

Agenda

Meeting: Standards Committee

Venue: The Grand Meeting Room, County Hall, Northallerton

Date: Friday, 19 September 2014 at 10am

Business

1. **Minutes of the Meetings held on 16 December 2013.** (Pages 1 to 5)

2. **Public Questions or Statements.**

Members of the public may ask questions or make statements at this meeting if they have delivered it in writing or by electronic mail to Steve Loach of Democratic Services (*contact details below*) no later than midday 16 September, three working days before the day of the meeting. Each speaker should limit himself/herself to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

- at this point in the meeting if their questions/statements relate to matters which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes);
- when the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting.

3. **Local Ethical Framework Developments** – Report of the Monitoring Officer.

(LATE REPORT)

4. **Annual Report of Standards Committee** – Report of the Monitoring Officer.

(LATE REPORT)

5. **Complaints Procedure** – Report of the Monitoring Officer.

(LATE REPORT)

6. **Gifts and Hospitality Protocol for Employees** – Report of the Monitoring Officer.
(LATE REPORT)
7. **Complaints Update** – Report of the Monitoring Officer.
(LATE REPORT)
8. **Standards Bulletin** – Report of the Monitoring Officer.
(LATE REPORT)
9. **Such other business as, in the opinion of the Chairman, should, by reason of special circumstances, be considered as a matter of urgency.**

Barry Khan
Assistant Chief Executive (Legal and Democratic Services)

County Hall
Northallerton

September 2014
SL

NOTES:

- (a) Members are reminded of the need to consider whether they have any interests to declare on any of the items on this agenda and, if so, of the need to explain the reason(s) why they have any interest when making a declaration.

The relevant Committee Administrator or Monitoring Officer will be pleased to advise on interest issues. Ideally their views should be sought as soon as possible and preferably prior to the day of the meeting, so that time is available to explore adequately any issues that might arise.

- (b) **Emergency Procedures for Meetings**
Fire

The fire evacuation alarm is a continuous Klaxon. On hearing this you should leave the building by the nearest safe fire exit. From the **Grand Meeting Room** this is the main entrance stairway. If the main stairway is unsafe use either of the staircases at the end of the corridor. Once outside the building please proceed to the fire assembly point outside the main entrance.

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An intermittent alarm indicates an emergency in nearby building. It is not necessary to evacuate the building but you should be ready for instructions from the Fire Warden.

Accident or Illness

First Aid treatment can be obtained by telephoning Extension 7575.

STANDARDS COMMITTEE

1. Membership

County Councillors (5)							
	<i>Councillors Names</i>				<i>Political Party</i>		
1	GOSS, Andrew				Liberal Democrat		
2	GRANT, Helen				NY Independent		
3	JEFFELS, David				Conservative		
4	PATMORE, Caroline (Chairman)				Conservative		
5	SOWRAY, Peter				Conservative		
Total Membership – (5)				Quorum – (3)			
Con	Lib Dem	NY Ind	Labour	Liberal	UKIP	Ind	Total
3	1	1	0	0	0	0	5

2. Substitute Members

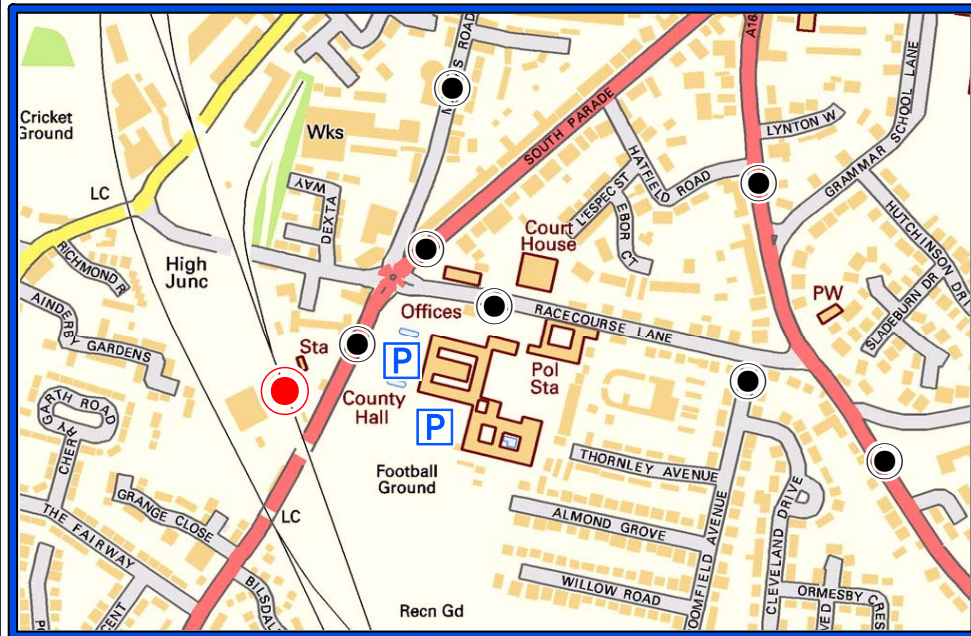
Conservative		Liberal Democrat	
	<i>Councillors Names</i>		<i>Councillors Names</i>
1	BARKER, Arthur	1	SHIELDS, Elizabeth
2	FORT, John BEM	2	
3	SWEIRS, Helen	3	
4	SANDERSON, Janet	4	
5		5	
NY Independent		Labour	
	<i>Councillors Names</i>		<i>Councillors Names</i>
1	BARRETT, Philip	1	
2		2	
3		3	
4		4	
5		5	

Note:

- (i) The Standards Committee is now subject to the rules on political balance.
- (ii) The Independent Persons for Standards are Hilary Gilberston MBE and Louise Holroyd.

TERMS OF REFERENCE

As set out in Article 9.03 of the Constitution



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Northallerton National Rail Station



Bus Stops

County Hall

Northallerton
North Yorkshire
DL7 8AD

Tel : 0845 8 72 73 74



North Yorkshire County Council

North Yorkshire County Council

Standards Committee

Minutes of the meeting held on 16 December 2013 at 2.15 pm at County Hall, Northallerton.

Present:-

County Councillors Caroline Patmore (Chairman), Helen Grant and Peter Sowray.

Independent Persons: Mrs Hilary Gilbertson MBE and Mrs Louise Holroyd.

Apologies were received from County Councillors Andrew Goss and David Jeffels.

Copies of all documents considered are in the Minute Book

12. Minutes

Resolved –

That the minutes of the meeting held on 15 October 2013, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

Arising from Minute Number 2 – Minutes the Chairman asked whether any further action had been undertaken with respect to Members attendance monitoring, as outlined within paragraph two of that Minute. In response the Monitoring Officer stated that there had been no further issues in relation to this matter, however, she was aware that the Independent Panel for Members allowances was currently reviewing the allowance scheme at present and should any issues relating to low attendances and subsequent communication with Group Secretaries be drawn from that review, then further details would be provided to the Standards Committee.

13. Exclusion of the public and press

Resolved –

That the public and press be excluded from the meeting during consideration of each of the items of business listed in column one of the following table, on the grounds that they each involve the likely disclosure of exempt information as defined in the paragraphs specified in column 2, of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006:-

<u>Item No on the Agenda</u>	<u>Paragraph No</u>
Minute Number 16 - Complaint Assessment – NYCC/SC/39	1, 2, 3 and 7
Minute Number 17 – Unreasonably Persistent Complainants	1 and 2

14. Public Questions or Statements

There were no questions or statements from members of the public.

15. Request for Dispensations

Considered –

The report of the Monitoring Officer presenting requests from County Councillors David Chance and Joe Plant for a dispensation from the Standards Committee enabling them to speak, vote and be included within the quorum at meetings of the County Council, Executive Committees and Sub-Committees when such bodies are considering business relating to the Whitby Park and Ride scheme and parking zone proposals for the Whitby area.

The Monitoring Officer explained how both County Councillors had been required to withdraw from a meeting of the Yorkshire Coast and Moors County Area Committee on 19 September 2013 when proposals for pay and display parking zones in Whitby were discussed as they both had declarable pecuniary interests, Councillor Chance's related to the employment of his partner at a business in Whitby which was effected by the proposals and Councillor Plant lived in and owned a property that was within a proposed parking zone. She noted that the declarable interests had only been discovered on the day before that meeting (Wednesday, 18 September 2013) which had left it impossible for the Members to seek a dispensation prior to that taking place. Consequently they had been required to leave the meeting during discussion of that item which caused some consternation for local residents as they considered that their views had not been outlined within the meeting, through their local representatives. The Members themselves expressed concern that they were unable to participate on a matter in which they had extensive knowledge.

Both Members had requested a dispensation to enable them to fully represent the views of the people of Whitby and their divisions who were directly affected by the proposals.

The Monitoring Officer noted that County Councillor Plant may not know be effected by the revised proposals, but considered it appropriate that his request for a dispensation be still considered as there was a possibility that the proposals could be revised again, which could affect his participation in any future consideration of the matter.

Members discussed the possibility of granting the dispensations, the appropriate length of time for granting these and how the dispensation should be granted, if one of the Members was no longer to be effected in terms of having a declarable pecuniary interest in respect of the matter.

Resolved –

That the applications for a dispensation submitted by Councillors Chance and Plant, to enable them to speak, vote and be included within the quorum of meetings of the County Council, Executive, Committees and Sub-Committees when such body/ies is/are considering business relating to the Whitby Park and Ride Scheme and parking zone proposals for Whitby, be approved with the dispensations continuing until the end of the current term of the County Council, which is until the County Council Elections in May 2017.

16. Complainant Assessment – NYCC/SC/39

Considered –

The report of the Monitoring Officer setting out information relating to a Members self referral in relation to any potential breach of the Members Code of Conduct by him, for assessment by the Standards Committee.

The Minute provided in relation to this item reflects the confidential nature of the issue outlined.

The Monitoring Officer provided details of a self-referral to the Standards Committee from a Member of the County Council in respect of complaint assessment NYCC/SC/39.

Details of the issues relating to the self-referral were set out within the report, alongside the assessment procedure of the County Council. The subject Member appeared before the Committee to outline his perspective of the matter and how he had taken steps to address the issues raised.

Members considered the matter and noted that the issue had been investigated through another public body and that they had decided not to take any further action.

The Monitoring Officer requested Members of the Committee, in consultation with the Independent Persons, to assess this matter and reach a conclusion in respect of this self-referral.

Resolved –

- (i) That it was established, in relation to the complaint, that:-
 - (a) The complaint was against a named Member of the Authority.
 - (b) That the Member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time.
 - (c) That the complaint was a breach of the Code under which the Member was operating at the time of the alleged misconduct.
- (ii) That the subject Member be issued with a letter of caution from the Standards Committee, with the wording to be determined by the Monitoring Officer in conjunction with the Independent Persons in respect of this matter.

17. Unreasonably Persistent Complainants

Considered –

The report of the Monitoring Officer providing a second report to the Committee on the issue raised at the previous meeting (Minute Number 7 2013/14 refers) requesting the Committee to consider the handling of complaints from a member of the public who had, for a period of time, submitted a succession of complaints and Freedom of Information requests which had absorbed a significant amount of resource. The report summarised the events that had occurred and the various frameworks and guidance that were relevant to the handling of the complaints and Freedom of Information requests and sought the Committees views on the next stages in the handling of those matters.

It was noted that given the nature of the report it had been necessary to include information and appendices which were of a sensitive nature and comprised of personal data. The Minutes produced in relation to this matter reflect the sensitive nature of the information provided.

The report set out the role of the Standards Committee in handling unreasonably persistent and/or vexatious complaints and details of the protocol in relation to that were provided in an appendix to the report.

Details of the Councils policy on unreasonably persistent complaints were also appended to the report as were details of guidance from the Information Commissioner on vexatious Freedom of Information requests. Details of the numerous complaints and requests for information from the complainant were provided for Members information.

The report provided details of how to consider whether a complaint was unreasonably persistent in accordance with the Council's policy, how the current matter which was the subject of the report accorded with the Council's policy, how the Freedom of Information requests correlated with what was considered to be vexatious in relation to the appropriate guidance, how potentially vexatious requests could be identified and what action could be considered as a response to the matters outlined.

Details of further complaints and issues of information requested by the complainant, since the Committee had last considered the report, were provided.

It was noted that the Chair of the Committee, together with the Independent Persons had met the complainant and his associates to discuss this matter and notes from that meeting were provided as an Appendix to the report. The Chairman and the Independent Members provided an account of that meeting, and of the issues raised, for the benefit of the Members of the Committee and to set a context to the complaints that had been raised previously.

Details of a letter from the Chief Executive to the complainant in relation to his dealings with the Council, advising him that his actions were creating an inappropriate burden, were appended to the report.

Members undertook an in depth discussion in respect of the report and the following main issues were highlighted:-

- The large amount of information generated through the complaints and the officer time and finance required to investigate those;
- Clarification of “unreasonably persistent complainants” and “vexatiousness”.
- Details of when it was considered that complainants were becoming unreasonably persistent.
- How the issue would be taken forward, should the Committee be minded to determine that they viewed the complainant as being unreasonably persistent.

Resolved –

- (i) That, on having regard to the report and information presented, the Standards Committee determines that there is sufficient evidence that the manner in

which the complainant has pursued issues and complaints be viewed as unreasonably persistent;

- (ii) That future complaints and correspondence received from the complainant should be considered, evaluated and dealt with, in light of (a) above, in accordance with the County Council's Chief Executive, and/or Directors determining an appropriate method of handling those matters, with the subsequent report being submitted to the Standards Committee outlining their course of action in relation to this;
- (iii) That the County Council's Chief Executive and/or Directors be provided with the ability to consult, as they consider necessary, with the Monitoring Officer and the Independent Persons for the Standards Committee, in relation to the handling of any matters of this nature;
- (iv) That in all cases, the County Council's policy in relation to the handling of unreasonably persistent complainants be followed;
- (v) That future Freedom of Information requests from the complainant should be considered to determine whether the request may be viewed as vexatious having regard to legal requirements, guidance from the Information Commissioner, and following consultation with the Monitoring Officer, and if considered necessary by the officers involved, the Independent Persons for the Standards Committee.

The meeting concluded at 3.55 pm.

SL/ALJ

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

19 September 2014

Local Ethical Framework Developments**1.0 PURPOSE OF REPORT**

- 1.1 To update Members on the development of the ethical framework under the Localism Act 2011.

2.0 BACKGROUND

- 2.1 Members receive a report at each Standards Committee meeting setting out any recent developments in the ethical framework.

3.0 COMMITTEE ON STANDARDS IN PUBLIC LIFE REPORT

- 3.1 The Committee on Standards in Public Life ("CSPL") is an advisory Non-Departmental Public Body (NDPB) sponsored by the Cabinet Office. The Chair and members are appointed by the Prime Minister.

- 3.2 In March 2014, the CSPL published its report on "Public Perceptions of Standards in Public Life in the UK and Europe". A copy of the Report is attached at **Appendix 1**.

- 3.3 The Report Foreword from the Chair of the CSPL explains that in the Autumn of 2013, CSPL published its final biennial survey of public attitudes towards conduct in public life. The survey contained data about public perceptions and expectations and confirmed that the seven principles of public life are supported by the public. It also demonstrated that over the lifetime of the survey there has been a continuous and substantial decline in public perceptions of standards in public life.

- 3.4 In order to ascertain whether this is a unique national trend or part of a broader change in public attitudes across Western democracies, the Committee commissioned the research comprised in its Report to compare public perceptions of standards in public life in the UK with those recorded in a number of other European countries. The research found that the UK's long-term decline in public perceptions of standards in public life is part of a broader trend across Western democracies: British citizens' assessments of standards in public life are not unusual and they are rarely the most cynical. Indeed British citizens' perceptions and experiences of corruption are consistently lower than those in most other European countries.

- 3.5 However the Chair of the CSPL urges public authorities and office holders to remain alert to the fundamental role that high ethical standards play in the healthy functioning of society.

- 3.6 The key findings from the Report are as follows:

- (a) Research by the CSPL has measured a decline in perceptions of standards in public life amongst the British public, alongside a decreasing level of trust in

many public institutions, since its first survey into public attitudes to standards in public life in 2004.

(b) Using data collected in the three different surveys across the course of three decades, this analysis finds that across Europe (including in the UK):

- Despite widespread beliefs that corruption is a problem in most countries (section 2.1), very few people report recently being asked or expected to pay a bribe to a public official (section 2.2).
- People's perceptions of national and local public institutions are largely the same (section 2.3).
- Levels of trust in representative institutions (such as parliament and political parties) tend to be lower than in administrative institutions (such as the judicial and police services) (section 2.5).
- Levels of trust in political institutions often rebound after general elections, however this increase tends not to be sustained (section 3.1).
- Levels of trust in political institutions may suffer at times of political crisis, such as the fall of the Italian government in 2008, and the British MPs' expenses scandal in 2009 (sections 3.1 and 3.2).
- Citizens across Europe tend to believe that there is insufficient transparency in and supervision of the financing of political parties (section 3.4).
- Levels of satisfaction with government tend to fluctuate more than levels of satisfaction with democracy (section 3.5).
- Perceptions of the judicial and police services tend to be largely positive and have tended to fluctuate less than perceptions of representative institutions since these were first measured in the 1980s (sections 4.2 and 4.3).

(c) However, compared with the UK:

- Citizens in the Nordic countries and the Netherlands believe there is less corruption in their own countries than British citizens do. However, the proportion of citizens who believe that corruption is widespread in the UK or its public institutions is still below the EU average (sections 2.1).
- Citizens in most other European countries are consistently more likely to report that they have had personal experience of corruption (section 2.2).
- There is no consensus in other European countries that corruption is most widespread amongst public officials holding political office. In many other European countries, public officials awarding public tenders and issuing building permits are often viewed as or more negatively than those holding political office (section 2.4).
- Citizens in the Nordic countries and the Netherlands consistently tend to have more positive views of almost every public institution (section 2.5).
- The countries that have been worst hit by the European economic crisis (Portugal, Ireland, Italy, Greece and Spain) have recorded larger decreases

in trust in political institutions in recent years (sections 3.1, 3.2 and 3.3). These countries have also recorded the most dramatic decline in levels of satisfaction with democracy (section 3.5).

3.7 The Committee is requested to consider the findings of the CSPL Report and to determine whether any specific actions are required to address the issues raised in the Report.

4.0 **COMMITTEE ON STANDARDS IN PUBLIC LIFE – WORK PROGRAMME 2014-15**

4.1 In its latest annual report, which was considered at the meeting of the Standards Committee in October last year, the CSPL stated its terms of reference to be:

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

4.2 The CSPL concluded, in the general overview section of its report:

“10. We are in no doubt that standards of behaviour in many areas of public life have improved since this Committee first reported in 1995, but there is still much to do and the evidence gives no grounds for complacency. New situations continually arise which raise new standards issues. Responses to standards issues often come too late and only in response to public scandals which by then have damaged public trust and confidence.”

4.3 In its strategic plan for 2012-15, the CSPL identified local government standards as one of the priority areas it may choose to investigate in future. The Committee referred specifically to local government, commenting that it was not satisfied that the sanctions now available against inappropriate behaviour, apart from the use of a political party’s internal discipline procedures, are now sufficient.

4.4 The CSPL issued a press notice in January setting out details of its Work Programme for 2014/15. Information about the work of the Committee is available on its website: www.public-standards.gov.uk

4.5 The CSPL intended to carry out three shorter pieces of work to help promote high standards in public life:

- **Reinforcing high ethical standards in practice** – considering how ethics can be included across public sector organisations in internal processes. The CSPL will be collaborating with other sectors to identify what works, capture best practice and make recommendations to help public sector organisations promote and support ethical decision making and a culture of high ethical standards.
- **Independent research on risks created by the development of new models of public service delivery.** The CSPL intended to commission independent research in the first quarter of 2014 to probe attitudes to the commissioning, procuring or contracting of public services and the ethical principles and standards expected.

- **International comparators on trust.** Building on the results of their recent work, the CSPL intends to do some further work on international comparators to ascertain if declining trust in public institutions is a national trend or part of a broader change in attitudes of citizens across western democracies.
- 4.6 On 17 June this year, the CSPL published a report on the ethical standards for the providers of public services. A copy is attached at **Appendix 2** to this report. The accompanying research conducted by Ipsos MORI is available on the CSPL website at <https://www.gov.uk/government/collections/ethical-standards-for-providers-of-public-services> should Members wish to read in more detail.
- 4.7 In July this year, the CSPL published a report “Ethics in Practice: Promoting Ethical Conduct in Public Life”, a copy of which is attached at **Appendix 3** to this report.
- 4.8 Key issues from both new reports are set out below.

5.0 CSPL REPORT RE "ETHICAL STANDARDS FOR PROVIDERS OF PUBLIC SERVICES

- 5.1 The key findings from the Report are as follows:
- that the Seven Principles of Public Life have application to all those delivering public services whether they are public sector providers or third-party providers from the private or voluntary sector;
 - those who operate in the private or voluntary sectors may not be aware of these Principles;
 - the public want common ethical standards across all provider types regardless of sector, supported by a code of conduct;
 - “how” the service is delivered is as important to the public as “what” is delivered, with a focus on personalisation and user-led definition of quality;
 - public and stakeholder views of what should constitute ethical standards are broadly in line with the Seven Principles of Public Life;
 - commissioners expect providers to conform to ethical standards but rarely explicitly articulate this;
 - commissioners want guidance on how to embed ethical standards in the commissioning and procurement process.
- 5.2 The CSPL has made various recommendations to the Cabinet Office, for example:
- adopt a strategic programme to reinforce:
 - the message that the Seven Principles of Public Life apply to any organisation delivering public services; and
 - the frameworks required to support ethical standards;
 - ensure that ethical standards reflecting the Seven Principles of Public Life are addressed in contractual arrangements, with providers required to undertake that they have the structures and arrangements in place to support this;

- accounting officers actively seek assurance that public money is being spent in accordance with the high ethical standards expected of all providers of public services and annually certify (as part of managing public money duties) that they have satisfied themselves about the adequacy of their organisation's arrangements;
- those directly involved in commissioning and contracting should always receive formal assurance by providers of their acceptance of the necessity of ethical standards in the delivery of public service.

6.0 CSPL REPORT "ETHICS IN PRACTICE: PROMOTING ETHICAL CONDUCT IN PUBLIC LIFE"

6.1 The key findings from the Report are as follows:

- When Lord Nolan published the First Report of the Committee on Standards in Public Life in 1995, along with the Seven Principles of Public Life he also advocated three 'common threads' for ensuring that those Principles were properly understood and followed – Codes of Conduct, Independent Scrutiny, and Guidance and Education, being clear that the necessary guidance and education on ethical standards should encompass training and in particular induction training;
- The report focusses on ethics in induction, both to emphasise that the Nolan Principles apply to the full range of organisations and individuals active in public life and to review provision of induction programmes to embed those Principles. The report notes good practice, highlights areas where standards are at risk, and identifies where improvements could be made to embed ethical standards more effectively;
- Whilst every organisation should deliver an induction programme which suits it, as a basic minimum, the CSPL would expect to see induction cover the relevant code of conduct and the principles on which it is based, with an explanation of any compliance requirements that derive from that code, and reference to the channels for raising and dealing with ethical issues. The CSPL would also expect attendance at induction to be, if not compulsory, the norm rather than the exception;
- There is always room for improvement in the profile of standards, conduct and ethical behaviour within Local Authority induction programmes. The CSPL is concerned that financial constraints may result in less emphasis being placed on induction in future and that changes to the Local Authority standards regime may result in ethical standards becoming less of a priority and less actively monitored. The CSPL will therefore continue to monitor provision of Local Authority induction programmes and the profile of standards, conduct and ethical behaviour within those programmes by repeating its snapshot survey in 2015.
- induction is essential to ensure that public office holders are aware of the standards expected of them, and therefore that ethical standards need to be included in the induction arrangements for all those in public life.

6.2 The Committee is requested to consider the findings of the various CSPL Reports and to determine whether any specific actions are required to address the issues raised.

7.0 RECOMMENDATIONS

7.1 That the Committee notes the contents of this report.

7.2 That the Committee considers whether any specific actions are required to address the issues raised in the CSPL Reports.

BARRY KHAN

Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer

Background Papers:

Committee on Standards in Public Life website - www.public-standards.gov.uk

County Hall
NORTHALLERTON

12 September 2014

Public Perceptions of Standards in Public Life in the UK and Europe

Committee on
Standards in
Public Life

March 2014

Foreword from the Chair of the Committee on Standards in Public Life

Last Autumn, my Committee published our final biennial survey of public attitudes towards conduct in public life. This survey contained a great deal of data about public perceptions and expectations and drew on data collected from our surveys of the last 10 years. It generated much interest. The survey confirmed that the seven principles of public life are as relevant as they ever were and are supported by the public. Worryingly, it demonstrated that over the lifetime of the survey there has been a continuous and substantial decline in public perceptions of standards in public life.

In order to ascertain whether this is a unique national trend or part of a broader change in public attitudes across Western democracies, the Committee commissioned this research to compare public perceptions of standards in public life in the UK with those recorded in a number of other European countries. What this research finds is that British citizens' assessments of standards in public life are not unusual and they are rarely the most cynical. Indeed British citizens' perceptions and experiences of corruption are consistently lower than those in most other European countries.

However, there is no room for complacency. Whilst declining perceptions of government institutions and office holders have not been matched by comparable decreases in citizens' support for democracy, this research also finds that current events both in terms of national scandals and economic events and the response to them play a part in informing citizens' views of standards, probity and trust. Public perceptions of standards in public life have political consequences. It is important therefore that public authorities and office holders remain alert to the fundamental role that high ethical standards play in the healthy functioning of society.

Lord Paul Bew
Chair
March 2014



Public perceptions of standards in public life in the UK and Europe

Research by the Committee for Standards in Public Life (CSPL) has measured a decline in perceptions of standards in public life amongst the British public, alongside a decreasing level of trust in many public institutions, since its first survey into public attitudes to standards in public life in 2004. However, data from these surveys do not allow us to assess citizens' perceptions of standards in public life in the UK compared with those in other countries. Without such information, we are unable to determine if increasingly negative views of standards in public life, or declining trust in the UK, represent a national trend that may be motivated by domestic factors or if they are part of a broader change in the attitudes of citizens across western democracies. This paper aims to go some way to addressing this issue by comparing citizens' perceptions of standards in public life in the United Kingdom with those recorded in a number of European countries.

This paper uses data from three cross-national survey series, the European Values Survey (EVS), the European Social Survey (ESS) and the Eurobarometer, to examine European citizens' perceptions of the probity of public officials, along with their levels of trust and confidence in a range of public institutions. The diverse questions asked in these surveys mean we are unable to make direct comparisons between their responses,¹ but together they afford an informative picture of attitudes to standards in public life and trust in government across the EU. Although this latter measurement cannot be assumed to be a function of standards of conduct in public life alone, as citizens' satisfaction with government outputs and their partisan preferences may also impact their levels of trust in government, it offers the opportunity to compare assessments of both office holders and institutions on a cross-European level.

1 Key findings

Using data collected in the three different surveys across the course of three decades, this analysis finds that across Europe (including in the UK):

- Despite widespread beliefs that corruption is a problem in most countries (section 2.1), very few people report recently being asked or expected to pay a bribe to a public official (section 2.2).
- People's perceptions of national and local public institutions are largely the same (section 2.3).
- Levels of trust in representative institutions (such as parliament and political parties) tend to be lower than in administrative institutions (such as the judicial and police services) (section 2.5).
- Levels of trust in political institutions often rebound after general elections, however this increase tends not to be sustained (section 3.1).
- Levels of trust in political institutions may suffer at times of political crisis, such as the fall of the Italian government in 2008, and the British MPs' expenses scandal in 2009 (sections 3.1 and 3.2).
- Citizens across Europe tend to believe that there is insufficient transparency in and supervision of the financing of political parties (section 3.4).

¹ Further details of the data used in this analysis can be found in the appendix.



- Levels of satisfaction with government tend to fluctuate more than levels of satisfaction with democracy (section 3.5).
- Perceptions of the judicial and police services tend to be largely positive and have tended to fluctuate less than perceptions of representative institutions since these were first measured in the 1980s (sections 4.2 and 4.3).

However, compared with the UK:

- Citizens in the Nordic countries and the Netherlands believe there is less corruption in their own countries than British citizens do. However, the proportion of citizens who believe that corruption is widespread in the UK or its public institutions is still below the EU average (sections 2.1).
- Citizens in most other European country are consistently more likely to report that they have had personal experience of corruption (section 2.2).
- There is no consensus in other European countries that corruption is most widespread amongst public officials holding political office. In many other European countries, public officials awarding public tenders and issuing building permits are often viewed as or more negatively than those holding political office (section 2.4).
- Citizens in the Nordic countries and the Netherlands consistently tend to have more positive views of almost every public institution (section 2.5).
- The countries that have been worst hit by the European economic crisis (Portugal, Ireland, Italy, Greece and Spain) have recorded larger decreases in trust in political institutions in recent years (sections 3.1, 3.2 and 3.3). These countries have also recorded the most dramatic decline in levels of satisfaction with democracy (section 3.5).

2 General perceptions of corruption in public institutions

The Eurobarometer's special surveys on corruption have been conducted every two years between 2007 and 2013. The data these have collected offer the opportunity to investigate citizens' perceptions and experiences of corruption (as one facet of opinion towards standards in public life) at the cross-national level. This allows us to compare these views across European countries. In the UK, experiences of corruption tend to be lower and perceptions more optimistic than the EU-wide average.

2.1 Perceptions of overall levels of corruption

Figure 1 shows that the proportion of respondents in the UK who believe that corruption is a major (or widespread)² problem was consistently below the EU average in each of the four surveys conducted between 2007 and 2013. This proportion peaked in 2009, when 73% of British respondents indicated that they thought corruption was a major problem. This is perhaps unsurprising as, although this question does not pertain to political institutions alone, the 2009 survey was conducted only four months after details of the MPs' expenses scandal were first revealed. Since then, the proportion of British respondents with such a pessimistic attitude has been in decline; between 2009 and 2013, it decreased by 10 percentage points.

The proportion of respondents in the UK who indicated that they believed corruption to be a major problem is largely comparable to those levels measured in France and Belgium. However more people in Britain think that corruption is a major problem than in Sweden, Finland and – despite a dramatic rise between 2011 and 2013 – Denmark. A large increase was also recorded in the Netherlands between the last two survey waves, but this followed a marked decrease in the proportion of respondents who thought corruption was a major problem in 2009 and 2011. However, the proportion of respondents who believed corruption to be a major problem in most

² In the 2013 survey, the question "Corruption is a major problem in this country" was replaced by "The problem of corruption is widespread in this country". Despite these differences, responses to both questions have been included in this analysis.



European countries has not fluctuated widely. The most consistent evaluations were offered in the most pessimistic country, Greece, where between 97% and 99% of respondents consistently thought corruption was a major problem. The lack of a common trend across European countries suggests that national factors are impacting these assessments.

Figure 1: Percentage of respondents who believe corruption is a major/widespread problem in their country



(Data source: Eurobarometer)

Although the proportion of respondents in the UK who believed corruption to be a major problem decreased in 2011 and 2013, at least 50% of respondents thought that corruption had recently risen in the UK in both years (see figure 2). In the UK, the proportion of respondents who believed corruption had increased over the previous three years rose from 50% to 59% between 2011 and 2013. In both years, this was greater than the EU average. Only respondents in Greece, Portugal, Italy and Spain were more likely than British respondents to believe that corruption had increased over the previous three years in either survey.

Figure 2: Average proportion of respondents who believe that corruption has increased over the previous three years



(Data source: Eurobarometer)

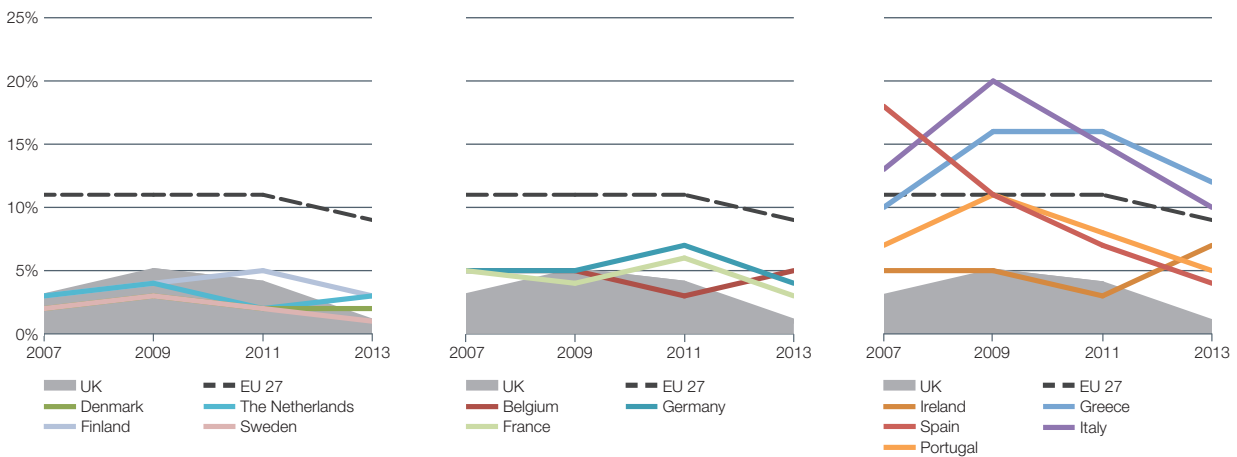


2.2 Experiences of corruption

Citizens' perceptions of corruption do not appear to align with their personal experiences of bribery. In most countries, especially the UK, far fewer people reported being asked or expected to pay a bribe than the proportion who thought corruption was a major problem. This may be due to individuals' reluctance to admit paying a bribe, their belief that other forms of corruption are more common in their national institutions or their views on probity and standards being shaped by more than their personal experiences of bribery alone.

As figure 3 shows, in the UK, no more than 5% of respondents ever indicated that they had been asked or expected to pay a bribe for public services. This proportion actually declined in both the 2011 and 2013 surveys, despite respondents reporting that they believed corruption had increased in the country over the previous three years. By 2013, the UK recorded the lowest level of experiences of corruption across the EU, but these were not translated to the most positive perceptions of probity and standards.

Figure 3: Proportion of respondents who had been asked or expected to pay a bribe in previous 12 months

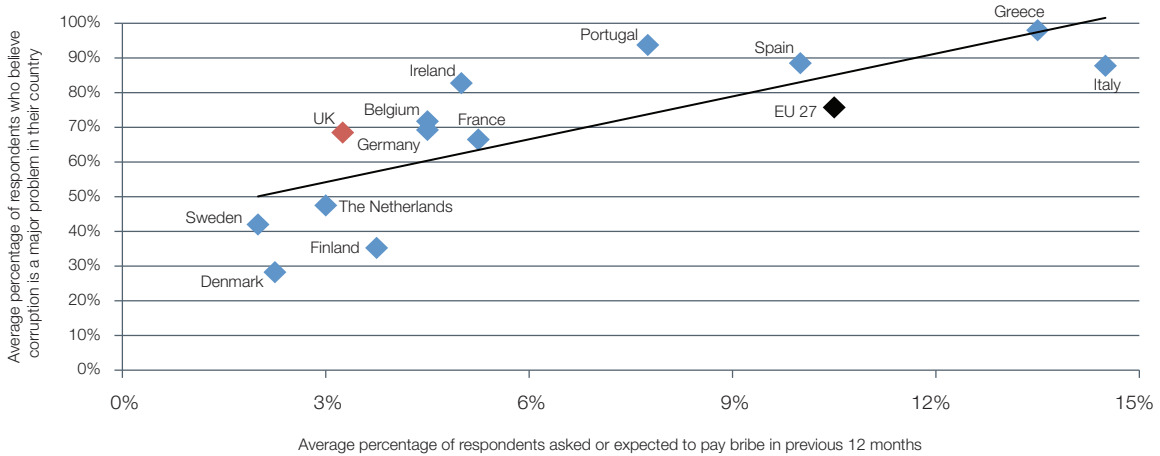


(Data source: Eurobarometer)

The disparity between individuals' experiences and perceptions of corruption is not confined to the UK. As figure 4 displays, even in Greece and Italy where corruption was most frequently reported, no more than 20% of respondents ever reported being asked or expected to pay a bribe over the previous 12 months. But the magnitude of the difference between experiences and perceptions does not appear to be consistent throughout the countries in this analysis. For example, figure 4 shows that an average of 3% of respondents in both the UK and the Netherlands reported that they had been asked or expected to pay a bribe during the previous 12 months, but while only 49% of respondents thought corruption was a major problem in the Netherlands, this proportion was 20 percentage points higher (69%) in the UK.



Figure 4: Comparison of respondents' experiences of corruption and belief that corruption is a major/widespread problem in their country



(Data source: Eurobarometer)

2.3 Perceptions of corruption in public institutions

Figure 5 shows that a majority of respondents in the UK consistently report that they believe there is corruption in national and local public institutions. This proportion varies between 63% and 76% across the surveys and is consistently around 10 percentage points lower than the EU-wide average. The most negative views in the UK were recorded in 2009 (a matter of months after the MPs' expenses scandal first broke). Although this scandal was limited to national representatives, it also coincided with an increase in the proportion of respondents who thought there was corruption in local public institutions. Since 2009, however, the proportion of British respondents believing there to be corruption in local public institutions has decreased more rapidly than the proportion with such negative views of national public institutions.

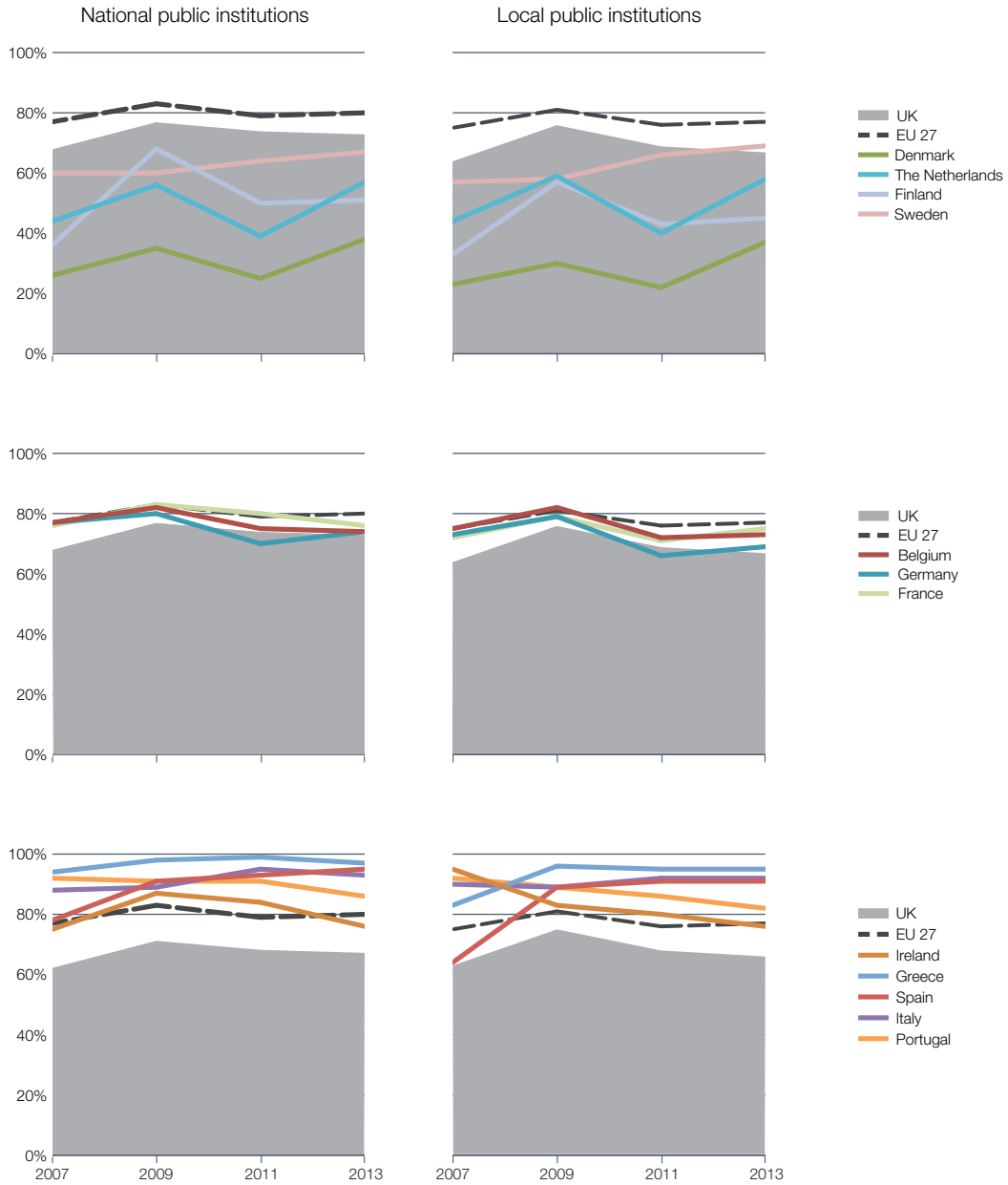
There were various fluctuations over time in the views of corruption in national and local institutions within individual countries. As these occurred at different times in different countries, this suggests that they were impacted by national factors. The most dramatic increase in the proportion of respondents who believed there was corruption in their national and local public institutions was recorded in Finland between 2007 and 2009 (though even by 2009, both levels were still much lower than those recorded in the UK and the EU averages). These increases in Finland coincided with a political party finance scandal in the country, but were not sustained beyond 2009. By 2011, the proportion of respondents with negative views of the Finnish national and local public institutions fell by around 15% (albeit not to the pre-scandals levels recorded in 2007).

