

Responses to the Second Review of the Code of Conduct

September 2016 – 30 November 2016

Contents

Summary	2
Letter from 1922 Committee	2
Email from Graham Allen MP for Nottingham North	3
Letter from Rev Roy Allison	3
Letter from Paul Arthur.....	4
Email from Bryan Bennett.....	6
Email from British Scotland.....	6
Telephone call from the Propriety and Ethics Team in the Cabinet Office	6
Email from Ronnie Campbell MP for Blyth Valley.....	7
Email from the Committee on Standards in Public Life (CSPL).....	7
Letter from The Electoral Commission	11
Letter from the Commissioner for Ethical Standards in Public Life in Scotland	13
Email from Dennis Gowland	14
Email from Rod Hepplewhite	14
Email from Jonathan Hoffman	15
Note from House of Commons – Meeting of Whips and Senior Back-benchers.....	16
Email from Alex Howie.....	18
Letter from Independent Parliamentary Standards Authority (IPSA).....	18
Email from William Jopson	20
Letter from Judith King	20
Email from Janet McWee	21
Email from Kevin Malcolm	22
Email from John Mann MP for Bassetlaw.....	22
Letter from the Northern Ireland Assembly Commissioner for Standards	23
Email from Dr Gregory Page	24
Email from the Parliamentary Digital Service	24
Email from Caroline Peck.....	25
Letter from Plaid Cymru.....	25
Email from Angus Robertson MP, Westminster SNP Leader.....	27
Email from Tommy Sheppard MP for Edinburgh East	28
Email from Transparency International UK.....	30
Letter from UK Lawyers for Israel	32

Letter from Bill Wiggin MP for North Herefordshire	33
Email from Martin Williams	36
Amended text of original pdf document by Dr Jonathan Collins.....	44

Summary

The purpose of this consultation was to elicit qualitative rather than quantitative data. However, I hope it is helpful to provide some quantitative analysis at this early stage.

In total, 34 responses were received. Of these 15 were from members of the public, 9 from MPs or their political parties, and 10 were from other organisations. While responses to each of the questions were very varied, respondents were broadly positive about most of the proposed changes, with two respondents expressing generally dissent. One respondent argued for far more fundamental changes to the standards system as a whole.

There appears to be an emerging consensus in favour of revisiting the regulation of Members' outside employment, although with far less agreement about what might be considered.

The responses to some questions were markedly similar, but they were not uniform. For example, the proposal to amend the wording of paragraph 2(c) elicited 11 responses; 7 in favour of the proposed change, 3 were against it, and the final comment raised a specific question about the consistency of paragraphs 2(c) and 2(d).

14 were single issue responses, and half of these addressed the same issue (the proposal to amend paragraph 2(c) of the Code).

Letter from 1922 Committee

The *Code of Conduct* sets out a broad range of principles, many of which, although well meaning, are nebulous. This understandable lack of prescription makes them difficult to police and enforce. It therefore falls to Colleagues to take responsibility for their own conduct in relation to their elected position. In truth, however well drafted, no code can embrace the complex relationship between Country, Constituency and Party.

In regards to specific rules around conduct, I would make the following observation in reference to *Additional Rule 22*: This rule should be universal i.e. - *Those working in Parliament must treat each other with courtesy, dignity and respect.*

The Consultation also opens up the possibility of a further inquiry into *External Employment*.

External employment is already subject to stringent rules surrounding declaration. These rules seem to work well. It would be restrictive and disproportionate to end or further curtail the ability of

Members to pursue a profession, vocation, practice or position that allows them to maintain a foothold in the labour market.

In relation to the above, it will not have escaped the Commissioner's attention that there is not a "raging bull" market in connection to the employment of former Members of Parliament. This is particularly true in the case of those Colleagues that have not held Ministerial Office. Furthermore, the recent changes introduced by IPSA mean that a retiring Member of Parliament is not entitled to any severance payment to ease the transition back into mainstream employment.

*Charles Walker OBE MP
Vice-Chairman
29 November 2016*

Email from Graham Allen MP for Nottingham North

For balance could you begin by saying that out of 650 MP's there have not been any complaints about xxx of them. Most MPs of all parties work incredibly hard in a system heavily weighted by Government against them.

It is important that the excellent work that you do does not play into the one sided negative narrative that some in the media have developed and which corrodes the Parliamentary part of our democracy. I'm very happy to chat further about this. Many thanks for the professional job that you do.

10 October 2016

Letter from Rev Roy Allison

The Times newspaper (12/10/16) reports that a new Code of Conduct is currently under consideration.

For some years I was an Independent Member of my local District Council Standards Committee and consequently have an interest in codes of conduct for elected representatives.

As a contribution to your review, may I suggest that one positive way of ensuring Members' outside activities do not conflict with his or her responsibilities under the Code of Conduct is to require MPs to provide an annual report of their Parliamentary and constituency activities for their constituents, available on-line and in hard copy.

It is sometimes alleged that some MPs appear to forget about their constituents until it is election time again. A requirement to write an annual report for constituents would be a helpful focus. The report should contain statistical information about the MP's work, including the time spent on their duties.

I would be happy to expand on this suggestion, if asked.

15 October 2016

Letter from Paul Arthur

I understand from The Times that you are engaged in a public consultation over standards for M.Ps and wanted, if I may, to make a submission.

I strongly support the watering-down of the original draft and propose the way in which M.Ps are expected to address the public. We have already seen too great an erosion of freedom of expression in recent years, and we should not go further along that road by making M.P.s subject to any form of disciplinary proceedings because someone believes that they have spoken inappropriately or behaved with insufficient respect. (Obviously that does not include the making of physical threats or any kind of physical intimidation. As with any member of the public, that should involve the police, albeit with the permission of the Speaker or Sergeant-at-Arms if it happens within the precincts of the Palace of Westminster).

We need to remember that being a Member of Parliament is not a job. M.P.s are representatives of the people in a sovereign legislature, and that freedoms shall be as little circumscribed as possible. That is why I disagree even with the obligations that remain on the current draft. If, that is, they are to be the basis of disciplinary proceedings rather than simply a code of ideal conduct or set of guidelines, on which case I would support the wording.

I do, however, entirely agree that there needs to be full disclosure of all outside interests and sources of income in a register, and that this should include immediate family members. Compliance failure should result in automatic penalties that prevent favouritism of any kind. These penalties should also be strict.

There should also, in my view, be strict penalties for misuse of allowances. That does not mean that a staff member cannot, on occasion, pick-up an M.P.s dry-cleaning on the way to work, but should prevent funds being used for non-Parliamentary work, i.e. paying for a full-time nanny or gardener.

As to whether M.Ps should be allowed to take-on second jobs, that, in the end, must be a matter for M.P.s to decide themselves. It is, I think, both unfair on you, and also inappropriate, for M.Ps to hand you that particular responsibility, and I would urge you to hand it back to them to decide, with the proviso that if they do decide to allow it, then there should be maximum disclosure of both remuneration and the type of work that is expected of them. In short, I believe that transparency should be your principal focus.

Finally, I indicated above that I would support the current re-drafted wording apropos the conduct of M.Ps, so long as it formed part of a set of heuristic guidelines, and not as the basis of any kind of disciplinary proceedings.

I think there is a case for expanding those guidelines to offer guidance on their other responsibilities. M.Ps engage on a daily basis in confrontational politics, and insult and invective as part of that. Words such as 'racist', 'homophobic', 'Islamophobia', 'anti-Semitic', 'deluded', 'undemocratic', 'irresponsible' or simply 'living in la-la land' are frequently employed against Parliamentary colleagues and not infrequently members of the public too. I do not wish to see M.Ps restricted in any way in that regard, so long as they do not threaten others or, pace John Stuart Mill on his celebrated Essay on Liberty, to stir-up hatred against others in a way that is likely to lead to violence. M.Ps, like the rest of us, should be free to offend.

By the same token, M.Ps should expect that if they make strong or controversial statements then they, too, must not expect to be immune from robust criticism or even mockery from constituents

and non-constituents alike, so long, of course, as this does not involve any form of physical threat or intimidation, in which case it should be referred to the police. What is good for the goose is good for the gander and vice versa. M.P.s should have the right to offend and the right to be offended. If we try to live in some kind of anodyne bubble where no-one is ever offended we will not live in a free society or a democracy worth the name.

It should, therefore, I think, be suggested to M.P.s that all correspondence that is not threatening or which uses foul language should, in principle receive at least the courtesy of an acknowledgement indicating that the letter or email has been received and its contents noted while adding that the M.P. does not agree with the views or arguments of the sender. This should apply equally to constituents and non-constituents alike, given that M.P.s may often adopt positions which afford them natural prominence.

I mention non-constituents because I have the impression that M.P.s increasingly take the view that they should respond only to their constituents – either because it is easier to ignore even thoughtful and carefully-argued letters or emails from non-constituents or even, somehow, improper to respond to them. Yet is it not reasonable that people should write to John Redwood or Bill Cash, say, about their views on Brexit or to Nicki Morgan for her vocal opposition to grammar schools? This is all part of a vibrant democratic conversations.

Although it may well be improper for an M.P. to interfere directly in a constituency problem of a non-constituent, I would urge that your guidelines make clear that there is nothing improper in M.P.s responding to correspondence from non-constituents on general political matters and that there should be an expectation that (in the absence of foul, threatening or abusive language) such correspondence would merit at least the courtesy of an acknowledgement.

Despite very generous staff allowances, M.P.s may feel that they don't have time to respond to correspondence from non-constituents because they are so busy responding to complaints from constituents about matters which have been devolved to sub-national levels of government (usually Local Authorities) such as housing, or which otherwise fall outside their remit as national legislators. This 'localisation' of politics – often favoured by smaller parties such as the Lib Dems as a way of increasing their profile at a local level – has had the unfortunate effect of tying-up M.P.s and their staff on dealing with local matters such as housing, that they do not have sufficient time left to fulfil their primary functions of holding the executive to account or improving the quality of legislation. You would be doing a great service to our democracy if you issued guidelines suggesting that it would be in no-way improper for M.P.s to pass-on such correspondence to local councillors, whilst allowing staff allowances to be used to second staff from Parliament to local councillors to enable Councillors to give considered replies. In any event, good wishes to you in your endeavours.

16 October 2016

Email from Bryan Bennett

I would like to respond to the Consultation on the proposed changes to the Code of Conduct for MPs. I very strongly support the inclusion in the code that MPs should “Act in the interests of the United Kingdom as a whole”. This change in no way limits the ability of MPs to represent their constituents or have different views on the constitutional future of the United Kingdom. Any attempt to just use a generic term such as “country” or “nation” does not provide clarity and would undermine the entire purpose of the statement. It is of utmost importance that the code of conduct expresses that MPs must commit to acting in the interests of the whole United Kingdom, it would be pointless to just use the term “country” or “nation” which can mean many different things to different people.

15 October 2016

Email from British Scotland

I am responding to the consultation on the new draft MPs code of conduct. I want to support the proposed change that clearly states MPs should act in the interests of the UK as a whole. This is an important wording that should not be removed just because it makes a few SNP MPs unhappy. All MPs will still be free to express their views and represent their constituents, but it is right everyone should seek to act in the interests of the United Kingdom as a whole. Changing the wording to use a term like country or nation instead would make the entire sentence pointless as it can mean anything at all.

Please keep the wording proposed in the draft code of conduct. Do not bow to political pressure from a single political party seeking to push their own agenda, rather than uphold important standards that MPs should follow.

If a change is now made to the wording on this, it will be seen as a significant political victory and vindication for the SNP. That should not be allowed to happen.

Alex Johnson

19 October 2016

Telephone call from the Propriety and Ethics Team in the Cabinet Office (small drafting amendment)

She said that the sentence about the Ministerial Code on p8 would be best rephrased as follows:

Ministers and Government Whips must also comply with the Ministerial Code.

I said we weren't sure if this applied to unpaid Whips. She said their view was that it did.

14 October 2016

Email from Ronnie Campbell MP for Blyth Valley

Thank you for the opportunity to respond.

Mr Campbell's observations are as follows;

Questions 1 and 2 see below

Most of the descriptors are clearer, however in relation to the Leadership descriptor it should be made clear that if a member is aware of poor behaviour then that behaviour should be challenged. The CSPL definition 2013 made this clear and it should remain so.

Question 3 Yes

Question 4 Yes

Question 5 No

Question 6 Yes

Question 7 No

Question 8 Prioritise Lobbying and Restrictions on Outside Work by Select Committee Chairs

Question 9 No

Acceptance of Gifts should be made clearer, guidance on the receipt of the small token of thanks, such as a box of chocolates, bottle of whiskey or bunch of flowers.

Question 10 No

Question 11 No

12 October 2016

Email from the Committee on Standards in Public Life (CSPL)

Introduction

This paper sets out the response from the Committee on Standards in Public Life to the Parliamentary Commissioner's current review of the Code of Conduct and the Guide to the Rules relating to the conduct of Members of Parliament.¹

The Committee welcomes the Commissioner's second consultation paper relating to the review of the House of Commons Code of Conduct for Members of Parliament. The Committee considers it good practice to review codes of conduct regularly in order to learn the lessons from administering the Code and in light of changing expectations and standards.

Please note that the Committee itself has not commissioned new evidence on the Code of Conduct and what follows is based on the Committee's previous recommendations and the Committee's current observations.

¹ The background to the Committee is set out at annex A.

Before we turn to our specific comments, we think it is worth saying that the Committee did find the consultation document rather unclear and difficult to follow, both in terms of the structure of the consultation document itself and the stages of the consultation, and in terms of the drafting of the rules in some places. We suggest that you test the drafting of the rules to ensure that they do not lack clarity and are not open to different interpretations.

Consultation Document - Part 1

Principles of Public Life

We note in your table on page 5, the second column is headed *CSPL Definition 2013*. Please delete 'Definition' in this column heading and replace with 'Descriptor'.

