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# FIFTH EVALUATION ROUND

Preventing corruption and promoting integrity in  
central governments (top executive functions) and  
law enforcement agencies

## COMPLIANCE REPORT

# UNITED KINGDOM



Adopted by GRECO  
at its 87<sup>th</sup> Plenary Meeting (Strasbourg, 22-25 March 2021)



Group of States against Corruption  
Groupe d'États contre la corruption

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

## **I. INTRODUCTION**

1. GRECO's Fifth Evaluation Round deals with "Preventing corruption and promoting integrity in central governments (top executive functions, PTEF) and law enforcement agencies (LEA)".

2. This Compliance Report assesses the measures taken by the authorities of the United Kingdom to implement the recommendations issued in the Fifth Round Evaluation Report on the United Kingdom which was adopted at GRECO's 78<sup>th</sup> Plenary Meeting (8 December 2017) and made public on 17 May 2018, following authorisation by the United Kingdom ([GrecoEval5Rep\(2017\)1](#)).

3. As required by GRECO's Rules of Procedure,<sup>1</sup> the authorities of the United Kingdom submitted a Situation Report on measures taken to implement the recommendations contained in the Evaluation Report. This report was received on 11 March 2020 and, together with later updates, served as a basis for the Compliance Report.

4. GRECO selected Ireland (with respect to top executive functions in central governments) and Germany (with respect to law enforcement agencies) to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Ms Eileen LEAHY, on behalf of Ireland, and Ms Silvia SPÄTH, on behalf of Germany. They were assisted by GRECO's Secretariat in drawing up the Compliance Report.

5. The Compliance Report examines the implementation of each individual recommendation contained in the Evaluation Report and establishes an overall appraisal of the level of the member's compliance with these recommendations. The implementation of any pending recommendation (partially or not implemented) will be assessed on the basis of a further Situation Report to be submitted by the authorities 18 months after the adoption of the present Compliance Report.

## **II. ANALYSIS**

6. GRECO addressed 12 recommendations to the United Kingdom in its Evaluation Report. Compliance with these recommendations is dealt with below.

*Corruption prevention and promotion of integrity in respect of central governments (top executive functions)*

### **Recommendation i.**

7. *GRECO recommended establishing a centralised mechanism for analysing and mitigating risk areas of conflicting interests and corruption in respect of individuals with top executive functions at central government level.*

8. The UK authorities state that the Propriety and Ethics Team in the Cabinet Office is responsible for the relevant Codes of Conduct for Ministers, Special Advisers and Civil

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<sup>1</sup> The Compliance procedure of GRECO's Fifth Evaluation Round is governed by its Rules of Procedure, as amended: Rule 31 revised bis and Rule 32 revised bis.

Servants. This includes the Business Appointment Rules, which Ministers, Special Advisers and Civil Servants are subject to on leaving office. Ministers are required to provide a full list of all their interests and those of their close family which may give rise to a conflict to the Permanent Secretary of their department, who will assess them. They are also assessed by the Propriety and Ethics Team and by the Independent Adviser on Ministers' Interests. This provides a centralised mechanism for assessment of potential wider conflicts and ensures consistency of approach, as well as an independent, external check.

9. The Propriety and Ethics Team, whose staff resources have been increased, updated the declaration form for Ministerial Interests in July 2019 and based on feedback made further changes in December 2019. Cabinet Office considers the information received at aggregate level to identify any possible trends or issues. The authorities indicated that the Propriety and Ethics Team's remit has remained substantially the same as at the time of the evaluation visit. In addition, the last report by the Prime Minister's Independent Adviser on Ministers' Interests was December 2019. If the Independent Adviser has concerns or his advice has not been followed s/he can set this out in his/her report.<sup>2</sup> The Ministerial Code also sets out a mechanism for investigating allegations that the Code, including the provisions relating to conflicts of interest, has not been adhered to. This includes a role for the Independent Adviser.

