

Civil Service Impartiality and Referendums

April 2014

Committee on
Standards in
Public Life

Chair: Lord Paul Bew

RESPONSE FROM THE COMMITTEE ON STANDARDS IN PUBLIC LIFE TO THE PUBLIC ADMINISTRATION SELECT COMMITTEE

1. The Committee on Standards in Public Life is an independent advisory body to the Government, which monitors, reports and make recommendations on all issues relating to standards in public life. 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.
2. In 1994, when the Committee was established by the then Prime Minister, its terms of reference were ‘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
3. Those in public office were originally defined as ‘Ministers, civil servants and advisers, Members of Parliament and United Kingdom Members of the European Parliament, members and senior officers of all non-departmental public bodies and of national health service bodies, non-ministerial office holders, members and other senior officers of other bodies discharging publicly-funded functions and elected members and senior officers of local authorities.’² In 2013, the Committee’s remit was extended so that it ‘can examine issues relating to the ethical standards of the delivery of public services by private and voluntary sector organisations, paid for by public funds, even where those delivering the services have not been appointed or elected to public office.’³
4. On 5 February 2013 the Committee’s terms of reference were clarified by the Government 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.’⁴
5. Given the Committee’s post-triennial review remit and the role of the Civil Service Commission in investigating Civil Service Code complaints, this response will focus on the topics of ethical

¹ First Report, Standards in Public Life, 1995, CM 2850

² Hansard (HC) 25 October 1994, col 758

³ Hansard (HL), 28 February 2013, col WA347

⁴ Hansard (HC), 5 February 2013, col 7WS

values, leadership and public confidence.

6. The Committee on Standards in Public Life welcomes the opportunity to provide evidence to the Public Administration Select Committee on Civil Service impartiality and referendums. The Committee has a longstanding interest in the Civil Service Code and its values of impartiality, objectivity, honesty and integrity. We recommended the immediate introduction of a Civil Service Code in our First Report in 1995 and subsequently called for the Civil Service and its Code values to be put on a statutory basis.⁵
7. It remains the Committee's view that the Civil Service Code values retain their currency as the principles which should determine the standards expected of all civil servants, as servants of the Crown. Civil servants should always be aware of their responsibilities under the Civil Service Code, and, as we recommended in our Ninth Report, Departments should ensure that the Civil Service Code is used in induction proceedings and training for civil servants, so that all four Code values are seen as integral to the job of being a civil servant.
8. Furthermore, those in positions of leadership should take responsibility for ethical standards in their organisation, as well as responsibility for understanding and respecting the boundaries of their role, whether administrative or political. Leadership, for those in the Civil Service and Ministerial office, means demonstrating the Seven Principles and the values of their respective Codes in their own behaviour, actively promoting and robustly supporting those Principles and values and being willing to challenge poor behaviour wherever it occurs.
9. The Committee has consistently argued that mechanisms should be in place to ensure that civil servants are aware of the avenues available to them to challenge poor behaviour and raise concerns about ethical issues, and endorses the arrangements that are currently in place. Apart from the statutory provisions enabling the Civil Service Commission, a body independent of Government and the Civil Service, to hear complaints about breaches of the Civil Service Code, the system of Nominated Officers within the Civil Service provides an avenue for whistleblowing. The role of both should be supported and promoted by Departments. As we noted in our Tenth Report:

“Effective whistleblowing is [...] a key component in any strategy to challenge inappropriate behaviour at all levels of an organisation. It is both an instrument in support of good governance and a manifestation of a more open organisational

⁵ Ninth Report, Defining the Boundary of the Executive: Ministers, Special Advisers and the permanent Civil Service 2003, CM 5775

culture.”⁶

10. The Committee has also, in the period 2004 - 2013, published a series of biennial surveys of public attitudes towards conduct in public life, which tracked the public’s trust in the honesty, fairness and accountability of public officials. More recently, we published research on international comparisons of public attitudes to standards in public life, which was launched at a public seminar on 26 March - ‘Standards in Public Life – does trust matter?’ – and is available to view on our website: www.public-standards.gov.uk.
11. Trust and confidence in public office-holders and institutions are important for the functioning of modern democracies. Our research has shown that levels of confidence in the British Civil Services have remained relatively stable across the past 30 years, with between 44% and 47% of British respondents consistently indicating that they have a great deal” or “quite a lot” of confidence in their national Civil Service.⁷ Yet, while public trust in the British Civil Services has remained stable, it is worth noting that, during the lifetime of the European Values Survey (1981-2010), it has not risen above 50%. Those responsible for leading the Services, as well as civil servants themselves, need to demonstrate their commitment to the Civil Service Code values, and the Seven Principles of Public Life, in order to maintain existing levels of trust, and to build on them to increase public confidence.
12. It is the view of the Committee that, as it said in *Standards Matter* (2012) “the main requirement now is not for additional principles, more codes or new regulators in any specific areas. It is for active management and constant vigilance.”⁸ What works best in promoting high standards in public life are
 - “robust principles, effective codes tailored to the particular circumstances of the body concerned, training and guidance, good, relevant prompts, strong leadership and organisational processes demonstrating the principles in practice, sure and effective responses to unethical behaviour and independent scrutiny. Together these elements help an organisation to achieve the right culture.”
13. The Committee believes that one of the best ways of managing any risks to the Civil Service Code values and the Seven Principles is through guidance and training. We recognise, however, that, as we said in *Standards Matters*, “there is considerable scope for improvement in this area.” The Committee is therefore currently conducting a research project investigating how best to

⁶ Tenth Report, Getting the Balance Right Implementing Standards of Conduct in Public Life, 2005 CM 6407

⁷ Public Perceptions of Standards in Public Life in the UK and Europe, Committee on Standards in Public Life, 2014, p 25

⁸ Fourteenth Report, Standards Matter: A review of best practice in promoting good behaviour in public life, 2013, CM 8519

reinforce high ethical standards in practice, concentrating on how ethics can be included in internal processes such as induction and professional development across public sector organisations.

14. As part of this research, the Committee is looking at a selection of public, private and voluntary sector organisations, including the Civil Service, interviewing leaders and practitioners from those organisations to identify what works. Based on the evidence we find as part of this research, the Committee will make recommendations to help public sector organisations, including the Civil Service, promote and support ethical decision making and build a culture of high ethical standards.
15. We believe that, for the Civil Service, the Principles, the Codes, the complaints and whistleblowing procedures are established; the challenge [for its leaders] is to demonstrate to the public that they are taking seriously the “active management and constant vigilance” side of the equation.

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