Draft Example Descriptors of the Seven Principles of Public Life

We note your proposal not to amend your definitions relating to the Seven Principles, but to replace the definitions with examples of behaviour that might be more relevant in the context of parliamentary activity and the role of a Member. We can see the advantage of setting out clear examples but had some reservations about relying on the examples only.

We had a general concern that there is a risk around how some may interpret the examples; individuals may take them literally without room for flexibility and proper understanding. We suggest introducing the examples (at III,4 in the Revised Code of Conduct) with a line emphasising that these are only one possible example for each Principle and Members would be expected to use the examples together with the Principles, and develop their own ethical competences and values, and use these to recognise issues requiring ethical judgement. *People need not only to know what acceptable behaviour should look like, but also to understand the principles behind it and internalise them.*²

Turning to the examples themselves, we thought the example for 'Leadership' was robustly drafted, but had reservations around the examples for 'Objectivity' and 'Honesty'. We felt the example for 'Objectivity' should be stronger. It states that 'Members must, wherever possible, weigh carefully the evidence on which they have based their decisions.' We suggest that Members must always weigh up evidence, rather than 'wherever possible', and act without discrimination and take decisions impartially.

The proposed example for 'Integrity' we felt could lead to difficulties for members. We understand that the intention is to demonstrate that Members should not place themselves under obligations to others that might unduly influence them in their official duties. But as written, the sentence "They [Members] must not allow themselves to be influenced by obligations to others in the performance of their role", could mean that they should not be influenced by for example their Whips or party policy or their constituents. It seems to us that the opposite is the case and Members continually have to take others' views into account. We suggest that the example is redrafted to reflect the particular position they hold.

² *Standards Matter*, January 2013

Draft Revised Code of Conduct and Proposals for Additional Rules

There is a small typo under I. Purpose of the Code on page 8: *The Code of Conduct applies to Members...*

Paragraph III.3 General Principles of Conduct on page 9 should be amended to read: *When carrying out their duties, Members are expected to follow the Seven Principles of Public Life articulated by the Committee on Standards in Public Life: ...*

Paragraph III.4 on page 9 should read: *The table below gives examples of how a Member should put the Principles of Public Life into practice...*

The Committee was not clear as to whether the new paragraph 14 starting *House of Commons Members' Handbook Rules...* on page 10 was meant to be a footnote or be inserted elsewhere in the revised Code of Conduct?

Proposals for additional rules

Outside Employment

We recommend that the rule proposed at paragraph 20 on outside employment not conflicting with responsibilities under the Code of Conduct is included.

The Committee recommended in its 2009 report on MPs' expenses and allowances³ that the Code of Conduct for Members should be revised to allow complaints to be made against an MP who is a former Minister and who takes on outside paid employment but does not follow advice provided by the Advisory Committee on Business Appointments (ACoBA). The recommendation was accepted by the Committee on Standards and Privileges in its proposals to the House on revisions to the Guide to the Rules relating to the Conduct of Members in the Commons. We restated this recommendation in our 2013 report on Lobbying.^{4 5}

We note that this rule is subject to possible additional work on underlying rules on outside interests. We are not quite clear what this means in terms of process and timescales and would welcome clarification of what is intended here.

³ MPs' expenses and allowances November 2009

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/336903/MP_expenses_main_report.pdf

⁴ *Strengthening Transparency Around Lobbying November 2013*

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/407530/2901376_LobbyingStandards_WEB.pdf

⁵ See also Oct 2016 PACAC inquiry into ACoBA and Independent Adviser on Ministers' Interests

<http://www.parliament.uk/business/committees/committees-a-z/commons-select/public-administration-and-constitutional-affairs-committee/inquiries/parliament-2015/acoba-and-independent-adviser-on-ministers-interests-16-17/>

All-party Parliamentary Groups

The Committee found the drafting at paragraph 21 unclear: *'A Member who chairs an unregistered group is also responsible for the group's compliance with the House's rules'*. To which rules is the paragraph referring?

Consultation Document, Part 2

External Employment

We note that the Commissioner does not propose to look at external employment as part of her review of the Rules but will write to the Committee on Standards to suggest that it may wish to consider this matter. We welcome this proposal and would reiterate our previous statements on this subject that MPs should be open about their employment outside the House, and should provide information about their current working lives and their intentions with regard to second jobs at the time of elections.

Conclusion

Overall, we welcome the intention to make the Code easier for the public and Members to understand; we hope this will help improve public confidence and trust. We would repeat our suggestion that the drafting is tested for clarity as it is of course imperative as a first step for any code of conduct to be easily understood by both those whom it covers, and the public.

Annex A

Committee on Standards in Public Life: Background

The Committee on Standards in Public Life is an advisory Non-Departmental Public Body (NDPB). The Committee was established in October 1994, by the then Prime Minister, with the following terms of reference:

"To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life".

The Principles of Selflessness, Objectivity, Integrity, Accountability, Openness, Honesty and Leadership remain the basis of the ethical standards expected of public office holders and continue as key criteria for assessing the quality of public life.

The Committee's terms of reference were updated in 2013: *"...the Committee's remit to examine 'standards of conduct of all holders of public office' [encompasses] all those involved in the delivery of public services, not solely those appointed or elected to public office"* (Hansard (HC) 5 February 2013, col. 7WS).

The Committee's terms of reference were further clarified in a House of Lords written Parliamentary Question on 28th February 2013 to explain that the Committee's remit means it *"can examine issues relating to the ethical standards of the delivery of public services by private and voluntary sector organisations, paid for by public funds, even where those delivering the services have not been appointed or elected to public office"* (Hansard Column WA347).

A Research Advisory Board, chair by Professor Mark Philp, University of Warwick, supports the Committee's work.

18 November 2016

Letter from The Electoral Commission

Thank you for your letter of 10 October 2016 to Jenny Watson inviting the Electoral Commission's views on your 2016 review of the Code of Conduct and Guide to the Rules for MPs.

The Electoral Commission is an independent body set up by the UK Parliament. Our aim is integrity and public confidence in the UK's democratic process. We regulate party and election finance and set standards for well-run elections and referendums.

The Commission's particular area of interest in your review is the requirement placed on Members by the House of Commons' Rules to meet their reporting obligations as holders of elective office and party members under the Political Parties, Elections and Referendums Act 2000 (PPERA). Since July 2009 Members have no longer needed to report permissible donations and loans to the Commission. We rely on the Register of Members' Financial Interests to obtain the necessary information for inclusion in our registers.

We have no specific concerns with the content of the Rules or Guide which impact on our ability to comply with our ongoing statutory publication requirements in relation to the political activities of elected officials and political party members.

The reporting obligations set out in the Rules and Guide serve the dual purpose of setting out the rules and assisting Members comply with their obligations to the House and the statutory political finance controls under PERA. As such, it is important that neither the Rules nor the Guide are altered in ways which would inadvertently make compliance with, and regulation of, the political finance controls more difficult. We would be pleased to work with you and the Committee on Standards on any future changes that are considered, in order to minimise that risk.

This letter provides our comments on the relevant sections of the consultation document.

Is there any other aspect of the Rules which you think should be specifically be addressed?

(Question 9)

The consultation document highlights at paragraph 25(c) 'Dissolution of the House' that '*A number of issues arose during the period between the dissolution of the House and the election in 2015 which could not easily be resolved as the Commissioner has no jurisdiction during that time. Some issues related to the use of House facilities and the advantage given to incumbent Members, other to more serious matters relating to ethical standards.*'

Under PERA, donations over £500 used to promote the electoral success of a party can only be accepted from permissible sources. This includes services given without charge or on non-commercial terms when used to procure the return of party candidates or enhance the standing of a party or its candidates.

It is also important to note that under the Representation of the People Act 1983 (RPA), candidates can only accept donations over £50 towards campaign spending during regulated periods from permissible sources. In the case of UK parliamentary general elections, the pre-candidacy regulated period for candidates known as the 'long period' starts when a Parliament has sat for more than 55 months and continues until dissolution of Parliament. The regulated period for candidates, known as the 'short period' begins when someone officially becomes a candidate (after dissolution of Parliament) and is in place until the election.

The House of Commons is not a permissible donor in respect of party or candidate donations. If an MP's use of House facilities were deemed to be covered by the party or candidate spending rules, then that will be an impermissible donation. Accepting an impermissible donation is a criminal offence and the money is liable to be forfeited by a court order.

We note that paragraph 15 of the Code provides that *'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'* and that *'Members shall ensure that their use of public resources is always in support of their parliamentary duties.'* However, to avoid the potential for unintentional breaches of the party or candidate donation controls, there would be benefit in making clear to Members that House facilities should not be used for activities which could be construed as either election expenses or campaign expenditure.

Are there any other significant issues which you think should be reviewed as part of the work on the Guide to the rules? (Question 11)

We note that following the consultation you intend to review the Guide to the Rules in line with any changes made. Whilst reviewing the Guide for the purposes of this consultation, we noted a few matters you may consider clarifying for Members:

- Introduction, paragraph 6: We suggest that it would be worth noting for Members that the Electoral Commission also publishes on its website the information relevant to Members' political activities it extracts from the Register. This is in order to comply with the statutory regulation of elected officials and political party members.
- Chapter 1, paragraph 2: The timely reporting of Members' registrable interests is a central element of both the House Rules and Members' statutory reporting obligations as regulated donees under PPERA. The reporting requirements of both regimes are important to ensure that appropriate transparency is provided to Members relevant interests in terms of their parliamentary duties and their political activities. While we note that chapter 1, paragraph 2 of the Guide sets out the reporting deadlines for Members, in our view, the Guide could do more to highlight the reporting timeframes and the importance of Members adhering to them.
- Chapter 1, paragraph 21, permissible trusts: The law on the permissibility of trusts is complex. We suggest that the Guide should explicitly advise Members who receive a donation from a trust to contact the Registrar for advice.
- Where referenced, the Election Commission's telephone number is now: 0333 103 1928. However, Members should contact the Registrar for advice in the first instance.

30 November 2016

Letter from the Commissioner for Ethical Standards in Public Life in Scotland

Thank you for your letter of 10 October. As I have previously stated, I do not feel that my experience of dealing with complaints under the Code of Conduct for Members of the Scottish Parliament is particularly relevant to the distinct circumstances in which MPs conduct their business. I am therefore limiting my observations to general issues and to a few areas where the Scottish Parliament has, either for MSPs or in relation to other spheres of influence, adopted a different formulation for rules of conduct.

One general question concerns the possibility of an MP finding that there appears to be a conflict between two or more of the Code, the Rules of Conduct, the other rules of the House and the rulings of the Chair. Is there any clearly understood hierarchy or order of priority? If so, should it be set out in the Code?

1. Principles/Example Descriptors

I have had experience in a non-MSP complaint of transparency being cited as the justification for public disclosure of details which were arguably confidential. The Possible Example given in relation to the principle of openness might be interpreted as supporting such a justification, if not qualified in some way.

3. Clarity

The Purpose of the Code explains that it applies to member(s) in all aspects of their public life. Is this intended to include public activities which are not connected to their election as an MP, for example a charitable role which might pre-date their first election?

I also wonder how clear the descriptor “purely private” is.

Duties of Members

Could a member find that there appeared to be a conflict between paragraphs 2(c) and 2(d)? How is any conflict to be resolved?

Safeguarding Information

The Councillors’ Code of Conduct, under which complaints are submitted to my office for investigation, extends the prohibition on the use of confidential information to disclosure or use for personal or party political advantage. Has any consideration been given to whether such an extension would be appropriate in the circumstances with which you are concerned?

Proposed additional rules - Parliamentary Staff and others

Why is the requirement to treat with dignity, courtesy and respect restricted to those who work in Parliament? It could be argued that there should be a comparable obligation in respect of those who engage with Members?

4. Equality Acts - It is not clear what the specific reference to the Equality Acts adds to the general duty to uphold the law.

*Bill Thomson
Commissioner
30 November 2016*

Email from Dennis Gowland

In response to the consultation on the proposed changes to the MP's Code of Conduct – I agree with and strongly support the inclusion of the wording that “MPs should Act in the interests of the United Kingdom as a whole”.

I am a Scottish voter and in the SNP-demanded referendum of September 2014 I voted, along with over 55% of the Scottish electorate, in a record turnout, that Scotland should remain a member of the United Kingdom. Since then, our wishes have been sadly neglected as more power has been granted to the SNP Scottish Government whilst, it can be argued, their MPs in Parliament have shown as little loyalty to the United Kingdom and the Crown as it has been legal to show in that place.

If those elected to the Parliament of the United Kingdom of Great Britain and Northern Ireland cannot agree that they should act in the interests of the United Kingdom as a whole then what would be their reason for being there? Scotland, in common with Wales and Northern Ireland, have devolved assemblies where elected Members can properly represent the various member regions – so where is the need or justification for Members of the UK –wide Parliament to duplicate these allegiances? Since 1999 the various acts of Parliament which have devolved powers to the regional governments or assemblies have been seen to have little balance in terms of recognising the status of our National Parliament. I urge you to listen to those in Scotland and not just the Nationalist voices and to stand by our wish, clearly demonstrated, democratically in 2014.

15 October 2016

Email from Rod Hepplewhite

I refer to your letter of 10th October regarding the above and the Consultation Paper you provided me with.

I have only one comment that I wish to make and it is on the subject of conflicts of interest, a subject on which I have written previously. I appreciate that the proposed revisions on this topic may represent a tightening up of guidance but I don't believe it goes far enough as it still allows wriggle room for personal interest to be purported as public interest.

