

Committee on Standards

Oral evidence: Code of Conduct, HC 671

Wednesday 14 April 2021

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Members present: Chris Bryant (Chair); Mrs Tammy Banks (Lay Member); Mrs Jane Burgess (Lay Member); Andy Carter; Alberto Costa; Mrs Rita Dexter (Lay Member); Chris Elmore; Sir Bernard Jenkin; Michael Maguire (Lay Member); Dr Arun Midha (Lay Member); Mr Paul Thorogood (Lay Member).

Questions 231-259

Witness

I: Rt Hon. Jacob Rees-Mogg MP, Leader of the House of Commons and Lord President of the Council.

Written evidence from witnesses:

[Rt Hon. Jacob Rees-Mogg MP](#)



Examination of witness

Witness: Rt Hon. Jacob Rees-Mogg MP.

Q231 **Chair:** Welcome to this afternoon's evidence session. The House of Commons Standards Committee has been looking at the review of the Code of Conduct, and we are very pleased to have the Leader of the House with us today. Leader, I know that you have to go and vote—feel free not to vote if you don't want to. I think you are required by your Chief Whip to vote at 4 o'clock. If we can be relatively crisp in this session on both sides, we will manage to get there and we will try to release you when the bell rings, as it were—you may be saved by the bell.

We have quite a few questions, and obviously the Government have submitted their own memorandums to us, but may I first tidy up one little thing that is not part of the Code? My Chief Whip tells me that next Wednesday we are going to be looking at the sanctions and confidentiality issues that you have been discussing with us, and I wonder whether you could you just confirm that that is the case.

Mr Rees-Mogg: Your Chief Whip is always remarkably well informed.

Q232 **Chair:** Excellent. I am glad that he is well informed. Do you think that the Code as it presently stands, and the structure that we have, reflects the values and behaviours that the House should expect of its Members?

Mr Rees-Mogg: Yes, I do. I think the Code is effective. It sets out basic standards of behaviour—obviously with the overlay of the Nolan principles, so that people have an understanding of what is expected from them in principle—and then some details of how things must operate on a day-to-day basis. I think that is a good structure for the Code.

Chair: Paul Thorogood is going to start.

Q233 **Mr Thorogood:** Good afternoon, Mr Rees-Mogg. I have been a lay member of this Committee for the past four years. I have a similar question: do you think that the Code and the Guide are fit for purpose? In what ways do you think that they might be clearer or otherwise improved?

Mr Rees-Mogg: Yes, I think they work well. I think Members understand the Code pretty well. It is reasonably straightforward to follow the Code. In terms of improvements, I agree with the point made by Sir Graham Brady, the chairman of the 1922 Committee, who said that it should always be easy to declare things. I have certainly found out in my own experience that, in a way, you never want the Code to say to people, "Don't worry about that interest; it's not important enough," even if it is unpaid, because I think MPs protect their reputation and the reputation of the House by declaring almost everything that they can think of, rather than by limiting it to specific categories. I thought Sir Graham's point was a good one.



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There is always a need to ensure that everybody knows about the Code and how it is intended to operate. As Leader of the House, I am very struck by how often I hear Members in oral questions begin their question by saying, "I refer the House to my declaration of interests." This is wrong on both counts: in "Erskine May", you should not declare your interests during oral questions, and if you do declare your interests, you should be specific about it rather than just refer generically to the Code. When people are trying to do the right thing, they sometimes need a little bit of detailed education to make sure that it is actually effective.

Mr Thorogood: That is very clear. Thank you very much.

Q234 **Chair:** Sometimes it feels to me as a Member that there is an awful lot of different bits and pieces. There is the Behaviour Code, there are different structures now for ICGS and for ourselves, and different thresholds for what you have to register and declare. I wonder whether you think any of that needs tidying.

