

**House of Commons Committee on Standards
Reflections of the lay members
on their second year in post**

January 2014 – February 2015

Purpose of this paper

- (i) This is the second paper compiled by the three lay members of the Committee on Standards outlining reflections of their work on the Committee during the period January 2014 – February 2015.¹ We hope that this report will provide a helpful external perspective on the work of the Standards Committee within the House of Commons.
- (ii) Our increasing involvement with the work of the Committee over the last year has given us a more developed understanding of Parliamentary processes and further insight as to how the House of Commons functions. We are, however, still learning. At the request of others in the House, the Committee has been involved in several generic reviews (including those on All Party Groups and the interests of Select Committee Chairs) and has responded to various consultations, as well as adjudicating on individual cases.
- (iii) Some of the issues that had concerned us in our first year's reflections paper have subsequently been addressed by the Committee on Standards overarching inquiry into the *Standards System in the House of Commons*. The inquiry report, detailing a series of wide ranging recommendations for the work of the Parliamentary Committee on Standards, was published on 10th February and can be found on the Parliamentary website. The lay members express the hope that the House will find an early opportunity to debate the recommendations set out in the report, thus ensuring early implementation in the new Parliament. The Committee doesn't need to wait for the report to be debated on the floor of House before it starts to implement some of the proposed changes where they are related to its own working practices.

Summary of reflections

The summary references, by paragraph numbers in the report, are contextualised in the main body of the paper.

¹ The report from the lay members of their reflections after their first year in post can be found at: <http://www.parliament.uk/documents/commons-committees/Standards-Committee/Lay-Members-Report.pdf>

Para 4 - The lay members consider that in order to demonstrate support for the standards system, the proposed changes to the Guide and the Rules should be debated and agreed with or without modification before the end of this Parliament.

Para 7 - If the recommendations from the Standards inquiry are adopted, then in future a more streamlined process for both recruiting and replacing Elected Members to the Committee will be required. The lay members would reflect that it would be prudent to prepare for such a streamlined process now.

Para 8 - We support the recommendations made by the Standards inquiry to improve succession planning for lay members and consider that to build confidence, the process needs to be transparent and well communicated.

Para 9 - When considering Committee membership, lay members are of the opinion that the following mechanisms should be explored: increasing the understanding and support of Party Leaders in the standards process; raising the profile of the Committee and its work on proactive cultural change; or even requiring those being considered for future advancements to leaders of the house should have undertaken a period of service on the Standards Committee!

Para 13 - To maximise attendance at Committee meetings, we would reflect that the following steps may be worthy of exploration: recording partial attendance at Committee meetings rather than a simple present / not present listing in the minutes; making more formal arrangements for Committee members to be able to speak in debates on the floor of the House even if they haven't been present throughout, because of duty to attend a Standards Committee meeting; exploring the possibility of enabling Members to engage with Parliamentary work remotely through digital media; or reducing the length of Parliamentary recesses.

Para 17 - The lay members would reflect that giving someone / department / committee, clear responsibility for co-ordinating change in areas that impact on standards, such as Parliamentary website content, would lead to a more efficient process.

Para 18 - The lay members would reflect that clearly communicating with the public in an accessible way about standards issues is important if they are to have confidence in the standards system.

Para 19 - If, as set out in the subcommittee review, the Standards Committee is to be more open with the press and continue the policy as started this year to supply briefings, the lay members consider that there is a duty on the press to ensure accurate reporting and comment. If in doubt about the facts in a report, we would urge the press to seek clarification from the Committee.

Para 20 - The lay members are strongly supportive of the Committee taking a more proactive role. They are of the opinion that this would help increase the status for standards work in the House and should reinforce the role of the Committee on Standards at the heart of this process and, with increased lay involvement, increase public confidence in self regulation.

Para 21 - As the Standards Committee starts to take on a more proactive role, to help embed change and ensure the efficacy of the process, the lay members would reflect that the following measures are worth exploring: producing an annual 'Committee on Standards' report recording progress against the work programme, as well as drawing on any themes that have arisen from individual cases; revisiting some of the recommendations from previous Standards Committee reports to assess what has changed as a result; and being clear in generic reports how the recommendations will be shared with, and integrated into, the work of other relevant House committees.

