This note sets out the background to the creation of the Committee on Standards in Public Life in 1994, and the subsequent broadening of its terms of reference in 1997. The note looks at its constitutional position and relationship to Parliament. It also gives details of membership, past and present; and the eleven reports issued to date. Selected press comment gives some pointers to debate about the Committee.
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1 Establishment and Terms of Reference

In his statement, announcing the establishment of the Committee in October 1994, John Major, the then Prime Minister, said:

It is important that the public have confidence in our system of public administration, our methods of making public appointments, the conduct of people in authority and the financial and commercial activities of public figures. It has always been the wish of this House that British Government, Parliament and administration should be entirely free of malpractice and I am determined to ensure that that is so.

In the present atmosphere, there is public disquiet about standards of public life and I have concluded that action is imperative. I have listened carefully and have reflected upon the points raised by right hon. and hon. Gentlemen in all parts of the House in framing my recommendations.

I have decided to establish a body 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."

For these purposes, public life should include Ministers, civil servants and advisers, Members of Parliament and United Kingdom Members of the European Parliament, members and senior officers of all non-departmental public bodies and of national health service bodies, non-ministerial office holders, members and other senior officers of other bodies discharging publicly funded functions and elected members and senior officers of local authorities. That is a wide-ranging list, and it is intended to be so.

I have considered the nature of the body to be established. A royal commission tends to be cumbersome, and would probably take too long; a committee composed solely of Privy Councillors might be seen as being too narrowly drawn; a Speaker's Conference traditionally deals only with electoral law; and a formal board of inquiry or judicial inquiry tends to carry out specific investigations rather than considering broader issues and making recommendations to the Government. Arguments can be made for any of those bodies, but I believe that a better way ahead exists.

The body needs to be able to respond quickly and to be sufficiently flexible to deal with the wide range of issues I have outlined. I have, therefore, decided to establish standing machinery to examine the conduct of public life and to make recommendations on how best to ensure that standards of propriety are upheld. It will contain prominent individuals who have practical experience of Parliament and public life, but also others with expertise and knowledge of our principal institutions. Lord Nolan, a Lord of Appeal in Ordinary, has accepted my invitation to chair this committee.

I have invited the Leader of the Opposition and the leader of the Liberal Democrats each to nominate a member of the committee, and I shall announce the full membership shortly. I hope that the committee will be able to produce at least a first report covering the main areas of current concern within six months, and then stay in being as a standing body to advise the Government of the day.

It will be open to the committee to take evidence in public, although it could also invite evidence in writing or in private and would probably wish to deliberate in private, but the committee must determine this. Naturally, I would expect Ministers and Members of Parliament to give evidence to the committee if requested to do so, but I should make it...
clear that the purpose of the body is not to replace the House's own machinery, which is the proper way to consider issues affecting individual Members of the House.¹

These terms of reference were widened by the new Labour Prime Minister, Tony Blair, in November 1997 to cover the funding of political parties: "To review issues in relation to the funding of political parties, and to make recommendations as to any changes in the present arrangements." [Hansard (HC) 12.11.97 col.899]²

2 Status

The Committee is a non-departmental public body. The Committee and its Secretariat are funded by, but independent of, the Cabinet Office. Its remit extends to Scotland, Wales and Northern Ireland, but the Committee consults the separate executives of these constituent parts of the UK where appropriate.

Sir Alistair Graham, the then Chairman, and Richard Jarvis, the Assistant Secretary, of the Committee appeared before the Public Administration Select Committee (PASC) on 27 April 2006 in connection with its inquiry on Ethics and Standards.³ The Committee on Standards in Public Life submitted a written memorandum to PASC, which briefly described the reasons for its establishment and its remit, and set out the results of its recommendations.⁴ In oral evidence, Alastair Graham gave further details:

First on status, it is important to stress that the committee is not a regulator. We are an independent committee which provides public policy advice to the Prime Minister on issues of ethics and propriety. We do not have any executive or regulatory powers or functions. Our line of accountability is to the Prime Minister and, through him, to Parliament, and he, in turn, is accountable for standards of conduct within government. Our role to provide public policy advice to the Prime Minister essentially, therefore, defines our status. The committee’s remit is a wide one: to provide policy advice on standards of conduct of all public office holders, elected and appointed, central and local; and this is not, I believe, a remit that is duplicated by any other body. This remit means that, in addition to providing advice about standards of conduct within the Executive, the committee also has a role in providing public policy advice about standards of conduct in Parliament, and here our advice is given through the Prime Minister to Parliament.

