

Written evidence submitted by Role Ethics Research Group (Open University)

Introduction and summary

1. We welcome this opportunity to contribute to the Modernisation Committee's consultation on priorities. The Role Ethics Research Group is hosted by the Open University and has expertise on the ethical features of professional roles and associated codes, with a recent focus on political representatives and leaders. The group is led jointly by Dr Alex Barber and Dr Sean Cordell, both Senior Lecturers in Philosophy. They have been working on the ethics of social and professional roles for over a decade. The [group itself](#) grew out of an AHRC-funded project, which supported [collaborative workshops](#) on codes of ethics with non-academic professionals in 2018 and 2019. Some representative publications are listed at the end of this submission. Before that, we address the first three questions in the Call.
2. We say that the Modernisation Committee should prioritise the topic *Developing better non-statutory ethical guidance for MPs*. This is not to downplay the importance of statutory rules, but at present the non-statutory ethical guidance is in a less satisfactory state, even though non-statutory transgressions can be every bit as damaging to the reputation of the House as statutory ones (8–11 below).
3. We also offer concrete recommendations on how to set about improving non-statutory ethical guidance (12–23). While we are neutral on which body or committee is most suited to taking on this work, the Modernisation Committee, with its overarching brief to “consider the culture, procedures and working practices of the House”, has a clear role to play in the process.¹

Q1. What topic(s) do you think the Modernisation Committee should prioritise and how do they link to one or more of the strategic aims set out in the Leader's memorandum?

4. The Modernisation Committee should prioritise the development of better non-statutory (non-enforceable) ethical guidance for MPs. In prioritising this topic, the Modernisation Committee would be fulfilling two strategic aims in the memorandum: *Driving up standards* and *Improving culture and working practices*.
5. Non-statutory ethical guidance is currently squeezed into the Code of Conduct for MPs, essentially a statutory document (9 below). Improved guidance might take the form of a separate modern Code of Ethics for MPs along the lines of the recommendations in 12–23 below. If our suggestions are not taken up in that specific form, we nevertheless encourage the committee to give substantial attention to improving the non-statutory ethical guidance on offer to MPs.

¹ Rt Hon Lucy Powell MP, HC Deb 25 July 2024, vol 752, col 862.

Q2. Why would the topic(s) benefit from the attention of the Modernisation Committee?

6. The Leader's memorandum itself notes that "the misconduct of individual members has eroded public trust and confidence in this institution" (para. 14). Such misconduct sometimes violates statutory rules, but the contrast between acceptable and unacceptable behaviour can never be fully captured in statutory rules, no matter how well these are framed. In colloquial terms, behaviour can "fail the sniff (or smell) test" despite being formally permissible. This is why, in cases of questionable conduct, defensive insistence that "all relevant rules were followed" can sound hollow and may even fuel public scepticism.² Non-statutory ethical guidance exists precisely to address this possibility, i.e. of behaviour that is disreputable or unethical despite being permissible under all reasonable statutory regulations.
7. Under the next two headings, we show that non-statutory ethical guidance for MPs is important but currently inadequate (8–11); and that improving non-statutory ethical guidance for MPs is a realistic goal (12–23). Such improvements would help to repair public confidence in the House and Parliament by spelling out what a "politics of service" (Memorandum, para. 5) amounts to in practice.

Good non-statutory ethical guidance is important but not currently provided to MPs

8. Within ethical codes, statutory rules and non-statutory ethical guidance have complementary functions:

Statutory rules (violations of which can constitute grounds for formal sanction) are about specifying and enforcing a minimum standard.

Non-statutory ethical guidance (where no formal sanction is implied for transgressions) conveys the obligations, values or ethos of the role and its host institution. Its purposes can include: lifting behaviour above a bare minimum; improving culture; informing rather than simply deterring; prevention; ethical reflection and understanding.

Transgressions of non-statutory ethical standards can be every bit as devastating as violations of statutory rules, not least for an institution's reputation. The massive slump in popular credibility of Team Sky, a professional cycling team, illustrates this. In the words of a 2018 Select Committee investigation, the organisation "cross[ed] the ethical line" when key individuals worked craftily within, albeit at the very boundaries of, statutory anti-doping regulations.³ Trust in public institutions, Parliament included, can be corroded in the same way.

² The defence was offered in the donations case that ended (Labour) Rt Hon Vaughan Gething MS's short-lived Senedd leadership (<https://www.bbc.co.uk/news/uk-wales-68901393>) and in the lobbying case involving the (Conservative) former UK Prime Minister (later Lord) David Cameron (<https://www.bbc.co.uk/news/uk-politics-56720141>).

