HOUSE OF COMMONS

Committee on Standards

Oral evidence: Code of Conduct Consultation, HC 954

Tuesday 25 January 2022

Ordered by the House of Commons to be published on 25 January 2022.

Watch the meeting

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

Questions 1-119

Witnesses

I: Lord Evans of Weardale KCB DL, Chair, Committee on Standards in Public Life.

II: Professor Paul Heywood, Professor of European Politics, University of Nottingham, Dr Jonathan Rose, Associate Professor in Politics and Research Methodology, De Montfort University, and Dr Hannah White, Deputy Director, Institute for Government.

Written evidence from witnesses:

- Lord Evans of Weardale KCB DL

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Examination of witness

Witness: Lord Evans of Weardale KCB DL.

Q1 **Chair:** Welcome to the Standards Committee and our inquiry on the Code of Conduct, possible changes to it and the way we operate the code. It is excellent to have you with us today, Lords Evans, as Chair of the Committee on Standards in Public Life. Sometimes our two Committees get confused—I have heard you say, "No, I'm not Chair of the Committee on Standards," and, likewise, I have said, "I'm not Chair of the Committee on Standards in Public Life". Your starter for 10: how would you characterise the state of standards in public life in the UK today?

Lord Evans: I think it is important to recognise that there has never been a golden age of standards. Looking back over the decades, a series of issues have raised public concern. You need only think about things like cash for questions, which was the origin of my committee, or MPs' expenses et cetera. Definitely over the last few months there has been a lot of public concern about standards issues, particularly sparked by the Owen Paterson affair, issues around the redecoration of Downing Street and, more recently, partygate.

It is quite difficult to find evidence of whether that shows a continuing decline of standards or more interest in them politically, or whether it is do with the fact that some of the issues were previously hidden and are now more visible. Nevertheless, one way or another, the lesson I take from the last six months is that if Ministers and others in public life are not careful and do not think ahead about the implications of not carefully maintaining high public standards, there can be a political price to pay. Part of the role of my Committee is to try to identify measures that would help to ensure that high standards are maintained, and that political confidence is maintained in everybody in public life.

Q2 **Chair:** Do you think voters care about it?

Lord Evans: Undoubtedly they care about it when it is drawn to their attention. It is obviously not the only thing they care about. From time to time, it becomes a very prominent issue in the media. From both polling and the media coverage over the last six months, I conclude that people do care about it, and they expect those who represent them, or who are paid from the public purse, to maintain high standards and to put the interests of the public first, rather than their own personal or political interests.

Q3 **Chair:** A final one from me: do you think there is a danger that if people make the argument that voters do not care about this kind of stuff, it will end up being an excuse for bad behaviour?

Lord Evans: I think it would be. I do not think that all that many people would make that case in an explicit way, but it is very clear that there can

be a significant political price to pay, as we have seen over the last few months, if the public do not believe that their representatives or those being paid from the public purse are acting in the best interests of the public.

Q4 **Dr Midha:** Good morning, Lord Evans. I will focus on the respect concept. As you know, this Committee is exploring a bespoke set of principles to reflect the Nolan principles—you have probably heard this before. We are also developing a sort of quasi-eighth principle, looking at anti-racism, inclusion and diversity. Your committee has a slightly different focus on that. Could you expand on that thinking, and also, given what has been happening over the past couple of days in terms of discussions around Islamophobia and so on, do you think that this is a great opportunity to be very specific about these issues—not an eighth principle, but getting respect and those concepts on a written page?

Lord Evans: As you say, we have had correspondence with your Committee on this issue. If you look back, Lord Nolan himself recognised that the seven principles that he enunciated are necessary but not sufficient to guide the way in which people should behave in public life. We strongly support the idea that although the seven principles remain central and important for standards issues right across the public realm, they need to be interpreted for particular institutions and organisations. Different organisations would want to emphasise different aspects of the standards, or draw out other elements that are important for them. We see this, for instance, with the civil service code, which broadly takes the same sort of direction as the seven principles, but identifies specific priorities and principles that are relevant to the civil service. We have absolutely no problem at all with the principles being interpreted for a particular environment.

We have talked about whether what can be called respect—the way in which people behave towards each other—should be incorporated as a separate principle in the seven principles. We did not go in that direction for two reasons. The first is that the seven principles have been articulated and stable for 25 or 30 years, and that has a very positive impact. I think they have real reach, not just across central Government but much more widely. When I became a school governor of a local state school, it was a requirement to read the seven principles, and to say that you had read them and would do your public duty in accordance with them. It is great that you have something that applies not just to central Government but to local volunteers in areas a long way away from central London.

However, looking at all the concerns about bullying and harassment and so on, we do think that the public are concerned about this issue. In the end, we thought we should reflect that in a change to the definition of the leadership principle, but obviously your Committee has taken the view that you would like to have a separately identified respect principle. We have not got a problem with that, and I think it is entirely consistent with our thinking; it is just that we have come to a slightly different conclusion.

Q5 **Sir Bernard Jenkin:** I am sympathetic to the idea of entrenching some

kind of principle that respects diversity and emphasises anti-racism, but I slightly bridle at the word "respect". What overtones do you feel the word "respect" now has in our culture?

Lord Evans: I think I understand the fact that respect can sometimes be used in a more political than behavioural way, and from that point of view, it may have overtones. The question is: what is the best alternative wording? We kicked this around quite a lot, and we ended up thinking that for the leadership definition, respect was probably as good as we could find, but we are conscious that you do not want to inadvertently draw in a set of political assumptions about what that might mean, rather than thinking about what it might mean to the man or woman in the street.

Q6 **Sir Bernard Jenkin:** So you regard the principle of respect as included in the leadership descriptor already.

Lord Evans: Correct.

Q7 **Sir Bernard Jenkin:** What about adding the word "mutual"? Mutual respect makes it, in my view, a much more balanced concept, rather than somebody saying, "You have failed to respect me, my views, my phobias, my principles or my beliefs, and I therefore feel bullied and disrespected."

Lord Evans: I understand that. I suppose the counter-argument would be that "mutual" would rather imply, "If you won't respect me, then I won't respect you." Given that the general application of the principles is meant to be to personal responsibility, people should take it upon themselves to act in a respectful way. That does not mean that you cannot have strong disagreements, or point out where you think somebody has got something wrong. If the phrase was taken to imply—I am sure it is not intended to—that "I have to respect you only if you respect me first," then that would be a slight concern.

I can see the sentiment, and I accept that the danger of any of these things, including any of these sets of principles, is that they become weaponised—they are used as a weapon, rather than as an ethical principle.

Q8 **Dr Maguire:** Good morning. How do you respond to the assertion that by incorporating the concept and principles of respect into the leadership principle, you are missing the opportunity to have it front and centre and, secondly and more importantly, are diluting the impact it might have? You are folding it into something else, rather than having it as a separate principle on its own, which would make it very clear that certain behaviours were unacceptable.

Lord Evans: I can understand why somebody might say that. All these things are a balance of the different aspects. There was quite a strong view on the committee that the fact that the seven principles have been well established for a number of years and have a degree of recognition right across the public service, which takes time and is not easily achieved, meant that there was downside to saying, "Well, we've had these principles well established for 25 years, but we are going to change them."

There would be an argument for saying that we should have a separate one, or that we should rearticulate things so that we have seven principles, one of which includes some of these more behavioural points. In one sense, I would have a degree of sympathy with that. Over the past two or three years, we have noted, as has been reflected in some of our reports—for instance, our local government report—the considerable engagement we have had with Parliament, both the Commons and the Lords, on bullying and harassment. That is an area where public expectations are high, maybe because of a change in the political and social climate since the 1990s, when there probably wasn't the same set of expectations.

I have no objection at all to those behavioural aspects being reflected in a specific principle, but our judgment was that while we needed to reflect them, they could perhaps be reflected without our throwing all seven principles out and starting over. I can understand the route you have gone down on this.

Q9 **Sir Bernard Jenkin:** In your letter to us, just before this session, you explain that you have come to the view that MPs should no longer play a role in adjudicating breaches of the Code of Conduct. I can tell you that a lot of MPs will find this very threatening and disturbing. Why have you reached that view?

Lord Evans: If you want to put this in terms of the public credibility of disciplinary processes, the general direction of travel in recent years has been towards more independence. Some 40 years ago, many of the professions would have looked to their professional body to regulate them. Increasingly, that has proved not to be as effective as what there has been public appetite for. Accountancy now has a separate regulator, and the same is true for many of the other professions.

There is scepticism about whether adjudicating on the behaviour of your friends and close associates is credible. Indeed, it is interesting that the House of Lords has gone away from that procedure and has adopted a more independent model for conduct issues. With regard to the effectiveness and credibility of the system, our view was that less direct involvement of peers—I mean peers in the sense of MPs judging each other—would result in greater credibility, but we are aware that there is an issue of sovereignty. Our view is that you can have a model that is designed by and within the control of Parliament and the Commons, but in which they do not have to debate and make decisions on individual cases. The Lords have done that. It would be in the gift of the Lords to change their procedures if they did not believe that it was working, so we do not believe that this suggestion triggers any constitutional concerns, but we believe that it would command much greater public consent.

Q10 **Sir Bernard Jenkin:** How would you ensure that an entirely independent panel, presumably more like the IEP and more judicial in character, would take account of the difficulties that MPs have in managing conflicts of interest, and would understand that issue? How would you make sure that the panel was properly informed about what it is like being an MP?

This is different from bullying and harassment, because that is just a matter of personal behaviour. This is about the interaction of private interests with your role as an MP, which is a very difficult thing to understand and to navigate, and we fret about it all the time. How would you make sure that the panel was properly informed before it made a decision?

Lord Evans: I think that one of the roles of this Committee would be to continue to be the regulator of the system, effectively. It would not necessarily sit on individual cases, but would ensure that the system as a whole continued to meet the needs of MPs and the House. We entirely support the continuing role of a Committee of this sort, to ensure that the system is working. I imagine that any collective body that was going to be involved in these sorts of cases would wish to keep themselves briefed and would continue to have dialogue, in the same way that the judiciary speak to businesses and Government, not in the context of any individual case, but to understand the dynamics within the industry, business or part of public life that they are working in.

Q11 **Sir Bernard Jenkin:** But that is very different from, say, having a Member of Parliament, or an ex-Member of Parliament or two, on a body like that. They could even have no voting rights, or be in a minority. Nevertheless, they would be in the room when things were being discussed, and could say, "No, that's not right. You haven't understood that properly." That happens quite a lot on this Committee, and I feel that lay members—they can speak for themselves—have their eyes opened when they arrive on this Committee. They contribute very positively to it, but they often start from a position of—

Chair: Careful, Bernard.

Sir Bernard Jenkin—astonishment about certain things, when it comes to how Parliament actually works.

Lord Evans: That is a very good point, and that is certainly sometimes the dynamic on the committee that I chair, which has a mixture of independent members and active politicians and parliamentarians. From my point of view as chair, it is one of our strengths that you go into a discussion thinking, "Well, we ought to do it like this", and then MPs will say, "It doesn't quite work like that, and you need to consider the following."

Incidentally, we are always very careful, for instance with regard to the recommendations that we make to this Committee, that it is not the active politicians who make those decisions; they recuse themselves from that process, but they certainly take part in the conversations, so that we are aware of the complexity of some of the issues.

I can see that there might be a benefit in having a lay figure who has the expertise to inform the considerations of an independent panel, if that is the direction of travel that you decide to take.

Q12 **Chair:** Can I just check something? Not that we would take umbrage, but

this is not you offering criticism of the way that this Committee has operated in individual cases, is it?

Lord Evans: No, it is not. I have no criticism of the operation of this Committee. I am merely—hopefully, in a positive way—trying to offer suggestions from the reflections that our committee has had about ways in which the system could be further developed in the light of experience and some of the more recent cases.

Chair: Grand. I just wanted to check. Andy?

Q13 **Andy Carter:** That was the question I was going to ask, so thank you for asking it so well, Chair.