Greece consistently recorded the highest proportion of respondents reporting corruption in their national public institutions and, since 2009, in local public institutions. By 2013, these figures were 97% and 95% respectively. Although there were substantial increases in the proportion of Danish respondents who believed corruption was widespread in their national and local institutions between 2011 and 2013, they remained the most optimistic country in this survey and the only one where the majority of respondents never believed there to be corruption in either national or local public institutions.

In most countries, respondents have marginally more optimistic views of their local than national institutions. This is reflected in the EU average, as well as in the levels recorded in the UK. In Spain and Greece, substantially more respondents believed there was corruption in national institutions than local institutions in 2007. However, negative views of local institutions increased dramatically in 2009 and appear to have stabilised at a higher level. Since then, they now appear to mirror more closely the pessimistic perceptions that Spanish and Greek respondents hold of national public institutions.



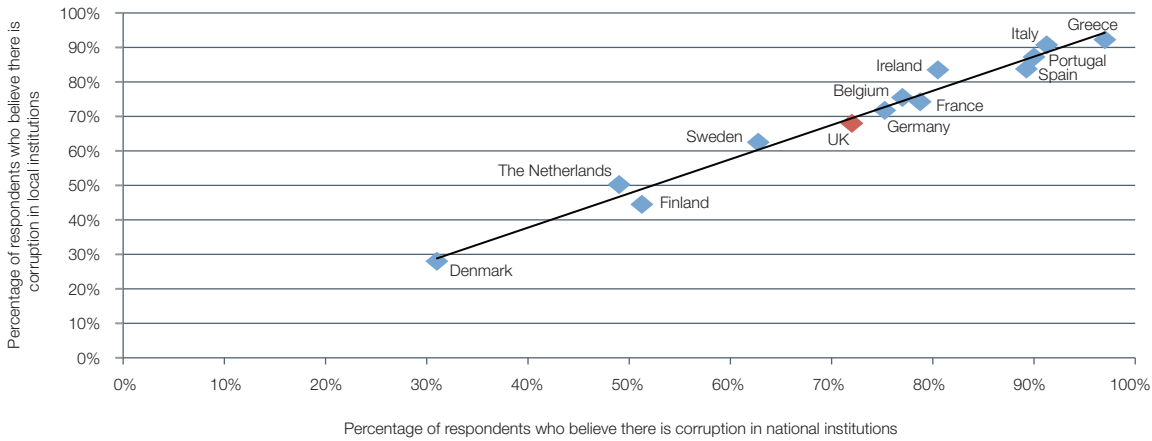
Figure 5: Percentage of respondents who believe there is corruption in their national and local public institutions



(Data source: Eurobarometer)

Figure 6 highlights that countries where respondents are more likely to report corruption in their national public institutions are also those where respondents are more likely to report corruption in their local public institutions. The UK sits in the middle of the countries included in this analysis, with an average of 72% of respondents across the four surveys thinking that there is corruption in national public institutions (four percentage points higher than those with the same view of local public institutions). Comparable differences can be found in many European countries. Only in the Netherlands, Sweden, Ireland and Italy are the average perceptions of national institutions more positive than those at the local level.

Figure 6: Comparison of views of corruption in national and local public institutions



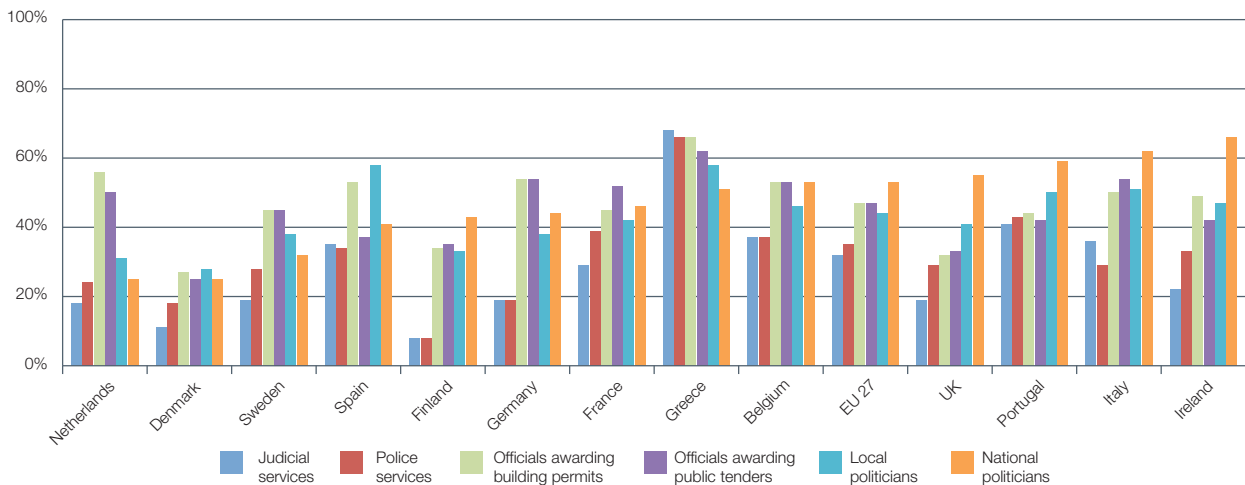
(Data source: Eurobarometer)

2.4 Cross-national differences in the perceptions of corruption in public institutions

Respondents across the EU tend to believe that members of the police and judicial services are the least likely public office holders to take bribes or abuse their power for personal gain. In contrast, national politicians are, on average, afforded the most pessimistic evaluations. In fact, they are the only office holder whom the majority of respondents across the EU believe take bribes or abuse their power for personal gain. However, the relative rankings of these office holders are not consistent when examined at the national level; in a number of countries, public officials awarding public tenders or issuing building permits are viewed more negatively than national politicians.

Compared with the EU average, notably fewer British respondents believe that people working in the judicial services, awarding public tenders and issuing building permits take bribes or abuse their power for personal gain. In fact, respondents in the UK report some of the most optimistic evaluations of public officials awarding public tenders or issuing building permits. However, even though local politicians are also viewed relatively favourably, the average proportion of respondents in the UK who believe that national politicians take bribes or abuse their powers is 14 percentage points higher than those who believe local politicians act in such a way. These higher levels of negative views of national politicians in the UK are comparable to the EU average.

Figure 7: Average proportion of respondents who believe that office holders take bribes or abuse their powers for personal gain



(Data source: Eurobarometer)

Although the proportion of respondents who believe that public office holders take bribes or abuse their power for personal gain varies across Europe, figure 7 highlights some commonalities between these evaluations. Almost all European respondents think that members of the judicial services are less likely to take bribes or abuse their power, usually followed by members of the police services. The notable exception is Greece, where, on average, public officials working in the police or judicial services are considered to be the most likely to abuse their powers.

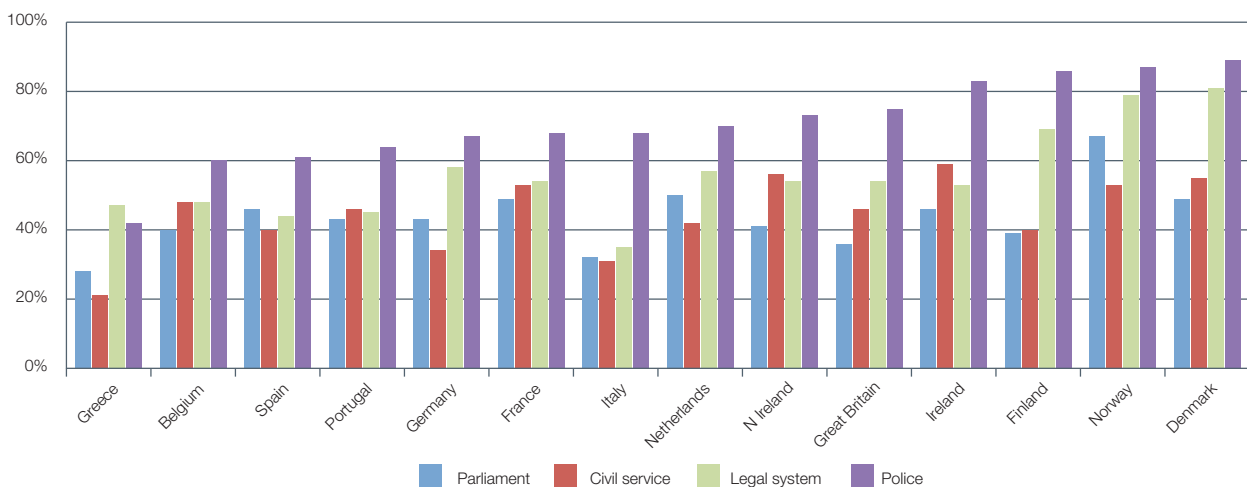
Of the countries included in this analysis, only British and Portuguese respondents rate both national and local politicians more negatively than they rate all other public office holders. Although, on average, national politicians are considered to be the most likely to take bribes or abuse their power across the EU, they are not the most negatively rated in every country; in Greece they have actually been the most positively rated set of office holders. On the whole, local politicians tend to be rated much more favourably. On average, EU respondents have more positive views of local politicians than they do of public officials awarding public tenders or issuing building permits (though this is not the case at the national level in the UK). Only in Spain are local politicians considered to be the group that is the most likely to take bribes or abuse their powers.

2.5 Cross-national differences in levels of trust in public institutions

Respondents in most European countries also tend to share essentially the same *relative* ranking of levels of confidence and trust in public institutions (see figure 8). In each country apart from Greece, respondents are most likely to have confidence in the national police force often followed by the country’s judicial system. However, in Ireland and Northern Ireland the national civil service receives better ratings than the legal system. While there tends to be a difference of around 10 percentage points in levels of confidence in the police and justice system in most European countries, this is closer to a 20 point gap in Great Britain and Northern Ireland and a 30 point gap in Ireland. This gap is even larger in Italy where just over half as many respondents (35%) indicated that they had confidence in the police as the proportion who had confidence in their justice system (68%).

National parliaments – the representative institution of government – tend to be the lowest rated institution in European nations. Only in Germany, Italy, the Netherlands and Greece are average levels of confidence in the national civil service still lower. The ranking of these institutions in Great Britain therefore appears to be largely in line with those assessments found in other European countries. Nonetheless, while British respondents reported one of the highest levels of confidence in the police, only Italian and Greek respondents had less confidence in their national parliament; in all other countries, an average of at least 40% of respondents reported that they had confidence in their national parliament.

Figure 8: Average levels of confidence in public institutions

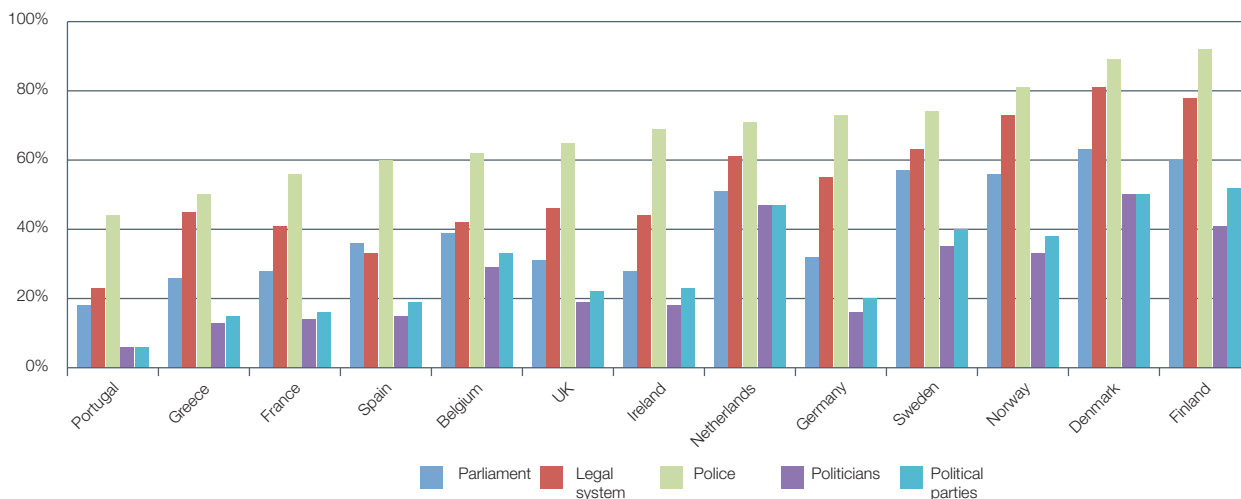


(Data source: European Values Survey)



Data from the European Social Survey, as shown in figure 9, reinforces this suggestion that respondents in most European countries trust administrative institutions more than representative institutions; people are more likely to trust their national police force than any other institution of government. This is almost always followed by their country's legal system. Politicians and political parties are consistently ranked lowest, regardless of a country's political set-up or electoral system.

Figure 9: Average levels of trust in public institutions



(Data source: European Social Survey)

These findings also suggest that trust in different public institutions is inter-related; those countries that rank one institution highly are also likely to have positive attitudes to other institutions. The Nordic countries and the Netherlands tend to have higher levels of trust in all institutions than any of their European neighbours apart from the Netherlands and Sweden, while Portugal tends to have lower levels of trust in both administrative and representative institutions of government.

3 Perceptions of representative institutions

National representative institutions are the only bodies of central government that are elected – either directly or indirectly – by the citizens of each country and are accountable to citizens at election time. Levels of trust in these institutions and the people who compose them tend to be lower than those in administrative institutions across Europe, including in the UK, despite their direct accountability to citizens in elections. The levels of trust vary across countries, suggesting that country specific factors – which may be linked to the political structures and cultures within these countries – influence attitudes to representative institutions.

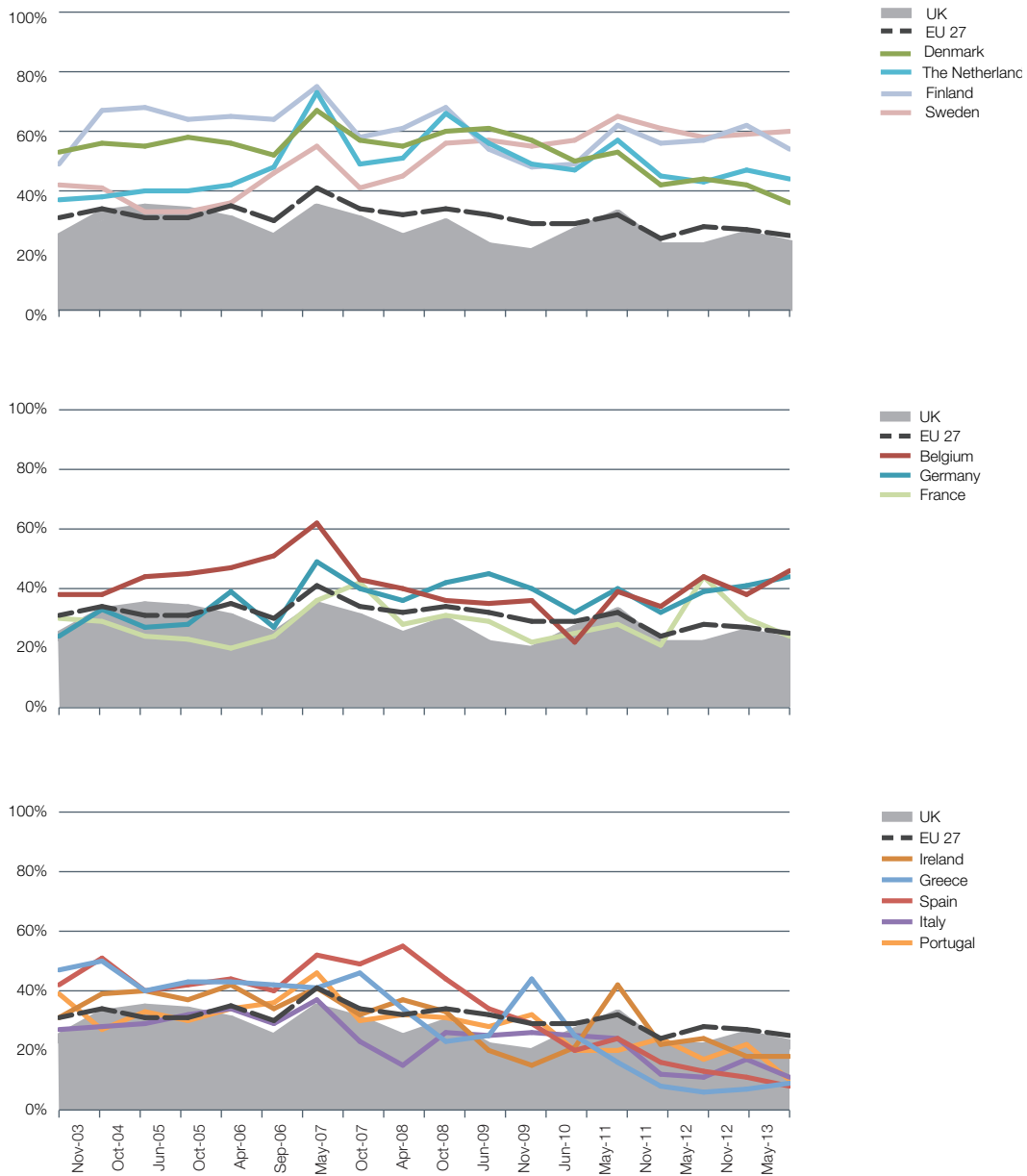
Perhaps unsurprisingly, levels of trust in representative institutions appear to be more sensitive to political events than do assessments of administrative institutions. In particular, fluctuations in attitudes are often detected around elections or at times of political crises. These fluctuations mostly affect political parties (who tend to be trusted the least of all political institutions), politicians, the government, and – although to a lesser extent – national parliaments.

3.1 Perceptions of national government

Figure 10 shows that there were many fluctuations in citizens' trust of national government in data collected by the Eurobarometer survey between 2002 and 2012. In the UK, the most severe drop in trust in government was measured in the first half of 2009, with fewer than 2 out of 10 respondents indicating that they trusted the British government in June 2009. This low coincided with the height of the MPs expenses scandal, suggesting that political scandals may be linked to citizens' levels of trust in government.



Figure 10: Percentage of respondents who “tend to trust” their national government



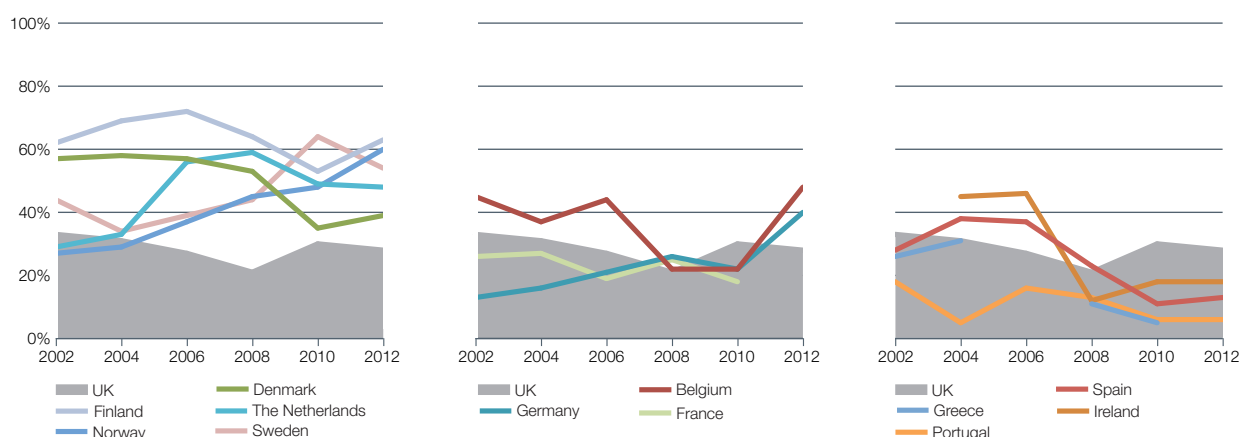
(Data source: Eurobarometer)

There is further evidence that political crises are linked to lower levels of citizens' trust as another notable low was recorded in Italy in April 2008, following the break-up of a fragile government coalition that finally lost power after the leader of one of the smaller parties was investigated for corruption. After April 2008, when the Freedom's People coalition recorded a decisive electoral victory, levels of trust in the Italian government recovered by more than 10 percentage points and remained relatively stable until May 2011.

Increases in trust in government are often recorded after an election – especially when an incumbent government is replaced – as an indication of renewed hope for the future direction of the government. However, these are not always maintained. A steady decline in trust in government in the UK was measured in the months following the 2005 General Election and within a year of the 2010 General Election. But even the dramatic resurgence in trust in the Greek government that was recorded after their legislative elections in October 2009 was soon eradicated; within six months trust in government had returned to pre-election levels and continued to plummet. By May 2012, only 6% of Greek respondents indicated that they trusted their national government which was still unable to resolve the country's economic problems.



Figure 11: Percentage of respondents who are satisfied with their government



(Data source: European Social Survey)

More generally, particularly large drops in levels of trust are apparent in the countries most seriously affected by the global financial crisis. For example, between April 2008 and November 2009, levels of trust in government in Ireland plummeted from 37% to 15% – the lowest level of the countries included in this analysis at this time. Although this recovered in subsequent years, only Portugal, Italy, Spain and Greece (also severely affected by the European sovereign-debt crisis) have since recorded lower levels of trust in their national government. Elaine Byrne argues that this “collapse in trust coincided with the dramatic demise of the Irish economy... [where many people thought that] the economic crisis was the culmination of successive crises in politics”,³ suggesting that government was blamed for the economic crisis that hit the country.

Whether or not respondents are able to distinguish between the notion of ‘government’ as an institution and the incumbent party or parties in office is much debated,⁴ particularly as supporters of a party in governmental office tend to report notably higher levels of trust in government.⁵ Although the concepts are often difficult to disentangle, trust in a country’s political structures is not the same as support for incumbents or satisfaction with the outputs of their government.

Figure 11 shows that respondents’ levels of satisfaction with government also appear to fluctuate widely across the lifetime of the European Social Survey. This suggests that such evaluations may be more an assessment of government performance than a manifestation of more general, diffuse support for the structure of government. The 13-point difference between the lowest (20%) and highest (33%) levels of satisfaction recorded in Great Britain was symptomatic of the large changes recorded in most countries, with the low recorded in 2008 amid the global financial crisis.

Levels of satisfaction with government increased in the 2010 survey in the United Kingdom which was conducted after the General Election of May that year. Similar increases were also recorded at this time in Ireland and – albeit at a much lower level – in Portugal, neither of whom held general elections that year. However, the UK, Ireland and Portugal had experienced previous drops in citizen satisfaction with government that may be linked to the earlier impact of the global financial crisis in these countries. In almost all other countries, levels of satisfaction with government decreased between 2008 and 2010 when the economic crisis was hitting most of Europe the hardest. Therefore, by 2010, levels of satisfaction in government in the UK were comparable with those measured in Ireland, but higher than those in Belgium, Germany, France, Spain and Portugal.

3.2 Perceptions of national parliaments

Levels of confidence in the British parliament have dropped notably over recent decades. Figure 12 shows that the proportion of British respondents who indicated they had confidence in their national parliament was 17%

3 Byrne, E. (14 January 2013) Power, corruption and political trust. *Policy Network*. Retrieved from <http://www.policy-network.net>

4 Citrin, J. (1974). “Comment: The political relevance of trust in government.” *The American Political Science Review* 68(3): 973-988;

Miller, A. H. (1974). “Rejoinder to “Comment” by Jack Citrin: Political Discontent or Ritualism?” *American Political Science Review*, 68(3): 989-1001.

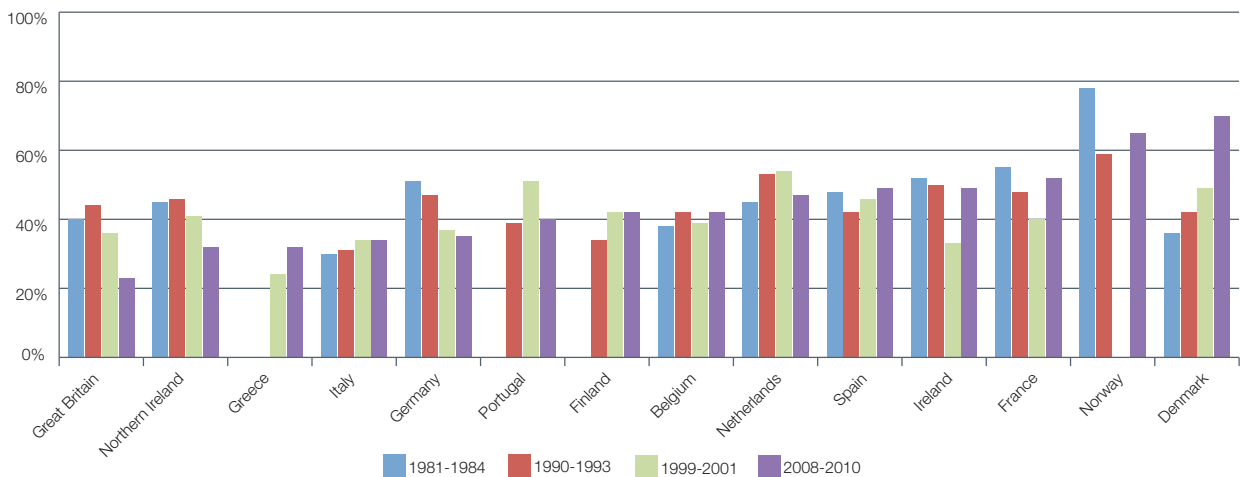
5 Norris, P. (1999). *Critical Citizens: Global Support for Democratic Government* (Oxford University Press).



lower in the most recent wave of the European Values Survey (conducted between 2008 and 2010) than in the original survey (conducted between 1981 and 1984). Similar decreases were also recorded in Germany, Northern Ireland and Norway, though in Norway over 60% of respondents still indicated that they had confidence in their national parliament.

In contrast, levels of confidence in national parliaments actually increased slightly during this period in Belgium, Italy, and Spain. More notably, the proportion of respondents reporting confidence in the Danish parliament increased by over 30 percentage points during this time. This means that despite reporting similar levels of confidence in their parliament in the first wave of the EVS, nearly three times as many Danish than British respondents reported confidence in their national parliament by 2008-2010.

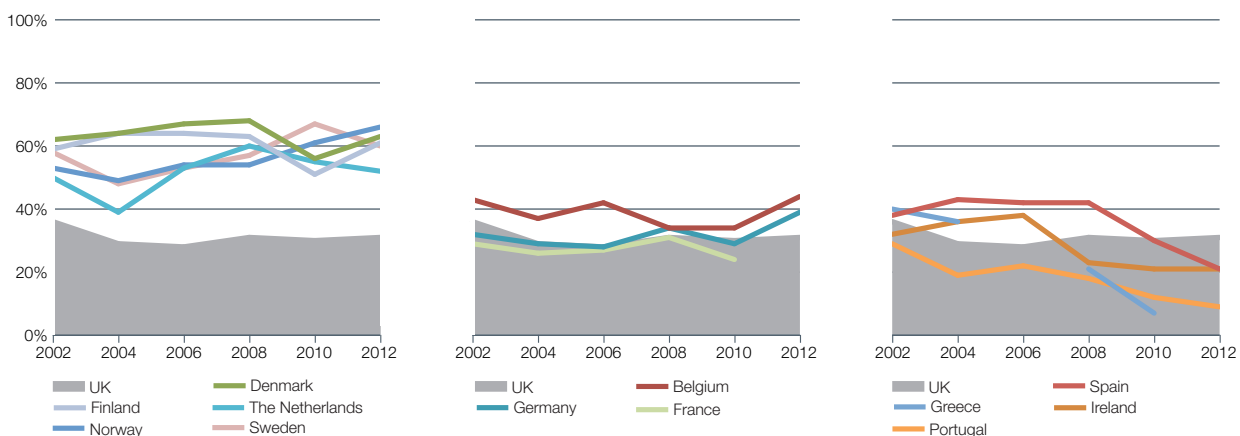
Figure 12: Percentage of respondents with “a great deal” or “quite a lot” of confidence in their national parliament



(Data source: European Values Survey)

Although levels of confidence in the British parliament fell dramatically across the 1980s and 1990s, figure 13 shows that levels of trust in the British parliament (as recorded by the European Social Survey) have been relatively stable for the past decade. After an initial high of 36% of British respondents reporting trust in their national parliament in 2002, this dropped to, and stabilised at, around 30% for the following five surveys. This was similar to the proportion of French and German respondents who indicated they trusted their national parliament. These levels are lower than those recorded in the Scandinavian countries and the Netherlands, where the majority of respondents consistently reported that they trusted their national parliament. However, lower average levels of trust in national parliaments have consistently been recorded in Portugal, Ireland and Greece since 2008.

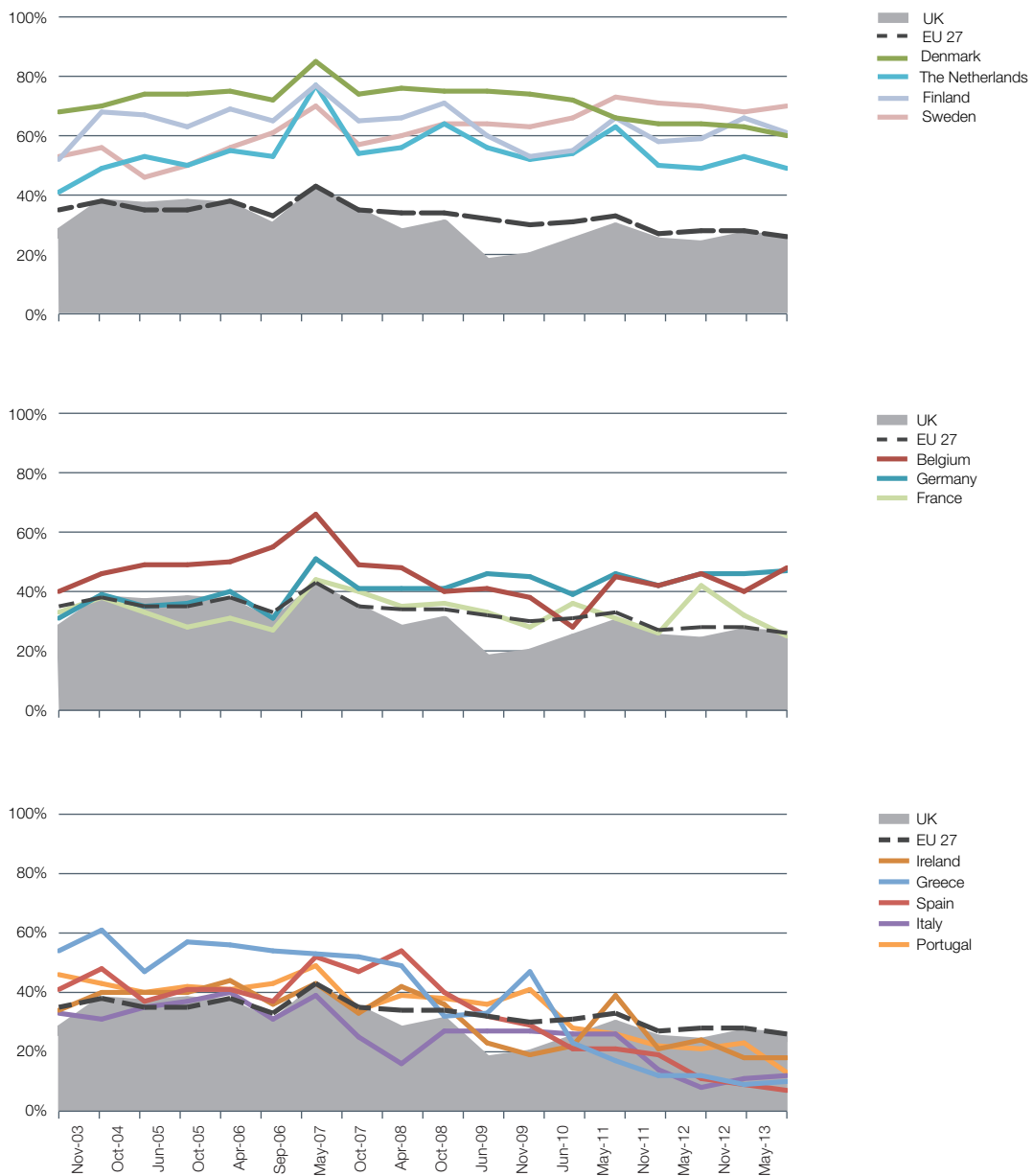
Figure 13: Average percentage of respondents who trust their national parliament



(Data source: European Social Survey)

Data from the Eurobarometer survey suggest that trust in national parliaments also appear to track closely that measured in national government (see figure 14). After a spike in the proportion of citizens who trusted their national government in almost every European country in the spring of 2007, all of these almost immediately decreased and continued to fall. In the UK, these levels reached a low in June 2009 – when fewer than one in five respondents indicated they tended to trust parliament – during the MPs’ expenses scandal. Since then it appears that levels of trust in the UK parliament have recovered better than the levels of trust in the parliament of many of our European neighbours. Levels of trust in the UK parliament are now higher than the equivalent levels in Ireland, Portugal, Italy, Greece and Spain (although all these countries were more severely affected by the European sovereign debt crisis) and comparable to those in France.

Figure 14: Percentage of respondents who “tend to trust” their national parliament



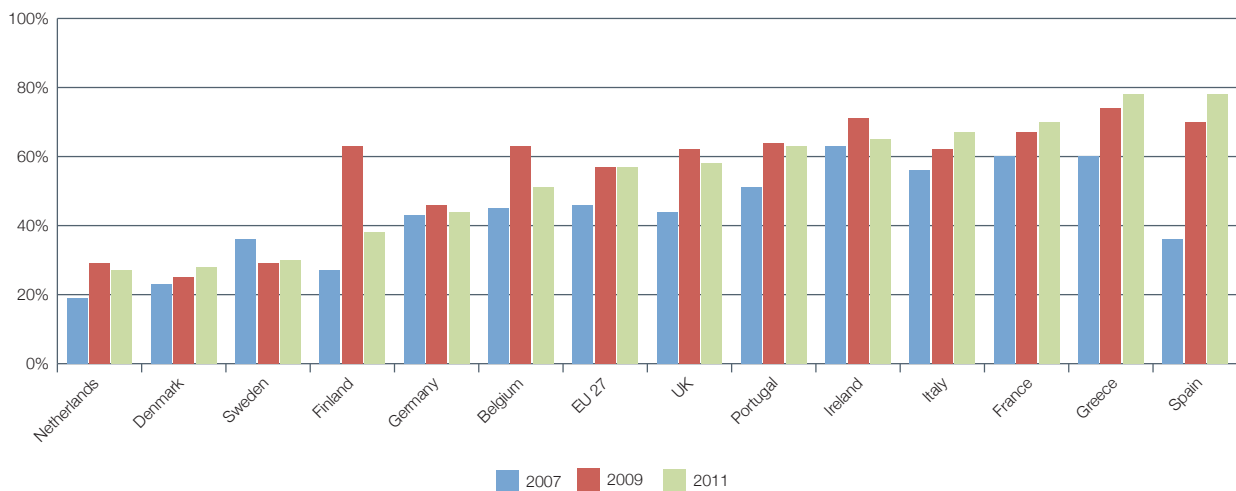
(Data Source: Eurobarometer)

3.3 Perceptions of politicians

Perceived levels of corruption in national politicians in the UK were comparable to the EU average in the Eurobarometer surveys of 2007 and 2011, before and after the MPs' expenses scandal. But figure 15 shows that the proportion of respondents in the UK who believed that corruption was widespread among national politicians increased dramatically, and exceeded the EU average, in 2009. This coincided with the MPs' expenses scandal which broke four months before the survey was undertaken.

Fluctuations in the number of respondents who believe that corruption is widespread among national politicians have not been confined to the UK. An increasing number of respondents recorded negative evaluations of national politicians in Greece, France, Italy and Portugal and, most notably, in Finland and Spain. In Spain, one of the countries worst hit by the financial crisis, this proportion more than doubled from 36% to 78% in 2011. Finland recorded a similar increase to Spain between 2007 and 2009 (after a widespread scandal concerning the funding of political parties came to light in 2008),⁶ but levels recovered in 2011 when under 40% of Finnish respondents reported they believed corruption was widespread among their national politicians. Sweden is the only country where fewer respondents believed corruption was widespread among their national politicians in 2011 than did in 2007. Only in Sweden, Germany, the Netherlands and Denmark did fewer than 50% of respondents consistently indicate that they believe corruption was widespread among national politicians.

Figure 15: Percentage of respondents who believe that corruption is widespread among politicians at a national level

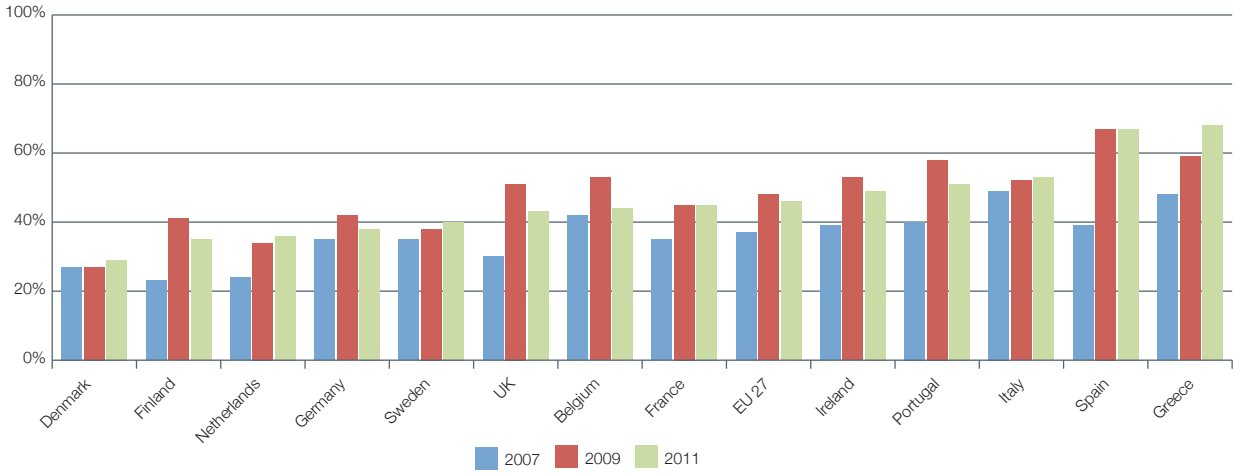


(Data Source: Eurobarometer)

Although respondents' hold similar views of national and local public institutions, their perceptions of local politicians tend to be more positive than their views of national politicians (see figure 16). In fact, on average across the EU, the majority of respondents do not think that corruption is widespread among politicians at the local level. In the UK, this only peaked at 51% in 2009 and has since declined. However, relatively more positive evaluations of local politicians are not extended to all European countries. Respondents in the Nordic countries and the Netherlands are more likely to think corruption is widespread among local than national politicians. Nonetheless, respondents in these countries still have some of the most positive views of local politicians.

⁶ Ibison, D. (10 June 2008). Funding scandal taints Finland's reputation. *Financial Times* Retrieved from <http://www.ft.com>

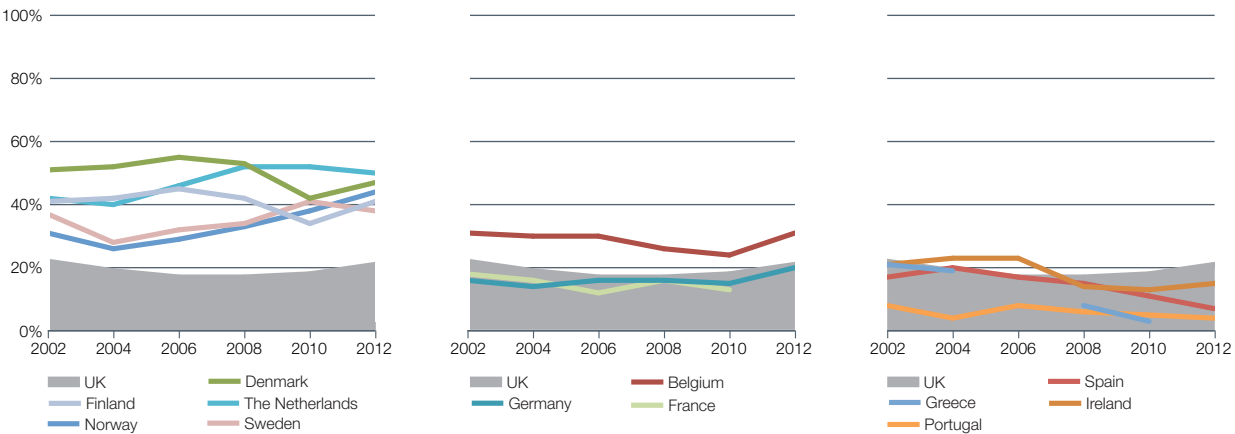
Figure 16: Percentage of respondents who believe that corruption is widespread among politicians at a local level



(Data Source: Eurobarometer)

Trust in politicians is rare across Europe. In the UK, politicians are consistently regarded as one of the least trustworthy professions (only tabloid journalists were considered less trustworthy than government ministers and MPs in general in the CSPL's Fifth Biennial Survey of Public Attitudes Towards Conduct in Public Life). Figure 17 shows that, according to the European Social Survey, no more than 20% of British respondents ever indicated that they trust politicians. By 2008, levels of trust are even lower in Greece, Ireland, Spain, and Portugal. Even in the Netherlands, where respondents were recently the most likely to report trusting their politicians, only 50% reported such favourable views by 2012.

