

<p><b>Institution: Oxford University</b></p>
<p><b>Unit of Assessment: UOA21</b></p>
<p><b>Title of case study:</b> Standards in Public Life: Clarifying the principles and informing ethics governance (21-07)</p>
<p><b>1. Summary of the impact</b></p> <p>Ethics regulation across UK institutions has undergone two decades of rapid change and has sometimes resulted in fragile, controversial and difficult regulatory processes. Research by Hine, Peele and Philp has given rise to a better understanding of the conditions under which institutional ethics regulation and standard setting is more likely to be effective. Their findings have contributed to the clarification of the ethical principles that guide the codes of conduct in the UK public sector; shaped the institutional strategies of regulators (in particular the Committee on Standards in Public Life and the Independent Parliamentary Standards Authority); and influenced international debate on standards in public life.</p>
<p><b>2. Underpinning research</b></p> <p>The research on Standards in Public Life has been carried out at the University of Oxford from 2001 by three members of Department for Politics and International Relations' established staff - David Hine, Gillian Peele and Mark Philp - and Research Assistant Elizabeth David-Barrett (2010-12). The work has examined the evolution of UK public ethics and regulatory institutions in Western Europe from the early 1990s to the present and was developed in close association with regulatory bodies. It has demonstrated that standards issues raise central challenges in democratic systems – demanding answers to questions of who should be held accountable to whom, how, and for what. The research has focussed on two main themes: the character of public standards; and institutional arrangements for the successful independent regulation of public ethics.</p> <p><b>a) Clarifying Standards in Public Life</b></p> <p>Philp's work examined the character of political conduct, political norms and public standards, building on his earlier work on corruption. He systematically analysed the meanings of the 'seven principles of public life' (selflessness, integrity, objectivity, accountability, openness, honesty and leadership) and identified ambiguities and tensions in their definition [<b>Section 3: R1, R2</b>]. Specifically, Philp showed that the definition of several principles was not based on a shared understanding of their meaning among the public and those in public office, which gave rise to significant risks: varying expectations and interpretations could threaten the legitimacy of the principles themselves and of the institutions they were designed to regulate. The research pointed to the need to rethink the formulation and descriptors of some of the principles [<b>R2</b>].</p> <p><b>b) Challenges in the Design of Regulatory Institutions</b></p> <p>Hine and Philp's ESRC-funded comparative work on ethical values and public management in Western Europe (2001-3) explored the challenges in structuring effective accountability relationships [<b>R2, R3, R4, R6</b>]. The institutional studies that resulted from this project showed that building a regulatory regime requires careful definition of the values at risk; accurate assessments of the likely interaction between rules, enforcement, and public and media opinion; sensitivity to the consent that regulation is likely to obtain (given agent motivations, incentives and status concerns); and an awareness of how regulatory institutions relate to a country's wider institutional framework. The comparative work showed that European democracies address these issues in different ways and with distinct results.</p> <p>The research also identified the distinctiveness of the UK's highly self-regulatory and soft-law-based approach compared to the public law traditions of continental Europe and explored the challenges to effective regulation that arise from the maintenance of that particular type of public culture. The research focussed especially on the complexities of conflict of interest regulation, the difficulties in establishing independent regulatory institutions in the UK, and the vulnerability of regulators to political challenge [<b>R4, R5, R6</b>]. All the major regulators, the Electoral Commission</p>

(EC), the Standards Board for England (SBE), the Advisory Committee on Business Interests (ACOBIA), the Commissioner for Parliamentary Standards (CPS), the Independent Adviser on Ministerial Interests (IAMI), the Independent Parliamentary Standards Authority (IPSA), and even the Committee on Standards in Public Life (CSPL), have proved vulnerable to political challenge. In some cases (EC, IPSA), design problems flow from unresolved political differences about scope and mission, and the status of regulators has remained contested after their establishment. Vulnerabilities are most acute where regulation bears on the legislature itself (CPS, IPSA), rather than on others (such as ACOBIA in its dealings with civil servants or the EC). The research demonstrated that when Parliament is the subject of regulatory proposals (as in the case of the CPS and IPSA), the reluctance to ensure adequate institutional separation has produced hostility amongst MPs to the checks and balances established [R6].

Philp showed that one major area of difficulty in crafting regulatory regimes concerns the relationship between political and formal accountability: While the accountability of those in public office is predicated upon them acting on their political judgement, the attempt to impose formal rules and regulatory systems potentially diminishes the role for judgment and autonomy. This can create perverse incentives, producing, for example, box-ticking and formalistic attitudes. Effective regulation depends on achieving acceptance of, and identification with, the standards that are proposed [R2].

