that existing members are up to date with key policies, such as the Respect Policy, would also seem to be important.
44. We are aware that much training activity already takes place in the House. To maximise the impact of this, it is important that it *always* includes MPs' staff, and new staff as recruited, not only at the beginning of each Parliament but also throughout the Parliamentary term. We would encourage all MPs to include attendance at continuing professional development sessions on standards issues in the contracts for their members of staff.

Corporate memory

45. During our time on the Committee, we have noted that the Committee's membership has gone through some considerable change. Elected members of the Committee have come and gone, the Clerk has changed and, as we come to the end of our appointments, there will be no overlap between us and the next cohort of three lay members coming in. As a result of the profile of complaints there is relatively little experience of handling cases, given the workload of the last year, for the 2016 intake of lay members. During our appointments, we have also experienced times when elected members of the committee have been under investigation, by the Commissioner, as the result of a complaint and have therefore been absent from Committee meetings. We also note

that the Commissioner is only appointed for a fixed term that will also shortly come to an end.

46. As lay members we absolutely accept, and are committed to, the need to periodically refresh the membership of the Committee and the need for the Commissioner to have a fixed term of appointment . However, we reflect that the churn in membership and support services has made retaining corporate memory challenging. Given the complexity in the cases that the Committee considers, we take the view that this ‘churn’ can make it difficult for the Committee to build momentum for change. In our view, this makes it all the more important for the Committee itself to give consideration to succession planning, fully recording the reasons for its decisions and undertaking ‘lessons learned’ exercises before key people move on.
47. Given that there may be occasions when the Chair of the Committee is unable to attend meetings, in our opinion it could be helpful for there to be a formal Vice Chair of the Committee. If the Vice Chair was a lay member, this would send a signal that the House valued the role of independent members in the standards process.

Enablers for change

Clear and meaningful penalties

48. We reflect that during our time on the Committee there hasn’t been a significant review of whether the current schedule of penalties for breaching the Code of Conduct is either appropriate or effective.
49. During evidence gathering we have heard that some consider the current arrangements do not act as an effective deterrent and are indeed out of step with what goes on in similar situations, of non compliance, elsewhere in the professions and society in general. We also note that the Welsh Assembly makes it a criminal offence to fail to register an interest. We understand that this is made possible by the fact that the Welsh Assembly was established by Statute and is therefore in this respect ‘different’ from the House of Commons.
50. In our opinion there could be significant benefits, in terms of building public confidence, of following the example of Wales in this area. We consider that this would send a clear signal to the public that the House takes breaches of the Code of Conduct seriously. Although we appreciate that this raises significant constitutional questions, we do consider that exploring creative ways of addressing this issue would be of value. Again, if the House of Commons is to be seen as ‘unique’ in this respect, there needs to be a clear and transparent explanation of why this is the case.

Committee membership

51. In our opinion, the increased number of lay members on the Committee, now parity in numbers with MPs, is an important enabler for change. We also consider that ensuring all members of the Committee are keen to be there and are motivated to achieve positive change would also make a significant impact on the Committee's work.
52. One of the rationales for the appointment of lay members was to enable them to bring a wider external perspective to the work of the Committee on Standards. We reflect that in Committee we have been able to openly share our experience of regulation, governance, conduct and public engagement issues outside of the House. We have been told that our independent perspective and our 'fresh pairs of eyes', together with our willingness to challenge 'the way we do things around here' has had a beneficial impact on the way that the Committee works.
53. As lay members, we have also pointed out where House practices differ from what we have experienced outside Westminster. We have also highlighted the importance of consistency between how standards issues for MPs are dealt with and how similar matters are administered in wider society.
54. The various arrangements for standards, in the different nations of the UK, local government, overseas and in the professions, provide valuable comparisons for what goes on in Westminster. We reflect that there is still significant potential for the Committee to learn from, and build on, good practice elsewhere.
55. There has been much discussion of the fact that the lay members do not have a vote in Committee meetings. We consider that our ability to add a 'rider' or 'minority report' to Committee reports is potentially more powerful than having a vote. However, we do recognise that in terms of public perception it may appear as if we lack 'teeth'. We would also reflect that it does put us in a slightly weaker position in terms of pressing for proactive change in the wider system, when we may not have a Committee 'report' available to which it would be appropriate to add a rider.
56. Giving lay members a vote could send a strong signal to both the House and the public that Parliament does take standards issues seriously. We note that concerns have previously been raised by the House Authorities that this would cause problems around Parliamentary privilege and would require statutory change. However, we are of the opinion that there would be value in once again exploring the legal position on this issue and transparently reporting on the points considered.