Perhaps I should explain that I am a planning consultant, a chartered town planner, and have worked both in the public and private sectors. My work brings me into regular contact with councillors, particularly at council planning committees. The rules on conflicts of interest for councillors are clear and strict, particularly where a conflict may be perceived by a member of the public as prejudicial. For example, if a councillor is employed by a house-builder he would not be allowed to vote on a planning application submitted by that house-builder when it was reported to planning committee and would also be expected to leave the committee room why the application was being reported, debated and determined. Similarly, if a councillor owned shares in Tesco, for example, he would not be allowed to vote on a planning application submitted by Tesco when it was reported to planning committee and, again, would also be expected to leave the committee room why the application was being reported, debated and determined. Failure to do so could leave the decision of the planning committee in jeopardy and could result in the councillor being prosecuted in

the courts (this has happened). Similarly, in either case the councillor should not make any submission to the planning department urging the application be approved unless such a submission was made solely in a private capacity with a clear indication that it was not being made in his/her official capacity as a ward councillor.

If such rules apply to councillors why should they not apply to MPs? Why, for example, should an MP who is employed (even as a part-time consultant) by a private healthcare firm or own shares in such a business be permitted to vote in favour of increased private sector involvement in the NHS? In any situation where an MP or his/her immediate family could benefit from a vote on an issue going a particular way than that MP should be debarred from voting on that issue.

One rule for councillors and another for MPs is not acceptable. As it stands the guidance on conflicts of interest would allow an MP to say that although he/she gained financially from a decision there would be public benefit from it. That is not acceptable and brings the House and MPs into disrepute and in a snapshot explains why so many people (not myself I hasten to add) hold politicians in low regard.

17 October 2016

Email from Jonathan Hoffman

You will be aware that public authorities are now required to act in accordance with the government's Prevent programme ("Preventing violent extremism").

<https://ukmediawatch.org/2016/11/08/no-to-antisemitic-discourse-in-british-parliament/#respond>

As regards universities inviting speakers, the requirement is as follows:

"When deciding whether or not to host a particular speaker, institutions should consider carefully whether the views being expressed, or likely to be expressed, constitute extremist views that risk drawing people into terrorism or are shared by terrorist groups. In these circumstances the event should not be allowed to proceed except where institutions are entirely convinced that such risk can be fully mitigated without cancellation of the event. This includes ensuring that, where any event is being allowed to proceed, speakers with extremist views that could draw people into terrorism are challenged with opposing views as part of that same event, rather than in a separate forum. Where institutions are in any doubt that the risk cannot be fully mitigated they should exercise caution and not allow the event to proceed."

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445915/Prevent_Duty_Guidance_For_Further_Education_England_Wales_-_Interactive.pdf

The government's definition of 'extremism' is: "vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance for those with different faiths and beliefs."

The meeting which Baroness Tonge chaired in a meeting room in Parliament on October 25th included a comment from an attendee likening Israel to the Islamic State and blaming Jews for the Holocaust. That clearly violates the extremism definition ("mutual respect and tolerance for those

with different faiths and beliefs”).

It is completely unacceptable for Parliament to enact rules for preventing extremism in public authorities and then ignore those rules when it comes to its own conduct

You are inviting responses on the draft Code of Conduct. I note that the draft includes “House of Commons Members Handbook for the Use of Meeting Rooms”. Will this include provision to ensure that meeting rooms are not booked for extremist meetings? Can you let me see a copy of the Handbook please?

If it does not include such provision - I would propose that it should.

MPs and Peers should be required to state the purpose for which they are booking a room and to give assurance that there will be no extremist content in the meeting.

Who should police it? Maybe the Commissioner. Or maybe the Administration Committee in the Commons and the Procedures Committee in the Lords. But I would be open to your suggestions.

16 November 2016

Note from House of Commons – Meeting of Whips and Senior Back-benchers

Note of meeting on 23 November 2016 about consultation on changes to the Code of Conduct - Present: Whips and Senior Back-benchers

1. Kathryn Hudson explained that the Commissioner is expected to review the Code and Guide to the Rules once in each Parliament. Since the previous review of the Guide to the Rules was implemented only in 2015, she does not propose to revisit the Guide in detail (although she hopes to review the advocacy rule). She has now reached the second stage of her consultation on the Code of Conduct. She would welcome views on her proposals to simplify some of the language used, particularly for the seven principles, and to incorporate rules which were previously set out elsewhere. When the consultation period ends she will submit a formal paper to the Committee on Standards, who will in turn consider this and submit recommendations to the House.

Paragraphs 4 to 8 of the Code of Conduct

Duties of Members and General Principles of Conduct

2. Kathryn said that she would was anxious to know whether the changes canvassed in her consultation paper would be helpful in practice. In the discussion which followed the following points were made:

- There is no particular need to amend paragraph 6 of the Duties of Members, which requires Members to act “in the interests of the nation as a whole”;
- There is no particular need to amend the definitions of the seven principles of public life in paragraph 8 of the Code;

- It would be helpful if a statement about the remit of the Commissioner could be given more prominence, perhaps earlier in the Code;
- It would be helpful if this also explained that it was for individual Members, and not for the Commissioner, to decide how to pursue constituency matters;
- Collecting all the rules on propriety in one place would be helpful.

Paragraphs 9 to 16 of the Code of Conduct

Rules of Conduct

3. Kathryn explained that she cannot investigate breaches of the Code of Conduct unless these also involve breaches of the Rules of the House (generally, the rules of conduct at paragraphs 9 to 16 of the Code). This will not change. She also does not envisage major changes to the Rules of Conduct. The changes she is considering are largely intended to give prominence to provisions which already exist elsewhere. The key changes under discussion are:

- A possible new rule to make plain that the Chair of an APPG is generally responsible for its compliance with the rules – as is already stated in the Guide to the Rules for APPGs;
- A possible requirement for Members to treat others with dignity, courtesy and respect. This is to correct an anomaly which arises out of the Respect Policy, which requires a Member to treat House staff with dignity, courtesy and respect, but imposes no such requirements on their relationship with others;
- A provision to make plain that generally speaking Members are responsible for the conduct of their staff (currently included at footnote 5 of the Guide to the Rules).

4. The following comments were made:

- Rules need to be carefully drafted, as the words guide those who make complaints. Any complaint – not just those which are investigated or found to be evidenced – can be very damaging to a Member's life and reputation;
- It is important to future-proof any amendments to the Rules;
- It would be helpful if more specific wording could be provided for rule 10, which requires Members to give priority to the public interest;
- A requirement for dignity, courtesy and respect ought to acknowledge that on occasions Members might need to impose a limit on dialogue with a particular constituent;
- If she receives a complaint about the conduct of MPs' staff, the Commissioner will need to establish whether the individual concerned was acting in accordance with the MP's directions, before proceeding further with the inquiry;
- The scope of the advocacy rule outlined at paragraph 11 of the current Code needs review. The current rule effectively prevents anyone who has visited a foreign country at the expense of its government from speaking in favour of financial or material help for that government. Similarly TA members can be prevented from speaking about the resourcing of the armed forces. These prohibitions apply for six months. They should be reconsidered.

5. Kathryn explained that she is also considering a possible restriction on Members' second jobs, to prohibit roles which involve giving parliamentary advice. Those present suggested that the definition of parliamentary advice would need to be carefully drawn up.

6. Kathryn thanked those present for attending and invited them to send written evidence, so that their views could be formally submitted to the review. The Chair offered to convene a similar meeting in future if it would be helpful.

23 November 2016 (HW)

Email from Alex Howie

Please maintain that all MPs pledge to 'act in the best interests of the United Kingdom as a whole.' All MPs stood as candidates to be elected for representing at UK Government level in 2015 and must be held to be accountable to this... Otherwise the democracy of the country is compromised.

15 October 2016

Letter from Independent Parliamentary Standards Authority (IPSA)

Thank you for your letter of 10 October 2016 inviting responses to your Review of the *MPs' Code of Conduct* and the Guide to the Rules relating to the conduct of Members of Parliament.

As you know, the Independent Parliamentary Standards Authority (IPSA) is an independent body established by Parliament to:

- regulate MPs' business costs and expenses,
- determine MPs' pay and pension arrangements, and
- provide financial support to MPs in carrying out their parliamentary functions.

Our aim is to assure the public that MPs' use of taxpayers' money is well regulated and that MPs are resourced appropriately to carry out their parliamentary duties.

Our particular interest in the Review is in supporting coherence between the rules of the Code and those of our own *MPs' Scheme of Business Costs and Expenses* ('the Scheme'), particularly in ensuring that taxpayers' funds are made available to MPs to support their parliamentary functions but not otherwise.

This letter provides our comments on the relevant sections of the consultation document.

Draft Revised Code of Conduct

Use of Resources

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

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

IPSA, via the Scheme, is a body that makes provision for the reimbursement of costs and expenses to MPs necessarily incurred in the performance of their parliamentary duties. Under the Scheme, MPs have the right to be reimbursed from the public purse for unavoidable costs where they are incurred *wholly, exclusively and necessarily* in the performance of their parliamentary functions, but not otherwise. This wording makes it clear that public funding must not be exploited for personal financial advantage, nor to confer an undue political advantage on an individual or organisation. We have found this form of words helpful in encouraging compliance. We invite you to consider whether we can be consistent between the wording of the Scheme and the Code of Conduct.

As you will appreciate, Members of Parliament are also politicians, so there will inevitably be an overlap between their parliamentary and their party political activity. As there is a grey area between the two, MPs must make a judgement about what they ask the taxpayer to fund. It is not always clear where the line falls. This is an area which we are also reviewing and we invite you to work with us to provide clear and consistent guidance to MPs on this matter to ensure a coherent approach between our two bodies.

We also suggest that reference to our Scheme is included alongside the other associated rules and conditions in the revised Code of Conduct.

Proposals for additional rules

Parliamentary staff and others

A Member must treat all those who work in Parliament with dignity, courtesy and respect.

We believe this proposed rule would help to establish public confidence in the standards expected of all MPs. We suggest it could be expanded to include all those who work with MPs on a regular basis both inside and outside Parliament.

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

This proposed rule is similar to our own principle that MPs should be held, and regard themselves as, personally responsible and accountable for expenses incurred and claims made, and for adherence to our rules. We consider its inclusion sensible in encouraging accountability, which is one of the Seven Principles of Public Life.

Other issues - Dissolution of the House

The 2015 General Election was IPSA's first. We encountered a number of issues similar to those that you note in your consultation document. We conducted an assurance review after the election to identify where our work could improve and issues which required further investigation. The report is on our website⁶ and we would welcome the opportunity to discuss any issues arising.

Finally, we believe the Code of Conduct and IPSA's Scheme should be accessible to all. As such we would support any amendments which make the text clearer and easier to understand, including by referring to Members of Parliament as 'MPs', as they are more commonly known, rather than as 'Members'.

⁶ The report can be found at the following address:

<http://parliamentarystandards.org.uk/transparency/IPSA%20corporate%20reports%20%20publications/Assurance%20Reports/General%20Election%202015.pdf>

We are grateful for the opportunity to contribute to your development of the Code and look forward to working with you on areas of shared interest as we develop our parallel regulatory responsibilities.

*Marcial Boo
Chief Executive
29 November 2016*

Email from William Jopson

We are constantly being told by MPs that they are underpaid for the work and hours that they put in on constituency and parliamentary business. However many MPs seem to be able to devote time to highly lucrative other jobs as consultants etc that do not seem to impinge on their supposed overload of work already. Perhaps any extracurricular earnings should be deducted from earnings arising from their parliamentary/constituency duties.

12 October 2016

Letter from Judith King

I enclose responses to some of your questions in the above review.

Question 1: Draft descriptors of the seven principles of public life.

Objectivity: the current description is more specific and less vague than the draft- and the CPSL original is even better; "Holders of public office" could simply be replaced by "Members".

Accountability: the old description "accountable for their decisions and actions to the public" seems preferable to "must take responsibility"

Openness: again, I think the current description is more specific and hence better.

Question 3: Are the rules, as amended above, clearer and easier to understand?

Yes, considerably.

However "Members should act on all occasions in accordance with the public trust placed in them" is stronger and clearer, and so preferable to the current II 2f, "respond positively on all occasions to the public trust placed in them"

Question 4: Does the mention of the Equality Acts add value?

In the current climate, the answer is a very strong "yes".

Question 5: Are there any areas which should be covered and are not?

At the moment MPs seem free in many circumstances to be openly dishonest with no sanctions. This compares poorly with the code of conduct applying to my own profession (retired medical doctor). Ironically, in the same "BMJ" I discovered two articles; one about the apparent persistent and deliberate misuse of the NHS logo by Vote Leave, an organisation whose campaign committee was

largely composed of MPs, while the other article was about doctors being reported to the GMC for dishonesty, possibly due to genuine errors.⁷

In the course of an election campaign, parties and politicians may make promises they cannot afterwards keep, or do not wish to prioritise. (e.g. "We will reduce income tax by 1 %"). It's obviously not practical to sanction these. However MPs should be forbidden, as doctors are, from stating blatant factual untruths, misleading factual claims, or misrepresentations of the truth. ("We send 350 million to Brussels every week" is an example of a statement widely regarded as having been a misrepresentation of the truth). I can see that "acting as umpire" could be difficult, and it might be necessary to consult independent experts. However the knowledge that a rule existed, and that investigation could be made and significant sanctions applied, would probably deter many and could enormously improve the quality of our democracy and democratic decision making- you can't make a sensible decision based on untruths.

How about including in the rules of conduct something like: "Members should be open in all their public statements. They should be honest at all times and particularly in any public factual statement, for which they have a duty to check evidence carefully. The only exception is when the public interest clearly demands it, and they should be prepared to justify such a decision subsequently"?

Question 6: Do the proposed amendments above assist in achieving the purposes of the Code?

To my mind yes, with the exceptions noted above.

Question 7: Should any of the additional rules proposed not be included?

They should all be included.