### 3. References to the research

- R1. Mark Philp, *Political Conduct*, (Harvard University Press, Cambridge Mass., 2007).
- R2. Mark Philp, 'Delimiting Democratic Accountability' *Political Studies* 2009, 57 (1) pp. 28-53.
- R3. David Hine and Gillian Peele, 'The Social Construction of Corruption in the United Kingdom' in Angelos Giannakopoulos and Dirk Tänzler (eds.) *The Social Construction of Corruption in Europe* (Ashgate, 2012), pp. 58-86.
- R4. David Hine, 'Conflict of Interest Resolution in its Institutional Context' in Christine Trost and Alison Gash (eds.) *Conflict of Interest in Public Life: Cross National Perspectives* (Cambridge University Press, 2008).
- R5. Gillian Peele, 'Conflict of Interest in the United Kingdom' in Christine Trost and Alison Gash (eds.) *Conflict of Interest in Public Life: Cross National Perspectives* (Cambridge University Press, 2008) 155-87.
- R6. David Hine, 'Codes of Conduct for Public Officials in Europe: Common Label, Divergent purposes', *Research in Public Policy Analysis and Management, Vol. 14, Public Ethics and Governance Standards in Comparative Perspective*, 2006 43-70.

Evidence of research quality: The work was funded by two competitively awarded research grants. David Hine and Mark Philp, *Standards in Public Life in Western Europe* ESRC (2001-2003) £100,000; and David Hine, Mark Philp and Elizabeth David-Barrett, *Political Conduct Strategies of First Time MPs* (Jul-Dec 2010), John Fell Fund (internal grant, competitively awarded) £13,855.

### 4. Details of the impact

The team built close working relationships with the UK regulatory bodies to ensure that the research insights fed directly back into the work of these bodies, helping them to achieve greater institutional credibility [C1]. Research findings and draft papers were often shared with regulatory bodies. The Director of the Institute for Government, a senior participant in the process, commented that the team's work "is a model of the interaction and influence of political scientists with practitioners, in making an impact on important public policy issues" [C2]. The research directly contributed to better definitions of the seven principles in public life, it helped to identify best practice in regulation, shaped the Independent Parliamentary Standards Authority's approach to regulation, and contributed to the wider public debate.

#### a) Contributing to Better Definitions of the Seven Principles of Public Life

Philp has worked closely with the Committee on Standards in Public Life (CSPL) since 2001. On the basis of his research, he was appointed to the newly established Research Advisory Board of

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the CSPL in 2002 to direct the Committee's research and has chaired the Board since 2008 (running its biennial survey of public attitudes from 2008 to 2012).

The CSPL is a governmental body that is tasked with examining concerns about standards of conduct among public office holders, including financial and commercial activities, and to recommend changes to ensure the highest standards of propriety. In 2002, based on his research [R2], Philp wrote a conceptual paper for the Committee, *The Seven Principles: What they say and what they mean* [C3], which identified tensions in the principles and argued that the CSPL should conduct research on the understanding of the principles by the public and office holders. Philp was closely involved in the research, which was conducted in 2005-6. He provided detailed advice, helped design the topic guide for the focus groups, attended groups as an observer on behalf of the Committee, and liaised with the research company in the writing of the final report. The report recommended that several of the descriptors of the principles be changed to reflect more adequately the public's understandings of the terms.

Before 2012, change was inopportune, but, in 2012, Philp brought the report and his own research [R2] to the attention of the (largely renewed) Committee as it worked on its 14<sup>th</sup> Report "*Standards Matter: a review of best practice in promoting good behaviour in public life*" (Jan 2013) [C4]. Philp contributed particularly to the Report's Chapter 3 on the seven principles (which cites Philp's paper [C3, C4]), and stressed the importance of defining the principles in terms that make sense equally to members of the public and those in public office. The Report introduced several changes in the descriptors broadly following the research. For instance, 'honesty' is now expressly defined as being truthful, rather than in relation to conflicts of interest. The seven principles and their new descriptors provide the basic template for codes of conduct throughout the UK public sector, applying to all elected and appointed officials.

**b) Helping to Identify Best Practice in Regulation**

Hine has also worked closely with the CSPL [C5]. His research on accountability mechanisms and regulatory regimes, their positive and potentially distortive effects, and the relationship between UK concerns and the wider international context, helped to inform Chapter 6 ("Ethical Regulation") of the 14<sup>th</sup> Report of the CSPL, "*Standards Matter: a review of best practice in promoting good behaviour in public life*" (Jan 2013) [C4]. Hine contributed key insights from the team's research, and also provided access to draft material from the team's on-going study of attitudes by first-time MPs to the regulation regime, which is cited in the report [C6]. The report was later accepted by the Parliamentary Commissioner for Standards and included in her annual report to Parliament in July 2013.

In the same period, Hine contributed a substantial memorandum (and Peele also gave evidence) to the Cabinet Office Review of the CSPL in 2012 [C7]. Hine's analysis and Peele's evidence, which drew on their broader research on regulation, was extensively quoted in the Review [C8, pp. 5, 8, 9, 11, 13] and informed several of its recommendation that the CSPL should steer a less controversial, more strategic and effective course.