Para 23 - The lay members consider that the Commissioner and MPs should be able to proactively raise, with the Committee, areas where current standards are unclear / no longer fit for purpose. In the next Parliament, the lay members would reflect that the Standards Committee work plan may give priority to identifying appropriate methods which could future proof standards. This could have several dimensions. Most profoundly, the lay members consider that in order to ensure that standards are fit for the Twenty First Century, it will be important to establish how societal expectations about the behaviour of Elected Members are changing.

Para 25 - If the Committee is to play a more proactive role in the future and develop a themed forward work plan, the lay members consider that resources will have to be found and the Committee will need to be able to draw on appropriate expertise, both from within and outside the House.

Para 27 - Lay members would reflect that earlier circulation of papers, especially on generic or thematic issues, would give greater opportunity for the consideration of 'follow through' and the implementation implications of any proposed outcomes.

Para 28 - Whilst we do not believe that there is any evidence that conflicts of interest amongst Committee members have been a problem to date, to build confidence, we consider that it would be helpful to routinely structure agendas to require any member of the Committee that has a direct or indirect interest that is relevant to that particular meeting to declare it at the outset of proceedings.

Para 31 - Over the coming months the lay members will be seeking feedback including from Elected Members of the Committee, House staff and other members of the House with a role in standards, in order to better understand the impact that we have had. We would warmly welcome constructive comments and ideas for what we could do better.

Showing leadership on standards

1. For the public to have trust and confidence in Parliament, there needs to be leadership. Indeed, leadership is one of the Seven Principles of Public Life.²
2. In December 2012 the then Committee on Standards and Privileges published its Third Report, *Proposed Revisions to the Guide to the Rules Relating to the Conduct of Members*. The Committee on Standards in Public Life had previously recommended regular review of the Code and Guide. The changes proposed in 2012, which were carefully drawn up by the previous Commissioner and were extensively debated by the Standards and Privileges Committee at that time, were intended to move from a piecemeal to a more streamlined approach to standards which would be easier for all to navigate. As such, the recommendations represented an important updating of the system and were hoped to be in place in time to be used by the new Committee on Standards, to which we as lay members now belong, when it was established at the start of 2013.
3. Despite the best endeavours of the Chair and Committee members, as at 18th February 2015 the House of Commons has yet to consider these proposals. Although a compromise has been put forward, a difference of opinion about a specific part of the proposed changes appears to be the main reason for the delay.
4. An unacceptable stalemate would seem to have been reached which prevents all the other non contentious proposals from being adopted and there appears to be no mechanism for breaking the stalemate. The lay members are of the opinion that the failure of the House to debate the proposed changes to the Guide and the Rules in the current Parliament is profoundly regrettable and shows a lack of leadership on standards issues that could be construed as sending a message, both inside and outside Parliament, that standards do not have a high priority within the House. **We consider that in order to demonstrate support for the standards system, the proposed changes to the Guide and the Rules should be debated and agreed with or without modification before the end of this Parliament.**
5. For Committees to be effective, their members need to be committed and be able to attend meetings on a regular basis. Indeed, the reputations of members and of Parliament itself rests with the Committee.

² <https://www.gov.uk/government/organisations/the-committee-on-standards-in-public-life>