10. Permanent Secretaries take judgements on any issues around conflicts of interest and advice can be taken from the Propriety and Ethics Team. Permanent Secretaries themselves are to declare any potential conflicts of interest during their recruitment process, managed by Civil Service Human Resources and, again, advice and guidance can be taken from the Propriety and Ethics Team. Other relevant interests are also published in departmental annual reports and accounts. All civil servants, regardless of grade, must declare any conflicts of interest. This is a requirement of the Civil Service Code (which is a statutory code by virtue of the Constitutional Reform and Governance Act 2010) through the principle of acting with integrity.<sup>3</sup>

11. Special Advisers are bound by the standards of integrity and honesty required of all civil servants as set out in the Civil Service Code. They are also required to conduct themselves in accordance with the Code of Conduct for Special Advisers. A new policy has now been implemented in relation to special advisers, strengthening central oversight of potential risks. In summer 2020 a change was made to the Model Contract for Special Advisers to introduce a cross-government policy for declaration of interests, including making a declaration mandatory. While Permanent Secretaries in departments still make the main assessment of interests, these are now collated and viewed within the Cabinet Office for central oversight. Under the policy, departments will publish Special Advisers' interests judged by the Permanent Secretary to be relevant in the departmental report. This will be alongside the existing publications for very senior civil servants e.g. Permanent Secretaries and Directors General. The authorities indicate that a central Special Adviser HR team, headed by a Deputy Director, in the Cabinet Office, which works alongside the Propriety and Ethics Team. This new team, formally launched in November 2020, supports all Special Advisers across government

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<sup>2</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/854579/Report\\_by\\_indep\\_adviser\\_FINAL.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/854579/Report_by_indep_adviser_FINAL.pdf)

<sup>3</sup> "You must not: misuse your official position, for example by using information acquired in the course of your official duties to further your private interest or those of others; accept gifts or hospitality or receive other benefits from anyone which might reasonably be seen to compromise your personal judgement or integrity" (<https://www.gov.uk/government/publications/civil-service-code/the-civil-service-code>).

and takes a central view across all special adviser issues, including management of their interests.

12. GRECO takes note of the information provided by the authorities. It observes that there is a well-developed conflict of interest management system, in particular for ministers. In this respect, GRECO recognises the important role played in the matter by the Propriety and Ethics Team in the Cabinet Office. It occupies a central position which allows it to ensure a consistent approach and identify possible trends insofar as the management of private interests of ministers is concerned. However, the short report produced by the Independent Adviser on Ministers' Interests does not provide a detailed analysis of existing risks faced by ministers and their prevalence; this role is discussed further on in respect of recommendation vi.

13. While the Propriety and Ethics Team's staff resources have increased, its remit has not changed substantially since the evaluation visit. Moreover, GRECO notes that the approach followed appears to focus on declarations of ministers' relevant interests, whereas a number of other areas would deserve an analysis such as post-employment restrictions and contacts with lobbyists and third parties trying to influence decision making, both being very sensitive topics as demonstrated by situations frequently emerging in the media.

14. GRECO notes and welcomes the introduction of a new policy requiring special advisers to declare their interests and the publication of those deemed relevant by the permanent secretary. Moreover, a central Special Adviser Human Resources Team, working alongside the Propriety and Ethics Unit, was recently set up to take a central view across all special adviser issues. According to GRECO, this new unit could contribute to the analysis of the risks faced specifically by special advisers.

15. GRECO notes that there is a duty on permanent secretaries as well as other civil servants to declare potential conflict of interests. It reiterates that senior government officials face specific risks linked to their functions at top executive level that need to be identified and analysed in order to improve prevention. GRECO considers that some form of analysis is carried out in respect of ministers' interests and notes that government officials, including special advisers, have to declare potential conflict of interests, which can be managed with the help of the Propriety and Ethics Team and the recently created Special Adviser Human Resources Team.

16. GRECO considers that this does not correspond to the expectations of a more holistic approach which were expressed in the Evaluation Report for the purpose of this recommendation. GRECO underlines that the ultimate aim of the recommendation is that an analysis of risks not only of conflicting interests but more generally corruption relating to PTEFs (ministers, special advisers, senior government officials) be carried out centrally to inform prevention policies, including the Ministerial Code (Evaluation Report, para. 43). Therefore, it goes further than the management of interests alone and aims at a proper analysis of risks faced by PTEFs so as to inform future preventative measures. Therefore, while recognising the work of the Propriety and Ethics Team regarding ministers' interests, for which increased resources have been provided, and positive development regarding the interests of special advisers, GRECO considers that further steps need to be taken for the recommendation to be fully implemented.