Further written submissions on aspects of the enquiry were published on the PASC (Ethics and Standards) website.⁵

3 Method of working

The Committee described its operational approach in its written evidence to PASC as follows:

2. METHOD/APPROACH

¹ HC Deb 25 October 1994 Vol 248 cc757-758
⁴ http://www.publications.parliament.uk/pa/cm200607/cmselect/cmpubadm/121/121we03.htm
⁵ http://www.publications.parliament.uk/pa/cm200607/cmselect/cmpubadm/121/121we04.htm
2.1 The Committee is free to choose subjects of inquiry, but only after consultation with the Cabinet Secretary, on behalf of the Prime Minister (to whom the Committee reports). Inquiries are conducted using a rigorous, evidence-based and entirely open approach with written submissions posted on the Committee's popular and much-used[4] web-site, public hearings held throughout the United Kingdom; and a final public report with its recommendations and including all of the evidence collected during the Inquiry.

2.2 Committee Inquiry Reports are presented to the Prime Minister and through him to Parliament as a published Command Paper. The Government then publishes its response to the Committee's recommendations, again through a Command paper (ideally within three months) and this is often subject to a debate in both Houses of Parliament.

2.3 The effectiveness of the Committee is derived from:

— its ability to re-visit sensitive and challenging policy questions;

— a membership which mixes open competition (a Chairman and six members) with nomination by the leaders of the major parties (three members); and

— reporting directly to the Prime Minister.

The Committee is committed to a non-confrontational, inclusive style, though it recognises that occasional tension between Government and watchdog is something to be expected.6

4 Parliamentary Oversight

The PASC report recommended more parliamentary involvement in the oversight and sponsoring of ethical bodies. The Government response of November 2007 appeared to support further development of these proposals:

To sum up, we propose a direction of travel for the ethical regulators which would lead to a collegiate structure. We consider that Parliament itself is best placed to undertake the scrutiny of such a college, and that a new arm's length body—a Public Standards Commission—be created by statute to undertake the sponsoring role of appointing, funding, staffing and auditing the college. The creation of such a Commission would entail bringing the ethical regulators themselves onto a statutory footing.'(Recommendation 13, Paragraph 111)

We favour institutional designs which are consistent with our stated principles. This means that we believe the most effective model for ethical audit is likely to be one which encourages co-operation between ethical auditors, and provides robust forms of both independence and accountability. The reform of ethical regulation is likely to be a gradual process, which will allow examination and review of new arrangements. We favour the 'statutory commission' model to undertake, on behalf of both Parliament and government, the sponsoring body functions we have described, thereby leaving Parliament to fulfil its proper constitutional scrutiny and oversight role, and the watchdogs themselves the appropriate balance of independence and accountability to enable them to carry out their work properly'.(Recommendation 14, Paragraph 112)

The Government will give further consideration to the issues raised in these recommendations as part of its work to take forward the commitment in the Constitutional Reform Green Paper for legislation for the Civil Service. 7

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6 HC 181-II 2006-07

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The Government response accepted that the CSPL should continue to have a unique role, while subject to regular review and also accepted that future appointments to CSPL should be made on the basis of five year non-renewable terms:

‘The most effective safeguard against concerns that regulators’ independence may be influenced by a desire for reappointment is to provide for a reasonably lengthy single non-renewable term. In our view this term should not be more than seven years (nor less than five years’). (Recommendation 8, Paragraph 81)

The Government accepts this recommendation. Future appointments of the First Civil Service Commissioner, the Commissioner for Public Appointments, and the Chairs of the Advisory Committee on Business Appointments, the Committee on Standards in Public Life and the House of Lords Appointments Commission will be made for a single non-renewable term. The Government is currently recruiting a new Chair and members for the Committee on Standards in Public Life and has advertised on the basis that the Chair will be appointed for a single, non-renewable term of five years. It has also converted the appointment terms of the First Civil Service Commissioner and the Commissioner for Public Appointments to non-renewable terms of five years.