Figure 17: Percentage of respondents who trust politicians



(Data source: European Social Survey)

However, there appears to be no clear Europe-wide trend regarding trust in politicians. After levels of trust in politicians in the UK fell by less than 5 percentage points between 2002 and 2010, these remained relatively stable from 2006 to 2010. This reflects similar fluctuations in the level of trust in the British parliament. In contrast, the decreases in levels of trust in politicians (and in parliament) in Denmark and Finland were most severe between 2008 and 2010, albeit from a much higher starting point. Conversely, in the Netherlands, Norway and Sweden, levels of trust in politicians (along with levels of trust in parliament) increased from 2004 onwards. Once again, this suggests that national factors and events may impact such views.

3.4 Perceptions of political parties

The CSPL has previously asserted its concern at the system of political party funding in the UK.⁷ However, concerns as to the financing of political parties are not confined to the UK alone. Although fewer than a third of respondents in the UK agreed that there is sufficient transparency and supervision of the financing of political parties when questioned by the Eurobarometer in 2011 and 2013, the EU average of 22% was notably lower (see figure 18). In no country did the majority of respondents ever believe that there is sufficient transparency and supervision of party funding, with only respondents in Belgium and the Nordic countries offering more positive responses than those recorded in the UK.

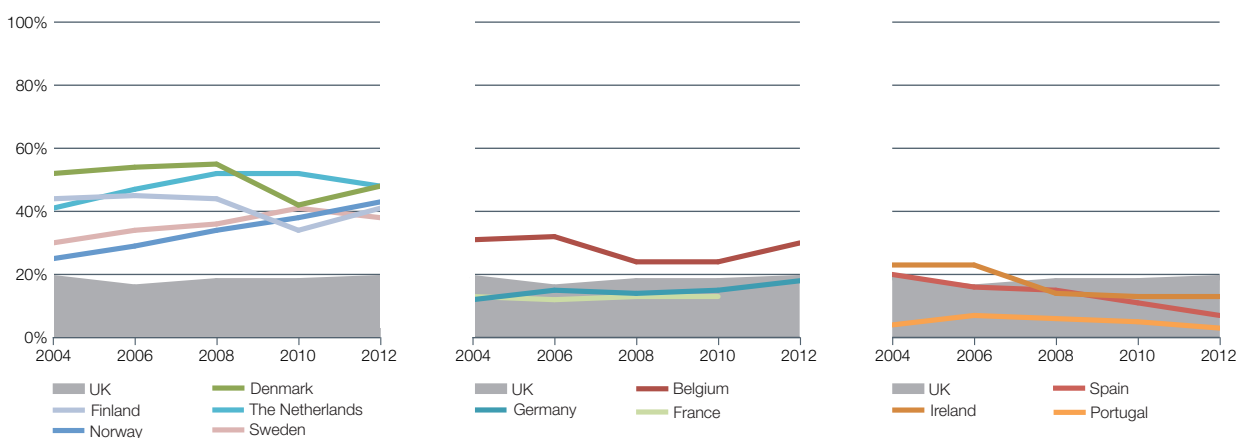
Figure 18: Percentage of respondents who agree that there is sufficient transparency and supervision of the financing of political parties



(Data Source: Eurobarometer)

Low levels of trust in political parties also appear to mirror those recorded in politicians and parliaments. Figure 19 shows that in the UK, comparatively low levels of trust in political parties have remained relatively stable since 2004; fewer than 20% of British respondents have consistently indicated that they trust political parties. This is substantially lower than the proportion of respondents who indicated that they trusted political parties in the Netherlands, Sweden and Norway (where this proportion has steadily increased) or Denmark, Finland and Belgium (where, despite decreases, respondents are still substantially more likely to trust political parties).

Figure 19: Percentage of respondents who trust political parties



(Data source: European Social Survey)

⁷ Committee on Standards in Public Life (2011), *Political Party Finance: Ending the Big Donor Culture, Thirteenth Report of the Committee on Standards in Public Life*. (London: The Stationery Office)



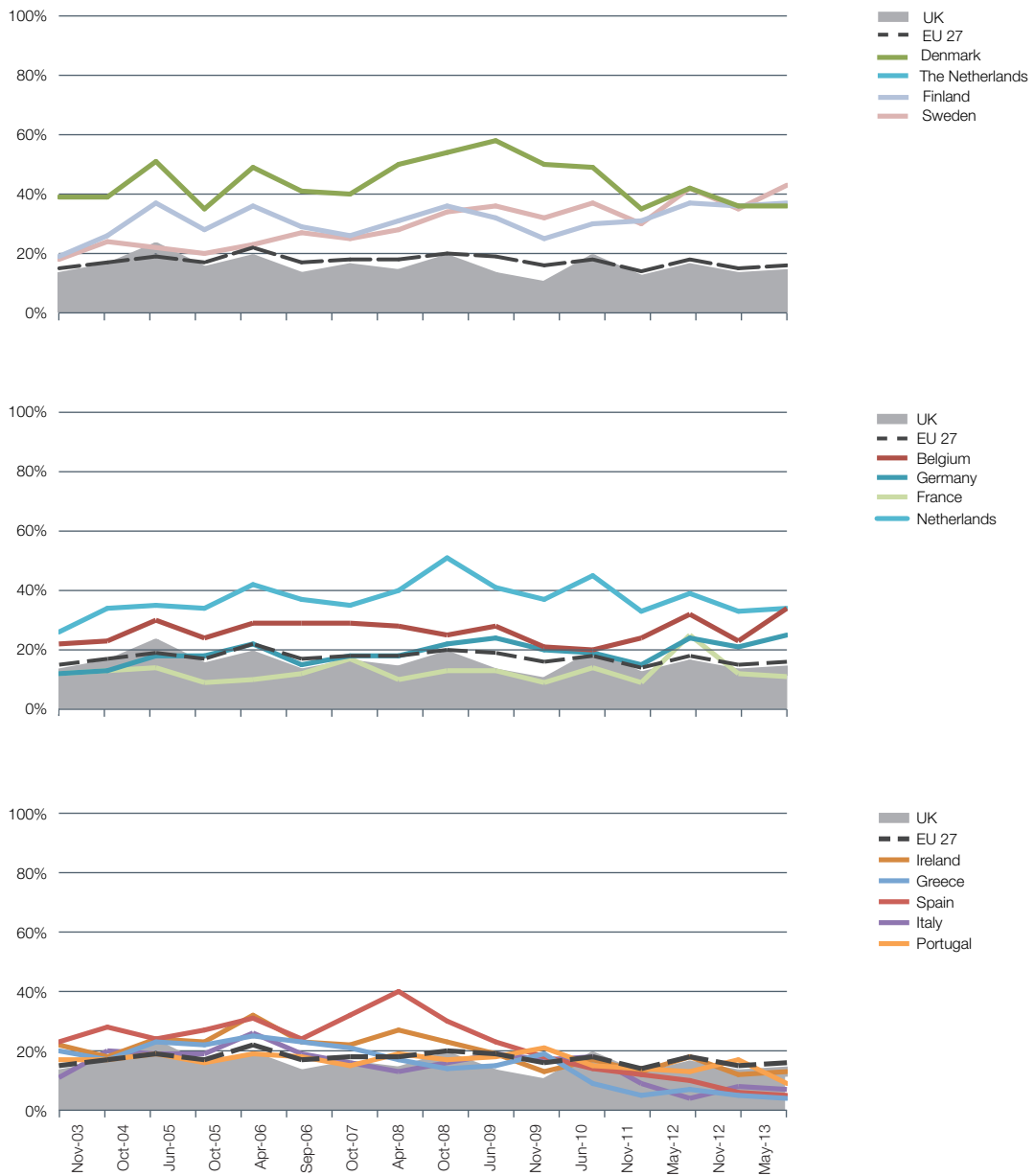
As in the UK, levels of trust in political parties have also remained relatively stable in France and Germany. Greater fluctuations have been recorded in other European countries. In particular, levels of trust in political parties steadily decreased after 2008 in Ireland and Spain, both of whom were seriously affected by the European economic crisis. These levels also dropped notably in Denmark and Finland between 2008 and 2010, but appeared to have largely recovered by 2012. In contrast, levels of trust in political parties actually increased in Norway, Sweden and – until 2010 – in the Netherlands.

In its more frequent surveys, the Eurobarometer detected greater fluctuations in levels of trust in political parties between 2003 and 2013. As figure 20 shows, levels of trust in British political parties are relatively low with no more than 20% of respondents ever indicating that they trust political parties. Peaks in these levels were recorded in July 2005 and July 2010, only two months after successive British General Elections. Perhaps more surprisingly, levels appeared to increase during the election campaigns themselves, despite worries about the effects of negative campaigning. Even after the MPs expenses scandal of 2009, the 2010 General Election appears to have offered the opportunity for some political renewal. However, after these post-election peaks, the proportion of British citizens indicating that they trusted political parties steadily decreased.

While Denmark and the Netherlands were once again found to be among the most trusting nations, Sweden recorded the highest level of trust in political parties by the most recent survey. This was the culmination of a steady rise in positive perceptions. In Sweden, the percentage of respondents indicating that they tended to trust political parties had increased by over 20 percentage points over the previous 10 years. The startling rise recorded in Sweden was the exception rather than the norm. In contrast, there were drastic decreases in levels of trust in political parties in Spain (from a peak of 40% in April 2008 – shortly after the incumbent government was defeated in the general election – to 5% in May 2013). This reflects a broader trend of decreasing trust in political parties in the countries worst hit by the European debt crisis; by January 2013, fewer than 10% of respondents in Italy, Spain and Greece said that they tended to trust political parties. However, higher levels of trust in Portugal and Ireland (countries that were also badly hit by the economic crisis) suggest that it may not only be the economic situation but also parties' reaction to it that drives these levels of trust.



Figure 20: Percentage of respondents who “tend to trust” political parties



(Data Source: Eurobarometer)

Overall, the Nordic countries and the Netherlands have tended to record higher levels of trust in the political institutions of government. At this stage, it is unclear as to what factors may be driving these higher levels of trust but two factors should be noted. First, looking at government performance levels, these countries have tended to be less badly affected by the European economic crisis than some of their southern neighbours. Furthermore, at the institutional level, Sweden, Denmark, Norway and the Netherlands all use a system of proportional representation in their legislative election. Such systems tend to foster a more conciliatory and co-operative style of politics than the First-Past-The-Post system, as used in the UK, or the majoritarian (run-off) system, as used in France.

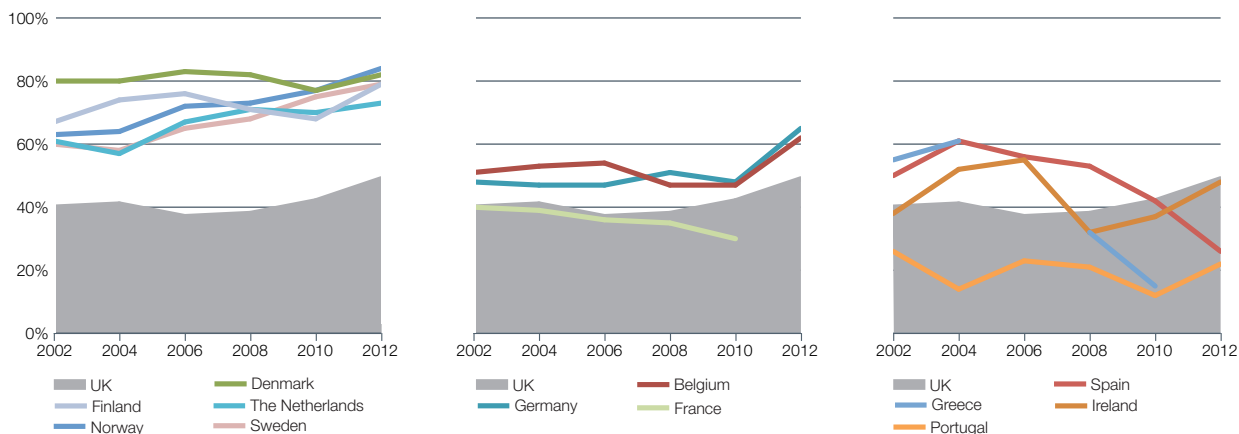


3.5 Attitudes towards democracy

Despite apparent declining levels of trust in the representative institutions of government, dissatisfaction with political bodies does not appear to be translated into a wholesale dissatisfaction with democracy. Across Europe, levels of satisfaction with democracy tend to be substantially higher than levels of satisfaction with government in each country. Furthermore, fewer countries (and only those worst affected by the European sovereign debt crisis) have experienced a marked decline in democratic satisfaction.

According to responses to the European Social Survey, as shown in figure 21, about 4 in 10 respondents have indicated that they were satisfied with the way democracy works in the UK between 2002 and 2010. This level increased by 10 percentage points in 2012, but it is still substantially lower than the levels of satisfaction recorded in the Nordic countries and the Netherlands. In these countries, over two thirds of respondents have indicated that they are satisfied with democracy since 2006. There was a dramatic drop in the recorded levels of satisfaction with democracy in Ireland after 2006 and then in Spain and Greece after 2008. Coupled with a smaller decrease in Portugal after 2008, this suggests that a country's economic problems may have an impact on its citizens' satisfaction with democracy, as well as with their evaluations of the performance of government itself.

Figure 21: Percentage of respondents who are satisfied with democracy



(Data source: European Social Survey)

4 Trust in administrative institutions

In contrast to representative institutions, administrative institutions of government across Europe tend to be removed from any direct accountability to the electorate and, often, any formal partisanship. They may still feel distant from the average citizen, but they are also often less likely to be characterized by the adversarial nature of politics.

Despite their lack of democratic accountability, more people appear to have more positive views of administrative than representative institutions in the UK and across Europe. In particular, it is not unusual for the majority of respondents to indicate that they have trust or confidence in their country's legal system or police force. However, while confidence in the civil service has increased in many European countries over the past 3 decades, confidence in the legal system has often decreased. A similar decrease in confidence in the police was recorded in Great Britain and Northern Ireland since the 1980s, though this was not common to other European countries.

4.1 Perceptions of civil services

Despite recording relatively negative views about elected officials, figure 22 displays that respondents in the UK hold some of the most optimistic views about the conduct of non-elected public officials, including civil servants, across the EU. The proportion of British respondents who believe that bribery and the abuse of power is widespread among public officials who award public tenders or issue building permits is consistently around



10 percentage points less than the EU average. Only Danish respondents consistently offered more positive evaluations of these public officials. Until 2013, Greek respondents once again tended to be the most likely to believe that bribery and the abuse of power was widespread. However, in the latest Eurobarometer survey, Dutch respondents were the most likely to hold such negative perceptions after an increase of almost 20 percentage points between 2011 and 2013.

The proportion of respondents who believe that bribery and the abuse of power is widespread among these public officials is also more stable in the UK than in a number of other European countries. While the proportion who held positive views of officials awarding public tenders remained within a 10 percentage point range in the UK (with a low of 28% in 2007 and a high of 38% in 2009), it more than doubled from 20% to 45% in Spain during the same period. In 2007, Spanish respondents were already more likely to think that corruption was widespread among public officials awarding building permits and evaluations of both sets of public officials are now largely comparable in Spain.

Figure 22: Percentage of respondents who believe that the abuse of power is widespread among public officials

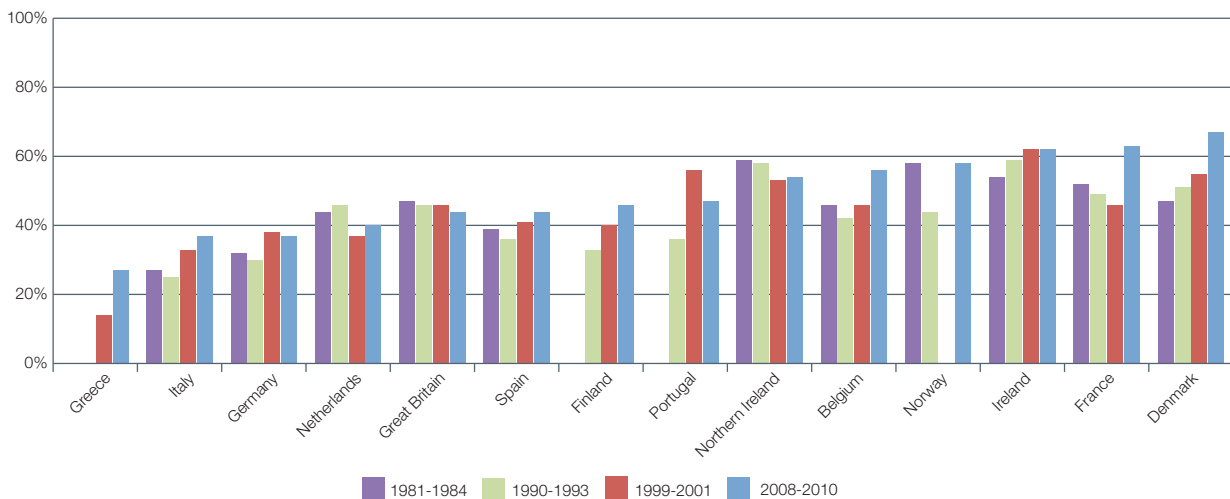


(Data Source: Eurobarometer)

Despite the small proportion of respondents who believe public officials awarding public tenders and issuing building permits abuse their power in the UK, this is not simply translated to high levels of confidence in the British civil services. In no wave of the European Values Survey did the majority of British respondents indicate that they had confidence in their national civil service. As fewer than 4 out of 10 British respondents thought corruption was widespread among public officials awarding public tenders and issuing building permits from 2007 onwards, this suggests that such confidence is based on more than perceptions of corruption among such public officials.

Figure 23 shows that level of confidence in the British civil services has remained relatively stable across the past 30 years; between 44% and 47% of British respondents have consistently indicated that they hold such positive views. At the start of the 1980s this placed Great Britain alongside Belgium, Denmark and the Netherlands. However, during this period there has been a substantial increase in the proportion of respondents indicating that they trust the Belgian and Danish (as well as French and Irish) civil services, and a notable drop in the proportion trusting civil servants in the Netherlands. Steady increases were also recorded in Germany and Italy (and, in the most recent two surveys, in Greece) – who have consistently recorded the smallest proportion of respondents with confidence in their national civil services. Therefore, by the fourth wave of the EVS, the difference between the proportion of respondents with confidence in their national civil service in Italy and Germany and those with such views in Great Britain had been reduced to less than 10 percentage points.

Figure 23: Percentage of respondents with “a great deal” or “quite a lot” of confidence in their national civil service



(Data source: European Values Survey)

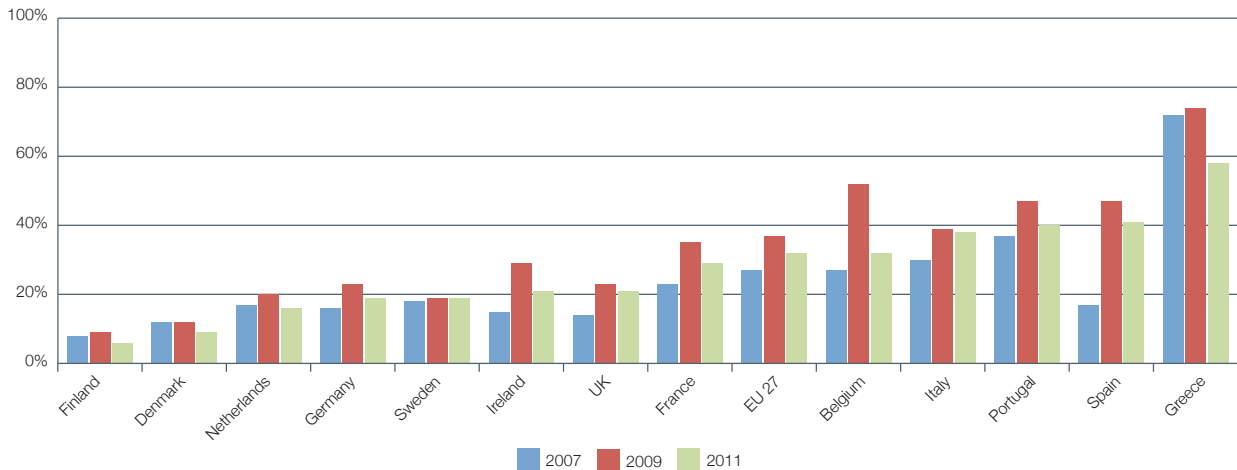
4.2 Perceptions of legal and justice systems

Citizens’ perceptions of legal and justice systems tend to be more positive than their views of most other public bodies in almost all European countries. In particular, few countries consider corruption to be widespread among people working in the judicial services. In the UK, less than a quarter of respondents have ever indicated that they believe corruption to be widespread in the judicial services, but this proportion is even smaller in Denmark and Finland. Greece is unusual within the European context because it is the only country where a majority of respondents ever indicated that they believe corruption to be widespread in their judicial services. Even here, where more than 70% of respondents held this view in 2007 and 2009, this level decreased to less than 58% in 2011.

Figure 24 shows that a number of countries (including Belgium, Italy, France and Ireland) have recorded notable increases in the proportion of respondents who believe corruption is widespread in the judicial services between 2007 and 2009. In Belgium, the proportion of respondents holding this view almost doubled from 27% in 2007 to 52% in 2009, amid a scandal over the conduct and credibility of the Belgian judiciary.⁸ However, this level has since recovered to a level equivalent to the EU-wide average (32%).

⁸ “Belgian judiciary scandal ‘hushed up’” (14 August 2009). *Press Europ*. Retrieved from <http://www.presseurop.eu>

Figure 24: Percentage of respondents who believe that corruption is widespread among people working in the judicial services

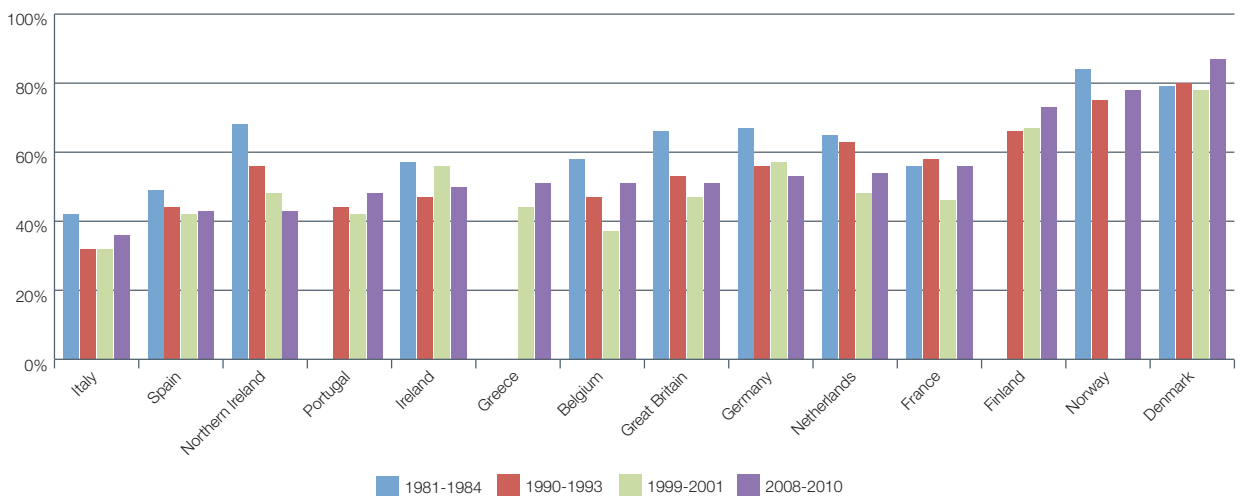


(Data Source: Eurobarometer)

This suggests that perceptions of national legal systems tend to be more positive than evaluations of representative bodies, such as political parties, parliament and government. This is reinforced by higher levels of confidence and trust in judicial institutions compared with political bodies. Levels of confidence in the British legal system – from a high of 65% in the first wave of the EVS to 50% in the most recent survey – are notably higher than levels of confidence in British political institutions. These now rank alongside the levels of confidence recorded in the Netherlands (which has more positive views of almost every political institution), Ireland, Germany, and France.

While levels of confidence in the British legal system have been in a relatively steady decline, the EVS recorded fluctuations in most other European countries (see figure 25). However, since the 1990s, only small fluctuations were measured in either Italy or Spain – both of whom have had consistently lower levels of confidence in their legal system. Only Denmark – the country with the highest levels of confidence in the legal system throughout the past three decades – experienced a notable net increase across all four waves of the survey with 87% of Danish respondents reporting confidence in their legal system by the final round.

Figure 25: Percentage of respondents with “a great deal” or “quite a lot” of confidence in their legal system, 1981-1984 to 2008-2010

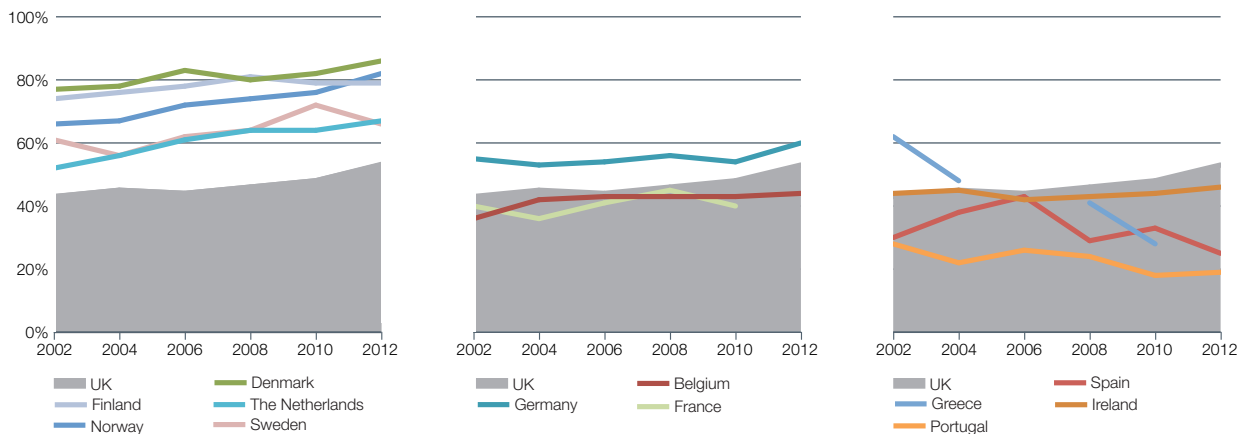


(Data source: European Values Survey)



Data from the ESS suggests that, since 2002, levels of trust in the British legal system have undergone a steady increase. Figure 26 shows that by 2012, a small majority of British respondents (51%) indicated that they trusted the country's legal system. Levels of trust in the national legal system varied greatly across Europe, with a high of 83% of Danish respondents in 2006 and a low of 18% of Portuguese respondents in 2010 reporting they trust their legal system.

Figure 26: Average percentage of respondents who trust their national legal system



(Data source: European Social Survey)

The most notable increase in trusting respondents in the UK was recorded between 2010 and 2012 when the proportion of respondents who reported that they trusted the British legal system increased by over 5 percentage points. During the same period, similar sized increases were recorded in a number of countries with even more positive views of their national legal system – including Germany, Switzerland, Norway and Denmark (where respondents were almost always the most likely to report trust in their legal system). Only Spain, Portugal and Greece recorded net decreases in the proportion of respondents indicating that they trust their national legal system between 2002 and 2012. Even in Ireland, where levels of trust in most other public institutions fell amid the financial crisis, levels of trust in the national legal system remained relatively stable.

4.3 Perceptions of the police

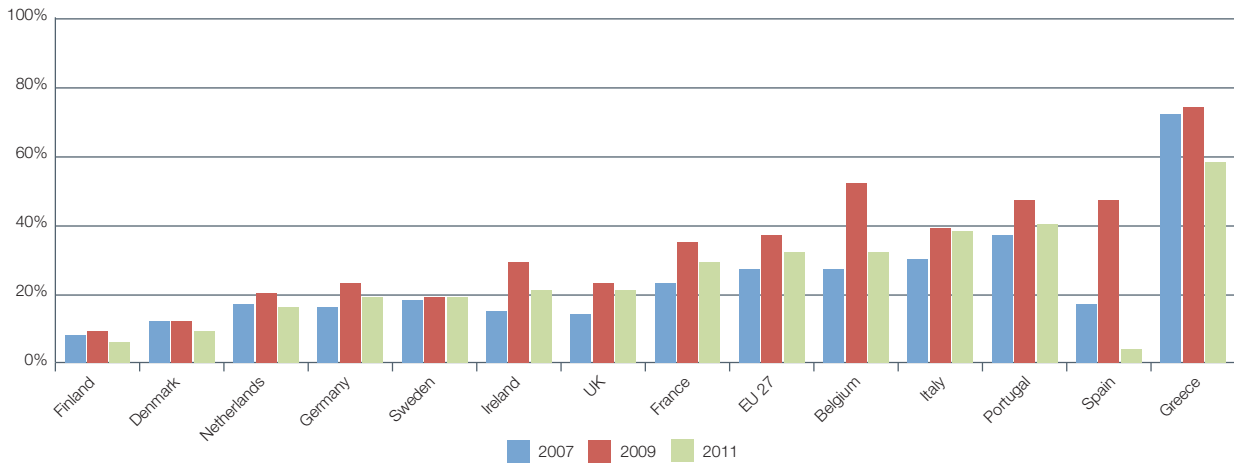
Like perceptions of the judicial services, citizens' views of public officials working in the police services are generally positive in the UK and across Europe. In some countries, most notably Italy, respondents believe corruption is less widespread in the police force than it is among the judicial services, public officials awarding public tenders or issuing building permits and politicians. Furthermore, the police force is almost universally the most trusted institution in public life across Europe.

Despite an increase in the number of respondents in the UK who believe that corruption is widespread among people working in the police service, figure 27 shows that this proportion did not exceed a third of respondents in the Eurobarometer surveys of 2007, 2009 and 2011.⁹ This level is below the EU average, despite increasing by 7 percentage points during this period. The most dramatic change in perceptions of the police was recorded in Greece. Here the proportion of respondents believing that corruption is widespread among the police service fell from 77% to 50% between 2009 and 2011. On the whole, perceptions of corruption in the police service appear often to mirror perceptions of corruption in the legal services in many European countries.

⁹ The 2013 Eurobarometer survey on corruption offered different response categories and has therefore not been used for this analysis.



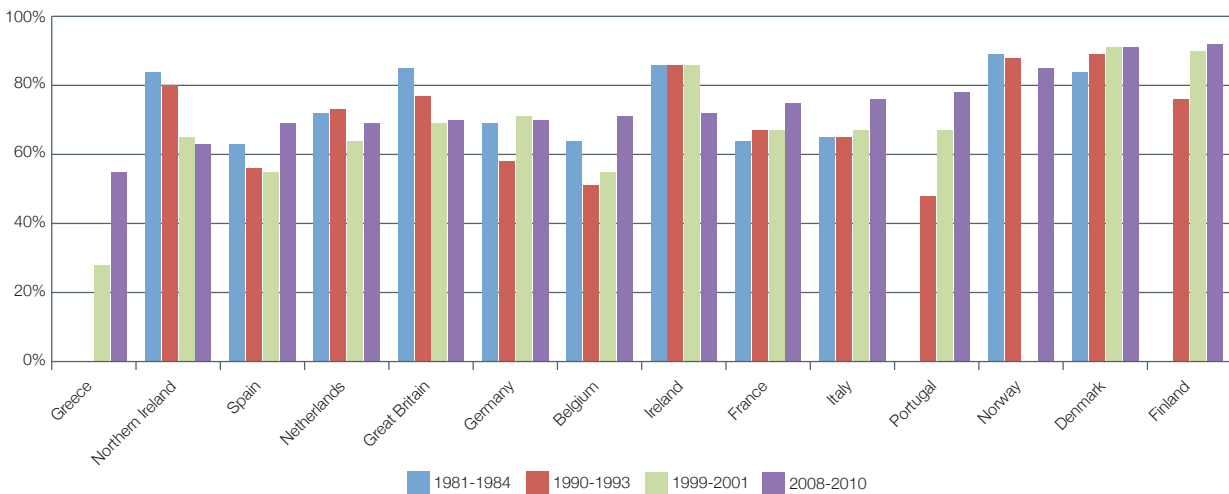
Figure 27: Percentage of respondents who believe that corruption is widespread among people working in the police service



(Data Source: Eurobarometer)

Once again, levels of confidence in the police (an administrative rather than representative institution of the government) also tend to be higher than levels of confidence in political institutions in most European countries. Figure 28 shows that even though levels of confidence in the British police dropped in the 1980s and 1990s, by the fourth wave of the EVS (conducted between 2008 and 2010), 70% of respondents still indicated that they had a great deal or quite a lot of confidence in the police. This level is comparable with those measured in Germany, the Netherlands and Spain. Only Norway, Finland and Denmark now record substantially more positive perceptions of the police than the UK.

Figure 28: Percentage of respondents with “a great deal” or “quite a lot” of confidence in the police between 1981-1984 and 2008-2010



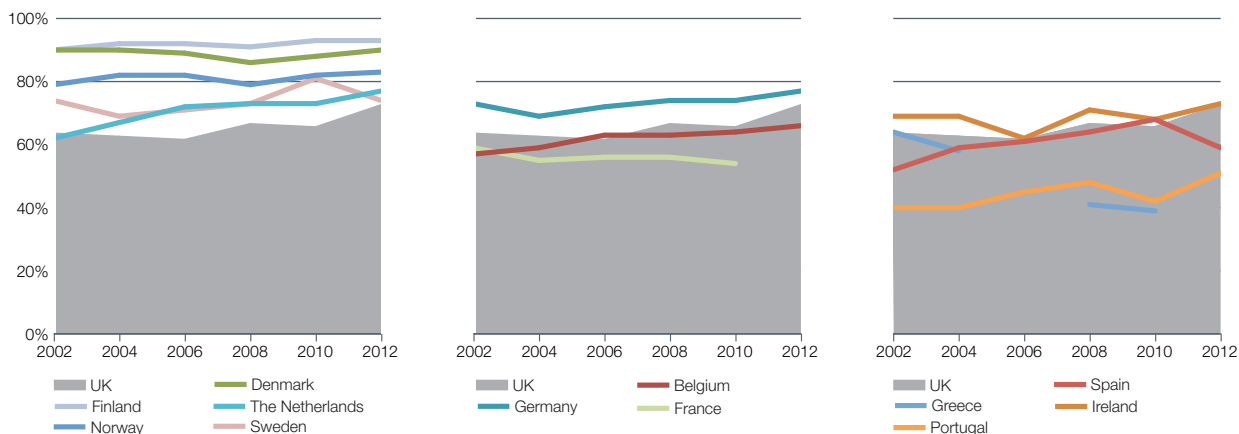
(Data source: European Values Survey)

Like levels of trust in the legal system, levels of trust in the police also experienced little variation since 2002 across most European countries, according to data from the ESS (see figure 29). This includes UK responses between 2002 and 2010 where between 60% and 65% of respondents consistently indicated that they trusted the British police. A more substantial increase was measured between 2010 and 2012, where the proportion of British respondents who trusted the police rose to 73% (comparable with those levels recorded in Ireland and Sweden). An even more dramatic increase (of 15 percentage points) was measured between 2002 and 2006 in Spain, though a subsequent decline between 2010 and 2012 almost halved these gains.



Once again it is in the Nordic countries that citizens have reported the highest levels of trust in the police; about 9 out of 10 respondents in Denmark and Finland, and 8 out of 10 in Norway consistently reported that they trusted the police. Furthermore, countries characterized by low levels of trust in other public bodies (both representative and administrative institutions) also report low levels of trust in the police; only once, in the most recent survey, did a majority of Portuguese respondents indicate that they trust the police (though this proportion still only measured 51%).

Figure 29: Percentage of respondents who trust the police



(Data source: European Social Survey)

5 Conclusions

Perceptions of standards in public life vary across Europe and, often, within countries across time. However, there are a number of trends that are apparent when comparing perceptions of standards in public life within the UK with the views of citizens in many other European countries.

British citizens do not appear to be unusual in their assessments of standards in public life when compared with their European counterparts.

While British citizens never offer the most positive evaluations of any public institution – levels of confidence and trust in all bodies are almost always consistently higher in the Nordic countries and the Netherlands – the British public is rarely the most cynical when asked to assess these institutions.

British citizens are less likely than most other European respondents to believe that corruption is widespread among most public officials.

Fewer respondents in the UK than in other European countries think that corruption is widespread among public officials in the judicial or police services and those who award public tenders or issue building permits. However, British views of public officials holding political office are more negative, and closer to the European average.

Higher levels of trust in administrative bodies than representative bodies are also not unique to the UK.

The same relative ranking of public institutions is found in almost every country; the police and judicial services are almost always rated the most positively with political institutions (and their members) less likely to be trusted than administrative institutions.

There was a notable increase in the number of people who believed corruption was widespread in British public institutions and a drop in trust in political institutions around the time of the MPs' expenses scandal in 2009.

Current events appear to play a part in informing views of standards, probity and trust. This is not confined to the UK; citizens' perceptions of Finnish politicians and the Belgian judiciary also appear to have been adversely (if temporarily) affected by national scandals in these countries.



The restorative properties of elections are not unique to Great Britain as similar increases can be seen in other countries after elections.

Levels of trust in British political institutions appear to have largely recovered since the height of the MPs' expenses scandal, and particularly after the General Election of May 2010 (although their potential longevity remains to be seen). Increases in levels of trust in political institutions are also evident in other European countries after elections. However, these often prove to be only temporary recoveries.

In recent years, perceptions of standards in public life in the UK have fared better than those in the countries that were worst hit by the European sovereign debt crises (Portugal, Ireland, Italy, Greece and Spain).

The countries worst hit by the European financial crisis have recorded some of the lowest levels of trust in government and most negative views of probity and standards among public officials. Many of these countries have experienced severe – and prolonged – declines in trust since 2008. This is particularly the case for the representative institutions of these countries that many citizens would have expected to solve their economic problems. This decrease in trust in government could therefore be a product not only of the economic events themselves but of their government's response to them.

Drops in levels of trust and confidence tend not to have been matched by comparable decreases in citizens' support for democracy.

Despite declining perceptions of government institutions and office-holders in many European countries, citizens in most countries have not reported a similar growing dissatisfaction with the democratic system of government. Therefore, any frustration with or distrust of government does not appear to have (yet) expanded to disenchantment with the political system as a whole. However, there is some evidence of a growing dissatisfaction with democracy in the countries worst hit by the European financial crisis.

Appendix:

Data and methods

Data for this analysis comes from three sources; the European Values Survey (1981-2010), the European Social Survey (2002-2012) and the Eurobarometer (2003-2013). Each of these three surveys has collected data from a range of European country over the course of a number of decades.

Although the majority of data available on levels of corruption and probity in public institutions is confined to expert surveys (such as Transparency International's Global Corruption Index), the Eurobarometer has recently conducted a series of special studies along the theme of corruption. These included questions canvassing respondents' views as to the level of corruption in their country, focusing on citizens' perceptions rather than expert assessments. These questions included asking respondents to what extent they agreed with the phrases:

"Corruption is a major problem in this country" (2007-2011)

"The problem of corruption is widespread in this country" (2013)

"There is corruption in the national institutions in this country" (2007-2013)

"There is corruption in the local institutions in this country" (2007-2013)

"There is sufficient transparency and supervision of the financing of political parties" (2001-2013)

"In this country, do you think that the giving and taking of bribes, and the abuse of positions of power for personal gain, are widespread among people working in the police service/people working in the judicial services/politicians at the national level/politicians at the local level/public officials awarding public tenders/public officials issuing building permits" (2007-2013)¹⁰

"In the past 12 months has anyone in this country asked you or expected you to pay a bribe for his or her services?" (2007-2013)

This analysis focuses on the proportion of respondents who indicated that they "tend to agree" or "totally agree" with the first five phrases and those who responded "yes" to the final 2 sets of questions. The most recent two surveys also asked respondents:

"In the past three years, would you say that the level of corruption has increased a lot/increased a little/stayed the same/decreased a little/decreased a lot"? (2011-2013)

This analysis focuses on the proportion of respondents who indicated that they thought corruption had increased a lot or a little.

¹⁰ In 2013, respondents were asked if they thought bribery and the abuse of power was widespread among a number of professions. However, a number of the response categories were grouped differently from the previous 3 surveys so are not included in this analysis.

Although questions about trust and confidence in public institutions are more common in public attitudes survey, each of the three surveys used in this analysis asked different questions about respondents' attitudes to their country's institutions of government. While this prevents the direct comparison responses, it does allow us to build up a broader picture of attitudes to public bodies in a number of European countries through these diverse questions, as listed below.

Questions from the European Values Survey asked respondents:

"Please look at this card and tell me, for each item listed, how much confidence you have in them, is it a great deal, quite a lot, not very much or none at all?"