17. GRECO concludes that recommendation i has been partly implemented.

**Recommendation ii.**

18. *GRECO recommended making more information available regarding meetings held by ministers, special advisers and senior civil servants with third parties, including lobbyists, and that such entries contain a sufficient amount of detail on matters discussed, to identify the specific subject matter(s) of the discussion and the specific purpose or intended outcome of the discussion.*

19. The UK authorities report that the Cabinet Office established a central Transparency Data team in April 2018 to oversee the network of transparency data leads and publishers across central government departments. The Transparency Data team supports departments as they improve the timeliness, quality and accessibility of Government transparency data publications, including the quarterly meetings data for Ministers, special advisers and senior officials. The team is focusing on ensuring that departments consistently apply the letter and the spirit of the transparency requirements<sup>4</sup> which includes ensuring appropriate details on the purpose(s) of discussions, whilst also bearing in mind the public interest considerations (e.g. security, international relations, commercial confidentiality) that continue to need to be considered. The authorities report evidence that this is having a positive impact, illustrated by the fact that departments published detailed meeting purposes in last quarter's publication round (covering the period from July to September 2019).<sup>5</sup> The guidance on quarterly publication of ministers' gifts (given and received), overseas travel, hospitality received and meeting with external organisations<sup>6</sup> specifically requires departments to make every effort to provide details on the purpose of the meeting and makes clear that catch-all terms such as "general discussion" should not normally be used. This is a requirement that the Transparency Data team has been engaging with departments on proactively since its creation last year.

20. As stipulated in the code of conduct, special advisers are only required to publish details of meetings they attended with senior media figures without their Minister. As a result, departments frequently publish "Nil Returns" for special adviser meetings. According to the authorities, this is because special advisers have no executive decision-making authority.

21. GRECO takes note of the information provided by the authorities. It welcomes the developments regarding ministers and permanent secretaries, including the setting up of a Transparency Data team in the Cabinet Office to support departments in improving transparency of relevant government data. It notes that as a result more information is now available on the content of meetings, as opposed to generic information, which is fully in line with the recommendation.

22. However, as regards special advisers, GRECO notes that, as was the case at the time of the Evaluation Report, only meetings with senior media figures are made public, whereas the

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<sup>4</sup> [http://data.parliament.uk/DepositedPapers/Files/DEP2019-0026/Minister and Special Adviser Quarterly Transparency Return Guidance.pdf](http://data.parliament.uk/DepositedPapers/Files/DEP2019-0026/Minister_and_Special_Adviser_Quarterly_Transparency_Return_Guidance.pdf)

<sup>5</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/860324/Rt Hon Boris Johnson MP and Rt Hon Theresa May MP meetings July to September 2019.csv/preview](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/860324/Rt_Hon_Boris_Johnson_MP_and_Rt_Hon_Theresa_May_MP_meetings_July_to_September_2019.csv/preview); [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/860013/dwp-ministers-meetings-jul-sep-2019.csv/preview](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/860013/dwp-ministers-meetings-jul-sep-2019.csv/preview)

<sup>6</sup> See reference under footnote 2.

Evaluation Report asked for more information on their meetings with all influential third parties being provided in view of their pivotal role in advising and influencing decision making by ministers (Evaluation Report, para. 78). No mention is made of senior civil servants other than permanent secretaries, which were intended to be covered by the recommendation for the same reasons as special advisers. Therefore, despite the above-mentioned positive developments, this recommendation cannot be considered as fully met.

23. GRECO concludes that recommendation ii has been partly implemented.

**Recommendation iii.**

24. *GRECO recommended that the scope of the registry of consultant lobbyists be reconsidered, with a view to i) extending the existing registry of consultant lobbyists (to include third parties operating with “in-house lobbyists”) and ii) including the lobbying of special advisers and senior civil servants involved in policy making.*

25. The UK authorities report that, according to the Government, a combination of self-regulation and a statutory register for consultant lobbyists remains the best approach. It does not consider it necessary to extend the Register to cover in-house lobbyists in order to provide effective coverage and this does not align with the current approach of encouraging industry-led self-regulations.

