

# Written evidence submitted by the 1922 Committee

## Response from the Conservative Parliamentary Party 1922 Committee to the Call for Evidence by the House of Commons Committee on Standards *Review of the Code of Conduct: proposals for consultation*

Version 5 – 9<sup>th</sup> February 2022

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## **Introduction**

As part of a consultation process, on 23 November 2021 The Committee on Standards made a Call for Evidence on their *Review of the Code of Conduct: proposals for consultation* document. The Call for Evidence can be found as an addendum at the end of this document.

## **Call for Evidence response from The 1922 Committee on behalf of the Conservative Parliamentary Party**

This section of the document refers to the bullet points in the Call for Evidence where the Committee for Standards asked for comments on recommendations for changes to the Code of Conduct (of Guide to the Rules). We have numbered the bullet points within the Call for Evidence for ease of reference and included it as an addendum to this document.

In Annex 2 of the Committee on Standards document '*The Review of the Code of Conduct: proposals for consultation*' it sets out each of the Seven Principles of Public Life as well as comparative 'descriptors' in the current Code of Conduct, the Committee on Standards in Public Life (CSPL) current revised descriptor, the Welsh Parliament/Senedd Cymru descriptor and the Proposed new House of Commons descriptor. We have considered closely these alternatives as the basis for our recommendations.

*1. Amending the descriptors of the Seven Principles to reflect more closely Members' roles • Adding an additional principle of "Respect"*

### **1.1 Selflessness**

**Recommendation for change to the Code of Conduct made by the Committee on Standards:**

*Members of Parliament should act solely in the public interest. They should ensure that no private, financial or other personal interest risks compromising their principal role as a Member of Parliament. They should never misuse their position to gain financial or other material benefits for themselves, their family, or their friends.*

**Response from the 1922 Committee:**

**We recommend the incorporation of the wording set out for the Welsh Parliament namely**

*“Members should take decisions solely in the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.”*

## **1.2 Integrity**

### **Recommendation for change to the Code of Conduct made by the Committee on Standards:**

*Members should conduct themselves in a manner which will inspire public trust and confidence in them and in the integrity of Parliament. They should avoid being placed under any influence or obligation which could undermine trust in them as an individual or in their role as a Member of Parliament. They should declare and resolve any interests and relationships which might be construed as a conflict of interest. When such conflicts do arise, they should be resolved in a way that is beyond reproach, maintains the trust of colleagues and the public and protects the public interest.*

### **Response from the 1922 Committee:**

*We recommend the incorporation of the Committee on Standards in Public Life (CSPL) wording namely “Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.”*

## **1.3 Objectivity**

### **Recommendation for change to the Code of Conduct made by the Committee on Standards:**

*Members are responsible for the exercise of their judgement as fairly as they can according to their conscience. They should avoid discrimination or bias. They should be able to demonstrate that they make decisions on merit, taking account of relevant evidence, advice and of any wider responsibilities.*

### **Response from the 1922 Committee:**

We recommend the incorporation of the proposed wording from the Committee on Standards but with the exclusion of the second sentence “they should avoid discrimination or bias” to read as follows: *“Members are responsible for the exercise of their judgement as fairly as they can according to their conscience. They should be able to demonstrate that they make decisions on merit, taking account of relevant evidence, advice and of any wider responsibilities.”*

## **1.4 Accountability**

### **Recommendation for change to the Code of Conduct made by the Committee on Standards:**

*Members must make themselves accountable to their constituents and to the wider public and to Parliament. They must submit themselves to the scrutiny necessary to ensure this.*

### **Response from the 1922 Committee:**

We recommend the incorporation of the Committee on Standards in Public Life (CSPL) wording namely *“Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.”*

## **1.5 Openness**

### **Recommendation for change to the Code of Conduct made by the Committee on Standards:**

*Members should, as far as possible, act in an open and transparent manner with the public, with colleagues and with others with whom they work. They should not withhold any relevant information unless there are clear and lawful reasons for doing so.*

### **Response from the 1922 Committee:**

We recommend the incorporation of the Committee on Standards wording namely *“Members should, as far as possible, act in an open and transparent manner with the public, with colleagues and with others with whom they work. They should not withhold any relevant information unless there are clear and lawful reasons for doing so.”*