Lord Evans, I want to pick up on the point you touched on about sovereignty—you referred to the role of the Lords and professional bodies looking at accountancy. Members of Parliament are elected by their constituents. I understand the concerns that your Committee may have, but how would you respond to the suggestion that an unelected group of people are effectively deciding whether a Member of Parliament continues to represent that constituency? Surely that should not be the case and Parliament should be sovereign?

Lord Evans: I think so; the sovereignty of Parliament is very important. What I was saying was that I do not think that introducing a strong independent element into the adjudication of the code undermines the sovereignty of Parliament. If you look at the procedures that are already in place—for instance through the IEP—the Commons have been happy, or at least willing, to enable independent adjudication of those cases. It has not been viewed as being a breach of the sovereignty of Parliament. Parliament would retain the ability to change the system if it was felt that it was not operating satisfactorily, but it does enable the Commons to put in place procedures that ensure that the Commons as a corporate entity—as a body—maintains public confidence. The procedure in place for a recall recognises absolutely that it is a matter for constituents who they elect as their MP, not for unelected officials.

Q14 **Chair:** Can I check something? Sorry Lord Evans, I was slightly taken aback when you said that the Lords had changed its system so that the Lords were no longer adjudicating on their own. I thought that the Lords Conduct Committee still existed and produced reports on the conduct of Members. It is now chaired by Baroness Manningham-Buller, is it not?

Lord Evans: It is, but when cases are then presented to the Lords, there is not a debate. It moves directly to a vote.

Q15 **Chair:** As we do with IEP cases.

Lord Evans: Yes, it is closer to the process for IEP cases as a result of disquiet in the Lords about a previous case, which was debated and then had to be remitted for a second time by the Committee before it was passed. I think that people felt that was detrimental to the reputation of the House of Lords, so they went for a process much closer to the IEP process.

Chair: I think the GMC also has six registrant members and six lay members, which might be a bit more like our Committee.

Q16 **Alberto Costa:** I have a supplementary question, but it will tie in, if that is okay, Chair?

Thank you for appearing before the Committee, Lord Evans. You gave a summary of the way in which over the last 20 or 30 years this country has moved to more independence, particularly in the professions. This can be seen most obviously in my own profession, with the Legal Services Act 2007 following the Clementi reforms, and the detachment from the Law Society as a regulatory body with the creation of the SRA. You mentioned the accountancy body and talked about a separate regulator, and you used the word "credible" to describe this independence. There is one glaring difference between all of the United Kingdom's regulatory bodies vis-à-vis professions and this body. Do you know what that is?

Lord Evans: It is the democratic mandate that those people who sit in this body base their position on.

Q17 **Alberto Costa:** I would not say that it was that, but if that is your evidence, fine. I would say it is the fact that all those bodies that you touched on are justiciable. The decisions of our current system are not justiciable. A Member of Parliament who is subject to the standards system does not have the ultimate recourse to a court of law and cannot challenge through cross-examination and evidence, and does not have the ability to question the veracity of a decision. If you are arguing that we should move towards more independence, like the professions that have that ultimate safeguard, are you not arguing that we need a system that is more court-like?

Lord Evans: The question that I was answering was why we believe that greater independence is an appropriate direction of travel for oversight of the Code of Conduct. I would not argue that there is a perfect similarity between the professions and MPs, for a variety of reasons including the one that I gave just now, but I think that public expectations appear to be that there should be more independence in the oversight of the activities of those in public life. That is something that our committee feels is a reasonable expectation. It is a matter for the parliamentary authorities how they respond to that broad direction of travel.

I can see why there is a reservation about going down a full legal process, with people getting lawyered up and the whole thing ending up in the courts. That does engage questions to do with the sovereignty of Parliament. I would be surprised if there was great enthusiasm for that route among parliamentarians, but to take some of the aspects of that—in other words, a degree of independence—and to ensure that that is applied does seem to me to be an attractive direction of travel.

Q18 **Alberto Costa:** Thank you. I will now turn to the question of the appeals themselves. In your letter to this Committee, you suggested that MPs could be granted, as you termed it, "formal rights of appeal". What do you mean by "formal"?

Lord Evans: There is clearly a perception that the existing process is not as formal as it might be. There were a number of claims during the period of the recent case of Owen Paterson—

Q19 **Alberto Costa:** Sorry to interrupt, but will you give an example of what you mean by that?

Lord Evans: Mr Paterson himself and a number of those who spoke in his defence suggested that the existing process did not provide a right of appeal. You may take a different a view, and I am of course not party to the exact way in which the procedures take place in this Committee. If there were a belief on the part of the House that there needed to be greater independence, that would be helped by having a more formal process which was clearly separate from the consideration by other MPs—of course, a very important part of the work of this particular Committee.

Q20 **Alberto Costa:** What do you mean by "rights of appeal", specifically "rights"? How would you demonstrate that an individual has been given "rights" of appeal?

Lord Evans: I am interested that you pick up on that word, because it is not one that we gave great thought to. What we meant was that there would be a procedure whereby, in the event that a particular individual believed that the initial investigation and determination was something that they did not accept, they had some way of challenging that, perhaps in a more visible way than is currently the case.

Q21 **Alberto Costa:** Thank you. Does that include an appeal against, for example, sanctions?

Lord Evans: I think that that is a matter for discussion by this Committee. I do not feel that our committee necessarily has a strong position as to whether you should separate, as it were, the determination from the sanctions. You could make an argument in either direction, but I do not think that we as a committee have considered that in any detail.

Q22 **Alberto Costa:** Do you think that formal rights of appeal, were the House to go down that route, would limit an MP's ability to refer the commissioner's findings to this Committee, or could the formal rights of appeal be drawn wide enough to allow an MP—or a complainant for that matter—the right to refer to appeal any issue that they consider relevant?

Lord Evans: I need to understand exactly what you are asking. Are you suggesting that there would be what we have termed the formal right of appeal, and then a parallel right of appeal to this Committee?

Chair: If I may help, I think what Alberto means is that we have often used the term that a Member has an "effective" right of appeal, once the commissioner has determined that there has been a breach of the rules and the memorandum comes to the Committee. We have said oftentimes that that is an effective right of appeal. Some people dispute whether it is formal enough. In effect, what happens is that we rehash the whole argument. We do the whole thing all over again, rather than what a court of appeal would normally do and have a set of grounds for appeal. I think

Alberto is asking whether, were we to go to a more formalised system of appeal, there is a danger that you would only be able to appeal on strict legal criteria. In effect, the Member might lose the right to rehash the argument all over again. Is that right, Alberto, more or less?

Alberto Costa: Indeed, with the caveat that, given what the Chair has just said, would you agree that it is not necessarily an either/or with formal rights of appeal? That is the point I was trying to make. Forgive me if my question was inelegant.

Lord Evans: That is fine. That is not a specific aspect that our Committee has considered, and it is one of the reasons why we strongly support the existence of bodies such as yours, which can tailor the application of broad principles to the exact circumstances of the institution. My instinct would be that you would probably want to question why you need to reassess a case completely from the start, if you have an initial process that is thorough and has integrity. I can understand why one might say, "Well, actually, we don't want to start arguing about the facts because those have already been established." But if you believe that there has been a misunderstanding or there has been a misapplication of the rules, by all means challenge it. That would be a matter for this Committee.

Q23 **Alberto Costa:** I have one final question on this, if I may be indulged, Chair. The current process we have, which we will loosely term an appeal although I think we are agreed that it is not a formal appeal in any sense of that phrase, is that the parliamentary commissioner, after investigating a case, has a second role, which is adjudicating in the first instance whether an MP has breached the code or not. If the MP has breached the code and the commissioner deems it at the more serious end of the spectrum, it is referred to this Committee. The commissioner then has a third role, which is presenter of the case to this Committee—this body of 14 individuals. There are three roles in that process for the commissioner. When this body is sitting as an appeal body on a disciplinary matter, the commissioner, after having presented her case and after the MP has presented their case, is permitted back into the room to attend the deliberations of that appeal. Does that strike you as fair and in accordance with the principles of natural justice?

Lord Evans: I do not think I am necessarily the person who would be the first port of call on the technical question of the rights and the kind of principles of justice. I would want to take legal advice, because it is not an issue where I have a very clear kind of understanding of what the state of the art is. In designing a system that is appropriate for the Commons, however, those are exactly the sort of elements that I believe this Committee should be taking into consideration. I do not think that I would look to my committee to give advice on the exact details of that, because I am not sure that we are as close to the issues as you are and I am not sure that we have a particular expertise.

Alberto Costa: Thank you very much.

Chair: We have quite a lot of big issues still to do, so we may need to crack on a bit.

Q24 **Mehmuda Mian:** Good morning, Lord Evans. Do you think that there should be a new rule in the code prohibiting unreasonable and excessive personal attacks?

Lord Evans: I think that there is a strong case for doing that. It is in the same area as the respect point. I also recognise that this is potentially contentious because of the question of free speech, but free speech has always been recognised as being a qualified right. We do not have the right to say absolutely anything we like, because there are other public goods out there. If it is genuinely excessive and it is personalised, and in that sense, particularly as a Member of Parliament, it is potentially an abuse of power, the Commons might well take the view that this is not something that is conducive to the good running of the House.

Q25 **Sir Bernard Jenkin:** In the House of Lords, I understand that complaints have been made against peers who have raised the question of whether trans men should be admitted to women's safe spaces, such as women's prisons. The complaints were made by members of the public and then referred to the commissioner, who made it clear that she or he was not going to investigate because the matter was raised by a member of the public and not by a Member of the House.

If it had been a complaint raised by a Member of the House, that matter of what a Member said in the House would have been adjudicated, not as evidence about some conflict of interest, but because of what that Member said. Isn't that an infringement on the principle of article 9? I appreciate it does not violate article 9, because it is all an internal parliamentary process, but does it not infringe on the principle of article 9, that if somebody wants to make the case for women's safe spaces in those terms, they should be free to do so?

Chair: You mean in a proceeding in Parliament?

Sir Bernard Jenkin: In a proceeding in Parliament.

Chair: Because that is an important distinction, isn't it?

Sir Bernard Jenkin: I think they should be allowed to do it anywhere, actually, but that's another matter.

Lord Evans: I am not sure that this is a matter that falls within the remit of my committee. If you are asking my personal view, it is that there should be considerable latitude for MPs and peers to raise any matter of public policy, and for that not to be seen as an infringement, because I think it is extremely important that even, as it were, heretical views, if those are what they are—I am not making a judgment on any set of views—should be admissible for discussion. It is a principle of a liberal democracy that you reach a conclusion on the basis of competing views being articulated. Some people will take one view and others will take another, and then a conclusion will be led to. It is extremely important in the functioning of a Parliament of this sort that different views, even if some people find those views objectionable, should be aired. That is a different thing, incidentally, from personalised attacks on individuals.

Q26 **Chair:** I want to explore that a bit. I would draw a very sharp distinction between what happens in the Chamber or in a proceeding in Parliament, which is regulated by the Speaker or the Chair, where there are very clear rules on what you can and cannot say. You cannot call another Member a liar or dishonourable and so on, but MPs are endlessly calling one another dishonourable, liars or idiots on Twitter. The question is whether there is a point at which an MP's engagement on Twitter, or whatever, which is a direct, excessive, abusive, personal attack on another person, whether a Member or not, really needs to be investigated by the commissioner.

Lord Evans: Our report on local government did make a recommendation that any local government elected representative's activities on social media should be assumed to be part of their official duties, unless otherwise demonstrated, because there have been very much the same sort of issues and it is very detrimental to public life. We need to recognise that the culture of abuse, personal attack and threat deters people from engaging in public life, and that is very negative. That applies particularly to people from certain categories.

Q27 **Chair:** Those with protected characteristics.

Lord Evans: Protected characteristics, and possibly one or two others. Women and those from ethnic minorities do seem to get more abuse than white males like me. That is highly detrimental to the sort of society that we want to have.

Chair: Andy and then Alberto.

Andy Carter: Thank you, Chair. You have almost asked my question again.