57. If this issue is addressed, and to further demonstrate independence, it could then be ‘theoretically’ possible to appoint a lay chair of the Committee. This would be a significant step in tackling public perceptions around MPs ‘marking their own homework’ and would be consistent with regulatory change in other areas (e.g., such as for solicitors).
58. As previously noted, the three original lay members have established the practice of producing an annual ‘lay member reflections’ paper on our experiences in the House. If the Committee itself does not produce an annual report, we would encourage those lay members that follow us to continue the practice of producing a lay reflections document. Whilst there is nothing stopping lay members putting proposals to the Chair and/or Clerk of issues that they wish the Committee should consider, in our opinion, there would be a benefit in the Committee collectively developing a more systematic way of identifying future issues for discussion, including the development of a forward work plan. This would help demonstrate that the Committee was committed to dealing with the issues raised and would provide a mechanism for progressing them and monitoring progress. In our opinion, this would help build trust on all sides that Parliament was committed to dealing with standards issues in a timely fashion.
59. The complex nature of Parliament and its workings are not easy to grasp for the newly arrived and unwritten conventions continue to be brought to the attention of us as lay members. To that end, an extensive induction programme, and the opportunity for exposure to continuing development, for the lay members is as important for them as it is for Members of Parliament, so that all can understand the working of Parliament.

Committee structure and processes

60. Given the previously noted churn in the membership of the Committee, and the fact that plans can easily be put off course by ‘events,’ it is clearly important that the structure and processes of the Committee are fit for purpose and able to endure through change.
61. With the appointment of seven lay members to the Committee, there are now two sources of independence, the Commissioner and the lay members. In our opinion, this makes it timely to ask whether the Committee’s structures and processes need to adapt to also reflect this new reality.
62. It may be helpful to consider how best in the future to carry out the two separate functions of (i) making the rules and promoting ethical standards; (ii) judging those who may have transgressed, noting that the investigation role is currently carried out by the

Commissioner . We consider that the Committee itself should have collective responsibility for, and ownership of, changes to the Code and the associated cultural change that is needed to ensure ethical conduct in the House.

63. It is important to be proportionate in terms of cost and process as there are only 650 MPs, but reputations and careers are at stake when accusations are made. In our opinion, having separate sub-committees and task and finish / short life working groups, co-ordinated by one overarching Committee, could be helpful. Outside of Parliament three or five person tribunals hear many important cases that change the lives of those under challenge.

Increased public understanding of what MPs do and the role of social media

64. In our opinion, increasing public understanding of what MPs do and how the House works are important enablers for change. As observed in Paragraph 25, we have noted, during our time in membership of the Committee, that the vast majority of the complaints or concerns raised with the Commissioner fall outside of her remit. We consider that giving the public a better idea of what to expect from MPs, what should be considered appropriate conduct and standards of behaviour, should assist them in understanding the duties and responsibilities of MPs in a twenty first century Parliament. How standards systems operate in Scotland, Wales and Northern Ireland provide a readymade comparison within the UK to highlight best practice together with what is possible and achievable.

65. We reflect that using plain English to communicate the Committee's work and to explain the reasons for its decisions and actions can help build confidence in the standards system.

66. Social media is clearly transforming relationships and raising new questions of accountabilities across society. Parliamentary standards are not immune from this change. We have noted previously that the House has detailed rules for embossed stationary and the use of envelopes but no individual rules for members in the use of 'Twitter, Instagram, Facebook etc.'

67. The Committee has taken the first tentative steps in terms of outreach activities with the public. It proved successful for all involved: public; lay members; and MPs. We consider that further activity in this area would be beneficial.

Conclusions and recommendations

68. In the last five years, the standards system in the House of Commons has changed. There is now an equal number of lay members and MPs on the Committee on Standards. Lay members bring an independent and external perspective to Committee work, sharing their wider experience of conduct issues, regulation, governance and public engagement. The Sixth Report of the Committee in the last Parliament set out a vision for the future work of the Committee. The challenge for the Committee is to now turn this vision into a reality.
69. In this final ‘reflections’ document of our appointments, we have identified four barriers and four enablers to achieving this vision. Although individually each barrier may not seem to be significant, taken together, in our opinion, they do indicate that the House is still at risk of another challenge to its adherence to the seven principles of public life. In our opinion, tackling these barriers and making the most of the enablers, will help the Committee on Standards to evolve so that that it can keep up with changes in regulation and good practice outside of the House.