## **1.6 Honesty**

**Recommendation for change to the Code of Conduct made by the Committee on Standards:**

*Members should be truthful in everything they say, write or do.*

### **Response from the 1922 Committee:**

We recommend the new wording from the Committee on Standards namely *“Members should be truthful in everything they say, write or do.”*

## **1.7 Leadership**

**Recommendation for change to the Code of Conduct made by the Committee on Standards:**

*Members are elected as leaders, who can only be effective when they inspire trust by setting a good example. They should refrain from any action which would bring Parliament or its Members into disrepute. Members should promote best practice and challenge poor attitudes and behaviour whenever they occur.*

### **Response from the 1922 Committee:**

We recommend the new wording from the Committee on Standards namely *‘Members are elected as leaders, who can only be effective when they inspire trust by setting a good example. They should refrain from any action which would bring Parliament or its Members into disrepute. Members should promote best practice and challenge poor attitudes and behaviour whenever they occur.’*

## 1.8 Respect

### **Recommendation for change to the Code of Conduct made by the Committee on Standards:**

*Members should abide by the Parliamentary Behaviour Code and should demonstrate anti-discriminatory attitudes and behaviours through the promotion of anti-racism, inclusion and diversity.*

#### **Response from the 1922 Committee:**

We do not believe there should be an addition to the Nolan Principles which are long established and applicable to others in public life as has been suggested by Lord Evans, Chair of the Committee on Standards in Public Life.

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**2. Adding a new rule to prohibit a Member subjecting anyone to “unreasonable and excessive personal attack”, in any medium** (page 113 of the ‘Review of the Code of Conduct: proposals for consultation’, Appendix 1, Recommendation 1)

#### **Response from the 1922 Committee:**

We do not believe that a new rule prohibiting a member from subjecting anyone to “unreasonable and excessive personal attack” is appropriate or sensible. Members’ behaviour within parliamentary proceedings is subject to existing rules. Outside parliamentary proceedings MPs should be bound by the same laws as any other member of the public.

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**3. Changes to the rules on registration set out in Annex 3 of the ‘Review of the Code of Conduct: proposals for consultation’** (pages 79 and 80)

#### **Response from the 1922 Committee:**

We do not agree with the Committee’s proposal to remove the requirement to register family members but would prefer the reference to be defined as for ‘connected parties’ as used within the IPSA rules. This would preserve proper transparency whilst defining which family members would be considered relevant.

#### **4. Clarifying the criteria of the serious wrong exemption in the lobbying rules**

##### **Response from the 1922 Committee:**

We agree that there is a need to clarify the criteria regarding the serious wrong exemption in the lobbying rules as laid out in paragraphs 164 and 165 on pages 38 and 39 of the 'Review of the Code of Conduct: proposals for consultation', and support the recommendations as stated.

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**5. Introducing a requirement that a Member must have a written contract for any outside work which makes explicit that their duties cannot include lobbying Ministers, Members or public officials, or providing advice about how to lobby or influence Parliament, and that their employer will give them an undertaking to not ask them to do so.**

##### **Response from the 1922 Committee:**

We understand the rationale behind the requirement that a member must have a written contract for outside work which makes explicit their duties. However, there must be some degree of flexibility on this. In certain circumstances the Member may not be able to have an employment contract. In such circumstances, there should be a letter of undertaking from any organisation or partnership that the member may be involved with which accepts the requirement not to lobby or provide advice on lobbying.

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**6. Replacing the current wording of the paid advocacy rule to make clear that Members must abide by all the lobbying rules in the Guide (paragraph 170 on page 40 of the 'Review of the Code of Conduct: proposals for consultation')**

##### **Response from the 1922 Committee:**

We agree that replacing the current wording on paid advocacy to make it absolutely clear that members must abide by all lobbying rules is appropriate.

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**7. Restoring the 12-month limit on reward or consideration in the lobbying rules**

*(paragraph 171 on page 40 of the 'Review of the Code of Conduct: proposals for consultation')*

**Response from the 1922 Committee:**

We agree that restoring the 12-month limit for rewards or consideration in the lobbying rules is appropriate. Some concerns have been raised about the treatment in the current rules of Crown dependencies, UK overseas territories and sovereign base areas. We invite the Committee on Standards to consider whether a change would be appropriate.

