

## CSPL SUBMISSION TO HOUSE OF COMMONS MODERNISATION COMMITTEE INQUIRY ON THE WORK OF THE COMMITTEE

### Background on CSPL

1. The Committee on Standards in Public Life (CSPL) is an independent, non-departmental public body, sponsored by the Cabinet Office, that advises the Prime Minister on the arrangements for upholding standards across public life in England. CSPL is not a regulator and does not have investigative powers or consider individual cases.<sup>1</sup>
2. CSPL articulated the Seven Principles of Public Life, commonly referred to as the Nolan Principles, in its first report in 1995: honesty; objectivity; openness; selflessness; integrity; accountability; and leadership. These Principles apply to all holders of public office, including those who are elected or appointed, and to private providers of public services.<sup>2</sup>

### Introduction

3. In line with our Code of Practice, our political colleagues did not take part in drawing the conclusions made in this submission. We are, however, grateful to our political members for sharing their knowledge and advice on Parliamentary life.<sup>3</sup>
4. CSPL welcomes the establishment of the House of Commons Modernisation Committee, and its inquiry on its work programme.<sup>4</sup> We are grateful to the Leader of the House and Chair of the Modernisation Committee, the Rt Hon Lucy Powell MP, for inviting CSPL to contribute to this inquiry.
5. We welcome the high-level strategic aims set out in the Leader's recent memorandum to the Modernisation Committee. In particular, we welcome the Committee's aim to drive up standards and therefore public trust and confidence in Parliament by addressing "existing shortfalls in the [standards] system" and tackling "cultural issues of bullying and harassment".<sup>5</sup>
6. We have not commented on matters of parliamentary procedure, which are decisions for Parliament itself. CSPL has, in the past, considered some of the topics set out in

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<https://www.gov.uk/government/organisations/the-committee-on-standards-in-public-life/about/terms-of-reference>

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<https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

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[https://assets.publishing.service.gov.uk/media/656de82d9462260705c568a2/A\\_Code\\_of\\_Practice.pdf](https://assets.publishing.service.gov.uk/media/656de82d9462260705c568a2/A_Code_of_Practice.pdf)

<sup>4</sup> <https://committees.parliament.uk/work/8523/>

<sup>5</sup> <https://committees.parliament.uk/publications/45321/documents/224440/default/>

the Leader's memorandum, including MPs' outside interests<sup>6</sup>; public sector leadership and culture<sup>7</sup>; and bullying and harassment in Parliament<sup>8</sup>. Hence, this submission sets out what we have said previously on these issues and any outstanding CSPL recommendations, which may help the Modernisation Committee to determine its future work programme.

## MPs' outside interests

7. CSPL considered this subject in its 2018 report, *MPs' Outside Interests*.<sup>9 10</sup> We have not taken evidence on MPs' outside interests since then. However, the key messages and outstanding recommendations in that report remain pertinent in our view.
8. This report made proposals to update the MPs' Code of Conduct so that any outside activity undertaken by an MP, including second jobs, be subject to "reasonable limits". We also recommended increased transparency around the registration and declaration of members' interests, and a ban on MPs acting as paid political consultants or lobbyists, which we are pleased to note has since been accepted.<sup>11</sup>
9. CSPL defined "reasonable limits" on the basis that no external interests or employment should prevent MPs from fully undertaking the range of duties expected of them in the primary role as an MP. This proposal was endorsed by the then Prime Minister, and subsequently by the House, in November 2021.<sup>12</sup>
10. The Standards Committee report of 23 November 2021 (MPs' Code of Conduct review), however, viewed such a rule as "not practicable or enforceable" on the basis that it would require the Standards Commissioner "to make highly subjective and potentially partisan political judgements about a member's use of time, their priorities and their performance as an MP".<sup>13</sup>
11. We said in our 2022 submission to the then review of the MPs Code of Conduct that "a reasonable limits rule remains CSPL's preferred approach" for managing MPs' paid outside employment.<sup>14</sup> This is because – as the Standards Committee noted in 2021 – a strict cap on either earnings or hours is a blunt instrument. A cap on

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[https://assets.publishing.service.gov.uk/media/5b3b2ba340f0b645fd5921f8/CSPL\\_MPs\\_outside\\_interests\\_-\\_full\\_report.PDF](https://assets.publishing.service.gov.uk/media/5b3b2ba340f0b645fd5921f8/CSPL_MPs_outside_interests_-_full_report.PDF)