26. The Government does not believe expanding the Register to include communication with special advisers and senior civil servants is required and would further increase the regulatory compliance placed on the industry. It is of the view that the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (“the 2014 Act”) has increased transparency around the work of consultant lobbyists. The 2014 Act is one component of a broader commitment to parliamentary transparency, which is also maintained through other mechanisms, such as the publication of ministerial diaries and the parliamentary Code of Conduct.

27. Cabinet Office officials and Ministers work with the Office of the Registrar of Consultant Lobbyists (ORCL) to support the work of the Registrar in the delivery of their statutory responsibilities. ORCL has recently carried out two consultations on codes of conduct and registrable activities, to ensure consultant lobbyists who conduct activities within the scope of the Act are registered, to which the Government responded.

28. As the current legislation was passed in 2014, in 2020 the Government has commenced in 2020 post-legislative scrutiny of the 2014 Act, in line with best practice. The first external engagement meeting on post-legislative scrutiny took place on 26 October 2020. The Minister for Implementation then held a meeting with the Chair of the Committee of Standards in Public Life, the Prime Minister's Anti-Corruption Champion, and the Registrar of Consultant Lobbyists on 6 January 2021. The Minister then met with industry and civil society representatives (the Public Relations and Communications Association, Chartered Institute of Public Relations, Transparency International, Institute of Chartered Accountants in England and Wales and Solicitors Regulation Authority) on 12 January 2021. In addition to these meetings, stakeholders were invited to provide their views, and those of their networks, in writing. Following analysis of this stakeholder input, the Government’s assessment will be submitted to the relevant parliamentary committee. This post-legislative scrutiny includes

reconsideration of the effectiveness and the scope of the Act and the Register, in line with the GRECO recommendation.

29. GRECO takes note of the information provided by the authorities and their position contesting the recommendation. Nonetheless GRECO reiterates the findings of the Evaluation Report according to which, while the Register contributes to shedding light on the lobbying of ministers and permanent secretaries, it gives a very partial view of the total number of lobbyists actively engaging with the government to influence decision making. Most big firms and organisations employ in-house lobbyists, who are not required to register, rather than consultant lobbyists. In addition, a quarter of the registrants do not declare any client, which is linked to the fact that consultant lobbyists only declare clients when they contact ministers and permanent secretaries on their behalf, but not when special advisers or other senior civil servants in government are contacted (Evaluation Report, para. 79).

30. On the other hand, GRECO welcomes that post-legislative scrutiny of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 has been initiated by the Government in 2020. The substance of this recommendation calling for an extension of the register is to be taken into account within this framework. GRECO notes that the process was initiated in October 2020 and that several meetings have been organised with various stakeholders, including a meeting with the Registrar of Consultant lobbyists, the PM's Anti-Corruption Champion, the Chair of the Committee of Standards in Public Life on 6 January 2021 as well as meetings with industry and civil society on 12 January 2021. Stakeholders have been invited also to submit written contributions, which are currently being analysed. While it is too soon to conclude that the requirement of this recommendation to reconsider the said law with a view to extending the registry to in-house lobbyists and including the lobbying of special advisers and senior civil servants has been fully met, GRECO recognises that the process is underway.

31. GRECO concludes that recommendation iii has been partly implemented.

#### **Recommendation iv.**

32. *GRECO recommended i) that the status, remit and powers of the body advising on business appointments of former ministers and senior civil servants (ACoBA) be strengthened, with accompanying resources to carry out effectively its functions; ii) that individuals with top executive functions are not only required to apply for advice before taking up employment in the private or other sectors upon leaving office but also that breaches of rules on post-employment restrictions are subject to adequate sanctions.*

33. The UK authorities report that the Business Appointment Rules Guidance was clarified for Ministers and sent to all Ministerial Private Offices in departments in December 2019. All departmental Audit and Risk Committees have been asked to monitor compliance issues relating to the rules regularly and set out more details of any known breaches and action taken. The Cabinet Secretary, the Permanent Secretary in each department and the current Chair of ACOBA all draw attention to the rules in their letters to new and departing Ministers to remind them of the Business Appointment Rules. In addition, since 2018, if an individual is nominated for an honour, ACOBA will be consulted on an individual's compliance with the Business Appointment Rules as part of the honour's vetting processes. According to the authorities, there are very limited cases of non-compliance and these have all led to public

criticism. They contend that this has not led to increased non-compliance which shows the system is working and that this does amount to an adequate and effective sanction. The Cabinet Office is currently undertaking work to improve the scope and clarity of the Business Appointment Rules (e.g. defining “lobbying” and setting out a firmer presumption against taking roles in lobbying firms); the consistency and proportionality of their implementation across government (e.g. refresh guidance; ensure exit interviews include the Rules); and enforcement of the Rules (e.g. reform the provision in contracts with for very senior civil servants to be clear that the Rules continue to apply post-employment; implement further sanctions such as how non-compliance is considered as part of the due diligence in all public appointments).