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**8. Introducing a “safe harbour” provision, where a Member cannot be found in breach of the rules if they have sought and followed the advice of the Registrar** *(paragraph 167 on page 39 of the 'Review of the Code of Conduct: proposals for consultation')*

**Response from the 1922 Committee:**

We would support the concept of “safe harbour” provision. Indeed, this could give a greater degree of comfort to any Member who is in anyway concerned about their outside interest and would also require the Commissioner to give such advice, in writing, if asked.

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**9. Introducing a ban on Members providing paid parliamentary advice, consultancy or strategy services, using the same wording as the House of Lords** *(pages 41 - 45 of the 'Review of the Code of Conduct: proposals for consultation')*

**Response from the 1922 Committee:**

We agree that incorporating the words from the House of Lords regarding the prohibition of paid parliamentary advice, consultancy or strategy services is appropriate.

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**10. Removing the Investigatory Panel provision from Standing Orders** *(paragraph 222 on page 53 of the 'Review of the Code of Conduct: proposals for consultation')*

**Response from the 1922 Committee:**

We agree with the removal of the investigatory panel provision from standing orders only if a Judge-led appeal process is introduced.

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***11. Amending the current rule in the Code on lobbying the Committee to provide that Members must not lobby members of the Committee on Standards, the IEP, the Commissioner, or their staff, in a manner calculated or intended to influence their consideration of a breach or a sanction***

**Response from the 1922 Committee:**

We agree with the amendment to the code to emphasise that members must not lobby members of the committee the IEP, the commissioner or their staff in any attempt to try and influence their decision.

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## **1922 Committee response to the Committee for Standards**

### **Call for Evidence request for views on additional areas**

**12. Whether the Speaker should have the option to refer a matter of conduct in the Chamber or in a Committee to the Commissioner for investigation** (page 22 of the 'Review of the Code of Conduct: proposals for consultation')

**Response from the 1922 Committee:**

We absolutely do not agree that the Speaker should have an option to refer a matter of conduct in the chamber or a committee to the Commissioner for investigation. Conduct in the Chamber, division lobbies and committees must remain under the sole jurisdiction of the Speaker. We recognise that misconduct in any of these areas must be addressed.

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**13. Ways in which greater alignment between the Codes in the two Houses could be achieved, whilst recognising their distinct functions and procedures** (page 22 of the 'Review of the Code of Conduct: proposals for consultation')

**14. Whether the Guide to the Rules should be amended to remove the provision that Members are not required to register benefits received in their capacity as a Minister** (page 34 of the 'Review of the Code of Conduct: proposals for consultation')

**Response from the 1922 Committee (Points 13 & 14):**

We agree that the guide to the rules should be amended to remove the provision that members are not required to register benefits received in their capacity as a Minister. We are concerned that dual registration might create unnecessary bureaucracy. The needs of transparency could be addressed by a more regular publication of the register.

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**15. Whether Members should register and declare a salary received from a political party** (page 35 of the 'Review of the Code of Conduct: proposals for consultation')

**Response from the 1922 Committee:**

Members should be responsible for declaring a salary or other benefits received from a political party, trade union or for that matter any other organisation.

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**16. Whether Members should register any benefits (for example, travel, accommodation or hospitality) they receive as a Government trade envoy (page 35 of the 'Review of the Code of Conduct: proposals for consultation')**

**Response from the 1922 Committee:**

A trade envoy should be treated similarly to a member of a Select Committee or a Government Minister carrying out official duties.

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**17. Whether Members should declare relevant interests during topical or supplementary questions (page 35 of the 'Review of the Code of Conduct: proposals for consultation')**

**Response from the 1922 Committee:**

We do not believe it would be in the interests of Parliament for members to be required to declare relevant interests during topical or supplementary questions. There is ample opportunity for members during debates to declare interests and interested parties can always look at the Register of Interests in any case.

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**18. Whether the lobbying rules should continue to maintain the distinction between participating in and initiating proceedings and approaches, and the potential consequences of introducing the same restrictions on Members participating in proceedings as initiating them (paragraph 169 on page 40 of the 'Review of the Code of Conduct: proposals for consultation')**

**Response from the 1922 Committee:**

We believe the lobbying rules should continue to maintain the distinction between

participating in and initiating proceedings and approaches.

