

Consultation Document 2

**Parliamentary Commissioner for Standards**

**Review of the Code of Conduct and the Guide to  
the Rules relating to the conduct of Members of Parliament**

**Consultation Paper**

13 September 2016

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## Introduction

1. This is the second consultation paper relating to the review of the House of Commons Code of Conduct for Members of Parliament. The first paper considered the scope and content of the review. This paper considers in detail the Code of Conduct itself and makes proposals for amendments for consideration by the Standards Committee and the House of Commons. Subject to their views and amendments it will then be used to inform a review of the Guide to the Rules.

2. In February 2003,<sup>1</sup> the Committee on Standards and Privileges accepted the recommendations of the Committee on Standards in Public Life that

(a) *In each Parliament, the Parliamentary Commissioner for Standards should initiate a review of the Code of Conduct and Guide to the Rules.*

(b) *The Parliamentary Commissioner for Standards should recommend any amendments to the Code and the Guide to the Committee on Standards and Privileges.*

(c) *The Committee on Standards and Privileges should consult on amendments to the Code and the Guide with relevant external bodies.*

(d) *Following this consultation, the Committee on Standards and Privileges should recommend any amendments to the Code and the Guide to the House.*

3. It was recognised that the timing of such reviews would be decided as appropriate and the specific content of reviews was not defined. The most recent reviews were undertaken by the previous Commissioner in 2011–12.

4. Since 2003 the work of the Standards Committee (formerly the Standards and Privileges Committee) has been established through Standing Order No. 149 and the work of the Parliamentary Commissioner for Standards by Standing Order No. 150. Two reviews of the Code of Conduct and of the Guide to the Rules have been undertaken. The most recent version of the Guide to the Rules was introduced following the General Election in 2015. The Code of Conduct and the Guide to the Rules consist of three separate tiers which link together:

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<sup>1</sup> Eighth report 2002–03 HC 403

- the seven general principles of conduct i.e. the principles of public life, which were developed by the Committee on Standards in Public Life and reviewed by them in 2013;
- the Code of Conduct which sets out seven broad rules by which Members are expected to abide and by which their behaviour may be judged; and
- the detailed Guide to the Rules.

5. The document moves from broad ethical principles, to rules which guide the application of those principles to the behaviour of Members and from there to the third stage of detailed and specific instructions applicable to Members' day to day conduct. The Code of Conduct and the Guide to the Rules have previously been reviewed separately. This review will take a holistic approach and seek to achieve coherence across all three sections of the Code and Guide. This consultation is the second stage of the review.

6. In addressing the Code and Guide from this perspective, the first part of the consultation reconsidered the fundamental purpose of the Code and the audience to which it is directed. Responses, which have been published on my webpages, were limited, but encouraged me, with the agreement of the Committee on Standards to reconsider the definitions of the seven principles of public life as they applied to Members of the House of Commons as well as considering the Rules themselves in detail.

7. This consultation paper sets out a number of questions in relation to that thinking for consideration. You are invited to respond to all or any of these questions. Any other points you wish to make would be equally welcome. It is proposed that all consultees' responses should be published.

8. Consultees are invited to send responses to this consultation by **30 November 2016** to:

The Parliamentary Commissioner for Standards  
House of Commons  
London SW1A 0AA

or by email to: [standardscommissioner@parliament.uk](mailto:standardscommissioner@parliament.uk)

I look forward to receiving your response.

## Consultation Document - Part 1

### Principles of Public Life

9. The Committee on Standards in Public Life developed the seven principles of public life in 1995 and these are now widely accepted across public sector organisations. In 2013 a review was undertaken which did not alter the principles themselves but amended the descriptors and acknowledged that some organisations had themselves altered the descriptors to fit their circumstances. The Committee felt that this was a development which should be welcomed. The descriptors used in the current House of Commons Code of Conduct have already been adapted in this way as can be seen from the table below (third column). In column 4 rather than amend the definitions again proposals are made to replace them by clear examples of behaviour which are more relevant in the context of parliamentary activity and the role of a Member.