Mr Rees-Mogg: Most of it is there for quite a good reason. Anything that is in the Chamber is under the purview of the Speaker, and that is absolutely right, because we do not want a subsequent investigation into comments made in the Chamber; that needs to be done by the Speaker. I think the ICGS system is a very important development in dealing with a different type of behavioural issue. The bullying and harassment issue is one that applies across the House. It is not just an MPs issue but an officials and staff of the House issue, and we want to make the Palace of Westminster a leading place to work for anybody and to make our belief in our own values pre-eminent. To have a fair system for everybody involved here is really important.

Members then have a separate requirement of behaviour, because, as legislators, they have the perception of conflicts of interests in a way that does not apply if you are working as a Clerk, particularly. So we need standards in public life that are different from those for other people working on the parliamentary estate because those people are not in the same position, and each of these needs its own structure and organisation.

Now, there have been some sensible improvements. Any declaration that Members make on the Register of Members' Financial Interests is automatically taken by the Electoral Commission, because some Members were getting caught out by declaring to one body and not to the other. Standards is not about catching people out for making an administrative mistake as long as they have, in fact, the right intention to declare; it is about the overall standard of behaviour. So it was quite right that one declaration was enough to cover it for the Electoral Commission and the Standards Committee, both of which were trying to achieve the same objective.

Although I see your point that it is complicated, I do not think that what is required by the Standards Committee is unreasonable. I think there are different types of standards. ICGS is about behaviour, attitude and culture, whereas standards is more about detailed reporting to ensure



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transparency; to make sure that people are behaving properly. Those are different types of behavioural requirements.

Q235 **Chair:** And then there are the stationery rules.

Mr Rees-Mogg: The stationery rules are actually relatively clear, in my view. There is an exemption for Members to use a modest amount of stationery for private purposes, which is a greyish area because IPSA rules do not allow them to claim for stationery they are using for their private purposes. So there is that element of it, but it is worth noting that Gladstone always used his official writing paper and paid for it proportionately to cover this. So there are ways of dealing with that. Actually, I do exactly the same: I buy a small amount of paper because I sometimes use it for thank you letters. I think that is completely proper within the rules.

So I do not think the rules are that complex. I think that sometimes people, for campaigning purposes, push them to the limits, and that comes up in front of your Committee and you make reports. Members on both sides have been caught out by that, but I think they have known that they were pushing the use of stationery to the limits. If you stay well within the limits, you do not come up before your Committee.

Chair: I wish that was the conclusion they did come to.

Q236 **Alberto Costa:** Good afternoon, Leader; thank you for appearing before the Committee. Leader, you just mentioned that in your view, the stationery rules are relatively clear, and then you added that MPs sometimes, for campaigning purposes, push them to the limits. Can I just be clear: when you say "campaigning", do you mean party political campaigning?

Mr Rees-Mogg: The rules state, "In particular, this excludes using stationery or postage: i) in connection with work for or at the behest of a political party (including fund-raising...advocating membership of a political party or supporting the return of any person to public office)", so it would normally be political campaigning. However, MPs should not be using their stationery for supporting—I don't know, the Campaign to Protect Rural England or whatever organisation they happen to support. It should be used for their parliamentary activities.

Q237 **Alberto Costa:** What about if you and I had a common interest that we wanted to pursue? For example, I understand that you used to be a member of the European Research Group, but if you and I had an interest in a matter that we considered of national interest and we formed a group of like-minded Conservative MPs for that matter—it could be a religious matter, a cultural matter, a matter of planning, or anything that we considered we had a common interest in—and we called it the X interest group, whatever the X stood for, do you think it legitimate for an MP in that position to write to a third party using House of Commons letterhead?



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Mr Rees-Mogg: I was chairman of the European Research Group, as you know, and it is legitimate for Members of Parliament to get together to discuss things and to have research in relation to things that come up before Parliament. It is clear that you are allowed to have “correspondence with bodies or individuals outside the constituency in pursuance of parliamentary activities”, so if your group is set up for the purpose of parliamentary activities and you use stationery for the pursuance of those parliamentary activities, that is quite clearly within the rules.