6. When two members of the Committee on Standards were promoted, it took a number of months to replace them. This impacted on the work of the Standards Committee. This again does not send out a very strong signal about the importance the House attaches to standards issues. We note that it takes less than 72 hours to appoint a new Minister following a reshuffle.
7. We reiterate that the Standards inquiry has proposed several changes that will impact on Committee membership and time commitments: changes to the makeup of the Committee to include seven MPs and seven lay members; and a more proactive role for the Committee in highlighting and promoting standards issues. If these recommendations are adopted, **a more streamlined process for both recruiting and replacing Elected Members to the Committee will be required. The lay members would reflect that it would be prudent to prepare for such a streamlined process now.**
8. The lay members were originally appointed to their roles for the remainder of the current Parliament with the possibility of a two year extension thereafter. The current Standing Orders in this area mean that arrangements to ensure lay member continuity can only be taken in the new Parliament by the new Parliament. **We support the recommendations made by the Standards inquiry to improve succession planning for lay members and consider that to build confidence, the process needs to be transparent and well communicated.**
9. It has been said to lay members, on more than one occasion, that many Elected Members do not know what the Standards Committee does, and if they do, few are willing to sit on it. To achieve the appropriate mix of experience and judgement on the Committee, it is clearly important that members are appointed that have both recent and longer service and reflect the political make up of the House. **To address these issues, lay members are of the opinion that the following mechanisms should be explored: increasing the understanding and support of Party Leaders in the standards process; raising the profile of the Committee and its work on proactive cultural change; or even requiring those being considered for future advancements to leaders of the house should have undertaken a period of service on the Standards Committee!**
10. For Elected Members that do take on this important role and join the Committee, it can be difficult to prioritise attendance. As noted in our previous reflections report, Committee meetings are not whipped and members are frequently scheduled to be in more than one place at a time. Even when attendance is registered in the minutes, elected members are frequently only able to stay for a portion of the meeting as they have to be elsewhere. Comments such as *'I can only give you twenty minutes'* are not uncommon. The issue of partial attendance is most acute when generic issues are being discussed. If the Committee is going to become more proactive, this could be problematic.

11. Lay members have seen, at first hand, something of the heavy committee work requirements expected of MPs. These requirements are now condensed into a shorter parliamentary week at Westminster, where attendance at the beginning and end of the week has reportedly markedly declined. It has been reported that MPs also spend more time in their constituencies and on constituency work.³ In addition, 'electoral impacts', whether this is in the form of exceptional events such as the Scottish Referendum, the 'fixed Parliamentary term effect,' the forthcoming 2015 election, dealing with any potential minority government or coalition issues following resulting from the General Election or the prospect of an EU Referendum, raise the likelihood of increasing work-loads requiring to be condensed into the Parliamentary sitting time available for committee work.
12. Lay members note that there is a growing question of whether the work of Parliament can indeed be achieved under current arrangements and sitting times, which in some ways seem to have more in common with academic years than the '365, 24/7' world that Parliament seeks to legislate for.
13. Whilst we appreciate the pressure of business in the House, nonetheless, as lay members we consider that this issue needs to be tackled and not put in the 'too difficult' box. We would reflect that the following steps may be worthy of exploration: **recording partial attendance at Committee meetings rather than a simple present / not present listing in the minutes; making more formal arrangements for Committee members to be able to speak in debates on the floor of the House even if they haven't been present throughout, because of duty to attend a Standards Committee meeting; exploring the possibility of enabling Members to engage with Parliamentary work remotely through digital media; or reducing the length of Parliamentary recesses.** The establishment of the new Parliamentary Digital Service provides a good opportunity to address some of these points.

Embedding a standards culture in the House

14. It is clearly important that individual MPs take responsibility for their own standards education. However, ensuring that the culture of the House fosters a strong focus on standards is also important. In her evidence to the Standards Inquiry, the Shadow Leader of the House said,

*'The House is a ... diffuse organisation, and there are many points of moral authority and power.'*⁴

This can make it difficult to achieve a corporate acceptance of the collective need for a strong standards culture.

³ New members in 2010 have reported spending around 60 percent of their time on constituency issues (Ibid, page 15).