Chair: I am channelling my inner Andy.

Q28 **Andy Carter:** We have heard recently, Lord Evans, about a situation where a Member of Parliament was aggressively attacked on social media, as a result of an opposition Member making some comments. I am interested in what is unreasonable and excessive. One Member of Parliament making one comment can generate literally a million further comments on social media. How do you propose that sort of issue should be dealt with?

Lord Evans: I have not got a detailed proposal on that. I think the threshold has to be set high, because we do not want people to feel nervous about making legitimate but strongly held and controversial comments, for the reasons I discussed. By going into public life, you should not have to accept physical threats and abuse; nevertheless, you need to have a pretty thick skin because that is the nature of democratic debate. You have to set a high threshold, but I do not have a magic formula to enable us to exactly hit the right point. Inevitably, as in a number of other areas, this will be a matter of judgment.

Chair: Oh dear. Alberto.

Q29 **Alberto Costa:** I was elected seven years ago. One of the first constituency issues that came my way was to do with tumble dryers, and the fact that a company was alleged to have designed and manufactured tumble dryers that caused a safety hazard—fires. A Labour MP and I worked together on that. My concern is that the Chair used the word "person", but in law, person can mean a natural person, which is what I think the Chair intended, and a legal person. The legal person was a business in this case. I had to campaign vigorously to the chief executive of the company, who perhaps was hard of hearing when it came to the very real problem that affected millions of households across the United Kingdom. If the recommendation was to go through, can you at least see the risk that, where less desirable individuals in society have committed wrong, MPs might be accused of making unreasonable and excessive personal attacks by virtue of campaigning on a particular issue such as the one I cited?

Lord Evans: I have to declare an interest, because I think I had one of those tumble dryers. Moving on from that, I do not think a legal person rather than a natural person was probably behind the thought, although others will have a different view. It does underline why it is always a good idea when you are making the rules to get them lawyered to make sure you have not said something accidental. I entirely understand that.

Chair: As long as you don't ask two lawyers.

Alberto Costa: A specialist lawyer is what you have in mind, Lord Evans.

Lord Evans: The more the merrier, as far as I'm concerned. I accept that was a reasonable question, but perhaps I am not the best person to answer it.

Alberto Costa: I think you have given me the answer I was looking for, Lord Evans.

Chair: It is interesting, Alberto. I think you were being metaphorical when you said he was hard of hearing.

Alberto Costa: Yes.

Q30 **Chair:** If you were to attack the person on the basis of being deaf, that would be personal and could be an excessive and abusive campaign, which could be investigable, I would have thought, because it is an attempt to bully a person. However, I would have thought that suggesting that the person is not really listening to what is going on is perfectly legitimate. Is there not a distinction that is achievable here?

Lord Evans: Being very critical of a businessman whose company is not doing the right thing by the public seems very different from a personal attack on that individual as a human being.

Q31 **Mr Thorogood:** Good morning, Lord Evans. As you know, this Committee has proposed a number of changes to the lobbying rules. They include extending the time period to 12 months, clarifying the serious wrong

exemption and requiring MPs to have a written contract that excludes lobbying. Do you agree with those proposed changes? Do you think we should have different rules for those participating in and initiating proceedings?

Lord Evans: My view—and, I think, the view of the committee— was that those recommendations struck us as sounding sensible. We recognise that there is a slight complexity around one of two of them, but the broad direction of travel struck us as sensible.

On the question about somebody maintaining their registration as a nurse because they may need to go back to it at a later stage, whether you then have to get the NHS trust to write a contract that says the individual will not be lobbying on behalf of that trust strikes me as perhaps going beyond, but where you are talking about a commercial contract in particular, building that in would seem very sensible.

Q32 **Mr Thorogood:** The second part of my question is this: there is a difference between lobbying to initiate a proceeding and lobbying in a proceeding. Do you think there should be some sort of separate rules for those?

Lord Evans: I cannot quite see what the great distinction is there, personally. In other environments, if your interest suddenly became engaged in the middle of a conversation, you would at least alert, and probably recuse yourself, saying, "I probably shouldn't take part in this because I am actually a shareholder in x." That seems an entirely reasonable process.

Mr Thorogood: Sometimes that does not happen, but thank you very much.

Q33 **Chair:** May I ask you about reasonable limits?

Lord Evans: Yes.

Chair: You have seen what we have said on that issue. One of our anxieties has been about how one could possibly police, monitor or set reasonable limits. Do you want to lay out your stall?

Lord Evans: Yes. We discussed this at length in the committee recently. It was one of those conversations where the presence of active elected politicians was actually extremely helpful in making it clear how jolly difficult this is. Administratively, it would obviously be very convenient to say either, "You are not going to have any external employment," or, "You can do 10 hours and you can earn £20,000, but anything more than that is a breach." I can see that functionally and practically that would be a very attractive way of doing it. In reality, I think it would raise all sorts of exceptions and complications that a layperson, as it were, or an interested but independent observer, might think, "Well, I'm not sure whether they've done something wrong there."

We are looking at this only from the point of view of standards. It is quite a multifaceted issue because it is to do with the relationship between MPs

and their constituents, the reputation of the House and all those sorts of things where we do not have any particular locus. The committee has previously said that we think that a reasonable level of this is acceptable. We continue to believe that, but recognising the practical problems of policing it, we think that there may be ways of trying to outline where the boundary of reasonable is.

In particular, we suggest—it is not a hard recommendation—that it is worth considering, for instance, whether continuing professional qualification requirements, where you have to do x hours a year to maintain your qualification, might be treated differently. Secondly, a number of roles that MPs, as public figures and politicians, might be involved in—public speaking, journalism and so on—might be seen really as an extension of their MP role rather than in conflict with it, and they might therefore be treated differently.

We suggest a rebuttable assumption that, beyond a certain amount of money or a certain number of hours, it is likely to be adjudged to be unreasonable. That might be helpful not just to those adjudicating, but to MPs themselves, by giving a signal to say, "If you are making £15,000 a year, it is highly unlikely that this will be judged to be unreasonable; if you are making £1 million a year, that looks unreasonable on the face of it, and you are going to have to have an extremely strong case as to why, in your particular circumstances, it is not unreasonable to be earning £1 million a year from external interests, because most people would view that as unreasonable." That is a pretty clear indication as to where the boundary might lie, but it accepts that there may be special cases that you would then have to defend.

Q34 **Chair:** But there might be lots of MPs who are earning £1 million a year from their—

Sir Bernard Jenkin: Property interests.

Chair: Property interests or their share portfolio. How will we deal with that?

Lord Evans: I think in a way that is a slightly different issue, because it is not a standards issue as to whether you happen to have personal wealth, unless there is a conflict of interest. From our point of view, the issue is whether there is a conflict of interest or a breach of what one might call the selflessness thing—are you actually diligently undertaking your work in support of your constituents, or are you spending most of your effort working for someone else? That is a standards issue, and I think that conflicts of interest are a standards issue, which is why—to jump ahead in your questioning, I suspect—we very much support greater transparency of other interests, beyond paid interests, because we believe that then you are relying on the judgment of constituents as to whether that is something they believe to be acceptable. It is really important that that is visible.

Q35 **Chair:** I am completely with you on conflict of interest. That, it seems to

me, is absolutely key—the nub of any of these issues. Maybe we need to find ways of making that more transparent and obvious. My anxiety is, if we were to say, for example, that 10 hours a week is fine, a lot of people would ask, "Why is 10 hours fine? Why should it not be 20, or two?" I wonder whether that is just creating a rod for our own backs, where actually the issue is the conflict of interest.

Lord Evans: I think—this is one where your judgment is at least as well informed as the judgment of our committee—the question is whether there is a public confidence issue. If someone is doing 40 hours a week working for Megabank plc or whatever, are they actually doing their job in a way that one would expect of a public servant?

We discussed some of this in the committee—what would be a sensible limit? Well, it is jolly difficult, but the fact that it is jolly difficult is part of the reason why we do not think it would be sensible to say, "You can do 20 hours and that is it"—19 hours and 59 minutes, good; 20 hours and one minute, bad. If you are going to have that sort of thing, you have to have some indication, which is why we like the rebuttable assumption idea.

Q36 **Chair:** My other question is about diligence. My constituency is completely different from—as far as I can see—anyone else's constituency. I think of myself as a very diligent MP, but others might not think I am diligent, because I do not do the things that they do. It might be, however, that they do not have any former miners in their constituency. My constituency is differently constructed. I just wonder how you can have a committee or, for that matter, the commissioner investigating whether an MP had been diligent enough—in the end, this is about the rules of the House. That is the nub of your point, is it not?

Lord Evans: Diligence is not a Nolan principle, although some people have suggested that it might be just as important to the public—it probably is, actually. This is why we continue to be attracted to the concept of reasonableness, but we also recognise that reasonableness leaves a very serious onus on the commissioner to decide where that is. Part of the reason for suggesting that there might be some areas of carve-out and some indications of where the boundaries of reasonableness are likely to be set is that it could give signals to MPs in the decisions that they make and some starting point for the commissioner.

Chair: Several people want to ask about this—Jane, Bernard and Alberto.

Q37 **Mrs Burgess:** I am interested in the concept of reasonable limits. In the context of an MP, there is not an MP job description and so many things impact on how an MP chooses to undertake their role, such as the make-up of their constituency, as the Chair indicated, but also how many votes they had and how close it was, or the make-up of their local authority. It is about where their interests lie. So much impacts on how an MP will spend their time. It is really difficult to set a reasonable limit because you have got so many different influences that would determine how an MP might spend his or her time. I am interested in your thoughts on that.

The other thing is that, to my mind, public confidence is built by clarity and transparency. I am not sure that, within a system in the context of Parliament, you can have real clarity and determination, because so much of it has to be based on judgment. Judgment means that you will have some people who agree with you and some who don't. As soon as you start talking about reasonable limits, you put in a parameter that is hard to administer and to make a reasonable judgment about that has anything to do with public confidence. Public confidence is far more about the financial, historical element of MPs being wealthy people—that all they are doing is putting more money into their coffers because they are MPs—and not to do with the content of how they do their role.

Lord Evans: I agree with you that it is extremely difficult. The transparency one is probably slightly easier to require. If one accepts that there is no absolute independent way of establishing what is the right limit, there is a question as to whether you want to give an indicative limit, or whether you just say, "It is up to the MP's constituents whether they will continue to elect them." That is a judgment that can be made; it is obviously not a judgment for my committee.

Our suggestion was not a bright line that says, "Ten hours—good. Ten and half hours—bad." At least if you go over 10, 20 or 40 hours—whatever it is—then you are likely to be questioned pretty hard about whether it is reasonable in your circumstances. I absolutely understand, with the suggestion that the commissioner should do an annual appraisal on MPs to ensure that they are working hard enough or say that they could do better, that that is not the role, and it would be completely invidious and harmful.

Q38 **Sir Bernard Jenkin:** I contest your assertion that it is just up to the constituents. If you are to survive as a Member of Parliament in one of the major parties, you do have to maintain relationships with your Whips, your colleagues and your local party, and your national party has to want you to continue to serve as a candidate at the next election. We have all known MPs who take the mick and know how to game the rules—they would know how to game your rules—but they get deselected or cold-shouldered out. Maybe that should happen a bit more, and national parties should be more vigilant.

Is it your principle that an occupation that would take somebody away from Parliament for a number of weeks would be over the limit?

Lord Evans: Our suggestion is, given the complexity and that "reasonable" is a defensible but not terribly helpful position, that some indication of how "reasonable" is likely to be interpreted is helpful. If your job does take you away from your role, not in recess but at other times, for weeks at a time, it certainly raises a question of whether you are putting the interests of your constituents first, or whether you are putting your personal financial interests first. There aren't many jobs where you could say, "I'm going away for a few weeks."

Q39 **Sir Bernard Jenkin:** I will give a couple of examples. Jury service could take a Member out of Parliament for months. Okay, that is not

remunerated, but it does not serve the interests of his or her constituents directly.