#### Draft Example Descriptors of the Seven Principles of Public Life

PRINCIPLE	CSPL DEFINITION 2013	CURRENT CODE OF CONDUCT DEFINITION	POSSIBLE EXAMPLE CODE OF CONDUCT DESCRIPTOR
<b>Selflessness</b>	Holders of public office should act solely in terms of the public interest	Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.	Members must strive for high ethical standards.  Members must act and take decisions solely in the interests of the public. They must not do so in order to benefit themselves or their family or friends.
<b>Integrity</b>	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	Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them, in the performance of their official duties	Members must base their actions and decisions upon what they believe to be right. They must not allow themselves to be influenced by obligations to others in the performance of their role. They must declare any relevant

PRINCIPLE	CSPL DEFINITION 2013	CURRENT CODE OF CONDUCT DEFINITION	POSSIBLE EXAMPLE CODE OF CONDUCT DESCRIPTOR
	or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.		interests and resolve them in favour of the public interest.
<b>Objectivity</b>	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.	In carrying out public business including making public appointments, awarding contracts or recommending individuals for rewards and benefits, holders of public office should make choices on merit	Members must, wherever possible, weigh carefully the evidence on which they have based their decisions
<b>Accountability</b>	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.	Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.	Members must take responsibility for their decisions and actions and cooperate with appropriate scrutiny when required to do so.
<b>Openness</b>	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.	Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.	Members must act and speak as openly as possible on all occasions.

<b>PRINCIPLE</b>	<b>CSPL DEFINITION 2013</b>	<b>CURRENT CODE OF CONDUCT DEFINITION</b>	<b>POSSIBLE EXAMPLE CODE OF CONDUCT DESCRIPTOR</b>
<b>Honesty</b>	Holders of public office should be truthful	Holders of public office have a duty to declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.	Members should be truthful, make sure that any private interests which may be considered relevant are declared and resolve any conflicts of interest quickly and in favour of the public interest.
<b>Leadership</b>	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.	Holders of public office should promote and support these principles by leadership and example.	Members must actively and consistently support and promote these principles by their own behaviour.

### **Questions**

- 1. Are the example descriptors clearer and more appropriate for MPs in the context of their work?**
- 2. Do you have any suggestions for improvements or alternatives?**

## Code of Conduct

10. The Code of Conduct has been redrafted with proposed changes principally to simplify the language and clarify some of the rules but not in order to change the rules themselves. The redraft also builds clearer links to the Guide to the Rules and alters the order of some sections to assist the general public in understanding its function. An amended version, with the amendments shown in red is set out below. The current Code of Conduct is attached as Appendix A for ease of comparison.

### **\*Draft Revised Code of Conduct (\*draft changes shown in red)**

*The House expects Members to follow the Code of Conduct and the Rules of Conduct which are set out here, as well as the other rules of the House and the rulings of the Chair. Ministers and certain Whips must also follow the Ministerial Code.*

#### **I. Purpose of the Code**

1. The Code of Conduct applies to Members in all aspects of their public life. It is intended to help Members to carry out their responsibilities to the House, their constituents and the general public by:

- (a) Clearly stating the standards and principles of conduct expected of all Members in their duties
- (b) Establishing public confidence in the standards expected of all Members and the commitment of the House to upholding these rules.

The Code does not apply to Members' purely private and personal lives.

#### **II. Duties of Members**

2. All Members have a duty to

- (a) be faithful and bear true allegiance to Her Majesty the Queen, her heirs and successors, according to the law. This is by virtue of the oath, or affirmation, of allegiance taken by all Members elected to the House;
- (b) uphold the law, including the requirements of the Equality Acts ;
- (c) act in the interests of the United Kingdom as a whole;
- (d) look after the interests of their constituency;
- (e) behave with probity and integrity, including in their use of public resources;



(f) respond positively on all occasions to the public trust placed in them.

### **III. General Principles of Conduct**

3. When carrying out their duties, Members are expected to follow the principles of conduct listed by the Committee on Standards in Public Life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Members are also expected to show courtesy to others.

