



John Penrose MP  
Prime Minister's Anti-Corruption Champion  
House of Commons  
London, SW1A 0AA

15 April 2021

Dear John,

**Response to the Prime Minister's Anti-Corruption Champion's Submission to CSPL Standards Matter 2**

We would like to begin by noting that we were encouraged by your participation in the CSPL's review and to see your contributions to recent debates in Parliament on this topic. Given the important role that the UK's system for standards governance plays in ensuring public integrity, it is crucial that the Anti-Corruption Champion plays an active role in this discussion, as you have been doing.

We have collated some thoughts from members of the UK Anti-Corruption Coalition in response to your submission under the following headings: standards, lobbying, electoral integrity, and procurement. We would welcome dialogue with you about how we could raise the bar in these key areas. One action which would support this overarching goal and send the right message in terms of the UK Government's approach to transparency and accountability is making public the UK's compliance report for the 5<sup>th</sup> Evaluation by GRECO, which covers many of these issues.

Our detailed thoughts in response to your submission are as follows:

**Standards**

- **Monitoring corruption risks:** In the opening paragraph, you note that "because the nature of corruption is constantly changing [our integrity framework] needs constant attention." As you will be aware, GRECO has recommended that the UK develop a centralised mechanism for analysing and mitigating conflicts of interest and corruption risks in central government. We think this would be a crucial way of keeping the UK integrity framework up to date against new and emerging risks, and would welcome an update from you on where the Government's thinking has got to on responding to this recommendation.
- **Ministerial Code:** We strongly support your position that the Advisor on Ministerial Interests should have independent discretion to investigate alleged breaches of the Ministerial Code. We are particularly interested in ensuring the Ministerial Code plays a robust role in ensuring proper conduct by those in the highest levels of public office. In our view, it is essential that the Ministerial Code is put on a statutory footing to ensure it is taken seriously and is enforceable. We see this as a critical reform for ensuring accountability over any misconduct, which can also help to deter it in the first place.

In your submission you mention that the Ministerial and Civil Service Codes "ensure public servants understand the expectations and requirements placed on them." Our understanding is that the Codes set out the expectations and requirements but this does not necessarily mean they

are always well understood. For example, David Cameron and the current Chancellor of the Exchequer both followed the same rules and had their submissions around financial disclosures approved but took very different approaches about how much information should be revealed about their immediate family's financial interests. This suggests that there may not be a collective shared understanding of what is required. In our view, increased guidance and training about how the standards in the Codes can be met is critical.

- **Parliamentary Commissioner for Standards:** As you will be aware, the Parliamentary Commissioner for Standards publishes the full reports on any completed investigation, including any associated correspondence and/or evidence, as well as the summary statistics you mentioned in your submission. Investigation reports for 2020-21 can be seen [here](#) and those on more serious allegations that have been referred to the Committee [here](#). We believe this is good practice that should be following by all standards bodies.

On the topic of the Parliamentary Commissioner for Standards, we thought it also might be worth noting that the Commissioner reports to the Standards Committee, which decides on appropriate sanctions. The Standards Committee is composed of 50% MPs and 50% lay members, most of whom have considerable expertise of regulating conduct in various areas of public life. We believe that this model provides a level of independent scrutiny which is essential and should be replicated with the Independent Advisor on Ministerial Interests. Currently sanctions for Ministers are left solely to the discretion of the Prime Minister, resulting in a system which is less robust for Ministers than that for regulating the conduct of MPs, despite the higher level of responsibility, and consequent duty to behave in line with ethical standards, held by Ministers.

### Lobbying

- **Different mechanisms for lobbying transparency:** In your submission, you note the five different mechanisms available for assessing lobbying transparency. In our view, this fragmented approach makes it very difficult to gain a full understanding of how lobbying operates in the UK unless one has specialist knowledge. Even with improved data quality (which we fully support and welcome), the level of information that can be understood from ministerial meetings data is limited, particularly given the time delays involved in publishing this information and problems with inaccuracies regarding how meetings outside of the parliamentary estate or those considered social events are handled. This was clearly seen with the Minister for Housing, Communities and Local Government's engagements with Richard Desmond over the Westferry development.

As you mentioned FOIA as one of these mechanisms, we are also keen to bring to your attention the growing problems with request compliance by public authorities. This is something that we can attest to anecdotally through our own work but which has also been identified as a more systematic problem in a recent [report](#) by openDemocracy. The decision to exempt the proposed Advanced Research and Innovation Agency from the FOIA is also concerning in light of these findings, particularly given the scale of public funds involved and that the US equivalent (DARPA) is subject to FOI legislation (briefing on this available [here](#)).