Lord Evans: But it does serve the public interest.

Q40 **Sir Bernard Jenkin:** Yes, I appreciate that. That is a very good test: does it serve the public interest? Another example is a reservist who is called for a six-month tour of duty in a foreign land. Somebody who is absenting themselves from every debate, not taking part in questions, not contributing to a Committee, just turning up to the minimum votes to keep the Whips happy, but is writing a book—how do you catch that?

Lord Evans: I completely agree there is a high degree of judgment in that.

Sir Bernard Jenkin: Or he could be self-building a house.

Lord Evans: Or very keen on golf.

Chair: Or running a farm.

Q41 **Sir Bernard Jenkin:** If you have a doctor who continues a private practice, or an NHS practice, but who is taken out of Parliament for a number of days, I think most people would regard that as a good thing. But that might create absences that would disadvantage his or her constituents. Of course, there is the famous case of a barrister, who we shall not name, who probably earns very large sums of money and is taken away from Parliament for extensive cases. Is it in the public interest that that person should just leave public life?

Lord Evans: You make my case for me, which is that these are issues where there is a great deal of judgment.

Q42 **Sir Bernard Jenkin:** How much of an exodus should we be prepared to countenance of older and more experienced Members of Parliament—people who have perhaps had political careers and who are now continuing to contribute their knowledge and experience to Parliament, but who are private Members and therefore exercising their discretion to enjoy outside interests and to earn money outside, and who would otherwise leave Parliament?

Lord Evans: I take that as a rhetorical rather than actual question.

Sir Bernard Jenkin: I am afraid so.

Chair: It is Bernard, sorry. I have Alberto and then we still have one big chunk to do.

Q43 **Alberto Costa:** I will be very quick, Chairman. My issue with this phrase "reasonable limits" is both in principle and in practice. Lord Evans, although MPs are not employees, you will be familiar with the fact that the employment law of the three jurisdictions of the UK does not prohibit secondary or tertiary employment for individuals. You can work in a supermarket and you can sell things on eBay. You can work in a supermarket and on a forecourt of a petrol station. You can, like yourself,

be a member of the legislature, chair of the Committee on Standards in Public Life and, as we are told in your bio, director of Ark Data Centres. You are a member of the public interest committee of KPMG and you hold a number of other private sector board roles. You are an extremely busy individual, aren't you? Surely, all these roles that you do are not just through philanthropy, they are a means of earning some extra income for yourself. Is that correct?

Lord Evans: Yes, it is, but not all of them.

Q44 **Alberto Costa:** Given that employment law in this country does not prohibit secondary or tertiary roles of employment for individuals, why are you suggesting that MPs should in principle be restricted from secondary or tertiary means of income?

Lord Evans: Well, I am not. Our Committee is not suggesting, and has not said, that we believe that MPs should be forbidden from having any extra interests. We are saying, in terms of the conflict of interest, that it needs to be absolutely transparent as to what those interests are and that there may be some categories of interest which would be in conflict with their principal role. I think the recommendation of parliamentary strategists not being an appropriate role to combine is an example of that. We are also saying that there is a reasonable expectation on a public servant who is paid a salary on a full-time basis that that should be their principal activity on behalf of the people who elected them.

I am not in any sense suggesting that I or the committee have recommended that other roles should not be allowed but we believe, and I think it would be difficult to argue, that those should not be unreasonable. To make the argument that we should allow unreasonable levels of external interests would be quite hard. We believe it should be a reasonable level and we have been trying to be helpful to the Committee in suggesting ways in which that might be interpreted in order to make it a more practical proposition for the adjudication of that rule.

Q45 **Alberto Costa:** I asked that deliberatively, in the knowledge that you have clearly said "reasonable limits". The reason I ask that is that it is helpful to have on record what you have just said, because I think the perception out there is that this is the final step to prohibit secondary or tertiary roles—that the next step is a reasonable limit and then the ultimate banning of such activity. In practice, as we have heard from others round this table, do you not accept that it would be virtually impossible to have a fair definition of what is meant by "reasonable limits" and it would place the adjudicator-in this case the commissioner—in a deeply unenviable position to attempt to even define what is meant by "reasonable limits".

Lord Evans: Well, I think that is why your Committee posed the question to us as to what our view was on this matter. What we have done is consider it at some length in a conversation that was not wholly dissimilar to this conversation and then try to come back with as helpful a proposal as we could, which is what we have done.

Q46 **Chair:** Just a quick thing on this from me—it's just a thought. We have obviously made a recommendation, which is following on from your recommendation from 2018 that you should not be able to take on consultancy roles and strategy roles that are effectively semi-lobbying roles or providing advice on how others might lobby. I just have this question. If you are a board member of a company and you are a Member of either the Lords or the Commons, then at the board, they will ask, won't they, for advice on how to deal with Parliament? That's just a fact. It's one of the reasons why one would have been appointed. So is it a real distinction that we are drawing here?

Lord Evans: My own experience is that I have never been asked that—funnily enough—usually because most companies have a public affairs department that does this all the time. Then you get into the whole question of lobbying and the ways in which that should be regulated. Obviously, we have taken a view in our committee previously as to where the appropriate limits would be for lobbying. We continue to take an interest in that and have made recommendations on it in our most recent report. I guess that in these areas you are never going to get perfection through regulation, because as Sir Bernard said, you will always get those who play the system, etc. But we need to be as clear and as simple as we can be, given the complexity of the situation. This is a very complex and difficult issue and it does not lend itself to simplistic answers.

Q47 **Chair:** On the back of that, I will just ask this. The contract point that we have made would obviously clear that up in many of those relationships. I am talking about having a contract that says, "You are not allowed to ask me to provide advice on the following things." But you can't do that with a board member, can you, because a board member has a fiduciary responsibility?

Lord Evans: Yes. Transparency helps on that, but I can see the direction of your consideration. It depends partly on the sort of company as well. How many companies actually are dependent day to day on parliamentary decisions? Obviously, Parliament sets a context for business to take place in, but I think the question of actual contract-related lobbying is much more likely to come into play than big issues of legislative strategy in most boards.

Q48 **Chair:** I am not asking you to comment on an individual case at all in what I am about to ask you. Back in 1981, Lord Campbell-Savours, then Dale Campbell-Savours, made an allegation about Ian MacGregor, who was then running a Government-run industry—steel. It was that he had said that no assistance would be given to steelworkers in his constituency, because he had raised certain things in the House of Commons, and he thought that this was inappropriate. It went to a privileges Committee. It was all rather inconclusive in the end, but there was a big row about it. I just wonder what you think about this issue of either inducements or threats made by one MP to another MP to persuade MPs to vote in a particular direction. Do you think we need to have a rule on that?

Lord Evans: I think it is very important to safeguard the ability of individual MPs to use their judgment—subject to the normal party constraints—on the decisions that are facing them. I think if they feel that undue pressure is being placed on them by another MP, that would be a matter of concern.

Q49 **Chair:** Is saying, "You will get a school", "You won't get a school", "You will get a hospital", "You won't get a hospital", "You will get a bypass", "You won't get a bypass" undue pressure?

Lord Evans: I would want to take advice on that. I am aware that it's a current issue, of course, in terms of the discussions around whipping arrangements. It's not an issue that my committee has discussed in those terms. I would want to give it due consideration, given the significance of it in the current climate.

Q50 **Mrs Dexter:** On the reasonable limits point, my position has been that I think it is too difficult to prescribe by reference to limits, and I think you are broadly sympathetic to that. But strangely the discussion we are having with you has driven me closer to the position of thinking, "Well, okay. If it is not possible to articulate a sensible framework that allows for discretion, we will just have a rule", and the only rule that it could be is, "MPs should not be permitted to undertake any form of secondary employment."

Although Alberto is doubtless right about the legislative position, many employers do have rules about the ability for their employees to take on secondary employment. I worked in the fire service, and certainly firefighters have to seek consent—for a range of very good reasons—to be able to undertake secondary employment. I am now leaning closer than I ever have been to the idea that if we cannot work with uncertainty or reasonableness, or your more elegant new turn of phrase—

Lord Evans: Rebuttable presumption.

Mrs Dexter: Rebuttable presumption, yes. I have to say, that amused me a bit: I was trying to imagine how most people would understand that concept. If it is not possible to arrive at something that everybody accepts and understands, then, actually, the better default position might be, "No secondary employment." Has your committee contemplated that? There is a case that can be made for it, which is a respectable case.

Chair: Rita, I am really sorry, but we are very late for the next witnesses. It is partly my fault.

Lord Evans: In its 2018 report, the committee considered these things at some length, and there were conversations. I was not on the committee at that time, but I suspect they were quite similar to the conversation that has just taken place. It came to the conclusion that the best it could say was "reasonable". We have had a similar revisiting of that and said, "Do we think this is still the right answer?" We still think it is the right answer. We accept that, in practical terms, that poses real problems, which is why

we have suggested a couple of carve-outs and a couple of, as it were, indicative sets of rules.

The rebuttable presumption idea—comply or explain—is a regulatory construct that is used elsewhere. We are not of the view that, from a standards point of view, there needs to be an absolute bar. There are, of course, a lot of issues to do with this that go beyond, as it were, classic standards questions, which is beyond the remit of my committee, but from our perspective, the approach that we take would seem to meet the standards requirement and go some way towards clarifying what "reasonable" might look like.

Chair: Grand. Bernard very briefly, and then Andy.

Q51 **Sir Bernard Jenkin:** I have two very brief points. One is, what is the effect of the increasing official frowning on Members' outside interests if we do not, in the end, actually ban it? Isn't the public always going to be led to the expectation that one day this will be banned because the rules are getting tighter and tighter, or should the Committee on Standards in Public Life and this Committee actually say, "No, outside interests are a good thing, and they can only be regulated to a certain point, but that's it"? Aren't we just leading to an expectation where we are making our life more and more difficult because we cannot ban outside interests?

Lord Evans: I am not sure that it is our committee's job to say whether it is a good idea or not to have those interests, because there are all sorts of arguments in favour of them and against them that go beyond standards issues. Where we look at this is in terms of ensuring that individual MPs are clearly acting in the public good and giving their main effort towards their public responsibilities, and that they are not conflicted.

Q52 **Sir Bernard Jenkin:** I'll live with that. On the question of Ministers threatening withdrawal of bypasses or schools, isn't that a matter for the ministerial code? Isn't that possibly a misuse of public funds in a positive or negative way, and isn't it possibly even a matter of indirect bribery, but not a matter for the regulation of the House of Commons or the Commons code? It is a matter for the ministerial code.

Lord Evans: That is not an issue that my committee has looked at and considered, so I do not think I have a great locus in commenting on your observation.

Q53 **Chair:** Could I ask you to write to us about that? I am aware that you seem a bit blindsided by it, so I apologise. However, it would be helpful if you were to have a think about it.

Lord Evans: Okay.

Chair: We have one final area still to cover. I am terribly sorry that we are taking so much of your time.

Q54 **Andy Carter:** I will try to keep this relatively short. We know that there is a difference between the way that benefits received are recorded by Members of Parliament who are Ministers and those who are not. Do we

not need a system where all Members of Parliament register benefits in one place for everything that they receive?

Lord Evans: Our view is that we wouldn't want to let the Government off the hook on this. We actually think it is the responsibility of Government to make the appropriate transparency data available for those who are transacting Government business, which is to say Ministers. In our most recent report, and previously, we have said that we do not think that is being done appropriately, we do not think it is being done frequently enough and we do not think the Government are complying with their own undertakings in this area. Our focus is on encouraging and recommending that the Government does appropriate declarations of these things on a timely basis and in accordance with the undertakings that it has itself given. We think there is a compliance failure here.

Q55 **Andy Carter:** May I press you: what do you think is a timely manner?

Lord Evans: We note that even the half-yearly—I think—is not being kept up with. We think it should be done on a monthly basis.