34. Departments publish information relating to advice given under the Business Appointment Rules on a quarterly basis for civil servants and special advisers and ACOBA publishes the advice it gives to former Ministers, senior civil servants and equivalents on its website when an individual takes up the appointment. An unprecedented level of information is made public. This provides a high level of transparency around applications under the rules, enabling public scrutiny of such applications.

35. The authorities furthermore submit that individuals are reminded of their duties to comply with the Business Appointment Rules in their exit letters on leaving government. The Chair of ACOBA also writes to Ministers on leaving government to remind them of their duty under the Ministerial Code and the Business Appointment Rules. ACOBA's latest annual report<sup>7</sup> published in February 2021 includes the number of instances where individuals have not sought their advice and a retrospective application has been submitted (during the reporting period retrospective applications represented 8 cases out of 347); the details of these cases are available on ACOBA's website as the Committee publishes its letter to the individuals concerned (in the case of former Ministers) or the department (in the case of former Crown servants). The Committee takes this approach in the expectation that drawing attention to a failure to submit an application will encourage others to follow the correct process. As to the enforcement mechanism, the authorities are of the view that better awareness and more transparency creates a moral and reputational pressure as well as meaning prospective employers also encourage compliance. Companies regularly check whether individuals have received advice and do not want to engage those who have not.

36. The authorities advise of further changes whereby ACOBA now records where the Committee is made aware that an individual has failed to seek advice or may be acting in a manner contrary to advice received, and they will refer this to the Government and where relevant write to the employer. This correspondence is published in full by the Committee. In February 2021, the newly appointed Chair of ACOBA, who took up the post in April 2020, published the results of a review of ACOBA with three main outputs: a framework for the risk based consideration of cases (more time being devoted to cases identified as of higher risk), greater transparency concerning the risk profile of cases and reporting of breaches of the Business Appointment Rules.

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<sup>7</sup> <https://www.gov.uk/government/publications/advisory-committee-on-business-appointments-annual-report-2018-2019-2019-2020>

37. Finally, the authorities argue that a statutory system for public servants would be out of line with the general principles of UK law that mean there is no separate legal system or statutory framework for public servants.

38. GRECO takes note of the information provided by the authorities. GRECO welcomes the efforts made to give more prominence to the duties of PTEFs to comply with the Business Appointment Rules through the dissemination of more information to PTEFs. While this may have the potential of increasing awareness and transparency, the system as such is no different from that examined for the purpose of the Evaluation Report. It takes note of the ongoing work on the Business Appointment Rules undertaken by the Cabinet Office and notably on improving their enforcement, but considers it too early to pronounce on it. Additionally, it notes that ACOBA has increased transparency on its advisory work but has done so within the current system.

39. Consequently, in respect of the first part of the recommendation, the status, remit and powers of ACOBA remain identical and the system is largely reliant on self-regulation, integrity and reputation (Evaluation Report, paras. 115-117). GRECO also reiterates that the efficiency of the system would benefit in both post-employment rules and ACOBA being given a statutory basis.

40. As regards the second part of the recommendation, while noting the efforts made by ACOBA to achieve more transparency around its advisory work, GRECO notes that reputational damage for failure to comply with advice given by ACOBA remains in effect the only sanction. At the time, GRECO had noted that some prominent former ministers had only informed ACOBA after having accepted and started new duties in the private sector, demonstrating the shortcomings of the system. GRECO also notes instances reported recently where a minister appears to have accepted a private advising role before contacting ACOBA.<sup>8</sup> Moreover, ACOBA does not have the remit to supervise compliance with the advice given and to identify cases where its advice has not been sought (Evaluation Report, para. 115). GRECO reiterates that the effectiveness of the system would call for ACOBA to be capable of imposing some form of sanctions in case of breach of post-employment rules, which presupposes that it is also in a position to check whether its advice has been sought and followed (Evaluation Report, para. 119). GRECO also finds it noteworthy that, in the latest annual report, the Chair of ACOBA acknowledges that the House of Commons Public Administration and Constitutional Affairs Committee has expressed concern about the lack of a statutory system with enforcement powers. In view of the above, GRECO finds that none of the requirements of the recommendation have been fulfilled.