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**19. The use of personal service companies by Members providing services to clients**

*(paragraph 180 on page 42 of the 'Review of the Code of Conduct: proposals for consultation')*

**Response from the 1922 Committee:**

Personal service companies are something that are commonly used and accepted. We see no reason to bring in any specific rules relating to these entities.

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**20. Whether any changes should be made to the rules of conduct relating to voting; in particular, whether Members should be prohibited from voting on matters where they have a relevant financial interest** *(pages 37 and 38 of the 'Review of the Code of Conduct: proposals for consultation')*

**Response from the 1922 Committee:**

There should be no prohibition on the rights of members to vote on any matter whether or not they have a financial interest. Members should always be able to vote on all matters that come before the House.

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**21. Whether a rule should be introduced limiting the amount of time a Member can spend on outside interests** *(page 37 of the 'Review of the Code of Conduct: proposals for consultation')*

**Response from the 1922 Committee:**

We do not believe it would be practical to introduce any limitation on the amount of time a member can spend on an outside interest. Quite clearly, members should treat their responsibilities as an MP as their primary responsibility.

## **1922 Committee response to the Committee for Standards Call for Evidence request for views on other recommendations made by the Committee**

*22. Whether an independent body should adjudicate on individual conduct cases, without any Member involvement (or the Independent Expert Panel (IEP) if its membership and remit were to be expanded), in place of the Committee on Standards;*

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*23. Which of the four options for appeal against sanction suggested by the Committee (internal systems of appeal via sub-committees; appeal to the IEP; appeal to a new independent appeal body; or retaining the status quo) is preferable, how the disadvantages of each might be ameliorated, and any other proposals for appeals;*

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### ***Response from the 1922 Committee:***

Questions 22 and 23 raise fundamental and serious issues in relation to the role and structure of the Committee for Standards as well as the role and responsibilities of the Commissioner for Standards.

We await the recommendation of the judge led inquiry on mechanisms for appeal and urge the Committee to seek views from Members when this report is available.

We believe that the roles of the Commissioner for Standards as, on the one hand, an advisor to the Committee and on the other, the investigator of a case and the proposer of a sanction should be separated.

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**24. Ways in which the Code could be better promoted (as set out in paragraph 264)**

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**25. That the Government should improve the timeliness and quality of Ministerial transparency registrations**

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**26. That the House of Commons Commission make a firm commitment to work to digitise the Register of Members' Financial Interests and set out a timetable for its achievement that can be published in the Committee's final report**

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**27. That the House's procedural offices work with the Parliamentary Digital Services and the Printing and Publication Unit to publish ad hoc declarations, and to provide hyperlinks to such declarations or the relevant register entry when a declaration is made on House business papers**

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**28. That the House service develop in-depth training on standards to be delivered to all Members within six months of a general election**

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**29. That the application of the Independent Complaints and Grievance Scheme to select committee witnesses should be clarified**

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**Response from the 1922 Committee:**

The 1922 Committee accepts the recommendations by the Committee of Standards in respect of items 24 – 29.

Overall, we are sympathetic and broadly in agreement with the other points raised by the Committee on Standards relating to the transparency of registrations, digitalisation of the

Register of Members and the requirement that a member should have an in-depth training on standards delivered to them within a sensible period of time after a General Election. We would suggest that it should probably be between 3-9 months as it often takes, new members in particular, some time to get to grips with the parliamentary procedures in the first place.

## Summary

The 1922 Committee broadly support the proposals being brought forward by the House of Commons Committee on Standards. We draw attention to two proposals;

1. We do not accept the proposal of the 8<sup>th</sup> Nolan Principle of 'respect'
2. We await the decision of the Judge-led inquiry on the mechanisms for appeal

Sir Graham Brady

For, and on behalf of, the 1922 Committee

*Addendum*

## **Call for Evidence**

### **Code of Conduct consultation**

The Committee on Standards is undertaking a two-stage process which will culminate in a revised Code of Conduct and Guide to the Rules for Members being put to the House for approval.

The first stage involved taking oral and written evidence from a range of stakeholders, together with considering the Parliamentary Commissioner for Standards' own review of the Code. The Committee published its initial report with proposals for consultation on 29 November 2021. It now welcomes comments on its specific proposals for changes to the Code of Conduct and other areas or proposals on which it has asked for views, as set out in its initial report.