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[https://assets.publishing.service.gov.uk/media/63cfb022e90e071bad20162d/CSPL\\_Leading\\_in\\_Practice.pdf](https://assets.publishing.service.gov.uk/media/63cfb022e90e071bad20162d/CSPL_Leading_in_Practice.pdf)

<sup>8</sup> <https://www.gov.uk/government/publications/cspl-submission-to-the-icgs-18-month-review>

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[https://assets.publishing.service.gov.uk/media/5b3b2ba340f0b645fd5921f8/CSPL\\_MPs\\_outside\\_interests\\_-\\_full\\_report.PDF](https://assets.publishing.service.gov.uk/media/5b3b2ba340f0b645fd5921f8/CSPL_MPs_outside_interests_-_full_report.PDF)

<sup>10</sup> CSPL first considered the issue of MPs' outside interests in its 2009 report, *MPs' Expenses and Allowances*, at the request of the then Prime Minister.

<sup>11</sup> <https://commonslibrary.parliament.uk/research-briefings/cbp-9370/>

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<https://www.gov.uk/government/publications/pm-letter-to-the-speaker-of-the-house-of-commons-on-parliamentary-standards>

<sup>13</sup> <https://committees.parliament.uk/publications/7999/documents/82638/default/>

<sup>14</sup> <https://committees.parliament.uk/writtenevidence/43020/pdf/>

earnings may unfairly restrict MPs from earning outside income which is seen as acceptable, such as income from journalism or speeches; and a cap on hours may prevent MPs from engaging in work that poses no conflict of interest, or in work the public deems beneficial, such as acting as a doctor or care worker.

12. In light of the Standards Committee's then concerns, CSPL considered again in 2022 the ways in which a reasonable limits rule could be enforced in an objective and consistent way. Although both earnings and hours are a blunt instrument when exercised alone, there is a strong argument that both factors, as well as any real or perceived conflicts of interest, influence the public's perception of legitimate outside interests.
13. CSPL said in 2022 that the criteria for identifying reasonable limits could be clarified by defining more precisely the circumstances in which an MP's second job may be deemed reasonable or unreasonable. We suggested that this could be achieved by the Standards Committee and the House setting an **indicative** limit of hours and remuneration, while framing those limits as a rebuttable presumption – allowing MPs to exceed those limits when their paid outside employment meets certain criteria.<sup>15</sup>
14. We said in 2022 that it would be for the Commissioner to decide on a case-by-case basis whether or not the above criteria are met, with the “safe harbour provision”<sup>16</sup> allowing MPs to clarify whether or not any second job is permitted before taking up paid outside employment.<sup>17</sup>
15. This was not accepted by the Committee on Standards who concluded in 2023 that no restriction should be introduced on the amount of time an MP could spend on outside work, nor on the income they might receive from it.<sup>18</sup>
16. CSPL notes and welcomes that the government recently sought and received advice from the Parliamentary Commissioner for Standards on its policy on MPs' outside interests; and specifically, its proposal to remove two of the three existing exemptions to the ban on paid parliamentary advice (a) advice on public policy and current

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<sup>15</sup> a) paid outside employment can exceed indicative limits where that employment complements an MP's parliamentary role and responsibilities. This would include, for example, any other central and local government employment; party political roles; most think tank and NGO positions; most journalism, writing and broadcasting engagements; some academic work and relevant speaking engagements at conferences and events; b) paid outside employment can exceed indicative limits where an MP is required to maintain a certain number of hours to uphold a professional registration held prior to becoming an MP; and c) indicative limits can be exceeded where a member can demonstrate that their paid outside employment creates no perception of a conflict of interest, nor will it create the perception that the MP is failing to treat their parliamentary role as their primary employment.

<sup>16</sup> Then proposed but since approved:

<https://committees.parliament.uk/publications/22883/documents/169866/default/>

<sup>17</sup> <https://committees.parliament.uk/writtenevidence/43020/pdf/>

<sup>18</sup> <https://committees.parliament.uk/publications/22883/documents/169866/default/>

affairs, and b) advice in general terms about how Parliament works)<sup>19</sup>, which has since been approved by the House.<sup>20 21</sup>

17. With the caveat that any strengthening of the regulation of MPs' outside interests needs to consider the potential for unintended consequences on the diversity of careers and backgrounds of MPs, CSPL remains of the view that a reasonable limits rule as previously articulated is fair, proportionate and enforceable in light of continuing high levels of public concern around MPs' second jobs.