41. GRECO concludes that recommendation iv has not been implemented.

#### **Recommendation v.**

42. *GRECO recommended that the authorities clarify and consider broadening the scope of what are to be considered “relevant interests” in ministers’ declarations of interests for the purpose of their publication.*

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<sup>8</sup> <https://www.theguardian.com/politics/2019/jul/26/priti-patel-accused-of-breaching-ministerial-code-for-second-time>

43. The UK authorities report that, under the terms of the Ministerial Code, Ministers declare all interests which might be thought to give rise to a conflict to their Permanent Secretary upon appointment. The declaration form was updated in July 2019 to better capture the disaggregation of relevant information. Ministers are made aware during the declaration process that it is their responsibility under the Code to consider relevant interests and anything which might reasonably be perceived as relevant to their Ministerial responsibilities. This also extends to their spouse/partner and close family members.

44. Each declaration is assessed on its own merits and considered against the Ministerial portfolio to be held by that individual. Relevance can be considered to be where there is a potential conflict between the interests (financial or otherwise) of the Ministers and their spouse/partner and close family members, and the role they have been appointed to. This judgement is made in relation to their decision-making role. Only members of the Cabinet would be involved in active decision making, whilst other Ministers simply abide by collective responsibility. At Cabinet, if a Minister has an interest relevant to that Cabinet discussion s/he has to declare it at the meeting.

45. GRECO takes notes of the information provided by the authorities. It notes that the declaration of interests form has been updated in order to clarify which interests need to be signalled. This is a positive development compared to the previous situation and GRECO accepts that the system appears satisfactory with regard to the particular interests relevant to a minister's portfolio. The authorities have also reported that additional interests which might lead to a conflict during a collective decision-making process of the Cabinet are to be indicated at the beginning of a Cabinet meeting. This relates to a second concern addressed by GRECO in the Evaluation Report, namely that ministers' regular declarations appeared rather narrow as limited to the specific portfolios. This new information represents a further progress as compared to the situation described in the Evaluation Report, although such conflicts of interests of a "collective character" should preferably be disclosed in a more formal way ahead of the meeting and be transparent to the public. GRECO also notes that a possible consequence of such a disclosure could be that the minister is excluded from a specific discussion and/or decision-making process. GRECO welcomes the steps taken, which comprise a clarification of the formal declarations and a disclosure practice during Cabinet meeting in respect of conflicts outside the immediate scope of the minister's portfolio.

46. GRECO concludes that recommendation v has been dealt with in a satisfactory manner.

#### **Recommendation vi.**

47. *GRECO recommended reviewing the status, role and remit of the Independent Adviser on Ministers' Interests to include the interests of ministers, special advisers and permanent secretaries and to strengthen his/her independence/autonomy, to investigate, where s/he considers it appropriate to do so, on his/her own initiative, into ethical conduct or conflicts of interest.*

48. The UK authorities report that the Independent Adviser publishes an annual report in which he can make clear if any Minister has not followed his advice. So far, these reports have not raised any issues in this regard. The authorities consider that it would be out of character with the legal and constitutional status of Ministers for there to be a statutory regulator.

49. Special advisers are bound by the standards of integrity and honesty required of all civil servants as set out in the Civil Service Code. Permanent Secretaries are civil servants and therefore covered by the said Civil Service Code. As civil servants, they are duty bound to declare their personal interests or that of their immediate family, and comply with any instruction regarding the management of these interests. Any failure to do so can lead to disciplinary action after being investigated by the department's human resources, and the matter can be referred to the police if there is a suspicion of illegal gain. These standards form part of their terms of employment and enforcement can be sought through employment law with sanctions such as warnings and ultimately dismissal. The responsibility for the management and conduct of special advisers, including discipline, rests with the ministers who made the appointment, but they can ask the Special Adviser Human Resources Team to carry this out for them and act as a human resources department would do for other civil servants. Complaints can be lodged against a civil servant by the public with Cabinet Office. If the complainant is unhappy about the outcome of this process, the matter can be referred to the Parliamentary Ombudsman through their MP. The Parliamentary Ombudsman can carry out independent investigations into complaints about government departments, including the Cabinet Office