For each country, the items included:

- The national parliament
- The civil service
- The justice system
- The police

For the purpose of this analysis, respondents who indicated that they have "a great deal" or "quite a lot" of trust in an institution were considered to be trusting of it.

Questions from the European Social Survey asked respondents:

"Please tell me on a score of 0-10 how much you personally trust each of the institutions I read out. 0 means you do not trust an institution at all, and 10 means you have complete trust."

For each country, these institutions included:

- The national parliament
- Political parties
- Politicians
- The legal system
- The police force

For the purpose of this analysis, respondents who gave a score of 6 or above were considered to be trusting of that institution.

The ESS also asked respondents about their views on the performance of their national political system through the questions:

"Thinking about the government in your country, how satisfied are you with the way it is doing its job?"

and:

"On the whole, how satisfied are you with the way democracy works in your country?"



Respondents were asked to rate their satisfaction on a scale of 0 (very dissatisfied) to 10 (very satisfied). For the purpose of this analysis, respondents who gave a score of 6 or above were considered to be satisfied citizens.

Questions from the Eurobarometer asked respondents:

"I would like to ask you a question about how much trust you have in certain institutions. For each of the following institutions, please tell me if you tend to trust it or tend not to trust it?"

These institutions included:

- Their national government
- Their national parliament
- Political parties

However, it should be noted that the questions from the EVS ask respondents about their confidence, rather than trust, in a number of public institutions. Although these terms are often used as if they were interchangeable, they do in fact relate to somewhat different concepts. Compared to trust, which can be considered to be a normative judgment of how individuals or institutions will act,¹¹ confidence can be generated simply by successful past performance.¹²

Similarly, the ESS questions asking respondents to assess their satisfaction with national government are more likely to measure their views of government outputs and performance than a normative evaluation of the institution itself. However, questions regarding individuals' satisfaction with democracy are more likely to measure their views on the entire system of government, and if it delivers for them.

However, not every question was asked in every country in each wave of each survey. Therefore, to be able to examine how responses have changed over time, this analysis is limited to countries with no missing data for each survey. As the European Values Survey canvassed opinion from the 1980s onwards, fewer countries are included in every wave for this analysis.

Therefore, only a limited number of countries are used in this analysis, and not all can be used when examining each topic areas. The countries included reflect different political and social identities, and include:

- Great Britain or United Kingdom (depending on the survey design)
- Northern Ireland
- Nordic countries
 - Denmark
 - Finland
 - Norway
 - Sweden

11 Hetherington, M.J. (2005). *Why Trust Matters: Declining Political Trust and the Demise of American Liberalism* (Princeton University Press).

12 Siegrist, M. (2010) "Trust and Confidence: The Difficulties in Distinguishing the Two Concepts in Research," *Risk Analysis* 30(7): 1022-4.



- Western European countries
 - Belgium
 - France
 - Germany
 - The Netherlands
- Countries worst hit by the European sovereign debt crisis
 - Greece
 - Ireland
 - Italy
 - Portugal
 - Spain

About the author

Isabel Taylor is a doctoral researcher in the School of Politics and International Relations at the University of Nottingham where she holds a collaborative PhD studentship supported by the ESRC and the Committee on Standards in Public Life. Her research for her PhD thesis focuses on the consequences of political trust and the effect it has on the day-to-day business of politics in Britain.

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March 2014

Ethical standards for providers of public services

Committee on
Standards in
Public Life

June 2014



The Seven Principles of Public Life

The Seven Principles of Public Life¹ 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.

¹ The Seven Principles were established in the Committee's First Report in 1995; the accompanying descriptors were revised following a review in the Fourteenth Report, published in January 2013.





Foreword from the Chair of the Committee on Standards in Public Life

Dear Prime Minister

More and more public services are provided by third-party organisations outside the conventional public sector. This report, and the research on which it draws, is an attempt to consider what standards of ethical conduct should be expected from such organisations.

The Seven Principles of Public Life are accepted as the basis of the ethical standards expected of public office holders. While these principles have not changed over time, the scope of public office holders has. Your Government clarified my Committee's terms of reference last year, so that its remit to examine standards of conduct of all holders of public office, encompassed all those involved in the delivery of public services. My Committee have taken this change in remit seriously and considered in this report, the application of the Seven Principles to third-party providers of public services.

The key message, as shown by our research, is that the public want all providers of public services to adhere to and operate by common ethical standards, regardless of whether they are in the private, public or voluntary sectors. For the public "how" things are done are as important as "what" is done. This review has not been based on any assumptions about the respective merits or fitness of any sector and our research demonstrates that the public do not adopt such assumptions either.

Ethics matter. The public are right to expect high ethical standards and the government must ensure that this is achieved regardless of who is providing public services. This is increasingly recognised by the business community as a necessary part of winning trust and building confidence in the public service markets. Ethical standards should not be taken for granted and they have not been taken seriously enough to date. These risks are recognised by some commissioners and providers but they are rarely addressed explicitly. Where implicit, ethical expectations are articulated in different ways.

The Government believes that the Seven Principles of Public Life apply to anyone delivering public services. My Committee believes that this should be reflected in proportionate contractual and monitoring arrangements. Any organisation providing any public service should ensure that such standards form part of its culture and behaviour and are demonstrated in practice from start to finish.

Lord Paul Bew
Chair, Committee on Standards in Public Life
June 2014

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Executive summary

1. The Committee's terms of reference were clarified last year so that its remit to examine standards of conduct of all holders of public office encompassed all those involved in the delivery of public services. This confirms that the Seven Principles of Public Life, the basis of the ethical standards framework for those operating in the public sector, has application to all those delivering public services whether they are public sector providers or third-party providers from the private or voluntary sector.
2. As more and more public services are outsourced or managed through public-private partnerships, those who operate in the private or voluntary sectors may not be aware of these Principles or – even if they are – consider that they are clearly applicable to them. Nor can awareness of the ethical standards framework for public services be taken for granted as the notion of a lifetime career in public service diminishes and the movement of office holders between the public and private sectors increases.
3. Recent examples of poor performance by major private sector providers have focused on cost, competition and value for money considerations. But the poor performance has also highlighted the importance of behaving ethically in the delivery of public services. We acknowledge that poor performance and standards failures have occurred in the public sector – indeed much of this Committee's past work has been reviewing such failures and making recommendations for improvement. But now as public services are increasingly being delivered by those outside the public sector, we wanted to test the expectation and assurance of ethical standards in the public service market.
4. We commissioned new research with members of the public, commissioners and providers of public services. We also spoke to individuals and organisations with current experience of commissioning and providing public services, to understand their expectations of the ethical principles and standards expected of public services.
5. Our approach to this review has not been based on any assumptions about the respective merits or fitness of either public or private sectors. Indeed it is important to note that our research shows that the public also do not adopt any such assumptions.
6. On the basis of our research, we can be confident that:
 - the public want common ethical standards across all provider types regardless of sector, supported by a code of conduct;
 - “how” the service is delivered is as important to the public as “what” is delivered, with a focus on personalisation and user-led definition of quality;
 - public and stakeholder views of what should constitute ethical standards are broadly in line with the Seven Principles of Public Life;
 - commissioners expect providers to conform to ethical standards but rarely explicitly articulate this;
 - commissioners want guidance on how to embed ethical standards in the commissioning and procurement process.
7. What our research clearly shows is that the public care about “how” public services are delivered and want common ethical standards to apply regardless of provider type. This is an issue of trust, confidence and accountability. The public needs to be reassured that the standards it expects are clearly being articulated to providers of public services and being delivered by them. Furthermore, the Government must be capable

of assuring the public that ethical standards are part of service delivery standards and business needs to recognise that a cultural shift is required in their approach to the public service market, in order to meet the public's legitimate expectations and to build public trust.

8. In the course of this review, we have identified some emerging themes, issues and risks and examples of current practice which have led us to make some general recommendations and some detailed proposals for the key features of a framework to support high ethical standards.
9. We welcomed the Government's clarification of our terms of reference as we believe strongly that the ethical standards captured by the Seven Principles should apply to all those involved in the delivery of public services, as do the public. The Seven Principles of Public Life provide a clear value statement of expectations. We believe that the Government should go further and positively reinforce this expectation and make explicit the frameworks required to support such standards. It is evident from our research that currently there are no consistent structures or arrangements in place to actively promote the right ethical culture and behaviours. We are concerned to see high ethical standards proportionately addressed within existing contractual and monitoring arrangements, as part of the process for securing the regularity and propriety of public services.
10. This document does not provide all the answers. It is a guide and a basis for further discussion. It is intended as a contribution to the current debate around the standards expected of providers of public services and complementary to other contract management reviews and value for money reports.
11. The Committee invites responses to this report and will follow it up with further discussions with the Government, commissioners and providers with a view to developing practical measures to help ensure high ethical standards are met.

Our recommendations in full

Recommendation 1

We recommend that the Cabinet Office should:

- adopt a strategic programme to reinforce:
 - the message that the Seven Principles of Public Life apply to any organisation delivering public services; and
 - the frameworks required to support ethical standards;
- ensure that ethical standards reflecting the Seven Principles of Public Life are addressed in contractual arrangements, with providers required to undertake that they have the structures and arrangements in place to support this;
- ensure that high ethical standards are championed by Crown Representatives in their relationship with their strategic suppliers; and
- ensure that Crown Representatives provide specific advice to Ministers on this aspect of their relationship with suppliers;
- work collaboratively with the National Audit Office and HM Treasury to develop guidance on how value for money can be aligned with high ethical standards.

Recommendation 2

We recommend that:

- accounting officers actively seek assurance that public money is being spent in accordance with the high ethical standards expected of all providers of public services and annually certify (as part of managing public money duties) that they have satisfied themselves about the adequacy of their organisation's arrangements;
- ethical standards should be the specific responsibility of one non-executive board member of Government Departmental boards;
- ethical standards should be incorporated within the Committee of Public Accounts recommended Departmental periodic reviews of performance regimes;²
- those directly involved in commissioning and contracting should always receive formal assurance by providers of their acceptance of the necessity of ethical standards in the delivery of public service.

Recommendation 3

We recommend that the Cabinet Office and departments consider ethical awareness a professional commercial capability requirement for those commissioning, procuring or managing government contracts.

We recommend that the Crown Commercial Service working with Civil Service Learning and the Commissioning Academy arrange training on ethical awareness and disseminate best practice on ethical standards.

² Committee of Public Accounts *Contracting out public services to the private sector* Forty-Seventh Report of Session 2013-14 p 8.

Chapter 1:

Introduction

Background

1.1 The Committee has 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.”

- 1.2 In its First Report the Committee set out and defined the principles that underlie public life. The Seven Principles of Public Life are: *Selflessness, integrity, objectivity, accountability, openness, honesty, leadership*.³ These principles have been widely adopted in the public sector and are internationally recognised. They form the basis of many codes of conduct,⁴ codes of practice⁵ and organisational⁶ and regulatory models. The Bar Standards Board, for example, is committed to “conducting its business in harmony with the Seven Principles of Public Life”⁷ and members of the General Medical Council are required as part of the foundation of their Code of Conduct to uphold the Seven Principles in performing their duties.⁸ The Seven Principles are accepted as the basis of the standards ethical framework for those operating in public sector and continue to reflect public expectations.
- 1.3 Surveys of public understanding of and attitudes towards these principles since 2002 have shown that public attitudes about how people in public office should behave are relatively stable. The public has definite expectations as to the behaviour of public office holders which are consistently in line with the Seven Principles. The surveys, conducted since 2002, have consistently indicated that the behaviours that members of the public expect of public office holders are:
- to be committed to public rather than private ends (selflessness and integrity);
 - to be honest and open in decision-making;
 - to make decisions in the light of the best evidence (objectivity);
 - to be held accountable (particularly senior public figures); and
 - to lead exemplary lives in public office (leadership).

3 The Seven Principles were established in the Committee’s First Report in 1995; the accompanying descriptors were revised following a review in the Fourteenth Report, published in January 2013.

4 Code of Conduct for Board members of Public Bodies para 2. <http://www.bl.uk/aboutus/governance/blboard/BoardCodeofPractice2011.pdf>

5 Code of Practice of the Engineering and Physical Sciences Research Council. <http://www.epsrc.ac.uk/about/standards/employment/Pages/principlesofpubliclife.aspx>

6 College of Policing Draft Code of Ethics para 2.1.2. http://www.college.police.uk/en/docs/Code_of_Ethics.pdf

7 Bar Standards Board Standing Orders Part 2 https://www.barstandardsboard.org.uk/media/1550246/bsb_standing_orders_jan_14.pdf

8 Members Code of Conduct principles para 2. http://www.gmc-uk.org/about/register_code_of_conduct.asp

Why ethical standards are important in the delivery of public services

- 1.4 The Committee has reflected before that high ethical standards are important for society as a whole and that they are particularly important where public money is being spent on public services or public functions. This is because:
- outcomes for society are better when the decisions of public office holders are made fairly and on merit and not influenced by personal and private interests;
 - low levels of corruption and confidence in the integrity of the trading and operating environment are crucial factors in the functioning of advanced democracies;
 - high standards benefit the economy through their effect on international confidence;
 - impartiality and objectivity increases predictability, which improves economic efficiency;
 - Governments which are not perceived to uphold high standards have less legitimacy and basic public institutions such as tax and benefit systems rely on public trust to function effectively.
- 1.5 High ethical standards are important to users of public services. Commissioning and procurement decisions can have a major impact on user's daily lives and their quality of life. The services provided can be:
- essential;
 - services for which the individual has little or no choice in the provider;
 - services where they need to be tailored to individual needs;
 - services for users who can be vulnerable and need support and advice to access services.

Research from the Policy Exchange into the public's attitudes to key issues of public services reform specifically, issues of choice, quality and the use of more providers from outside the public sector, found that people are more concerned with how well services are delivered and not which sector provides them.⁹ When a provider fails to deliver to the standards expected, it may have profound consequences for the individual user and damage public trust more generally.

- 1.6 For the provider of public services it makes good business sense to adhere to ethical standards. Ethical failures by banks, the press and in the public service market have all demonstrated that the damage to reputation and trust, and the financial cost to the business or provider concerned, can be high. As the CBI has recently acknowledged, *"without addressing the legitimate expectation of transparency around provider performance and an assurance for the continuity of service when a provider fails, trust in public service markets cannot be fully realised."*¹⁰
- 1.7 Continuity of public services can also be a major risk to the government, particularly if there is a failure by a significant provider, where there may be little or no alternative provision. As well as the impact on individual users, it may mean that Government has to step in to provide the services by default and meet the financial costs of doing so. Failures in service provision have broader implications for the level of public trust and confidence in the Government and its ability to deliver public services, as referred to in paragraph 1.4 above.

⁹ Sean Worth and Colleen Nwaodor 2012 *Do the Public Back More Reform of Public Services?* Available at: <http://www.policyexchange.org.uk/images/publications/do%20the%20public%20back%20more%20reform%20of%20public%20services.pdf>

¹⁰ CBI *Licence to operate Winning trust in public service markets* p 8.

The Review

- 1.8** While the ethical standards expected of public office holders have not changed, the scope of public office holders has. Accordingly, the Government clarified the terms of reference of the Committee last year so that ‘...the Committee’s remit to examine “standards of conduct of all holders of public office” [encompasses] all those involved in the delivery of public services, not solely those appointed or elected to public office.’¹¹ This confirms that the Seven Principles of Public Life have application to all those delivering public services whether they are public sector providers, or third-party providers from the private or voluntary sector.
- 1.9** We are aware however that those who operate in the private or voluntary sector may not be aware of these principles or – even if they are – may not consider that they are clearly applicable to them. As we have said before, the more ambiguous the circumstances in which the principles apply the less purchase they are likely to have. We consider that unless the ethical principles which are seen as important in the delivery of public services, are clearly translated into contractual arrangements and clear guidance, it is unlikely that providers of public services will believe that they are unambiguously applicable to them or give sufficient priority to how they are expected to behave. These risks are increased as the notion of a lifetime career in public service diminishes and where those employed by external providers have not previously been exposed to a culture of public service ethics. Awareness of the ethical standards framework for public services certainly cannot be taken for granted.
- 1.10** A key issue for the Committee therefore is whether, as part of securing regularity and propriety of public services, effective structures and arrangements are in place which actively promote the right ethical behaviour and ensure that from beginning to end, all public services – however they are delivered – meet high ethical standards.
- 1.11** In its report *Standards Matter*¹² the Committee considered that the new wide ranging ways of delivering public services, which entailed services being delivered by people not previously involved in public service was a live risk to ethical standards in public life. We considered it essential then that care was taken to design structures which addressed this risk. The Committee therefore recommended that:

In all cases where new methods of delivering public services are being created, commissioners and providers should give careful thought to the mechanisms necessary to maintain expected high standards of behaviour and promote the principles of public life.

Public servants designing and commissioning services should, in a consistent and proportionate way, address ethical issues throughout the procurement process. Contractors and others should acknowledge the particular responsibilities they bear when delivering public services, paid for by public money, to individuals who may not have the choice of going elsewhere.

Where powers to regulate standards are devolved to promote local responsibility and leadership, care should always be taken to ensure that there is independent scrutiny, that the results of such scrutiny are made publicly available and that those who have responsibility for imposing sanctions have adequate legal or other powers to do so.

- 1.12** To elaborate these recommendations the Committee has undertaken some further work. Our aim is a better understanding of the ethical principles and standards that should apply to third – party providers of public services and to make recommendations on how to ensure those standards can be met. The Committee commissioned Ipsos MORI to carry out research into public and stakeholder views with regard to what ethical standards providers of publicly funded services should conform to, and how closely they relate to the Seven Principles of Public Life. The Committee has also conducted semi-structured interviews with commissioners and providers to understand how organisations ensure that they meet the high ethical standards expected for delivery of public services and the managing of public resources. From this

¹¹ Hansard (HC) 5 February 2013, col 7WS.

¹² *Standards Matter: A review of best practice in promoting good behaviour in public life (Fourteenth Report) (Cm 8519) (January 2013).*

evidence base the Committee identified some emerging themes, issues and risks and examples of current practice. These have led us to make proposals as to the features of a framework required to support high ethical standards and some accompanying recommendations.

Chapter 2:

The public service market

- 2.1** For the last thirty years, the government has been commissioning and procuring third parties to deliver public services.¹³ An estimated third of all public spending on services is now delivered by private companies.¹⁴ The National Audit Office estimates that £187bn¹⁵ is the total public sector spending on goods and services with third parties across the public sector. Around £84bn is spent by local government, £40bn by central government, £50bn by the NHS and the remainder by devolved and independent public sector bodies. The CBI calculates that the public services sector in the UK accounts for 7.2% of GDP and employs 5.4 million people.¹⁶ The rate and value of public sector outsourcing contracts appears to be accelerating. According to an Outsourcing Index¹⁷ the public sector dominated deal activity¹⁸ accounting for 74% of total (outsourcing) spend in the first three months of 2014. The local government sector alone saw a 58% year-on-year increase in deal values. By contrast, the value of private sector deals decreased by 20% in the same period. 39 new contracts worth a total of £2.1bn were agreed in the period, representing, the Outsourcing Index suggests, a 65% increase on figures from the first quarter of 2013.
- 2.2** Government uses third-party providers for a range of purposes, from procuring basic commodities to providing front line services to the public. The reasons for doing so include accessing external expertise and increasing innovation and competition to improve quality and cost effectiveness. Austerity in public finances and changing demographics are also increasing the pressure on governments to deliver more for less. Using non-conventional providers – often with new ways of working – and reforming the way services are commissioned are seen as responses to all these pressures.
- 2.3** As well as direct out-sourcing, a very wide range of new ways of delivering public services now exists, resulting in increasingly large and complex supply chains. They include clinical commissioning groups, elected mayors and police and crime commissioners, academy schools and private, voluntary sector, mutual or citizen-led provision in areas ranging from prisons to hospitals, social housing and libraries. Services provided are many and varied ranging from direct services at a local level such as housing, and the collection of household waste, to more personal services such as social care services for children, older people and people with disabilities, as well as the buying in of day-to-day goods or products such as IT and stationery. Increasingly public bodies are urged to pool their resources and to undertake joint activity or collaborate in order to achieve value for money for local communities and generate savings for the taxpayer.
- 2.4** This Government's preferred way of delivering public services is through user choice and provider competition through a public services market.¹⁹ In order to support this agenda it has established the Crown Commercial Service to bring together government's central commercial capability into a single organisation to create expert commercial services for common goods and services and complex procurements and to support departments' projects when needed. When fully operational, it is argued that

13 The terms commissioning and procuring are often used interchangeably but there is a distinction between the two terms. In broad terms, commissioning is the establishment of the needs of a population and then buying services to meet that need. The buying of services from third parties as part of a legally binding contract is called procurement.

14 Julius, D., *Public Services Industry Review*, 2008, Retrieved 15 July 2013: <http://www.bis.gov.uk/files/file46965.pdf>. Note that this estimate includes services procured by government to support service delivery cited in Institute for Government 2012 Testing New Commissioning Models A guide to help policy makers learn about publically funded markets.

15 *The role of major contractors in the delivery of public services*. National Audit Office HC 810 Session 2013-14 12 November 2013.

16 CBI *A Value Driven Public Services Sector* page 6 Oxford Economics analysis for CBI.

17 Arvato UK Quarterly Outsourcing Index at www.arvato.co.uk.

18 The Outsourcing Index defines deal activity as meaning the value of new contracts signed in 2014. Private sector deals refers to outsourcing contracts signed between two private companies.

19 White Paper *Open Public Services* 2011 HM Government July 2011.

the Crown Commercial Service will provide a more efficient way of buying common goods and services on behalf of the whole of government by securing better prices through aggregating demand and buying once. One aspect of this strategy, which has been highlighted by stakeholders in the context of our review, is the Crown Representatives, who work across Departments and manage either a small pool of government's key strategic suppliers, or represent a particular sector of the market. As at April 2014 there are 21 Crown Representatives from a mix of commercial and public sector backgrounds.

- 2.5** The provision of public services by third-party providers however does not come without risk. Recent examples of poor standards by third party providers in public service are set out in box 1 below. These examples cover the whole range of failures – by individuals, poor cultural expectations, systematic weaknesses, inadequate leadership and distant or non-existent governance arrangements. These failures have undermined public trust in the providers concerned. Clearly, no one solution is possible to fit all the eventualities, but rather these examples illustrate the need to propose an ethical framework within which such providers should operate.

Box 1

Service (contractor)	Summary	Relevant Principle of Public Life
Cornwall out of hours GP service (Serco)	Concerns that staff were inadequately qualified and were altering data were raised by whistleblowers in 2012. In July 2013 the Care Quality Commission reported that the service did not have enough qualified, skilled and experienced staff to meet people's needs. A forensic audit by Serco found that two members of staff had been making unauthorised changes to performance data. The National Audit Office reported that Serco had consistently not met national quality requirements set by the Department of Health and whistleblower concerns had not been identified by routine management controls or by the Primary Care Trust. The NAO confirmed that steps had been taken by Serco in response to the problems. ²⁰	Honesty Leadership Accountability
Electronic monitoring contracts (Serco Monitoring and G4S Care and Justice Services)	An independent audit of the billing arrangements for both contracts confirmed the Ministry of Justice was billed for services which included instances where the suppliers were not in fact providing electronic monitoring. Bills included charges for people who were back in prison, people who had left the country, and those who had never been tagged in the first place but who had been returned to court. In a small number of cases where charging continued for a period the subject was known to have died. In some instances, charging continued for a period of months and years after active monitoring had ceased. Both companies are currently being investigated by the Serious Fraud Office and G4S has agreed to repay almost £109m of its fees to the Ministry of Justice. ²¹	Honesty Leadership

²⁰ National Audit Office. *Memorandum on the provision of the out-of-hours GP service in Cornwall* HC 1016 Session 2012-13 7 March 2013.

²¹ www.publications.parliament.uk/pa/cm201314/cmhansrd/cm130711/debtext/130711-0002.htm

Service (contractor)	Summary	Relevant Principle of Public Life
Employment and training scheme (A4E)	Four former A4E recruiters admitted a total of 32 offences including fraud and forgery at Reading Crown Court in February 2014 relating to an employment and training scheme called 'Inspire to Aspire' run by the company A4E on behalf of the Department for Work and Pensions. As the Daily Mail reported "Whitehall officials called in police over concerns that staff were billing taxpayers for 'successful' work that was not carried out or for non-existent clients. A whistleblower claimed forged signatures and blank timesheets were 'routine' techniques used for bumping up the numbers of successful job placements." ²²	Honesty Leadership Selflessness Integrity
Provision of accommodation for asylum seekers (G4S and Serco)	The National Audit Office was alerted to concerns over the operation of COMPASS contracts. An investigation found that many properties were below the required contractual standard and that contractors were failing to meet key performance indicators (KPIs) with regards to time taken to carry out repairs. All providers argued that the KPI regime was being enforced too rigorously and should be reviewed. In addition concerns were raised by service users as to the approach of some of the providers' housing staff. ²³ The NAO recommended that the Home Office should work with providers to ensure that training of housing staff is audited with particular regard to understanding service user's needs and that appropriate mechanisms were developed to capture feedback from service users.	Objectivity Leadership Openness Accountability

- 2.6** We acknowledge that poor performance and standards failures have occurred in the public sector – indeed much of this Committee's past work has been reviewing such failures and making recommendations for improvement. Generally, however, there are established and transparent accountability frameworks and independent external scrutiny mechanisms which exist to help identify, scrutinise and remediate failings. Now that public services are being delivered by those outside the public sector, the public need to know that third-party providers can deliver public services to high standards and need to trust that the government will ensure that happens. As a result of recent contract failures by third-party providers, the Government commissioned The Cross Government Review of Major Contracts,²⁴ and required a programme of corporate renewal to be undertaken by several of those contractors. The findings illustrate that there is more to be done.
- 2.7** The National Audit Office ("NAO") published in November 2013 a *Memorandum on the role of major contractors in the delivery of public services*,²⁵ commissioned by the Committee of Public Accounts. It refers to the Managing Public Money standards expected of all public services "Honesty, impartiality, openness, accountability, accuracy, fairness, integrity, transparency, objectivity, reliability" – where there is a high degree of commonality with the Seven Principles of Public Life – which are to be carried out in the public interest "to high ethical standards" and achieving value for money.

²² <http://www.dailymail.co.uk/news/article-2551242/Four-former-staff-scandal-hit-dole-jobs-firm-A4E-admit-swindling-taxpayers.html>

²³ National Audit Office *Report on COMPASS contracts for the provision of accommodation for asylum seekers* HC 880 Session 2013-14 10 January 2014.

²⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/268800/Cross_Government_Review_of_Major_Contracts_Summary_Report.pdf

²⁵ HC 810 Session 2013-14.

- 2.8** Following this memorandum, the Committee of Public Accounts published its report on *Contracting out public services to the private sector*.²⁶ The Report makes recommendations in five areas for improvement: Transparency, contract management and delivery, competition, capability and public service standards. In relation to public service standards the Committee recommended that:

The Cabinet Office needs to be clearer with firms which seek to win government contracts that they are expected to behave with the same standards of honesty, integrity and fairness that apply to the public sector itself. It should set specific expectations which include transparency, the treatment of service users and employees, and ethics; and

The Cabinet Office and government bodies should ensure that government's expectations are then built into standard contract terms.

- 2.9** Like the NAO and the Committee of Public Accounts, we believe there is a need to ensure that all public services however they are delivered meet high standards. High ethical standards are a necessary component of managing public money²⁷ and fundamental to the right use of public funds²⁸ and delivery of services to the public. It is therefore incumbent on the bodies commissioning or procuring public services, which are ultimately responsible and accountable for those services, to obtain assurance that high ethical standards are being met. Accountability does not end and should not dissipate on the commissioning or contracting out of public services.

²⁶ Forty-seventh Report of Session 2013-14 HC 777.

²⁷ HM Treasury Principles for Managing Public Money published in July 2013 must be carried out to "high ethical standards achieving value for money."

²⁸ Ibid Section 2.4 refers to the concepts of regulatory and propriety in the use of public funds and supporting this concept the Seven Principles of Public Life.

Chapter 3:

Research findings

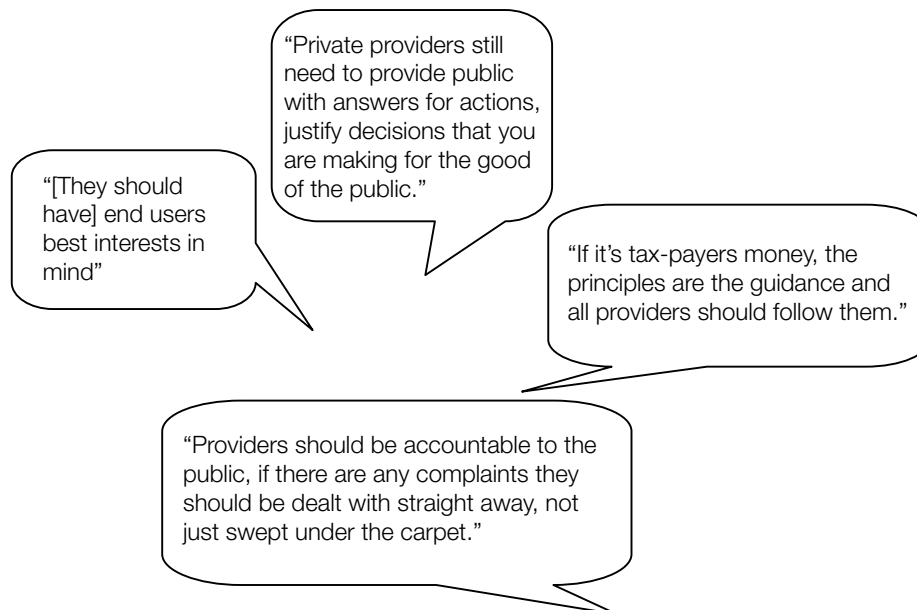
Qualitative research

- 3.1** To better understand the ethical principles and standards that should apply to third- party providers of public services, in January 2014, the Committee commissioned Ipsos MORI to carry out research into public and stakeholder views with regard to what ethical standards providers of publicly funded services should conform to, and how closely those standards relate to the Seven Principles of Public Life. The complete research report has been published along side the publication of this report and is available on the Committee's website.²⁹ As part of its research Ipsos MORI held:
- a. 15 in depth interviews with stakeholders commissioners, providers and individuals from national representative organisations ("stakeholders"), who reflected on what ethical standards providers should conform to and how those providers could best meet those standards; and
 - b. Six discussion groups, with approximately 11 members of the general public in each, discussing what ethical standards should be met by those delivering public services.
- 3.2** In addition to this independently commissioned research, and desk research by its secretariat, the Committee members held a series of meetings with various senior commissioning and procurement staff (mostly at Civil Service Director level) in central government departments and some senior leaders from both the public and private sectors. The Committee held 15 meetings in total and asked those they met a set of questions, which were shared in advance. The departments and organisations the members met are listed in Appendix 3.

Ipsos MORI research – public views

- 3.3** In summary the key findings from the discussion groups with the general public were:
- overall the public felt that the same ethical standards should be upheld by any organisation providing public services regardless of sector and supported by codes of conduct;
 - the public felt that good outcomes and quality of user – provider interaction, particularly from front line staff, behaving with integrity and objectivity, were crucial to ethical service delivery;
 - the public emphasised the importance of needs based provision – taking the needs of the end-user into account, talking openly, and giving honest, impartial advice;
 - accountability – the taking of responsibility and effective external scrutiny of service providers – through mechanisms such as setting minimum standards, monitoring, the use of user satisfaction and complaints data, were both considered very important by the public;
 - use of punitive measures to enforce standards such as barring from future competition and financial penalties were generally preferred as a means of ensuring adherence to ethical standards, but the public were alert to unintended consequences such as gaps in service provision or additional costs to the taxpayer;

²⁹ <http://www.public-standards.gov.uk/>



Responses from members of the public

- the public's views of ethical standards are closely related to the Seven Principles of Public Life, although the terminology used and interpretations were sometimes different.

The Committee's survey of public perceptions

- 3.4** Many of these findings resonate with previous independent research carried out for this Committee to track the public's understanding of and attitudes towards the Seven Principles of Public Life. The latest survey explored amongst other things, which measures for ensuring good standards of conduct in public life elicit most public support.³⁰ Findings suggested, as in the Ipsos MORI research, that the public supported the use of external scrutiny and audit mechanisms and the development of a strong internal culture fostering standards and openness.
- 3.5** In relation to front line staff, where the Ipsos MORI research showed clear expectations of standards, our survey showed the wide spread belief that respondents would receive fair treatment from a range of front line public services – only 15% or fewer of those surveyed expressed concern that they would be treated worse than others, and had more confidence in the probity of relatively junior front line staff – in terms of putting the public interest first, owning up to making mistakes, and being held accountable for mistakes – than in that of more senior managers. They also expressed more confidence in the probity of public sector employees than in those in the semi-public or private sectors.

Ipsos MORI research – stakeholder views

- 3.6** In summary, the key findings from the meetings with stakeholders were:
- despite the common view that providers, will in most cases conform to ethical standards, the research showed that commissioners do not necessarily articulate ethical standards to providers explicitly and it was considered that there were limitations in the current mechanisms to establish how such standards were embedded in provision;

³⁰ *Survey of public attitudes towards conduct in public life 2012*. September 2013. Prepared for the Committee on Standards in Public Life by Isabel Taylor, Nicole Martin and the Committee's Research Advisory Board.

- whilst many thought efficiency and flexibility gains had been achieved through new ways of working, there was some concern that certain providers would “cut corners” or “deliver below par services” or risk quality of service, in order to achieve value for money or payment by results demanded by commissioners;
- stakeholders felt there was a greater emphasis on transparency around decision making – “...*not just about publishing information and data, it’s much more about transparency of processes, so people know when decisions are going to be taken, know how they can get involved....the timescales.*” – and accountability although the latter tended to be seen predominantly in financial terms;
- the conduct of organisations and individuals delivering services was seen as important and there was an expectation that organisations would comply with legal and regulatory requirements and staff would conform to an organisational code of conduct;
- a view that personalisation of services to the needs of the user – which was not consistently defined – implicitly required high ethical standards;
- an acknowledgement that complaint data and user satisfaction data could be used more effectively;
- a concern that some commissioners may not be equipped to deal with the size and complexity of new contracts;
- a focus on quantitative metrics to measure outcome and impact rather than the “how” where commissioners tend to get a “feel” for desired values through dialogue and relationships with providers;
- commissioners wanted training, dissemination and guidance to help and support them to encourage providers to conform to ethical standards.

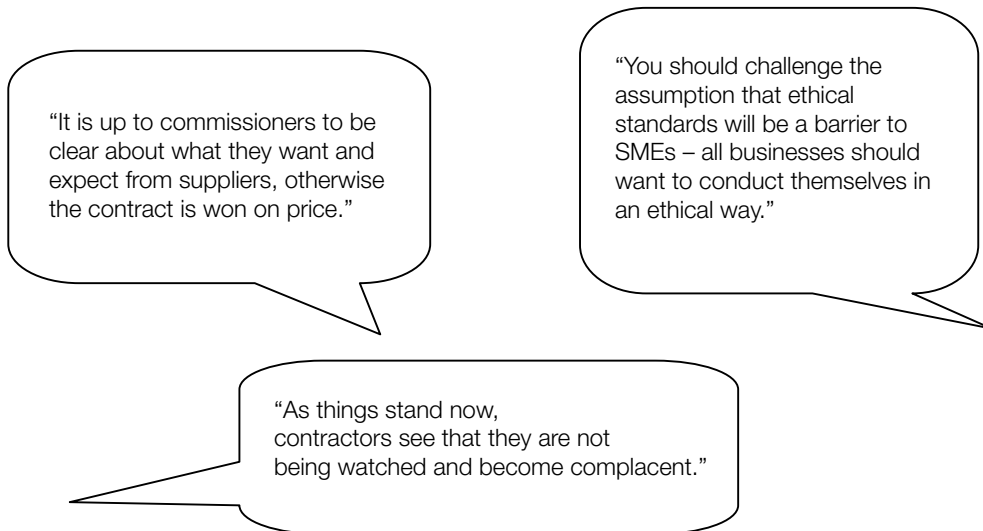
Committee research

3.7 From the views expressed to the Committee during face-to-face interviews we found:

- there was generally **an implicit understanding and application of ethical standards**;
- most respondents **expected to influence ethical standards through non-contractual mechanisms** and their relationship with the providers;
- there appeared to be **limited ongoing monitoring of contracts**, concerns were raised by some respondents that data collection could be poor,³¹ they had lack of visibility of complex supply chains and that contract managers were nervous of challenging the service delivery of big providers and lacked the confidence and training to do so;
- there was a **reliance on the fulfilment of legal or statutory obligations** such as equality and diversity or prevention of fraud and bribery obligations as evidence of high ethical standards;
- a view of some respondents that the **emphasis on cost** won over other considerations such as quality of service which implicitly included ethical standards;
- an acknowledgement that there remained a **lack of commercial skills** within Government, but progress was being made through an increased focus on capability and professional accreditation. There were some suggestions for a mandatory annual compliance statement or self assessment and compulsory e-training for those undertaking commercial work;

31 This concern appears to be borne out by the findings on performance management in the Cross Government Review of Major Contracts, Autumn 2013, para 5.3.

- some concern was expressed about the **potential for conflicts of interest**, particularly in the context of movement of staff between commissioner and provider;
- it was generally agreed that there is a central push for **greater transparency** around the provision of public services from third party providers, but practice was variable. In relation to the use of open book accounting, the challenge of understanding and using this information to make sensible commercial decisions was acknowledged, as was the current lack of commercial capability of commissioners to use it effectively.



Responses from commissioners and providers

- 3.8** Examples given in interviews of existing mechanisms used by commissioners, procurers and contract managers to provide assurance of ethical standards in the delivery of public services are set out in Box 2 below. It is however important to emphasise that we found considerable variation in the non-contractual use of measures to ensure ethical delivery, and as stated elsewhere the capability of commissioners and contract managers is still being developed. While lines of accountability for contracts were established, the arrangements were often complex and it was not always clear whether communication on ethical issues to the main departmental boards were as effective as they might be.

Box 2

Mechanism	
Design and tendering	<p>Pre-qualification questionnaires to pre-screen suppliers e.g. <i>whether suppliers should be excluded because of existing convictions for certain statutory offences such as fraud or bribery; or consideration of supplier' statements of Corporate Social Responsibility</i></p> <p>Supplier due diligence and tendered dialogues <i>it was suggested this might implicitly cover ethical expectations</i></p> <p>Procurement assurance boards <i>provides independent assurance that decisions have been made fairly and transparently in accordance with departmental processes</i></p>
Contractual	<p>Contractual requirements relating to:</p> <ul style="list-style-type: none"> ■ Governance and accountability arrangements³² ■ Anti-bribery and prevention of fraud and corruption³³ ■ Relevant convictions <i>requiring the contracting authority's written consent to the employment/engagement of a person with a relevant conviction</i> ■ Whistleblowing policy ■ Conflicts of interest <i>requiring the contractor to take steps to ensure neither contractor or contracting authority is placed in a position whether there may be an actual or potential conflict of interest and behaviour of contractor is not in Authority's best interest or might adversely affect the Authority's reputation</i> ■ Transparency³⁴ <i>including open book data</i> ■ Internal Audit ■ Key Performance Indicators <i>it was suggested this might implicitly cover ethical considerations through performance and service requirements</i> ■ MERLIN Standards for supply chains³⁵

32 See, for example, Government Legal Service Model Terms and conditions for major services contract Clause D11 and Schedule 8 contract governance.

33 See, for example, Government Legal Service Model Agreement for Service Short Form terms and conditions clause 18 Prevention of Fraud and Corruption.

34 Ibid Footnote 32 Schedule 8.

35 See Appendix 2.

	Mechanism
Non-contractual	<p>Ethical procurement guidelines for commissioners and providers</p> <p>Ethical codes for providers</p> <p>Standards for and assessments of supply chains</p> <p>“Mystery shopper”³⁶</p> <p>Analysis of user complaints</p> <p>Maintaining effective commissioner-provider relationship</p> <p>Process of Corporate Renewal and development of “good corporate citizen”</p> <p>Publication of contracts on Contract Finder³⁷</p>
Capability of commissioners/ contract managers	<p>Professional Accreditation of Chartered Institute of Purchasing and Supply³⁸ <i>which includes adherence to their code of conduct</i></p> <p>Commissioning Academies³⁹ building capability and sharing best practice</p> <p>Codes of Conduct for procurement staff and online training</p> <p>Annual self assessment and maintenance of gift and hospitality registers and registers of interest</p>

- 3.9** Some good practice was observed, particularly in Departments which had made a clear high level policy statement of the importance of ethical standards, such as Defra:

Defra’s Ethical Procurement Policy Statement

This statement sets out that Defra’s expectation that its suppliers will maintain high standards of integrity, professionalism and transparency and how working in partnership with suppliers it will address wider ethical issues outside the public procurement process. These issues include working conditions, employee health and training, discrimination and child labour.⁴⁰ The policy aims to achieve wider societal benefits through ethical principles such as requiring “suppliers [to] have systems in place to ensure high standards of propriety which make sure public money is used for the purpose it is intended.” Defra was able to point more easily than some Departments, to mechanisms which existed throughout the commissioning and procurement process including pre and post award stages.