⁴ Standards Review Inquiry, Oral Evidence, Angela Eagle MP, 1st July 2014

15. In the lay members' first reflections report, it was highlighted that there is a proliferation of committees and groups, which have varying levels of responsibility for standards, as demonstrated in the titles of those groups. This presents a confusing picture that is not easily understood, both within and outside the House. The December 2014 Report from the House of Commons Governance Committee noted:

*'The governance arrangements for the House have developed over time often in response to particular issues or events. This has resulted in a situation where the complexities which are inherent in the character of the House as a legislature have been compounded by layers of interventions which have built on and adapted what went before rather than rationalising or restructuring it.'*⁵

16. The Report found that although in many ways the House is a unique institution,

*'...no one within Parliament, including no one who gave evidence to us, suggests that Parliament should not be as efficient as possible, nor that it should not learn from the experiences of other institutions.'*⁶

As lay members we would agree with both these points and reflect that the need for the streamlining of systems and services, and greater clarity in terms of lines of responsibility, identified in the Governance Committee Report, is also relevant to the standards area. We would also note that whilst some examples of best practice, in terms of efficient and effective working, currently do exist in some parts of the House, such as innovative ways of Select Committees reaching out to interested groups, these are not always noticeably shared across the House.

17. The Standards inquiry report calling for urgent revisions to the Parliamentary web site illustrate this point. Standards are just one of the many groups with an interest in this area. The result is confusion and lack of clarity in the messages being given; in the information provided; in what is required to meet the various rules and regulations and in how the plethora of rules are policed, failure to comply is investigated and punishment administered. **The lay members would reflect that giving someone clear responsibility for co-ordinating change in areas that impact on standards, such as Parliamentary website content, would lead to a more efficient process.**

Communicating with the public on standards issues

18. If those inside the House find it difficult to understand and navigate the standards area, it can be even more confusing for those outside. This point echoes some of the concerns raised in the Digital Democracy Commission's

⁵ *House of Commons Governance*, House of Commons Governance Committee, 16 December 2014, page 13

⁶ *Ibid*, page 9

recent report. This identified various barriers that the public face when engaging with Parliament, including '*difficulty finding information about Parliament and its activities*' and '*feeling that Parliament is not relevant.*' The evidence from the Democratic Society was highlighted in the report as being of particular note:

*'Technology in itself is not a panacea and it will not effectively correct poor existing practices...we need to look beyond new digital tools to existing processes that do and do not work and then critically explore how technology can help us to make democracy work better.'*⁷

The lay members would reflect that clearly communicating with the public in an accessible way about standards issues is important if they are to have confidence in the standards system.

Communicating with the media.

19. We have during this year had our first real experiences of the media and the reporting of the work of the Standards Committee. Following the coverage of the Maria Miller case, the Committee has sought to communicate more clearly and proactively with the media. We have engaged in press conferences to try to ensure that the work the Committee was doing or decisions that the Committee have made can be reported correctly. However we have been surprised and disappointed to read copy that did not reflect either the reports published or the press conference answers given. **If, as set out in the subcommittee review, the Standards Committee is to be more open with the press and continue the policy as started this year to supply briefings, the lay members consider that there is a duty on the press to ensure accurate reporting and comment. If in doubt about the facts in a report, we would urge the press to seek clarification from the Committee.**

A proactive approach to standards

20. Although the work of The Committee on Standards has broadened to look into more generic standards issues since 2013, much of this wider work has been undertaken at the request of other parts of the House. The Committee itself has not initiated many pieces of work. The Standards inquiry recommendation that the Committee '*sets itself a theme based work programme at the beginning of each Parliament*' should help address this point. **The lay members are strongly supportive of the Committee taking a more proactive role** along these lines. They are of the opinion that **this would help increase the status for standards work in the House and should reinforce the role of the Committee on Standards at the heart of this process and, with increased lay involvement, increase public confidence in self regulation.**

⁷ *Open Up!* Report of the Speaker's Commission on Digital Democracy, 26th January 2015, 1.1

21. As the Standards Committee starts to take on a more proactive role, to help embed change and ensure the efficacy of the process, **the lay members would reflect that the following measures are worth exploring: producing an annual 'Committee on Standards' report recording progress against the work programme, as well as drawing on any themes that have arisen from individual cases; revisiting some of the recommendations from previous Standards Committee reports to assess what has changed as a result; and being clear in generic reports how the recommendations will be shared with, and integrated into, the work of other relevant House committees.**