Q238 **Alberto Costa:** Let me be clear, Leader, about the evidence you are giving this afternoon. You mentioned that you were, in fact, chairman of the European Research Group. Had you ever written any letters on House of Commons letterhead in that capacity to any third party?

Mr Rees-Mogg: Not that I am aware of, actually, but I am reading out from 6.2, “Rules for the use of stationery and postage-paid envelopes provided by the House of Commons, and for the use of the crowned portcullis”. It is quite clear that had I done so, though I do not recall ever having done so, “correspondence with bodies or individuals outside the constituency in pursuance of parliamentary activities” is legitimate. If it were in pursuance of a parliamentary activity—the ERG was set up to concentrate on parliamentary activities; that was its main purpose; I was on the European Scrutiny Committee for a long time, and it gave a great deal of support to me in that role and in other parliamentary ways such as briefings for speeches on the Floor of the House and so on—anything that was covered by that would be legitimate use of the stationery. I think those rules are quite clear.

Q239 **Alberto Costa:** Would that include an unsolicited letter in, say, your capacity as chairman of the ERG writing to a third party?

Mr Rees-Mogg: Section 8 of 6.2 says “Examples of the proper use of stationery and pre-paid envelopes include”; it does not say solicited or unsolicited. If it relates to parliamentary activities, it is completely legitimate to use the portcullis with outside bodies and to use the parliamentary postage.

Q240 **Alberto Costa:** Let me be clear, Leader. In your evidence this afternoon, you have made it clear that these rules are relatively clear in your view, and that sometimes MPs will push the limits. I have put to you a series of potential, hypothetical positions, so if you as Leader were to receive a report by the Committee on Standards about an MP who has had to apologise for using House stationery with one of the examples that you yourself have just cited, what would you say to the Committee?

Mr Rees-Mogg: Looking at 6.2.8. bullet point 3, “Correspondence with public bodies such as Government Departments, Agencies and NDPBs, devolved legislatures, local authorities and international organisations” is legitimate, but you are not allowed to use pre-paid envelopes for non-UK bodies. These rules are very clear.

Chair: I am not going to let this go on much longer, because I do not want us to spend a third of our time on stationery.



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Alberto Costa: You were very helpful there, Leader, and you mentioned envelopes, but it is often the use of the portcullis alone that can in itself be a cause of complaint. Thank you very much for the evidence that you have given in response to the series of questions that I asked, Leader.

Mr Rees-Mogg: I am delighted to be helpful.

Chair: We are going to go to Sir Bernard now.

Q241 **Sir Bernard Jenkin:** I am particularly interested in the relationship between ICGS and our Code of Conduct. One is a code of behaviour and one is a code of conduct, but I don't know what "conduct" means if it doesn't mean behaviour. I think they are both trying to achieve the same thing.

We know that the only reason the ICGS came into existence as a separate thing was that the Cox report was very clear that the people who wanted the bullying and harassment issues resolved had no confidence in the independence of this Committee and no confidence that we would adjudicate objectively on those matters. They did not want the House of Commons involved at all, and we had to resolve that. I wonder whether we ought to learn from that.

There are some people, including me, who argue that independent adjudication of our own Code of Conduct would enhance its authority and then we could merge these two codes, and have only one code, which would be simpler and clearer. I have another question to follow on from that, but have you given any thought to that? I do not expect a definitive answer, but do you have an initial reaction?

Mr Rees-Mogg: I think it is a very interesting point, most particularly in terms of the independent experts panel and how you operate an appeals system that is seen to be objectively fair to the people who are using it. There are differences between the ICGS and the Code of Conduct in the issues that are being determined, but there is usually in the ICGS a specific complainant who has individually suffered. It is very important that the system appears to be fair to the person who has brought the complaint and treats them very carefully and sensitively, as well as, obviously, being fair to the person complained against.