³ <https://publications.parliament.uk/pa/cm201719/cmselect/cmcumeds/366/366.pdf>, para. 110.

9. The current Code of Conduct for MPs states that its purpose is to “build a common understanding of what behaviour and attitudes the House wishes to promote or considers unacceptable” (Section A(a)). To that end it rightly includes both statutory and non-statutory advice, but the statutory elements dominate. The non-statutory ethical guidance reduces, in effect, to the Seven Principles of Public Life (Section C).
10. The Seven Principles are very general in scope. This is key to their appeal. As the Rt Hon Lucy Powell MP has pointed out, they capture the thought that politicians are bound by the same ethical rules as everyone else in public life, reflecting constituents’ expectation that the winning candidate “will be sent to this House to serve them, not themselves”.⁴
11. The generality of the Seven Principles is also a weakness, however. No single set of ethical principles, even one as well-crafted as Lord Nolan’s, will capture the ethical diversity of all public roles. Roles are by their very nature different from one another, as are their associated ethical obligations and challenges. Openness and discretion, for example, inevitably imply different things for a police officer, a politician, a religious leader, a military commander, and so on. At the very least, general ethical principles need to be finessed to match the practicalities of the role and the broader purpose of the host institution. As things stand, plenty of ethical pressures on MPs go unaddressed in the Code of Conduct for MPs (14 below gives examples).

Improving the non-statutory ethical guidance for MPs (three recommendations)

12. There is rarely a single right way to respond ethically to a given situation, and responsibility for exercising good ethical judgement sits squarely with individual MPs. MPs can nevertheless be assisted with a solid grounding from which to exercise that good judgment. Statutory Rules of Conduct and enforcement processes set a baseline, but non-statutory ethical guidance also has a vital role to play. To be useful, this non-statutory ethical guidance should be tailored to the specific challenges commonly facing members of the House. That is not currently the case, and we propose that the Modernisation Committee prioritises work to change this. We make three recommendations to that end.

RECOMMENDATION 1: Acknowledge that MPs often face ethical pressures that are not usefully addressed in the current Code of Conduct for MPs

13. The [Policing Code of Ethics](#) is very unlike the equivalent document [for Anglican clergy](#). The explanation is obvious: differences between their respective professions mean that what is ethically salient for one is not necessarily so for the other. This illustrates why specificity is important (11, 12). The same applies for the role of MP, which is every bit as distinctive.
14. MPs themselves are best placed to identify the ethical pressure points they must commonly deal with. These pressure points are likely to include at least some of the following, none of which are addressed directly in the current Code of Conduct for MPs:

⁴ HC Deb 25 July 2024, vol 752, col 857.

Contributing to socially divisive debates; defending policy one privately disagrees with; betting; balancing constituency, party and national interests; balancing transparency with discretion; whistleblowing; avoiding conspiracy theories; clean vs dirty campaigning; employing or managing staff as an MP; obligations to engage with constituents; representing special interests ethically and not merely in accordance with statutory regulations; benefits and pitfalls of friendships and alliances; how to avoid damaging the reputation of the House.

15. Recent [advice to MPs on conspiracy theories](#) demonstrates that genuinely useful non-statutory ethical guidance is possible. Many MPs welcomed it, and it was well-received outside Parliament. Parallel advice on other ethical pressure points ought to be feasible. But catch-all instructions of the kind found in the current Code of Conduct for MPs – abide by the Seven Principles, use personal judgement, avoid damaging the wider reputation of the house – are of limited use to an MP seeking guidance on any of the thirteen topics in 14.

RECOMMENDATION II: Address these ethical pressures directly in a non-statutory Code of Ethics for MPs, to sit alongside the statutory Code of Conduct for MPs