The Government believes that this approach will further strengthen the independence and integrity of the independent office holders. Consideration is also being given to the suitability of these appointments for pre-appointment scrutiny by Parliament, and the Government will discuss this further with the Liaison Committee and the Commissioner for Public Appointments. 8

In his evidence to PASC, Sir Alastair Graham was neutral on the question of parliamentary oversight of resources:

Q191 Mr Burrowes: Not least in relation to determining, providing your budget and appointment, but is there not an appropriate role for Parliament which may well assist the functions of your role?

Sir Alistair Graham: I am open-minded about it, but I do not think there is anything fundamentally wrong with the present arrangements, which, I think, work quite well.9

The Public Administration Select Committee has taken evidence from the CSPL on a number of occasions, as part of its remit to scrutinise the wider public sector.

5 Chairmen and Membership

The Committee is currently chaired by Christopher Kelly KCB, who was appointed on 1 January 2008. An interim chairman served between May 2007 and January 2008, Rita Donaghy. A brief biography is available on the Committee’s website.10

• The former chairmen of the Committee are:

Sir Alistair Graham, from 26 April 2004 - 26 April 2007

Rita Donaghy CBE, interim Chair from 27 April 2007 – 31 December 2007

Sir Nigel Wicks GCB, CVO CBE, from 1 March 2001 to 23 April 2004

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8 HC 88 2007-08
9 Oral evidence from Sir Alastair Graham and Dr Richard Jarvis Q190 HC 884-i April 2006
Lord Neill of Bladen QC, from 10 November 1997 to 28 February 2001

Rt Hon Lord Nolan, from 1 November 1994 to 9 November 1997

The practice has not been to offer chairs re-appointment. None has served a second term, although other members are re-appointed. Each term is for three years.

Current members of the Committee are:

- Oliver Heald MP
- Baroness Maddock
- Sir Derek James Morris MA DPhil
- Dr Brian Woods-Scawen DL CBE
- Lloyd Clarke QPM
- Rt Hon Alun Michael JP MP
- Dr Elizabeth Valance JP
- Dame Denise Platt

Previous members (including Chairmen) of the Committee are listed below:

- Dame Patricia Hodgson CBE
- Lord Neill of Bladen QC
- Sir Nigel Wicks GCB CVO CBE
- Sir Alistair Graham,
- Rita Donaghy OBE
- The Rt Hon Baroness Shepherd JP DL
- Professor Hazel Genn CBE
- The Rt Hon Baroness Jay of Paddington
- Baroness Neuberger of Primrose Hill
- The Rt Hon Chris Smith
- Sir William Utting CB
- Ann Abraham
- The Rt Hon Lord MacGregor of Pulham Market OBE
- Rabbi Julia Neuberger

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Biographies of current and previous members are available on the Committee’s website.

6 Reports and Research

The Committee’s inquiries to date are:

First Report: MPs, Ministers and Civil Servants, Executive Quangos (Cm 2850, 11 May 1995)

Second Report: Local public spending bodies (Cm 3270, May 1996)

Third Report: Standards of conduct of local government in England, Scotland and Wales (Cm 3702-I, July 1997)

Fourth Report Review of standards of conduct in executive NDPBs, NHS Trusts and local public spending bodies (November 1997)

Fifth Report: The Funding of Political Parties in the United Kingdom (Cm 4057, October 1998)

Sixth Report: Reinforcing Standards: Review of the First Report of the Committee on Standards in Public Life (Cm 4557, January 2000)

Seventh Report: Standards of Conduct in the House of Lords (November 2000)

Eighth Report: Standards of Conduct in the House of Commons (Cm 5663, November 2002)

Ninth Report: Defining the Boundaries within the Executive (Cm 5775, April 2003)
Tenth Report: *Getting the Balance Right Implementing Standards of Conduct in Public Life* (Cm 6407, January 2005)


All are available on the Committee’s website.

