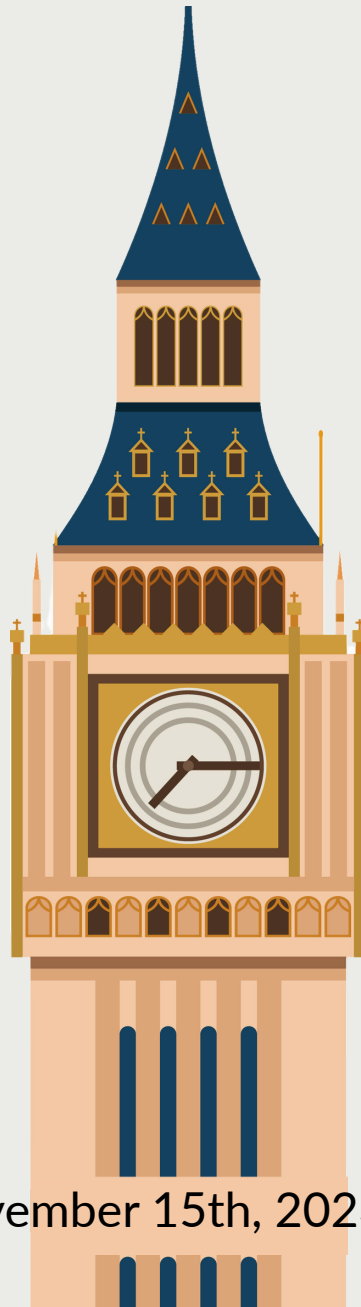


Standards landscape inquiry

Written evidence submitted by Centre
Think Tank to the Committee on
Standards










Written evidence

By Torrin Wilkins, November 15th, 2023

Centre

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Torrin is the Director and Founder of Centre. He has written articles for multiple publications including a weekly column for Backbench. He has also been interviewed on both the BBC and LBC. Torrin has a Political Studies degree from Aberystwyth University.

About Centre

We are an independent non-profit foundation and cross-party think tank. Our mission is to rebuild the centre ground and to create a more centrist and moderate politics. We support better public services and a strong economy inspired by policies from the Nordic countries.

To achieve these goals, we work with people from across the UK and party politics. This includes engaging with politicians and our networks, which include academia, politics, and law.

Our work includes creating new conversations by hosting events and conducting interviews. We also produce new policy ideas to better inform debate, publish papers, and release articles. We aim to build consensus, shape public opinion, and work with policymakers to change policy.



Our evidence was a submission to the “House of Commons standards landscape...” inquiry to the Committee on Standards. The inquiry focused on: “The Committee on Standards has launched an inquiry into the landscape of bodies and processes that have some role in regulating the conduct of MPs. The Committee invites written submissions relating to the terms of reference set out below. The deadline for receiving these is Monday 25 September”.

Our response to this inquiry, unedited and in full, can be found below:

Centre is a cross-party think tank and pressure group, which is focused on making and influencing policy. We are centrist, believing in supporting public services and growing the economy. We regularly publish policy recommendations on all areas, working with our supporters to achieve them. This response has been written by Torrin Wilkins, who is the Director of the organisation and has previously written about similar subjects, including constitutional reform.

We chose to respond to this consultation as part of our ‘For a Better Politics’ campaign which aims to reform the standards that MPs need to follow. This campaign mostly focuses on improving complaints procedures within parties and Parliament, and ensuring that politics is a safe and inclusive environment. Therefore, whilst this response does mention financial standards that MPs are expected to follow, it focuses predominantly on the behavioural standards that MPs should uphold. It also looks at the measures that are currently in place and how we could improve them and ensure that MPs are properly held to account if needed.

How do political party processes and formal regulatory processes interact? Should there be greater consistency in internal party processes?

Political party processes are procedures that occur inside the party structure, with these often being open for every member to use. The content of these is also often published on the websites of political parties so that members can access the procedure if they need it. They are used by members when they have a problem with other members. They are often linked to codes of conduct which list the behaviours or actions that you can complain about and the outcomes that may happen.

Formal regulatory processes refer to the ones that are detailed in this consultation, with the processes attached being ones that are external to the party environment and are managed by external bodies, like Parliament or the Electoral Commission. These are designed to regulate the behaviour of MPs when they are acting in the capacity of an MP. For example, the ICGS may be used if a paid staff member has a problem with their employer, or the Electoral Commission may step in if there are undeclared financial donations during the election of an MP.