16. Having parallel codes is common practice today in many professional contexts. Providing the same to MPs would benefit both the statutory and the non-statutory components. Refining the Code of Conduct for MPs so it deals with (and only with) the Rules of Conduct and their enforcement would make it a more streamlined document. A non-statutory Code of Ethics, meanwhile, would have the overarching purpose of offering practical guidance on ethical performance of the role of MP, with a broader embrace than the Code of Conduct. Placing this guidance in a separate Code of Ethics instead of squeezing it around the edges of the Code of Conduct would give it space to breathe and allow it to be tied to the specifics of the role of MP instead of being generic. It would also give non-statutory guidance the salience it deserves.
17. MPs themselves are best placed, not only to draw up a final list of pertinent ethical pressure points (14), but also to craft suitable guidance. Drawing on the institutional wisdom of the House, with appropriate breadth of input (Memorandum, paras. 7–9), an appropriate committee could offer advice or reflections in a suitable register, with relevant caveats and with an eye on the unique purpose of the House and Parliament.
18. Such guidance would be difficult but not impossible to produce. Challenges to acknowledge are that there is more than one way to be an effective and ethically robust MP; that there is room for reasonable disagreement on what is or isn't ethical; that ethical principles can be weaponised to political ends; and that the authority of individual MPs rests on their having been elected by their constituents. Assuming these challenges are surmountable, the payoff would be a Code of Ethics for MPs that fostered improvements in culture and practices by supplying information, making suggestions, and inviting reflection in a way that would be inappropriate in a statutory document.
19. Plenty of ethically significant advice for MPs already exists. One useful function of a Code of Ethics for MPs would be to bring different sources of advice and obligation

together, deferring as appropriate to more detailed discussion elsewhere. The contrasting statuses of these sources (parliamentary conventions, the Ministerial Code, the Code of Conduct for MPs, employment law, ad hoc guidance documents, etc.) might also be clarified.

RECOMMENDATION III: Reconsider the use made of the Seven Principles of Public Life in non-statutory guidance for MPs

20. At present, the Seven Principles are simply listed within the Code of Conduct for MPs (Section C). Better use could be made of them by suggesting how each might apply in practice. Under “Openness”, for example, illustrative instances might be offered of “clear and lawful reasons” for not being transparent. Under “Objectivity”, guidance could be given on how to reconcile the need to be “impartial” and free from “bias” with the fact that MPs have been elected on a particular political platform. Under “Leadership”, explanation might be given of how the task of making political opponents unelectable in the eyes of voters – a core part of the MP’s job, after all – is compatible with always treating others “with respect”. Each of the Principles invites clarification of this kind.
21. A bolder approach would be to stop using the Seven Principles as a one-size-fits-all list of ethical virtues. They could instead be invoked only as they arise naturally within the guidance offered on salient ethical pressures facing MPs (Recommendation II). Such guidance, unlike the Seven Principles in their present guise, would be tailored to the specifics of the role and its host institution instead of being entirely general in nature.
22. Currency and modernisation are considerations here. The Seven Principles are now three decades old. While this has generated a legacy of reverence, there is increasing recognition that good professional ethical codes should be tailored to the specific pressure points and ethos of the role. The 2014 edition of the non-statutory Policing Code of Ethics, for example, made heavy use of the Seven Principles, but its [2024](#) update has moved away from this approach.
23. The Seven Principles have a secondary statutory function in the current Code of Conduct for MPs. The Parliamentary Commissioner for Standards can take them “into account when considering allegations of breaches of the rules” (Section B). This is not a reason to leave the Seven Principles as they are, since an equivalent clause could be drafted for any non-statutory ethical guidance.

Q3. Are you aware of examples from other Parliaments relevant to the topic(s) which may be interesting for the Modernisation Committee to consider?

24. Public trust in MPs and Parliament can be eroded by political lying and by failure to engage with constituents. Work to address these has been undertaken in the Senedd (25) and the Scottish Parliament (26) respectively.
25. Statutory responses to political lying are difficult or dangerous, even though the UK public cares deeply about the phenomenon. The Welsh Senedd has been exploring this

complex problem, and in July 2024 the Welsh Government committed to introducing a response before the 2026 Senedd election.⁵

26. In its Code of Conduct for MSPs ([Section 8](#)), the Scottish Parliament gives advice to members on how and when to engage with their own and other MSPs' constituents. At the UK level, this topic might be addressed within a Code of Ethics for MPs of the kind we envisage.

Representative publications by members of the Role Ethics Research Group

- [The Ethics of Social Roles](#) (Barber & Cordell, eds, Oxford University Press, 2023)
- [“Legislating against political lying: risks and feasibility”](#) (Barber & Cordell, public talk 2024, paper in progress)
- [“Freedom of expression meets deepfakes”](#) (Barber, Synthese, 2023)
- [“Role Ethics and Institutional Functions”](#) (Cordell, in Barber & Cordell, eds, 2023)
- [“Lying, Misleading, and Dishonesty”](#) (Barber, Journal of Ethics, 2020)

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⁵ Para. 606 of the Senedd debate at <https://record.assembly.wales/Plenary/13981#A700000941>.