There is not usually an individual who has suffered as a result of a breach of the Code of Conduct. Sometimes there can be, and I can think of a report that you had a year ago in which there was an individual complainant, but it is rather different circumstances to an ICGS complaint. So, I do see differences. I think the independence of appeal is a strength of the ICGS, but it has only just started, so my slightly holding answer is to say, "Well, wait and see how much confidence builds up in that over the next year and then it may be something that you wish to revisit."

Q242 **Chair:** I noted that the Prime Minister said earlier today that he was not in favour of MPs marking their own homework. I wondered whether that was pushing in this direction as well.



Mr Rees-Mogg: One of the conundrums that we have faced with the setting up of IPSA, and with other bodies, is that ultimately the legislature has a constitutional authority, which means that any degree of independence from the legislature is ultimately political rather than legal. So, it is trying to set up systems in which people can have confidence and have sufficient political strength to maintain independence and not have MPs marking their own homework.

Q243 **Sir Bernard Jenkin:** How much public confidence do you think there is in the House of Commons Code of Conduct? If we could learn from the ICGS, which certainly has more confidence from staff, would we be enhancing public confidence in our Code of Conduct if it was more independently adjudicated?

Mr Rees-Mogg: I think you are right—I think that confidence in the ICGS code among staff is high, and that is its primary purpose. What the country at large thinks of Parliament is fundamentally important to our democracy and how it functions. That is why it is so important we get all these codes right, so that people feel that the people involved in Parliament are involved for the right reasons and are doing so with integrity. The Nolan principles are really crucial here.

Interestingly, very often in opinion surveys, you find that the public at large believe that their own individual MP is somebody of integrity and probity, but they think that, as a whole, Members of Parliament are not as well behaved as they would like them to be, to put it at its gentlest. I think that is a problem for us. We constantly have to strive to ensure that we have the best systems, bearing in mind that the overwhelming majority of MPs are properly behaved and every MP pretty much comes into Parliament wanting to do good and to be a contributor to the society of which they are a part. All of us know countless MPs who work hard, work tirelessly and work well over the hours that are required of them, to do what they think is in the national interest and, more particularly, individually, one by one, for their constituents. How do we persuade people of that? Well, by behaving well and by behaving robustly with people who break the codes of behaviour that are expected of them.

Q244 **Sir Bernard Jenkin:** May I follow up briefly? There is a lot of discussion about moving away from rules-based codes to principles-based codes, but that only works if we have more discussion about the principles. In the Behaviour Code, we have means of promoting that discussion. What means of promoting better attitudes and values do you think we should employ around the whole question of the principles behind our Code of Conduct and the seven principles of public life? The seven principles are not talked much about in the Tea Room, but whether to declare this or that is talked about endlessly. I feel we are concentrating on rules, and the rules don't necessarily indicate whether somebody has behaved well.

Mr Rees-Mogg: I think you touch on an absolutely fundamental point, which is something that I wrestled with in the whole of my professional career in the City: it is the principles that are important—much more so than the box-ticking exercise. Have you correctly declared how many



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hours you worked and what you got paid for it? That has a really easy answer. Have you used your influence for the greater good of the nation and for your constituents? That is a very difficult question to answer.

We often find that we replace principles with box-ticking, because box-ticking is an easier thing to judge and an easier thing to do, but what matters is our MPs seeking to do the right thing. That is why, to go back to a point made by Sir Graham, I would not be in favour of saying to people, "No, you can't declare that." If people think that being a trustee of a charitable organisation is something worth declaring, that is something that they ought to declare. Although "Erskine May" says otherwise, I wouldn't particularly discourage people from saying in oral questions, "Please look at my register of interests," because it shows a desire to behave well, even if they are falling down on the details of the rules.

I don't have a good answer for you, because I don't see how you judge, day by day, objectively, whether people have met the principles, but it is communicating to our voters that we are abiding by the principles that is the most important.