- **Coverage:** We were pleased to see that you advocated for including a broader range of high-level public officials in public meeting reports, both in your submission to CSPL and in an intervention during the Opposition Day Debate on 14 April considering the Government's response to the Greensill scandal. However, we were disappointed that you argued against including in-house lobbyists within the scope of the UK's lobbying register. We believe that this is one of the most impactful changes that the Government could make in terms of lobbying transparency – [research from TI-UK](#) found that the current register captures less than 4% of lobbying in Westminster. In countries like Canada where both in-house and consultant lobbyists have to register, in-house

lobbyists represent over 80% of registrants. As well as NGOs and academic experts, this change is also supported by lobbying industry bodies. With the recent Greensill case starkly highlighting the opacity surrounding in-house lobbyists, among other concerns, we believe action on this to be more important than ever. The post-legislative review of the Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014 offers a real opportunity to bring about meaningful change on this issue. We would be happy to talk through any concerns you had about this proposal.

On a broader point, we would like to reiterate our position that (1) when done in a genuinely transparent and accountable manner, lobbying plays a critical role in the democratic process and in the creation of good policy and that (2) we do not advocate for casework to be counted as lobbying or for public officials to have zero privacy, nor do we know of any organisation that would. As you note, it is important to move past assumptions about the positions of different groups and engage with the substance of arguments and concerns in a non-partisan manner – this is the best way to ensure that we create transparent, accessible, and accountable participation in the policymaking process for all relevant stakeholders.

- **ACoBA:** We note that you reference a stronger approach being taken by ACoBA at the end of your submission. While this is certainly a positive first step, we fear that stronger words will be fruitless without meaningful sanctions to back them up. As you will be aware the chair of ACoBA himself has highlighted the lack of real enforcement powers that the body has. We would be keen to engage with you about how ACoBA could be given stronger statutory footing and greater powers to address breaches of the rules and investigate whether conditions imposed are being observed.

### Electoral Integrity

- **Online campaigning:** We were encouraged that you recognised that the UK's campaigning regulations need to catch up with the digital world. In terms of specifics in this regard, a key reform would be requiring full transparency over who is paying for online election adverts, as is currently the case for 'offline' election material like the leaflets you noted.
- **Voter fraud:** We would also urge caution over proposals regarding voter fraud, which may have concerning unintended consequences. For example, requiring an independent witness to sign a declaration that a vote was cast in secret could in itself limit the secrecy of the ballot and open a door to voter coercion and/or intimidation.
- **Electoral Regulation:** We would also like to share our previous submission to the CSPL's review into Electoral Regulation, which includes recommendations which may be of interest. These focus on addressing weaknesses in our enforcement regime and bringing in tighter rules around who can donate, how much can be donated, and how donations can be reported and spent, which would be critical in protecting the UK from real or perceived foreign interference, cash for access scandals, and facilitating a wider donation base for political parties. It is also worth noting that, given international respect for the UK's Electoral Commission, promoting and strengthening its work as a positive example of global best practice could be a good way to demonstrate the UK's credentials in the global fight against corruption in politics.

### Procurement

- **Pandemic procurement:** We were encouraged to see the letter attached to your submission outlining your concerns about the issues raised in the NAO's investigation into public procurement during the pandemic. It is worth noting that this investigation was non-partisan, and that the issues raised have given serious cause for concern. Soon to be published research from TI-UK

similarly finds a number of unanswered questions with regards to the Government's approach to public procurement during the pandemic. To move forward, it is essential that these concerns are addressed by the Government in full and not dismissed as merely politically motivated accusations. We would like to reiterate the importance of returning to competitive procurement as soon as possible and ending use of the high-priority lane, if the Government has not done so already, and providing clarity over both its current status and the details of contracts awarded through it.

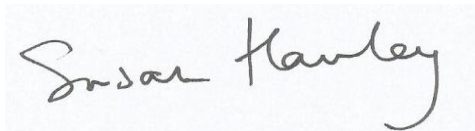
- **Green Paper reforms:** The reforms outlined in the Transforming Public Procurement Green Paper are an important step in the right direction, and we are grateful for your efforts to push these forward within Government. We have recently prepared a briefing on how to ensure these reforms are successful, which is available [here](#). We would be happy to talk through these recommendations, should this be of interest to you.

We hope that these comments have been helpful in identifying where we are already in agreement, and offered constructive and evidence-based challenge in the areas where we are not. Thank you again for making the time to participate in the CSPL Standards Matter 2 process – it is always encouraging to know that there is a voice challenging the UK Government to exemplify best practice from within.

With best wishes,

Susan Hawley

Eva van der Merwe

A handwritten signature in black ink that reads "Susan Hawley". The signature is written in a cursive style with a large initial 'S'.A handwritten signature in blue ink that reads "Eva van der Merwe". The signature is written in a cursive style with a large initial 'E'.

Co-Chair of the UK Anti-Corruption Coalition

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