



**REPORT OF**

**THE QUINQUENNIAL REVIEW OF**

**THE COMMITTEE ON STANDARDS IN PUBLIC LIFE**

# QUINQUENNIAL REVIEW OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE

## SECTION ONE: INTRODUCTION

1. The Committee on Standards in Public Life is an advisory non-departmental public body and is thus subject to review by its sponsoring body, the Cabinet Office, every five years. This is the report of the first such review of this Committee.
2. Advisory non-departmental public bodies are subject to a “light touch” review which examines firstly the continuing need for, and suitability of, the body for its purpose and secondly its organisation and operation, including arrangements for its secretariat.
3. The method adopted for this review was to interview a number of individuals who could comment with authority on some or all of the matters under review. The interviews mainly took place between August and October 1999. A list of those interviewed is at Annex A. The work of the Committee was also examined by reference to the reports of its studies and its advisory papers, public speaking activities and meetings with interested groups and individuals. The reviewer is most grateful to all those who assisted him.

## SECTION TWO: THE COMMITTEE AND ITS WORK

### The origin of the Committee

4. The Committee on Standards in Public Life was established in October 1994, under the chairmanship of the Rt Hon The Lord Nolan, by the then Prime Minister, the Rt Hon John Major MP, 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.”*

5. The Committee was set up in response to concerns current at the time but it was intended to be a standing advisory body. The then Prime Minister said in the House of Commons on 25 October 1994 “ I hope the Committee will be able to produce a first report covering the main areas of current concern within six months, and then stay in being as a standing body to advise the Government of the day.”

6. The ten members of the Committee were, and currently are, appointed for a period of three years. Lord Nolan was succeeded as chairman by Lord Neill of Bladen QC in November 1997. The members of the Committee since its inception are listed at annex B. The Committee occupies accommodation in the Cabinet Office and has a secretariat of seconded civil servants which has remained at eight or nine members throughout. Occasional temporary appointments of additional staff have been made.

### **The work of the Committee**

7. The Committee has conducted six major studies and has published a report in each case.

8. The first report of the Committee was published in May 1995 and concentrated on Members of Parliament, Ministers, Civil Servants, Executive Non-Departmental Public Bodies and NHS bodies.

9. Over the subsequent two years the Committee examined areas which had not been included in the first report. Its second report, published in June 1996, dealt with standards of conduct in higher and further education institutions; grant maintained schools; training and enterprise councils, and housing associations.

10. The third report, published in July 1997, concerned standards of conduct in local government in England, Scotland and Wales.

11. The fourth report, published in November 1997, contained a review of some issues arising from the first and second reports which concerned executive Non-Departmental Public Bodies, NHS Trusts and local spending bodies.

12. The fifth report followed a study of the funding of political parties which was requested by the Prime Minister. He announced additional terms of reference for the Committee on 12 November 1997 as follows:

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

The fifth report was published in October 1998.

13. The sixth report was published in January 2000 following a review of the first report. It dealt particularly with MPs; Ministers; civil servants; special advisers; lobbying; sponsorship of Government activities; business appointments and proportionality in public appointments.

14. In addition, in July 1997, the Committee published a consultation paper about the possible offence of misuse of public office and, in June 1998, a legal study of personal liability in public service organisations. The reports of the main studies are published as Command Papers and the Stationery Office charges for them. Consultation papers and summaries of the reports are made available free of charge.

15. The Committee has adopted a standardised method of working for its studies which is described in the Committee’s annual report as follows:

*“Publishing a consultation paper setting out the issues and questions it believes are of specific importance;*

*Inviting written submissions based on the issues and questions paper;*

*Informal meetings with practitioners and experts;*

*Formal hearings, open to the public and the media, at which the issues are explored in detail;*

*Publication of a report, the second volume of which contains transcripts of oral evidence.”*

16. The Committee estimates that the gross expenditure in relation to each of its first six reports ranged between £317,200 and £625,520. The total budgetary allocation for the

financial year 1999-2000 was £535,000. The Accounting Officer for this expenditure is the Cabinet Office Permanent Secretary but day-to-day management of the budget is the delegated responsibility of the secretary to the Committee. Although an additional allocation was required in 1998-99 in respect of the costs associated with the study of party funding (which could not have been planned for), and this followed a small overspend associated with the same study in 1997-98, the earlier and current tendency was, and is, to underspend by various degrees and certainly to operate within the allocation.

17. The secretariat comprises two members of the Senior Civil Service who fulfil the roles of secretary to the Committee and press officer; an assistant secretary at Band A; one administrator at Band B2, three at C2 and one at C1.

### **SECTION THREE: A SUMMARY OF THE PRINCIPAL REVIEW FINDINGS**

18. A principal element of the review process was to interview members of the Committee, its secretariat and external observers. The latter reflected the admiration with which the work of the Committee has been widely viewed and the respect in which it is held.

19. On some topics a range of views emerged. The importance of the continued existence of the Committee was confirmed by interviewees although with varying degrees of firmness. This was, in part, because opinions varied as to the degree to which the Committee had completed its survey of public life. A number of those interviewed said that the essential mapping of the ethical environment is more or less complete and a new approach is now needed, perhaps to develop a monitoring role for the Committee. Some felt that a more active research or “ethical workshop” role could form the next phase of work. Others thought that some further formal studies remain to be done although there might be dormant periods during which formal studies would be suspended.

20. In general the composition and size of the Committee was thought to be right, comprising, as it does, members of the three main political parties and those with appropriate business, academic, legal or administrative experience.