4. The table below gives examples of how a Member should put the principles of conduct into practice while carrying out his or her duties.

(The revised principles set out in section 2 above would be inserted here)

### **IV. Rules of Conduct**

5. Below are the Rules of conduct which Members must obey, together with details of the main supporting guidance and documents.

#### **Conflicts of Interest**

6. A Member must avoid conflict between the public interest and their personal interest. If there is any conflict between the two, he or she must resolve it at once in favour of the public interest.

#### **Advocacy and paid lobbying**

7. A Member must not act as a paid advocate in any proceeding in the House.

*Guide to the Rules relating to the Conduct of Members Chapter 3*

#### **Bribery**

8. A Member must not accept a bribe intended to influence his or her conduct as a Member.

*Resolutions of 2 May 1695, 22 June 1858, and 15 July 1947 as amended on 6 November 1995 and 14 May 2002*

#### **Disclosure of Interests**

9. A Member must record his or her interests in the Register of Members' Financial Interests in accordance with the rules.

10. A Member **must draw attention to** any relevant interests in **all** proceedings of the House or its Committees and in all communications with Ministers, Members, public officials and public office holders.

*Guide to the Rules relating to the Conduct of Members, Chapters 1 and 2*

### **Safeguarding Information**

11. A Member must ensure that **all** information which he or she receives in confidence in the course of their parliamentary duties is used only in connection with those duties.

12. **In addition to the above**, such information must never be used for the purpose of financial gain.

### **Use of Resources**

13. A Member **must personally ensure** that his or her use of expenses, allowances, facilities and services provided **by** the public purse is in accordance with the rules and in support of their parliamentary duties.

14. **This use** must not **result in undue personal benefit, undue benefit to someone else**, or undue advantage to a political organisation.

*House of Commons Members' Handbook Rules for the use of committee, conference and meeting and interview rooms, Standard Conditions of Hire for Functions and Events; Tours of the Parliamentary Estate, Raffles and Auctions, ICT Acceptable Use Policy; rules for the use of stationery and postage paid envelopes provided by the House of Commons and for the use of the crowned portcullis.*

### **Maintaining the reputation of the House**

15. Members **must never do anything** which would significantly damage the reputation and integrity of the House of Commons as a whole, or of its Members.

### **V. Upholding the Code**

16. The Committee on Standards and the Parliamentary Commissioner for Standards are responsible, on behalf of the House of Commons, for upholding the Code of Conduct. Standing Orders Nos 149 and 150 set out their responsibilities.

17. The Parliamentary Commissioner for Standards may investigate an allegation that a Member has broken the Rules of Conduct. He/she will not investigate an allegation that a Member has failed to follow the principles of conduct, set out above, except as part of an investigation into an allegation that the Member has also broken the Rules of Conduct. Members must co-operate with any investigation carried out under the authority of the House. Members must not try to influence the Committee's consideration of an alleged breach of this Code by lobbying a member of the Committee or in any other way.

18. The Committee will consider any report which the Commissioner sends to it. It will report its conclusions and recommendations to the House. The House may impose a sanction on a Member, where it considers it necessary.

### **Proposals for additional rules**

19. (The following proposals are made arising out of recent changes to other rules or issues that have become apparent during investigations.)

#### **Outside Employment**

20. A Member who undertakes outside employment must ensure that it does not conflict with his or her responsibilities under the Code of Conduct.

*Subject to possible additional work on underlying rules on outside interests*

#### **All-party Parliamentary Groups**

21. A Member must ensure, if they chair an All-Party Parliamentary Group that the Group complies with the rules of the House as set down in the Guide to the rules for All-Party Parliamentary Groups. A Member who chairs an unregistered group is also responsible for the group's compliance with the House's rules.

*Guide to the Rules for All-Party Parliamentary Groups*

#### **Parliamentary staff and others**

22. A Member must treat all those who work in Parliament with dignity, courtesy and respect

*Summary of Respect policy (guidance for MPs)*

23. A Member has overall responsibility for the actions taken by their staff whether paid or unpaid, in the course of their work for him or her.