Q56 **Chair:** Could you clarify one thing for me on that? As things stand, nothing has been done wrong here, so far as I understand it, but the Prime Minister is required to register his holiday, which was paid for by Lord Goldsmith, in the ministerial register, but his stay in the VIP suite at Heathrow with the Commons register. Doesn't that just make it all seem a bit bonkers?

Lord Evans: It sounds bonkers.

Chair: There we are. I think we'll end with that, then.

Alberto Costa: You've got your news release headline.

Chair: I will suspend for a few minutes so that the next witnesses can come in. If anybody wants a comfort break, that might also be necessary. Lord Evans, thank you very much for your time, and for the work that your committee does. We are very grateful.

Examination of witnesses

Witnesses: Professor Paul Heywood, Dr Jonathan Rose and Dr Hannah White.

Q57 **Chair:** Welcome back to the Committee on Standards and our inquiry into the code of conduct and possible changes to it. We are grateful to have Professor Heywood, Dr Rose and Dr White before us. We are terribly sorry to have kept you waiting. We have a whole load of questions, but I will give you the starter for 10. What is your impression of where standards in public life lie today?

Dr White: Thank you for inviting me here today. It is great to have the opportunity to talk to you all.

I would agree with the analysis of the previous witness, Lord Evans, that it is very difficult to say definitively where standards are at any point. What we can say about the last year or so is that there has been a heightened sense of public concern about standards in public life. One reason for that is that the questions about standards, the scandals, the coverage there has been and the inquiries that have ensued have been closer than in previous cases to the highest levels of Government. The Greensill scandal involved a former Prime Minister. As it has evolved, the partygate story has involved, potentially, the current Prime Minister, and there was the previous story about the refurbishment of his flat. These have involved a former Prime Minister and the current Prime Minister, and I think that is why they have been so high profile and why they are so concerning for people who think a lot about standards in public life—as you all do and as we do.

One of the key things we know about standards systems is that they work if the tone is set from the top. A lot of our systems are built so that, at the end, the ultimate recourse is to the top of our system of politics, for the very good reasons we have been discussing. When we are dealing with elected politicians, it is difficult and we have to construct our systems really carefully to make sure that those people can be held to account. If they are the people who are being accused of breaches of the rules, in recent months, that has called into question some aspects of the way our system works, because at the end of the day, if the Prime Minister is accused of something, it is then very difficult if he is the ultimate arbiter.

Q58 **Chair:** You are sounding very moderate, but you have a book coming out that I think is a little less moderate, is it not?

Dr White: The title is certainly less moderate. Yes, I do.

Q59 **Chair:** Is it just because you are in a Select Committee meeting?

Dr White: Yes. The book is entitled "Held in Contempt", and I identify a number of problems I think there are with the House of Commons. One of them is that too often MPs tend to treat themselves as an exception to the rules they set for other people. That has a deeply damaging effect on public trust, and MPs sometimes do not appreciate the extent to which the little breaches and the constant drip, drip of those things really undermine public confidence in the House of Commons.

Professor Heywood: I would not demur from anything that Hannah has said, but I think it is important to recognise that this is not simply something that has happened recently. Public perceptions of standards have gone up and down but have been generally on a declining path for some considerable time.

What is particularly concerning is the context within which this has all been happening. As Lord Evans referred to earlier, we had the cash for questions scandals, we had the parliamentary expenses scandals and a whole series of bodies have been set up to try and address this, and, not least, this Committee has been very active. You had the independent Parliamentary Commissioner for Standards post created, you had the

Independent Parliamentary Standards Authority, independent lay members have been brought on to the Committee who are external, there is the Independent Complaints and Grievance Scheme and so on. Yet despite all that, there is a sense in which there is a perception that it is not actually making any difference. You have more regulation, more rules, more codes and more bodies overseeing standards, yet 25 years on from the Nolan principles, there are serious questions to be asked. Are they actually achieving anything? Have they have achieved anything? What is going on that, despite concern around standards, we are in a position where Hannah can be writing a book with the title that it has?

I do not think that we are in a unique position here. Perceptions of standards were pretty much at an all-time low around the parliamentary expenses scandal. What is especially concerning and should be of real concern to Members of the House is that we are in this position now, despite everything that has been done in the intervening period.

Q60 **Chair:** To ask the gratuitous question that obviously follows on—you can be as rude as you want—how many marks out of 10 would you give this Committee?

Professor Heywood: There is a distinction to be drawn between the way the Committee functions, the questions it addresses, the recommendations it makes and so on, and whether they have an effect. You could say the same thing about the Nolan principles. I would strongly say that the Nolan principles look fantastic, but have they actually had any effect? Do they really drive behaviour? Do they affect what people do in their public roles? That is a much more open question.

Q61 **Chair:** We look great but we are ineffectual. Is that what you mean?

Professor Heywood: Less effectual than—in an ideal world, you would not need a Committee like this.

Dr Rose: I agree entirely with what has been said. In terms of the long run, are standards particularly problematic now? Relative to the past, probably not. There is somewhat more concern about it, and that is a good thing, but certainly when everything that was going on up to the expenses scandal was revealed, that felt very problematic also. Public concern was even a little bit higher then.

I agree very much with Hannah that one of the big concerns we have now is that there is a sense in which the leadership to tackle standards problems may be less prominent than would be ideal. We know that, in general, the public can respond positively even to a scandal if they feel that there is leadership in tackling it and that it is understood that this was a bad thing, and people make recommendations to improve the situation. We are running the risk of having less of that than we ought to.

Q62 **Sir Bernard Jenkin:** First, on the Greensill and lobbying question, it is very common for Ministers immediately to say that there is a lobbying scandal and to accuse the lobbyists of being the problem, but how much was the problem not who was lobbying but how the Government

responded to how the lobbying was received? Isn't that the mote in our own eye that we should look at? The ex-Prime Minister who was lobbying was already outside the putative five-year ban that is now being mooted. A five-year ban almost legitimises what he did, rather than outlawing it. Why do we not look at how lobbying is received in Government? I think the Advisory Committee on Business Appointments and the Committee on Standards in Public Life are beginning to look at that much more closely. Our PACAC report made the point that the lobbying takes place when the Minister is not being remunerated—when the Minister is in office—but is rewarded years later, or there is that expectation when they respond.

Dr White: That is really important. The thing that the Cameron case illustrated was that he had not broken any rules that existed; what he had done felt inappropriate to many people, but there was not a rule that you could point to that he had broken. But you are absolutely right that it is not just about the person doing the lobbying; it is also about how that is received in Government and how the Government respond. Do they respond any differently to someone who used to be Prime Minister? It is also important to say that lobbying is really important and we need it. Government and Ministers and Members of Parliament need to be lobbied, because otherwise you will not understand the issues that you need to understand to do your jobs.

Q63 **Sir Bernard Jenkin:** Professor Heywood, you say that the seven principles do not seem to be having much effect. I do not know whether you read the evidence we received from Claire Foster-Gilbert from the Westminster Abbey Institute—

Professor Heywood: No, I didn't.

Sir Bernard Jenkin: That is a shame, because it was very different in tone and content from a lot of the evidence we received. Why do you think this system of regulation has not had more effect on the behaviour and attitude of MPs?

Professor Heywood: Often when you have frameworks for behaviour, in any setting, they have to be genuinely owned by the people that they apply to. In order for them to be owned by the people that they apply to, those people need to believe in them, understand them and incorporate them into their daily activity.

There are two dimensions to this. One of the problems is the way that MPs seem to be inculcated with the importance of the principles, the code of behaviour and so on. As you become a new MP, you are told about them, but there does not seem to be a systematic way of ensuring that the awareness and the impact and the lived reality of what they mean is consistently put into place through some form of training exercise, discussion or whatever. It is possible to receive the code and put it on a shelf and barely refer to it again, which is unfortunate.

On the other hand, there is the question whether those principles are the appropriate principles in terms of actually determining or shaping or informing how people understand them in relation to their job. While I

completely agree on the separation of the principles from the code or the rules—that is an important distinction to draw—if people are going to interpret from that that it is the rules that matter and not think enough about the principles, then they are not going to be very effective. We need to think harder about how to ensure that the principles actually inform how people conduct themselves in office on a day-to-day basis.

Q64 **Sir Bernard Jenkin:** Music to my ears! You will be interested in our next inquiry—won't he, Chair?

Dr Rose, when you refer to the leadership deficit, I presume you are referring to one individual in particular. How can we address a leadership deficit when his or her behaviour reflects a whole culture?

Dr Rose: That is very problematic. That is why it would be ideal if, from the very top down, there was a strong sense that standards and accountability matter. You cannot wave a magic wand and change people's hearts. You can, I suppose, set an example in your own life, on the Committee and so on—as, indeed, I am sure you do. You are then doing your bit. But would that it were different.

Q65 **Andy Carter:** Professor Heywood, may I come back to your comments about Members of Parliament living the rules? I think you suggested that new MPs—I am a relatively new MP; I have been here for two years—get a briefing when they come here, but then put the rules to the side and carry on with life. That is not my experience, so I wonder why you said that. Since arriving here and joining the Standards Committee, I have been getting two or three messages a week from colleagues asking me, "What are the rules?" because in a lot of cases they are quite complicated.

Professor Heywood: Actually, what you say reinforces what I said: the concern is about the rules, as opposed to the principles. I said that because it was something that several MPs said in a report—commissioned to inform your report—by colleagues at the University of Newcastle and the University of Sussex, who did quantitative and qualitative work, talking to MPs. It is reporting back what MPs themselves say about their experience of confronting these issues.

Q66 **Andy Carter:** What is the solution that would help Members of Parliament, who are under immense scrutiny every day on social media, in the press and in public, to live a life in which they follow the principles and understand the rules, and do not see them as something that sits on the shelf and that we have to worry about when we get found out?

Professor Heywood: As Hannah and Jonathan mentioned, tone from the top is hugely important. The Global Task Force on Parliamentary Ethics did a big report a few years ago on how you establish an ethics regime. Its key conclusion was that for all the rules that you have, what really matters is what people do, and that is not necessarily driven by what the rules say. Most of us sitting around these tables do not break the law, not just because the law is there, but because we know that it would be the wrong thing to do.

Ensuring that Members of Parliament understand what the principles should mean in their day-to-day activities requires active intervention. You cannot just say, "The principles exist. Read them. Understand them. Learn them, and live according to them." You need demonstrations of what they mean. They are at their most important when you are in situations of what you might call ethical difficulty—in challenging situations, when you need to think, "What is the right thing to do?". Not enough attention is paid to building that into the process of being a Member of Parliament, so that you are, say, confronted with it annually through facilitator-led discussions, or in various forms of training. It has to be part and parcel of what it means to be a Member of Parliament.

Q67 **Andy Carter:** Some of my colleagues might say that it is sometimes difficult to work out what the right thing to do is because of the haze of politics that sits around an issue. If I look at the correspondence I received today about news issues, I can pretty much guarantee that there will be correspondence from people who would not vote for me on any day of the week, ever. That is the challenge that politicians face—things are constantly in a haze of politics.

Professor Heywood: Completely. That is absolutely the point—that it is difficult. If you look at the literature around the concept of integrity, many people would say that you can only really show integrity when you are faced with a really difficult situation. If you are just ticking the boxes and doing minimum compliance standards, that is not really showing integrity. Integrity demands that when faced with these really difficult—sometimes moral and ethical—dilemmas, you have a good basis for choosing the actions you choose. It should be informed by a really carefully thought-through process of understanding the principles that drive why you have come to a decision.

Chair: Somebody—I can't remember who—wrote that what every politician really dreams of is that key moment when they are making their absolutely impossibly difficult moral decision. They make the right call, and then everybody votes for them on the basis of that. It rarely seems to work out quite like that.

Dr Midha: I am a lay member of this Committee, though soon to be departing.

Chair: All right!

Mrs Dexter: He means he is leaving the Committee.

Chair: Yes, he doesn't mean anything else.