Conclusion

On the basis of our research, we can be confident that the public expected that the same ethical standards should be confirmed and upheld by any organisation providing public services irrespective of the nature of the organisation providing the service. “How” the service is delivered is as important to them as “what” is delivered. The public want personalisation and a user – led definition of quality. The public are however realistic and acknowledge the need for proportionality and the implications for cost. They recognise that good outcomes as defined in the contract will not necessarily conform to high ethical standards. So, as the

³⁶ The Mystery Shopper is an initiative whereby any supplier can make a complaint about any public sector procurement. Since March 2011 it has dealt with 620 cases – Francis Maude speech to Public Sector Show 2014 May 2014.

³⁷ <https://www.gov.uk/contracts-finder>

³⁸ <http://www.cips.org/>

³⁹ <https://www.gov.uk/the-commissioning-academy-information>

⁴⁰ Ethical Procurement Policy Statement March 2011.

Ipsos MORI research clearly revealed, they also want closer and more effective scrutiny of all providers regardless of sector, to ensure those delivering services are held to account if they do not meet user expectations.

- 3.10** While commissioners also recognise that unethical behaviour can be found in providers from any sector and that conduct is important – they assume that providers will conform to ethical standards. Ethical standards are not therefore explicitly incorporated into either the selection or contractual arrangements, nor is performance monitored on this basis. The primary focus of commissioners appears to be on cost and outcomes – the “what” and not the “how”.
- 3.11** Commissioners rely instead on an implicit understanding and application of ethical standards which across government we found to be fragmented, piecemeal and inconsistent. There is an assumption that a relationship of trust between the commissioner – provider and ongoing dialogue will ensure that the desired values are delivered in the service. But we heard that this is not without risk of potential inter-dependency particularly with big suppliers, and the potential for conflicts of interest, especially in relation to the interchange of office holders between sectors.⁴¹ Reliance for assuring ethical standards was also placed on providers meeting legal and regulatory obligations such as those directed at anti-bribery or corruption. Whilst necessary we do not consider this is sufficient assurance and is not a substitute for ethical consideration.
- 3.12** We also heard about the application of EU procurement rules. We accept that all public procurement must be carried out in accordance with the EC Treaty and EC Public Procurement Directives. We are disturbed by the view that we heard on more than one occasion that these rules prohibit the incorporation of ethical requirements into selection or contractual arrangements. We are clear that ethical considerations can and should be taken into account where – as must usually be the case – they are relevant to the subject matter of the contract and delivery of the service.
- 3.13** One area which gave us particular concern arises from the size and complexity of supply chains, particularly the use of sub-contractors and the potential for lack of visibility on the part of commissioners as to the performance of sub-contractors and the extent to which their behaviour is being monitored and evaluated. Clear lines of accountability need to be established between the commissioner and the lead contractor who holds responsibility for its relationship with sub-contractors. One commissioner told us: *“There is a concern around sub-contracting and that Government Departments do not reach far down enough into the supply chain.”*
- 3.14** A reservation has also been expressed to us that requiring small and medium enterprises (“SMEs”) to adhere to an ethical framework will impose an unnecessary regulatory burden on them or discourage SMEs from bidding for work. We were interested therefore to learn about the Civil Service Learning contract with Capita to manage the provision of training across the civil service. 65% of training has been delivered by SMEs through a transparent open market process. All suppliers operate to standard terms and conditions, ethical expectations are consistent across the supply chain and there are agreed supply chain standards. Suppliers have access to existing Capita processes such as the whistle-blowing procedure and anti-bribery training. In addition to suppliers completing an annual survey to enable regular feedback to Capita, there is a user feedback and complaints processes which enable supply chain issues to be escalated through the governance structures. Such structures do not have appeared to have discouraged SMEs from applying for this work.
- 3.15** There was a general sense that ongoing monitoring of contracts was limited and if it did occur was focused on performance and financial measures. This gives us some unease, especially when taken together with an acknowledgement from commissioners and providers that too many commissioners and contract managers were lacking the commercial skills to effectively manage providers, especially the major suppliers.

⁴¹ See further *Strengthening Transparency Around Lobbying* November 2013 Chapter 5: The “revolving door” of employment.

Chapter 4:

An ethical framework

What are the ethical standards expected?

- 4.1** Our recent research shows that the public want common ethical standards to apply to all providers of public services and that public and stakeholder views are broadly in line with the Seven Principles of Public Life – *Selflessness, integrity, objectivity, accountability, openness, honesty, leadership*. We also know, as discussed in chapter 1, that these principles remain valid, are endorsed in the Committee’s public perceptions surveys and are important socially, economically and politically.
- 4.2** The Committee’s approach to this review has not been based on the assumption that the public sector is a better provider and the private sector worse and our research shows that the public do not fall into this false opposition either, but the public do want common ethical standards regardless of sector and commissioners of public services want help and support to encourage providers to comply with ethical standards. As one commissioner informed us: *“There is currently an absence of policy to push the ethical agenda rather than a policy against it.”*
- 4.3** We believe that government should be clear that it expects the same high standards of all who provide public services and that the Seven Principles of Public Life provide a clear value statement of expectations. As one stakeholder argued: *“having those ethical principles articulated clearly states the premise, the context within what you want things doing but also provides a very clear remit to take action should things falls short.”*⁴²

What framework is required to support these ethical standards and provide assurance they are being met?

- 4.4** Using the evidence base from this review we have reflected on the sort of high level framework which is required to support these ethical standards and provide assurance to accounting officers, government and the public that these standards are being met, regardless of the status of the service provider. The framework should be organisation wide and applicable to all its people as well as systems and processes. It is evident from our research that currently there are no consistent structures or arrangements in place actively to promote the right ethical standards as part of a process for securing the regularity and propriety of commissioning and procuring of public services.
- 4.5** We acknowledge there is a need for any such framework to be risk-based, flexible and proportionate: *“In the standards field proportionality is concerned with the balance between propriety, accountability and efficiency; in the context in which decisions are made; and the outcomes intended.”*⁴³ How it is implemented in practice will depend on the nature of the public service being provided, the model of delivery and the kind of provider. This framework is intended as a guide and as a basis for further discussion.

⁴² *Ethical Standards for providers of public services*. Ipsos MORI June 2014 p 32.

⁴³ Getting the balance right: Implementing Standards of Conduct in Public Life January 2004 Issues and Questions Paper page 6.

- 4.6** We also accept it is inherently difficult to contract for values and culture. But we believe we can build on existing mechanisms, many of which will already be present in organisations delivering these services, to prompt and promote ethical behaviour. This, taken together with an increased focus on the personalisation and user-led definitions of quality, is what our research shows the public demands.
- 4.7** In the next five sections, we outline the key components which any framework must incorporate. The Committee considers that any organisation providing public services must be able to demonstrate that it has in place:

- A. Principled Leadership and Governance**
- B. A suitable Code of Conduct**
- C. A Culture of dialogue and challenge**
- D. Clarity of Accountability and Transparency**
- E. Ethical Capability**

A. Principled Leadership and Governance

The organisation needs to demonstrate that – from the top – the role of ethical standards in the delivery of public services is understood, supported and lived out. This requires ethical leadership, visible championing and actual accountability. There may be a specific person with responsibility for advising on and championing ethical issues or annual public reporting on ethical standards through an annual report, accountability or corporate social responsibility statement.

Standards for Members of NHS Boards

Clinical commissioning groups adhere to the Standards for Members of NHS boards and Clinical Commissioning Group governing bodies in England.⁴⁴ These standards set out the skills expected of leaders in the NHS in relation to their personal behaviour – which includes the values to be applied in their work, technical behaviour and business practices. Members sign a statement to abide by those standards. The aim is to increase their accountability and drive up standards for the sector as a whole.

Any organisation should also have an appropriate governance structure in place, led by the main board (where relevant), whereby ethical risks are identified, reported, managed and resolved. Depending on the size of the organisation these could include ethics committees or other internal scrutiny mechanisms with a clear line of accountability to the main board. Appropriate governance and accountability structures can be provided for in the contract or where appropriate demonstrated by adherence to a code of practice.

The NCVO and Good Governance Code for the voluntary and community sector⁴⁵

This Code sets out the principles and practices that should be adopted in those sectors for good governance. It can be applied in a flexible way depending on the type and size of the organisation. It covers behavioural governance including the effective board behaving with integrity and being open and accountable. It recognises the applicability of the Seven Principles of Public Life to the sector as recognised good practice and complimentary to those principles.

⁴⁴ <http://www.professionalstandards.org.uk/docs/psa-library/november-2012---standards-for-board-members.pdf?sfvrsn=0>

⁴⁵ www.governancecode.org

B. A suitable Code of Conduct

Any organisation providing public services must adhere to a proportionate set of values (typically a series of Do's and Don'ts) set out (apart from the smallest organisations) in its own code of conduct or ethics, or equivalent document. A code of conduct is one of the basic elements of a strong ethical framework.⁴⁶

The Committee anticipates that such codes would include, or refer to, the organisation's whistle-blowing arrangements. Normally, the code would be publicly available and staff adherence to the code monitored. Our research showed that the public were positive about publishing a code of conduct as they felt it would encourage providers to "up their game".

CAPITA Ethical Code of Business Conduct⁴⁷

The Code applies to all businesses and to all staff (permanent, temporary or on contract) engaged to work within or on behalf of the Group. It sets out standards of behaviour including related to bribery and corruption and outlines how the Group will respond to any reports of bribery, and environmental and social objectives the latter including non-discrimination.

We would agree with one provider however that: "*An ethical code is necessary but not sufficient.*" The principles and standards should demonstrably underpin policy, decision making and behaviour. This will be supported by relevant organisational policies, processes and procedures which are complied with and appropriate disciplinary proceedings taken where there is non-compliance.

We are aware from our research that there are a variety of existing operationally focused policies and processes in place, such as:

- Fraud and bribery policies and checks
- Gifts and hospitality registers
- Registers of interest
- Whistleblowing policies

Reciprocal whistleblowing policy

A whistleblowing policy for London Borough of Barnet and Capita staff is set out as part of an anti-corruption framework in Barnet's 'Protocol for Joint Working' document. The policy states that "it is agreed within this protocol that Capita staff should utilise the Council's Whistleblowing Policy in relation to reporting a matter.....it is also acknowledged that Capita staff may also choose to report such matters under their equivalent Capita 'Speak up' Policy. Any referrals received under the relevant LBB or Capita policy will be notified to the relevant parties in accordance with the agreed notification timescales. It is agreed that it is Capita's responsibility to actively promote and raise awareness of this within Capita in accordance with principles of openness and transparency and joint commitment to protect public funds."⁴⁸

⁴⁶ First Report Committee on Standards in Public Life, *Members of Parliament, ministers, civil servants and quangos*, May 1995, Cm 2850.

⁴⁷ www.capita.co.uk

⁴⁸ Available on request from Barnet Council.

Subsidiaries and sub-contractors must be managed in accordance with those obligations.

NCVO and Serco Code⁴⁹

The Code of Practice provides advice on a range of issues in the relationships between prime and subcontractors, including setting reasonable expectations, having strong mechanisms for open dialogue between contractors and developing financially sustainable models. Serco has pledged to follow the guidance when it subcontracts within its public service contracts, and will also encourage other outsourcing companies to sign up to the document.

There are various models currently in place to help organisations manage the supply chain such as MERLIN standards, SPRAM and CAESAR, further detail of which is provided in Appendix 2.

C. A Culture of dialogue and challenge

The organisation needs a culture where everyone is encouraged to question and challenge and report unethical behaviour, where complaints are respected and concerns addressed, feedback is encouraged and acted upon in order to continuously improve and whistle-blowing is seen as last resort.

This could be evidenced by:

- a. **Existence of credible independent challenge** such as independent members of boards or trustees.
- b. **Use of staff feedback surveys and self assessment**⁵⁰
- c. **Commissioner – provider dialogue** including tendered dialogue together with increased confidence by the commissioner to challenge and increased willingness by contractors to provide information to demonstrate compliance.
- d. **User – provider dialogue** prioritising the needs of the user,⁵¹ treating them fairly and with respect, being open with information, responding to and acting on feedback, good complaints handling⁵² and the effective use of complaints data to evaluate how well standards are being achieved and to help deliver service improvements.

As the Public Administration Select Committee has recently concluded in relation to complaints:

*“How complaints are handled determines the quality of the relationship between consumers and public services. The best performing organisations welcome complaints as a means of engaging consumers.”*⁵³

This is reflected in our research which highlighted the public view that a: *“key aspect of upholding standards was the use of user feedback and complaints to understand an organisation’s attitude towards its service users.”*⁵⁴ It is an essential component in building and retaining public trust, the public felt scrutiny of this data should be a requirement for those commissioning and monitoring their provision and commissioners themselves acknowledge this data could be use more effectively.

- e. **Robust regular scrutiny** using information which is intelligible to those monitoring, with increasing efforts to achieve the use of real time information.

49 https://www.ncvo.org.uk/images/documents/practical_support/public_services/ncvo_serco_code_of_practice_april_2013.pdf

50 For example the Audit Commission’s changing organisational culture audit tool.

51 Survey data from *The Collaborative Citizen Report 2014* shows that the most important aspect for organisations delivering public services to focus on are 1) understanding people’s needs 45% and 2) treating people with dignity and respect 33%, this is consistent with the findings of our research.

52 See further *ibid* pages 8-12 What does good complaints handling look like?

53 Public Administration Select Committee *More Complaints please!* Twelfth Report of Session 2013-14 HC 229 Published on 14 April 2014 p3.

54 *Ibid* 42, page 21.

D. Clarity of Accountability as well as Transparency

The organisation should adopt “Intelligent accountability”⁵⁵ putting out good quality information in intelligible and adaptable formats,⁵⁶ creating a genuine dialogue with stakeholders. This should be aimed at building a degree of trust over time in which stakeholders can see policies being influenced and changed as a result of their input and being open, particularly in relation to reporting problems and avoiding a culture of blame.

There must also be clarity of accountability, particularly where there are complex supply chains, to enable effective holding to account especially for individuals who wish to raise questions or concerns about the services provided to them, and an effective means of redress.

Case study – Barnet Council on openness and transparency

Barnet Council has a continuing agenda to proactively publish more open data information, in reusable, machine readable format. They regard it as key to holding elected politicians and public bodies to account and in building trust. As part of this agenda Barnet Council published their contract with Capita last year with minimal redactions. The Council has monthly meetings where the public can submit questions on the Council's work. The Council and Capita work together jointly on responses and supplementary questions can be asked at the meeting. Meetings are recorded and put on the Council's website together with the list of questions and replies. The questions asked demonstrate the public have read the contract.

March 2014

In our meetings we heard much about a greater emphasis on transparency – both to commissioners and to the public. Greater openness can help improve standards and strengthen public accountability. This can be achieved through:

- public reporting, such as Annual Reports;
- contractual information and performance requirements, such as open book accounting and user feedback;
- proactive disclosure, such as publishing government contracts online at www.contract-finder.gov.uk; and
- the impact of the Freedom of Information Act (“FOIA”) where applicable.⁵⁷

We have as a Committee, touched on the grey area around the applicability of the FOIA when services are contracted out to the private sector, and the limitations of the use of FOIA before.⁵⁸ We therefore welcome the work the Government, CBI and Information Commissioners Office have been doing on developing guidance on FOIA and its applicability to contractors and standard contract clauses to provide greater clarity for commissioners and providers.⁵⁹

We agree with the Committee on Public Accounts however, in its report *Contracting out public services to the private sector* in March 2014, that “there needs to be far greater visibility to Government, Parliament and the

55 As defined in *Standards Matter* ibid 12, paragraph 6.15.

56 Barriers to accountability can include accessibility, quality and presentation of data see *Strengthening Transparency Around Lobbying* November 2013 Chapter 4 and Public Administration Select Committee *Statistics and Open Data* Tenth Report Session 2013-14 HC 564 p 9-11.

57 We note the recent public debate to extend the application of the FOIA to private companies when operating services in the public interest, for example Freedom of Information (Private Health Companies) motion or leave to bring in a Bill Grahame M Morris Hansard 8 October 2013.

58 *Strengthening Transparency Around Lobbying* November 2013, Chapter 4 Transparency Around Lobbying.

59 See further: a) UK National Action Plan commitment to “take steps to ensure transparency about outsourced services is provided in response to freedom of information requests”. b) Making public service markets work: Professionalising government's approach to commissioning and market stewardship. c) Institute for Government July 2013 recommendation 4. d) CBI “principles for the transparency of public services” in Licence to Operate report. e) <http://iconewsblog.wordpress.com/2014/03/05/ensuring-transparency-isnt-the-cost-of-outsourcing-05032014/>

public about suppliers' performance, costs, revenues and profits."⁶⁰ The Barnet experience shows the public can and will engage when the dialogue is well framed and supported.

E. Ethical Capability

To establish an ethical culture, any organisation providing public services needs to embed ethical awareness in induction, progression, training and professional development. This capability is also needed, as a professional commercial requirement for those commissioning, procuring or managing contracts.

Chartered Institute of Purchasing & Supply Code of Conduct⁶¹

Members of the CIPS are required to uphold a code of conduct, the purpose of which is to "define behaviours and actions which CIPS members must commit to...." It includes provisions in relation to conflicts of interest, gifts and hospitality, fraud and corruption.

Reference was made in our review to existing professional development and accreditation schemes such as CIPS and also to internal training on aspects of ethical behaviours such as anti-bribery and corruption training. We understand as part of the corporate renewal process Serco's senior management team will be undertaking ethical training.

At the same time as conducting this review, the Committee is also conducting a research project on the role of standards in induction, education and training. The focus of the project is to identify what works in terms of building an understanding of ethical principles and practice, as well as the ability to behave ethically, with "ethics" defined by both principles and codes. We will publish our report in July 2014 and its conclusions will be relevant to this aspect of the framework.

⁶⁰ Ibid 26.

Chapter 5:

Implementation

- 5.1** We welcomed the Government's clarification of our terms of reference as we believe strongly that the ethical standards captured by the Seven Principles should apply to all those involved in the delivery of public services, as do the public. The Seven Principles of Public Life provide a clear value statement of expectations. Our research among the public, commissioners and providers leads us to the conclusion that the Government should go further and positively reinforce that ethical standards reflecting the Seven Principles of Public Life apply to anyone delivering public services and make explicit the frameworks required to support such standards. These standards should be reflected in proportionate contractual and monitoring arrangements and should also form part of the culture and behaviour of any organisation selected to provide any public service and must be demonstrated in practice. This must then be supported by Departmental Ministers and Boards and senior officials.
- 5.2** Many of our other recommendations are aimed particularly at Cabinet Office and Crown Commercial Service and central Government departments, reflecting the fact that the majority of stakeholders we met were either central government commissioners or providers. We consider however that much of the research findings and many of our conclusions are generic and will be of broader relevance and application across the public sector.

Strategy

- 5.3** Cabinet Office and Crown Commercial Service must lead by example in their relationships with major suppliers and promote high ethical standards. Crown Representatives have a particular leadership role to play given they ensure a single and strategic view of the Government's needs is communicated to the market. High ethical standards need to be seen as being part of being a "good corporate citizen" in the same way as paying corporation tax is. The Cabinet Office and Crown Commercial Service should work with commissioners and representatives of providers to articulate the features it would expect to see implemented in risk-based, proportionate ethical frameworks, depending on the nature of the public service being provided, the model of delivery and the kind of provider.

We recommend that the Cabinet Office should:

- *adopt a strategic programme to reinforce:*
 - *the message that the Seven Principles of Public Life apply to any organisation delivering public services; and*
 - *the frameworks required to support ethical standards;*
- *ensure that ethical standards reflecting the Seven Principles of Public Life are addressed in contractual arrangements, with providers required to undertake that they have the structures and arrangements in place to support this;*
- *ensure that high ethical standards are championed by Crown Representatives in their relationship with their strategic suppliers; and*

- *ensure that Crown Representatives provide specific advice to Ministers on this aspect of their relationship with suppliers;*
- *work collaboratively with the National Audit Office and HM Treasury to develop guidance on how value for money can be aligned with high ethical standards.*

Accountability and assurance

5.4 Those accountable for managing public money need to demonstrate ethical leadership and actively seek assurance, relative to the business needs, that the high ethical standards expected are being met in order to meet their responsibilities more generally.

We recommend that:

- *accounting officers actively seek assurance that public money is being spent in accordance with the high ethical standards expected of all providers of public services and annually certify (as part of managing public money duties) that they have satisfied themselves about the adequacy of their organisation's arrangements;*
- *ethical standards should be the specific responsibility of one non-executive board member of Government Departmental boards;*
- *ethical standards should be incorporated within the Committee of Public Accounts recommended Departmental periodic reviews of performance regimes;⁶¹*
- *those directly involved in commissioning and contracting should always receive formal assurance by providers of their acceptance of the necessity of ethical standards in the delivery of public service.*

Capability

5.5 Our research demonstrates that those commissioning and managing contracts seek a multi-pronged approach to providing them with the capability to ensure services are delivered to high ethical standards, including training, dissemination and guidance. We have also heard more generally that a lack of commercial capability is limiting government's ability to effectively manage providers of public services, something which has been acknowledged by the Cabinet Office already.⁶²

5.6 There is also a particular risk to manage when recruiting those with commercial and financial expertise from outside civil service in that they need to understand the public facing context in which they work, using taxpayer's money and delivering services to the public. We welcome some of the examples of internal guidance we have seen for procurement staff, which help to set that context, for example:

Department for Work and Pensions guide for internal staff

DWP has issued a guide for internal procurement staff on Business Conduct and Ethical Behaviour. The guidance sets out information on civil service values, professional conduct, gifts and hospitality and registers of interest and conflicts of interest in one document and states that it is the responsibility of procurement staff to adhere to ethical standards. The principles for staff include not only complying with the law but also 'complying with the spirit of the law'.

The guidance includes details of a Whistleblowers hotline: "During your duties you may feel uncomfortable with something that you have been asked to do, or something that you suspect or know someone else is doing. You can report these using the confidential Whistleblowers Hotline."

61 Ibid Footnote 26 *Contracting out public services to the private sector Summary*.

62 Ibid Summary.

- 5.7 We remain of the view, as we have said before,⁶³ that ethical awareness must be embedded in induction, appraisal, progression, regular training and professional development to establish an ethical culture in the public sector. Our forthcoming report Ethics in Practice will set out in more detail how this can be achieved.
- 5.8 More than that however, we believe it is essential that ethical awareness is regarded as a professional commercial requirement for those commissioning/procuring or managing contracts. The Commissioning Academy is working to build the capability of senior commissioners from all parts of the public sector, including contract and supplier management.

We recommend that the Cabinet Office and departments consider ethical awareness a professional commercial capability requirement for those commissioning, procuring or managing government contracts.

We recommend that the Crown Commercial Service working with Civil Service Learning and the Commissioning Academy arrange training on ethical awareness and disseminate best practice on ethical standards.

⁶³ Ibid 12 Standards Matter Chapter 4.

Appendix 1:

About the Committee on Standards in Public Life

1. The Committee on Standards in Public Life is an advisory Non-Departmental Public Body (NDPB) sponsored by the Cabinet Office. The Chair and members are appointed by the Prime Minister. 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.”

2. The remit of the Committee excludes investigation of individual allegations of misconduct.
3. 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.”

4. A triennial review of the Committee was carried out this year, the report of which was published by the Government in February 2013. As a result, on 5 February 2013, the terms of reference of the Committee were clarified in two respects: ‘...in future the Committee should not inquire into matters relating to the devolved legislatures and governments except with the agreement of those bodies’ and ‘...the Committee’s remit to examine “standards of conduct of all holders of public office” [encompasses] all those involved in the delivery of public services, not solely those appointed or elected to public office.’⁶⁴

Membership of the Committee

The Lord Bew (Chair)
 The Lord Alderdice
 The Rt Hon Dame Margaret Beckett DBE MP
 Sheila Drew Smith OBE
 Patricia Moberly
 Dame Denise Platt DBE
 David Prince CBE
 Richard Thomas CBE
 Dame Angela Watkinson DBE MP

⁶⁴ Hansard (HC) 5 February 2013, col. 7WS

Secretariat

5. The Committee's Secretariat consists of Ruth Thompson (Secretary), Leila Brosnan (Senior Policy Advisor) Laurie Mousah (Policy Advisor) and James Anderson (Secretariat Coordinator). Press support is provided by Maggie O'Boyle.

The Committee's previous reports

6. The Committee has previously published the following reports.
 - Strengthening Transparency Around Lobbying (November 2013)
 - Standards Matter: A review of best practice in promoting good behaviour in public life (Fourteenth Report) (Cm 8519) (January 2013)
 - Political party finance: Ending the big donor culture (Thirteenth Report (Cm8208))(November 2011)
 - MPs' Expenses and Allowances: Supporting Parliament, Safeguarding the Taxpayer (Twelfth Report (Cm 7724))(November 2009)
 - Review of the Electoral Commission (Eleventh Report (Cm 7006)) (January 2007)
 - Getting the Balance Right: Implementing Standards of Conduct in Public Life (Tenth Report (Cm 6407)) (January 2005)
 - Defining the Boundaries with the Executive: Ministers, Special Advisers and the Permanent Civil Service (Ninth Report (Cm 5775)) (April 2003)
 - Standards of Conduct in the House of Commons (Eight Report (Cm 5663)) (November 2002)
 - Standards of Conduct in the House of Lords (Seventh Report (Cm 4903)) (November 2000)
 - Reinforcing Standards: Review of the First Report of the Committee on Standards in Public Life (Sixth Report (Cm 4557)) (January 2000)
 - The Funding of Political Parties in the United Kingdom (Fifth Report (Cm 4057)) (October 1998)
 - Review of Standards of Conduct in Executive NDPBs, NHS Trusts and Local Public Spending Bodies (Fourth Report) (November 1997)
 - Local Government in England, Scotland and Wales (Third Report (Cm 3702)) (July 1997)
 - Local Public Spending Bodies (Second Report (Cm 3207)) (June 1996)
 - Members of Parliament, Ministers, Civil servants and Quangos (First Report (Cm 2850)) (May 1995)
7. The Committee is a standing Committee. It can not only conduct inquiries into areas of concern about standards in public life, but can also revisit that area and monitor whether and how well its recommendations have been put into effect.

Appendix 2:

Standards for supply chains

Merlin Standard⁶⁵

The Merlin Standard is designed to recognise and promote sustainable excellence within supply chains. Its aim is to encourage excellent supply chain management and to ensure fair treatment of partners and subcontractors by the Prime Contractor. The principles on which it is built include Conduct and elements of the assessment of the organisation validated by supply chain partners includes such criteria as “culture in which communication is open, honest and without unreasonable constraint”, “procurement processes are fair and transparent” “it actively seeks users feedback...to inform and improve practices” It is a required standard for providers of Department of Work and Pension Disability Assessments.

SPRAM

SPRAM (sustainable procurement risk assessment methodology) is a tool developed in-house by DWP for ensuring the department’s sustainable procurement targets and objectives (e.g. Small Medium Enterprises (SMEs) agenda, Greening Government Commitments, Equality duties) are factored in to contract programmes. It allows for consideration and mitigation of potential environmental, economic and social risks associated with a contract. SPRAM must be completed prior to tender specifications being developed and updated on contract award. It is the responsibility of the Procurement Lead, the Senior Responsible Officer (SRO) and during contract management the non-commercial staff, to ensure SPRAM is regularly updated and submitted as directed. All suppliers can expect to be subject to a SPRAM assessment.⁶⁶

CAESER

CAESER ‘Corporate Assessment of Environmental, Social and Economic Responsibility’ is an online tool managed by NQC Ltd, which validates high environmental standards in a supply chain. CAESER examines areas such as working conditions, use of SMEs and skills development of each organisation’s operations, which are then assessed against the wider context of Corporate Social Responsibility and the Government’s sustainability agenda. Suppliers can undergo a ‘self certified’ assessment, which is then ‘verified’ or a ‘gold status’, where CAESER assesses the responsible practices of suppliers and can recommend improvements to their policies and practices.

The CEASAR assessment methodology is recognised by the Chartered Institute of Purchasing and Supply and is used by a number of central Government departments in their procurement of goods and services.⁶⁷

⁶⁵ www.merlinstandard.co.uk

⁶⁶ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/251510/dwp-sustainable-procurement-strategy.pdf

⁶⁷ https://nqc.com/files/downloads/caeser_brochure.pdf

Appendix 3:

List of interviews

In preparing this report Committee members met with representatives from the following Government Departments and organisations:

- Department of Health
- Department for Education
- Department for Communities and Local Government
- Cabinet Office and Crown Commercial Service
- Home Office
- Ministry of Justice
- Department for Environment Food and Rural Affairs
- Department of Work and Pensions
- Department of Transport
- The Civil Service
- Police and Crime Commissioners
- London Borough of Barnet
- Capita plc
- Serco Group
- PwC UK

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June 2014

Ethics in Practice: Promoting Ethical Conduct in Public Life

Committee on
Standards in
Public Life

July 2014



The Seven Principles of Public Life

The Seven 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.



Foreword from the Chair of the Committee on Standards in Public Life

Dear Prime Minister,

The message of this report is very simple. Awareness and understanding of the Seven Principles of Public Life cannot be left to chance. We need to make sure that all of those in public life, whether employed, appointed or elected, are aware of their ethical responsibilities and are prepared to act as ethical leaders. The public expects nothing less.

An important first step in building that ethical awareness and understanding is induction. For most of those in public life, receiving induction is a normal part of taking up post, just as it is for those working in large organisations in the private and voluntary sectors. During the course of this project, we were pleased to note that many areas of public life have established induction programmes in place that referenced ethics – in Local Government and the Civil Service, for example. We were also pleased to note the calls, from Parliament and beyond, for induction to be introduced in areas where it was lacking, for example in relation to Police and Crime Commissioners and Special Advisers.

We did, however, identify areas where improvements could be made and the profile of ethical standards raised. Of particular concern to us was the reported lack of engagement with induction by large numbers of Members of Parliament. With the prospect of a Recall Bill, which will give the public the power to remove MPs who have behaved in ways that fall short of the standards expected of them, the stakes have never been higher. In effect, ethical issues will now be under even greater scrutiny. More than ever, MPs need to be fully aware of the principles and the rules that guide their behaviour; Parliament and the political parties need to provide the opportunities for them to build that awareness and understanding. An induction programme that fully embraces ethical standards should be the first of those opportunities.

The recently-announced Review of the Standards System by the House of Commons Standards Review Sub-Committee will doubtless be examining these issues and taking evidence from a wide range of perspectives. We hope this Report will be a useful contribution to their deliberations. This report is also a reminder to those in public life that the recommendations of Lord Nolan in his First Report continue to apply: *it is essential that more is done to inculcate high ethical standards through guidance, education, and training, particularly induction training.* I commend this Report to you.

Lord Paul Bew
Chair, Committee on Standards in Public Life
July 2014

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Executive Summary

1. When Lord Nolan published the First Report of the Committee on Standards in Public Life in 1995 he not only set out the Seven Principles of Public Life but also three ‘common threads’ for ensuring that those Principles were properly understood and followed – Codes of Conduct, Independent Scrutiny, and Guidance and Education. Lord Nolan was clear that the necessary guidance and education on ethical standards should encompass training and in particular induction training.¹
2. In this report we have revisited the subject of ethics in induction, both to emphasise that the Nolan Principles apply to the full range of organisations and individuals active in public life – a category that continues to expand – and to review provision of induction programmes to embed those Principles. In this report we note good practice, highlight areas where standards are at risk, and identify where improvements could be made to embed ethical standards more effectively. Our conclusions and suggestions for improvement are emboldened in the body of the report.
3. The Committee’s aim in this report has not been to impose a one-size-fits-all model of induction on all those covered by the Seven Principles of Public Life. We believe that every organisation should take the lead in designing and delivering an induction programme that responds to the challenges and circumstances of their particular area of public life. However, as a basic minimum, the Committee would expect to see induction cover the relevant code of conduct and the principles on which it is based, with an explanation of any compliance requirements that derive from that code, and reference to the channels for raising and dealing with ethical issues. Ideally, an induction process would relate the code and its principles to the particular role and responsibilities of the individual, demonstrating their practical as well as theoretical relevance, and involve active rather than passive learning. We would also expect attendance at induction to be, if not compulsory, the norm rather than the exception.
4. In most areas of public life, our expectations are being met. Where they are not, we expect our suggestions for improvement to be taken on board. Throughout this project, we have been alert to the sensitivities attached to ethics in induction, but we do not believe that ethical standards can be an optional extra for those in public life or that the value of induction in embedding ethical standards can be overlooked.
5. The Committee is aware that the subject of ‘ethics training’ for Parliamentarians, whether as part of induction or professional development, is a delicate and controversial issue – constitutionally, politically and practically. That is why we commissioned a paper from the Head of our Research Advisory Board, Professor Mark Philp, to inform our thinking on the subject of ethics in practice for politicians.
6. We agree with Professor Philp’s conclusion that:

the challenge is to heighten awareness of the ethical principles, and to do so across the political system – from the local constituency party, the parliamentary party and the chief whips, the formal bodies such as the Parliamentary Standards Committee and the Parliamentary Ombudsman, and bodies linked to the senior civil service. This requires a degree of cross-party commitment. The Seven Principles are non-partisan in character, so that while the judgments politicians make are usually partisan on some dimensions, the common ethical standards that apply to any given decision need to be acknowledged.²

1 Committee on Standards in Public Life, *Members of Parliament, Ministers, civil servants and quangos*, Cm 2850, (May 1995), hereafter referred to as ‘First Report.’

2 Mark Philp, *Public Ethics and Political Judgment*, July 2014, www.public-standards.gov.uk

7. From the evidence we have seen, induction is an effective means of heightening that awareness and building a real understanding of what the Seven Principle of Public Life and codes of conduct mean in practice, and leadership is key to the effectiveness of induction processes. So, whether they are elected or appointed, office holders or employees, those in public life have an obligation to perform their roles in ways that are consistent with the Seven Principles of Public Life and the rules embodied in the codes that derive from them, and that includes embracing the processes for embedding standards.
8. It is our simple conclusion, then, that induction is essential to ensure that public office holders are aware of the standards expected of them, and therefore that ethical standards need to be included in the induction arrangements for all those in public life.

Chapter 1:

Introduction

- 1.1** This report looks at the role of induction processes in embedding ethical standards in public life. Nearly twenty years after Lord Nolan's First Report, the Committee has reviewed the extent to which the Seven Principles of Public Life, and the codes of conduct which they have generated, are recognised and understood by those to whom they apply. We have looked at a range of induction processes, and subsequent methods to enhance ethical awareness, understanding and capability, in order to establish what works, and where there is room for improvement.

Background

- 1.2** The Committee on Standards in Public Life ('the Committee') was established in 1994 by the then Prime Minister, John Major, to address widespread concerns about declining standards in public life. Amidst concerns about cash for questions, the politicisation of public appointments and relationships between politicians and commercial organisations, the first Committee, chaired by Lord Nolan, was asked 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.*³

- 1.3** In response, the Committee's First Report set out Seven Principles to guide the behaviour of those active in public life. The Principles – Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership – have been accepted by the public and those active in public life as appropriate determinants of behaviour, and now underpin much of the UK's public sector ethical infrastructure.⁴

Raising and Embedding Ethical Awareness

- 1.4** Since its inception, the Committee has signalled the importance of embedding the Seven Principles of Public Life into the culture and practice of public sector organisations through guidance and education. In addition to enumerating the Seven Principles, the First Report set out three 'common threads' for ensuring that those Principles were properly understood and followed – Codes of Conduct, Independent Scrutiny, and Guidance and Education.⁵ Creating and following those threads would, it was argued,

*maintain, and where necessary restore the standards of conduct in public life which the public are entitled to expect, and to promote a policy of openness which will enable the public to see that their expectations are being met.*⁶

³ *Hansard* (HC) 25 October 1994, col 758. Details on the current Committee's membership and remit are set out in Appendix 1.

⁴ *Survey of public attitudes towards conduct in public life 2012* (London: Committee on Standards in Public Life, 2013), and copies of previous Public Attitudes Surveys may be found at: <http://www.public-standards.gov.uk/our-work/public-attitude-surveys/>

⁵ First Report, p. 3

⁶ First Report, Letter

1.5 The Committee was of the view, in 1995, that

*because of the pace of change, it is essential that more is done to inculcate high ethical standards through guidance, education, and training, particularly induction training, than has been thought necessary in the past.*⁷

In the nineteen years since 1995, the Committee has continued to revisit this third strand of guidance and education as a means of embedding the Seven Principles, both to emphasise that it applies to the full range of organisations and individuals active in public life, and to review progress against the particular recommendations it has made in this area. It is notable that, while progress has clearly been made in establishing codes of conduct and independent scrutiny mechanisms, there is less obvious and detailed evidence of comparable progress on guidance and education.

1.6 The Tenth Report of 2003, for example, inquired whether “the Seven Principles of Public Life are being embedded into organisational culture and what steps are being taken to ensure that this involves the appropriate use of training and development and is more than a box-ticking exercise.”⁸ The Committee was of the view that “however intangible the issue of culture appears, ... it is critical to delivering high standards of propriety in public life in a proportionate and effective manner. Learning from good practice must play a central role.”⁹

1.7 Ten years later, in *Standards Matter* (2013) the Committee returned to the topic of embedding ethical principles as a means of ensuring that organisations maintain high ethical standards. In answer to the question “How can organisations embed ethical principles so that they become part of their culture?” the Committee offered induction, training, and leadership as solutions, while recognising that “[p]romotion and reinforcement of standards needs to go well beyond formal training. Organisations need to reflect their principles in all their policies and practices.”¹⁰ As in previous reports, the Committee noted that

*in many parts of the public sector there is considerable scope for improvement in this area. The majority of public sector organisations have now established a basic ethical framework, including a code of conduct and perhaps some staff training. Some have gone further by making demonstrable efforts to reflect their ethical principles across their whole organisation. We do not as yet have robust evidence to demonstrate conclusively that these efforts have resulted in higher standards. But we are confident that following best practice in the areas discussed [... including recruitment, induction, training, leadership] will increase the likelihood of organisations achieving and maintaining high standards.*¹¹

1.8 More recent reports, *Strengthening Transparency Around Lobbying* and *Ethical Standards for Providers of Public Services* also highlight the need for education and training to address the particular ethical risks arising in Parliament and in new models for delivering public services. The lobbying report made two training-related recommendations:

- *Ethics training should be included in their [MPs’ and Members of the House of Lords’] induction and training programme, and*
- *Scenario based ethics training is recommended as an approach to raising consciousness of and adherence to high ethical standards in lobbying.*¹²

We are not aware that either of these recommendations has been acted upon. **As the induction programme for the 2015 Parliament is being developed the Committee reiterates these recent recommendations.**

⁷ First Report, p. 18

⁸ Committee on Standards in Public Life, *Getting the Balance Right: Implementing Standards of Conduct in Public Life*, Cm 6407, (January 2005), p. 1, hereafter referred to as the ‘Tenth Report.’

⁹ Tenth Report, p. 5

¹⁰ Committee on Standards in Public Life, *Standards Matter: A review of best practice in promoting good behaviour in public life*, Cm 8519, (January 2013), p. 29, hereafter referred to as ‘Standards Matter.’

¹¹ *Ibid.*, p. 29

¹² Committee on Standards in Public Life, *Strengthening Transparency Around Lobbying*, November 2013, p. 9

- 1.9** *Ethical Standards for Providers of Public Services* focuses on the extent to which third party providers of public services adhere to ethical standards in the delivery of those services, and how best to ensure that they do so in future. One of the conclusions of that project is that government should make clear to third party providers that ethical standards, as well as service delivery standards and legal obligations, are an essential part of the delivery of public services and should apply to all those who deliver those services. Ethical awareness should be seen as a “professional commercial capability for those commissioning, procuring or managing government contracts,” and therefore the Crown Commercial Service, Civil Service Learning and the Government’s Commissioning Academy should “arrange training on ethical awareness and disseminate best practice on ethical standards.”¹³
- 1.10** **The Committee will continue to raise these recommendations on ethical training for third party providers as part of our forthcoming discussions with Government on how best to implement the recommendations of our report.**

The Current Project

- 1.11** Against the backdrop of previous reports, and in light of continued standards breaches which have attracted public opprobrium, the Committee decided to revisit Lord Nolan’s third strand of guidance and education, focusing on induction. While *Standards Matters* identified areas of good practice in induction, education and training it did so as part of a broader review of the standards landscape. None of the Committee’s reports thus far have focused solely on induction, although almost all have signalled the importance of awareness raising and learning in embedding the Seven Principles and improving standards in public life.
- 1.12** Ethics education and training is increasingly the subject of attention amongst the professions and those sectors – like banking – emerging from crises of trust.¹⁴ Members of the public have expressed strong support for ethics education for politicians.¹⁵ Yet for all the rhetoric advocating ethics awareness and education, the Committee recognised that it did not possess current information on the extent to which ethics featured in induction for those in public life, the extent of take up of induction provision, and how provision for those in public life compared with practice in other sectors. The current Committee therefore decided to focus on the role of standards in induction and supplemental methods of building and enhancing ethical awareness as part of its 2014 programme of work. The aim of the current project has been to identify what works in terms of building an ethical culture through induction, education and training, capture examples of best practice, and identify areas where more needs to be done or where previous progress may be at risk.