21. Opinions varied about the method of working described at paragraph 15 above. Some now feel that flexible and informal methods may sometimes be more appropriate so that the

work of the Committee could be speeded up. The public hearings were said by some to add little to the process of informing the Committee and are paid little attention by the public or press. However, a few felt that openness demands that hearings are held in public. The arrangements through which the Committee is based in Cabinet Office premises and draws its secretariat from the Civil Service drew no adverse comments.

#### **SECTION FOUR: CONCLUSIONS AND RECOMMENDATIONS**

22. Under the Chairmanship of Lord Nolan and Lord Neill, the Committee has mapped the ethical framework in which those who serve the public have operated and should operate. By proposing seven key principles of public life, recommending the establishment of the new institutions of Commissioners for Public Appointments and Parliamentary Standards and making recommendations which have led, for example, to the better codification of practices, the Committee has made an important contribution to the fabric which it was put in place to review. In doing so it has itself become part of that fabric.

23. Two things are now clear. The task is substantially completed and the ethical framework has been changed significantly. Yet there remains a continuing need to monitor the ethical environment and to respond to issues of concern which may arise.

24. In its first five years the Committee has been able to move progressively through its programme of study under its own volition, while agreeing its programme with the Government of the day or, in the case of its first study and later study of party funding, acting at the request of the Government. In future there will be less scope for the Committee to review aspects of public life on a continuous basis. Nonetheless, no change in the structure or composition of the Committee is indicated by this review. However, a purely monitoring role or a research role might be unattractive to potential members of the Committee. The following is recommended as the way forward.

25. From time to time issues will undoubtedly arise which the Committee considers should form the subject of a study. Similarly the Government may wish to propose areas for examination by the Committee. This has been the basis for deciding the work programme of the Committee since its inception. Both it and the Government have been free to propose topics, and the programme of the work has been established after consultation between the

Committee and the Government. This should continue to be the basis for deciding the work of the Committee.

26. Taken in the context of the comprehensive survey of the ethical environment which the Committee has completed, this implies that periods will occur in which the Committee is not engaged in a study. During these periods the secretariat would keep the Committee in touch with developments and arrange periodic meetings. The Committee should consider using informal and flexible means of taking evidence during studies and this may mean that public hearings may not be appropriate in every case. The workload for the secretariat in preparing for these is very substantial.

27. The secretariat itself should fluctuate in its structure as the work demands. At present, with a study on standards of conduct in the House of Lords in hand, the Committee is likely to continue to require the services of a secretariat as currently structured. In future, the composition of the secretariat will need to reflect the demands placed on it by the Committee. In periods when the Committee is not engaged in a study, it should comprise only sufficient staff members to service the needs of the Committee referred to in paragraph 26 above.

28. In summary, the first five years of the Committee's existence has seen significant developments in standards in public life. Much has been achieved but a certain amount of work remains before the ethical framework can be said to have been comprehensively surveyed. That is why the Committee has begun its study into the rules which govern the conduct of Members of the House of Lords. There is no reason in the immediate future to alter the size of the Committee. In due course there will be periods in which the Committee and its secretariat are not engaged in a study but continue to monitor the ethical environment. This will require willingness on the part of members of the Committee to work flexibly and the arrangements for staffing the secretariat must reflect that flexibility. When studies are undertaken the Committee may wish to consider adopting methods of working which vary according to the subject matter, sometimes using informal ways of gathering evidence in place of public hearings.

**Cabinet Office**

2000

**THOSE CONSULTED IN THE REVIEW**

**MEMBERS OF THE COMMITTEE**

Lord Neill of Bladen QC

Sir Clifford Boulton GCB

Professor Alice Brown

Sir Anthony Cleaver

Lord Goodhart QC

Frances Heaton

The Rt Hon John MacGregor OBE MP

The Rt Hon The Lord Shore of Stepney

Sir William Utting CB

Baroness Warwick of Undercliffe

**OTHERS**

Professor Vernon Bogdanor

Lord Butler of Brockwell

Sir Gordon Downey

Elizabeth Filkin

Dame Rennie Fritchie

Professor Andrew Gray

Professor Peter Hennessy

Richard Horsman

Andrew Kennon

Professor Anthony King

Professor Andrew Massey

The Rt Hon The Lord Nolan of Brasted

Professor Dawn Oliver

Professor Ben Pimlott

Alan Riddell

Peter Riddell

Peter Rose

Christine Stewart

Professor W. Van Gerven

Andrew Whetnall

**MEMBERS AND FORMER MEMBERS OF THE COMMITTEE**

The members of the Committee since 1994 were:

The Rt Hon The Lord Nolan of Brasted (Chairman)

Lord Neill of Bladen QC (Chairman)

Ann Abraham

Sir Clifford Boulton GCB

Professor Alice Brown

Sir Anthony Cleaver

Lord Goodhart QC

Frances Heaton

Sir Martin Jacomb

Professor Anthony King

The Rt Hon Tom King CH MP

The Rt Hon John MacGregor OBE MP

The Rt Hon The Lord Shore of Stepney

The Rt Hon The Lord Thomson of Monifieth KT DL

Dame Anne Warburton DCVO CMG

Baroness Warwick of Undercliffe

Sir William Utting CB

Central Secretariat  
Cabinet Office  
4 Central Buildings  
Matthew Parker Street  
London  
SW1H 9NL

Tel: 020 7276 2465  
Fax: 020 7276 2493

Email: [graham.davies@cabinet-office.x.gsi.gov.uk](mailto:graham.davies@cabinet-office.x.gsi.gov.uk)  
Website: [www.cabinet-office.gov.uk/central/index](http://www.cabinet-office.gov.uk/central/index)

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