The Committee will consider all responses before making its final report to the House. This final report will be accompanied by a revised Code and Guide for approval by the House.

In taking decisions on its final report, the Committee will also take into account the conclusions of a judge-led review it has commissioned on the fairness and compatibility with natural justice of its procedures. A further announcement about this review will be made shortly.

### **The Committee welcomes comments on the following recommendations for changes to the Code of Conduct (or Guide to the Rules):**

1. Amending the descriptors of the Seven Principles to reflect more closely Members' roles •  
Adding an additional principle of "Respect"

2. Adding a new rule to prohibit a Member subjecting anyone to “unreasonable and excessive personal attack”, in any medium
3. Changes to the rules on registration set out in Annex 3
4. Clarifying the criteria of the serious wrong exemption in the lobbying rules
5. Introducing a requirement that a Member must have a written contract for any outside work which makes explicit that their duties cannot include lobbying Ministers, Members or public officials, or providing advice about how to lobby or influence Parliament, and that their employer will give them an undertaking to not ask them to do so.
6. Replacing the current wording of the paid advocacy rule to make clear that Members must abide by all the lobbying rules in the Guide
7. Restoring the 12-month limit on reward or consideration in the lobbying rules
8. Introducing a “safe harbour” provision, where a Member cannot be found in breach of the rules if they have sought and followed the advice of the Registrar
9. Introducing a ban on Members providing paid parliamentary advice, consultancy or strategy services, using the same wording as the House of Lords
10. Removing the Investigatory Panel provision from Standing Orders
11. Amending the current rule in the Code on lobbying the Committee to provide that Members must not lobby members of the Committee on Standards, the IEP, the Commissioner, or their staff, in a manner calculated or intended to influence their consideration of a breach or a sanction

**The Committee also welcomes views on the following areas or questions:**

13. Whether the Speaker should have the option to refer a matter of conduct in the Chamber or in a Committee to the Commissioner for investigation
14. Ways in which greater alignment between the Codes in the two Houses could be achieved, whilst recognising their distinct functions and procedures
15. Whether the Guide to the Rules should be amended to remove the provision that Members are not required to register benefits received in their capacity as a Minister

16. Whether Members should register and declare a salary received from a political party
17. Whether Members should register any benefits (for example, travel, accommodation or hospitality) they receive as a Government trade envoy
18. Whether Members should declare relevant interests during topical or supplementary questions
19. Whether the lobbying rules should continue to maintain the distinction between participating in and initiating proceedings and approaches, and the potential consequences of introducing the same restrictions on Members participating in proceedings as initiating them
20. The use of personal service companies by Members providing services to clients
21. Whether any changes should be made to the rules of conduct relating to voting; in particular, whether Members should be prohibited from voting on matters where they have a relevant financial interest
22. Whether a rule should be introduced limiting the amount of time a Member can spend on outside interests
23. Whether an independent body should adjudicate on individual conduct cases, without any Member involvement (or the Independent Expert Panel (IEP) if its membership and remit were to be expanded), in place of the Committee on Standards;
24. Which of the four options for appeal against sanction suggested by the Committee (internal systems of appeal via sub-committees; appeal to the IEP; appeal to a new independent appeal body; or retaining the status quo) is preferable, how the disadvantages of each might be ameliorated, and any other proposals for appeals;
25. Ways in which the Code could be better promoted (as set out in paragraph 264)

#### **Other recommendations made by the Committee**

26. That the Government should improve the timeliness and quality of Ministerial transparency registrations

**27.** That the House of Commons Commission make a firm commitment to work to digitise the Register of Members' Financial Interests and set out a timetable for its achievement that can be published in the Committee's final report

**28.** That the House's procedural offices work with the Parliamentary Digital Serviced and the Printing and Publication Unit to publish ad hoc declarations, and to provide hyperlinks to such declarations or the relevant register entry when a declaration is made on House business papers

**29.** That the House service develop in-depth training on standards to be delivered to all Members within six months of a general election

**30.** That the application of the Independent Complaints and Grievance Scheme to select committee witnesses should be clarified

Responses to the consultation can be sent to the Committee via email at [standards@parliament.uk](mailto:standards@parliament.uk) or via the written portal. Deadline for submissions is on Thursday 10 February, Midday.

The Committee intends to publish responses on its website.

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*9 February 2022*