## Questions

3. Are the rules, as amended above clearer and easier to understand? If not please suggest further amendments.
4. Does the specific mention of the Equality Acts add value to the section on the Duties of Members?
5. If there any areas which should be covered and are not, what are they?
6. Do the proposed amendments above assist in achieving the purposes of the Code?
7. Should any or all of the additional rules proposed (numbers 20, 21 and 22) not be included in the new document?

## Consultation Document - Part 2

### Other issues

24. Having taken into account the responses to the consultation in Part 1 of this paper and the views of the Committee on Standards, the next part of this review will consider the Guide to the Rules and seek to simplify the language, align the Guide to the revised Rules to the Code of Conduct and resolve some anomalies and minor issues arising from the new set of rules which has now been in force for just over a year. This work will include consideration of:

- (a) **The Rules on Lobbying**
- (b) **Guidance on aspects of Registration and Declaration of Interests**
- (c) **Use of House Resources including ICT**
- (d) **Restrictions on Outside Work by Select Committee Chairs**

## Questions

8. Which of these issues would you prioritise and why?
9. Is there any other aspect of the Rules which you think should specifically be addressed?

25. During the course of my time as Commissioner some of my investigations have raised significant issues and I am therefore also consulting on whether the opportunity should be taken to address any or all of the following:

### (a) External Employment

There are a wide range of opinions about the amount and type of external employment which Members undertake and particular problems have been caused by the various definitions of the role of parliamentary advisers. There is no easy resolution to this issue but it may be time for a thorough consideration and consultation on all aspects of external employment. While I do not think that this can be done sufficiently widely as part of my review of the Rules, I am writing to the Committee on Standards to suggest that it may wish to consider this matter. Its conclusions would be helpful in developing either new guidance or rules for the future alongside my current work to consider the Guide.

### (b) Acceptance of Gifts

Some new Members have commented that the Guide to the Rules covers registering gifts and donations, with much space focussed on the mechanics of this, but offers no advice on which gifts Members might reasonably accept. Without suggesting that this is a problem, should Members be given more guidance—as suggested by GRECO—on when it is appropriate to accept/decline gifts and benefits e.g. for constituency work?

### (c) Dissolution of the House

A number of issues arose during the period between the dissolution of the House and the election in 2015 which could not easily be resolved as the Commissioner has no

jurisdiction during that time. Some of these issues related to the use of House facilities and the advantage given to incumbent Members, others to more serious matters relating to ethical standards.

### **Questions**

**10. Would you like to contribute to the wider debates on any of these issues? If so, your views would be welcome as part of this consultation or separately as written submissions.**

**11. Are there any other significant issues which you think should be reviewed as part of the work on the Guide to the rules?**

### **Conclusion**

26. This second consultation paper now sets out a draft of the Code of Conduct for further comment. It then moves to consider possible amendments to the Guide to the Rules and issues which have come to light in the course of investigations where further advice to Members might be helpful. Following consideration of the responses to this consultation it should be possible to finish revision of the Code of conduct and to make definite proposals for any amendments necessary to the Guide to the Rules. This consultation will close on **30 November 2016**.

**Kathryn Hudson**  
**Parliamentary Commissioner for Standards**

## Summary of Consultation Questions

1. Are the example descriptors clearer and more appropriate for MPs in the context of their work?
2. Do you have any suggestions for improvements or alternatives?
3. Are the rules, as amended above clearer and easier to understand? If not please suggest further amendments.
4. Does the specific mention of the Equality Acts add value to the section on the Duties of Members?
5. If there are any areas which should be covered and are not, what are they?
6. Do the proposed amendments above assist in achieving the purposes of the Code?
7. Should any or all of the additional rules proposed (numbers 20, 21, 22 and 23) not be included in the new document?
8. Which of these issues would you prioritise and why?
9. Is there any other aspect of the Rules which you think should specifically be addressed?
10. Would you like to contribute to the wider debates on any of these issues? If so, your views would be welcome as part of this consultation or separately as written submissions.
11. Are there any other significant issues which you think should be reviewed as part of the work on the Guide to the rules?