5 October 2016

Email from Janet McWee

I would like to respond to the Consultation on the proposed changes to the Code of Conduct for MPs. I strongly support the inclusion in the code that MPs should "Act in the interests of the United Kingdom as a whole". This change in no way limits the ability of MPs to represent their constituents or have different views on the constitutional future of the United Kingdom. Any attempt to just use a generic term such as "country" or "nation" does not provide clarity and would undermine the entire purpose of the statement.

If you believe it is important for the code of conduct to express MPs must commit to acting in the interests of the whole United Kingdom, it would pointless to just use the term "country" or "nation" which can mean many different things to different people.

15 October 2016

⁷ Article: "The mistakes that could spell the end of your career", BMJ Careers, 15 October 2016

Email from Kevin Malcolm

I would like to respond to the Consultation on the proposed changes to the Code of Conduct for MPs. I strongly support the inclusion in the code that MPs should “Act in the interests of the United Kingdom as a whole”. This change in no way limits the ability of MPs to represent their constituents or have different views on the constitutional future of the United Kingdom. Any attempt to just use a generic term such as “country” or “nation” does not provide clarity and would undermine the entire purpose of the statement.

I hear by give my full support for this change in parliament. I feel the need for this in order to bring down the SNP a peg or two, as their only interest is independence and only half of the Scottish people.

Please forward my email to whoever you feel fit, in order to show that this change does have support from the people of Scotland.

15 October 2016

Email from John Mann MP for Bassetlaw

Thank you for the document.

Four comments

1. I fear that the concept of courtesy will lead to many frivolous complaints. Styles of correspondence and social media can be robust, especially when dealing with abuse. This concept of courtesy is too subjective. My predecessor used to describe some constituents in letters as a ‘pillock’ and ‘a prat’. I do not use such terminology, but what is common language in my area, such as calling people ‘luv’ or ‘duck’ might create offence in more genteel Southern dining circles.
2. There is no need to minimise the equalities acts by specifying them. It is appropriate to uphold all laws, none more than others.
3. The amendments in point 10 on declarations are a hostage to fortune. I receive assistance from a charity on anti-Semitism work. It is all fully declared and operates to the detail of the rules. There is full transparency. I receive no personal benefits at all from this. It misses the point of transparency to require this to be stated in all correspondence etc and indeed makes the original Nolan principles look like a tick box exercise. It implies a financial and pecuniary interest that does not exist. It will severely inhibit community campaigning, in this case on internet abuse and indeed will be misused to state financial interests mischievously were none exist. I, and others already receive huge abuse for ‘being paid by the Jewish/Israel lobby’ and this will both legitimise such abuse and provide a potential legal defence.
4. The tendency in these new rules is to increasingly tell me what my job as an MP is. It is not appropriate to tell me that I must speak for all of the United Kingdom, as an example. I will choose to point out the huge disparity of funding between North and South and have the right to declare UDI for Bassetlaw as and when I want.

The role of the code is to specify the standards in public life, not to determine how I carry out my role. The key principle is transparency in order that my electorate knows or can easily find out what I am doing and how I am doing it. It is their right to approve or disapprove at the ballot box. This inconsistency is demonstrated by the fact that the Commissioner and committee do not step into the Speakers province of behaviour inside the Chamber and rightly not. The public should be clear what the standards are and how they should be applied, but we are beginning to stray away from cash for questions and hidden corporate lobbying, which this new code will do nothing to improve.

A bar on payments being received from newspapers and media companies for interviews, appearances and articles would be a far more democratic change that should be implemented.

11 October 2016

Letter from the Northern Ireland Assembly Commissioner for Standards

Purpose of Code

In my response to the first consultation paper I suggested that the text should make a clear distinction between the duties and principles of conduct *expected* of Members and the rules of conduct with which they are *required* to comply. That remains my view. It is also still my view that the text should make clear that whilst failure to act in accordance with the duties and principles will be taken into account when considering any complaint such conduct is not in itself enforceable.

Duties of Members

Paragraph 2(a) - Given that Sinn Fein Members elected to the House do in practice take the oath or make affirmation it may be appropriate to reconsider the text.

Paragraph 2(b) - Please see answer to Q4 below

Paragraphs 2(c) and (d) - Some might regard the new text as unnecessarily contentious and inconsistent. Retaining the text of the current Code might avoid such criticism.

Q1 Are the example descriptors clearer and more appropriate for MPs in the context of their work?

Whilst I believe that the use of the word 'descriptor' is more appropriate than 'definition' I do not consider that the proposed text revision adds significantly to clarity. The existing text is appropriate and easily understood.

Q2 Do you have any suggestions for improvements or alternatives?

No - see response to Q1 above.

Q3 Are the rules, as amended above clearer and easier to understand? If not please suggest further amendments.

In general I welcome the revisions to the rules but would offer the following comments -

Rules 7 and 10 -the use of the phrase '*in any proceeding in the House*' in Rule 7 and of '*in all proceedings of the House or its Committees*' in Rule 10 could cause confusion and should be reconsidered.

Q8 Which of these issues would you prioritise and why?

Priority should be given to work on Acceptance of Gifts because misconduct in this area due to misunderstanding could readily undermine public confidence; action has been recommended by GRECO and the work could be completed quickly.

Q10 Would you like to contribute to the wider debates on any of these issues? If so, your views would be welcome as part of this consultation or separately as written submissions.

You may wish to consider the equivalent provisions being the new Code of Conduct for MLAs to which I referred in my response to the first consultation paper.

Q11 Are there any other significant issues which you think should be reviewed as part of the work on the Guide to the Rules?

None identified.

*Douglas Bain CBE TD
Advocate
21 October 2016*

Email from Dr Gregory Page

Few things in my adult life have disappointed me as much as the "expenses scandal" of the 2005-10 Parliament. To add to this disappointment MPs have not learned from this scandal to behave with greater integrity.

My main concern is that MPs have shown a general lack of integrity, as in the expenses scandal, an unwillingness to answer questions on their behaviour to the people's representative, as in Ms Marshall's case and an unwillingness to criticise their fellow MPs, as in the Straw/Rifkind case.

I feel that although they should have input into the Committee for Parliamentary Standards they have shown that they lack the integrity to be the final arbiter in these matters and the Committee needs to have a majority of non-MP members.

15 October 2016

Email from the Parliamentary Digital Service

I am grateful for the opportunity to comment on behalf of the Parliamentary Digital Service on the review of the Code of Conduct. The proposal to include reference to the IT Acceptable Use Policy in the Code is welcome. It is important for Members and all users to adhere to the Policy and for it to be understood that compliance with the policy is mandatory.

In preparation for the next election, the Digital Service has reviewed the Dissolution Guidance relating to ICT matters issued to Members by its predecessor PICT. We propose to introduce guidance which will be applicable equally across all IT and digital platforms used by Members as MPs, whether under the purview of the Digital Service or not. A clear and prominent disclaimer will be required throughout the dissolution period which makes it clear that it was established whilst the

candidate was a Member of Parliament and that they are, until re-elected, no longer a Member of Parliament. This will replace the suspension of access to parliamentary accounts and the widespread copying of data onto external drives and forwarding of emails to third party addresses, clear cyber security risks.

In other words we intend to allow former Members to access Parliamentary email during dissolution because this is much safer, more efficient and the data remains under our control, however there will be rules in place against misuse. It is also my view that it is appropriate for former Members standing for re-election to continue to use social media as long as the proper disclaimers are in place. To require the closure of social media accounts at dissolution would put the incumbent at a disadvantage against the challenger, therefore a balanced approach needs to be taken.

Rob Greig
Director

30 November 2016

Email from Caroline Peck

I would like to respond to the Consultation on the proposed changes to the Code of Conduct for MPs. I strongly support the inclusion in the code that MPs should “Act in the interests of the United Kingdom as a whole”. This change in no way limits the ability of MPs to represent their constituents or have different views on the constitutional future of the United Kingdom. Any attempt to just use a generic term such as “country” or “nation” does not provide clarity and would undermine the entire purpose of the statement.

If you believe it is important for the code of conduct to express MPs must commit to acting in the interests of the whole United Kingdom, it would be pointless to just use the term “country” or “nation” which can mean many different things to different people.

17 October 2016

Letter from Plaid Cymru

We are writing in response to your second consultation document on the review of the Code of Conduct for MPs. Please see below Plaid Cymru’s response.

Duties of Members

Section 2(c) of the revised code seeks to amend the existing code to include an obligation upon MPs to “act in the interests of the UK as a whole”. This is a significant change from the wording in the current code which is “nation as a whole”.

One of the core objectives in our party’s constitution is to secure an independent government for Wales.

We take the view that this will lead to better governance across Britain. It could be perceived, however, that our central political objective is not in the interest of the UK as a whole, and certainly not the UK as it is presently constituted.

This clause, as currently drafted, could provide a license for any person who disagrees with Plaid Cymru to report us to you for breaching the Code of Conduct simply for trying to discharge the mandate on which we were elected.

We appreciate that your remit is to investigate alleged breaches of the specific rules which follow this section and not the preamble. Nonetheless, we believe this change, if implemented, will encourage vexatious attempts to use the code to argue a political case against some members on the basis of their political opinion. That would not only be an irritant for those members who hold such views, but we also believe it risks bringing the code into disrepute as people use it to oppose beliefs rather than challenge conduct.

We do not want us to get into a situation where Plaid Cymru members are unable to sign up to the Code of Conduct and we cannot think that it would be in anyone's interest for this to happen. We strongly urge you to leave the wording in the section as it lies currently.

Moreover, some duties are notable by their absence. There is no mention, for example, of a duty to represent constituents, nor to make oneself available to them.

We believe that the Code should briefly describe the obligations of the office of an MP and, whilst it's probably an impossible task to draw up a full job description, some reference should be made to the principal tasks the public expect of an MP. Perhaps this might be discussed in the next phases of the consultation.

Second jobs

We note – and welcome - that in paragraph 20 you invite comments on whether the code should refer to second and subsequent jobs held by MPs. We believe it should.

Up till now there have been no controls or regulation of MPs doing other jobs other than a general requirement to register income received from outside sources and to declare a conflict of interest. We note that in paragraph 6 you are suggesting strengthening the current provisions to the extent that not only should members declare a conflict of interest but they should resolve it.

We believe that it is consistent with this approach to establish a system of regulation of MPs' external employment. Just to be clear, we are talking here about earnings from outside employment which involve an MP entering into a contractual arrangement with another employer to provide work in return for payment. We are not talking about income from other sources such as interest on savings, dividends from shareholdings, sales of assets, gifts, or (as one member of the committee raised with concern) proceeds from leisure activity such as gambling.

We would suggest a fivefold approach.

(i) Recognition of MP as principal and full time job

We believe it should be explicit in the rules that being a Member of Parliament is a full time job and incumbents are expected to treat it as such.

(ii) Prohibition on some external jobs

In order that MPs are best able to discharge the duties as defined in the code we think that we should agree that some types of external employment in areas which would create a conflict of interest are simply not permitted. This would include working for organisations that seek to influence government policy such as trades unions and industry bodies; work for campaigning organisations and pressure groups who are seeking to influence government; and work for agencies

working in the field of public affairs or government relations who try to influence government on behalf of their clients.

(iii) Regulation of permitted external employment.

It follows that some external employment would be permitted but the rules should seek to regulate and limit the extent to which this is allowed. There should be a requirement that members must not engage in any external employment which would hinder their ability to perform their role as an MP. For example, it would not be possible to enter into a contractual arrangement with another employer which required the member to be absent from the House when parliament is in sitting.

We wonder also if we should discuss whether a distinction should be made between work which is associated with or a consequence of an MP's principal job, such as writing articles or broadcasting designed to promote the views one holds, and that which is wholly unconnected.

(iv) Limits on external employment.

We believe we should look at whether it is possible to set a ceiling on the amount of additional employment an MP can undertake. Would it be practicable, for example to say that on average members should not have external employment in excess of an average of 20 hours per week or 1000 hours per year?

(v) Active support for defined professions

We think it is important that we recognise that being an MP is not a career but effectively a sabbatical position which people take up at the pleasure of the electorate. We believe, therefore, that a principle should be established which means that members are not disadvantaged should they wish – or be obliged – to return to their former job at the end of their term of office. In some cases this will require the maintenance of professional registration or a certain level of competence which can only be achieved by external employment whilst being an MP. This should be positively recognised and we should examine whether it might be possible to a procedure be drawn up with relevant professional associations to define the minimum level of work required.

We believe that if we begin to move in this direction we shall as a body be sent to respond to a very great degree of public concern which still exists about how MPs discharge their role.

Liz Saville Roberts MP for Dwyfor Meirionnydd
Jonathan Edwards MP for Carmarthen East and Dinefwr
Hywel Williams MP for Arfon

29 November 2016

Email from Angus Robertson MP, Westminster SNP Leader

Many thanks for the opportunity to join senior MPs from across the House of Commons to discuss with you a number of potential changes to the Code of Conduct for parliamentarians.

It was particularly useful to consider the opportunities for the Code to be explicit at the start about what is and is not within the scope of the Commissioner for potential investigation.

I was grateful that colleagues from all three UK parties acknowledged the advantages of the existing wording of section 2 (c), which can be interpreted in relation to the United Kingdom for unionist

parties as well as to Scotland, Wales and Ireland for pro-independence parties from these nations. As it is clear that you don't wish to see a rise in vexatious complaints, it would seem eminently sensible to retain the current wording.

As I made clear in my evidence to the Standards Committee I think there is merit in the Code going further on the issue of outside employment.

I hope that the issues I raised with you in our meeting and in the evidence session are helpful in reaching your final recommendations.

1 December 2016

Email from Tommy Sheppard MP for Edinburgh East

I am writing in response to your second consultation document on the review of the Code of Conduct for MPs. I have discussed what follows with colleagues in the SNP group and whilst there is general support for the points below this is a submission on behalf of myself rather than my party.