Chair: That takes us to a question from Rita.

Q245 **Mrs Dexter:** Good afternoon, Leader. On this business of over-declaring, as it were—declaring something that you are not obliged to declare—my experience from local government, and I have long experience in local government, is that over-declaring led to a kind of virtue signalling. Some people made a point of over-declaring. At London Fire Brigade, which was the last place I worked, and which is also governed by a local authority, we declared beyond those things that we had to declare. The effect of that over time was that it raised the bar about what people thought should be declared, so it did not work terribly well. That is just to add a different perspective to the exchange that we have just had.

I want to come back to this more important question, which is the one you have just been discussing about principles and rules. It is very interesting that you say it is the principles that matter, and we have been taking evidence on principles versus rules. How do you think you would be likely to respond to a proposal that the Commissioner should be able to investigate breaches of the principles? At the moment, she is confined to investigating breaches of the rules, unless there is also a breach of the principles that is incidental.

If we were to propose that the Commissioner should be able to investigate breaches of the principles, there would be many more complications with that. It would be a very difficult thing to do in practice. What do you think your response would be if we were minded to make such a proposal?

Mr Rees-Mogg: I think it is practically extraordinarily difficult, and that it is essentially a matter for the electorate to decide whether their politicians are meeting the principles. If you take leadership as one of the seven principles, how do you judge whether somebody has shown leadership? You can as a voter. You say, "Well, that is good leadership and that is not."



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I am voting for leadership and I am not voting for the bad leadership.” But, how do you judge that? This is the conundrum we face: the principles are basically subjective and the detailed reporting is objective, and a Standards Commissioner can judge the objective but not the subjective.

To give an answer that I think all the MPs on the panel will sympathise with: I think we all use statistics honestly. I really do think that. I think politicians do not whip out statistics dishonestly with a malevolent intent, but we disagree with the use of the statistics, and we will challenge each other with a different angle on the statistics to make our case. But I do not think when, for example, I am arguing with Chris, your Chairman, that either of us would be using statistics dishonestly. We would just be looking at them from a different perspective.

I think the principles in public life are fundamentally the purview of the electorate to decide whether they are being met, but politicians have an interest to meet them because the voters do not want politicians ruling them who do not follow the principles of public life.

Q246 **Mrs Dexter:** That is very helpful, thank you. It does strike me that there is an oddness in the argument that the electorate are well placed to make a judgment about observance of the principles, and the Commissioner is in a less good position to do so. I agree with you that it would be extraordinarily difficult for the Commissioner, but that does not mean that it is not desirable and neither does it mean that it is not possible. Although it does mean that the Commissioner would need a great deal of support behind her and her role.

I just want to challenge you, I suppose, on why you think it is a good thing for the electorate to be in a position where they can reasonably do that, but it is not a good thing for the Commissioner to be able to do so.

Mr Rees-Mogg: Because the electorate does not have to justify their conclusion and the Commissioner does. The electorate is entirely free to decide that a politician has met or not met any of these on an entirely subjective basis. The Commissioner is not entitled to be subjective. The Commissioner has to be objective. Otherwise, you would have a position where the Commissioner was the arbitrary determiner of whether a Member of Parliament was doing his or her job. That cannot be right. That is not the role of the Commissioner.

Mrs Dexter: I think there are examples where the Commissioner does that now. If we look at some of the recent cases that we have dealt with on declarations of interests, the Commissioner has substituted her judgment for whether a declaration ought to have been made for the judgment of the MP. In a couple of the cases, the MPs have said “Well, I did consider whether I needed to make a declaration and I decided I did not” and the Commissioner took a different view. So, I think she is already in the territory where, on some matters, she takes a subjective view and substitutes her view for that of another person—in this case, an MP. However, it is very helpful to have heard you say that; I am grateful to you. Thank you.