Whilst political party processes and formal regulatory processes are run by different organisations and serve different purposes, there are often times that they interact. The main reason for this is that an MP is both a party member and a Member of Parliament. This means that depending on the context, different actions may be judged by different procedures. As both procedures have different steps, thresholds, and outcomes, it also means that the same action may result in a different outcome depending on the procedure. Moreover, there are also situations where both a party and formal procedure could be used, for example, if there is an incident involving a paid Parliamentary staff member who is also an MP. To sum up, the differences in both procedures can result in inconsistencies in outcomes, it just depends on context.

Furthermore, there may also be inconsistencies depending on which political party procedure is being followed. This is because different parties have different procedures, of which can vary hugely and change often. For example, some parties may try to grant anonymity and others try to ensure independence. Some may also have different decision thresholds, with some basing decisions on a balance of probabilities and others beyond reasonable doubt. Some have vast appeal procedures, others have minimal ways to get an appeal. This means that the same action can have a variety of different consequences depending on the party that the respondent happens to be a member of, and when the complaint occurred.

Inside political parties, there may also be inconsistencies. There may be different procedures for different sections of the party, for example, in the different nations if they have a devolved structure. Moreover, there may also be different people deciding the case: meaning that different cases have different outcomes depending on their opinion. This is bad because it means that the outcome of a case may be drastically different: despite the same rules and procedures applying to all members. This is a concern that has been shared with us by multiple different people who have shared their experiences with us as part of our 'For A Better Politics' campaign.

Due to inconsistencies between the different political party procedures, it also means that different MPs are held to different standards. This means that they can follow different rules, depending on their party affiliation. This is furthered by the use of disrepute clauses within party complaint procedures, which allow parties to remove members if they bring their parties into disrepute. Yet, ultimately, what counts as disrepute may be different depending on the views of each party.

Because of this, we believe that there should be more consistency between the different political processes, or even the creation of an outside organisation which responds to internal party complaints using a standardised threshold. This would overcome some of the problems of the current system, which may cause confusion due to the sheer number of procedures that MPs fall under and enable MPs to act badly if their party has bad infrastructure.

Does the Recall of MPs Act 2015, and other legislation relating to the disqualification of Members, operate satisfactorily? How could it be improved?

The Recall Act was created in large part due to the expenses scandal, which was when MPs and Lords had misused funds by claiming expenses which damaged trust in politicians. The Recall Act of 2015 set out the process for how a Member of Parliament may be removed from office, as well as the circumstances under which they may be able to do so.

It requires that the MP has broken the law and will be sent to prison, or has provided false or misleading information for allowances claims, or that the Committee on Standards suspends an MP for 10 sitting days or 14 days overall¹. If these conditions are met, then a recall petition can occur. If over 10% of the population sign the recall petition, then the threshold is meant for a by-election. This means that the MP is removed from office. However, at the moment, there are a lot of problems with the way that the current recall system works.

One of these is that initially, constituents are not involved. If none of the three thresholds are met, constituents have no ability to recall their representative. This means that there are limited ways to hold them accountable for their actions- with the only way that constituents are able to get their MP out of office being through a general election, or a by-election if they resign. This means that, for up to five years, an MP is unaccountable to their own constituents, with there being minimal consequences.

These actions can be extreme, such as breaking the law. This can be seen by the actions of Claudia Webbe, despite being found to have broken the law, was allowed to hold on to her seat. This is because she was asked to do community service, instead of having to do jail time². This is a key example of where constituents may be unhappy with their MP's actions, yet are unable to act, as the requirements for there to be a recall petition have not been met. This is an issue as it shows that the current recall act does not work in practice, as MPs are allowed to break the law and yet face no accountability. Within the context of MPs, this is something that should be viewed as a substantial problem with the Act- how can we allow people to retain their law-making powers, and be trusted to make the law, if they are not able to keep the law?

Another problem with the conditions is that they are open to interpretation. As one of the thresholds relates to the Standards Committee, and whether they give a suspension or not, depending on the circumstances, there may be different outcomes for the same action. Moreover, the make-up of the Standards Committee changes year on year, which could potentially lead to inconsistencies. The other major structural problem with the Standards Committee having to regulate MPs is that they are too MPs. This is a conflict as it can be relatively problematic to have MPs effectively regulating themselves, with no wider body to hold them accountable for their actions, unless they are severe enough that they break the law. This structure can also lead to situations where MPs have to hear and judge evidence about their colleagues, who they may have a close relationship with.