Methodology

- 1.13** In line with the Committee’s post-Triennial Review remit, the methodology for this project departed from the inquiry-led approach used in the past. Instead, the Committee has drawn on evidence provided in response to recent inquiries and reviews (notably *Standards Matters*, *Strengthening Transparency Around Lobbying* and *Ethical Standards for Providers of Public Services*), and reviewed academic and practitioner literature in the fields of ethics and training, both generally and in relation to a selection of individual professions.
- 1.14** In addition, the Committee conducted a snapshot survey of Local Authorities’ approach to induction and training, sending a questionnaire to Local Authority Monitoring Officers in England and asking them to circulate to elected members. Completion of the survey was voluntary and responses were anonymous, although distinguishable in terms of Monitoring Officer or elected member. The list of survey questions is reproduced at Appendix 2 and the results may be found on our website at www.public-standards.gov.uk.

¹³ Committee on Standards in Public Life, *Ethical Standards for Providers of Public Services*, June 2014, p. 9

¹⁴ See, for example the *Salz Review: An Independent Review of Barclays’ Business Practices*, April 2013; the Banking Standards Review (<http://www.bankingstandardsreview.org.uk/>); and the Legal Education and Training Review (<http://www.lettr.org.uk/>)

¹⁵ *Audit of Political Engagement 11: The 2014 Report with a focus on the accountability and conduct of MPs*, Hansard Society, 2014

- 1.15** The Committee also held a seminar with academics active in the fields of neuro-, educational, medical, and political ethics, as well as behavioural insight and the delivery of practitioner to practitioner advice in building ethical capacity in public sector organisations (see Appendix 3 for details). The Committee then conducted a number of face-to-face and telephone interviews with representatives from public, private and third sector organisations to understand how ethical standards are being embedded through induction with a view to building a particular organisational culture and identifying gaps and areas for improvement (see Appendix 3).
- 1.16** Finally, the Committee drew on the expertise of the Chair of its Research Advisory Board, Professor Mark Philp, to explore the particular issues arising from ethics and political practice. Professor Philp's paper *Public Ethics and Political Judgment* is published alongside this report and is available on the Committee's website at www.public-standards.gov.uk. The Committee is especially grateful to Professor Philp for his contribution to the debate on political ethics.

The Framework for Embedding Standards

- 1.17** As our Biennial Surveys have shown, there is now a widespread acceptance and understanding of the value of the Seven Principles of Public Life.¹⁶ There is also a public expectation that these Principles should be taken seriously, and be seen to be taken seriously, by those in public life, including all those who deliver public services. Unsurprisingly, then, the Principles, or similar variants, have formed the bases of codes of conduct that apply in most public sector organisations. Similarly, in the professions, and in the private and third sectors, ethical principles and codes of conduct based on those principles are now normal features of most working environments.
- 1.18** There is also a widespread acceptance that both principles and the codes, with their more detailed rules, need to be actively promoted, integrated into the operational structures of organisations and espoused as important in order to be effective in building an ethical culture and, by implication, reducing the risk of unethical behaviour and combating corruption.¹⁷ A wide range of publications and organisations – national and international – devoted to the topics of preventing corruption, promoting compliance, building ethical knowledge and skills, and shaping and promoting ethical behaviour in the professions and in the workplace has provided a wealth of material on the theory and practice of embedding ethics through induction, guidance, education and training.
- 1.19** Box 1 sets out just a few examples of institutions or publications which investigate, promote or embody ethics in practice.

¹⁶ *Survey of public attitudes towards conduct in public life 2012* (London: Committee on Standards in Public Life, 2013), and copies of previous Public Attitudes Surveys may be found at: <http://www.public-standards.gov.uk/our-work/public-attitude-surveys/>

¹⁷ See, for example: Stuart C. Gilman, *Ethics Codes and Codes of Conduct as Tools for Promoting an Ethical and Professional Public Service: Comparative Successes and Lessons*, prepared for the Prem, the World Bank, Washington, 2005; *Ethics Training for Public Officials*, OECD, 2013; *Promoting Ethics in the Public Service*, Department of Economic and Social Affairs, Division for Public Economics and public Administration, United Nations, New York, 2000.

Box 1

- **The Journal of Business Ethics:** “discusses ethical issues related to business, from a wide variety of methodological and disciplinary perspectives.”¹⁸
- **The Journal of Medical Ethics:** “seeks to promote ethical reflection and conduct in scientific research and medical practice.”¹⁹
- **The Institute of Business Ethics:** “promotes high standards of business practice based on ethical values” and raises “awareness of business ethics through the dissemination of knowledge and good practice.”²⁰
- **The City Values Forum:** deals with research, development and sharing of best practice in relation to trust, integrity, culture and values for businesses in the financial and business services arena,” developing “a series of best practice guides, practical resource materials and training programmes.”²¹
- **U.S. Office of Government Ethics:** a statutory agency to “foster high ethical standards for executive branch employees and strengthen the public’s confidence that the Government’s business is conducted with impartiality and integrity” and provide education and training to officials and employees.²²
- **Harvard University: Kennedy School:** offering degrees and executive education for students, government officials and elected representatives; **Edmund J Safra Center for Ethics** which seeks to advance teaching and research on ethical issues in public life.

- 1.20** Reviewing the range of material has also reaffirmed many of the conclusions that the Committee came to in *Standards Matter* and which were first expounded by Lord Nolan in 1995. Embedding ethical standards “starts with recruitment and induction and should continue with training, contemporaneous prompts and self-assessment” and needs to be supported by “visible incentives for good behaviour and sanctions for bad behaviour.” Most importantly, “robust ethical cultures need to be led from the top by leaders who model the right behaviours.”²³
- 1.21** The focus of this project is on the particulars of induction (Chapter 2) and the means of helping induction to work (Chapter 3). The discussion therefore goes beyond induction into broader issues, such as leadership. Whatever the effectiveness of an individual session in an induction programme, for example, the value and impact of that event will be compromised if, subsequently, unethical behaviour is left unchallenged and leaders are indifferent to ethical standards. On the other hand, where ethical awareness and capability is a necessary step towards progression and reward and fully embraced and promoted by leaders, its impact is likely to be greater.

Political Complications?

- 1.22** Encouragingly, the Committee found that most organisations accepted the principle of induction as a means of embedding ethical standards, and differed mainly in the extent to which they chose different options from a suite of similar teaching and learning methods, or chose to integrate ethics into existing processes rather than institute new standalone processes. The Committee noted, however, that members of the Westminster Parliament, and in particular the House of Commons, appeared to be noticeably behind some other organisations in embracing either the principle or the practice of induction, let alone accepting that there was a role for ethics within it.

18 <http://www.springer.com/social+sciences/applied+ethics/journal/10551>

19 <http://jme.bmj.com>

20 <http://www.ibe.org.uk>

21 http://www.cityvaluesforum.org.uk/about_city_values_forum.html

22 <http://www.oge.gov/About/Mission-and-Responsibilities/Mission---Responsibilities/>

23 *Standards Matter*, p. 39

- 1.23** According to the Hansard Society, “officials estimated that just 19% of new Members [in 2010] had attended at least one session [of the induction programme] and feedback suggested that attendance rarely rose above six Members at any one time.”²⁴ Furthermore, in 2010 the one workshop on dealing with ethical dilemmas was cancelled due to poor take-up.²⁵ Add to this apparent lack of engagement statements like “The executive would love to train members of parliament. It absolutely mustn’t happen” and “Once you’ve seen it [the Code] there’s no need to return to it”, and the ongoing standards breaches by both MPs and members of the House of Lords, and there is, we would argue, some cause for concern.²⁶
- 1.24** The House Authorities, the Commissioner for Standards and the Administration Select Committee are alert to the issue and we understand that steps are being taken to offer an induction programme for 2015 that aims to build on the successes of 2010 and avoid some of its pitfalls. The Committee is also aware, through its discussions with politicians and its review of the academic literature on continuing professional development for politicians, of the complications arising from the issue of ethics in practice within an oppositional political system. The Committee therefore asked itself whether Westminster politics, or the nature of politics itself, were sufficiently different from other areas of public life, including those involving elected representatives, to warrant the lack of other engagement with induction and processes for continuing ethical awareness as currently conceived.
- 1.25** We commissioned Professor Mark Philp, Chair of the Committee on Standards in Public Life’s Research Advisory Board, to consider the issue of professional ethics for politicians in the context of upholding and promoting the Seven Principles of Public Life. His paper has been published alongside this report and its contents have informed both our analysis of the current provisions for elected members, and our thoughts on approaches that might prove more successful in increasing ethical awareness.
- 1.26** The question of success, or what works, remained an open one throughout this project. Systematic, measurable evidence as to the success of induction in terms of reducing unethical behaviour is limited, and evidence of successfully preventing unethical behaviour would need to rely on counterfactuals. There is, however, evidence to suggest that induction and certain types of training and learning methods can enhance awareness and understanding of principles and processes, challenge complacency and established assumptions, and give individuals the skills and confidence to recognise and deal appropriately with ethical dilemmas.²⁷

24 Ruth Fox and Matt Korris, “A Fresh Start? The Orientation and Induction of New MPs at Westminster Following the 2010 General Election,” *Parliamentary Affairs*, 65(2012), p. 567.

25 *Ibid.*, p. 571

26 Katrin Steinack, “Between Apathy and Enthusiasm: An International Comparison of MPs’ Attitudes Towards Parliamentary Training,” *Parliamentary Affairs*, 65(2012), p. 549 and Nicholas Allen, “Voices from the Shop Floor: MPs and the Domestic Effects of Ethics Reforms,” *Parliamentary Affairs*, 62(2009), p. 91

27 Ken Coghill et al, “Professional Development Programmes for Members of Parliament,” *Parliamentary Affairs*, 61(2008), 73-98

Chapter 2

Ethics in Induction

- 2.1** Induction programmes, events and materials are standard features of the modern workplace, whether that is a professional services firm, the Civil Service or a Local Authority. Induction generally occurs at all levels of the organisation, up to and including the boardroom. Clifford Chance, for example, provides a two week induction and training programme for new starters; Microsoft provides a four day induction for interns and apprentices, a weeklong induction for new graduates and up to four weeks for new starters at a more senior level; and the Institute for Government has “provide[d] support to the Cabinet Office in designing and convening the induction for lead NEDs [Non Executive Directors].”²⁸
- 2.2** In other parts of the public sector, the Civil Service has an induction programme for new Fast Streamers, and a Civil Service Learning website with a dedicated ‘New to the Civil Service’ section with “a recommended pathway of key learning to help you orientate yourself and get to grips with a few essentials” accessible to all Civil Servants. 90% of respondents to our local government survey said that their Local Authority provided an induction programme for newly elected councillors.²⁹ The Westminster Parliament, since the 1980s at least, has also offered an induction programme which has enjoyed varying levels of attendance.³⁰
- 2.3** Induction is an example of what Rush and Giddings, in their work on Members of Parliament, call “socialisation by instruction.”³¹ Usually a mix of physical orientation, introduction to key personnel, IT and security measures, and an outline of the policies and procedures of the organisation, as well as the basic components of the job, the individual is introduced to the physical workplace as well as its rules and norms. Insofar as first impressions are key, induction provides the perfect opportunity to set the ethical tone of the organisation and establish the behavioural expectations of the individual.
- 2.4** The Committee believes that a good indication of the ethical climate of any organisation and the extent to which ethics are truly embedded within that organisation is the profile of material on ethical principles and any codes of conduct within an induction programme. The approach taken to the delivery of that material is also pertinent. Certainly, the absence of any formal induction programme should be seen as signifying both an operational and ethical risk to the organisation. The more ‘optional’ the induction programme that contains an ethical component, and the lower the profile of an ethical component within an induction programme, the more we consider there should be cause for concern from a standards point of view. The absence of any ethical component from an induction programme for those in public life indicates a fundamental misunderstanding of what it means to be a public officer.
- 2.5** During the course of this project, the Committee came across a range of different approaches to induction and to the positioning of ethical standards within those approaches. On the whole, we were pleased to note the progress that has been made in embedding standards through induction. What follows is a discussion of examples of good practice and areas where the Committee thinks practice could be improved, on the basis of the range of evidence we have seen. We looked at induction programmes in the private sector, the

28 For Microsoft see: <http://careers.microsoft.com/careers/en/gb/whatsinit.aspx>. For Government Lead NEDs see: <http://www.instituteforgovernment.org.uk/our-work/leadership-government/non-executive-director-development>

29 www.public-standards.gov.uk

30 Michael Rush and Philip Giddings, *Parliamentary Socialisation: Learning the Ropes or Determining Behaviour?* (Basingstoke: Palgrave Macmillan, 2011)

31 *Ibid.*, p. 39

voluntary sector and, within the public sector, at those provided for employed, appointed and elected individuals. We are aware that our approach is not comprehensive.

- 2.6 The Committee's aim is not to impose a single template approach on all those covered by the Seven Principles of Public Life. However, as a basic minimum the Committee would expect to see induction for those in public life cover the relevant code of conduct and the principles on which it is based, with an explanation of any compliance requirements that derive from that code (such as registering gifts and hospitality, for example), and reference to the channels for raising and dealing with ethical issues. Ideally, an induction process would relate the code and its principles to the particular role and responsibilities of the individual, demonstrating their practical as well as theoretical relevance. We would also expect attendance at induction to be, if not compulsory, the norm rather than the exception.**

Recognising the Value of Induction

- 2.7** Unsurprisingly, representatives from the majority of organisations considered as part of this project had an induction programme in place which referenced the relevant code of conduct. Large private sector organisations and professional services firms have rigorous and formal induction programmes which introduce newcomers to the organisation and its values, emphasising that an understanding of and commitment to their code and its principles is core to fulfilling one's role in the organisation.

Box 2

Goldman Sachs

One of the recommendations of Goldman Sachs' Business Standards Committee in 2011 to "strengthen reputational excellence and training and professional development" was to "update and strengthen the Code of Business Conduct and Ethics. Through that process, we will signal its importance and articulate the need for every employee to operate in accordance with the code. The firm should reinforce the importance of the Code of Business Conduct and Ethics by requiring employees to certify their compliance with the Code, highlighting it in orientation and training sessions and posting it more prominently on the firm's external and internal websites."³²

By 2013, Goldman Sachs was reporting that it had "enhanced the content of our orientation and promotion programs" with an "online training program developed and rolled out to all employees."³³

- 2.8** Within the public sector organisations reviewed by the Committee, induction arrangements (where present) were not necessarily as clearly geared towards foregrounding ethical conduct, but there was, in general, a recognition of the need to feature the relevant code of conduct and reference ethical principles. In those cases where formal induction was not provided, or was very poorly attended, or principles and codes were not covered, we believe that standards could be at risk and that measures should be taken to mitigate that risk.

³² Goldman Sachs, *Report of the Business Standards Committee*, January 2011, p. 57

³³ Goldman Sachs, *Business Standards Committee Impact Report*, May 2013, p. 26

Delegating Ethics? – The Civil Service

Box 3

The Civil Service – non Fast Stream

Induction planning and delivery is primarily the responsibility of the Line Manager, whose department or office may or may not have a preferred model for induction. A suite of generic, Civil Service-wide e-learning material is available for the new starter on the internal Civil Service Learning website. The on-line material referenced under the ‘New to the Civil Service’ heading is:

- Read Joining the Civil Service induction booklet
- Complete Induction: Understanding the Civil Service e-learning
- Complete Finance Foundations e-learning
- Read Surviving your first 100 days in a new job
- Complete the Equality and Diversity Essentials e-learning
- Complete Responsible for information e-learning
- Review your Profession’s curriculum

- 2.9** The delegated approach to induction for non-Fast Stream Civil Servants has clear advantages. Departments and offices can design an induction programme which best suits their policy and operational needs and responsibility for induction and for the degree of emphasis on ethical principles and the Civil Service Code rests with the Line Manager, whose leadership and management role should extend to actively promoting and robustly supporting the Seven Principles (in line with the Leadership principle itself). Cabinet Office, for example, has an ‘Essential Actions’ induction checklist for managers which includes a ‘within first month’ action point to “check that starter understands their obligations set out in the Civil Service Code.”³⁴
- 2.10** The Civil Service Learning approach also gives the new employee control over when to access the on-line material and the ability to return to it when needed. The provision of generic material ensures consistency of message, and the use of e-learning is a cost-efficient model in times of financial constraint. Evidence from the Audit Commission also suggests that on-line training material can be an effective means of building awareness of ethical issues.³⁵
- 2.11** There are, however, some risks attached to this approach to induction both from an institutional capability and a standards point of view. With discretion comes the possibility of a cursory approach, or a non-interactive approach where the new starter is left to ‘get on with it’ and read (or ignore) the on-line material, leaving knowledge and understanding untested, in the informal sense. The recent report by the Civil Service Policy Profession Board noted that the Civil Service did not compare well with private sector organisations in this respect:

*Time spent on induction compares unfavourably with private sector firms. In particular, management consultancy firms were cited as having a comprehensive approach to induction. Indeed, new recruits to consultancy firms undertake several weeks of intensive training before being able to interact with clients.*³⁶

In the worst case scenario, it is possible that there could be no formal induction whatsoever, or induction could be limited to orientation with no explicit reference to the Civil Service Code and its values.

³⁴ Cabinet Office internal document

³⁵ Audit Commission, *Overall Data Charts, Section 1: Counter Fraud Culture*, 2014, unpublished.

³⁶ *Twelve Actions to Professionalise Policy Making: A Report by the Policy Profession Board*, October 2013, p. 19, <http://www.civilservice.gov.uk/wp-content/uploads/2011/09/Twelve-Actions-Report-Web-Accessible.pdf>

- 2.12** The Committee believes that the lack of a direct link to the Civil Service Code on the ‘New to the Civil Service’ front page is a missed opportunity – after all, this is the first port of call for the new starter. The *Joining the Civil Service induction* online booklet and *Induction: Understanding the Civil Service* do refer to the Civil Service Code, but the full text of the Code is not included in the e-learning programmes, nor is it pointed out that observance of the Code and its values is part of a Civil Servant’s terms and conditions of employment.
- 2.13** Within a discretionary framework, then, with no up-front on-line presence as a learning resource for new starters and with references to rather than inclusion of the Code within the on-line material, there is a risk that the detail and importance of the Code and the Civil Service values could be overlooked by new Civil Servants. The apparent gearing of induction material to more junior level new starters is also an issue, especially as greater interchange at middle and senior management levels is encouraged and steps are taken to recruit those with expertise in areas traditionally outside the Civil Service skill set.³⁷
- 2.14** As we noted in our report *Ethical Standards for Providers of Public Services*, ethical risks arise “when recruiting those with commercial and financial expertise from outside the civil service in that they need to understand the public facing context in which they work.”³⁸ We therefore agree with the First Civil Service Commissioner that
- there is a strong case for better induction for new senior recruits, including in the values of the Civil Service. It is too easy to assume that new recruits will automatically understand and embrace the expectations in the Civil Service Code.*³⁹
- 2.15** Moreover, with a “refresh[ed] introduction to [the] Civil Service course to include awareness of the four new priorities for building the capabilities of the Civil Service,” namely leading and managing change, commercial skills and behaviours, delivering successful projects and programmes, and redesigning services and delivering them digitally, the Committee considers that there is a risk that the ethical principles that should underpin the approach to these priorities will be lost, especially if the Civil Service Code itself is not highlighted as an essential resource for those joining the Civil Service.⁴⁰
- 2.16** We note that the 2014 Annual Refresh of the Civil Service wide Capabilities Plan calls for a new induction offer for all staff by May 2015, and commends the refreshed ‘Introduction to Civil Service’ course which now includes awareness of the four new priorities for building the capability of the Civil Service. The Committee is clear, however, that part of the ‘business’ and ‘capability’ of the Civil Service is knowledge of the Civil Service Code values and the ability to draw on that knowledge in the day-to-day conduct of Civil Service work.
- 2.17** **Civil Service Learning should, therefore, work with the Civil Service Commission, Cabinet Office Propriety and Ethics and the Committee on Standards in Public Life to enhance the provision of material on the Civil Service Code, and its values, in the on-line material offered to those new to the Civil Service, and in the wider induction offer. Further to enhancing the provision, steps should also be taken to ensure that the Code and its values do not remain an optional extra in the induction programme.** At present, although departments are audited by the Civil Service Commission on their inclusion of the Code in their induction programmes through training, in line with the Commission’s best practice checklist of actions for departments to uphold and promote the Code, the audit process rests on departmental self-reporting, with no agreed standard as to what constitutes acceptable ‘training’ on the Code in induction.⁴¹

37 *The Civil Service Reform Plan*, HM Government, June 2012, <http://resources.civilservice.gov.uk/wp-content/uploads/2012/06/Civil-Service-Reform-Plan-acc-final.pdf>

38 Committee on Standards in Public Life, *Ethical Standards for Providers of Public Services*, June 2014, p. 32

39 Civil Service Commission, *Annual Report and Accounts 2013-14*, p. 7, <http://civilservicecommission.independent.gov.uk/wp-content/uploads/2014/06/CSC-Annual-Report-201314.pdf>

40 *Meeting the Challenge of Change: A capabilities plan for the Civil Service*, April 2013, p. 20, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/307250/Civil_Service_Capabilities_Plan_2013.pdf

41 See the Civil Service Commission website: <http://civilservicecommission.independent.gov.uk/> The Code audit is a non-statutory activity for the Commission, enabled by section 17 of the Constitutional Reform and Governance Act 2010. In line with the Act, the carrying out of these additional functions is agreed between the Commissioner and the Minister for the Cabinet Office.

- 2.18 The Government and the Civil Service Commission should therefore consider how best the Commission can fulfil the additional function agreed between them that the Commission works with departments to help them promote and uphold the Civil Service Code.** This discussion should consider the role of audit, and we consider that the Government could formally request that the Commission continues to audit departments' promotion of the Code, including specifically how departments promote the Code during their induction processes.

Understanding the Principles – the Civil Service Fast Stream

Box 4

Civil Service – Fast Stream

As part of the Fast Stream induction programme, new starters attend a two day Understanding Government course, which contains a session on The Duties and Responsibilities of Civil Servants, delivered by a facilitator external to the Civil Service.

Using a case study, participants are led towards a discussion of the Civil Service Code, as well as the Ministerial Code and the Code of Conduct for Special Advisers. Discussion of the particulars of the case leads participants to explore the Civil Service Code values of Honesty, Impartiality, Integrity and Objectivity and the boundaries between the Civil Service and Special Advisers in the context of a workplace situation that many of them are likely to experience.

- 2.19** As the promotional material for Fast Stream applicants makes clear, joining the Fast Stream is about “Becoming a leader” and involves an induction that will “introduce you both to the Fast Stream and to the Civil Service, and will help set your career in context.”⁴² As with the programmes offered by private sector organisations, induction is “just the first step” in developing the individual.⁴³ The Fast Stream induction does not rely solely on on-line material and includes a face-to-face session covering the Civil Service Code. This enables new Civil Servants to test their understanding of the Code values, challenge their assumptions as to how principles might apply in practice, and highlights the formal requirements of the various codes of conduct for those operating in the Civil Service workplace – Civil Servants, Special Advisers and Ministers.
- 2.20** This is the type of approach to learning that, as Lewis and Gilman have argued, is more conducive to ethical behaviour, and “is more likely to be remembered on the job” than more compliance or rule-based approaches.⁴⁴ Qualitative research commissioned by the Institute of Chartered Accountants in England and Wales (ICAEW) also points to the benefits of a case study approach to ethics. The ICAEW suggests that there are limitations associated with on-line training which is “too simplistic” or general training which is “trying too much to enforce rigid patterns of behaviour” or is “too abstract, or a simple box-ticking exercise,” both of which are features associated with less sophisticated on-line training packages. Simplistic, box-ticking training was found to correlate negatively with “overall organisational integrity.”⁴⁵ As a result, the researchers from the University of Leeds recommended that training
- should be based on real-life case studies, since this both demonstrates the relevance of ethics, and enables participants to improve their ethical decision-making skills through the discussion of scenarios which are qualitatively similar to those they are likely to face in real life.*⁴⁶
- 2.21** While the on-line, or limited face-to-face dissemination of information about the Civil Service Code is valuable in raising awareness of principles and rules, the more interactive case-study approach covered in the Fast Stream induction programme introduces officials to the application of principles and rules in

⁴² <http://faststream.civilservice.gov.uk/about-fast-stream/support-and-training/>

⁴³ Ibid

⁴⁴ Carol W. Lewis and Stuart C. Gilman, *The Ethics Challenge in Public Service: A Problem Solving Guide*, Third Edition (San Francisco: Jossey-Bass, 2012), p. 211

⁴⁵ Jim Baxter, et al, “Real Integrity: Practical solutions for organizations seeking to promote and encourage integrity,” ICAEW, 2012, p. 2

⁴⁶ Ibid, p. 2

context – a practice that is more likely to have a greater impact in embedding ethical standards. We noted the value of case-study material in *Standards Matters*, alongside contemporaneous prompts, as effective means of embedding standards. The research findings published in our *Survey of public attitudes towards conduct in public life 2012* also show that the public values interactive and personalised means of promoting understanding of ethical standards. Our survey showed that there was very wide agreement in all segments of the British general public that the methods seen as most important for ensuring good standards are: the promotion of a culture in which people are not afraid to report wrongdoing; training of staff on a code of conduct; and the setting of a good example by senior managers.⁴⁷

- 2.22** The Committee recognises that there are issues of cost in providing access to externally facilitated face-to-face sessions for all new starters in the Civil Service, but **consideration should be given to using case-study material on the Civil Service Code and the application of its values in practice in induction packages across the Civil Service.** Using Line Managers to develop and deliver the material with new starters would also have the added benefit of reinforcing their own understanding of ethical standards, modelling ethics and promoting the Civil Service values – required behaviours under the new Civil Service Competency Framework.⁴⁸

Increasing Effectiveness (j): Induction for Special Advisers

- 2.23** The induction programme for Fast Stream Civil Servants addresses the need to prepare these individuals for working at the centre of Government in the future, advising Ministers on key policy and operational decisions. Working alongside them during those key decision-making moments will be Special Advisers: Civil Servants also bound by the Seven Principles of Public Life with their own Code of Conduct deriving from those principles.
- 2.24** The extent to which Special Advisers are actively prepared for their role, through a formal, or even an informal, induction process, is variable. In evidence to the Public Administration Select Committee, the Cabinet Office stated that the “induction process for new special advisers is shared by the appointing Minister, the relevant Permanent Secretary and the Propriety and Ethics Team in the Cabinet Office.”⁴⁹ Evidence submitted to a research project conducted by the Constitution Unit, however, casts doubt on the impact of past and recent induction processes – “Many of the special advisers interviewed complained that they had received no training and little guidance, especially when they started.”⁵⁰
- 2.25** There have been calls on a number of fronts for a more professional approach to the induction and training of Special Advisers in order to provide them with a collective and individual understanding of their responsibilities in post – responsibilities which we would argue are both ethical and practical. Nick Hillman, a Special Adviser under the Coalition Government, for example, has argued in favour of an early, concentrated induction process:

If all special advisers had been whisked away to the School of Government at Sunningdale for the first weekend after entering government, the impact could have been profound [...] We could have heard first-hand about administration from past special advisers, ministers and officials and been told what the rest of the Civil Service was expecting from us.

*The School of Government no longer exists but the Institute for Government or a university department (such as the Constitution Unit of UCL) could be contracted to undertake induction for new special advisers on a change of government, a general election or a major reshuffle.*⁵¹

47 *Survey of public attitudes towards conduct in public life 2012* (London: Committee on Standards in Public Life, 2013)

48 <http://resources.civilservice.gov.uk/wp-content/uploads/2011/05/Civil-Service-Competency-Framework-Jan2013.pdf>

49 *Special advisers in the thick of it, Sixth Report of the House of Commons Public Administration Select Committee*, HC134 (2012-13), p. 15

50 *Being a Special Adviser* (London: The Constitution Unit, 2014), p.4

51 Nick Hillman, *In Defence of Special Advisers: Lessons from Personal Experience* (London: Institute for Government, 2014), pp. 27-8

- 2.26** The Committee agrees that there should be an induction programme for new Special Advisers, in line with the calls for greater professionalisation of the role.⁵² And, we would argue, that induction should cover the ethical roles and responsibilities of the Special Adviser, since their operational effectiveness depends upon understanding the practical application of the principles in their Code of Conduct, as well as information about the workings of Whitehall, and the specific skills to work effectively with Civil Servants, Ministers and the media, and the boundaries between them.
- 2.27** The Public Administration Select Committee (PASC) has set out a clear framework and rationale for comprehensive induction training for Special Advisers:

*The Government should ensure that all special advisers receive induction training within three months of taking up the role. Ministers who are appointing a special adviser for the first time should also be made properly aware by their officials of their special advisers', and their own, responsibilities and obligations. The induction training for special advisers should cover: the structure and work of the relevant department; the scope and meaning of the various Codes of Conduct to which special advisers are subject; the implications of their status as temporary civil servants (including the business appointment rules process, and their obligations under public records and access to information legislation); the nature of their accountability to ministers (and ministers' accountability to Parliament); the role of permanent secretaries in managing the work and reputation of the department as a whole; and where to seek advice and support on propriety issues. This would ensure that all special advisers and their ministers have a shared understanding of what is expected and appropriate behaviour for special advisers.*⁵³

- 2.28** The Government agreed with PASC's recommendation.⁵⁴ **The Committee also endorses PASC's recommendation, and welcomes PASC's recognition that standards of conduct, and the Codes and principles that underpin them, should be at the heart of a structured induction process. The Committee will therefore monitor the Government's progress in meeting PASC's recommendations.**

Increasing Effectiveness (ii): Police and Crime Commissioners

- 2.29** **The Committee will also monitor the progress of Police and Crime Commissioners (PCCs) in adopting Codes of Conduct and actively implementing them at an organisational level.** One of the more recent additions to the landscape of public life, PCCs have, since 2012, been elected to "be the voice of the people and hold the police to account [...] and] are responsible for the totality of policing."⁵⁵ Like other public office holders, the post of PCC is covered by the Seven Principles of Public Life.
- 2.30** It is somewhat disappointing, then, that not all PCCs have published a Code of Conduct and that, on the basis of evidence submitted to the Home Affairs Select Committee, there seems to have been no formal induction process in place following the election of the first cadre in 2012, although the Local Government Association offers PCCs membership and access to the learning and training packages offered by the LGA. The Association of Police and Crime Commissioners has produced an Ethical Framework for PCCs, but this does not require PCCs to adopt a Code of Conduct, although some have chosen to do so.⁵⁶
- 2.31** The Chair of the Committee on Standards in Public Life wrote to all PCCs in April 2014, emphasising the importance of their role as ethical leaders both in exemplifying high ethical standards and in ensuring they meet their responsibilities to improve police accountability and improve public trust. Adoption of a Code of

⁵² Ben Yong and Robert Hazell, *Special Advisers: who they are, what they do and why they matter* (Hart Publishing, forthcoming 2014)

⁵³ *Special advisers in the thick of it, Sixth Report of the House of Commons Public Administration Select Committee*, HC134 (2012-13), p. 16. Ben Yong and Robert Hazell, *Special Advisers: who they are, what they do and why they matter* (Hart Publishing, forthcoming 2014)

⁵⁴ *Special advisers in the thick of it: Government's Response to the Committee's Sixth Report of Session 2012-13, Second Special Report of the House of Commons Public Administration Select Committee*, HC 515 (2013-14)

⁵⁵ <http://apccs.police.uk/role-of-the-pcc/>

⁵⁶ See, for example, Sir Clive Loader, PCC for Leicestershire, who has adopted a Code of Conduct and is setting up an Ethics Committee to deal with ethical dilemmas in practice, and Martin Underhill, PCC for Dorset who has published a code of conduct and jointly chairs a Standards and Ethics board with his Chief Constable.

Conduct and embedding that Code through induction and training on its principles and rules would be the best indication that PCCs have recognised their responsibilities as public office holders and elected leaders.

2.32 The Committee therefore endorses the recommendation of the Home Affairs Select Committee that there should be

*a transition period for new commissioners of one month between election and taking office. This would allow time for the Association of PCCs, College of Policing, Local Government Association, and others to provide intensive training for newly elected commissioners, and a period of transition for post-holders and their teams.*⁵⁷

That ‘intensive training’ should cover the Seven Principles of Public Life and, in the absence of a single corporate Code of Conduct for PCCs, the APCC’s Ethical Framework. Given that the role of the PCC is to hold the police to account for high standards of conduct, PCCs should also be fully aware of the principles and Codes that apply to the police. **Induction for PCCs should attempt to develop an understanding of ethics in practice and the role of the PCC as an ethical leader, understanding and modelling high standards of conduct while holding others to account.**

Political Standards (i): Local Authority Induction

2.33 The approach taken to induction for the elected members of Local Authorities could provide a useful model for Police and Crime Commissioners. We surveyed Local Authority Monitoring Officers and elected representatives in England, seeking information on the content, reception and perceived effect of induction for elected members, focusing particularly on the standards element of induction. The results of our survey, set out in Box 5, are, in general, promising.⁵⁸

Box 5

Local authority induction

90% of those who responded to our survey stated that their Local Authority provided an induction programme for newly elected councillors.

When asked if that programme had a session looking at standards in public life, councillor conduct or ethical behaviour:

- 68% of respondents said induction covered the Seven Principles of Public Life
- 88% said induction covered the Council’s Code of Conduct
- 73% said induction covered conflicts of interest and expenses
- 55% said induction covered a range of ethical, conduct and standards issues
- 88% said that the standards element of their induction looked at both rules and principles
- over 80% of those who responded said that the standards, conduct or ethical behaviour component of the induction programme was delivered by council staff
- Only 5% said their council’s induction programme did not look at standards in public life, councillor conduct or ethical behaviour.

⁵⁷ *Police and Crime Commissioners: Progress to Date, Sixteenth Report of the House of Commons Home Affairs Select Committee, HC757 (2013-14), p.6*

⁵⁸ For full survey results, visit www.public-standards.gov.uk

Box 5 (continued)**Local authority induction**

- 83% of those who responded felt that councillors at their Local Authority were familiar or fairly familiar with the Seven Principles of Public Life.

Learning techniques during induction included: presentations, briefings, case studies, and members talking through real life situations.

- 2.34** Some of the individual responses to the survey indicated a comprehensive approach to including ethics in induction:

Box 6

Our induction attempted to ensure that all Members were fully aware of the provisions of the Code of Conduct and the requirements of the current standards regime, the Principles of Public Life and the Council's own ethical governance framework; it also covered a wide range of relevant matters including ethical governance, public sector equality duty, the new standards arrangements, the code of conduct, the difference between Disclosable Personal Interests, Personal Interests and conflicts of interest generally, the relevance of pre-determination and pre-disposition (particularly in planning matters) and the availability of dispensations to enable members to speak and/or vote on certain matters despite having an interest in a particular matter.

- 2.35** Other responses, however, indicate scope for improving coverage of standards issues within induction and attitudes towards it by elected members:

Box 7

"Newly elected Members do not receive any advance notice of the requirements when they are selected as candidates and do not attach great importance to high standards of ethical conduct."

"It [standards] needs to be a mandatory element of induction."

"Competency training is essential and Members should be required to undertake training and understand the Seven Principles before taking part in decision making."

- 2.36** There are resources available to Local Authorities to guide them in devising and delivering induction programmes, reminding them of the need to cover the Code and conduct and standards issues. The Local Government Association and associated bodies, for example, have published:

- *Councillors' guide: A guide for new councillors 2014/15*⁵⁹
- *21st Century guide for new members* (2013) which provides advice for council officers which brings together good practice and practical experience of delivering induction programmes to newly elected members;⁶⁰ and
- *The 21st Century guide to member induction* (2010) to "help Local Authorities improve and develop their induction programmes."⁶¹

- 2.37** The Committee is aware that there are differing views as to the attendance rate at council induction programmes, and that attendance at induction, or receipt of induction material may not necessarily indicate

59 *Councillors' guide: A guide for new councillors*, Local Government Association (2014), http://www.local.gov.uk/publications/-/journal_content/56/10180/6202054/PUBLICATION

60 *The 21st Century Guide for New Members*, Local Government Association (2013), http://www.plymouth.gov.uk/the_21st_century_guide_for_new_councillors.pdf

61 *The 21st Century guide to member induction*, Leadership Centre for Local Government (2010), <http://www.localleadership.gov.uk/images/21stCCguidetomemberinduction.pdf>

awareness or understanding of the Seven Principles or a code of conduct. However, the responses to our survey, the range of materials provided on local councillor induction programmes, and the evidence on council websites on the review and development of their own induction programmes indicate that induction as a process is taken relatively seriously by Local Authorities and that the Seven Principles and the individual council's Code of Conduct are relatively well-integrated into induction processes.

- 2.38** There is, however, always room for improvement in the profile of standards, conduct and ethical behaviour within Local Authority induction programmes. The Committee is concerned that financial constraints may result in less emphasis being placed on induction in future and that changes to the Local Authority standards regime may result in ethical standards becoming less of a priority and less actively monitored. **The Committee will therefore continue to monitor provision of Local Authority induction programmes and the profile of standards, conduct and ethical behaviour within those programmes by repeating its snapshot survey in 2015.**

Political Standards (ii): Parliamentary Induction

- 2.39** Surveys and studies of the induction arrangements for Members of Parliament tell a different story from those covering their counterparts in Local Government. In its review of the 2010 orientation and induction programme for new MPs, the Hansard Society reported that, beyond the initial briefing meeting held in the Commons Chamber (which was whipped), the main induction programme itself was poorly attended.⁶² Despite the care put into devising the programme, its spread over a period of time, and the involvement of external parties like the Hansard Society, the Institute for Government and the London School of Economics, "officials estimated that just 19% of new Members had attended at least one session."⁶³ The workshop on dealing with difficult ethical dilemmas was cancelled due to poor take up.⁶⁴
- 2.40** The Hansard Society noted timing as a factor for the disengagement with the induction session on ethics, but also noted that "Members' understanding of and willingness to engage with the broader ethical landscape was also a factor."⁶⁵ More recently, the Lay Members of the House of Commons Standards Committee reported the low level of take-up of training on standards and registration requirements for new and established MPs, delivered by the Commissioner and Registrar, as well as the justification that Elected Members were often "too busy to spend much time on standards."⁶⁶
- 2.41** Individual Members of Parliament have also talked about information overload and a desire to 'get on with the job' of being a Member of Parliament preventing them from active engagement with the induction programme beyond the initial orientation sessions. Some have also expressed an in principle objection to anything that approximates 'training' and is associated with those in the executive.⁶⁷ Another response to calls for induction and training for politicians, leaving aside the question of whether induction should cover ethics and standards, is that being a Member of Parliament is not a 'job' and not a 'profession' and that therefore individuals cannot be 'trained' for it, or at least not in the same way as individuals in other fields.⁶⁸
- 2.42** One of the obligations of holding office as an MP is to observe the ethical standards that MPs have conferred upon themselves, including the Seven Principles of Public Life and the rules set out in the MPs' Code of Conduct. And although there is a common view that "ethical standards were assumed," this is not a safe assumption to make, as the continuing list of cases (both minor and significant) dealt with by the Parliamentary Commissioner for Standards indicates.⁶⁹ Indeed, as Mark Philp's submission to the

62 Ruth Fox and Matt Korris, "A Fresh Start? The Orientation and Induction of New MPs at Westminster Following the 2010 General Election," *Parliamentary Affairs*, 65(2012), 559-575.

63 *Ibid.*, p. 567

64 *Ibid.*, p. 571

65 *Ibid.*, p. 571

66 *Reflections of the Lay Members on the first year in post January 2013 – January 2014*, House of Commons Committee on Standards, 2014, p. 11.

67 Katrin Steinack, "Between Apathy and Enthusiasm: A International Comparison of MPs' Attitudes Towards Parliamentary Training," *Parliamentary Affairs*, 65(2012), 541-558

68 *Ibid.*, and Colleen Lewis, "Barriers to Prioritising Education and Training for Parliamentarians: Role Complexity and the Media," *Parliamentary Affairs*, 65(2012), 699-714.