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Q247 **Chair:** The thing I am conscious of, Leader, is that if you are in a very marginal seat, then these matters might play far more significantly than if you represent a seat that your political party has held for 120 years or so. I wonder how you think the political party then plays a role in also ensuring the upholding of standards.

Mr Rees-Mogg: I think you saw that prior to the 2010 election in both of our parties over the expenses issue. The parties played a very important role in who stood in the party's name and who didn't at the following election.

The parties obviously have a role and an interest, but I do think that this is fundamentally the electorate's prerogative, and the parties, in their selection of candidates, are obviously trying to provide voters with candidates who they want rather than those who they don't want. I don't think we should try to take away the electorate's prerogative and give it to the Committee on Standards or the Commissioner.

Q248 **Chair:** No, but I am aware that if the Labour party removes the Whip from a Labour Member because of a view that is taken about bringing the party into disrepute, then that person cannot stand as a candidate.

Mr Rees-Mogg: Can't stand as a candidate for the party? They can still stand as a candidate. Parties have to be a bit careful about that, because sometimes Members do have a following—not very often, but sometimes.

Chair: Grand. Thank you very much. Arun, you have a couple of questions.

Q249 **Dr Midha:** Good afternoon, Mr Rees-Mogg. I am Arun Midha, a lay member of the Committee. I would like to talk a little bit about the Nolan principles, and, very helpfully, you have been very supportive on the importance of the use of the Nolan principles.

The Committee is actively looking at contextualising the Nolan principles, in the context of an MP's role, perhaps to allow MPs to understand the principles more easily. In written evidence, you weren't really supportive of that. I wonder if you could expand on that, and perhaps reflect on the Senedd's new code of conduct, where they have developed an overarching principles-based approach, but actually contextualise those Nolan principles to help Members understand their responsibilities.

Mr Rees-Mogg: I think it is an interesting question. I think the issues with the Nolan principles are that they are very well understood and that they cover basically the whole of the country. Everybody knows where they are, they have a uniformity, and changing them around has the difficulty that you reduce clarity or you lead to misunderstanding, or you make it harder for the electorate to know what specific principles are being followed.

As I understand it, the Committee on Standards in Public Life is actually reviewing the Nolan principles. Therefore, it may well be better to let a single review take place, rather than it being reviewed by separate bodies.



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With the Senedd review, I think that a lot of what the Senedd is proposing is in our codes but is not codified—if you see what I mean—it is in the text of the Code, and is a very important part of our Code.

This is on issues relating, particularly, to dignity, respect and courtesy in treatment of other people, which is all very much within the Code. Respecting diversity principles and anti-racism, and ensuring that people behave properly at all times, are covered by both the ICGS and the Code of Conduct, so I think they are there, but I would be cautious about changing the Nolan principles and acting out of line with other bodies.

Q250 Dr Midha: I think you are reading my second question, which is about respect. I am just going to look behind me now, in case you are here—
[Laughter.]

The topic of respect has been an active one within the Committee—not about necessarily introducing an eighth principle, as such, but trying to incorporate some concept of inclusion, diversity or respect into the minds of MPs, to reflect their responsibility in promoting these sorts of issues. It is interesting you talk about the Committee on Standards in Public Life, because it says in its response to the Senedd: “The Nolan Principles are intended to guide high level behaviour but must be supplemented by rules that outline their application in specific contexts.” In a sense, in answer to the first question, the Committee on Standards in Public Life seems to be very supportive of this contextualising within a particular profession, or with MPs, etc., but was also very supportive of this concept of introducing respect—not changing the Nolan principles but developing them and adding to them. I am not sure whether I have answered my own question there, but you answered my question before I gave it to you.