Moreover, the current system of recall has major accessibility issues. This is because there are only a limited number of places to sign a recall petition, with the recommended number in each constituency being 10^3 . During a general election, the number of polling booths that a constituency has is notably higher- with there needing to be one polling station for every 2,250 people⁴. This means that people are less likely to be able to access this accountability mechanism, whereas they may have been able to vote their representatives in. This is because the polling stations used in a general election may have been closer to some individuals than the places to sign a recall petition, as in most constituencies there will be more polling stations than places to sign a recall petition. This means that people who have disabilities and caring responsibilities, as well as people who have other commitments, are less likely to be able to take part in the recall process.

Another problem with the recall petition is that the threshold of 10% is one that is fairly low. If an opposition party decides that they would like to act on a petition- and remove a member from office- they are able to do so with their own voters alone. This can make recall a relatively partisan activity. This is because people may sign a recall petition not because they want to, but because the party that they support wants to.

Moreover, the recall process also creates inequalities between different MPs. Often the recall process leads to different parties working together, yet whether they are successful or not can depend on many factors. For example, in some areas parties may be incredibly organised and successfully meet the threshold to trigger a by-election. In other areas, they may not be as organised, and cannot run a successful campaign.

The other issue to note is that the recall process is unlike a general election in that parties have a larger capacity to campaign. Instead of having to spread their activist base across multiple seats, and their donations over the whole country, parties can have access to an increased amount of resources in one seat. This means that recall processes are, in some respects, influenced heavily by national processes. More accurately, even though only constituents can sign recall petitions, the process can easily become dominated by the national politics around the petition.

In some ways, this national accountability can be good. This mass attention on one constituency means that constituents get access to multiple different politicians and parties, and can ask them questions. It also inevitably means that they get canvassed more often, with parties often doorknocking, to get more people to sign. However, at the same time, it indicates a problem with our political system. A key component of democracy is it being people-powered, which is why the recall process must include the public, as well as the parties.

In conclusion, our current system has three flaws. These are the following:

- MPs currently face different amounts of accountability, and the impact of a recall petition varies across the UK, which depends on several different factors. These include: where they are elected, the organisation of the opposition parties, and the members of the Standards Committee.
- There are many practical issues for people being able to access the recall process. This is due to the recall process being in person, with there being a smaller number of places to sign the petition than there are to vote during a general election. This can lead to equality issues.
- The current recall system is one that is predominantly dominated by national party politics, rather than being a local process that is designed for constituents.

To improve the system, we suggest the following:

- Higher thresholds on the standards within the recall act that MPs are expected to follow.
- An example of one could include a minimum amount of Commons attendance without a valid reason, such as sickness. These thresholds would allow constituents to hold their MP accountable, and will ultimately help to ensure that constituents feel satisfied that their MP is doing the job description that they were elected to do.
- An independent body that has the power to remove MPs from office.
- This body would have the power to do investigations into MPs for breaking these standards, and give punishments if needed. This would help to standardise the experience of MPs when they are removed from office- and ensure that all judgements made about an MP's fate are as impartial as possible.
- A new list of standards that, if an MP breaks them, means that they get removed from office.
- A major example of what this would include would be an MP being convicted of breaking the law. This list of standards would be ones that, if an MP was found to be breaking by the independent committee, would get them removed from their position. This means that a by-election will immediately occur, instead of a recall process.

Under this system, we could also consider changing the threshold that recall petitions have to reach, changing it from 10% of constituents signing to 30%. This would be similar to other countries like the United States where various state-level systems exist for the recall of elected representatives. In Wisconsin, the threshold is 25% of voters to recall the Governor⁵, or Idaho with 20% of the electors registered to vote in the last election for any elected official who holds office aside from Special District Officeholders⁶, and in Arizona is 25%⁷. Under the above-proposed system, MPs would automatically be held to higher standards. This means that if a recall petition was triggered, it would instead be over something more subjective, like how an MP was performing their role, instead of outright bad behaviour. Therefore, a higher threshold is required, as what is required of an MP can be different from person to person.

As this system is also based around there being an independent body, members of the public should also have the ability to refer MPs to them for investigation if they feel as if an MP has broken the standards or thresholds that are required of them.

Are there ways in which different processes, or the relationship between different bodies, could be streamlined for MPs?

As there are many different processes and bodies that regulate the conduct of MPs, one solution that we believe could be effective would be to create a new and independent body that took over all investigations, both inside party structures and within Parliament.