Duties of Members

Section 2(c) of the revised code seeks to amend the existing code to include an obligation upon MPs to “act in the interests of the UK as a whole”. This is a significant change from the wording in the current code which is the more ambiguous “nation as a whole”. You will be aware that the *raison d’être* of my party is to achieve an independent government for Scotland. Now, whilst we take the view that this will lead to better governance across Britain it would nonetheless seem beyond dispute that our central political objective is not in the interests of the UK as a whole, certainly as the UK is presently constituted. As currently drafted this clause could provide a license for any person who disagrees with the SNP to report us to you for breaching the Code of Conduct simply for trying to discharge the mandate on which we were elected.

I appreciate that your remit is to investigate alleged breaches of the specific rules which follow this section and not the preamble. Nonetheless, I believe this change, if implemented, will encourage vexatious attempts to use the code to argue a political case against some members on the basis of their political opinion. That would not only be an irritant for those members who hold such views, but I also believe it risks bringing the code into disrepute as people use it to oppose beliefs rather than challenge conduct.

I do not want us to get into a situation where members of the third party in the House of Commons are unable to sign up to the Code of Conduct and I cannot think that it would be in anyone’s interest for this to happen. I strongly urge you to leave the wording in the section as it lies currently.

Moreover, some duties are notable by their absence. There is no mention, for example, of a duty to represent your constituents, nor to make yourself available to them.

I believe that the Code should briefly describe the obligations of the office of MP and whilst it's probably an impossible task to draw up a full job description some reference should be made to the principal tasks the public expect of an MP. Perhaps this might be discussed in the next phases of the consultation.

Second jobs

I note – and welcome - that in paragraph 20 you invite comments on whether the code should refer to second and subsequent jobs held by MPs. I believe it should.

Up till now there have been no controls or regulation of MPs doing other jobs other than a general requirement to register income received from outside sources and to declare a conflict of interest. I note that in paragraph 6 you are suggesting strengthening the current provisions to the extent that not only should members declare a conflict of interest but they should resolve it.

I believe that it is consistent with this approach to establish a system of regulation of MPs' external employment. Just to be clear, I am talking here about earnings from outside employment which involve an MP entering into a contractual arrangement with another employer to provide work in return for payment. I am not talking about income from other sources such as interest on savings, dividends from shareholdings, sales of assets, gifts, or (as one member of the committee raised with concern) proceeds from leisure activity such as gambling.

I would suggest a fivefold approach.

(i) Recognition of MP as principal and full time job

I believe it should be explicit in the rules that being a Member of Parliament is a full time job and incumbents are expected to treat it as such.

(ii) Prohibition on some external jobs

In order that MPs are best able to discharge the duties as defined in the code I think that we should agree that some types of external employment in areas which would create a conflict of interest are simply not permitted. This would include working for organisations that seek to influence government policy such as trades unions and industry bodies; work for campaigning organisations and pressure groups who are seeking to influence government; and work for agencies working in the field of public affairs or government relations who try to influence government on behalf of their clients.

(iii) Regulation of permitted external employment.

It follows that some external employment would be permitted but the rules should seek to regulate and limit the extent to which this is allowed. There should be a requirement that members must not engage in any external employment which would hinder their ability to perform their role as an MP. For example, it would not be possible to enter into a contractual arrangement with another employer which required the member to be absent from the House when parliament is in sitting.

I wonder also if we should discuss whether a distinction should be made between work which is associated with or a consequence of an MP's principal job, such as writing articles or broadcasting designed to promote the views one holds, and that which is wholly unconnected.

(iv) Limits on external employment.

I believe we should look at whether it is possible to set a ceiling on the amount of additional employment an MP can undertake. Would it be practicable, for example to say that on average members should not have external employment in excess of an average of 20 hours per week or 1000 hours per year?

(v) Active support for defined professions

I think it is important that we recognise that being an MP is not a career but effectively a sabbatical position which people take up at the pleasure of the electorate. I believe, therefore, that a principle should be established which means that members are not disadvantaged should they wish – or be obliged – to return to their former job at the end of their term of office. In some cases this will require the maintenance of professional registration or a certain level of competence which can only be achieved by external employment whilst being an MP. This should be positively recognised and we should examine whether it might be possible to a procedure be drawn up with relevant professional associations to define the minimum level of work required.

I believe that if we begin to move in this direction we shall as a body be sent to respond to a very great degree of public concern which still exists about how MPs discharge their role.

I look forward to discussing these matters further as the consultation continues.

28 November 2016

Email from Transparency International UK

Thank you for inviting Transparency International UK to submit our views to your consultation on proposed changes to the Code of Conduct and Guide to the Rules for MPs. Unfortunately, as a relatively small charity, we do not currently have the resources to respond in detail to your consultation. However, we do have some specific points regarding the following:

Outside employment: we welcome your recognition that the current rules regarding the outside employment of MPs are inadequate and give rise to the perception, and quite possibly the reality, of conflicts of interest. In our paper *Accountable Influence*¹, we highlight how during one year alone 73 MPs – over 10 per cent of the Commons – had some form of external advisory role between 2014 and 2015. The cumulative take home pay from this work was around £3.4 million, equivalent to an average of £46,000 per MP. Whilst it is unclear whether these advisory roles related to Parliamentary affairs, there is obviously a significant risk that they could have been. This risk is recognised in the rules of conduct for the Scottish Parliament and National Assembly for Wales,

which provide wording which we think could be a model for the House of Commons (see Annex below).

¹ Transparency International UK, *Accountable Influence: bringing lobbying out of the shadows* (September 2015) <http://www.transparency.org.uk/publications/accountable-influence-bringing-lobbying-out-of-the-shadows/>

Lobbying: as mentioned in our previous submission to your first consultation on the code earlier this year, we think that the prohibition on lobbying by MPs should be extended to include agreements to advocate on behalf of clients, even if commercial payment has not been made. The Scottish Parliament has introduced these changes under the Interests of Members of the Scottish Parliament (Amendment) Act 2016.

Register of Members' Financial Interests: the Commissioner and the Parliament's digital service should work together to ensure the Register of Members' Financial Interests is published online as machine-readable open data as soon as possible. This is already available for the House of Lords and should be a priority for the Commons. We understand work is still under way on this project however this needs to be made a priority to avoid further delay. We recommend that this should be in place by the end of the first quarter of 2017.

Enforcement: as mentioned in our previous submission, we recommend the Commissioner examine the adequacy of its existing sanctions and examine the case for introducing criminal offences for serious breaches of the rules.

30 November 2016

Annex: rules on external advisory employment for members of the Scottish Parliament and National Assembly for Wales

Section 5: lobbying and access to MSPs

"Members: should not accept any paid work to provide services as a Parliamentary strategist, adviser or consultant, for example, advising on Parliamentary affairs or on how to influence the Parliament and its members. (This does not prohibit a member from being remunerated for activity, which may arise because of, or relate to, membership of the Parliament, such as journalism or broadcasting, involving political comment or involvement in representative or presentational work, such as participation in delegations, conferences or other events.)"²

² Scottish Parliament, *Code of Conduct for Members of the Scottish Parliament: 6th Edition, Revision 1* (June 2016) <http://www.parliament.scot/Parliamentaryprocedureandguidance/CCEd06Rev01201605.pdf>

Guidance on lobbying and access to Assembly Members

"Members: ...should not accept any paid work to provide services as a parliamentary strategist, adviser or consultant, for example advising on National Assembly for Wales affairs or on how to influence the National Assembly for Wales and its Members. (This does not prevent a Member from being remunerated for activity which may arise because of, or in relation to, membership of the Assembly, such as journalism or broadcasting, involving political comment or involvement in representative or presentational work, such as participation in delegations, conferences or other events)"³

³ National Assembly for Wales, *Code of Conduct for Assembly Members and Associated Documents* (May 2016) p.103 http://www.assembly.wales/en/memhome/code-conduct-mem/Documents/Standards%20Compendium_draft_October%202015_v2-FINAL.pdf

Letter from UK Lawyers for Israel

Introduction

This is a submission by the UK Lawyers for Israel (“UKLFI”) in relation to paragraphs 13 and 14 of the Consultation Paper and in particular that there will be “Rules” for the use of Rooms.

We note that there are already existing rules on the use of meeting rooms, namely the House of Commons Members Handbook rules for the use of committee, conference and meeting and interview rooms, and Standard Conditions of Hire for Functions and Events. We understand that the Commissioner is not reviewing the content of the Member’s Handbook and is not reviewing the rules.

Background

UKLFI believes that it is important for community cohesion for meetings in the House of Commons to be held in accordance with the government’s Prevent programme (“Preventing violent extremism”) as public authorities are now required to.

On [date and name redacted] chaired a meeting in a meeting room in Parliament that included a comment from an attendee likening Israel to the Islamic State and blaming Jews for the Holocaust. That clearly violated the extremism definition (“mutual respect and tolerance for those with different faiths and beliefs”). See <https://ukmediawatch.org/2016/11/08/no-to-antisemitic-discourse-in-britishparliament/#respond>. UKLFI believes that the House of Commons would be best served by having rules which prevent the holding of extremist meetings.

As regards universities inviting speakers, the requirement is as follows:

“When deciding whether or not to host a particular speaker, institutions should consider carefully whether the views being expressed, or likely to be expressed, constitute extremist views that risk drawing people into terrorism or are shared by terrorist groups. In these circumstances the event should not be allowed to proceed except where institutions are entirely convinced that such risk can be fully mitigated without cancellation of the event. This includes ensuring that, where any event is being allowed to proceed, speakers with extremist views that could draw people into terrorism are challenged with opposing views as part of that same event, rather than in a separate forum. Where institutions are in any doubt that the risk cannot be fully mitigated they should exercise caution and not allow the event to proceed.”

See https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445915/Prevent_Duty_Guidance_For_Further_Education_England_Wales_-_Interactive.pdf

The government’s definition of ‘extremism’ is: “vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance for those with different faiths and beliefs.”

Compliance by Members with the Prevent programme would fall within the proposed duties and principles of conduct including upholding the laws passed by Parliament and behaving with probity and integrity.

Recommendations

We recommend that there is express reference in the Code of Conduct to the need for Members to abide by the terms of the Members Handbook and ensure compliance with the Rules.

We also recommend that the Code of Conduct to include provision to ensure that meeting rooms are not booked for extremist meetings as defined by the Prevent programme Members should be required to state the purpose for which they are booking a room and to give assurance that there will be no extremist content in the meeting.

30 November 2016

Letter from Bill Wiggin MP for North Herefordshire

I am writing with regard to the above review, and its associated consultation.

I will cover each of the questions raised in your consultation document in turn.

1. Are the example descriptors clearer and more appropriate for MPs in the context of their work?

The example descriptors are not clearer and more appropriate for MPs in the context of their work. On the contrary, they are worse and more open to abuse.

- a. With regard to the principle of selflessness, the example descriptor refers to making decisions 'solely in the interests of the public', which is too strong. There are many factors that MPs take into account, the public interest being just one, albeit an important one.
- b. With regard to the principle of integrity, the example descriptor refers to 'resolve them [relevant interests] in favour of the public interest'. This is not a necessary element to integrity. Stating those interests should be adequate.
- c. With regard to accountability, the example descriptor refers to MPs having to 'cooperate with appropriate scrutiny when required to do so.' This is too broad.
- d. With regard to openness, the descriptor says 'Members must act and speak as openly as possibly on all occasions.' This is not an improvement. In fact, there are situations in which it would be disadvantageous; for example, MPs and Ministers cannot be forthcoming with state secrets towards the media, as it would be contrary to the interests of the country as a whole.
- e. With regard to honesty, the example states that, 'Members should be truthful'. This is surely a moral standard and not one which can be the basis of an offence.
- f. It refers to making decisions 'in favour of the public interest'. This factor is far too wide, and open to almost any interpretation.

2. Do you have any suggestions for improvements or alternatives?

The alterations that I would suggest are as follows:

- a. By changing the Code in the ways proposed, the public is not protected to to the vague notion consistently referred to as the 'public interest'; nor does it protect MPs. On the contrary, it opens MPs up to frequent and potentially unfounded claims that will waste their valuable time in fighting rather than supporting their constituent, the job that they are elected to do.

3. Are the rules, as amended above, clearer and easier to understand? If not, please suggest further amendments

The rules are not clearer nor are they easier to understand. I explain my concerns with regard to specific rules as follows:

In Section II. Duties of Members

In Rule 2(b), to states that MPs should 'uphold the law, including the requirements of the Equality Acts.' The latter half of this sentence is redundant, on the basis that the Acts are law.

In Rule 2(d), the duty is to 'look after the interests of their constituency'. On what basis will this be proved?

In Rule 2(f), MPs must 'respond positively on all occasions to the public trust placed in them.' This has no clear meaning, and will require clear, objective guidance.

Section III. General Principles of Conduct

You state that 'Members are also expected to show courtesy to others.' What is the penalty for this? It is most unwise to have such a sweeping statement binding on MPs.

Section IV. Rules of Conduct

In paragraph 6 (Conflicts of Interest), you state again that decision must be made in favour 'of the public interest.' This is a subjective notion, so who will be judging it? This cannot be reasonably applied.

In paragraph 10, you state that an MP 'must draw attention to any relevant interests in all proceedings of the House or its Committees'. This point requires careful consideration. The House covers a wide range of issues, and so if MPs were to worry about whether their personal interests clashed with anything happening in the House at any one time, he or she would never perform properly the duties they were elected to perform.

Paragraph 14 refers to 'undue' personal benefit. This has no clear meaning, and adds uncertainty to the clause.

4. Does the specific mention of the Equality Acts add value to the section on the Duties of Members

As explained above, MPs are required to act within the law, as any employer is. To state that compliance with the Equality Acts is also required is a tautology.