Mr Rees-Mogg: I think what you are saying is fundamentally important—and is within the codes that we have got. I think, on the respect issue within the ICGS, and the emphasis on that and on treating people properly and avoiding harassment of all kinds—so discriminatory as well as sexual harassment, and, obviously, bullying—huge efforts have been made to try to remove that from the culture of the House of Commons. I think that is fundamentally important, and essential to our Code’s operability. I agree with what you were saying about the Committee on Standards in Public Life—that you need to take the Nolan principles and then have the rules that are applicable in detail—but I don’t know that that necessarily means that you need to have an eighth principle or that you need to adjust the actually rather beautiful simplicity of the Nolan principles. I think there is a lot to be said for simplicity.

Chair: I am conscious of time flying, but I am going to bring in Chris Elmore next. We probably need to be fairly crisp.

Q251 Chris Elmore: This is in relation to what the House has agreed in fairly recent times, around something you touched on, which I want to explore a little bit further—where the Commissioner can’t investigate a Member’s conduct or what they may say in the Chamber; but also about some of



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their constituency work, if they are underperforming or are not doing their job fully as a constituency Member of Parliament. What I am wondering or where I am trying to gain some further information from you is whether, if we continue to curtail what the Commissioner can investigate, that creates a scepticism within the public about Parliament or about politics more generally—particularly, obviously, the work of Members.

Mr Rees-Mogg: Members must not be constrained, as an absolute principle, on what they say in the Chamber, other than by Mr Speaker. I would be very strongly against anybody outside the Chamber itself considering that. If it is a matter of privilege, obviously the Speaker would be the person who referred it up. I think that is so important to freedom of speech. So I think that's very straightforward.

What do you do with a completely idle Member of Parliament? I get letters, as Leader of the House, saying such and such an MP "doesn't agree with me" or "doesn't reply to my letters." Ultimately that is something that must be decided at the ballot box. How a Member decides to run his or her office is not a Code of Conduct issue. It seems to me that not replying to letters is ultimately foolish. We all want to win votes. That is quite a powerful incentive.

Sometimes people don't reply to campaign letters, because they think that they won't change anybody's mind. I reply to all my correspondents, however regular they are, but there are some very, very regular correspondents who some MPs reply to once a month, rather than to every letter. I think that has got to be a judgment that MPs make for themselves and then stand for re-election on. Standards is about whether you are behaving properly, not whether you are hard-working or idle.

Chair: Thank you. Let's go to Michael Maguire.

Q252 **Michael Maguire:** Good afternoon. I am Michael Maguire, a newly appointed lay member of the Committee.

Mr Rees-Mogg: I moved the motion to appoint you.

Michael Maguire: You did indeed. You said very kind things about me, which I am very grateful for. I want to take you back to what you said earlier: what the public think about MPs is critical. Linked with that is oversight and the nature of oversight of MPs. When you look at any of the opinion surveys, MPs are unfortunately at the bottom of the list. In one I saw, they were just above Government Ministers and tabloid journalists, in terms of confidence, so I was intrigued by your submission, which basically says the status quo is acceptable. You are not really suggesting any change across the various mechanisms of the Code of Conduct. Indeed, when we look at what is said about the Ministerial Code, if the Ministerial Code is seen to be less rigorous than the Code of Conduct for MPs—accepting the fact that you say it is none of the business of the House of Commons—surely there is a reputational issue there that needs to be addressed. I would be interested to hear your thoughts on that.



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Mr Rees-Mogg: We need to be very clear that ministerial matters are matters for the Executive and House of Commons matters are matters for the House of Commons. That is a crucial difference. On whether everything is fine and let's stick to the status quo, we have made the most enormous changes in the last 12 years to improve things—first of all, the changes made just before I got into Parliament, on expenses. They are much more heavily and effectively regulated and policed, and expenses are now properly implemented. It is an effective system that ensures that MPs are not tempted to put things on expenses that they are not entitled to, and IPSA does a highly competent job of ensuring that the reimbursement of office costs is properly managed.

What has been more my direct responsibility since I became Leader of the House is the implementation of the ICGS, and that is absolutely fundamental in order to improve the reputation of Members of Parliament and to make it absolutely clear that behaviour that people may have thought was all right decades ago—although it is doubtful whether it was ever proper behaviour—is now rooted out; that the culture changes.