## Appendix A

### The Code of Conduct approved by the House of Commons on 17 March 2015

#### I. Purpose of the Code

1. The purpose of this Code of Conduct is to assist all Members in the discharge of their obligations to the House, their constituents and the public at large by:

- (a) establishing the standards and principles of conduct expected of all Members in undertaking their duties;
- (b) setting the rules of conduct which underpin these standards and principles and to which all Members must adhere; and in so doing
- (c) ensuring public confidence in the standards expected of all Members and in the commitment of the House to upholding these rules.

#### II. Scope of the Code

- 2. The Code applies to Members in all aspects of their public life. It does not seek to regulate what Members do in their purely private and personal lives.
- 3. The obligations set out in this Code are complementary to those which apply to all Members by virtue of the procedural and other rules of the House and the rulings of the Chair, and to those which apply to Members falling within the scope of the Ministerial Code.

#### III. Duties of Members

- 4. By virtue of the oath, or affirmation, of allegiance taken by all Members when they are elected to the House, Members have a duty to be faithful and bear true allegiance to Her Majesty the Queen, her heirs and successors, according to law.
- 5. Members have a duty to uphold the law, including the general law against discrimination.
- 6. Members have a general duty to act in the interests of the nation as a whole; and a special duty to their constituents.
- 7. Members should act on all occasions in accordance with the public trust placed in them. They should always behave with probity and integrity, including in their use of public resources.

#### IV. General Principles of Conduct

- 8. In carrying out their parliamentary and public duties, Members will be expected to observe the following general principles of conduct identified by the Committee on Standards in Public Life in its First Report as applying to holders of public office.<sup>[1]</sup> These principles will be taken into account when considering the investigation and determination of any allegations of breaches of the rules of conduct in Part V of the Code.



### *"Selflessness*

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

### *Integrity*

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

### *Objectivity*

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

### *Accountability*

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

### *Openness*

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

### *Honesty*

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

### *Leadership*

Holders of public office should promote and support these principles by leadership and example."

## **V. Rules of Conduct**

9. Members are expected to observe the following rules and associated Resolutions of the House.

10. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

11. No Member shall act as a paid advocate in any proceeding of the House.[\[2\]](#)

12. The acceptance by a Member of a bribe to influence his or her conduct as a Member, including any fee, compensation or reward in connection with the promotion of, or opposition to, any Bill, Motion, or other matter submitted, or intended to be submitted to the House, or to any Committee of the House, is contrary to the law of Parliament.[3]

13. Members shall fulfil conscientiously the requirements of the House in respect of the registration of interests in the Register of Members' Financial Interests. They shall always be open and frank in drawing attention to any relevant interest in any proceeding of the House or its Committees, and in any communications with Ministers, Members, public officials or public office holders.[4]

14. Information which Members receive in confidence in the course of their parliamentary duties should be used only in connection with those duties. Such information must never be used for the purpose of financial gain.

15. Members are personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services provided from the public purse is in accordance with the rules laid down on these matters. Members shall ensure that their use of public resources is always in support of their parliamentary duties. It should not confer any undue personal or financial benefit on themselves or anyone else, or confer undue advantage on a political organisation.

16. Members shall never undertake any action which would cause significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally.

## **VI. Upholding the Code**

17. The application of this Code shall be a matter for the House of Commons, and particularly for the Committee on Standards and the Parliamentary Commissioner for Standards acting in accordance with Standing Orders Nos 149 and 150 respectively.

18. The Commissioner may investigate a specific matter relating to a Member's adherence to the rules of conduct under the Code. Members shall cooperate, at all stages, with any such investigation by or under the authority of the House. No Member shall lobby a member of the Committee in a manner calculated or intended to influence its consideration of an alleged breach of this Code.

19. The Committee will consider any report from the Commissioner to it and report its conclusions and recommendations to the House. The House may impose a sanction on the Member where it considers it necessary.