

## **COMMITTEE ON STANDARDS INQUIRY INTO POSSIBLE REFORMS TO THE SYSTEM OF SANCTIONS FOR BREACHES OF THE RULES SET OUT IN THE CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT (SAN0002)**

### **Submission from the Committee on Standards in Public Life**

1. The Committee on Standards in Public Life (CSPL) is an independent non-departmental body that advises the Prime Minister on standards issues across public life. It was established in 1995. The CSPL is made up of an independent Chair, currently Lord Evans of Weardale, four independent members, and three political members nominated by the Labour, Conservative and Liberal Democrat parties. The CSPL's membership and remit is attached at Annex A for information.
2. The CSPL welcomes the Committee on Standards' inquiry and its stated aim to ensure that the House of Commons has a robust, fair and enforceable system of sanctions that are fit for purpose.
3. The CSPL notes that the Committee on Standards' inquiry is *'without prejudice to any further decisions the House may take with regard to implementing Dame Laura Cox's October 2018 report on bullying and harassment in the House of Commons, or in consequence of the 'Six Month Review' of the ICGS being conducted by Alison Stanley CBE.'*
4. The CSPL has been taking a close and serious interest in the response of Parliamentary authorities to the allegations of bullying, harassment and sexual harassment that first arose in the autumn of 2017 and is mindful that there is a complex picture of related reviews, working groups and independent inquiries underway. The Committee believes that it is important that Parliament responds appropriately to the outcome of each of these work areas and that change is swift so that people in Parliament feel confident they are working in or visiting an environment where high standards of behaviour are upheld, but where if there is a formal complaint, the investigation process is fair.
5. This submission reflects the Committee's views on the principles behind a sanctions system, which is an important part of any system designed to regulate ethical behaviour, in order to act as a deterrent and to give confidence to staff that poor behaviour will not be tolerated. The CSPL does not have the remit or evidence base to assert what sanctions should be adopted and which body or office holder should have the power to impose them.
6. The House of Commons must be able to assure its members, staff and visitors that they are not subjected to bullying, intimidation or harassment.

Such behaviour does not meet the duties of care that a public employer owes to those whom it employs, and compromises the working practices of the House, which depend on courtesy towards and respect for other members of the House, and a respect for the House's procedures and processes.

7. The House should be able to assure the wider public that it is able to provide such an environment and that those considering political careers or working in support roles will not face behaviour that violates those standards. To do that, the House needs procedures that are robust, defensible, and transparent, both to those working in the House and to those outside.
8. This is an issue of leadership in the public sector. It is also an issue about openness in the workings of one of our major public institutions. The public should expect MPs to exemplify the high standards of behaviour expected from all holders of public office but, when misconduct does occur, sanctions must play - and must be seen to play - an important role in maintaining standards. For this reason, and in keeping with the principle of openness first identified under Lord Nolan's chairmanship of the CSPL in 1995, the Committee favours transparency around the imposition of sanctions.
9. The CSPL has commented in previous reports on the purpose and use of sanctions. In *Local Government Ethical Standards*<sup>1</sup>, published in January 2019, the CSPL explained that sanctions serve four purposes in a standards framework: motivating observance of standards arrangements, deterring damaging behaviour, preventing further wrongdoing, and maintaining public confidence. The Committee noted in its first report that *'[...] unless obligations are routinely and firmly enforced, a culture of slackness can develop with the danger that in due course this could lead on to tolerance of corruption'*.<sup>2</sup>
10. The CSPL's 2013 report, *Standards Matter, A review of best practice in promoting good behaviour in public life*<sup>3</sup>, identified possessing a range of appropriate and timely sanctions at their disposal as one characteristic of an effective ethical regulator. It also noted a striking finding from our focus groups was the importance which people attach to the imposition of timely and effective sanctions for poor behaviour and their belief that this seldom occurs.
11. *Local Government Ethical Standards* found, *'When used correctly, the application of appropriate sanctions give reassurance that the expectations of the public of high standards of conduct are being observed, and that*

---

<sup>1</sup> <https://www.gov.uk/government/publications/local-government-ethical-standards-report>

<sup>2</sup> <https://www.gov.uk/government/publications/mps-ministers-and-civil-servants-executive-quangos>

<sup>3</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/228884/8519.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/228884/8519.pdf)

*wrongdoing is taken seriously. Public confidence will, however, only be maintained if sanctions are sufficient to deter and prevent further wrongdoing, and are imposed fairly and in a timely way.'*

12. The CSPL notes that the Committee on Standards is mindful of the risk that sanctions have the potential to disadvantage constituents or Members' own staff. We would emphasise the importance of ensuring that neither group suffer as a result of an MP's poor behaviour.
  
13. Finally, the CSPL strongly supports the point made by the Parliamentary Commissioner for Standards in her letter of 2 May<sup>4</sup> that as well as providing sanction to the Member, sanctions must provide a sense of fairness to the complainant. It is the CSPL's view that the sanction must be appropriate and meaningful those who have been subject to bullying and harassment.

---

<sup>4</sup> <https://www.parliament.uk/documents/commons-committees/Standards-Committee/KS-to-KG-Sanctions-letter-RA-OPCS.pdf>

## Committee on Standards in Public Life: Background

The Committee on Standards in Public Life is an independent, advisory Non-Departmental Public Body (NDPB). The Committee was established in October 1994, by the then Prime Minister, with the following terms of reference:

*To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life.*

The Principles of Selflessness, Objectivity, Integrity, Accountability, Openness, Honesty and Leadership remain the basis of the ethical standards expected of public office holders and continue as key criteria for assessing the quality of public life.

The remit of the Committee excludes investigation of individual allegations of misconduct.

On 12 November 1997, the terms of reference were extended by the then Prime Minister:

*To review issues in relation to the funding of political parties, and to make recommendations as to any changes in present arrangements.*

The Committee's terms of reference were further clarified following the Triennial Review of the Committee in 2013. The then Minister of the Cabinet Office confirmed that the Committee:

*should not inquire into matters relating to the devolved legislatures and Governments except with the agreement of those bodies. Secondly the Government understands the Committee's remit to examine "standards of conduct of all holders of public office" as encompassing all those involved in the delivery of public services, not solely, those appointed or elected to public office.<sup>5</sup>*

Committee membership as at May 2019:

- Lord Evans of Weardale KCB DL, Chair

---

<sup>5</sup> [Hansard 5 Feb 2013 : Column 7WS](#)

- Rt Hon Dame Margaret Beckett DBE MP
- Simon Hart MP
- Dr Jane Martin CBE
- Professor Dame Shirley Pearce DBE
- Jane Ramsey
- Monisha Shah
- Rt Hon Lord Stunell OBE

The Committee's work is supported by a Research Advisory Board, chaired by Professor Mark Philp.

## **The Seven Principles of Public Life**

The Principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

### **Selflessness**

Holders of public office should act solely in terms of the public interest.

### **Integrity**

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.

### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **Accountability**

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.

### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### **Honesty**

Holders of public office should be truthful.

### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

30 May 2019