How do we let people know that that has happened? That is hard. It takes time to persuade people that MPs are behaving better now than they were in the past. That is not something that changes overnight, because it has to be proved. We start from, as you rightly point out, a low base of trust, but I think the ICGS is fundamental and will make Parliament a better place for people to work, without worrying that they may be harassed or bullied. About 90% of MPs have done the Valuing Everybody training, to understand how they ought to interact with people working in the Palace of Westminster, and I think this has been really important.

Q253 **Chair:** If I may briefly interrupt you before going back to Michael, I would gently suggest that what IPSA, the ICGS and the IEP all have in common is the word “independent”. It is a bit difficult to see how you can improve the standing of all of politics without an independent advisor on the Ministerial Code.

Mr Rees-Mogg: The Ministerial Code is a matter for the Prime Minister, not for the Committee on Standards.

Q254 **Chair:** That argument always feels a bit like the divine rule of kings.

Mr Rees-Mogg: No, it doesn't. It is fundamentally important. I did not want to take up your time on it, but it is a fundamental constitutional difference that Ministers hold office because the Government has won a majority in a general election. Then they have to maintain the confidence of the Prime Minister to be recommended to the Queen. The standards in the House of Commons are different and are sometimes not as high a level as required for Ministers. If you look at ministerial resignations going back over many years, you will see that most Ministers resign over things that they would definitely not have been forced to resign from the House of Commons over. Ministerial standards are high but are quite rightly determined by the Government of the day, which has to maintain the confidence of the British people in order to remain in office.



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Q255 **Chair:** But if you bullied a member of staff in the Commons, you would be before the ICGS, even if you were a Minister, whereas if you bully a civil servant you go before the Prime Minister alone, who can then reject the report of his own independent adviser.

Mr Rees-Mogg: The Prime Minister has the mandate from the British people to make these decisions on who he has confidence in, and to advise the Queen on who should hold ministerial office. You are speculating about whether these things have happened or not. *[Interruption.]*

Chair: There is a Division in the House, but can we have you for three more minutes?

Mr Rees-Mogg: Yes.

Q256 **Michael Maguire:** Very quickly, I am thinking about the reputational issues with regard to the Code of Conduct, and indeed the broader reputation of the House of Commons. Given the concerns that currently exist around lobbying, for example, do you think that this Committee should undertake an inquiry into lobbying?

Mr Rees-Mogg: What the Committee inquires into is a matter for the Committee, and it is independent of Government, so it would not be right for me to advise you on what inquiries you should look into.

Q257 **Andy Carter:** Thank you, Leader, for everything that you have said so far. I just want to pick up on one point that you made towards the beginning of your evidence. You said that Members understand the Codes pretty well. Can you just tell us why you think that? Is there some form of process that you go through annually to understand Members' knowledge of the Codes?

Mr Rees-Mogg: I think Members are inducted now quite effectively when they get into the House of Commons. I hope that you were. There is the training course, which 90% of Members have done, although that is more ICGS. Part of the indication that Members know it quite well is that the number of complaints to the Standards Commissioner is not overwhelming. Therefore, there is a reasonable assumption that most MPs are following the Code, and if they are following it they must know it.

Q258 **Andy Carter:** May I just pick up one very small thing? The Commissioner frequently raises issues around social media? Do you think that there is enough information in the Codes on Members' use of social media?

Mr Rees-Mogg: I think social media is more a freedom of speech issue than it is a Code of Conduct issue.

Andy Carter: Thank you. I will pause there because I think the bell is still going.

Mr Rees-Mogg: I had better go and vote. Although experienced MPs are very relaxed and go and vote in the seventh minute, I have never reached that illustrious stage. I always get train fever if I am not in the Division Lobby early, so thank you very much.



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Chair: Okay. Many thanks for your time.