Future proofing standards

22. Many of the existing standards that MPs are required to meet were drawn up in another era. For example, the House has standards relating to Elected Members use of printed (and embossed) envelopes and stationary and banqueting but not covering their use of Twitter or other forms of social media, digital information and communications technology.
23. Digital communications are changing the way MPs interact with the public. This change is happening very rapidly. Indeed, no one could have predicted that the Committee on Standards would have had a case which stemmed from an appearance on a reality TV programme⁸. New media can make it more difficult to determine where the boundaries of private and public life are drawn. Streamed television coverage and mobile phones place further pressures on Elected Members, who may be unaware that meetings or speeches are being recorded and rapidly transmitted to large numbers of often unknown recipients.

The lay members consider that the Commissioner and MPs should be able to proactively raise with the Committee areas where current standards are unclear / no longer fit for purpose. In the next Parliament, the lay members would reflect that the Standards Committee work plan may wish to give priority to identifying appropriate methods which could future proof standards. This could have several dimensions. Most profoundly, **the lay members consider that in order to ensure that standards are fit for the Twenty First Century, it will be important to establish how societal expectations about the behaviour of Elected Members are changing.**

Resources

24. On several occasions over the last year, the lay members have noted that the resources available to those working on standards have been stretched. This raises the question of what price is too high to pay for a dedicated, efficient, open and informed legislature.

⁸ Nadine Dorries, Parliamentary Committee on Standards, November 2013

25. **If the Committee is to play a more proactive role in the future and develop a themed forward work plan, the lay members consider that resources will have to be found and the Committee will need to be able to draw on appropriate expertise, both from within and outside the House.**
26. The lay members would note that Committee meeting dates are often arranged relatively late, even when generic issues are being discussed. The impact this has on travel and accommodation costs for lay members needs to be acknowledged particularly if the number of lay members increases in line with the suggestions contained within the Standards Review report.

Committee working

27. Lay members would this year, again, note that papers for Committee meetings are often distributed with little time for effective review. Although many Elected Members are able to quickly pick up their briefs, this reduces the scope for focused consideration, in particular on what the impacts of the papers might be. **Lay members would reflect that earlier circulation of papers, especially on generic or thematic issues, would give greater opportunity for the consideration of 'follow through' and the implementation of any proposed outcomes.**
28. Lay members may not know the connections of the Elected Members of the Committee, and vice versa. Whilst we do not believe that there is any evidence that conflicts of interest amongst Committee members have been a problem to date, to build confidence, **we consider that it would be helpful to routinely structure agendas to require any member of the Committee that has a direct or indirect interest that is relevant to that particular meeting to declare it at the outset of proceedings.**
29. The lay members consider that in the next Parliament the Committee on Standards may want to include the following issues in its work programme:
- Future proofing standards
 - Standards and changing societal expectations
 - Setting the tone from the top – showing leadership on standards
 - Ethical dilemmas for MPs
 - The media and standards
 - 'A more explicit structure for declarations of interest in the Committee on Standards itself
 - Maintaining momentum on standards issues between Parliaments

The lay members would reflect that in order for the Committee to start to make a proactive impact early in the next Parliament, the Committee does not need to wait before it starts to develop this work programme. As well as the themes identified, the Committee and Commissioner will also clearly be engaged in the Review of the Code and Guide to the Rules.

Feedback

30. The introduction of the lay members, in January 2013, to the Committee on Standards was an innovation. This reflections paper is designed to give feedback from the lay members to those with an interest in standards on activity over the last year. However, to be effective, feedback needs to be two way.
31. **Over the coming months the lay members will be seeking feedback, including from Elected Members of the Committee, House staff and other members of the House with a role in standards, in order to better understand the impact that we have had. We would warmly welcome constructive comments and ideas for what we could do better.**
32. This feedback will be helpful not only for the existing lay members but also to help shape the recruitment process and for new lay members in the next Parliament.

The lay members would like to thank the Chair and Elected Members of the Committee on Standards, along with the clerks and Committee staff, for their continued support over the year.

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18th February 2015