We have identified four barriers to change

- (i) **The fragmented responsibility for standards issues:** There would be clear benefit in ensuring that the aims of the different groups with an interest in standards in the House were better aligned and ensuring, where appropriate, that they used the same, plain English, language. We consider that it would be beneficial for the Committee on Standards in Public Life to work in conjunction with the Committee on Standards to undertake a review of how wider standards issues in the House and issues of reputation are most effectively dealt with and how the space for discussions about governance in this area can best be created.
- (ii) **Time and prioritisation:** We have observed that the House finds it difficult to prioritise standards work. We consider that this raises questions for the public and others around prioritisation of the role and work of MPs (both inside and outside of the House), the organisation of the Parliamentary week and length of the sessions/terms. Our impression is that there needs to be a review in relation to time management of the business of the House using external persons as well as members. If Parliament is considered ‘unique’ in this respect, the reasons for this conclusion need to be more clearly explained to the public.
- (iii) **Lack of willingness to get involved in standards issues together with a low appetite for change:** We consider that the Whips have an important role to play in ensuring that MPs coming on to the Standards Committee have an appetite for change in this area. In our opinion, the motivation for membership of elected members of the

Committee should be explored during the 'selection' process to sit on the Committee, and lay members should be involved in this. House Authorities could do more to prioritise induction on standards and compliance issues by ensuring that the Commissioner's office and the Committee Clerk have sufficient resources to deal with both the peaks in activity at the beginning of each Parliament and for on-going 'training and development' during the Parliamentary term, including in areas such as the Respect Policy. We would encourage MPs to always include attendance at continuing professional development sessions on standards issues in the contracts for their members of staff.

(iv) Corporate memory: We consider that the Committee itself should give due consideration to succession planning. Given the churn in Committee membership, ensuring that the reasons for decisions are fully recorded, and lessons learned exercises are undertaken, would seem important. As there may be occasions when the Chair of the Committee is unable to attend meetings, in our opinion, it could be helpful for there to be a formal Vice Chair.

We have identified four possible enablers for change

- (i) **The use of clear and meaningful penalties:** In our opinion there could be significant benefit in terms of making it a criminal offence to fail to register an interest, as is the case in the standards system in Wales. If this is not possible, we consider that the reasons why need to be clearly explained and creative ways of addressing the issue need to be explored.
- (ii) **Changes in Committee membership:** From our experiences outside of the House, we consider that there is still considerable potential for the Committee to learn from good practice in ethical and conduct regulation and practice elsewhere. Perceptions are important. We reflect that, giving lay members a vote could send a strong signal to both the House and the public that Parliament does take standards issues seriously. We are of the opinion that there would be value in once again exploring the legal position on this issue and transparently reporting on the points considered. If this issue is addressed, to demonstrate independence, it could then be 'theoretically' possible to appoint a lay chair of the Committee. We consider that it would be beneficial for the Committee to collectively and systematically develop a Forward Work Plan. This would provide a mechanism for the Committee, as a whole, to plan and develop issues and track progress.
- (iii) **The Committee's structure and processes:** We consider that it may be helpful to consider how best in the future to carry out the two separate functions of (i) making the rules and promoting ethical standards and (ii) judging those who may have transgressed, noting that the investigation role is currently primarily carried out by

the Commissioner. In our opinion, it is important that the Committee as a whole is responsible for changes to the Code and wider 'cultural' agenda around standards. Having separate sub-committees and task and finish / short life working groups, co-ordinated by one overarching Committee, could, however, also be helpful.

(iv) Increased public understanding of what MPs do and the role of social media:

We consider that giving people a better idea of what to expect from MPs is essential. This should include making clear the framework of Codes and Rules which they must adhere to; what is considered appropriate conduct and standards of behaviour. Clarity on these matters should assist the public in understanding the duties and responsibilities of MPs in a twenty first century Parliament. We reflect that the considerable changes in the means of social communication provide an opportunity for the standards system in the House to adapt, evolve, communicate and educate. In our opinion, rather than 'live in fear of scandal' it would be fruitful to examine how the House can use the media – traditional and new – to strengthen the current standards system. We consider that further outreach activity with the public would also be beneficial.

Thank you

70. The support that we have received from Parliamentary staff during the period of our appointment has been essential to help us perform our role as lay members. Elected members have been generous with their time and open to the role of lay membership. We have shadowed MPs in both the House and in constituencies, in addition to observing their support staff roles. Our thanks to all staff and MPs with whom we have had contact, within and beyond the Committee.

71. Parliamentary systems, rules and procedures are complex. As far as possible, we hope that the issues noted in this paper accurately reflect current arrangements. We have shared an early version of this paper with the Clerk of the Committee to correct any points of fact. Any mistakes or inaccuracies remaining are ours.

72. We present our final reflections to Committee for consideration and publication.

Sharon Darcy
Peter Jinman
Walter Rader

Lay members of Committee on Standards 2012 – 2017

23.02.2017