5. If there are any areas which should be covered and are not, what are they?

6. Do the proposed amendments above assist in achieving the purposes of the Code?

The rules within the code need to consider and emphasise MP protection, as well as setting and enforcing standards of good behaviour and protecting the public. This Code creates the situation whereby an MP's position is much weaker than that of any employee in any other employment in any other sector. They are in the situation where, if challenged, they are forced to provide very personal information, which then goes into the public domain. To refuse to give such information would be a breach of the rules. No one would accept such a requirement in any other employment in this country. This should be reviewed and considered material when reviewing the Code.

Furthermore, MPs are in a delicate position of working for the public interest, but also being party to state secrets. We cannot always be completely open with such information, as it could jeopardise the country's security. As such, the use of the term 'public interest' and various requirements (please see answer to Question 1 above for more detail on these matters) requiring openness from MPs, which is not always in the public interest.

7. Should any or all of the additional rules proposed (numbers 20, 21, 22 and 23) not be included in the new document?

The content of Rule 20 has been covered already, and therefore should not be included.

Rule 22: 'must treat all' should be changed to 'should'. It is a subjective standard and should be treated as such.

8. Which of these issues would you prioritise and why?

The revised Code that your consultation document puts forward a list of Rules. These are rules, and therefore equal in their binding. They are not listed by priority.

9. Is there any other aspect of the Rules which you think should specifically be addressed?

This review is rather naïve in that it states that MPs should be polite and courteous to all constituents. This is a subjective criterion, and is subject to abuse by vexatious constituents. This would only serve to increase the work of the Commissioner for Standards, given the conflicts which MPs deal with daily

10. Would you like to contribute to the wider debates on any of these issues? If so, your views would be welcome as part of this consultation or separately as written submissions.

There are too many opportunities in this review which are open to interpretations: this will be good for the Commissioner but bad for Parliament, which if it is to be constrained, needs clear guidelines.

Given the power of the Commissioner, some sort of balance with normal disciplinary conditions would be helpful

11. Are there any other significant issues which you think should be reviewed as part of the work on the Guide to the rules?

Please see answer to Question 6 above.

Thank you for taking time to consider my views.

I look forward to hearing the outcome of the debate in due course.

18 October 2016

Email from Martin Williams

Introduction

I approach this issue as an investigative journalist and author. I spent a year researching parliamentary standards - particularly concerning financial interests - and wrote about it in my book, *Parliament Ltd* (Hodder, 2016). Beyond exposing examples of conflicts of interest, greed and excess, the more fundamental problems highlighted were about the rules and regulations for parliamentary standards.

There is an urgent need for a complete shake-up not only of the rules, but the entire way Parliament approaches the issue of standards. In this submission I have briefly outlined some of the main areas of concern, based on my research and findings, and have concluded with a summary of the key changes that I believe need to be made. Beneath this submission, I have also responded to the specific questions asked by the consultation. I hope this is useful.

The public consultation

The essence of the problem with Parliament's approach to standards is apparent even in this public consultation. Is the aim really to consult the honest opinions of the general public? Or is it merely to source guidance from a narrow selection of insiders? Would you actually be prepared to make sweeping reforms, if that's what the public demanded?

The first part of this consultation, in early 2016, was buried deep on Parliament's website; a long, complicated document full of niche and technical questions. It's hardly surprising the whole exercise ended up being rather pointless - it achieved just 19 responses, of which only eight were from members of public. Other submissions came from four MPs, the head of civil service, three official standards commissioners, two parliamentary committees and Transparency International, whose short response explained: "We do not currently have the resources to respond in detail."

Rather than asking fundamental questions like "should MPs be allowed to vote on areas where they have financial interests?", or "should failure to declare an interest be a criminal offence?" the public were presented with questions like: "Does the Rule set out in Paragraph 10 convey adequately the intention of the House in relation to Members' conduct of their public lives? What, if anything, could be done to explain this more clearly?"

There has been no improvement this time around, with this part of your consultation. This may sound like a trivial point (and on one level it is, given that the consultation is just the tip of the iceberg when it comes to problems with the regulation of standards). But it seems to represent a broader failure in Parliament's approach to the issue: placing trust in MPs and authorities, while refusing to take public opinion seriously. The entire system is framed in a way which serves and benefits insiders, rather than the public. This problem can be found in almost all aspects of the regulatory system, as I will outline - be it the Register of Interests, the rules on financial interests, or the enforcement of the rules.

Register of Interests

Nowhere is this approach more alarming than in regulations for the registration and declaration of financial interests. The key problems with the Register of Interests are:

- The Register of Interests is never audited by any official body. This is possibly the most unhealthy thing about the entire system of standards regulation. The Register is, instead,

only ever checked by third-party volunteers (including members of the public, journalists and rival MPs who wish to scrutinise the interests of another Member). Parliament invests absolute trust in MPs and places the onus on others to ensure that the declarations they are publishing are correct.

Although the Commissioner for Standards has the power to investigate and seek corrections to the Register, this appears to only happen when a complaint is made by a third party. But, of course, if something hasn't been declared, it can be often be near-impossible to find out about it in the first place. This means the Register is open to abuse.

At best, the failure to audit the Register shows contempt for transparency. At worst, it is tantamount to institutional gross negligence. Parliament should therefore establish a fully independent auditing body which conducts regular audits of the Register of Interests to ensure registrations are accurate, comprehensive and timely.

- The format of the Register makes it impenetrable for anyone who wants to scrutinise it properly. The biggest complaint in this regard - concerning the file format - has, I believe, been made several times before, but is worth repeating. The Register should, of course, be published in a spreadsheet format, rather than PDF or HTML. This is absolutely critical for the proper analysis and review of information. Further to this, there are a number of factors that should also change if Parliament wants the Register to be fully accessible:
 - The unique company or charity number should be given for each company or charity mentioned on the register. During my analysis I found dozens (probably hundreds) of examples where an organisation's name had been written incorrectly on the Register. Having the unique number would make it quick and easy for organisations to be properly identified.
 - Data should be standardised so it can be compared and analysed. At the moment, interests are not registered in a uniform fashion. For instance, annual income from outside jobs might be given in annual or monthly amounts, while the value might be gross or net. The Register (in database format) should also allow the public to sort and analyse the information by different criteria - in a similar way that IPSA's expenses database works - rather than clumps of 'free text'. It should be quick and easy to discover, for instance, how your MP ranks in terms of outside income, or how many hours they spend doing outside jobs, compared to others. Similarly, it should be possible to sort by other categories like company name, so it would be possible to find out how many MPs earn money from a particular firm.

Organising the data in this way is not a challenge in the 21st century, nor would it be at all expensive. In the scale of things, these are very simple solutions that would vastly improve transparency. It is frankly unbelievable that Parliament still publishes its data in such an outdated and unuseful way.

The rules

The next fundamental change that must take place is the rules. Here again, we see the same contempt for public opinion, alongside absolute trust in MPs' honesty.

In general terms, the rules for financial interests allow far too much to go undeclared. During my research for *Parliament Ltd*, I conducted an independent analysis of the company directorships held by MPs and Peers - something that I believe had never been done before. I found that 40% of directorships declared with Companies House were not declared in Parliament's Register of Interests

(this covers both Houses). The reasons were varied: some were clear omissions, but a great many others would probably not have been deemed a breach of the rules, because the rules allow so much to go undeclared. There are too many loopholes, caveats and declaration thresholds, allowing countless things to slip under the radar.

It is not just the case with directorships, but with most categories of interests. And this is part of the reason why the Commissioner for Standards keeps handing out controversial judgements (i.e. when MPs are inexplicably let off with a free pass, despite what many may assume to be a breach of the rules).

The key problem is that the public has no say over what is “relevant”, and what is not. Countless interests are allowed to be left off the Register because Parliament (i.e. MPs and ultimately the Commissioner, if a complaint is made) has deemed them to be “irrelevant”. Thus, the onus is put on the public, first to discover any undeclared interests (which may be impossible to discover), and then to try and persuade the Commissioner that they deserve to have been told about them.

There appears to be a persistent misunderstanding in Parliament about the purpose of transparency; an assumption that registration and declaration of interests only really matters if there is a conflict of interests. However, the whole point of transparency should be that the public can make the decision about what is “relevant” for themselves. A policy of highly selective declaration for specific bits of information is *not* the same as transparency. The current approach starts with the assumption of secrecy, and then looks for exceptions - rather than the other way around. But it should not be for MPs or Parliament to dictate what the public deserves to know about, unless good, clear explanations can be given for non-disclosure. Therefore, the defence of not declaring something because it “isn’t relevant” is deeply anti-democratic; placing the power in the hands of MPs and Parliament, rather than the public.

An example of this problem is highlighted in the Commissioner’s 2016 report into the complaint I made about Gisela Stuart MP, following publication of my book. The Member had partnership points in Vestra Wealth LLP, a wealth management partnership which offered “offshore and international planning for non-domiciled and non-resident clients”. This was not listed in the Register of Interests, despite Stuart standing unsuccessfully to be chair of the Public Accounts Committee, which investigates tax planning and non-doms. However, the Commissioner’s report found Stuart had not breached any rules in relation to her standing for this position because it was deemed that the financial interest did not “meet the test of relevance” in relation to the PAC, because the partnership did not specialise in a single specific area or type of investment.

The problem is not just the fact that members of the public may take a different personal view to the Commissioner, i.e. by considering the financial interest to have been relevant to the PAC election. The issue is deeper than that: the public were not able to form an opinion about it in the first place, because it had not been declared. And there is no method of contesting the Commissioner’s judgement, following the ruling. It is one person’s view versus another’s. In other words, the report not only ruled that it was not “relevant” to the PAC, but also - by extension - that the public had no right to know about it. This meant Stuart was completely within her rights not to register or declare it, whatever the public may think of that.

Clearly, MPs cannot register *absolutely* everything, but Parliament has nevertheless approached this issue the wrong way around. The starting assumption should be transparency, and if there are objections for particular things then let’s hear them. Instead, the rules start from an assumption of financial privacy and then picks out random items that it has decided should be in the public domain.

All directorships should be declared, unless someone can give a good reason why not. The same goes for all jobs (both remunerated and unremunerated), charity trusteeships, investments and property. Apart from the possibility of exceptional circumstances, there is no reason why most of these basic things cannot and should not be declared, other than the unwillingness of Parliament to impose such rules. Declaration takes barely any time at all and should be a basic requirement of public office.

It is notable that the requirements for declaration of financial interests is, in places, far more strict for local councils than it is for the House of Commons. Councils have to abide by statutory legislation - Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 - which, for instance, requires registration of "any employment [by the councillor, or their partner], office, trade, profession or vocation carried on for profit or gain". Whereas, in the House of Commons, registration in this category is restricted to work with a minimum income threshold (£300 or £100, depending on the frequency of payments), and does not cover MPs' partners unless they work in lobbying or are paid from parliamentary expenses. Likewise, councillors and their partners are required to declare "any beneficial interest in land which is within the area of the relevant authority". This compares to the House of Commons, where MPs only have to declare land if it has a total value of over £100,000, or if an income of more than £10,000 p.a. is derived from the property. And again with investments, the minimum threshold for councillors' declarations is £25,000, compared to £70,000 for MPs.

The rules contain so many shortcomings that it would be impossible to discuss them all here. However, here are three further points which I think are particularly noteworthy.

1. The rules do not enable Members to update the value of shares any more regularly than once a year. In fact, it seems that Members could be required to actually backdate the value of shares. This became apparent to me following my complaint about Gisela Stuart MP, and the Commissioner's subsequent report which found she had not breached any rules. Shortly after I questioned Stuart in person about her partnership points, she made enquiries about their value and subsequently added it to the Register, having found out that the estimated value was in fact £93,000 - considerably over the £70,000 threshold. However, in her report, the Commissioner for Standards said that "shareholdings... should be registered based on their value on the preceding 5 April". She added that it seemed likely the value of Stuart's partnership points had only increased in recent months, and there was no evidence to suggest it exceeded the value at the preceding 5 April. Therefore, Stuart had clearly not broken any rules, despite the fact she had had an undeclared investment which was over the threshold value. This case highlights the possibility of significant things going undeclared without a single rule being broken. The same is true of many other categories of interest, including charity trusteeships, which regularly go undeclared. The problem is that interests may become relevant to any member of the public at any time throughout the year, and depending also on what that MP does throughout the year. It is not good enough simply to have an annual update where the public can retrospectively discover the financial interests their MPs may have held for the past 11 months. So if Parliament really does believe that investments over a certain value should be declared (as it claims to), then it should establish proper rules to ensure this always happens.
2. Until the 2015 General Election, the rules required MPs to disclose contracts for any outside jobs which involved "the provision of services in his capacity as a Member of Parliament". This has now been scrapped and the requirement no longer applies – I am unsure about the reason for this change. It is true that the rule was rather vague, and had limited impact, given that contracts were only available in hard copy in the Parliamentary Archives.

However, the change should have gone the other way: to expand and clarify the rule, rather than scrap it. MPs' outside job contracts are now completely confidential, even when they are being paid to provide services in their role as an MP. This is nothing short of a scandal, especially as the change appears to have taken place without nearly the level of scrutiny or debate that it deserved.

The rule should be brought back and expanded to cover all contracts for external paid employment, regardless of what the work involves. These contracts should be posted on Parliament's website so members of the public can see for themselves the terms under which their MPs are working for private companies.

3. Despite all the rules, conflicts of interest are still allowed in Parliament. The rules do not adequately cover this. There is nothing to stop an MP speaking in a debate in which they have significant financial interests, so long as those interests are declared. This can (and does) lead to a distortion of the democratic process. A particularly striking example can be seen with landlords. Some 30% of MPs earn money as landlords, compared to just 2% of the public, yet they are allowed to join debates on the subject and vote. The same is true for individuals who have interests - there is nothing in the rules to prevent a conflict of interest, as long as they are not being specifically and directly paid to lobby or vote in a particular way.