On 10 November 2008 the Committee announced its latest inquiry into local leadership and public trust, which will examine structures and models within local government across the UK, including London.11

In addition to annual reports and its main inquiries, the Committee also undertakes research projects. The Committee published the latest set of results from its third national survey of public attitudes of conduct in public life on 10 November 2008. These and previous surveys are available from the Committee website.12

The broad purpose of the surveys is to investigate whether the public’s requirements of public officeholders were served by the Committee’s seven guiding principles (Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership); and how public opinion rated the conduct of public officeholders. The latest survey compares 2007-08 results with the earlier ones, and compares attitudes within the constituent parts of the United Kingdom.

The 2008 survey also covers attitudes and preferences in relation to electoral registration systems, experiences of recruitment processes and coverage of politics in the media.13

7 Impact of the Committee

As an advisory Non Departmental Public Body, the Committee on Standards in Public Life has been subject to a quinquennial review, which was published in January 2001.14 It concluded that the Committee had mapped the ethical framework and the task was substantially completed. There remained a continuing need to monitor the ethical environment and to respond to issues of concern which might arise. The review considered that in future there would be less scope for the Committee to review aspects of public life on a continuous basis. It recommended no change in the structure or composition of the Committee. However, as proposed by the review, the secretariat subsequently fluctuated in size according to the workload demand. No further quinquennial review has taken place.

The Committee itself assessed its success rate in its evidence to PASC in 2006. This noted

1.4 Since its establishment in 1994, the Committee has fulfilled this remit by:

— publishing 10 Inquiry Reports which together cover, and have had a significant impact upon, virtually all public-office holders and most of the public sector;

11 ‘Committee on Standards in Public Life announces new inquiry into ‘local leadership and public trust’ 10 November 2008 at http://www.public-standards.org.uk/Library/PN218.doc
14 Cabinet Office, Report of the Quinquennial Review of the Committee on Standards in Public Life, January 2001,
http://www.cabinetoffice.gov.uk/~/media/assets/www.cabinetoffice.gov.uk/propriety_and_ethics/quinreport%20pdf.ashx
— reviewing the progress with, and effectiveness of, the implementation of its own recommendations;

— undertaking research into public attitudes towards standards of conduct; and

— reviewing key standards issues every year for the past three years as part of a "standards check" in its annual report.

1.5 Since the Committee's inception, of some 400 Committee recommendations over 70% have been accepted and implemented by Government. This is a significant record for a standing advisory Committee.15

Further detail on the impact of the Committee’s work on each aspect of public life is given in the written evidence.

The following excerpts of exchanges from Question Time in the House of Lords on 25 May 2006 reflect a wide range of views on the Committee on Standards in Public Life:

Lord Roberts of Conwy asked Her Majesty's Government:

Whether the Prime Minister proposes to respond to the recent observations by Sir Alistair Graham concerning the priority given to standards in public life; and, if so, when.

The Lord President of the Council (Baroness Amos): My Lords, the Government attach the highest priority to upholding standards in public life. The Government give the fullest consideration to specific recommendations from the Committee on Standards in Public Life.

Lord Roberts of Conwy: My Lords, I am grateful to the noble Baroness for her reply, but is she aware that Sir Alistair said publicly that the Prime Minister has made, "a major error of judgment", in treating standards in public life as a, "minor issue, not worthy of serious consideration"?...

Baroness Amos:

...This is the first-ever Government to require Ministers to provide their permanent secretaries with a written declaration of their interests. We have introduced transparency that did not exist under previous Administrations. For example, we have published the list of gifts received by Ministers costing more than £140 and an annual list of visits overseas by Cabinet Ministers. There is guidance on travel by Ministers. The Prime Minister appointed Sir John Bourn as the independent adviser on Ministers' interests. Indeed, in 1997, and subsequently in 2001 and 2005, we strengthened the Ministerial Code.