Q68 **Dr Midha:** It was a self-indulgent comment. Some of you have heard the evidence given by Lord Evans, and we talked about our proposal as a Committee to establish a bespoke set of principles allied to the seven principles of public life. We are also proposing an additional principle, which is currently called respect. The name is perhaps not as important as the concept; it covers anti-racism, inclusion and diversity. Do you feel that we have an important opportunity to develop this eighth principle,

given the current issues around Islamophobia and such, or do you think that it should not be promoted so much at this time?

Dr White: I think it is excellent that the Committee has thought about making the standards in public life bespoke to the House. That is, after all, what CSPL expected and wanted: to provide the basics, and for people to then think, "How does this apply in our workplace?". It is brilliant that the Committee has engaged with that, and has for the first time thought, "How does this work in Parliament?". I am really pleased to see that.

I heard the previous discussion about the word "respect". I think you are right that thought behind it is key, rather than the word. My suggestion, if it would be helpful, is that "respectfulness" would perhaps be more appropriate. We had "selflessness" and "openness", and if you want to reflect the quality you would like an office holder to display, rather than something that is due, that might get around it. I don't think that is the main point, though.

Particularly in a situation where the House of Commons is not descriptively representative of the country at large, it is really important for Members of Parliament to not just hold themselves back from discriminating. It is not just about saying, "Don't discriminate." It is about setting an example by actively promoting the practice of anti-discrimination. You can look at the codes of conduct in Wales and Scotland. They incorporate in their legislatures something about respect. Bringing something in to do with respect would bring you into line with them. That would be entirely appropriate.

There is an opportunity here for the House of Commons to go further, and to demonstrate that you as a Committee—and the House, if it endorsed the recommendation—think that there is a responsibility there, now that society has moved from when the Nolan principles were first formulated. We have moved from a much more hierarchical society to one where we think that not only is it right that people have equal rights, but that people who have positions of responsibility and authority should actively work to make sure that the playing field is more level. That is why I think it would be appropriate to incorporate something like that into the code—to remind MPs of that fact.

Q69 **Dr Midha:** Jonathan, or Paul? Do you mind if I call you by your first names?

Dr Rose: No, it is absolutely fine. I am happy to go first. I also think that including "respect" is a good idea. It would have been helpful to draw the boundary even wider, because in some ways the discussion of respect in this is very much from the point of view that Members will be respectful to the public—well, yes, of course they should be—and about the way that they will be respectful, which is of course appropriate too. It could have gone broader and tried to set an expectation of tone, both in the House and outside.

A few months ago, I did some research, coincidentally three days before and three days after Sir David Amess was tragically killed. In that window,

trust, particularly in Conservative MPs, increased dramatically. It was not just a "Rally around the flag" effect, and not, "We trust everything in public life now"; it was quite specific and focused. I suspect the reason is—this is consistent with the data—that people heard something that they do not hear often: "Here is a man of integrity who cared about his local community and wanted to make things better." I think that is true. Almost overwhelmingly, MPs and indeed lay members of the Committee just want to make the world a better place, but that gets lost in the discussion. Too often, people get talked about as if they are bad, rather than people saying, "I disagree with this person politically, but they are a person of integrity; they just happen to have a different perspective." It would have been nicer, in a way, to draw out a little more broadly how that respect might be envisaged.

Professor Heywood: I am tempted to respond with the phrase, "With the greatest of respect," which of course means anything but. I think respectfulness is probably good. I am uncomfortable about the way that this committee said, "We don't want to have an extra principle, but we do", as it were, so that we have the seven principles and respect. Personally, I think it would be better if it was incorporated into the existing principles, rather than our having seven principles and an additional principle that is not one of the seven principles.

Q70 **Sir Bernard Jenkin:** Briefly, the chair of the Committee on Standards in Public Life acknowledged the risk of the word being weaponised—politically, he meant. What do you think of that comment?

Professor Heywood: It would depend on how it was incorporated. If it were simply incorporated into the seven principles, as part of the descriptors, it would be less liable to be weaponised in the way that the concern was expressed about.

Dr White: I think I am right to say that it would be part of the "Principles" part of the code, as opposed to an investigable part. I agree that there is a potential issue, but that is still important, because it is taken into account if a breach is being looked at and so on. That is where it is important to do it, because having it as something that can be taken into account as a mitigation, or whatever the opposite of a mitigation is—

Chair: Aggravating factor.

Dr White: That's the one. That is important. I agree that this is a tricky area at the moment. It is a politically difficult area, but as in so many things, that is why the House of Commons needs to make a positive decision about it—to decide what the right thing is and do it, rather than deciding not to.

Chair: I do not want to curtail people, but I am conscious that we have spent 25 minutes on this first bit, and we have quite a lot more to do—unless, Jonathan, you have something dramatic to add.

Dr Rose: I am happy to endorse what has been said.

Q71 **Sir Bernard Jenkin:** The Committee on Standards in Public Life now believes that we should replace the adjudication of the Standards Committee with something like the IEP. Its chair also accepted that there might need to be some knowledgeable input into the deliberations on individual cases by people who understand Parliament, rather than just legal jurists. What do you think of that proposal?

Professor Heywood: Part of the issue is where you start from. If you were starting with tabula rasa and you wanted to create a system that worked to reflect the particular roles of Members of Parliament, then I am generally of the view that you would not want an entirely independent group, because it is important that we have people who understand what the job is and what the pressures are when it comes to adjudicating on standards.

The difficulty is that we are where we are, in terms of public perception. While we have such public concern about the way standards are upheld in Parliament, it is difficult to persuade members of the public that "marking your own homework" type-processes are entirely appropriate. There is a strong argument for supporting what the Committee on Standards in Public Life has suggested with regard to moving towards having an independent body investigate or adjudicate on these kinds of issues. However, I absolutely accept, as Lord Evans did, that knowledge of what is involved in being a Member of Parliament is really important. We need to look at ways of balancing the two. That may mean increasing the number of lay members, or having independents, and having former Members of Parliament as advisers.

Dr White: I agree with the CSPL. Having reflected on this, my position is that the IEP should be extended and its terms of reference modified so that it could do the determination of individual cases instead of this Committee. There will continue to be a really important role for this Committee in setting up the rules and structures and keeping them under review. That is where the particular knowledge of what it is to be a Member of Parliament and the particular constraints would be built into the system. Indeed, if the IEP felt it needed to understand the circumstances that apply to a case, it would be really useful for this Committee to be able to play that role.

For the reasons given, this Committee is not in the same position as the GMC. There are tens of thousands of doctors, and the chances of the doctors who sit on the GMC knowing the ones who are involved in a case that is coming before them are very small. It is almost impossible for the Members on this Committee to not know the people whose cases they are considering. I am in no way criticising any decision that this Committee has made on that front, but it is about the public perception. The politics and the personal relationships just undermine confidence in the system. In a very high-profile case such as the Owen Paterson case, it was nothing to do with anything this Committee did, but when it came up for discussion in the House, it was very clear that Members had difficulty distinguishing their personal and political relationship from the facts of the case that

were laid out in this Committee's report. That has again enhanced public mistrust of the system. So we should move to complete independence.

Q72 **Chair:** But isn't the last case an argument for the House not having an amending role, and for saying that it should be the same as the IEP. You could have the Standards Committee still adjudicating on stationery issues and things like that, but an appeal process goes through the IEP. Then the motion for suspension or expulsion goes before the House automatically, without amendment or debate.

Dr White: You could have that. I think it would be best to have the same as with the ICGS process, where the IEP determines, and then a different panel on the IEP hears appeals. Then the House should give up its right to amend motions and should just vote.

Dr Rose: I guess I am going to be a rare dissenting voice. I think you want, ideally, to keep it within the auspices of Parliament and within a parliamentary Committee. Yes, it is true that when things go badly, they can go very badly, in terms of their impact on public perceptions. You will no doubt be aware that that has happened recently. However, keeping it in this format gives you opportunities to show that you can do well, too. Every new case is a new opportunity.

I did some research on an expenses scandal, years and years ago; I think it was 2007. A predecessor Committee to this one conducted an investigation and found that somebody had been employing their children to do no work. That person was told off, rightly so, and the media reported it, saying, "Did you know MPs have uncovered that one of their own was not doing their work, was paying their child to do nothing and they are in trouble now?" During that scandal, people's positive perceptions of standards in public life increased. They became more positive as a result of an expenses scandal. Why? Well, plausibly because it was largely driven by a parliamentary Committee that said, "We have identified some poor practice, and we can fix it", and it was reported as such in the media. Admittedly, they said "Parliament's sleaze committee" or something like that, but every new challenge is an opportunity to demonstrate that standards can be upheld.

Chair: Thanks; that is very interesting. Alberto?

Q73 **Alberto Costa:** Thank you, Chair. Good afternoon to the panel, and thank you for coming this afternoon, or this morning—I have lost track of time already.

Chair: It is high noon.

Alberto Costa: Wake up, Alberto! I would like to talk about our current structure for when we sit as a disciplinary or adjudicating body. Are you familiar with the tiered process when a Member is accused of doing wrong? You are all familiar with it?

All witnesses *indicated assent.*

Alberto Costa: The Commissioner for Parliamentary Standards is the investigator of complaints against MPs, and has a second role as adjudicator on the work that she and her team have done. She decides whether an MP, in the first instance, has breached the Code of Conduct. If she decides that they have, she can rectify it if it is at the less serious end of the spectrum, or if it is at the more serious end of the spectrum, she can refer it to this august body of 14. You are familiar with that process, yes?

All witnesses *indicated assent.*

Alberto Costa: Okay. If she refers it to this Committee, the commissioner has a third role as presenter of the case against the Member of Parliament. So she is investigator in the first instance, decision maker, and presenter of the case to this Committee. However, she also has a fourth role: once the Committee has heard from the commissioner and the MP—if he or she chooses to make submissions to the Committee—the commissioner comes back into the room to attend our deliberations. Does that strike you as fair? We can start with Dr Hannah White.

Dr White: I think I am right in saying that in that final instance, she is there to advise you on the rules, rather than to participate in any way. Given that she is an authority on the rules, I think that is normally helpful to the Committee.

Q74 **Alberto Costa:** Is the answer yes?

Dr White: Yes.

Q75 **Alberto Costa:** Thank you. Is that the answer that your colleagues would also give?

Dr Rose *indicated assent.*

Professor Heywood *indicated assent.*

Q76 **Alberto Costa:** May I give an analogy? All three of you are employees. Two of you are employed by a university, one by the Institute for Government. I like to personalise discussions to make them a bit more real, so let us say, for example, that the complaint is made against each of you that you have taken stationery home and misused it repeatedly. Your HR manager investigates the complaint and decides that you have appropriated company or university property. Presumably, your employment contract will have a panel of usually three, or perhaps five, individuals, and your HR manager presents the case against you to the panel. Would you expect that person to be able to come back into the room during deliberations without you being present? Would all three of you say that that is in accordance with the principles of natural justice?

Dr White: In that circumstance, I would see the person being there in a professional capacity, rather than making the decision, so yes.

Q77 **Alberto Costa:** Yes. Do the two of you agree that that individual being present is entirely in accordance with the principles of English natural

justice?

Professor Heywood: If the person were the equivalent to the commissioner, which is a very particular role that has been created for a specific set of purposes. Certainly in my university—I do not know about Jonathan's—we do not have the equivalent of a commissioner, so it is not really an analogy that quite works.

Q78 **Alberto Costa:** I appreciate that. It is the best analogy I can come up with in trying to personalise it, given that we are not employees as MPs, but you are. On record, all three have you have said that it would be quite appropriate for the person who is investigated, the person who is adjudicated and the person who has presented the case against you to be in the room during deliberations. All three of you testified that that is acceptable.

Professor Heywood: With the proviso that they are there as an expert to advise on legal questions or questions of the rules.

Q79 **Alberto Costa:** I see. Let me ask, in a situation like this, if you were presented with a complaint against you, would you have a right of appeal? It would usually be in your employment contract?

Professor Heywood: Yes, generally, but again, it depends. The right of appeal ends at some point.

Q80 **Alberto Costa:** Where does it ultimately end?

Professor Heywood: It ends at the point that a final decision is made.