69 Michael Rush and Philip Giddings, *Parliamentary Socialisation: Learning the Ropes or Determining Behaviour?* (Basingstoke: Palgrave Macmillan, 2011), p 119,

Committee sets out, ethical practice in a political context may give rise to complexities that warrant a more developed approach to ethics in induction, and beyond.⁷⁰

- 2.43** The Committee therefore welcomes the approach currently being developed by the House Authorities to prepare an induction programme for the new intake of MPs in 2015 that draws on the expertise of the Commissioner for Standards, the Committee on Standards, and the Party Whips, to highlight the compliance requirements under the Members' Code of Conduct. There is clearly also a role for the party managers and leaders in ensuring attendance, and we would expect individual Members and parties to demonstrate their commitment to ethical standards by attending, and being prepared to justify themselves to constituents and the public at large if they do not. The Administration Committee's plan to "write to the Leaders of all parties represented at Westminster to encourage more proactive support by the parties of the training programmes put in place for 2015" is helpful in this respect.⁷¹ It is difficult to see how opting out of induction can continue to be justified as public trust in politicians declines and public attitudes are increasingly in favour of politicians acting "according to a set of guidelines about their behaviour" and undertaking "regular ethics and standards training."⁷²
- 2.44** The question remains, however, as to whether what is effectively an awareness-raising session on the rules, while necessary, is sufficient to embed ethical standards, or build an ethical culture within Parliament. Our review of practice in other organisations suggests that it is not. In their work examining how to develop MPs' ethical standards, Coghill, Donohue and Holland have argued that "skill in identifying, analysing and responding to ethical dilemmas is not readily learned through reading or instruction" and that "experiential approaches are the appropriate manner in which to develop the ethical skills of parliamentarians."⁷³ They go on to suggest a role for independent parliamentary commissioners in facilitating this learning.
- 2.45** Rush and Giddings, on the other hand, see the primary agents of attitudinal and behavioural socialisation for parliamentarians as the House of Commons, the parliamentary parties, and outside bodies and organisations, with the three key mechanisms of effecting socialisation as instruction, imitation and motivation.⁷⁴ This would suggest a greater role for the parties in embedding ethical standards within Parliament, working alongside and in concert with the House Authorities.
- 2.46** Political parties have resources available to them to transfer information to prospective and current Members of Parliament, discuss and develop ethical skills in the context of individual cases and broader ethical principles, and signal the importance of ethical standards to their members. As noted in the *Report of the All-Party Parliamentary Inquiry into Electoral Conduct*, and confirmed by discussions between the Committee and the Chief and Deputy Chief Whips, the parties have screening, selection, training, guidance and support mechanisms for candidates. Within Parliament, the parties offer meetings, away-days, advice and instruction through the Whip's Office, and access to the experience of longer-standing members. We are also aware that parties are, at present, actively engaging with standards issues, not least through developing respect and conduct policies to cover the relationship between party members and their employees.⁷⁵
- 2.47** The Electoral Conduct inquiry report recommended that parties "draw upon expert knowledge and enhance the level of existing training. When training cannot be provided, appropriate guidance should be issued."⁷⁶ The Electoral Conduct inquiry focused on training on anti-discrimination and equalities issues in the context

70 Mark Philp, *Public Ethics and Political Judgment*, July 2014, www.public-standards.gov.uk

71 *First weeks at Westminster: induction arrangements for new MPs in 2015*, First Report of the House of Commons Administration Committee, HC 193 (2013-14), p. 28.

72 *Audit of Political Engagement 11: The 2014 Report with a focus on the accountability and conduct of MPs*, Hansard Society, 2014, p. 6

73 Ken Coghill, Ross Donohue and Peter Holland, "Parliamentary Accountability to the Public – Developing MPs' Ethical Standards," *Australian Parliamentary Review*, 23(2008), pp. 115-6

74 Michael Rush and Philip Giddings, *Parliamentary Socialisation: Learning the Ropes or Determining Behaviour?* (Basingstoke: Palgrave Macmillan, 2011), p. 175

75 See, for example: *Respect Policy, First Report of the House of Commons Committee on Standards*, HC 321 (2014-15); "Leaked: new code of conduct for Tory MPs," Channel 4 News, 11 April 2014 <http://www.channel4.com/news/westminster-code-of-conduct-exclusive-mps>; and "Response from Party President Tim Farron," *Liberal Democrat Voice*, 15 January 2014, <http://www.libdemvoice.org/internal-investigation-into-allegations-against-lord-rennard-37847.html>

76 *Report of the All-Party Parliamentary Inquiry into Electoral Conduct*, October 2013, p. 48

of candidate conduct during elections, but the recommendations put forward by the inquiry in light of party structures and training could equally be applied to raising ethical awareness and skills. There is scope for the major parties to promote the Seven Principles of Public Life to prospective Members, and actively explore with them the ethical obligations that will pertain once a candidate becomes a Member of Parliament. New MPs should then at least be primed for the ethical challenges and obligations that await them and potentially more receptive to the information provided by the Commissioner for Standards and the House Authorities during induction.

- 2.48** A similar pro-active approach should be taken in relation to new induction for new Peers as well. As a recent report commissioned by the Parliamentary Office of Science and Technology notes, the induction arrangements for members of the House of Lords have been much less researched and there is little, if any, publicly available material on the induction procedures for the Lords.⁷⁷ Padilla and Hobbs note party- and House Authority-led orientation and induction procedures, but no formal induction sessions provided by external bodies. Padilla and Hobbs consider induction provision in the Lords more limited than that offered in the Commons.⁷⁸
- 2.49** Conversations with the Clerk of the Parliaments confirm that all new Peers are sent a personal copy of the Code of Conduct, that attendance at the induction and orientation sessions is generally good, and that there are plans in place to open up the next induction session for new Peers to recently appointed Peers as a refresher. **We consider that it would be prudent to offer refreshers to all established Peers, either alongside or as part of induction sessions for new Peers.**
- 2.50** In light of the recent changes to the House of Lords' Code of Conduct, made in part in response to our report on lobbying and to emphasise the need for a greater emphasis on observance of the spirit as well as the letter of the rules, Peers will also need to be updated on their new responsibilities as set out in the revised Code. We understand that approaches to doing so are currently being considered. The Committee believes that the decision to emphasise the spirit of the Code provides a perfect opportunity for the House Authorities and the parties to remind all Peers of their obligations to observe the Seven Principles of Public Life and act as ethical leaders whilst undertaking their parliamentary duties. This would involve a more detailed and challenging approach to ethics in induction for new Peers.
- 2.51** Unlike the provisions for inducting members of the House of Lords, which need to respond to occasional and relatively irregular decisions to appoint individual and groups of Peers, the fixed electoral cycle for MPs provides an opportunity for induction processes to be planned and revised on a rolling basis. The call from the Lay Members of the Standards Committee for "greater clarity, in terms of how standards are implemented and who is responsible for this" and "specific induction programmes (for new Members elected to the House), and refresher training of all Elected Members," plus the current inquiry by the Standards Committee into the standards system in the House of Commons show that there is an appetite for improving ethical standards within Parliament.⁷⁹
- 2.52 Parliament needs to make better use of its induction programmes to increase awareness of ethical principles and rules, and embed ethical standards.** The political and administrative resources in both Houses, as well as the external resources of organisations with professional expertise in ethics could usefully feed in to the development of future induction programmes, and any longer term programmes for professional development. The examples set by other organisations, which use induction to signal the importance of codes of conduct and their underpinning principles, explore what the rules and principles mean in practice using different learning techniques, and, as we explore subsequently in this report, reinforce the messages of induction on an ongoing basis provide a useful resource for Parliament.

⁷⁷ Ana Padilla and Abbi Hobbs, *Science and Technology Related Induction Needs in the House of Lords*, November 2013, <http://www.parliament.uk/documents/post/Padilla%20and%20Hobbs%202013%20ST%20related%20induction%20needs%20in%20the%20HoL%20Full%20report.pdf>

⁷⁸ *Ibid*, p. 12

⁷⁹ *Reflections of the Lay Members on the first year in post January 2013 – January 2014*, House of Commons Committee on Standards, 2014, p. 2 and the Inquiry into the Standards System in the House of Commons, <http://www.parliament.uk/business/committees/committees-a-z/commons-select/standards/inquiries/parliament-2010/complaints-about-members-of-parliament/>

2.53 We therefore agree with the recommendations of the Administration Committee that:

training and professional development provided for Members is an activity which should be undertaken for the course of a parliament, not just as an element of induction. It should be provided in a variety of formats to cater for different learning styles and time availability and should be offered at times that suit individual Members, rather than fixed slots.⁸⁰

2.54 **MPs, parties and the House Authorities should take this opportunity to develop a meaningful and credible induction and professional development programme that covers the Seven Principles of Public Life and the separate Codes of Conduct, building on lessons learned from recent or significant standards breaches, that meets the needs of MPs and Lords and the expectations of the public.**

Conclusion

- 2.55** Whether they are elected or appointed, office holders or employees, those in public life have an obligation to perform their roles in ways that are consistent with the Seven Principles of Public Life, and the rules embodied in the codes that derive from them. That includes those sectors, organisations and office holders with established governance arrangements as well as those that have recently been created, and those who have moved away from uniform governance models, and by implication, uniform approaches to induction, like education and health.
- 2.56** There is a level of both professional and ethical competence that those in public life need to fulfil their roles and against which they will be judged, ultimately by the public. It is our simple conclusion, then, that **induction is essential to ensure that public office holders are aware of the standards expected of them, and that ethical standards need to be included in the induction arrangements for all those public life.**

⁸⁰ *First weeks at Westminster: induction arrangements for new MPs in 2015*, First Report of the House of Commons Administration Committee, HC 193 (2013-14), p. 26

Chapter 3:

Beyond Induction

3.1 The success of induction programmes is generally perceived as resting on three factors: the content and mode of delivery; being clear as to the desired outcome of the programme; and the situation of induction in a longer term, more expansive, explicitly valued and actively led approach to learning and development.⁸¹ Factoring ethical standards into induction does little to change this basic assessment, although some scholars have argued that unless those responsible for designing and delivering “ethical interventions” draw on the insights of behavioural ethics, interventions like induction and training are likely to fail.⁸²

Awareness or Understanding?

- 3.2** The success of any ethics element in an induction or professional development programme requires, as a first step, developing an understanding of the objective to be achieved. For most induction programmes, the aim is awareness raising and developing an understanding of principles, rules and where, when and how those principles and rules are likely to come into play; it is not generally the desire fully to equip individuals with the skills to deal effectively with ethical dilemmas.
- 3.3** Insofar as the aim is raising awareness, an on-line package may be sufficient, as discussed in paragraph 2.10. Making completion of on-line learning compulsory, or linking it to a test, may also go some way to signifying the importance of the issues covered and building a basic level of knowledge. Awareness of the subject area, or even learning material in order to pass a test, especially a tick-box test, however, is no guarantee of real understanding. And unless the initial course is explicitly followed up in any way, it is difficult to see how its subject matter is likely to be seen as important, and any initial awareness is likely to fade. It is unsurprising, then, that many of those we interviewed as part of this project were sceptical of the value of on-line learning packages as the sole means of embedding ethical standards in public life.
- 3.4** The Committee does not believe that relying solely on on-line material to cover the Seven Principles or the rules set out in a code of conduct constitutes best practice. There should always be a face-to-face element in induction, or in subsequent training and development options, that covers ethical standards. A face-to-face approach provides an opportunity to talk through issues, test the individual’s understanding of the principles and rules against the perceptions of others, and challenge prejudices or preconceptions.
- 3.5** We are aware that a range of training and learning providers offer short courses and workshops on ethics in practice, either in relation to specific standards issues such as bribery and corruption, or ethics in the context of particular sectors, such as business.⁸³ We are also aware of recent increased training provision to meet compliance requirements in many professional services across the public and private sectors which provide opportunities for ethical issues to be addressed and considered we welcome such initiatives. We also welcome less formal methods of approaching ethics in practice, such as the Peer-to-Peer sessions

81 See, for example: *Teaching Ethics and Values in Public Administration Programs: Innovation, Strategies, and Issues*, ed. by James Bowman and Donald Menzel (Albany NY: State University Press, 1998); Christoph Demmke and SNE Timo Moilanen, *Effectiveness of Good Governance and Ethics in Central Administration: Evaluating Reform Outcomes in the Context of the Financial Crisis*, European Institute of Public Administration, December 2011; Carol W. Lewis and Stuart C. Gilman, *The Ethics Challenge in Public Service: A Problem Solving Guide*, Third Edition (San Francisco: Jossey-Bass, 2012); John A. Weber, “Business Ethics Training: Insights from Learning Theory,” *Journal of Business Ethics*, 70(2007), 61-85; and a range of publications by the Institute of Business Ethics.

82 Max H. Bazerman and Ann E. Tenbrunsel, *Blind Spots: Why We Fail to Do What’s Right and What to Do About It* (Princeton and Oxford: Princeton University Press, 2011)

83 See, for example, the Institute for Business Ethics.

offered by staff in Cabinet Office's Propriety and Ethics team, which provide ad hoc opportunities for interested staff in Cabinet Office to attend short discussion sessions on the codes of conduct that cover all those working in government departments and their application in relation to individual cases.

- 3.6** The Committee is not aware of any providers in the learning and development market that focus specifically on awareness and understanding of the Seven Principles of Public Life for those in public life. **We are therefore currently engaged in discussions with the Chartered Institute of Finance and Accountancy (CIPFA) to investigate the possibility of a developing an ethical awareness workshop that focuses on the Principles and is adaptable to various sections of public life, such as, for example, the Civil Service, Local Government, and the Police. We hope that such a workshop could usefully supplement predominantly on-line induction programmes.**

Integrated or Standalone?

- 3.7** Clearly such a workshop would isolate ethical standards as a subject to be understood and, potentially, the application of those standards as a separate competency to be learned. There are differing schools of thought as to whether isolation serves to highlight the importance of ethical standards, and recognises ethical decision-making as a particular skill that needs to be refined, or whether integrating ethics into other learning and development material is the best way of embedding ethical standards. The question of isolation or integration also extends to whether a specific ethics workshop is best integrated into an induction programme, or is better as a separate part of a suite of training and development options to be taken up as part of continuous professional development after the initial period of induction. What is not in question, however, is the beneficial effect of embedding induction within a broader learning and development programme and an explicit narrative that endorses ethics.
- 3.8** Some of those interviewed during this project viewed the prospect of standalone sessions on ethics as a barrier to acceptance, often on the basis that such sessions would be seen as remedial in nature and that those who attended ran the risk of being labelled as 'unethical.' This fear is particularly acute in political settings – quite rationally, given press responses to the prospect of anything labelled 'ethical training.' In these circumstances integration of standards matters into other events and material may be crucial to the success of raising awareness and understanding of ethical rules and principles without stigma.
- 3.9** There can, however, be an explicit value in isolating ethics in induction and training, to signal that active steps are being taken to address ethical failures. Serco, for instance, in its *Corporate Social Responsibility Report* for 2013, responds directly to its well-publicised ethical failures by clearly setting out a series of distinct measures focusing on ethics (including ethics in induction and training):

We have also set up a board committee for corporate responsibility, to oversee our approach to ethics, the structure of governance, risk management, health and safety, and the environment.

Our people need to feel confident that they can raise potential ethical conflicts, so we can identify them early and take appropriate action. Towards the end of 2013, we appointed an ethical lead in each division, who is answerable to a divisional ethics committee. During 2014, we will also review our Code of Conduct and the way we define our values, provide ethical leadership training to all of our managers and make improvements to our performance management process.⁸⁴

Although initiated as a remedial measure, we would hope that this focus on ethical standards will become a positive feature in future.

- 3.10** Other organisations, such as the College of Policing, have taken an active decision to integrate ethical standards into a range of subject- and skill-specific modules on their induction and training courses, so that ethics will be seen as integral to everyday policing. In this instance, integration is a positive choice designed to contribute to building an ethical culture. Whatever is learnt in induction through the College of Policing is

⁸⁴ <http://www.cr2013-serco.com/Commitment.html>

reinforced through the messaging on its website and the material provided under clear website headings such as 'Leading on ethics and integrity.'⁸⁵

- 3.11** PwC takes a similar approach, reinforcing the messages of induction by making it clear that ethics is integral to the operation of the firm. PwC has a dedicated Ethics and Business Conduct section on its website, which includes a code and a framework for ethical decision making, as well as list of ethics questions to consider when making day-to-day decisions (see Box 8).⁸⁶ There is a clear narrative that ethical standards are integral and important, which in turn makes the messages of induction that much more likely to be absorbed and taken seriously.

Box 8

Summary of Ethics Questions to Consider

1. Is it against PwC or professional standards?
2. Does it feel right?
3. Is it legal?
4. Will it reflect negatively on you or PwC?
5. Who else could be affected by this (others in PwC, clients, you, etc.)?
6. Would you be embarrassed if others knew you took this course of action?
7. Is there an alternative action that does not pose an ethical conflict?
8. How would it look in the newspapers?
9. What would a reasonable person think?
10. Can you sleep at night?

- 3.12** The narrative that ethics is important may be also be signified by linking it to progression, again ensuring that the messages of induction are not lost but reinforced. In Clifford Chance, for example, induction, which covers professional standards and ethics, is the first step on a career ladder where ethical standards will be integral to success. Standards and ethics are seen as key to being a leader, and unless staff can demonstrate proficiency in these areas they will not become partners. There is a clear expectation that teaching and maintaining ethical standards will be part of the role of partner, and the managing partner of each office has responsibility for ethical standards.
- 3.13** Integrating induction itself into a broader programme of continuing professional development and a narrative of commitment to ethical standards is an important means of making induction work. Deciding whether to integrate ethics into other induction and learning modules or to have a separate standalone session is a choice best made in light of the particular circumstances and needs of the organisation. An informed choice on integration or isolation may well be crucial in determining the effectiveness or otherwise of induction in embedding ethical standards. Decisions on designing and delivering induction programmes therefore need to be taken carefully, in light of the needs of the organisation as a whole, as well as the individuals within that organisation.

⁸⁵ <http://www.college.police.uk/>

⁸⁶ See <http://www.pwc.com/gx/en/ethics-business-conduct/code-of-conduct.jhtml>, and for Box 8: <http://www.pwc.com/gx/en/ethics-business-conduct/ethics-questions.jhtml>

Behavioural Ethics

- 3.14** That care should extend to an awareness of the insights from behavioural ethics, according to Bazerman and Tenbrunsel, in their book *Blind Spots: Why We Fail to Do What's Right and What to Do About It*. Bazerman and Tenbrunsel argue that:

Ethics interventions have failed and will continue to fail because they are predicated on a false assumption: that individuals recognize an ethical dilemma when it is presented to them. Ethics training presumes that emphasizing the moral components of decisions will inspire executives to choose the moral path. But the common assumption this training is based on – that executives make explicit trade-offs between behaving ethically and earning profits for their organizations – is incomplete. This paradigm fails to acknowledge our innate psychological responses when faced with an ethical dilemma.⁸⁷

- 3.15** Despite operating within a predominantly business-based framework, the conclusions of Bazerman and Tenbrunsel provide a useful addition to the debate on what works in embedding ethical standards through induction and training. Their analysis of ethical blind spots and the effects of bounded ethicality – “the systemic ways in which people engage in unethical behaviour without their own awareness” – provides a useful resource for those considering how best to build ethics into induction.⁸⁸ Bazerman and Tenbrunsel offer a range of “remedies” for addressing ethical blind spots such as “motivated blindness” where “we overlook the unethical behavior of others when it’s in our interest to remain ignorant”, or “indirect blindness” where “we hold others less accountable for ethical behaviour when it’s carried out through third parties.”⁸⁹ These remedies involve an active and questioning approach to ethics and standards, rather than the more passive awareness-raising techniques or rule-based learning that is common in more basic induction programmes.
- 3.16** Bazerman and Tenbrunsel also place a special premium on leadership as a means of recognising and addressing these blind spots and cognitive biases. Leaders need to be aware, facilitate staff awareness and take the steps necessary to “create the ethical organizations they aspire to run.”⁹⁰ While Bazerman and Tenbrunsel provide a distinct and provocative analysis of ethical failures and how to combat them, in seeing leadership as the key factor, they join a widespread consensus on the value of leadership in embedding ethical standards.

87 Max H. Bazerman and Ann E. Tenbrunsel, *Blind Spots: Why We Fail to Do What's Right and What to Do About It* (Princeton and Oxford: Princeton University Press, 2011), p.4

88 Ibid, p. ix

89 Max H. Bazerman and AnnE. Tenbrunsel, “Ethical Breakdowns: Good people often let bad things happen. Why?” *Harvard Business Review*, (April 2011), p. 63

90 Bazerman and Tenbrunsel, (April 2011), p. 60

Chapter 4

Conclusion

Leadership

- 4.1** The clearest message the Committee received during this project was that leadership was key to embedding ethical standards, both in the broadest sense and in relation to the success of induction as a separate process. Those in public life need to show individual leadership in the personal choices that they make and the behaviours that they model. This includes the decision whether or not to embrace the ethical elements of induction or to seek it out when provision is lacking. Those at the top of organisations in public life also need to show leadership in taking all the necessary steps to ensure that ethical standards are fully embedded and embraced.
- 4.2** We made these points in *Standards Matters*, and almost all of those we spoke to as part of this report reiterated them. We heard of various methods that have been used to signify leadership commitment to ethical standards, from leaders delivering elements of in-house training on standards and conduct (Goldman Sachs), to organisations requiring ethical proficiency in order to progress to senior leadership positions (Clifford Chance), to organisations requiring senior leaders to undergo leadership training which itself focuses on values and ethics (NSPCC).
- 4.3** All of these are valuable approaches, and are perceived by the organisations in question as contributing both to the success of their induction programmes and the overall ethical climate of the organisation. Their assumptions are relatively sound, based on a body of work that “shows that employees imitate the behaviour of others in the workplace and look to leadership for guidance and direction when faced with ethical dilemmas.”⁹¹ Should those in positions of power and authority either pay lip service to standards, or through their actions and attitudes actively undermine them, the value of induction will be debased and its effectiveness undermined. When leaders “set the tone from the top [this] will almost certainly cascade down the organisation and be played out at many different levels and in many different situations.”⁹²
- 4.4** **The Committee expects all those in public life to demonstrate leadership. As the Seventh Principle states:**

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.

For us, leadership includes leadership in accepting, promoting and participating in the guidance and education, and in particular the induction training, that formed Lord Nolan’s third thread for ensuring that the Principles were understood and the highest standards of propriety in public life established and maintained.

91 Delois A. Frisque and Judith A. Kolb, “The Effects of an Ethics Training Programme on Attitude, Knowledge, and Training of Office Professionals: A Treatment and Control Group Design,” *Human Resource Development Quarterly*, 19(2008), p. 50, G.R. Weaver, L.K. Trevino and B. Agle, “Somebody I look up to: ethical role models in organizations,” *Organizational Dynamics*, 34(2005), 313-30.

92 Philippa Foster Back, *Setting the Tone: Ethical Business Leadership* (London: Institute of Business Ethics, 2005), p. 7

4.5 On the whole, we were pleased with what we found as part of this review. But those in public life can always do more to uphold the Principles that guide their behaviour. We would especially like to see more of an obvious demonstration of leadership in relationship to ethical standards from those in the Westminster Parliament, both elected and appointed. Parliament sits at the apex of public life, legislates on standards for others in terms of regulatory regimes, holds to account those who fall below public expectations in terms of those regulatory regimes, and calls for standards to be imposed where it believes they are necessary.⁹³ When it comes to ethics in practice, Parliament should lead by example and expect to be judged by the standards it imposes on others.

⁹³ See, for example, the work of the Parliamentary Commission on Banking Standards, the Home Affairs Select Committee, and the Public Administration Select Committee.

Appendix 1:

About the Committee on Standards in Public Life

1. The Committee on Standards in Public Life is an advisory Non-Departmental Public Body (NDPB) sponsored by the Cabinet Office. The Chair and members are appointed by the Prime Minister. 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.”

2. The remit of the Committee excludes investigation of individual allegations of misconduct.
3. 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.”

4. A triennial review of the Committee was carried out in 2012, the report of which was published by the Government in February 2013. As a result, on 5 February 2013, the terms of reference of the Committee were clarified in two respects: *“...in future the Committee should not inquire into matters relating to the devolved legislatures and governments except with the agreement of those bodies”* and *“...the Committee’s remit to examine “standards of conduct of all holders of public office” [encompasses] all those involved in the delivery of public services, not solely those appointed or elected to public office.”*⁹⁴
5. The Committee is a standing Committee. It can not only conduct inquiries into areas of concern about standards in public life, but can also revisit that area and monitor whether and how well its recommendations have been put into effect.

Membership of the Committee

The Lord Bew (Chair)
 The Lord Alderdice
 The Rt Hon Dame Margaret Beckett DBE MP
 Sheila Drew Smith OBE
 Patricia Moberly
 Dame Denise Platt DBE (until 30 June 2014)
 David Prince CBE
 Richard Thomas CBE
 Dame Angela Watkinson DBE MP

⁹⁴ Hansard (HC) 5 February 2013, col. 7WS

Secretariat

6. The Committee is assisted by a Secretariat consisting of Ruth Thompson (Secretary), Leila Brosnan (Senior Policy Adviser), Laurie Mousah (Policy Adviser) and James Anderson (Secretariat Coordinator). Press support is provided by Maggie O'Boyle.

The Committee's Previous Reports

7. The Committee has previously published the following reports.
- *Ethical standards for providers of public services* (June 2014)
 - *Strengthening Transparency Around Lobbying* (November 2013)
 - *Standards Matter: A review of best practice in promoting good behaviour in public life* (Fourteenth Report (Cm 8519)) (January 2013)
 - *Political party finance: Ending the big donor culture* (Thirteenth Report (Cm8208))(November 2011)
 - *MPs' Expenses and Allowances: Supporting Parliament, Safeguarding the Taxpayer* (Twelfth Report (Cm 7724))(November 2009)
 - *Review of the Electoral Commission* (Eleventh Report (Cm 7006)) (January 2007)
 - *Getting the Balance Right: Implementing Standards of Conduct in Public Life* (Tenth Report (Cm 6407)) (January 2005)
 - *Defining the Boundaries with the Executive: Ministers, Special Advisers and the Permanent Civil Service* (Ninth Report (Cm 5775)) (April 2003)
 - *Standards of Conduct in the House of Commons* (Eight Report (Cm 5663)) (November 2002)
 - *Standards of Conduct in the House of Lords* (Seventh Report (Cm 4903)) (November 2000)
 - *Reinforcing Standards: Review of the First Report of the Committee on Standards in Public Life* (Sixth Report (Cm 4557)) (January 2000)
 - *The Funding of Political Parties in the United Kingdom* (Fifth Report (Cm 4057)) (October 1998)
 - *Review of Standards of Conduct in Executive NDPBs, NHS Trusts and Local Public Spending Bodies* (Fourth Report) (November 1997)
 - *Local Government in England, Scotland and Wales* (Third Report (Cm 3702)) (July 1997)
 - *Local Public Spending Bodies* (Second Report (Cm 3207)) (June 1996)
 - *Members of Parliament, Ministers, Civil Servants and Quangos* (First Report (Cm 2850)) (May 1995)

Appendix 2:

Local Authority Survey Questions

Introduction

The Committee on Standards in Public Life, sometimes called the Nolan Committee, is an independent body which advises Government on ethical standards. The Committee promotes high ethical standards in public life and works to ensure that the Seven Principles of Public Life - selflessness, integrity, objectivity, accountability, openness, honesty and leadership – underpin all aspects of public life. The Seven Principles of Public Life were introduced in 1995.

The Committee on Standards in Public Life is currently looking at how best to embed high ethical standards in public sector organisations through induction, education and training. By high ethical standards we mean actively observing the Seven Principles of Public Life. This could mean, for example, acting in terms of the public rather than personal or private interest and not being improperly influenced by others; being honest, open and transparent and declaring all personal interests; and making decisions impartially, fairly and on merit.

One of the areas we are looking at is whether advice and guidance on ethical standards are covered in induction and training programmes for elected representatives, including local councillors.

This survey asks about your experience of Local Authority induction and training programmes for councillors.

The survey should take about 10 - 15 minutes to complete, and responses will be anonymous.

Part One: Induction

1. Are you a

- Councillor
- Council Official

2. Does your Local Authority provide an induction programme for newly elected councillors?

- Yes
- No
- Don't know

3. Did the Local Authority councillor induction programme you attended, or which you know about, take place

- Less than 2 years ago
- Between 2 and 5 years ago
- 5 to 10 years ago
- More than 10 years ago

4. Did your Local Authority's induction programme have a session looking at standards in public life, councillor conduct or ethical behaviour? Please tick all answers that apply.

- Yes, on the Seven Principles of Public Life
- Yes, on your Council's Code of Conduct
- Yes, on conflicts of interest and expenses
- Yes, on a range of ethical, conduct and standards issues (please list in comment box)
- No
- Don't know

Comment Box

5. Was the standards in public life, councillor conduct or ethics element of your Local Authority councillor induction programme

- A standalone session
- Part of a longer session covering a range of topics
- Don't know

6. Was the standards in public life, councillor conduct or ethics element of your Local Authority councillor induction programme delivered by

- Council staff
- A councillor or ex-councillor
- Council staff and councillors or ex-councillors
- An external provider
- Anyone else (please give details in comment box)
- Don't know

Comment Box

7. Did the standards in public life, councillor conduct or ethics element of your Local Authority councillor induction programme look at

- The rules to be followed
- General principles (like honesty, integrity, accountability etc) to guide behaviour
- Both rules and principles
- Anything else (please give details in comment box)
- Don't know

Comment Box

8. To the best of your knowledge, do you think your Local Authority's most recent councillor induction programme was attended by

- More than half of newly elected councillors
- Less than half of newly elected councillors
- Don't know

Part Two: Training and Guidance

9. To the best of your knowledge, does your Local Authority offer or recommend other types of training on standards in public life, councillor conduct or ethics?

- Yes, the Local Authority offers refresher or follow up courses (please give details in Comment Box)
- Yes, the Local Authority recommends councillors attend refresher or follow-up courses (please give details in Comment Box)
- No
- Don't know

Comment Box

10. Does your Local Authority have a designated individual that councillors can contact if they face an ethical dilemma or have a question about standards and conduct?

- Yes
- No
- Don't know

11. Have you recognised a situation as an ethical dilemma as part of your council role ?

- Yes
- No
- Don't know

12. Did you seek guidance on the ethical dilemma?

- Yes (please provide brief details in the Comment Box)
- No (please provide brief details in the Comment Box)

Comment Box

General Comments**13. Who do you regard as providing ethical leadership and maintaining the ethical tone in your Local Authority? Please tick all answers that apply.**

- Elected mayor or council leader
- Party group leader
- Party whip
- Chief Executive
- Other senior officer
- Other (please describe in Comment box)
- No one
- Don't know

Other (please specify)

14. How familiar do you feel councillors at your Local Authority are with the Seven Principles of Public Life?

- Familiar
- Fairly familiar
- Not familiar
- Don't know

Comment Box

15. How do you think your Local Authority would deal with a request from a councillor for guidance on a particular standards, conduct or ethics issue?**16. Do you have any comments or suggestions on induction or training for councillors on standards in public life, councillor conduct and ethics?****Thank you**

Thank you for completing this survey.

If you have any queries or would like further information on standards in public life, please visit the website of the Committee on Standards in Public Life at: <http://www.public-standards.gov.uk/>

Appendix 3:

Interviews and Seminar

Interviews

- Audit Commission
- Civil Service Commission
- Civil Service Learning
- Clerk of the Parliaments
- Clerk to the House of Commons Standards Committee
- Clifford Chance
- College of Policing
- Goldman Sachs
- Government Chief Whip
- Government Deputy Chief Whip
- Paul Grant, Independent Trainer in Parliament & Government
- Hansard Society
- Hoey Ainscough Associates
- House of Commons, Department of Information Services
- Independent Parliamentary Standards Authority
- Institute of Business Ethics
- Sir Richard Lambert, Banking Standards Review
- Leader of the House of Commons
- Leadership Centre for Local Government
- NSPCC
- Parliamentary Commissioner for Standards
- Westminster Abbey Institute

Seminar Participants

- Professor Richard Ashcroft, Queen Mary, University of London
- Dr Richard Jarvis, NSGI, Defence Academy
- Professor Peter John, School of Public Policy, University College London
- Dr Ben Kotzee, Jubilee Centre for Character and Virtues, University of Birmingham
- Professor Mark Philp, University of Warwick
- Sheila Drew Smith, Member of the Committee on Standards in Public Life
- Ruth Thompson, Secretary of the Committee on Standards in Public Life
- Dr Regina Rini, Research Fellow, University of Oxford

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July 2014

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

19 September 2014

Annual Report of Standards Committee**1.0 PURPOSE OF REPORT**

- 1.1 To request the Standards Committee to consider whether or not to reintroduce the publication of an Annual Report by the Committee.

2.0 BACKGROUND

- 2.1 Prior to the adoption of the current 'light touch' ethical framework under the Localism Act 2011, the previous Standards Committee presented an Annual Report to full Council, usually at its annual meeting, regarding the work of the Committee. It was thought to be good practice to inform the Council of the work of the then Committee, as it assisted in raising the profile and awareness of the Committee and ethical standards generally.

- 2.2 The prior form of Annual Report set out the following information:

- background to the then Standards Committee;
- the Committee's Terms of Reference;
- current membership of the Committee;
- the role of the Monitoring Officer in supporting the Committee;
- the dates the Committee met;
- an account of the work which was undertaken by the Standards Committee during the previous 12 month period, including matters relating to:
 - the Committee's Work Programme;
 - appointment of Independent Members;
 - the granting and monitoring of dispensations;
 - review of ethical framework developments;
 - the Register of Members' Interests;
 - Member training in relation to standards issues;
 - Communications and awareness raising;
 - The Standards Bulletin;
 - Complaints in relation to the Members' Code of Conduct; and future developments.

3.0 ANNUAL REPORT

- 3.1 The Standards Committee is requested to consider whether it would be appropriate to reintroduce the publication of an Annual Report by the Committee for presentation to the Council.
- 3.2 A relevant authority has a statutory duty to promote and maintain high standards of conduct by Members and co-opted members of the authority. The adoption of a code dealing with the conduct expected of Members and co-opted members of the authority when they are acting in that official capacity is only one part of the

discharge of the statutory duty. It is suggested that the presentation of an Annual Report by the Committee to full Council would assist in promoting and maintaining high standards of conduct and would also ensure that the Council has an overview of work undertaken by the Committee in discharging the Council's standards responsibilities.

3.3 Should the Committee be minded to produce an Annual Report on its work to the Council, the Committee is requested to consider the scope of the report and the types of information it would wish to include. Members may find the checklist at paragraph 2.2 helpful in this regard, although given the more streamlined standards regime under the Localism Act, any Annual Report is unlikely to be as comprehensive in terms of activities as the then Committee has been able to present previously.

3.4 Members' views are welcomed.

4.0 RECOMMENDATIONS

4.1 That the Committee determines whether it is appropriate to present an Annual Report regarding the work of the Committee to full Council.

BARRY KHAN

Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer

Background Papers:

- The Localism Act 2011
- Minutes of NYCC Standards Committee

County Hall
NORTHALLERTON

12 September 2014

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

19 September 2014

Complaints Procedure**1.0 PURPOSE OF REPORT**

- 1.1 To present to the Committee, for consideration and recommendation to full Council for approval, proposed amendments to the standards complaints procedure arising out of the Council's approval of the Standards Committee Protocol for dealing with Unreasonably Persistent/Vexatious Complainants.

2.0 BACKGROUND

- 2.1 At its meeting in November last year, full Council approved the Standards Committee Protocol for dealing with Unreasonably Persistent/Vexatious Complainants. It is recommended that the Protocol is referenced in the standards complaints procedure and suggested amendments to this effect are set out for Members' consideration.

3.0 COMPLAINTS PROCEDURE AMENDMENT

- 3.1 The agreed arrangements for dealing with allegations of breach of the Members' Code of Conduct are set out at **Appendix 1** to this report for Members' information. This complaints procedure was adopted by full Council as part of the new ethical framework under the Localism Act 2011 and any amendments to it will therefore require full Council approval.
- 3.2 Proposed amendments to the procedure, to reference the Standards Committee Protocol for dealing with Unreasonably Persistent/Vexatious Complainants, are set out by way of tracked changes on the version attached at **Appendix 1** for Members' comments. An administrative amendment to update the Monitoring Officer details is also recommended. Subject to any comments Members may have, it is recommended that the proposed amendments be recommended to full Council for approval.

4.0 RECOMMENDATIONS

- 4.1 That, subject to any comments Members may have, the proposed amendments to the arrangements for dealing with allegations of breach of the Members' Code of Conduct as set out in **Appendix 1** be recommended to full Council for approval.

BARRY KHAN

Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer

Background Papers: None

County Hall
NORTHALLERTON

16 September 2014

NORTH YORKSHIRE COUNTY COUNCIL

ARRANGEMENTS FOR DEALING WITH ALLEGATIONS OF BREACH OF THE MEMBERS' CODE OF CONDUCT

These arrangements set out how a complaint can be made to North Yorkshire County Council that an elected or voting co-opted Member has failed to comply with the Council's Code of Conduct for Members. These arrangements are made under Sections 28(6) and (7) Localism Act 2011.

1 Independent Person

The Council has appointed an Independent Person whose views must be sought by the Council before it takes any decision on an allegation which has been decided should be investigated. The Independent Person's views can also be sought by the Council at any other stage or by a Member against whom an allegation has been made. In practice complaints are dealt with by the Monitoring Officer, and by the Standards Committee.

2 Members' Code of Conduct

The Council has adopted a Code of Conduct for Members, attached as an Appendix to these arrangements. It is also published on the [Council's](#) website.

Deleted: Authority's

3 Making a Complaint

If someone considers there has been a breach of the Code of Conduct by a Member, and wants to make a complaint, they should write or send an email to:

[Barry Khan](#)
Monitoring Officer
North Yorkshire County Council
County Hall
NORTHALLERTON
North Yorkshire
DL7 8AD

Deleted: Carole Dunn

email: barry.khan@northyorks.gov.uk

Deleted: carole.dunn@northyorks.gov.uk

Where possible, the standard complaint form should be used. It can be downloaded from the Council's website, or is available from the Monitoring Officer at the above address.

It is important to provide a name and contact address. Please note that the Council will not investigate anonymous complaints unless there is a significant public interest in doing so.

4 Timescales

We aim to deal with any complaint, so far as possible, within 3 months of receipt, or as soon as possible thereafter.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days and will keep you informed of progress.

5 Assessment for Investigation or Other Action

Every complaint relating to the Code of Conduct will be received by the Monitoring Officer.

The Member who is the subject of a complaint ('the subject Member') will be advised of the complaint and copied into any relevant correspondence or complaint form received from the Complainant. The Monitoring Officer will review complaints and consult with the Independent Person in doing so, and will decide whether a complaint merits formal investigation. Where there is a difference of opinion between the Monitoring Officer and the Independent Person, then the allegation will be investigated.

This assessment will take place, where possible, within 20 working days of receipt of the complaint or as soon as possible thereafter. The Monitoring Officer may request more information to assist the decision as to whether investigation is appropriate.

The subject Member may also be requested to provide information about the matter.

The Monitoring Officer will advise you, in writing, of his/her decision about whether or not the matter should be investigated.

If the complaint identifies criminal conduct or breach of other regulation, the Monitoring Officer will consult the Police and/or such other regulatory agencies as he/she considers appropriate.

The Monitoring Officer will not refer for investigation matters which are, in his/her opinion, and after consultation with the Independent Person, vexatious, offensive, trivial or politically motivated. Regard may be had to the Standards Committee Protocol for dealing with Unreasonably Persistent/Vexatious Complainants in this respect and in relation to the handling of such complaints generally.

If the Monitoring Officer has a conflict of interest or does not for any other reason consider it appropriate that s/he undertakes initial assessment of a complaint, it will be referred to the Standards Committee.

The Standards Committee will be informed of the outcome of all complaints received.

6 Informal Resolution

Wherever possible the Monitoring Officer will seek to resolve a complaint informally without the need for formal investigation or referral to the Standards Committee.

This may involve trying to mediate between the parties, aiming to clarify misunderstandings, or encouraging discussion between the Complainant and subject Member to enable a resolution between them, or where appropriate, an apology. It may also involve other remedial action by the Council.

If the Member or the Council make a reasonable offer of local resolution but the Complainant is not willing to accept the offer, the Monitoring Officer will take this into account in deciding whether a complaint merits formal investigation.

7 Investigation

If the Monitoring Officer concludes that a matter merits investigation, the Complainant will be invited to submit all information they wish to submit in support of their allegation within 10 working days of request.

Once the information is received it will be sent to the Member who is subject to the complaint, who would also be invited to submit all information they wish to be considered in response within 10 working days.

Throughout the process the Monitoring Officer will ensure the subject Member and Complainant receive appropriate support and assistance.

The Monitoring Officer may also appoint a member of his/her staff to oversee the gathering of information relating to the matter which will comprise the investigation ('the Nominated Officer'). The Nominated Officer will consider whether any further information is needed and take steps so far as possible to secure its production.

A report containing the information provided by the Complainant and subject Member will be prepared by the Nominated Officer, and copied to both parties and sent to the Monitoring Officer. The report will conclude with a recommendation as to whether it is considered that there has been a breach of the Code.

8 Conclusion of no evidence of failure to comply with the Code of Conduct

The Monitoring Officer will receive and review the report and consult the Independent Person upon it. Subsequently, if satisfied that the report is sufficient, the Monitoring Officer will write to the Complainant and the subject Member notifying them that s/he is satisfied that no further action is required.

9 Conclusion that there is evidence of failure to comply with the Code of Conduct

The Monitoring Officer will review the report and consult the Independent Person as to whether local resolution may be possible. If any suggested resolution is not agreed, the matter will be referred to the Standards Committee for consideration.

If the matter can reasonably be resolved in the Monitoring Officer's opinion without the need for a hearing he/she will consult the Independent Person, with the Complainant and subject Member, to seek to agree a fair resolution which will also ensure higher standards of conduct for the future.

As with initial assessment this can include the Member accepting that conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the Member complies with the suggested resolution the matter will be reported to the Standards Committee but no further action will be taken.

10 Hearing

If local resolution is not appropriate, or the Complainant or subject Member are not satisfied with the proposed resolution, or the subject Member is not prepared to undertake any proposed remedial action, the report will be reported to a Hearings Panel ('the Panel') of 3 Members from the Standards Committee. The Independent Person will attend all Panel meetings and will be consulted by the Panel in making its decision about whether there has been a breach of the Code and any action to be taken.

The Panel will meet to decide whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action.

The report will be presented to the Panel. The Complainant and the subject Member will be invited to attend the Panel to present information and make representations in relation to the allegations that there has been a failure to comply with the Code of Conduct. The Independent Person will be present. The Panel can proceed in the absence of either the subject Member or the Complainant where it deems this to be appropriate.

