



House of Commons  
Public Administration Select  
Committee

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**Ethics and Standards:  
Further Report:  
Government Response  
to the Third Report  
from the Committee**

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**First Special Report of Session 2008–  
09**

*Ordered by The House of Commons  
to be printed 12 March 2009*

## The Public Administration Select Committee

The Public Administration Select Committee is appointed by the House of Commons to examine the reports of the Parliamentary Commissioner for Administration and the Health Service Commissioner for England, which are laid before this House, and matters in connection therewith, and to consider matters relating to the quality and standards of administration provided by civil service departments, and other matters relating to the civil service.

### Current membership

Dr Tony Wright MP (*Labour, Cannock Chase*) (*Chairman*)  
Mr David Burrowes MP (*Conservative, Enfield Southgate*)  
Paul Flynn MP (*Labour, Newport West*)  
David Heyes MP (*Labour, Ashton under Lyne*)  
Kelvin Hopkins MP (*Labour, Luton North*)  
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Paul Rowen MP (*Liberal Democrats, Rochdale*)  
Mr Charles Walker MP (*Conservative, Broxbourne*)  
Jenny Willott MP (*Liberal Democrats, Cardiff Central*)

### Powers

The powers of the Committee are set out in House of Commons Standing Orders, principally in SO No 146. These are available on the Internet via [www.parliament.uk](http://www.parliament.uk)

### Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at <http://www.parliament.uk/pasc>

### Committee staff

The current staff of the Committee are Steven Mark (Clerk), Laura Dance (Second Clerk), Pauline Ngan (Committee Specialist), Louise Glen (Senior Committee Assistant), Lori Verwaerde (Committee Assistant) and Shane Pathmanathan (Committee Support Assistant).

### Contacts

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## First Special Report

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1. The Public Administration Select Committee reported to the House on *Ethics and Standards: Further Report* in its Third Report of Session 2008–09, published 2 January 2009 as HC 43. This followed our earlier Report, *Ethics and Standards: The Regulation of Conduct in Public Life*.<sup>1</sup> The initial Government response to that Report was published on 21 November 2007.<sup>2</sup> In its response, the Government postponed giving a substantive response to several of our recommendations, saying that it would give further consideration to them as part of its work to bring forward legislation on the Civil Service. With our further Report, we published the Government's response to the remaining recommendations from our earlier Report.

2. This Special Report contains the Government's response to our further Report. This response was received in two parts: a letter of 3 March 2009 from Tom Watson MP, Parliamentary Secretary at the Cabinet Office, and a letter of 10 March 2009 from Rt Hon Gordon Brown MP, the Prime Minister. Both letters are published below as Appendices to this Report.

## Appendix 1 – Response from the Prime Minister

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**We were ... disappointed that no firm commitment was made in this year's Queen's Speech to bring forward a bill putting the civil service on a statutory footing. We urge the Government to make legislative time available for this as soon as possible. (Paragraph 2)**

I would like, firstly, to take the opportunity to thank the Committee for its invaluable scrutiny of the Civil Service proposals.

As set out in the Queen's Speech, the Government is committed to taking forward our proposals for constitutional renewal. We are giving careful consideration to both your recommendations and those of the Joint Committee in developing the proposals.

As Jack Straw has already said, it is our earnest intention to bring forward the Bill but this will depend on progress made in the Parliamentary timetable in relation to other competing priorities. I am sorry that I cannot give you a more definite timetable at this stage, but I can reassure you of our commitment to the Constitutional Renewal package.

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1 Public Administration Select Committee, Fourth Report of Session 2006–07, *Ethics and Standards: The regulation of Conduct in Public Life*, HC 121

2 Public Administration Select Committee, First Special Report of Session 2007–08, HC 88

## Appendix 2 – Response from Parliamentary Secretary, Cabinet Office

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**We call on the Government to address this point of principle: that it is unacceptable and incompatible with genuine independence for the ethical regulators, which were created to regulate government, to be appointed by government and funded by government. We therefore urge the Government to adopt a coherent and principle-based approach to ethical regulation that is designed to secure the independence of ethical regulators from the Executive. (Paragraph 6)**

Thank you for the Public Administration Select Committee's Further Report on Ethics and Standards, published in response to my letter to you of 25 November. I would like to respond to the issues raised in the Further Report.

The Government is also committed to a system of ethical regulation which operates independently of Government. The Government is therefore pleased to see that the Committee believes all of the ethical regulators have demonstrated their ability to act robustly and autonomously. The Government is therefore not persuaded that the imposition of a uniform structure and status for all of the ethical regulators is either necessary or desirable, particularly as the Committee's recommendation involves creating a whole new body in the form of a Public Standards Commission. We do not see how such a body would add value to the work of the ethical regulators.

In its further report, the Committee argues that, without the ethical regulators having a basis in statute, the Government could reduce their funding or abolish them if it wished to do so. The Government does not accept that this is a realistic possibility. Parliament already takes a close interest in the operation of regulators, not least through the Public Administration Select Committee itself. The regulators are able to bring to the attention of Parliament any concerns they might have about funding or any other issue relevant to their operation. In addition, the independence of the regulators in practice will be further strengthened by the introduction of single non-renewable terms for appointees to the regulators.

As the Committee said in its recommendation on this issue, "The reform of ethical regulation is likely to be a gradual process, which will allow examination and review of new arrangements". The Government agrees with this approach and is committed to finding the right arrangements for each individual circumstance. As ethical regulation evolves, it may be appropriate for a particular regulator to be placed on a statutory footing, as the Government is committed to doing in relation to the Civil Service Commissioners.

In the case of the Civil Service Commissioners, this is the right thing to do in the particular circumstances. The Government wants to formalise the constitutional status of our impartial Civil Service by enshrining its position in statute. It is therefore entirely consistent and logical to place the Civil Service Commissioners on a statutory footing also.

However, we do not see this changing the way the Commissioners operate. The Commissioners already operate independently of Government and will continue to do so.

There is nothing to suggest that any of the ethical regulators are currently inhibited from operating independently of Government. The Government stands by its assertion that their independence is not in question. As you yourself said during the debate in the House on 5 December 2007, “the time has come to recognise explicitly that we have created a system of permanent ethical regulation... In fact, such bodies are not compromised in practice; they do excellent work and are robustly independent”. Given acceptance of the ethical regulators as a permanent part of our political landscape and the recognition that they operate in a robustly independent way, the Government thinks it advantageous to retain the flexibility to respond appropriately and quickly to the particular circumstances faced by each of the regulators.

The contribution of PASC has been enormously helpful in the evolution of our system for ethical regulation and I hope we can continue to work together on these issues.