Q81 **Alberto Costa:** Who ultimately can make a final decision on such a matter?

Professor Heywood: Again, it will depend on the regulatory framework.

Q82 **Alberto Costa:** We are talking about employment contracts, which is the best analogy I can come up with. In the case where a complaint against you that has gone to the university disciplinary body, which has found against you, what ultimate forum is there for you to take the issue further?

Professor Heywood: Clearly, you want me to say an employment tribunal.

Q83 **Alberto Costa:** Indeed. A court of law. Are you aware that MPs do not have that opportunity and that we are the only citizens of our country not to have the benefit of a court of law to adjudicate on a disciplinary matter? Are you aware of that?

All witnesses *indicated assent.*

Alberto Costa: And do you not think that there ought to be a system as fair and transparent as possible, given the lack of an MP's opportunity to go to a court of law? Is that the evidence you are giving to the Committee today?

Dr White: I have said that I think that there ought to be an appeal mechanism to the IEP, reconstituted.

Q84 **Alberto Costa:** Can we just look at that? What should the appeal mechanism include, in your opinion?

Dr White: I tend to agree with the arguments set out in this Committee's report that it should focus on sanctions rather than findings.

Q85 **Alberto Costa:** Thank you. Do both of you agree on that?

Professor Heywood: I would certainly agree with that.

Q86 **Alberto Costa:** Do you think there should be a formal right of appeal?

Chair: Just to help, I think what Alberto is saying is that, as we have often said and as you will have heard from the evidence earlier, we have in effect a right of appeal on the Commissioner's decision to this Committee, but that is not a formal process. We do not have formal grounds of appeal that have to be laid out and satisfied before we would accept an appeal. Do you think that should be more formalised? Hannah, you are also saying—and I think Paul is as well—that the appeal, if it were to the IEP, should just be on the sanction rather than on the finding.

Dr White: Yes. It is my understanding that the IEP has set out grounds for appeal.

Chair: And they have rejected some appeals and said, "No, we are not going to hear that, because you haven't met any of the criteria for a ground of appeal".

Q87 **Alberto Costa:** I am trying to drill down on this. I am really happy that you have testified and put your names to the fact that you do not think there is a breach to natural justice by having the investigator—

Chair: Alberto, I think they just disagree with you.

Alberto Costa: Indeed. I just want to emphasise the point. This is an open forum, and I am being given the opportunity to get three professional people to put their names to the fact that they do not see anything wrong with an investigator, a first-instance decision maker and a presenter of a case against someone being in the same room to the exclusion of the person that is being complained against during deliberations. Are all three of you happy to testify to that effect?

Dr White: I think I am right in saying that none of us are lawyers. I believe you have commissioned a legal expert to provide you with advice on this very point, so personally I would defer to what they say, but given the circumstances you have set out, I am happy to stand by my testimony, yes.

Alberto Costa: Thank you very much.

Q88 **Yvonne Fovargue:** We have made some proposals on MPs' outside roles. What issues do you see with the proposals? There has been a lot of

discussion about reasonableness and how we would define that. What are your views on that?

Professor Heywood: I do not want to entirely rehearse the discussion that you already had with Lord Evans. I think reasonableness is a very tricky concept to pin down, in terms of what it means in black and white on paper when it comes down to it. It is absolutely right that there is a public expectation that a Member of Parliament's primary duty is to serve as a Member of Parliament. If their outside interests or outside employment, or whatever it is, are taking them away from being able to do that for extended periods of time, then you would quite rightly have a concern that they cannot possibly be doing the job as a Member of Parliament quite as assiduously as you would want. Therefore, it comes down to, "What is appropriate and what is not?"

The black-and-white way would be to say, "No outside work at all," and I think there are arguments for making that case. I am not sure I would want to go that far myself, but I accept that you could make quite a strong case for saying, "If you're elected to be a Member of Parliament, that's what you do, and you don't do anything else." If we are going to accept that there is virtue and merit in having some outside interest, for whatever reason, there does need to be some sense in which it does not so dominate your life that you cannot perform your role as a Member of Parliament. What does that mean in practice? We cannot pin it down in a way that is either driven by income or by hours. It has to be something that a reasonable group of people would agree to.

Dr White: I have a lot of sympathy with the difficulty of this task that the House has set you. The House has agreed that it wanted you to look at how to give effect—

Chair: No, it has rescinded that.

Dr White: Has it?

Chair: Yes.

Dr White: When did that happen?

Chair: Wasn't that the motion that was rescinded?

Dr White: Did the House not agree with the—

Chair: Oh, the Opposition day motion. No, you are right; apologies.

Dr White: I think it agreed with the CSPL recommendation about reasonable limits, so that is the task that has been given to you. And I think the public expectation is that some reasonable limits will now be put on second jobs—I think it is inherent in that that there has been acceptance that there is value to outside jobs. The second job should not be the job of being an MP; it should be something additional.

Although it is very difficult, I kind of think that the job of this Committee is to come up with something that you all, as reasonable people, think is a

limit on what you could be doing alongside your job as an MP. Personally I think it is easier to do it with time than with money, for all the reasons that were rehearsed, and if you believe that 10 hours, 20 hours or 40 hours a week is reasonable for someone to be doing on top of the job that their constituents have elected them to do and that the public purse is paying them to do, you should say that and ask the House to endorse it. That is a rule that can be followed and—

Q89 **Chair:** What do you think that should be?

Dr White: I would say 15 hours a week on average over a three-month rolling period, or something like that.

Rules can never cover every instance. I agree about what has been said about professional qualifications, so you may want to also set some exceptions to the rule. Bernard Jenkin was raising the issue of reservists, so those sorts of things. It may separately be the case that you say to MPs, "While you're an MP, we don't think it is appropriate to do certain things that would take you out of the House for a long time." Maybe MPs shouldn't do jury service or whatever it is. I think you set a rule and then you iterate it, and you find the case law. You find things that come up—cases that need to be considered.

You would ask people to keep timesheets, which I don't think is unreasonable. There is something in your report which says, "Some MPs would find this onerous." I'm sorry, but if they have time to have a second job, they have time to fill in a timesheet. Then, if there was a complaint, they would submit those timesheets.

Q90 **Chair:** Are we keeping timesheets of both the work that we do as MPs and the time that we—

Dr White: No, just the remunerated outside employment, because that is the thing that really concerns people. If you're willing to do something externally that you are unremunerated for and which you really feel enhances your role as a Member of Parliament, that should be recorded via a contract, as you have also recommended, that could be—

Q91 **Chair:** So if you run a family farm, you have to keep a time sheet of the hours you spend lambing, or whatever.

Dr White: Yes.

Q92 **Yvonne Fovargue:** Are you saying that people should have to ask permission from whoever before they took on the outside role?

Dr White: I do not know to what extent that is feasible. There is always a reasonableness for the work of the commissioner, alongside everything else. I think that is why you say that people have to obtain a contract, rather than always having to lodge it with the commissioner and every time something changes in the contract—that would create a very bureaucratic system. We have a system with ACOBA where if you want to take a job after you have left public life you ask permission. That has no

teeth and therefore no effect, but there are precedents for that. That could be one way of doing it.

Dr Rose: I struggle to see the argument against the complete ban on remunerated outside interests while someone is an MP. MPs earn more than two-and-a-half times what the average person in this country earns at a minimum. Is it not reasonable to say, in that time, that someone would be only an MP and that you would give up your other outside interests? It says in the report and I agree entirely that "Most Members work long hours, often seven days a week, but demand for an MP's help" outstrips their ability to supply it. It is completely reasonable that they would say, "I will take some cases and not others. I will triage you to this but I will not deal with it myself." It is completely reasonable, if you say, "I am doing as much as I can."

With one exception, I am not allowed to take outside remunerated work in my contract unless I specifically ask for permission first and convince the university that it will have no impact on my ability to service my contract, which is also open ended. It just says that I will do as much work as is necessary to fulfil my tasks. I find it so completely reasonable to say this. Sure, I have come here today for free because, of course, I think this is important. Of course, MPs should be able to attend outside bodies and things like that, just for free. They are getting paid enough already as MPs. I find it completely reasonable to take this view.

Q93 **Yvonne Fovargue:** Given that the average length for an MP is eight years, would you make an exception for people keeping up professional qualifications during that time?

Dr Rose: It gets very difficult. There was a new article out today, which you no doubt will not have seen, but it was saying that for dementia patients, if they see the same GP repeatedly throughout their care, they have much better standards of care. Then, I find it challenging to say, "Oh, well, someone should be able to work as a GP for half a day a week" because dare I say that they would not be as good a GP as they would otherwise have been were they full time. They will not be able to keep up with the current literature and so on. So they would be worse at that job while simultaneously being worse at being an MP. I understand things such as professional registration, but Parliament is a sovereign body. It has the ability to carve out exceptions and then to justify those to the public. I see no reason that could not happen: that you could carve out specific exceptions for the time someone is an MP and maybe also provide help and support to get them back to such a career afterwards.

Q94 **Sir Bernard Jenkin:** Dr White, do I understand from your proposal that every MP, if they have any outside interest, should keep a timesheet?

Dr White: What I said was "remunerated employment". You would have to think carefully about being on a board or in your farm.

Q95 **Sir Bernard Jenkin:** Would you have to keep a timesheet on how many hours you spent writing your book?

Dr White: Are you talking to me?

Sir Bernard Jenkin: Hypothetically, would an MP have to keep a timesheet if they were writing a book?

Dr White: Yes, I think they could say, "This week, I spent three hours doing that."

Q96 **Sir Bernard Jenkin:** Would they have to keep a timesheet if they had a portfolio of investments? They would have to keep a timesheet on how much time they spent supervising their investments.

Dr White: I was talking about employment as opposed to—

Sir Bernard Jenkin: Oh, right, okay. There is this distinction between employment and other remunerated outside interests that generate income for an MP, which seems rather invidious; that rich MPs therefore get an advantage over poor MPs. Poor MPs cannot have outside interests, but rich MPs can use their wealth to give themselves an advantage. That is already a problem in politics. I would submit that makes that worse, would you not agree?

Dr White: I do agree, but I think the fact that this is difficult and that you can think of lots of exceptions does not mean that there should not be a rule to cover quite a lot of things that cause public concern. Where the difficulties are, that is what you need to put your collective brain power towards addressing.

Q97 **Sir Bernard Jenkin:** Professor Rose, in terms of what an MP does, how much time do you think a Secretary of State running a busy Department has left to be an ordinary MP?

Dr Rose: It is not my business to say. I take your point. Yes, they will be very busy doing that as part of their responsibility to the nation. I understand that. I am also given to understand that help and support is available specifically for their constituents in that situation.

Q98 **Sir Bernard Jenkin:** No, they do not get any extra office cost allowance for that. The one advantage is that their private office—their House of Commons office—doesn't have to do their diary, which might take quite a lot of time. A lot of MPs do their own diaries.

When a very busy, able and hard-working Minister ceases to be a Minister and they have a lot of spare time, and they do not want to serve on a Committee—they not obliged or paid to serve on a Committee—why would it be so invidious for them to use that time to supplement their income, given that, as a retired Minister, they will have just lost a lot of income, because they are paid extra to be a Minister? That is an extra job—it is regarded as an extra responsibility.

Dr Rose: All I am saying is that your own report says that MPs have a higher caseload than they are able to service. In that situation, if I am a constituent I am okay with my MP being a Minister, on the understanding that they are serving the whole of the nation and, therefore, also me.

Sometimes, I understand that I might come a little bit further back in the queue. Am I happy with exactly the same situation if I come further back in the queue to a remunerated interest? No, and I think that a lot of the public would not be, either.

Q99 **Sir Bernard Jenkin:** This is my last question. Why is it not in the public interest for Parliament to be able to retain people who would otherwise leave politics, taking with them their considerable experience, depth of knowledge and expertise gained from their outside employment as, for example, a barrister or a doctor? Why would it be good for the public interest for Parliament to lose those people?