## **Improving culture and working practices**

18. Rules and regulations, while important, can only take an organisation so far. Experience has shown that following the rules alone does not build public trust and that upholding high ethical standards also requires good judgment. The Nolan Principles provide a compass to help people make the right decisions in testing circumstances. In our 2023 report, *Leading in Practice*, we looked at how leaders of organisations can develop a culture where people are encouraged to discuss what the Nolan Principles require of them in their day-to-day work and how they can live up to the high standards of conduct expected of them.<sup>22</sup> The report was not specifically directed at Parliamentarians but the same reasoning applies, as does the deliberate attention and on-going commitment required to build an ethical culture.
19. CSPL welcomes the Standards Commissioner's continued effort to reflect on and underline the importance of the Nolan Principles to public trust and confidence in the political system, and to embed the Principles across the Parliamentary standards system.<sup>23</sup>

### *Bullying and harassment in Parliament*

20. CSPL has kept a watching brief on bullying and harassment in Parliament since allegations of the scale of the problem were reported in late 2017. Since then, CSPL has closely followed developments across Parliament to tackle the issue.<sup>24</sup>
21. In particular, we have followed the significant progress made by the implementation of the Independent Complaints and Grievance Scheme (ICGS) since 2018, which we have always welcomed. In 2020, CSPL contributed to Alison Stanley's 18 month review of the ICGS after taking evidence from key stakeholders on the then operation of the scheme.<sup>25</sup> Our conclusions reflected an overall picture where the ICGS was a

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<sup>19</sup> The third exemption, which remains in place, is "media appearances, journalism, books, public lectures and speeches" (paragraph 2, chapter 4, [MPs' Code of Conduct](#)). CSPL is content for this to continue to be the case, as per our view in [MPs' Outside Interests](#) that these are legitimate interests.

<sup>20</sup> <https://www.parliament.uk/globalassets/documents/pcfs/pes-annual-report-2023-4-final.pdf>

<sup>21</sup> <https://commonsbusiness.parliament.uk/Document/88335/Pdf?subType=Standard>

<sup>22</sup> <https://www.gov.uk/government/publications/leading-in-practice>

<sup>23</sup> <https://www.parliament.uk/globalassets/documents/pcfs/pes-annual-report-2023-4-final.pdf>

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<https://cspl.blog.gov.uk/2019/03/21/bullying-and-harassment-in-parliament-monitoring-parliaments-response/>

<sup>25</sup> <https://www.gov.uk/government/publications/cspl-submission-to-the-icgs-18-month-review>

significant improvement on past processes, but remained a work in progress. We heard in 2020 that: the ICGS is too complex with multiple moving parts and no clear lines of accountability; investigations take too long to complete; complainants need more support using the scheme; there are inequalities in access to the scheme and some concerns over the legalisation of the ICGS process; and that the scheme needs more resources.<sup>26</sup>

22. We also heard when taking evidence for our submission to Stanley’s review about the importance of training in tackling bullying and harassment in Parliament. We would reiterate that the success of the ICGS must be seen in the context of wider cultural change in Parliament. The key to making Parliament a better place to work is not just improving the procedure when bullying or harassment occurs, though this is undoubtedly vital. Rather, the whole culture of the House – including the day-to-day work of MPs, Peers, clerks, staff, and all those who work on the Parliamentary estate – needs to reflect the values established in the Behaviour Code of mutual respect, valuing everyone, integrity, and courtesy.<sup>27</sup> The eventual goal is to create a positive working environment where bullying and harassment does not occur in the first place; induction and training programmes that complement the ICGS are essential in this respect.<sup>28</sup>

23. CSPL is glad to see several of these issues being addressed by Paul Kernaghan CBE QPM in the May 2024 Independent Review of the ICGS.<sup>29</sup> In particular, the recommendation that individuals’ complaints to political parties, whose allegations fall within the scope of the ICGS, should be directed to the ICGS.<sup>30</sup> We welcome the Modernisation Committee’s priority to help “join up all relevant actors, including political parties, to ensure members and all those who access Parliament feel safe and supported”.<sup>31</sup>

## **Committee on Standards in Public Life**

**December 2024**

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<sup>26</sup> As above.

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<https://www.parliament.uk/globalassets/documents/conduct-in-parliament/ukparliamentbehaviourcode.pdf>

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<https://cspl.blog.gov.uk/2020/12/18/culture-change-must-be-at-the-forefront-of-the-campaign-against-bullying-and-harassment-in-westminster/>

<sup>29</sup> <https://www.parliament.uk/globalassets/icgs-review-2024---final-copy.pdf>

<sup>30</sup> As above.

<sup>31</sup> <https://committees.parliament.uk/publications/45321/documents/224440/default/>