**c) Shaping the Independent Parliamentary Standard Authority's Approach to Regulation**

Hine and Peele have also worked closely with Independent Parliamentary Standards Authority (IPSA). IPSA - established in 2009 in the wake of the MPs expenses scandal - was viewed by many MPs as a controversial innovation. As the regulator was working through a series of difficulties in its relationship with Parliament and public opinion, the IPSA CEO asked Hine and Peele to provide research-based advice to enable senior IPSA staff to achieve a greater understanding of the wider context of public ethics and to facilitate inter-agency communication. Hine participated in IPSA's Panel of Experts, and Hine and Peele organized a series of seminars for senior IPSA staff [C9]. These seminars drew directly on the team's research to discuss: alliance-building strategies to secure more effective links between IPSA and stake-holders in promoting acceptance of the new standards; regulator accountability (assessing the appropriateness of the accountability IPSA had hitherto been subject to from (i) the Public Accounts Committee, (ii) the Speaker's Committee for the Independent Parliamentary Standards Authority, and (iii) the specially-constituted Parliamentary Select Committee); pay and pensions;

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and the draft Green Paper on MPs' conditions, prepared for publication in December 2012.

The research, together with initial findings from Hine's research on attitudes of first-time MPs, helped IPSA's senior management to better understand the wider context of UK ethics regulation and the importance of institutional alliance-building. The team's central research finding – that ethics regulators need sensitivity to the complexities of their institutional location and selective alliances with their stakeholders and with other regulators to be effective and independent – has helped inform IPSA's approach to policies on the regulation of MPs' business costs and expenses, and in particular, the determination of MPs' pay and pensions [C9].

**d) Shaping the international debate on ethical standards in public life**

Political ethics is an area of growing importance to governments around the world and the group's work is shaping debate beyond the UK. Hine has been invited to present his findings on regulation and standards to legislators in Kuwait (May 2012) and to three successive delegations of Indian parliamentarians to Oxford (under UKFCO sponsorship). He continues to collaborate with members of the Ethics Committee of the Indian lower house (Lok Sabha), in revising its rules for registering financial interests and in drafting its first code of conduct. Philp is a registered expert with the Council of Europe and has acted as a consultant on projects concerning corruption, ethical regulation and risk assessment with reference to Central and Eastern European States [C10].

Clear and effective standards in public life are central in protecting the public interest, sustaining the legitimacy of the wider political system, and in building public trust. The team's work in this complex area of public life has contributed to the clarity of standards and is enabling regulators in the UK and beyond to adopt approaches that command support and compliance from the institutions that they regulate.

**5. Sources to corroborate the impact**

- C1.** Chair of the CSPL will confirm the long-term and close working relationship between the researchers and the Committee.
- C2.** Director, Institute for Government; author Cabinet Office Triennial Review of the Committee on Standards in Public Life, 2012 (held on file) – confirms the comment on the role of the researchers as social scientists and their influence on the debate on standards in public life.
- C3.** Mark Philp's report to the Committee 'Seven Principles: *What they say and what they mean*. Paper for the Research Advisory Board of the CSPL (2002, revised 2012).
- C4.** Committee on Standards in Public Life: *Standards matter: a review of best practice in promoting good behaviour in public life. The Fourteenth report of the Committee on Standards in Public Life Cm 8519*, January 2013.  
<http://www.official-documents.gov.uk/document/cm85/8519/8519.pdf>
- C5.** Written evidence submitted by D. Hine and G. Peele to the Public Administration Select Committee (CSPL04) June-July 2013 on the role of the CSPL in maintaining standards  
<http://www.publications.parliament.uk/pa/cm201314/cmselect/cmpubadm/516/516vw01.htm>
- C6.** Elizabeth David-Barrett and David Hine, "New MPs and their experience of Westminster Politics", draft research paper, December 2012 Paper for the CSPL thirteenth report (copy held on file).
- C7.** David Hine, Memorandum for the Triennial Review of the CSPL  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/80192/Response\\_to\\_Issues\\_and\\_Question\\_paper.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/80192/Response_to_Issues_and_Question_paper.pdf) pp.32-44 and Gillian Peele's responses pp.45-50 of Responses to Issues and Questions about the Triennial Review.
- C8.** Report of the Triennial Review of the Committee on Standards in Public Life  
<https://www.gov.uk/government/publications/committee-on-standards-in-public-life-triennial-review>
- C9.** Head of Policy and Communications, Independent Parliamentary Standards Authority (IPSA) confirms the contribution to IPSA policy development.
- C10.** For example, Council of Europe: Eastern Partnership – CoE Facility Project on "Good Governance and Fight against Corruption", June 2011 (copy held on file).