

STANDARDS IN PUBLIC LIFE: WHAT ARE THEY, AND WHY DO THEY MATTER?

March 2023 Lisa James, Meg Russell and Alan Renwick

Summary

- Standards in public life are essential to the health of the democratic system, and to public confidence in it. They protect decision-making, underpin political stability, and help to maintain public trust.
- Standards in public life are expressed through a series of codified values, laws, rules and conventions, which express shared expectations about the boundaries of appropriate political behaviour. They regulate the roles of political actors, limit the influence of outside interests, and more broadly help to define a healthy political culture.
- The UK's political constitution relies on public figures observing the rules and conventions that underpin it. If standards in public life are not respected, the result will be a more brittle political culture, and increasing pressure to move toward a more legalised constitution.

Background

High ethical standards are fundamental to a healthy democracy, and their importance is widely recognised across the political spectrum. Prime Minister Rishi Sunak has promised to put 'integrity, professionalism and accountability' at the heart of his government; Keir Starmer has pledged to maintain 'decency and standards in public life'.

No single set of rules or values can hope to capture every aspect of behaviour, so standards in public life are maintained through a combination of codified values, laws, rules and conventions.

The most fundamental values governing all those in public life are contained in the <u>Nolan Principles</u> – also known as the Seven Principles of Public Life (set out below) – which are defined and promoted by the <u>Committee on Standards in Public Life</u> (CSPL). Some standards – such as those relating to electoral malpractice or bribery – are matters of law. Others are contained in various codes of practice, such as the Ministerial Code or MPs' Code of Conduct. And others are reflected in the UK's wider system of constitutional conventions, which help to govern the relationships between institutions.

There is little serious disagreement about the importance of standards in public life for a democratic system. But debates and disagreements exist about how they should be defined and enforced.

Why do standards in public life matter?

Standards in public life help to maintain the health of the democratic system and uphold public confidence in it. They help prevent politicians and officials from being swayed by outside interests in

their decision-making, and help to maintain a political culture that fosters open and constructive debate. They thereby contribute to a political system that is fair, inclusive, stable, and effective.

Standards in public life also matter for the UK's economic prosperity and international standing. A reputation for stable governance – including robust decision-making, the absence of corruption in politics and a reliable and smoothly-functioning political system – is a significant factor in encouraging investment into the UK. And if the UK wishes to advocate convincingly for high standards in other countries, it is crucial that the country is seen to demonstrate them itself.

It is for these reasons that high standards are expected of all those in public life, including ministers, other parliamentarians, councillors and officials. Beyond the political arena, similarly high standards of behaviour are expected in many other professions, such as medicine and the law.

Recent <u>Constitution Unit research</u> found that the public cared deeply about this topic. Repeated surveys and a citizens' assembly found low levels of trust in politicians, and strong support for the view that healthy democracy requires that politicians act within the rules.

What form do standards in public life take?

As outlined above, different aspects of standards in public life are set out in different places, and are codified to varying degrees.

- The values underpinning public life are set out in the seven Nolan Principles: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. These principles are widely accepted. They have not changed since their introduction in 1995, but CSPL has twice <u>updated</u> the text that describes them, <u>most recently</u> to emphasise the importance of treating others with respect as one aspect of leadership.
- Some standards are matters of law. These include laws on electoral practice, such as those which set rules on receiving donations or spending in election campaigns, and others which are relevant to politics, such as bribery legislation.
- More specific expectations are set out in various codes. At UK level, these include the <u>Ministerial Code</u>, the codes of conduct governing behaviour of the members of the <u>Commons</u> and the <u>Lords</u>, the <u>Civil Service Code</u> and the <u>Code of Conduct for Special Advisers</u>. Similar codes operate in the devolved nations, and at local level.
- The values and rules enshrined in these codes aim to safeguard the democratic system in various ways. For example, rules on the publication of financial interests appear widely; these ensure that any financial relationship which might reasonably affect a public figure's opinions or actions is openly declared. Similarly, rules preventing politicians from using parliamentary facilities or services for non-parliamentary business guard against public funds being used to boost private income. The rules about bullying contained in various codes set out expectations of personal behaviour, ensuring that public servants are able to carry out their roles without fear of persecution by their colleagues. And rules which prohibit politicians from misleading parliament aim to safeguard the quality of debate and decision-making.
- Other standards are governed by convention. Conventions are by their nature contestable, but are
 essential for the healthy functioning of all political systems even those which, unlike the UK's,
 are highly codified. They often require politicians to exercise self-restraint by agreeing not to use
 the full extent of the powers that they formally possess. Instead, conventions set expectations
 about how different parts of the constitutional system should work together, and recognise one
 another's legitimacy. For example, prime ministers are expected to resign if it becomes clear that

they no longer have the confidence of parliament. The monarch, likewise, by convention agrees to cede much of their formal power to ministers, and to exercise other powers only on the recommendation of the Prime Minister. There is no single list of the constitutional conventions that operate in the UK, but many of the most important are laid out in the <u>Cabinet Manual</u>. They include, for example, the roles of the Prime Minister and Cabinet, the convention that the monarch should not be drawn into party politics, and the Sewel Convention, whereby the government will not usually seek to legislate on matters relating to devolved competences without the consent of the relevant legislature(s).

Standards evolve over time, particularly in response to changing public values and expectations.
 For example, recent years have seen increasing questions about the appropriate level of outside employment for MPs, leading some to <u>suggest</u> that all outside employment should be banned.
 Repeated or egregious transgressions of conventions will also tend to lead to pressures for their greater codification. For example, the unlawful prorogation of 2019 led to <u>greater calls</u> for prorogation to be put under parliamentary control. Likewise, the Sewel Convention has been stated in statute, and some <u>argue</u> that it should be strengthened further.

How can standards in public life be safeguarded?

Politicians are responsible to the public, and voters have the ultimate opportunity to reward or punish them for their adherence to or breach of standards. However, in most cases this opportunity arrives only every four or five years, and at general elections voters must weigh up many different matters that might influence their vote. This makes it crucial to have well-functioning systems and conventions which operate on a continuous basis.

The UK's political constitution is ultimately reliant on public figures behaving well and adhering to the standards and conventions that underpin it. The effective operation of the regulatory system – which will be discussed in a future briefing in this series – generally depends on politicians. And the standards that are currently enshrined in convention are by definition enforced politically – the sanctions for breaking them depend on public opinion or the actions of politicians' own colleagues.

It may be tempting for public figures to stretch conventions in pursuit of their policy goals, or to defend colleagues who do so. But these short-term considerations can have long-term impacts. Failure to observe standards and conventions will lead to greater pressures for a rules-based system or a more legal constitution. It can also significantly damage faith in the political system.

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