At the moment, many different procedures exist that could all grant different outcomes. These both directly and indirectly regulate the behaviour of MPs. Therefore, by putting them all into one procedure, it ensures that every MP is treated the same regardless of party and that it is easier for people to report MPs for bad conduct due to there not being any confusion over who to report behaviour to. The introduction of one procedure also means that all of the rules that MPs are expected to follow within their tenure will be in one location. Moreover, it also means that all of the people involved in the complaint will be able to track how a complaint is progressing, rather than having to track multiple complaints at once.

Linking to this, Emma Walker, former CEO of the Liberal Democrats said: "I've been to the police, I've been to the media, I've been to IPSO to complain about the media, I've been to the ethics commissioner in [the Scottish] parliament but my complaint has fallen down every single crack and I have evidence of all of this and of course when you complain to any of these bodies you are then told that you are not supposed to talk about complaints that you have made". This shows that the process can get confusing for complainants as well as MPs and that potentially streamlining the procedures into one would be beneficial for all parties involved.

The creation of an independent procedure also means that parties are taken out of the process. This is good as it means that the party does not have access to complaints that are made and information about those involved in a complaint. As Emma Walker, former CEO of the Scottish Liberal Democrats said "It is not independent when a member of the political party that you are complaining about is investigating a complaint". Parties having additional information about complaints can be bad as it can be used to encourage witnesses to sign NDAs, or to ignore the complaints if they are made (and subsequently protect their reputation.) Introducing an independent procedure would not only streamline multiple different procedures but also ensure that elected representatives are held to fair standards. This is important as it ensures that they are held fully accountable for their actions.

What can be learned from political processes in other parliaments/assemblies within the UK and elsewhere?

Within the UK, we feel as if there are some minor lessons that the UK Parliament could take away from the Scottish Parliament, especially when it comes to the regulation of lobbying. In Holyrood, there is a lobbying register where lobbyists have to declare that they have had a meeting with MSPs. This is something that Westminster should model off of, as it will help to ensure that the meetings MPs do have are transparent. One way in which we can make this register stronger is by including meetings with lobbyists who are also volunteers for other organisations and all companies- not just those with above a certain number of employees.

When it comes to changing the standards of MPs, it is hard to find best practices from across the world. This is because many places also have problems with the behaviours of elected representatives, or follow models that are distinctly different from our Parliamentary system. However, there is some basis for adding to the current procedures. In Sweden, it was found that when formal procedures were put into place to handle the behaviour of individuals, trust in political parties increased⁸. Sweden is also higher than the EU average when it comes to trust in parties, suggesting that having formal procedures that the public can also trust, is important⁹.

The other thing that we believe that this consultation should take into account is not only the lessons that can be taken away from other countries on how they regulate the standards that MPs should follow but also how we could try and prevent bad behaviour in the first instance. Therefore, we should not only be looking at a reform of our recall system and complaints procedures- but also more widely- at things like the introduction of proportional representation. This is because this electoral system has fewer safe seats, meaning that it is in the representatives' interests to behave in a better way, as they are easier to lose. When looking at how to regulate MPs, it is important that we also look at how our current wider political processes disincentive bad behaviour.

September 2023".

¹ Recall of MPs Act 2015.

² Ex-Labour MP Claudia Webbe loses appeal against harassment conviction, The Guardian. Published 26 May 2022. [Ex-Labour MP Claudia Webbe loses appeal against harassment conviction | Claudia Webbe | The Guardian](#)

³ Recall petitions media guide, [The Electoral Commission. Recall petitions media guide | Electoral Commission](#)

⁴ Reviews of polling districts, polling places and polling stations, [The Electoral Commission. Reviews of polling districts, polling places and polling stations \(electoralcommission.org.uk\)](#)

⁵ Recall Elections, Wisconsin Elections Commission. [Recall Elections | Wisconsin Elections Commission](#)

⁶ Recalling Elected Officials, Idaho Government. [Microsoft Word - RECALLING ELECTED OFFICIALS.docx \(idaho.gov\)](#)

⁷ Recall, Arizona Secretary of State. [Recall | Arizona Secretary of State \(azsos.gov\)](#)

⁸ Ethics Management in Swedish Political Parties, Public Integrity. 21 June 2022. [Full article: Ethics Management in Swedish Political Parties \(tandfonline.com\)](#)

⁹ Ibid

Company details

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Nothing to disclose.

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