Other, more modern, democratic government institutions have strict rules against this. For instance, the rules of the Welsh Assembly Government state: "Where a Member has a registrable interest which is required to be declared ... the Member is not allowed to vote if in relation to that interest the decision might result in a direct financial advantage to the Member which is greater than that which might accrue to the electorate generally." What possible reason could there be for imposing such a ban on the Welsh Assembly Government, but not on the House of Commons? Either conflicts of interest have the potential to distort the democratic process, or they do not. Parliament's continued failure to bring in such a ban shows contempt for democracy and accountability and should be urgently reviewed.

Enforcement of the rules

The systems for enforcing the rules on financial regulation have proved themselves time and time again to be not fit for purpose. Both the Commissioner and the Committee for Standards will be well aware of the overwhelming criticisms of their work, but it is worth noting some of the biggest and most fundamental problems.

- Almost always, the penalties handed out to MPs who breach the Code of Conduct are laughable. One of many examples: while a government minister, Vince Cable was accused of taking a £6,000 donation-in-kind without declaring it on time. After making a slight apology, the only penalty issued by the commissioner was that the relevant section of his Register of Interests would be temporarily printed in italics. This is not a serious or credible penalty - it is nothing more than the equivalent of a teacher's red pen. A glance through the Commissioner's reports will show how, time and again, serious breaches are brushed under the carpet. Rarely is a sanction any more than a temporary change of typeface. This has two effects: first, there is no deterrent for MPs who may be lax about their declarations; second, it gives the impression (possibly correctly) that Parliament is not really that bothered about breaches to the Code of Conduct.

The penalties need to be made significantly more substantial. In the Welsh Assembly Government, the rules state that it is "an offence for a Member to take part in any

proceedings” if they have failed to declare relevant interests. . The rules add: “A Member who is guilty of such an offence is liable on summary conviction to a fine of up to level 5 on the standard scale.” Again, there is no good reason why failure to declare interests should be a criminal offence for Welsh Assembly Members, but not for MPs. I would strongly urge Parliament to consider bringing in such an offence. It is unlikely there would be nearly so many breaches of the Code if Members knew they could be breaking the law in doing so.

- The lack of independence (of both the Committee and the Commissioner) means there is zero credibility over the enforcement of rules. This argument has been made many times before. MPs should not be allowed to police themselves, nor should they be allowed to directly appoint those who police them. Even if there is no influence, there is certainly not the *appearance* of no influence - and that is essential for credibility, as with all regulatory bodies. The entire framework for regulating standards should be shifted to an independent body similar to IPSA.
- The failure to take significant action against Standards Committee members who have breached the rules further undermines its credibility. It is unbelievable that so many members - including the chair - have not only been found in breach of the rules, but also that they have been allowed to remain on the committee. I can see no possible justification for this.
- Like the Commissioner and the Committee for Standards, the ACOBA watchdog is not fit for purpose. Much has been said about this already, so I will not go into detail other to agree with the view that ACOBA is a pointless, toothless watchdog that further discredits Parliament’s approach to standards. It should be beefed up and controlled entirely independently from Parliament.

Summary of proposed changes

1. Make it a criminal offence for MPs and Peers to fail to declare financial interests.
2. Ban MPs and Peers from voting on issues where they - or companies they work for - stand to gain from the decision (i.e. gain more than the standard population).
3. Expand the rules on disclosure to include *all* financial and property interests, *all* outside jobs (including unpaid jobs), and *all* directorships, without exception.
4. Publish the Register of Interests in an accessible spreadsheet format, which provides a sortable breakdown of the details. This should include the unique company number for each business interest and a standardised method of reporting external income.
5. Introduce a regular, independent audit of the Register of Interests.
6. Make MPs publish the contracts for any outside jobs they have and publish these online.
7. Scrap the Select Committee on Standards, the Office of the Parliamentary Commissioner of Standards and Acoba and hand responsibility to either IPSA or another independent organisation.

Responses to the specific Consultation Questions

1. No. See Q2 for detailed explanation and suggestions.
2. The descriptors allow too much ambiguity, and they too often place the judgement of what is acceptable in the hands of MPs.
 - For 'Selflessness': the descriptor should be extended to include "- or act in a way that could reasonably be perceived to do so", with regards to not acting in a way that benefits themselves.
 - For 'Integrity', the new descriptor bases the judgement entirely on what an MP "believes to be right". This is not good enough, as we have time and again seen that the personal judgement of MPs can vary widely and has often slipped well out of sync with public expectations. The same is true with the use of the word "relevant" in the sentence about declaring financial interests. You should add: "or anything that could reasonably be perceived to be relevant". Furthermore, while the old wording said that MPs must not "place themselves under any financial or other obligation... that might influence them." The new wording seemingly allows them to do this, just so long as they *resist* the influence. This, surely, is not desirable.
 - For 'Objectivity' the current wording is far better than the proposed change. The current wording is specific and concise, whereas the proposed change is vague, ambiguous and effectively meaningless.
 - For 'Accountability', the word 'accountable' has - inexplicably - been removed and replaced with 'responsible'. This is a bad and worrying proposal. It is important that public office holders are not just held responsible, but also held accountable for their actions. The new wording should preferably include both words ("Members are accountable and responsible for their actions..."), but the word 'accountable' is without doubt the more important of the two.
 - For "Openness", the new wording is completely inappropriate as it provides a huge caveat for the principle of openness - namely that the principle only applies when an MP personally deems it to be "possible". Again, we have seen that MPs' perceptions of what it is possible and appropriate to disclose have varies greatly and have often been out of sync with public perceptions. Therefore, the wording should be adapted to incorporate aspects of the current descriptor, and the 2013 descriptor, like so: "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 so doing. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands." Although the proposed change is shorter, it allows huge ambiguity. It is better to clearly specify the exact detail of this principle, rather than leave it to MPs to interpret it, each in their own way.
 - For 'Honesty', the proposed changes are a clear improvement.
 - For 'Leadership', the new wording is fine, although I think it is a shame to have removed: "be willing to challenge poor behaviour".

3. I would like to suggest the following changes to the rules:
- In Paragraph 6 (Conflicts of Interest), this should be adapted to include reasonable perception of conflicted interests. E.g.: “A Member must avoid conflict - or perceived conflict - between the public interest and their personal interest.”
 - In Paragraph 7 (Advocacy and paid lobbying), this is too ambiguous. How is a “paid advocate” defined? It is not clear from the rules and is left to interpretation. For instance, although it is fairly clear that this would include a ban on having a job as a PR consultant who worked for clients trying to influence Parliament, it is less clear whether the rule includes a ban on running a PR company that lobbies Parliament if the member works as a CEO, rather than an actual consultant. I would argue that any paid work for any lobbying or advocacy company should be banned because although a CEO may not personally deal with clients themselves, they will clearly have the interests of clients in mind and will have a direct financial incentive to promote them. Therefore, Paragraph 7 should go on to say “...or accept any paid work for an organisation that seeks to lobby Parliament and has financial incentives for doing so.”
 - In Paragraph 10, I would argue that it is time to strengthen the rules to prevent conflicts of interests and suggest the rules should reflect this by banning MPs from voting in debates where they have relevant financial interests.

30 November 2016

Amended text of original pdf document by Dr Jonathan Collins

Consultation Document 2

Parliamentary Commissioner for Standards

Review of the Code of Conduct and the Guide to the Rules relating to the conduct of Members of Parliament

Consultation Paper

13 September 2016

Contents

Introduction	3
Consultation Document- Part 1	
Principles of Public Life	5
Code of Conduct	8
Draft Revised Code of Conduct	
I. Purpose of the Code	8
II. Duties of Members	8
III. General Principles of Conduct	9
IV. Rules of Conduct	9
i. Conflicts of Interest	9
ii. Advocacy and paid lobbying	9
iii. Bribery	9
iv. Disclosure of Interests	9
v. Safeguarding Information	10
vi. Use of Resources	10
vii. Maintaining the reputation of the House	10
V. Upholding the Code	10
Proposals for additional rules	11
	1

Commented [JC1]: Only a pdf document was available on which I could not place highlights or edits e.g. delete / add text. I have had to convert it to Microsoft Word (which won't be perfect) but I had the tools and knowledge to do this. It doesn't seem to be very inclusive / democratic to require this of potential responders and it won't be known how many constituents will have given up on responding because of this. I don't know how well alternative formats such as hardcopy/braille were available and advertised.

Any highlights added are for my own benefit when returning to the document. All other changes are there as my response.

i. Outside employment	11
ii. All-party Parliamentary Groups	11
iii. Parliamentary staff and others	11
Consultation Document- Part 2	
Other issues	12
Conclusion	14
Summary of Consultation Questions	15
Appendix A: The Code of Conduct approved by the House of Commons on 17 March 2015	16

Introduction

1. This is the second consultation paper relating to the review of the House of Commons Code of Conduct for Members of Parliament. The first paper considered the scope and content of the review. **This paper considers in detail the Code of Conduct itself and makes proposals for amendments for consideration by the Standards Committee and the House of Commons.** Subject to their views and amendments it will then be used to inform a review of the Guide to the Rules.

2. In February 2003,¹ the Committee on Standards and Privileges accepted the recommendations of the Committee on Standards in Public Life that

(a) *In each Parliament, the Parliamentary Commissioner for Standards should initiate a review of the Code of Conduct and Guide to the Rules.*

(b) *The Parliamentary Commissioner for Standards should recommend any amendments to the Code and the Guide to the Committee on Standards and Privileges.*

(c) *The Committee on Standards and Privileges should consult on amendments to the Code and the Guide with relevant external bodies.*

(d) *Following this consultation, the Committee on Standards and Privileges should recommend any amendments to the Code and the Guide to the House.*

3. It was recognised that the timing of such reviews would be decided as appropriate and the specific content of reviews was not defined. The most recent reviews were undertaken by the previous Commissioner in 2011-12.

4. Since 2003 the work of the Standards Committee (formerly the Standards and Privileges Committee) has been established through Standing Order No. 149 and the work of the Parliamentary Commissioner for Standards by Standing Order No. 150. Two reviews of the Code of Conduct and of the Guide to the Rules have been undertaken. The most recent version of the Guide to the Rules was introduced following the General Election in 2015. The Code of Conduct and the Guide to the Rules consist of three separate tiers which link together:

¹ Eighth report 2002-03 HC 403

- the seven general principles of conduct i.e. the principles of public life, which were developed by the Committee on Standards in Public Life and reviewed by them in 2013;
- the Code of Conduct which sets out seven broad rules by which Members are expected to abide and by which their behaviour may be judged; and
- the detailed Guide to the Rules.

5. The document moves from broad ethical principles, to rules which guide the application of those principles to the behaviour of Members and from there to the third stage of detailed and specific instructions applicable to Members' day to day conduct. The Code of Conduct and the Guide to the Rules have previously been reviewed separately. This review will take a holistic approach and seek to achieve coherence across all three sections of the Code and Guide. This consultation is the second stage of the review.

6. In addressing the Code and Guide from this perspective, the first part of the consultation reconsidered the fundamental purpose of the Code and the audience to which it is directed Responses, which have been published on my webpages, were limited, but encouraged me, with the agreement of the Committee on Standards to reconsider the definitions of the seven principles of public life as they applied to Members of the House of Commons as well as considering the Rules themselves in detail.

7. This consultation paper sets out a number of questions in relation to that thinking for consideration. You are invited to respond to all or any of these questions. Any other points you wish to make would be equally welcome. It is proposed that all consultees' responses should be published.

8. Consultees are invited to send responses to this consultation by 30 **November 2016** to:

The Parliamentary Commissioner for Standards
House of Commons
London SW1A 0AA

or by email [to:standardscommissioner@parliament.uk](mailto:standardscommissioner@parliament.uk)

I look forward to receiving your response.

Commented [JC2]: See my previous comments about the marketing of the first consultation which had it not been for a BBC radio programme I would have missed. Perhaps this is related to the limited comments received which I presume is about numbers rather than content (?).

Field Code Changed

Field Code Changed

Consultation Document - Part I

Principles of Public Life

9. The Committee on Standards in Public Life developed the seven principles of public life in 1995 and these are now widely accepted across public sector organisations. In 2013 a review was undertaken which did not alter the principles themselves but amended the descriptors and acknowledged that some organisations had themselves altered the descriptors to fit their circumstances. The Committee felt that this was a development which should be welcomed. The descriptors used in the current House of Commons Code of Conduct have already been adapted in this way as can be seen from the table below (third column). In column 4 rather than amend the definitions again proposals are made to replace them by clear examples of behaviour which are more relevant in the context of parliamentary activity and the role of a Member.

Draft Example Descriptors of the Seven Principles of Public Life

PRINCIPLE	CSPL DEFINITION 2013	CURRENT CODE OF CONDUCT DEFINITION	POSSIBLE EXAMPLE CODE OF CONDUCT DESCRIPTOR
Selflessness	Holders of public office should act solely in terms of the public interest	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.	Members must strive for high ethical standards. Members must act and take decisions solely in the interests of the public. They must not do so in order to benefit themselves or their family or friends.
Integrity	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial	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	Members must base their actions and decisions upon what they believe to be right. They must not allow themselves to be influenced by obligations to others in the performance of their role. They must declare any relevant

Commented [JC3]: No. This implies less than high standards are somehow acceptable - so how much lower than high? Whilst 'high' is also not defined, that could be judged by independents if necessary based on what would be expected in the circumstances when a member's behavior was being considered.

In any event MPs should '*conduct themselves to the highest ethical standards*' (given their representative role and the trust still placed in them by a proportion (diminishing post-moat etc.) of the public.

Commented [JC4]: Suggest adding 'and would be seen by the public as right0.

