

Written evidence submitted by Rt Hon Jeremy Wright QC MP

I am grateful for the opportunity to respond to this consultation and to thank the Committee on Standards for its comprehensive proposals, many of which seem to me to be very sensible. I have concentrated in my response on 5 areas of concern.

Adding an additional principle of 'Respect'

I am a member of the Committee on Standards in Public Life (CSPL) but this response is submitted in a personal capacity only. I do agree though with that Committee's general conclusions on this point. Respect for others is an important aspect of the behaviour expected of those in public life, the only question is how best to express that expectation in the context of the Seven Principles of Public Life. CSPL's view, which I support, has been that the Seven Principles benefit from widespread recognition and acceptance and adding additional Principles is likely to undermine that. Adapting the Principles to changing circumstances is best done by amending the descriptors, as the Committee on Standards also proposes. Amending the descriptor for the Principle of Leadership seems to me to be a preferable way of ensuring that the need to respect others receives specific recognition. The familiarity of the Seven Principles also makes it more likely that adding a Principle specifically for MPs means that different standards will then apply to them compared to others in public life, which I do not think is helpful.

Prohibiting 'unreasonable and excessive personal attack'

While recognising the Committee's concerns in making this proposal, I fear implementing it without a chilling effect on the freedom of speech of Members will be impossible. Distinguishing a personal attack from a political attack is far from straightforward and largely subjective judgments will need to be made by someone. Is calling the Prime Minister a liar a personal or political attack? How many times can you do it before it becomes excessive? The Commissioner for Standards has expressed understandable reluctance to arbitrate on matters of truthfulness. Deciding what constitutes an unreasonable and excessive personal attack may be just as difficult. The Senedd's formulation that the attack must be 'in a manner that would be considered excessive or abusive by a reasonable and impartial person, having regard to the context in which the remarks were made' is of only limited help. Someone will still need to determine whether that test is met in each case. I would also observe in passing that the proposed additional rule as drafted would require the attack to be both unreasonable and excessive. An attack which is either unreasonable or excessive would not therefore be caught by it.

Limiting time that can be spent (or money earned) on outside interests

Again I express my own views only, but I think there is good reason why successive incarnations of the Committee on Standards in Public Life have not elaborated on the phrasing that outside interests should be kept within 'reasonable limits'. It seems to me that the principal concerns here are about potential conflict of interest and neglect of constituents. Arbitrary limits on time spent on, or reward earned from, outside interests do not necessarily mirror either concern. A smaller payment from a developer seeking to pursue a large project in an MP's constituency may be far more problematic than a larger payment from an organisation whose concerns are unrelated to the MP's responsibilities or to their constituency. Other concerns are dealt with effectively by the

Committee's proposal to prohibit Parliamentary consultancy, which I support, or by meaningful transparency, in pursuance of which I agree that a more accessible Register of Interests will be important. On time spent elsewhere short-changing constituents, it is hard to see how a rule can be constructed which deals logically with Ministerial appointments. Ministers spend less time on their constituents than backbenchers with all but the most extensive outside interests. Time spent as a nurse also has the same impact on time available for constituents as time spent as a hedge fund manager. Again, transparency is the most effective way for constituents to determine whether they find the arrangements of their Member of Parliament acceptable or not.

Adjudication of Individual cases

There is currently an inconsistency between the way individual cases are determined where the matter at issue relates to expenses or to complaints of bullying or harassment by MPs on the one hand, and where it relates to other standards matters, which may also be very serious, on the other. I do not think that is sensible and the regrettable truth is that public distrust of MPs judging their peers means that independent determination of all these cases is likely to be inevitable. I also think it would be a better approach. I therefore think the role of the Committee on Standards should be focussed on the review and adaptation of the rules, with decisions on the application of those rules to individual cases transferred to an independent body, either the Independent Expert Panel or a variant of it. I agree that the final decision to expel or suspend a Member from the House must continue to be taken by the House itself, but without debate or scope for amendment.

Appeals

I recognise that the Committee has asked Sir Ernest Ryder to review this question and we await his conclusions, but I find it difficult to accept the argument that, under current circumstances, MPs have an effective right of appeal to the Standards Committee from decisions of the Commissioner. I note the Committee's description of its role in paragraph 209 of its report, taken from its report into the case of Owen Paterson, and its view that the Commissioner's role is not akin to that of a prosecutor, but with respect I disagree. The Crown Prosecution Service will form judgments on the evidence in a criminal case leading to a decision to prosecute, and for what, but no conviction results unless a court determines there should be one. In a similar way, as the Committee says in the same passage, 'we are grateful for the Commissioner's advice but we are not bound by it, and determine on the basis of the evidence before us, including any further written or oral evidence provided by the Member, whether we agree with her findings'. An appeal can only arise from a determination, not from advice which may lead to a determination. In this case, the determination is made by the Committee, not by the Commissioner. An appeal, if there is to be one, must be against the determination of the Committee and should not therefore be made to the same body. A transfer of individual cases to the IEP mechanism would of course allow for that appeal, which I believe would be desirable in these cases and in accordance with natural justice.

10 February 2022