Dr Rose: Of course, you would still have people with that experience who would come into Parliament. There are only 650 MPs. There are more than 650 professional people in the country. While some may leave, it does not seem to me to be very difficult to replace them with people who would also have experience and so on.

Q100 **Sir Bernard Jenkin:** But you would lose a lot of experienced parliamentarians. Maybe that is a good thing.

Dr Rose: There are situations in which turnover is a good thing, yes.

Q101 **Alberto Costa:** I am genuinely very grateful to all three of you for being here, giving evidence. I have a couple of questions, the first to Dr Rose. You said that your own contract of employment precludes you from doing secondary or tertiary forms of employment, but is it not the case that Britain is blessed with hundreds of universities and thousands of academics in those universities—from the field of politics, which is your own research area, to those of science and medicine—who do in fact do secondary if not tertiary roles, which is of great benefit not just to the university establishment but, indeed, to wider society and to our economy? Are you arguing that all those academics should, like you, stick to their one job?

Dr Rose: I am saying that, in general, academics do a lot of this for free. Where you see people on these other bodies and things, they are usually—not always—doing it for free. Where they are not doing it for free, in general—at my university, at least—they will have supplied the university, ahead of time, with the contract and will say, "I intend to work this many hours. Please may I have permission to do this?" The analogy might be someone coming to this Committee and saying, "Hey, I have an employment contract that says that I will work no more than 10 hours and these are all the conditions. Please may I have permission to do so?" Maybe that would be reasonable.

Q102 **Alberto Costa:** Thank you, Dr Rose. So all those wonderful academics who prepare and present brilliant documentaries on the BBC, or those fantastic scientists who produce vaccines and run businesses in partnership with universities—all those thousands and thousands of academics—generally do it for free. That is your evidence today.

Dr Rose: No, I am saying that a lot of the people who do the kinds of roles that come up in public life often are doing it for free, as indeed I am

doing this for free right now—I was working late last night in order to free up the time to come here—and most of us are happy to do so. Yes, some roles are far greater in terms of time commitment; these will usually be remunerated, yes, but it is my experience—it might not be true in every university—that in every case the person will have specifically negotiated with the university. They will have said, "I will not be doing this work for this time, so do not pay me, but I will be doing this work instead." They will have got agreement.

Chair: I don't think it is a competition between academia and Parliament for having more outside jobs or remuneration. Incidentally, Sir Ernest Ryder, who is doing a piece of work for us, is head of an Oxford college and he had to get the permission of the two senior fellows, I think, to be able to do the work for us.

Q103 **Alberto Costa:** I have one final question, for Dr White. I come from a legal background, where we had timesheets—well, timesheets as they used to be; it's now all done through apps and by computer. Have you ever done any employment where you are required to account for every minute of your working day?

Dr White: No.

Alberto Costa: Thank you. No further questions, Chairman.

Chair: You make it sound like we're in a court of law.

Alberto Costa: Perhaps it ought to be.

Q104 **Chair:** Oh, shush. It's not a cross-examination. I will ask this just for the record. There are some things that we have proposed that I suspect you might agree with, but I just need to make sure that we get that evidence down. Do you agree with our proposals to change the lobbying rules—extending the time period to 12 months, clarifying the "serious wrong" exemption and requiring MPs to have a written contract excluding lobbying? I think the answer is probably just yes or no for all of you.

Dr Rose: Yes.

Dr White: Yes.

Professor Heywood: Yes, but I would go further as well.

Chair: Go on, then.

Professor Heywood: I think the 12 months could be extended to two years. I think it is absolutely essential that the contracts are written, and set out explicitly what is being done. And I think lobbying is perhaps the area that is doing most damage in terms of the reputation of Members of Parliament and the institutions, and it is something that you really need to ensure is managed more effectively, going forward. So I think the recommendations would be an absolute minimum.

Q105 **Chair:** So getting rid of, for instance, the difference between initiating and

participating—

Professor Heywood: Yes.

Dr White: Yes.

Chair: Thanks very much. Allan.

Q106 **Allan Dorans:** We are seeking views on removing the exception in the guide that says that Members do not need to register benefits received in their capacity as a Minister. Do you think that we should be increasing the transparency of ministerial interests through the House code, or is it better to have a sharp distinction between the House code and ministerial code regimes?

Dr White: The Committee is completely right that it is wrong to have different requirements for Ministers and for MPs and, indeed, for those to be more onerous for MPs than for Ministers. If you look at this from the point of view of, "What is the purpose of this?", the purpose is for the public to be able to have confidence and to understand what the interests and what the benefits, hospitality and so on that someone is receiving are. Therefore, my inclination would be that the House ceases to have an exception for Ministers and that Ministers' interests should also be covered in the House's code. The Government has a long way to go in terms of transparency for ministerial interests, particularly in terms of timing. The Institute for Government did some research on this last year and found the Government not meeting its commitments, which are already much slower than the House's requirements in terms of speed of registrations, and also—

Q107 **Chair:** I think there was a point where, for nine months, the ministerial register of interests was not actually an accurate list of the interests of Ministers.

Dr White: Yes, and there were some cases where the Ministry of Justice had not reported for 330 days and so on. Also, transparency is very poor in some Departments—"The Minister for Business had a meeting about business" is not very elucidating to the public. There is a long way to go on the Government side. It is good that this Committee is paying attention to that, as well as outside people like us.

Professor Heywood: I would endorse all that but, again, I would—

Chair: Go a bit further.

Professor Heywood: Go a bit further, in that you have in your report comments on the form in which this information is accessible. That is a key part of the transparency. If the transparency is that these things exist, but it is very hard to interrogate them, there is a real failing. It is unfortunate that you can find out much more about what your MPs do through something like TheyWorkForYou, as a website, than you can through the official registers of interest. The point that is in your report—that these things should be made available in structured open data

format— is essential. It really needs to be done, and it needs to be done urgently.

Chair: We are very cross about it, aren't we, Rita?

Mrs Dexter: We are—about transparency. It is completely clear to us that, in the context of the review of the code, there is a clamour for more transparency. It is like moving a mountain to achieve that within these four walls.

Chair: Jonathan?

Dr Rose: I am happy to agree with what was said, and indeed with your conclusion in the report that this needs to be better and more transparent. Also, this information needs to be linked up correctly, particularly to allow it to be machine-readable, because we will only get good research when we can pull in all of this data and look at it in a properly structured format.

Q108 **Chair:** Just on the point that I made to Lord Evans earlier, the Prime Minister, rightly, registered his holiday at Lord Goldsmith's property, but only through the ministerial process, because he received that in his capacity as a Minister apparently. The other element of the same trip, which was using the VIP suite at Heathrow, he registered through the House of Commons. What is your feeling about that?

Professor Heywood: "Bonkers" is the official designation.

Dr Rose: Lord Evans was completely correct in that, yes. It needs to be either that one can make a decision about where it gets reported, but the reporting standards are functionally equivalent, which would be fine, or that it can be reported in both places, with a note that it was sort of with an asterisk.

Q109 **Chair:** Timeliness has to be key as well.

Dr Rose: Yes.

Q110 **Chair:** And the amount of detail, because you have to provide more detail to the Commons than you do anywhere else.

Dr Rose: Yes, to bring those into line, so that a member of the public is able to find relatively easily, on the same basis, what a Minister is doing versus what an ordinary MP is.

Q111 **Chair:** Registerable interests on the ministerial register, as I understand it, sort of lapse after six months. So if they have not been published, they then never even get published, which seems curious.

Dr Rose: It feels like a weakness, yes.

Chair: That was an understatement, wasn't it? Allan, had you finished?

Allan Dorans: Yes.

Q112 **Chair:** Is there anything else anyone wants to raise? Go on, Hannah.

Dr White: I have one additional thing. I was just reflecting on the seven principles and on the openness and honesty that we want our elected politicians to be able to demonstrate. A very straightforward thing that this Committee can do as a recommendation to enhance that would be to provide a mechanism in *Hansard* for MPs to be able to correct the record, which at the moment only Ministers can do. It seems really inconsistent to me that a shadow Minister, having made a statement, cannot correct the record; only a Minister can. Some of these small things are really important. Truthfulness is a big deal right now for the public, and I think that would be a helpful recommendation.

Q113 **Chair:** What do you do then—I am about to open a can of worms—about people who refuse to correct the record when it would seem to every fact checker in the universe that the record is now incorrect?

Dr White: The first thing is to have the opportunity to correct the record, which at the moment you cannot do. You could use existing mechanisms to pursue this. A Member could ask the House of Commons Library or the UK Statistics Authority for a view, and then use any other question or debate mechanism to—

Q114 **Chair:** What I am getting at is that it is a very common perception among the public, as I understand it, that all MPs lie all the time. We do not feel that we lie all the time. Most of us feel that we do not lie.

Dr White: But where you make a factual error and you have no ability to put that right, I think it would be a good thing to have the opportunity to put that right.

Sir Bernard Jenkin: I think we do have an ability to put it right.

Chair: Only Ministers.

Sir Bernard Jenkin: You can get up on a point of order, and just say—

Andy Carter: You can amend *Hansard* if you do it very quickly after you have made the statement.

Chair: Yes, you can do that. That is true. You can go up to *Hansard* and correct it.

Dr White: But that is only a mis-transcription, isn't?

Q115 **Sir Bernard Jenkin:** Actually, if you mis-speak, you can say, "I named the wrong body. I meant this body" and they will go and put in the right body. Otherwise, the speech does not make any sense. If I had not misled the House, I would expect to be able to correct the record and I would correct the record, as a Back Bencher.

Dr White: But I think it would be really useful for the *Hansard* record at the time to be corrected, as opposed to at some future point.

Sir Bernard Jenkin: How do Ministers correct the record in the way that Back Benchers do not?

Chair: They have a formal process for Ministers.

Sir Bernard Jenkin: Really? I never knew about it.

Andy Carter: I previously referenced Ofcom when I meant Ofgem. It made no sense and *Hansard* allowed me to amend that so that it made sense, but I think there is a time limit on doing it. You cannot do it six months later.

Q116 **Chair:** Yes, it used to be related to when the books were produced. But it is something that we can look into to make sure there is an equality of arms, as it were. That still leaves me with the question of what you do about MPs who lie.

Dr White: That is a very good question.

Sir Bernard Jenkin: It is a matter for the Speaker and the privileges Committee.

Chair: I am asking the witnesses.

Professor Heywood: Does it not become a disciplinary matter in itself?

Q117 **Chair:** That is one of the things the commissioner does not investigate.

Professor Heywood: Perhaps they should. If the circumstances are created whereby somebody who has said something that is factually wrong and has been challenged on it and shown to be factually wrong, then refuses, as a point of bizarre principle, to accept that they should make an amendment, then that would be the circumstances in which it could become a disciplinary matter.

Q118 **Chair:** We will ask the commissioner about this tomorrow, but I suspect she might say that that is all she would ever end up doing, because all the public write to her about is that such and such lied. Quite often there are two truths—well, you ended up with four Gospels and they contradict themselves.

Dr Rose: That argument that politicians lie is incredibly old, so either we are having no effect or it is somewhat overblown. The challenge is that a lot of the time people make predictive claims that turn out not to be the case and people get very mad about that, but that is very different from a lie and it probably would be hard to regulate. Somebody says, "The economy will grow by this much" and it turned out that six months later that that was untrue. Well, the world changes and regulating honesty is extremely difficult. There are narrow cases where you can say, "That is factually incorrect. You have said it is this number, and it is not, according to accepted standards." That would probably be extraordinarily rare, so you are going to end up rejecting a lot of things.

Q119 **Chair:** Doesn't the Office for National Statistics fairly regularly tell Ministers that they have inappropriately used statistics?

Dr Rose: Extraordinarily rare, then, relative to the number of complaints that there would be.

Chair: Hannah, unless you have anything to add to that conversation, we are very grateful to the three of you for being with us and because we were late. We have also taken so much more of your time than you anticipated—I look forward to seeing it on your timesheets. Sorry, that was naughty of me but, seriously, we are very grateful. Thank you very much for your time.