PRINCIPLE	CSPL DEFINITION 2013	CURRENT CODE OF CONDUCT DEFINITION	POSSIBLE EXAMPLE CODE OF CONDUCT DESCRIPTOR
	or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.		interests and resolve them in favour of the public interest.
Objectivity	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.	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	Members must, wherever possible, weigh carefully the evidence on which they have based their decisions
Accountability	Holders of public office are accountable to the public for their decisions and actions and 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.	Members must take responsibility for their decisions and actions and cooperate with appropriate scrutiny when required to do so.
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 so doing.	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.	Members must act and speak as openly as possible on all occasions.

Commented [JC5]: Many constituents I know widely wonder how MPs can continue to run independent businesses and interests in addition to being an MP. Whilst the rules of the US Presidency would be too onerous and might reduce the pool of good MP candidates, surely there should be a maximum % of the Mon-Fri working day week, above which non-constituency duties would be prevented. There seems to be evidence that the amount of time and energy spent by MPs in their role varies far too widely such that some do not 'put the hours in'. In that case, are constituents getting an equitable deal only if their MP takes a reasonable and acceptable half-way house? Such post-code lotteries should not exist, hence the attempt to try to reduce the variability as a Terms & Conditions for the role widely known to potential candidates.

Commented [JC6]: ? It is difficult to understand why ever an MP's decision would not be based on weighing up evidence. This needs some explanatory text but I would suggest anyway a change in wording to 'must always weigh...'.
Is this possibly to take account of the whipping system in place and highly frowned upon by those who feel MPS should be representative and not party-partisan – see the first two criteria. The disgrace of the Iraq war vote involved neither of those wordings to be followed, particularly the element of personal gain (MPs) / threatened loss to individuals' future attainment possibilities (whips). Whither then the Parliamentary Code and sanctions?

PRINCIPLE	CSPL DEFINITION 2013	CURRENT CODE OF CONDUCT DEFINITION	POSSIBLE EXAMPLE CODE OF CONDUCT DESCRIPTOR
Honesty	Holders of public office should be truthful	Holders of public office have a duty to declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.	Members should be truthful, make sure that any private interests which may be considered relevant are declared and resolve any conflicts of interest quickly and in favour of the public interest.
Leadership	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.	Holders of public office should promote and support these principles by leadership and example.	Members must actively and consistently support and promote these principles by their own behaviour.

Questions

1. Are the example descriptors clearer and more appropriate for MPs in the context of their work? [See comments above.](#)
2. Do you have any suggestions for improvements or alternatives? [Ditto.](#)

Code of Conduct

10. The Code of Conduct has been redrafted with proposed changes principally to simplify the language and clarify some of the rules but not in order to change the rules themselves. The redraft also builds clearer links to the Guide to the Rules and alters the order of some sections to assist the general public in understanding its function. An amended version, with the amendments shown in red is set out below. The current Code of Conduct is attached as Appendix A for ease of comparison.

Commented [JC7]: ?

*Draft Revised Code of Conduct (*draft changes shown in red)

The House expects Members to follow the Code of Conduct and the Rules of Conduct which are set out here, as well as the other rules of the House and the rulings of the Chair. Ministers and certain Whips must also follow the Ministerial Code.

I. Purpose of the Code

1. The Code of Conduct applies to Members in all aspects of their public life. It is intended to help Members to carry out their responsibilities to the House, their constituents and the general public by:

- (a) Clearly stating the standards and principles of conduct expected of all Members in carrying out their duties
- (b) ~~Stimulating~~ Establishing public confidence through clarifying the standards expected of all Members and emphasizing the commitment of the House to upholding these rules.

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

Commented [JC8]: I don't feel it is helpful to add a further term here and it could be omitted. I feel that the 'Code' and 'Rules' are not that well explained and using 'rules' here may decrease clarity because it is unclear what it refers to.

II. Duties of Members

2. All Members have a duty to

- (a) be faithful and bear true allegiance to Her Majesty the Queen, her heirs and successors, according to the law ~~(-T)~~ (this is by virtue of the oath, or affirmation, of allegiance taken by all Members elected to the House);
- (b) uphold the law, including the requirements of the Equality Acts ;
- (c) act in the interests of the United Kingdom as a whole;
- (d) ~~look after~~ reflect the interests of their constituency in their everyday duties;
- (e) behave with probity and integrity, including in their use of public resources;

(f) respond positively on all occasions to the public trust placed in them.

Commented [JC9]: An improvement.

III. General Principles of Conduct

3. When carrying out their duties, Members are expected to follow the principles of conduct listed by the Committee on Standards in Public Life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Members are also expected to show courtesy to others.

Commented [JC10]: Ditto

4. The table below gives examples of how a Member should put the principles of conduct into practice while carrying out his or her duties.

(The revised principles set out in section 2 above would be inserted here)

IV. Rules of Conduct

5. Below are the Rules of conduct which Members must obey, together with details of the main supporting guidance and documents.

Conflicts of Interest

6. A Member must avoid conflict between the public interest and their personal interest. If there is any conflict between the two, he or she must resolve it at once in favour of the public interest.

Advocacy and paid lobbying

7. A Member must not act as a paid advocate in any proceeding in the House.

Guide to the Rules relating to the Conduct of Members Chapter 3

Bribery

8. A Member must not accept a any bribe intended to influence his or her conduct as a Member.

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

Commented [JC11]: The acceptance of a bribe would have influenced the Member's Code of Conduct highly adversely. Moreover, surely any bribe could at any stage be used to achieve this at any stage in the future. Why not just state 'any bribe' alone?

Disclosure of Interests

9. A Member must record his or her interests in the Register of Members' Financial Interests in accordance with the rules.

10. A Member must draw attention to any relevant interests in all proceedings of the House or its Committees and in all communications with Ministers, Members, public officials ~~and~~ public office holders and his/her constituents.

Commented [JC12]: e.g. over any issue raised by one.

Guide to the Rules relating to the Conduct of Members, Chapters 1 and 2

Safeguarding Information

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

12. In addition to the above, such information must never be used for the purpose of financial gain.

Commented [JC13]: Omit? Does it add anything?

Use of Resources

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

Commented [JC14]: Clarify which.

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

Commented [JC15]: Selflessness above states 'They must not do so in order to benefit themselves or their family or friends.'. Is this wording diluting this or muddying the waters?

House of Commons Members' Handbook Rules for the use of committee, conference and meeting and interview rooms, Standard Conditions of Hire for Functions and Events; Tours of the Parliamentary Estate, Rajfies and Auctions, ICT Acceptable Use Policy; rules for the use of stationery and postage paid envelopes provided by the House of Commons and for the use of the crowned portcullis.

There does seem to be an element of conflict or inconsistency and how would 'undue' be defined except by a group of independent people defining/assessing this at the time required.

Commented [JC16]: This is clearly a list of examples (comprehensive or representative only?) of e,a,f,s in lines 1 and 2 but they seem to be dumped here without sequitur.

Maintaining the reputation of the House

15. Members must never do anything which would significantly damage the reputation and integrity of the House of Commons as a whole, or of its Members unless by not doing so this conflicted (acutely?) with the responsibilities of the Code of Conduct.

Commented [JC17]: e.g. an MP revealing something that was patently wrong (sexual harassment, bullying, discrimination, violence, etc., an institutionalized practice that was intolerable for members or others affected etc. and which needed public airing or taking to independent review body. There is much talk of protecting whistleblowers (although hardly ever achieved) and this is an avenue where loyalties / pressures should not conflict with the code. Those shown not to have brought something to others' attention retrospectively should be accountable for their actions.

V. Upholding the Code

16. The Committee on Standards and the Parliamentary Commissioner for Standards are responsible, on behalf of the House of Commons, for upholding the Code of Conduct. Standing Orders Nos 149 and 150 set out their responsibilities.

■ [REDACTED]

■ [REDACTED]

[REDACTED]

[REDACTED]

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

Proposals for additional rules

■ 19. (The following proposals are made arising out of recent changes to other rules or issues that have become apparent during investigations.)

Outside Employment

20. A Member who undertakes outside employment must ensure that it does not conflict with his or her responsibilities under the Code of Conduct.

Subject to possible additional work on underlying rules on outside interests

All-party Parliamentary Groups

■ 21. A Member must ensure, if they chair an All-Party Parliamentary Group 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 group is also responsible for the group's compliance with the House's rules.

Guide to the Rules for All-Party Parliamentary Groups

Parliamentary staff and others

22. A Member must treat all those who work in Parliament with dignity, courtesy and respect

[REDACTED]

Commented [JC18]: Amending to WORD lost these!

■ [REDACTED]

Questions

3. Are the rules, as amended above clearer and easier to understand? If not please suggest further amendments. [See above.](#)

4. Does the specific mention of the Equality Acts add value to the section on the Duties of Members? [It might since it is a problem in the male-dominated Parliament.](#)

5. If there any areas which should be covered and are not, what are they? [The Code would be improved if it specifically mentioned unacceptable behavior.](#)

6. Do the proposed amendments above assist in achieving the purposes of the Code?

7. Should any or all of the additional rules proposed (numbers 20, 21 and 22) not be included in the new document? [20 – see my comment on a maximum % time of the working week above. 21 Fine except why the first comma? 22 – add full-stop.](#)

Commented [JC19]: Perhaps not achieving but clarifying – taking a horse to water doesn't necessarily result in what was required ≡ policy v successful implementation and positive effect.

Looking at the next section, it is implied that registration of interests isn't made clear. Perhaps a reference should be made to updated guidelines as they occur within the Code of Conduct.

Consultation Document - Part 2

Other issues

24. Having taken into account the responses to the consultation in Part 1 of this paper and the views of the Committee on Standards, [the next part of this review will consider the Guide to the Rules and seek to simplify the language, align the Guide to the revised Rules to the Code of Conduct and resolve some anomalies and minor issues arising from the new set of rules which has now been in force for just over a year.](#) This work will include consideration of:

- (a) The Rules on Lobbying
- (b) Guidance on aspects of Registration and Declaration of Interests
- (c) Use of House Resources including ICT
- (d) Restrictions on Outside Work by Select Committee Chairs

Questions

8. Which of these issues would you prioritise and why? Restrictions on outside work because it will in excess short-changes constituents – surely unfair not to have appropriate representation. After that try to regulate the worst of behaviours once an MP is there on duty, so then tackle the lobbying.

9. Is there any other aspect of the Rules which you think should specifically be addressed? Sanctions against MPs, stressing that breaking agreed oaths will not be tolerated and if stating that if found guilty these sanctions will be publicize including forcing out of office if a breach is very serious / totally unacceptable. There is no point in having these rules otherwise.

25. During the course of my time as Commissioner some of my investigations have raised significant issues and I am therefore also consulting on whether the opportunity should be taken to address any or all of the following:

(a) External Employment

There are a wide range of opinions about the amount and type of external employment which Members undertake and particular problems have been caused by the various definitions of the role of parliamentary advisers. There is no easy resolution to this issue but it may be time for a thorough consideration and consultation on all aspects of external employment. I would welcome this as alluded to above.

While I do not think that this can be done sufficiently widely as part of my review of the Rules, I am writing to the Committee on Standards to suggest that it may wish to consider this matter. Its conclusions would be helpful in developing either new guidance or rules for the future alongside my current work to consider the Guide. Excellent.

(b) Acceptance of Gifts

Some new Members have commented that the Guide to the Rules covers registering gifts and donations, with much space focussed on the mechanics of this, but offers no advice on which gifts Members might reasonably accept. Without suggesting that this

is a problem, should Members be given more guidance-as suggested by GRECO-on when it is appropriate to accept/decline gifts and benefits e.g. for constituency work?

[Sounds to be reasonable and helpful.](#)

(c) Dissolution of the House

A number of issues arose during the period between the dissolution of the House and the election in 2015 which could not easily be resolved as the Commissioner has no

[I CANNOT COPY THIS SECTION INTO WORD BUT ANSWER TO Q10 – Yes, 11 – no comment to add.](#)

[Redacted]

[Redacted]
Kathryn Hudson
Parliamentary Commissioner for Standards

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Summary of Consultation Questions

1. Are the example descriptors clearer and more appropriate for MPs in the context of their work?
2. Do you have any suggestions for improvements or alternatives?
3. Are the rules, as amended above clearer and easier to understand? **If** not please suggest further amendments.
4. Does the specific mention of the Equality Acts add value to the section on the Duties of Members?
5. **If** there are any areas which should be covered and are not, what are they?
6. Do the proposed amendments above assist in achieving the purposes of the Code?
7. Should any or all of the additional rules proposed (numbers 20, 21, 22 and 23) not be included in the new document?
8. Which of these issues would you prioritise and why?
9. Is there any other aspect of the Rules which you think should specifically be addressed?
10. Would you like to contribute to the wider debates on any of these issues? **If** so, your views would be welcome as part of this consultation or separately as written submissions.
11. Are there any other significant issues which you think should be reviewed as part of the work on the Guide to the rules?

I. Purpose of the Code

1. The purpose of this Code of Conduct is to assist 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.

II. Scope of the Code

2. 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.

3. 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

- 4. 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.
- 5. Members have a duty to uphold the law, including the general law against discrimination.
- 6. Members have a general duty to act in the interests of the nation as a whole; and a special duty to their constituents.
- 7. 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. General Principles of Conduct

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.^[1] 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.

Field Code Changed

"Selflessness

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

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

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

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

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

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

Holders of public office should promote and support these principles by leadership and example."

V. Rules of Conduct

9. Members are expected to observe the following rules and associated Resolutions of the House.

10. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

11. No Member shall act as a paid advocate in any proceeding of the House.^[2]

Field Code Changed

12. 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.^[3]

Field Code Changed

13. 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.^[4]

Field Code Changed

14. 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.

15. 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.

16. 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.

VI. Upholding the Code

17. 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.

18. 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.

19. 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.