Lord Foulkes of Cumnock: My Lords, is my noble friend aware that, more than three weeks ago, I wrote to Sir Alistair Graham, asking what he did to check his facts and whether he consulted the members of his committee before making public statements? I have not yet had the courtesy of a reply. Would not Sir Alistair be better employed dealing with correspondence from Members of this House, rather than making unsubstantiated and gratuitous allegations to the media?

15 HC 121-II 2006-07
Baroness Amos: My Lords, obviously, it is incumbent on everyone in public service, especially those in government and those operating in independent organisations, to respond in a timely fashion to correspondence from Members of the House...

Lord Maclean of Rogart: My Lords, has the Minister read the reports that the budget of the advisory Committee on Standards in Public Life has been cut by 40 per cent? Is she aware that questions have been asked about the Government's failure to appoint a successor to the noble Baroness, Lady Jay, as a representative of the Labour Party on that committee and that there is concern that the committee was bypassed in the review of the rules governing the taking-up of positions in business by civil servants and Ministers? These actions, or inactions, suggest some decline in the Government's confidence in the committee.

Baroness Amos: ... The committee's budget has not been cut by 40 per cent. It is as follows: in 2004–05, it was £476,000; in 2005–06, it was £574,000; and in 2006–07, it is £577,000. The noble Lord may be interested in the evidence given to the Public Administration Committee on 27 April by Sir Alistair Graham:

"in the last two years we have not faced any cuts. We have got the budget that we sought".

On the question of the Labour Party appointment, my right honourable friend the Prime Minister is, of course, considering who the best person is to take over from my noble friend Lady Jay.

On the question of the business appointment rules, the noble Lord may be aware that the Public Administration Committee is considering them as part of a wider investigation into the ethical regulatory framework.

....

Lord Goodhart: My Lords, any improvement in standards in recent years is surely due in large part to the work of the Committee on Standards in Public Life...Can [Baroness Amos] assure your Lordships' House that the Government have no intention of abolishing the committee or starving it of funds?

Baroness Amos: My Lords, I think I indicated that we had not starved the committee of funds. Indeed, Sir Alistair made it absolutely clear that the committee had got all the money that it had asked for...

...

Lord Hughes of Woodside: My Lords, should not someone who is appointed to be chairman of an independent committee be circumspect in his comments, not speak from the hip every Sunday morning? He should discuss matters in the committee itself and represent the committee's views rather than his own. Sir Alistair was appointed to be chairman of the committee, not as God almighty.

Baroness Amos: My Lords, I have my personal views about that, but I have expressed the Government's continued support for the work of the Committee on Standards in Public Life.¹⁶

¹⁶ HL Deb 25 May 2006 cc924-927
8 Selected Press Comment

Much of the press coverage has focused on comments made by the former Chairman of the Committee on Standards in Public Life, Sir Alastair Graham, about ministerial responsibility.

The Observer

Britain’s sleaze watchdog, Sir Alistair Graham, who has been a vocal critic of Tony Blair’s government, fears he is the target of a Labour party smear campaign that is using party loyalists to blacken his reputation.

Graham, chairman of the Committee on Standards in Public Life, has criticised the Prime Minister's handling of scandals involving Tessa Jowell's husband David Mills, Deputy Prime Minister John Prescott and the cash-for-honours furore. Last month he attacked Blair for treating standards as a 'minor issue, not worthy of serious consideration'.

Earlier this month Graham was alerted to a series of parliamentary questions put down by former defence and transport minister John Spellar, a renowned Labour loyalist. The MP, who has now returned to the backbenches, asked Hilary Armstrong, the Cabinet Office Minister, how much Graham has been paid for public appointments he holds. Graham, who claims he has nothing to hide as all the information is in the public domain, believes there is an attempt to paint him as a quango fat cat - a charge he denies.17

The Times

In an article for The Times from December 2005, Peter Riddell highlighted the difficulties faced by regulators in maintaining independence:

The good chaps view of behaviour in public life is dead. This is not because the chaps have become bad. The vast majority have not. But the old conventions have broken down.