The Panel shall consult with the Independent Person and be advised by the Monitoring Officer. It may conclude:

- (a) that the Member did not fail to comply with the Code of Conduct;
- (b) that the Member did fail to comply with the Code of Conduct; and, if it so concludes, the Panel may determine whether any action is necessary and, if so, what sanction is appropriate.

11 What action can the Panel take if there has been a breach of the Code of Conduct?

The Panel may:

- (a) issue a letter of censure to the Member and where appropriate require an apology to be given to the Complainant;
- (b) recommend to the Member's Group Leader that he/she be removed from any or all committees or sub-committees of the Council;

(c) instruct the Monitoring Officer to arrange training for the Member.

The Panel has no power to suspend or disqualify the Member or to withdraw allowances.

The Panel shall consult the Independent Person and decide what, if any, publicity should be undertaken regarding the outcome of the matter. Options for such publicity include a notice on the Council's website or a press release.

12 What happens at the end of the hearing?

The Chair of the Panel will announce the decision of the Panel as to whether the Member has failed to comply with the Code of Conduct and as to any action it deems necessary. The Monitoring Officer will prepare a Decision Notice which will be given to the subject Member and the Complainant within 10 working days. The outcome will be reported to the next meeting of the Standards Committee.

13 Revision of these arrangements

The Council may by resolution agree to amend these arrangements and delegates to the Chair of the Panel the right to depart from these arrangements where he/she considers it expedient to do so to secure the effective and fair consideration of any matter.

14 Appeals

There is no right of appeal for the Complainant or the subject Member against a decision of the Monitoring Officer or Panel.

If the Complainant feels that the Council has failed to deal with the complaint properly they may make a complaint to the Local Government Ombudsman.

19 September 2014

Deleted: 15 October 2013

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

19 September 2014

Gifts and Hospitality Protocol for Employees**1.0 PURPOSE OF THE REPORT**

- 1.1 To seek Members' approval of suggested amendments to the Employees' Gifts and Hospitality Protocol.

2.0 BACKGROUND

- 2.1 The Standards Committee has previously approved a Protocol for Officers regarding gifts and hospitality, following consultation by the Monitoring Officer on the draft Protocol within the Council, including Management Board.
- 2.2 The Committee agreed further revisions to the Protocol in 2011, following the legislative changes introduced by the Bribery Act 2010.
- 2.3 It is suggested that it is an opportune time to review the Protocol, to ensure consistency in its application.

3.0 AMENDMENTS TO PROTOCOL

- 3.1 A copy of the current Protocol is attached at **Appendix 1** for Members' information. A copy of the current registration form is attached at **Appendix 2**.
- 3.2 The Monitoring Officer has considered the Protocol and seeks Members' views on the introduction of a threshold level of £25 or more for the registration of officers' gifts and hospitality. This would enable officers to accept de minimis and low value gifts and hospitality without having to register the offer and receipt, for example pens distributed at conferences and low value items offered as tokens of appreciation, for example a box of chocolates or bunch of flowers, whereby refusal could cause offence.
- 3.3 Should Members feel that the introduction of such a threshold would be helpful, then this would also require a change to the Standards of Conduct Procedure for Officers, to ensure that the two documents are consistent. This would require wider consultation within the Council.
- 3.4 Interim suggested amendments to update the Monitoring Officer details in the Protocol are set out by way of tracked change on the version of the Protocol attached at **Appendix 1**.
- 3.5 Once the Protocol has been fully reviewed, it will be re-circulated to officers to further ensure consistency in the Protocol's application.
- 3.6 Members' views on the Protocol generally are most welcome.

4.0 RECOMMENDATION

- 4.1 That the Committee approves the draft amendments to the Gifts and Hospitality Protocol for Employees as set out in **Appendix 1** to this report.
- 4.2 That the Committee considers whether the introduction of a threshold value of £25 or more for officers' gifts and hospitality registration would be helpful.
- 4.3 That the Committee considers whether it has any other comments on the Protocol.

BARRY KHAN

Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer

Background Documents:

Minutes of NYCC Standards Committee

County Hall
NORTHALLERTON

16 September 2014

NORTH YORKSHIRE COUNTY COUNCIL

GIFTS AND HOSPITALITY PROTOCOL FOR EMPLOYEES

1.0 Background

- 1.1 Council employees may from time to time, in the course of their work, encounter situations where individuals or organisations may offer gifts or hospitality. The reasons for this will vary, but such offers will usually be made as goodwill gestures, or for celebration, or appreciation, or for helping networking or working together. Some employees, e.g. senior officers who liaise with public and private sector partners, may find themselves quite often faced with hospitality opportunities, and front line workers, who engage directly with the public, may be offered gifts in thanks for their services.
- 1.2 There are however rules which regulate the acceptance of gifts and hospitality by Council employees. This is because the acceptance of benefits offered like this can affect the perception of whether the Council and its employees are acting in the public interest. Local councils are in a position of significant influence over issues that affect people's lives within their areas. The Council holds the public purse and all employees, as well as Members of the Council, must always be seen to be acting in the best interests of the people of North Yorkshire. It is important not to do anything which undermines public trust in what they are doing.
- 1.3 Whilst most offers of gifts and hospitality are well meant and innocent, there have been, nationally, instances of benefits being offered and accepted for corrupt purposes to secure improper advantage. Whilst this is exceptional and rarely occurs, it is damaging to public confidence in local government, damaging to the reputation of the authority concerned, and it is unlawful. Even in situations where there are no improper motives, the acceptance of lavish gifts and hospitality can have a negative effect in terms of public perception. Council employees must be very clear about the rules which apply to gifts and hospitality and must always bear in mind how the public might view situations where gifts and hospitality are offered and received. Any offer should be treated with great care.
- 1.4 This Protocol aims to help employees deal with situations where they are faced with offers of gifts and hospitality. If any employee is in doubt, further advice can be sought from the Monitoring Officer, or the employee's manager or Head of Service.

2.0 What is meant by Gifts and Hospitality?

- 2.1 Gifts and hospitality may include:
- (a) a gift of money, vouchers, goods or services;
 - (b) the opportunity to acquire goods and services freely or at a discount or at terms not available to other members of the public;
 - (c) the offer of food, drink, accommodation or entertainment freely provided or heavily discounted, or the opportunity to attend any cultural or sporting event on terms not available to the public;
 - (d) a bequest or legacy.

3.0 The Legal Framework

- 3.1 There are several legal constraints. Firstly, it is an offence for a local authority employee to accept any "fee or reward whatsoever other than his proper remuneration" (Section 117 LGA 1972).
- 3.2 Previously, it was also an offence for any employee to corruptly solicit, receive or agree to receive or give for him/herself or any other person, any gift, loan, fee, reward or advantage as an inducement to, or reward for, or otherwise on account of:

- (a) doing or refraining from doing anything in their employment capacity; or
- (b) showing favour or disfavour to any person in their employment capacity;

and any money, gift or other consideration received by a Council employee, in their official capacity, from someone seeking to obtain a contract with the Council was deemed in law to have been received corruptly unless the contrary was proved.

(Public Bodies Corrupt Practices Act 1889 and the Prevention of Corruption Acts 1906 and 1916).

3.3 A revised legal framework to deal with bribery was introduced in The Bribery Act 2010 (“the Act”), which came into force on 1 July 2011 and introduced new bribery offences, the key parts of which are set out below. The Act repeals the previous bribery and corruption laws mentioned above, although does not affect any ongoing matters under that legislation which predate the commencement of the Act.

3.4 The main offences under the Act are:

- **bribing another person** (section 1). A person commits an offence under this section where s/he offers, promises or gives a financial or other advantage to another person, and intends the advantage to induce a person to perform improperly a relevant function or activity (which includes any activity performed in the course of a person's employment), or to reward a person for the improper performance of such a function or activity;
- **being bribed** (section 2). This section provides several cases in which an offence of being bribed may be committed, relating to a person committing an offence where s/he requests, agrees to receive or accepts a financial or other advantage intending that, in consequence, a relevant function or activity should be performed improperly or as a reward for improper performance (whether by him/her or another person);
- **bribing a foreign official** (section 6). A person commits an offence under this section where s/he offers, promises or gives a financial or other advantage to a foreign public official with the intention of influencing the official in the performance of his/her official functions and intends to obtain or retain business or an advantage in the conduct of business.
- **failure of commercial organisations to prevent bribery** (section 7). A relevant commercial organisation is guilty of an offence under this section if a person associated with it bribes another person intending to obtain or retain business or an advantage in the conduct of business for that organisation. It is a defence for the organisation to prove that it had in place adequate procedures designed to prevent persons associated with it from undertaking such conduct.

3.5 The maximum penalties under the Act are 10 years' imprisonment/unlimited fine for individuals and an unlimited fine for organisations.

3.6 Anyone committing offences of this nature will also be subject to disciplinary action.

3.7 Government guidance on the Act confirms that “*The Government does not intend that genuine hospitality or similar business expenditure that is reasonable and proportionate be caught by the Act, so you can continue to provide bona fide hospitality, promotional or other business expenditure. In any case where it was thought the hospitality was really a cover for bribing someone, the authorities would look at such things as the level of hospitality offered, the way in which it was provided and the level of influence the person receiving it had on the business decision in question. But, as a general proposition, hospitality or promotional expenditure which is proportionate and reasonable given the sort of business you do is very unlikely to engage the Act....*”

4.0 Employees' Code of Conduct:

4.1 Apart from the legal rules, employees are bound by their contract of employment to comply with the Council's **Standards of Conduct Procedure**

http://intranet/directorate/hr/managing_staff_in_the_workplace/conduct_and_disciplinary/RelatedDocuments/Standards%20of%20Conduct%20Procedure.doc). These specifically provide that with the exception of the minor items referred to at paragraph 4.3 below, all benefits such as accommodation, travel, entertainment, presents, gifts or bequests should be refused. If they are accepted disciplinary action may be taken. Gifts received through the post should be returned to the sender with an appropriately worded letter.

- 4.2 **Gifts and Bequests:** Employees must always inform their manager of any offer of gifts or bequests received during the course of their employment. They should also complete a form of registration of gifts and hospitality (http://intranet/directorate/hr/managing_staff_in_the_workplace/conduct_and_disciplinary/List/Policies%20information%20and%20guidance/Employees%27%20Gifts%20and%20Hospitality%20registration%20form.doc) which is signed also by their manager and retained appropriately within the Directorate Register of Gifts and Hospitality. A copy must also be provided to the Monitoring Officer who maintains a central Register of Gifts and Hospitality. The central Register enables monitoring of where, across the Council, benefits are being offered and accepted and by whom, so that any problems can be identified. Employees should also register gifts, hospitality and benefits offered but refused as a matter of good practice (please see paragraph 8.1 below for further details). Service managers should also ensure that Council service users are aware that there is no expectation or obligation on them to offer gifts of any kind.
- 4.3 There are exceptions in relation to minor items such as diaries, calendars, blotters or other items of low value. This would include items with a monetary value of no more than £10, and on a single occasion only. Any repeated offer should be declined. Offers and receipt must nevertheless be notified to and recorded by the employee's manager. Under no circumstances should offers/gifts of money (of whatever amount) be accepted.
- 4.4 Employees will occasionally receive bequests or legacies in wills, e.g. home carers are sometimes included in the wills of people they have looked after. This can reflect the genuine wish of a client to register their thanks to someone who has looked after them, and the employee involved may be entirely unaware that the client intends to make the bequest. However kindly meant, such gestures can be open to misinterpretation and because of that the Council will not allow bequests to be retained by employees. Any bequest made to employees must be politely refused and returned to the Executor of the will, making it clear that the Council's rules do not allow the acceptance of bequests by employees. Disciplinary action, including the possibility of dismissal, will be taken if a bequest is accepted in these circumstances.
- 4.5 **Hospitality:** The Standards of Conduct Procedure also regulates the acceptance of hospitality. There are sometimes occasions where it is in order to accept hospitality, but only if there is a genuine benefit to the Council which would not otherwise be available. Examples are given below. Invitations to attend purely social or sporting functions should be accepted only when these are part of the life of the community served or where the County Council should be seen to be represented. Attendance must be properly authorised and recorded by the appropriate Head of Service or Corporate Director, or by the Chief Executive Officer in the case of a Corporate Director. When hospitality has been declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.
- 4.6 When considering whether it is appropriate to accept hospitality employees and their managers should be particularly sensitive as to its timing having regard to any decisions the Council may be taking affecting those providing it.
- 4.7 Acceptance of hospitality at conferences and courses or events is acceptable where it is clear that the hospitality is corporate rather than personal, where it is authorised and where any contracting decisions are not compromised. Where hospitality is offered in connection with visits to inspect equipment etc, employees should ensure that the Council meets the cost of the visit to avoid compromising the integrity of subsequent decisions on the contract. More examples in relation to hospitality are set out below.
- 4.8 **Sponsorship – Giving and Receiving:** Where an outside organisation wishes to sponsor a local government activity, whether by invitation, tender negotiation or voluntarily, the above

conventions concerning acceptance of gifts or hospitality apply. Again, care must be taken when dealing with contractors or potential contractors.

- 4.9 Where the Council wishes to sponsor an event or service, employees, their partners, relatives or other close associates must not benefit from such sponsorship in a direct way without there being full disclosure to the appropriate Corporate Director/Chief Officer of any such interest. Similarly where the Council, through sponsorship, grant aid, or finance by other means, gives support in the community, employees must ensure that impartial advice is given and that they have no conflict of interest in the matter.

5.0 What does it mean in practice? – A summary of some general principles and examples.

- 5.1 These are some practical points which should help employees and their managers deal with offers of gifts or hospitality:

(a) **Never accept a gift (other than the minor items referred to at 4.3 above).**

Acceptance of a gift is very unlikely likely to confer any advantage on the Council. A presumption would arise that acceptance is purely for an employee's personal benefit. There are very few exceptions to this - some minor ones are set out below at paragraph 6.0.

(b) **Never accept hospitality as an inducement or reward for anything you do as a Council employee. Hospitality should not be accepted unless there is commensurate benefit to the Council.**

The only proper reason for accepting any hospitality is that there is a benefit for the Council which would not otherwise be available. An example is an opportunity to progress the business of the Council expeditiously through a working lunch, or to canvas or promote the interests of the Council and its area at a meeting where there is incidental hospitality.

Council employees must act in the public interest and must not be swayed in the discharge of their duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner. If an employee has any suspicion that the motive is an inducement or reward s/he should *decline*.

(c) **Never accept if acceptance might be open to misinterpretation.**

The appearance of impropriety can be just as damaging to the Council and to the employee as actual impropriety. The Council's ability to govern rests upon its reputation for acting fairly and in the public interest.

Employees must therefore consider whether the acceptance of the hospitality is capable of being interpreted as a sign that the Council favours any particular person, company or section of the community, or is placing the employee under any improper obligation to any person or organisation.

Certain occasions are particularly sensitive and require the avoidance of any opportunity for misunderstanding. These include:

- when the authority is conducting a competitive procurement process, in respect of any indication of favour towards particular tenderer(s);
- determining planning or licensing applications or planning or licensing policy, in respect of any person or organisation which stands to gain or lose from the determination;
- funding decisions when the authority is determining a grant application by any organisation or person;

- decisions about the allocation of work to current partners which will affect the amount of income the partner might gain from the authority;
 - when the Council is dealing with applicants for benefits, claims and dispensations;
 - when the Council is engaged in legal proceedings, hospitality from other parties to the proceedings would be inappropriate.
- (d) **Do not accept hospitality which puts you under an improper obligation.**
- Recognise that some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If an employee accepts improperly, it is possible that they may seek to use this to persuade him/her to determine an issue in their favour.
- (e) **Do not solicit a gift or hospitality.**
- Employees must never solicit or invite an offer of a gift or hospitality in connection with their position as a Council employee. Also, employees should take care to avoid giving any impression that they might be open to any such improper offers.
- (f) **Some other situations to avoid:**
- hospitality in situations where the employee would be the sole guest;
 - hospitality of significant value.

6.0 Gifts and Hospitality which it is appropriate to accept

- 6.1 There are some circumstances where it is in order to accept hospitality, though some situations will nevertheless require the exercise of careful judgment.
- (a) Official hospitality such as civic reception or a working/business lunch in Council owned premises (provided it is ancillary to the business being conducted).
 - (b) Civil hospitality provided by another public authority.
 - (c) Refreshments in connection with any meeting in the course of an employee's work as a Council officer e.g. normal refreshments.
 - (d) Meals or refreshments funded by other public sector partners as the part of joint working/collaboration, and provided it is ancillary to the business being conducted.
 - (e) Meals or refreshments being provided as part of a ceremony or event to promote or launch a project or initiative.
 - (f) Meals or refreshments provided at design/progress meetings, by a consultant, contractor or adviser who is already appointed by the Council for that project, scheme or initiative (provided it is ancillary to the business being conducted).
 - (g) Gifts given to the *Council* which an employee accepts formally on the Council's behalf and which are retained by the Council but not by the employee personally e.g. a commemorative item.
 - (h) Gifts given as prizes at exhibitions, conferences, seminars etc as part of a free raffle or draw.
 - (i) Gifts known to be available to all employees e.g. badges etc.
 - (j) Hospitality known to be available to all employees.
 - (k) Hospitality ancillary to the Council's business being conducted such as an overnight stay for an away day with a partner organisation of the Council.

- (l) Hospitality ancillary to attendance at conferences, seminars and courses where hospitality is corporate rather than personal.
- (m) Hospitality ancillary to attendance at functions where an employee represents the Council e.g. ceremonies, public speaking events, conferences where hospitality is ancillary.

7.0 Reporting of inappropriate gifts and hospitality offered

7.1 As stated above, it is a criminal offence for a person to offer, promise or give a financial or other advantage as an inducement or reward for an employee improperly to do or not do something in their employment. Employees must immediately report to their manager or the Monitoring Officer any circumstances where inappropriate gifts or hospitality have been offered to them. The employee may then be required to assist the police in providing evidence.

8.0 Procedure for registration of gifts and hospitality

8.1 Before accepting hospitality or other benefit employees must seek approval from their manager, complete a registration form setting out the reasons for acceptance, or the fact that it has been declined, have the form signed by their manager and recorded in the Directorate's Register and send a copy of the form to the Monitoring Officer for retention in the Council's central Register. Employees should register gifts, hospitality and benefits offered but refused as a matter of good practice.

9.0 The Register of Gifts and Hospitality

9.1 Directorates keep a Register of Gifts and Hospitality for their employees. The Monitoring Officer also retains all completed registration forms in the central Register of Gifts and Hospitality and maintains the Register on the Council's behalf.

9.2 The Registers are not available to the public.

9.3 Employees are able to have access to any of their own forms contained in the Register, but not anyone else's. Employees' managers, Heads of Service or Corporate Directors will be able to access their forms to ensure that gifts and hospitality are appropriately monitored, and the Register is additionally open to inspection by the following:

- (a) The Chief Executive Officer;
- (b) The Monitoring Officer;
- (c) The Corporate Director Finance and Central Services;
- (d) The Chief Internal Auditor;
- (e) The Assistant Chief Executive (Human Resources and Development);
- (f) The Council's external auditor;
- (g) Any other party with a legal entitlement to inspect it.

10.0 Conclusion

10.1 Should employees have any queries relating to the acceptance and registration of gifts and hospitality, please contact the Monitoring Officer (Assistant Chief Executive (Legal and Democratic Services)) on: telephone 01609 532173 or carole.dunn@northyorks.gov.uk barry.khan@northyorks.gov.uk

5-October19 September 2014

NORTH YORKSHIRE COUNTY COUNCIL

EMPLOYEE REGISTER OF GIFTS AND HOSPITALITY

For guidance in relation to the registration and acceptance or refusal of gifts or hospitality see:

- **the Gifts and Hospitality Protocol for Employees**
(http://intranet/directorate/hr/managing_staff_in_the_workplace/conduct_and_disciplinary/Lists/Policies%20information%20and%20guidance/Gifts%20and%20Hospitality%20Protocol%20for%20Employees.doc); and
- **the Standards of Conduct Procedure**
(http://intranet/directorate/hr/managing_staff_in_the_workplace/conduct_and_disciplinary/RelatedDocuments/Standards%20of%20Conduct%20Procedure.doc)

SECTION A: (to be completed by the Employee registering the gift or hospitality)

Date	
Name of Employee	
Job Title	
Directorate and Service Area	
Nature of gifts and/or hospitality being registered	
Approximate value of gifts and/or hospitality being registered	
Name of person/organisation offering gifts and/or hospitality	
Signature of Employee	

SECTION B: (to be completed by the Line Manager of the employee by whom the gift or hospitality is being registered)

Name of Manager	
Job Title	
Acceptance of gift and/or hospitality approved (Yes/No)	
Reason for agreeing in the event of acceptance	
Any additional comments	
Signature of Manager	

This form should be retained in the Directorate Employee Register of Gifts and Hospitality and copied to the Monitoring Officer (Assistant Chief Executive Legal and Democratic Services) for retention in the Council's Central Employee Register of Gifts and Hospitality.

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

19 September 2014

Complaints Update**1.0 PURPOSE OF REPORT**

- 1.1 To update Members regarding ethical framework complaint activity since the Committee's last meetings in October and December 2013.

2.0 COMPLAINTS UPDATE

- 2.1 The following complaints have not previously been reported to the Committee:

NYCC/SC/35

- 2.2 The complainant alleged, amongst other things, that the subject Member had an interest that he failed to declare at a Committee meeting and that the meeting should be declared void and reconvened. The complaint was assessed by the Monitoring Officer in consultation with the Independent Persons for Standards, when it was agreed that no action should be taken in relation to the complaint.

NYCC/SC/36

- 2.3 The complainant made certain allegations about the behaviour and comments of the subject Member at certain public consultation meetings, namely that there had been a failure to treat others with respect, and that the subject Member's behaviour was bullying and intimidating. The complaint was assessed by the Monitoring Officer in consultation with the Independent Person for Standards and referred for investigation. The conclusion of the investigation report was that there was no evidence of failure to comply with the Members' Code of Conduct. The Monitoring Officer and Independent Person agreed with the report recommendations, but with some caveats about using more appropriate expressions when addressing public forums, which were communicated to the subject Member.

NYCC/SC/37

- 2.4 The complainant made certain allegations about the behaviour and comments of the subject Member at certain public consultation meetings, namely that there had been a failure to treat others with respect, that the subject Member's behaviour was bullying and intimidating and that certain comments were disrespectful and potentially discriminatory. The complaint was assessed by the Monitoring Officer in consultation with the Independent Person for Standards and referred for investigation. The conclusion of the investigation report was that there was no evidence of failure to comply with the Members' Code of Conduct. The Monitoring Officer and Independent Person agreed with the report recommendations, but with some caveats about using more appropriate expressions when addressing public forums, which were communicated to the subject Member.

NYCC/SC/38

- 2.5 The complainant made certain allegations against the subject Member regarding his chairing of a Committee meeting. The complaint was assessed by the Monitoring Officer in consultation with the Independent Person for Standards, when it was agreed that no action should be taken in relation to the complaint.

NYCC/SC/42

- 2.6 This complaint concerned alleged comments and conduct by the subject Member whilst attending an event. The complaint was assessed by the Monitoring Officer in consultation with the Independent Person for Standards when it was agreed that the complaint was not within the jurisdiction of the Standards Committee and that no action should be taken in relation to it.

NYCC/SC/43

NYCC/SC/44-49

- 2.7 In NYCC/SC/43, the complainant alleged that the subject Member did not register his membership of his political party in the relevant timescale and required the Council to report the matter to the Police.
- 2.8 The complainant subsequently expanded his complaint to cover six other County Councillors (NYCC/SC/44-49).
- 2.9 The complaints were assessed by the Monitoring Officer in consultation with the Independent Persons for Standards when it was agreed that five of the complaints were not within the jurisdiction of the Standards Committee and that no action should be taken in relation to any of the complaints raised.

NYCC/SC/50

- 2.10 As the Complainant did not receive a reply to his correspondence with the subject Member, he made a complaint to the Monitoring Officer that the subject Member had breached paragraph 1 of the Council's Members' Code of Conduct by failing to treat him with respect. The complaint was assessed by the Monitoring Officer in consultation with the Independent Person for Standards, when it was agreed that no action should be taken in relation to the complaint, but that the subject Member should, however, provide a written apology to the complainant as the subject Member had already indicated he was willing to do. A written letter of apology was subsequently sent to the complainant by the subject Member.

NYCC/SC/51

- 2.11 This complaint arose out of a letter written by the subject Member to certain residents regarding a local issue. The complainant alleged that the subject Member had failed to treat the public with respect, had compromised the impartiality of the Council, brought the Council into disrepute and improperly gained an advantage for himself or others. The complaint was assessed by the Monitoring Officer in consultation with the Independent Person for Standards, when it was agreed that no action should be taken in relation to the complaint.

Previous complaints

NYCC/SC/34

- 2.12 This complaint concerned the behaviour and statements made by a Member at a public meeting and subsequently. The complaint was referred to the Deputy

Monitoring Officer for investigation. The investigation report concluded that there had been no breach of the Code. The report's conclusions and finding were accepted by the Monitoring Officer and Independent Person for Standards.

3.0 **UPDATE RE UNREASONABLY PERSISTENT COMPLAINANTS**

- 3.1 Under the Council's ethical framework introduced under the Localism Act 2011, the Standards Committee has a role in providing Member level consultation and support, where appropriate, where the designation of a complainant as unreasonably persistent or vexatious is being contemplated by senior officers, having regard to the criteria in the Council's Policy on Unreasonably Persistent Complainants and the Standards Committee Protocol regarding the same (which incorporates guidance from the Office of the Information Commissioner, in relation to the handling of vexatious requests).
- 3.2 At its last meeting, the Committee received a private report regarding the next stages in the handling of standards complaints, Freedom of Information Act requests and correspondence from an active and persistent complainant.
- 3.3 The Standards Committee resolved that there was evidence that the manner in which the complainant had pursued issues and complaints could be viewed as unreasonably persistent and that future complaints and correspondence received from the complainant should be considered, evaluated and dealt with in the light of that conclusion in accordance with the Council's policies. The Committee's recommendations were communicated to the complainant.

4.0 **RECOMMENDATIONS**

- 4.1 That the Committee notes the current position on complaints received and the update on unreasonably persistent complainants.

BARRY KHAN
Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer

Background Documents:

None

County Hall
NORTHALLERTON

15 September 2014

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

19 September 2014

Standards Bulletin**1.0 PURPOSE OF REPORT**

1.1 To present to the Committee, for consideration, a draft Standards Bulletin. .

2.0 BACKGROUND

2.1 The Standards Bulletin is produced periodically and circulated to Members of the Council to keep them informed of key developments in the standards regime.

2.2 In adopting the ethical framework under the Localism Act 2011, the Council decided that the continued production of the Standards Bulletin would help to maintain the Council's statutory duty to promote and maintain high standards of conduct.

3.0 THE STANDARDS BULLETIN

3.1 The latest draft edition of the Bulletin is attached at **Appendix 1** to this report.

3.2 The Committee is requested to consider the Bulletin with a view to its subsequent circulation.

4.0 RECOMMENDATIONS

4.1 That, subject to any comments Members may have, the Bulletin be updated as necessary following the outcome of the Committee's meeting and then circulated to Members of the Council.

BARRY KHAN

Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer

Background Papers:

- The Localism Act 2011

County Hall
NORTHALLERTON

12 September 2014



STANDARDS BULLETIN

INTRODUCTION

Work continues to embed the ethical framework introduced under the Localism Act 2011.

The Committee on Standards in Public Life has indicated that the effectiveness of the local government standards regime is one area it may choose to investigate as part of its future work programme. Members will be kept informed of developments.

Training on the Code and standards regime will continue to be factored into future Member training however, as ever, should you wish to discuss any standards matter, please do not hesitate to contact the Monitoring Officer or any of his Team.

THE STANDARDS COMMITTEE

The Members of the Standards Committee:

- **County Councillor Andrew Goss**
- **County Councillor Helen Grant**
- **County Councillor David Jeffels** (Vice-Chair)
- **County Councillor Caroline Patmore** (Chair)
- **County Councillor Peter Sowray**

Also invited to meetings of the Committee are:

- **Mrs Hilary Gilbertson MBE**, Independent Person for standards
- **Ms Louise Holroyd**, Independent Person for standards

CAROLINE PATMORE **Chair of the Standards Committee**

If in doubt, please seek advice from the following:

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IN THIS ISSUE:

- Committee on Standards in Public Life Reports
- Changes to Interests regime
- Members' Gifts and Hospitality
- Standards cases

Committee on Standards in Public Life Reports

In March 2014, the Committee on Standards in Public Life (“CSPL”) published its **report on “Public Perceptions of Standards in Public Life in the UK and Europe”**.

The Report Foreword from the Chair of the CSPL explains that in the Autumn of 2013, the CSPL published its final biennial survey of public attitudes towards conduct in public life. The survey contained data about public perceptions and expectations and confirmed that the seven principles of public life are supported by the public. It also demonstrated that over the lifetime of the survey there has been a continuous and substantial decline in public perceptions of standards in public life.

The research found that the UK’s long-term decline in public perceptions of standards in public life is part of a broader trend across Western democracies: British citizens’ assessments of standards in public life are not unusual and they are rarely the most cynical. Indeed British citizens’ perceptions and experiences of corruption are consistently lower than those in most other European countries.

In its strategic plan for 2012-15, the CSPL identified local government standards as one of the priority areas it may choose to investigate in future. The Committee referred specifically to local government, commenting that it was not satisfied that the sanctions now available against inappropriate behaviour, apart from the use of a political party’s internal discipline procedures, are now sufficient.

In its Work Programme for 2014/15, the CSPL stated that it intended to carry out further work to help promote high standards in public life.

On 17 June 2014, the CSPL published a **report on the ethical standards for the providers of public services**, along with the accompanying research conducted by Ipsos MORI.

Some of the key findings from the Report are as follows:

- that the Seven Principles of Public Life have application to all those delivering public services whether they are public sector

providers or third-party providers from the private or voluntary sector;

- the public want common ethical standards across all provider types regardless of sector, supported by a code of conduct;
- public and stakeholder views of what should constitute ethical standards are broadly in line with the Seven Principles of Public Life;
- commissioners expect providers to conform to ethical standards but rarely explicitly articulate this;
- commissioners want guidance on how to embed ethical standards in the commissioning and procurement process.

The CSPL has made various recommendations to the Cabinet Office, for example:

- adopt a strategic programme to reinforce:
 - the message that the Seven Principles of Public Life apply to any organisation delivering public services; and
 - the frameworks required to support ethical standards

The report and research documents are available to download from the CSPL website at:

<https://www.gov.uk/government/collections/ethical-standards-for-providers-of-public-services>

should Members wish to read in more detail.

In July this year, the CSPL published a **report “Ethics in Practice: Promoting Ethical Conduct in Public Life”**.

The key findings from the Report are as follows:

- When Lord Nolan published the First Report of the Committee on Standards in Public Life in 1995, along with the Seven Principles of Public Life he also advocated three ‘common threads’ for ensuring that those Principles were properly understood and followed – Codes of Conduct, Independent Scrutiny, and Guidance and Education, being clear that the necessary guidance and education on ethical standards should encompass training and in particular induction training;

- The report focusses on ethics in induction, both to emphasise that the Nolan Principles apply to the full range of organisations and individuals active in public life and to review provision of induction programmes to embed those Principles;
- Whilst every organisation should deliver an induction programme which suits it, as a basic minimum, the CSPL would expect to see induction cover the relevant code of conduct and the principles on which it is based, with an explanation of any compliance requirements that derive from that code, and reference to the channels for raising and dealing with ethical issues. The CSPL would also expect attendance at induction to be, if not compulsory, the norm rather than the exception;
- The CSPL will continue to monitor provision of Local Authority induction programmes and the profile of standards, conduct and ethical behaviour within those programmes;
- induction is essential to ensure that public office holders are aware of the standards expected of them, and therefore that ethical standards need to be included in the induction arrangements for all those in public life.

The Standards Committee is considering all the recent CSPL reports.

For more information about the work of the CSPL and its reports, please see the CSPL website www.public-standards.gov.uk

Changes to Interests' Regime

At the Council's meeting in November last year, Members agreed that the Members' Code of Conduct and proforma registration of interests form be amended to require Members to register trade union/professional association membership (as an 'interest other than a disclosable pecuniary interest'), as required under revised DCLG guidance. This has been done.

The Monitoring Officer subsequently contacted all Members asking them to register such interests if they had them.

Members must register and disclose 'disclosable pecuniary interests' as set out in regulations and

detailed in the Members' Code of Conduct, and membership of any trade unions or professional associations, but no wider, non-pecuniary, interests (eg membership of public and charitable bodies).

A pecuniary interest is a disclosable pecuniary interest ("DPI") if it is of a description specified in regulations ie

- Employment, office, trade, profession or vacation (for profit or gain)
- Sponsorship
- Contracts
- Land
- Licenses
- Corporate tenancies
- Securities

(please see the Code for the detailed descriptions)

AND either:

(a) it is the Member's interest or

(b) an interest of—

- the Member's spouse or civil partner
- a person with whom the Member is living as husband and wife, or
- a person with whom the Member is living as if they were civil partners

AND the Member is aware of the interest.

A Member with a DPI may not participate in the discussion of, or vote on, Council business (unless a dispensation is granted) and must withdraw from the meeting room.

The Register of Members' Interests is maintained by the Monitoring Officer and is available for public inspection in Rm 11, County Hall.

Electronic copies of Members' interests forms (redacted to remove signatures) are also published on the Council's website (as required by the Localism Act 2011) at:

<http://www.northyorks.gov.uk/article/23651/Councillors---declaration-of-interest>

Members must, within 28 days of becoming aware of a new interest or a change to an existing interest, register the necessary details by

providing written notification to the Monitoring Officer.

Please therefore keep your interests form under review and notify the Monitoring Officer promptly of any amendments required.

Should you wish to amend your interests form, please contact Julie Robinson on ext 2953 to make the necessary arrangements or call in to Room 11 in County Hall, Northallerton.

Please do not hesitate to contact the Monitoring Officer or any of his team should you have any queries.

Members' Gifts and Hospitality

Although gifts and hospitality offered and declined or received are no longer required to be registered in the Register of Members' Interests, Members do still need to register them with the Monitoring Officer, by completing the appropriate form and returning it to the Monitoring Officer.

Should you have any queries in relation to the registration of your interests or of any gifts or hospitality received/offered, then please feel free to contact the Monitoring Officer or any of his team.

CASES

The following cases have been the subject of recent Local Government Lawyer case reports:

Carmarthenshire County Council

The Court of Appeal has refused a blogger (X) permission to appeal in her libel claim against the council and its chief executive.

X had sued the council and its chief executive over comments he made to another blog, regarding X's arrest following a council meeting at which she tried to film proceedings. However, relations between X and the authority had been difficult for a number of years.

The High Court rejected X's claim. She was also ordered to pay £25,000 in damages after a counter-claim brought by the chief executive was successful. The judge concluded that X had

engaged in an unlawful campaign of harassment, defamation and intimidation targeted against the chief executive and other officers.

X sought to take the case to the Court of Appeal but was refused permission on all grounds.

London Borough of Ealing

The High Court rejected a councillor's application for permission to apply for judicial review of a decision by a standards committee that he had breached the council's code of conduct.

The case concerned comments posted by the councillor about residents of a ward on a blog, referring to alleged local illegal immigrants. The comments had attracted wide press attention and a petition. The subject member was expelled from his party following the comments.

Another councillor made a written complaint to the standards committee which subsequently investigated the matter. The standards committee found that the tone of the comments had been "inappropriate and unnecessarily provocative". The subject member had therefore not treated others with respect and had brought the council and the office of councillor into disrepute. The Committee resolved that the subject Member should apologise and that a notice about its decision be published in the local newspaper and on the council's website.

The subject Member challenged the standards committee's decision stating that:

- The committee had failed to give adequate reasons for its conclusion; and
- The decision of the committee was unreasonable and irrational on the grounds that the comments posted on the blog did not justify a finding that the subject member had breached certain paragraphs in the code.

The subject member also argued that the committee's decision infringed his fundamental right to free speech at common law and under Article 10 of the European Convention on Human Rights.

The Court rejected the subject member's application, concluding that the decision, although engaging Article 10, was "plainly a proportionate

interference in the light of the other interests identified in the Convention". The Court found:

- It could not arguably be said that there was a failure to give adequate reasons to the claimant.
- The committee was plainly entitled to find that what the subject member had said about the residents had failed to treat others with respect and had brought the council and the office of councillor into disrepute.
- On the face of it the finding and the sanctions did constitute a breach of Article 10.
- The finding and the sanctions were justified under Article 10(2) since, as the report explained, the comments about the residents were contained in a separate section of the blog from those which raised legitimate topics of political debate. "They were not the expression of a political view, but an unjustified personal and generic attack on a section of the public. The subjects of the speech were not politicians but ordinary members of the public and, as such, the comments did not attract the higher level of protection applicable to political expressions and the comments would plainly have undermined confidence in local government, the preservation of which is a recognised aim of the code."
- The extent of the interference was "on any view very limited indeed". The subject member was requested, not required, to apologise and had not done so. Also, the committee's findings were neutrally reported in the press and on the council's website.

East Staffordshire Borough Council

A councillor has withdrawn his judicial review claim against the council over an adverse finding of its standards committee and has agreed to pay a "substantial contribution" towards the council's costs.

The standards committee had found that the subject member had breached the code of conduct by disclosing confidential information.

No sanction was imposed and the committee agreed not to publicise its conclusions in light of the particular circumstances of the subject member.

The subject Member claimed that:

- the information he disclosed was not confidential;
- the committee's decision interfered with his right to freedom of expression;
- the committee was not politically neutral and was not an independent and impartial tribunal, in breach of the Human Rights Act.

and requested a declaration from the court that this part of the Localism Act 2011 was incompatible with the European Convention on Human Rights.

Stockton-on-Tees Borough Council

The subject Member published on their blog, a confidential counsel's opinion.

The authority's standards panel noted:

- that the subject Member had knowingly disclosed legally privileged advice;
- the subject Member's "unwillingness or refusal to accept responsibility for the breach of the code, and his unwillingness or refusal to agreed to abide by the code in the future, in similar or the same circumstances.";
- that the subject Member had shown no remorse, "but rather to the contrary had indicated that he would do it again without hesitation", and had not attended the hearing;

The standards panel asked the subject Member to provide an assurance within two weeks that he would not make similar disclosures and that if he failed to do so would be barred from receiving any exempt, confidential, or legally privileged council information for the remainder of his term of office.

It further provided that the subject Member should be provided with appropriate advice and guidance and that the authority's confidential information protocol should be re-circulated to all members.

Flintshire County Council

A High Court judge has reduced a disqualification term imposed on a long-serving Flintshire councillor, finding that the original sanction was "excessive".

Wigan Council

The authority's entire corporate management team complained in 2009 to the Public Services Ombudsman for Wales about the conduct of a councillor. The case was referred to the Adjudication Panel for Wales.

The Panel found that the councillor had committed 14 breaches of the authority's 2001 and 2008 codes of conduct by failing to show respect and consideration for council officers, using bullying behaviour, attempting to compromise the impartiality of officers and conducting himself in a manner likely to bring his office or the council into disrepute.

It disqualified the subject Member from being a member of that authority or any other for two and a half years.

The subject Member appealed, arguing that the tribunal should have used the criminal rather than civil standard of proof, erred in its findings as to breaches of the codes of conduct, and imposed an unjustifiably severe penalty.

The Judge quashed three of the breaches but added: "The tribunal found that the appellant's conduct had 'seriously undermined [the standards in political life] and public confidence', such that 'the high threshold required for disqualification... has been crossed ... However, even when the three breaches I have quashed are taken out of account, after anxious consideration, I agree: no sanction short of disqualification would have been appropriate and, in view of the seriousness of the misconduct, disqualification is a proportionate response."

However, the High Court judge concluded that two and a half years was an excessive sanction and eighteen months was appropriate:

"The appellant has not been convicted or even charged with any criminal offence; and there is no suggestion that any of the relevant conduct is criminal, or corrupt, or sleaze, or motivated by or resulting in any personal financial gain by the appellant."

The Judge also held that the civil standard of proof had been the correct one to use.

When conducting a review of its mobile phone contract, the authority discovered that the subject Member had run up a bill of over £2000.

The Standards Panel found that the subject Member had broken the authority's ICT policy and the Code of Conduct by using his council mobile phone inappropriately to call premium rate chat lines and to send "inappropriate" text messages.

The sanctions imposed by the Panel included:

- the removal of the subject Member's IT equipment, including his mobile phone;
- removal of his internet access;
- to undergo equal opportunities training;

and in addition, female officers would be instructed not to speak to him.

This was the third standards complaint involving the subject Member during 2014. The earlier complaints related to:

- deliberately altering an email in an attempt to jeopardise a senior employee's job; and
- viewing pornographic material on his council laptop.

The subject Member had previously been disqualified and suspended twice by the Standards Board for England. He was also removed from his political party.

The subject Member stated that the authority had taken a small number of selected text messages out of context and that he had paid in full for all of his private phone calls.

Contributors:

MOIRA BEIGHTON
North Yorkshire Legal & Democratic Services

Resources

Localism Act 2011 and subordinate legislation.
CSPL website - www.public-standards.gov.uk
Local Government Lawyer case reports