

Ministerial Code

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Other information!

https://en.wikipedia.org/wiki/Ministerial_Code

History and status

Codes of conduct for ministers are amongst a range of initiatives designed to respond to perceptions of the erosion of ministerial accountability, and to preserve public trust in the institutions of cabinet government. Written guidance for British cabinet ministers began as the document Questions of Procedure for Ministers (QPM), which was a confidential document prepared by the Cabinet Office to assist ministers, and dates to at least the 1980s. The earliest published form of the Code is a result of the QPM's release by the Major Government in 1992. Further editions have been based on suggestions and recommendations from the Committee on Standards in Public Life. The first edition to be entitled Ministerial Code was Tony Blair's 1997 set of rules. The most recent version was released in August 2019 (by convention, each new Prime Minister issues their own).

When Gordon Brown came into office in June 2007 he appointed Sir Philip Mawer, Parliamentary Commissioner for Standards, as the Independent Adviser on Ministers' Interests – a form of enforcer to conduct investigations and give confidential advice. The Adviser under Tony Blair was Comptroller and Auditor General Sir John Bourn. The Cabinet Secretary is responsible for clearing ministers' financial matters.

The Code is currently administered by the Propriety and Ethics group within the Cabinet Office.

The Code is periodically updated. The 2015 update included removing the explicit requirement that ministers comply with international law and treaty obligations.

Contents

The Code has 10 sections, and two annexes. It begins with a foreword from the Prime Minister.

Section 1 – Ministers of the Crown

This section is an introduction, setting out the role of ministers to the government, to Parliament, and to the people. It directs ministers to "behave in a way that upholds the highest standards of propriety," to uphold the principle of collective responsibility, not to mislead parliament, and to avoid conflicts of interest.

Section 2 – Ministers and the Government

Section 2, Ministers and the Government, sets out the precise rules of collective responsibility. It also states that ministers should relinquish all government material when ceasing to hold a role, and provides rules on access to government papers by former ministers

(for example, those writing memoirs may wish to check the documents from their time in office). This set of rules is known as the "Radcliffe rules".

Section 3 – Ministers and Appointments

Setting out the rules regarding special advisers (temporary civil servants who are political agents of the minister), how many each minister may appoint, and their powers and duties. Also covered is the appointment of Parliamentary Private Secretaries (backbenchers who act as an unpaid secretary to the minister, to gain experience and credit with the party), whose appointments require written authority from the Prime Minister. PPSs are not members of the Government, but are expected to form part of the payroll vote, and support all government initiatives in the House of Commons.

Section 4 – Ministers and Their Departments

Ministers and Their Departments regards the machinery of government (the structure of government departments and how responsibilities can be transferred), and how ministers should ensure that their work is covered during any absence from London, even for constituency business.

Section 5 – Ministers and Civil Servants

This section, Ministers and Civil Servants, regards ministerial relationships with the Civil Service. It states that ministers "must uphold the political impartiality of the Civil Service, and not ask civil servants to act in any way which would conflict with the Civil Service Code."

Section 6 – Ministers' Constituency and Party Interests

Ministers' Constituency and Party Interests directs ministers to refrain from using government property and resources in their role as an MP. For example, political leaflets must not be distributed at the expense of public funds. Ministers with a conflict of interest between their government role and their constituency (for example, a transport minister may have to balance the desire of his constituents not to have a new airport built near their town, with his government duties) are simply advised to act cautiously; "ministers are advised to take particular care."

Section 7 – Ministers' Private Interests

This section requires ministers to provide their Permanent Secretary with a complete list of any financial interests they have. In March 2009, this list was released to the public for the first time. It is collated and made available by the Cabinet Office. Officials sometimes need to restrict "interested" ministers' access to certain papers, to ensure impartiality.

Guidelines are set out as to maintaining neutrality for ministers who are members of a trade union. No minister should accept gifts or hospitality from any person or organisation when a conflict of interest could arise. A list of gifts, and how they were dealt with on an individual basis, is published annually.

Section 8 – Ministers and the Presentation of Policy

Speeches, interviews and news releases should all be cleared with the Number 10 Press Office, to ensure synchronicity of timing, and clarity of content. Ministers should not practice "regular journalism" without the permission of the Office. No minister may publish a book about their ministerial experiences while in office. Former ministers require manuscripts to be cleared by the Cabinet Secretary, under the "Radcliffe rules".

Section 9 – Ministers and Parliament

Ministers should not make oral statements to Parliament without prior approval from the Prime Minister. Any other minister or MP to be mentioned in such a statement should be notified beforehand.

Section 10 – Travel by Ministers

Official government transport, paid for by public funds, should normally only be used on government business, except where security requires that it be used even for personal transport. All travel should be cost-effective, and any trips abroad should be kept as small as possible. All overseas delegations costing more than £500 have their details published, annually. Members of the Cabinet have the authority to order special (non-scheduled) flights, but this power should only be used when necessary. In the event of a minister being summoned home on urgent government business, the cost of the round trip will be paid for from public funds. There are also rules relating to the use of official cars, and air miles gained by official travel.

Annex – The Seven Principles of Public Life

These principles were published by the Committee on Standards in Public Life in 1995.

- **Selflessness:** ministers should act entirely in the public interest.
- **Integrity:** no financial obligations should be accepted if they could undermine the minister's position.
- **Objectivity:** when making appointments, decisions should be based on merit.
- **Accountability:** all public office-holders are accountable, and should co-operate with all scrutiny procedures.
- **Openness:** all decisions should be justified, and information should be restricted only when necessary for the public interest.
- **Honesty:** public office-holders are required, by duty, to be honest in all their dealings and business.
- **Leadership:** the principles should be supported and upheld by leadership and example.

Controversy

It has been argued that, following a series of high-profile political scandals over the Code (David Blunkett resigned for a second time over a conflict of interest; and Tessa Jowell's husband was implicated – separately – in a furore over his financial dealings), that it should be administered by a more impartial figure than the Prime Minister. However, the Prime Minister remains the ultimate judge of whether or not a minister has breached the Code. In February, 2020, Sir Philip Rutnam resigned as permanent secretary at the Home Office, causing the Cabinet Office to launch an inquiry into allegations of bullying by the Home Secretary, Priti Patel, and whether the Ministerial Code had been breached. Sir Alex Allan led the investigation in his role as the independent adviser on Ministers' interests, which he has held since 2011. On 20 November 2020, he reported in his findings that the Home Secretary "had not consistently met the high standards expected of her under the Ministerial Code." Priti Patel issued an apology, but did not resign, and Boris Johnson did not call for her resignation. Alex Allan subsequently resigned as independent adviser, stating, "I recognise that it is for the prime minister to make a judgement on whether actions by a minister amount to a breach of the ministerial code."