The boundaries between the public and private sectors, between politicians and civil servants, between secret and open government, and between confidentiality and disclosure have become blurred. The number of regulators and codes on ethics and propriety has grown since the first report, in spring 1995, of the Committee on Standards in Public Life (then chaired by Lord Nolan).

It is still often unclear what is acceptable. First, about memoirs by former officials, after the books by Sir Christopher Meyer and Lance Price; secondly, the departure to the private sector of Lord Birt, adviser to Tony Blair, after arguments about lack of accountability and conflicts of interest; and thirdly, the Government's unusually public disagreements with the Standards Committee and the Public Appointments Commissioner. There are rights and wrongs on both sides….

These tensions are unhealthy for democracy and the task of rebuilding trust in government. Are the regulators merely advisory or should they have more clout? They are being examined by the Public Administration Committee. There is a strong case for having fewer regulators and distinguishing more clearly between those involved in the processes of government, advisers like the Standards Committee and investigators of specific allegations. This should not mean the abolition of independent ethical watchdogs: we need grit in the

machine. But, while not surrendering flexibility in appointments, the Government should recognise that clear rules and transparency are in its interest. 18

Most recently, the new Chairman, Sir Christopher Kelly, provoked some comment following his comments at a press conference on 10 November 2008.

Telegraph

MPs have been attacked by the Westminster sleaze watchdog for having "a sense of entitlement" over generous expenses as a poll showed that voters' respect for the political class has fallen to a new low.

Sir Christopher Kelly, the chairman of the Committee on Standards in Public Life, also accused political leaders of lacking the "courage" to reform the way parties are funded.

The committee published research yesterday showing that the public's regard for politicians has fallen and barely one in five voters now trusts government ministers to tell the truth.

The poll of 2,312 people showed that 41 per cent of voters think standards in public life have fallen, up from 30 per cent in 2006. Only 33 per cent think people in public life who are guilty of wrongdoing will be punished and little more than a fifth (22 per cent) think that all or most ministers tell the truth.

Sir Christopher, a former Whitehall mandarin, said that the Tory MP Derek Conway's abuse of parliamentary staff allowances and Parliament's reluctance to reform MPs' expenses had left voters increasingly cynical about politicians.

He gave warning that the committee could begin a full investigation into parliamentary expenses next year if the system was not adequately reformed.

MPs voted in July to retain their controversial pounds 24,000 second home allowances. The reaction forced Gordon Brown to put forward plans to reform Parliament's generous allowances.

Ministers want to scrap the "John Lewis List" of approved household goods that MPs can claim to furnish their second homes. But under Mr Brown's plans, they will still be able to claim up to pounds 2,400 for furnishings and other household expenses. The Government wants to ban MPs from employing their children, but will allow them to go on paying spouses at public expense.

Sir Christopher said that despite public anger, MPs are refusing to clean up their allowances. "Why do MPs go on shooting themselves in the foot? I find it puzzling," he said.

"There is also . . . a sense of entitlement among some more established MPs. There was a time in the past when allowances were - whether it is right or wrong - set at quite a generous level in order to make up for the fact that it was easier to grant MPs higher allowances than to give them increases in pay.

"Although to some extent that is now a matter of the past, I think there are still some people

18 Peter Riddell, "Ethics watchdogs should not be poodles", Times, 16 December 2005
who remember that time and feel a sense of entitlement."

Sir Christopher said that the recent row over contacts between George Osborne, Peter Mandelson and the Russian oligarch Oleg Deripaska illustrated the need to clean up the party funding system.

Recent attempts to reach a cross-party agreement over capping donations to parties have stalled. "What is required is the political parties to have the courage to reach a consensus," Sir Christopher said.

"Reaching agreement is difficult, partly because it would require some compromise on the issue of the relationship between Labour and the trade unions". 19

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19 "Respect for MPs slumps after expenses row” 11 November 2008 Daily Telegraph