50. Additionally, the Civil Service Commission is a statutory body, independent of Government and the Civil Service, which can hear and determine appeals from civil servants under the Civil Service Code. The nature of the recommendations the Commission might make in upholding a complaint will depend upon the individual circumstances of the complaint. Once the investigation is concluded, the Civil Service Commission publishes the recommendation ("Decision Notice") on their website.<sup>9</sup> If a department did not act on recommendations made as a result of a complaint, other appropriate bodies, including the Parliamentary Ombudsman) can issue recommendations to the department concerned. The Public Administration and Constitutional Affairs Committee of the House of Commons and the Committee on Standards in Public Life could also consider such cases. They might also be raised if the Civil Service Commission were giving evidence to Parliament, as happens on occasion. In addition, civil servants are subject to public law remedies (breach of statutory duty, judicial review); these can draw on the statutory Civil Service Code. Civil servants are also subject to the same criminal laws as all citizens in the UK, and can undergo police investigation, as well as a specific offence of misconduct in a public office.<sup>10</sup> According to the UK authorities, it would be inappropriate to expand the remit of the Independent Adviser into these areas which are covered by these alternative systems.

51. GRECO takes note of the information provided by the authorities. GRECO notes that the authorities have not made any changes to the system as it was described in the Evaluation Report and which had led to the above-mentioned recommendation. GRECO reiterates the findings of the Evaluation Report whereas the Independent Adviser, who is appointed by the PM, cannot investigate on his/her own initiative but only at the PM's request. S/he reports to the PM and can only suggest sanctions to be enforced at the PM's sole discretion.

52. GRECO notes that an investigation was entrusted to the Independent Adviser in March 2020 regarding a possible breach of the Ministerial Code by a minister. The

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<sup>9</sup> <https://civilservicecommission.independent.gov.uk/publications/code-complaints/>

<sup>10</sup> <https://www.cps.gov.uk/legal-guidance/misconduct-public-office>

Independent Adviser's report to the PM was made public on 20 November 2020.<sup>11</sup> Whilst this report points to a breach, the PM took the decision not to impose any sanctions on the minister concerned. The Independent Adviser subsequently announced that he was stepping down. The former permanent secretary of the ministry concerned, after whose resignation the inquiry had been initiated, was not invited to give evidence in the inquiry, reportedly because of an ongoing constructive dismissal case against the minister.<sup>12</sup> More generally on the process itself, GRECO finds it noteworthy that the Chairman of the Committee on Standards in Public Life has questioned the fact that a prime minister could decide on their ministers in cases of alleged breach of the ministerial code, and that he has urged for a review of the process of investigating breaches of ministerial standards.<sup>13</sup> On the other hand, the authorities are of the view that this situation has demonstrated the effective working of the arrangements, within the UK constitutional system, where ministers can only be appointed or dismissed on the advice of the PM to the sovereign. They add that PM's decision was subject to parliamentary and public scrutiny. Nevertheless, GRECO considers that the validity of its recommendation calling for more autonomy of the Independent Adviser is further demonstrated by this case.

53. As regards the specific aspect of the senior civil servants and special advisers, GRECO notes that there are different avenues for possible breaches of integrity standards to be examined. Any suspected breach of integrity standards would be investigated by the department's human resources and, as a breach of the terms of employment, can lead to sanctions ranging from a warning to dismissal. If the matter concerns a conflict of interest leading to illegal gain, the matter can be referred to the police. Complaints can be made to the Cabinet Office by members of the public; if they are unhappy with the outcome of their complaint, they can take it to the Parliamentary Ombudsman who is competent to investigate maladministration. GRECO notes however that disciplinary matters concerning special advisers rest with the ministers having appointed them, although they can decide to entrust this to the Special Advisers Human Resources Unit. GRECO would find it beneficial if, similarly to other civil servants, disciplinary matters regarding integrity standards were reviewed directly by the competent Human Resources Department, in this case the Special Advisers Human Resources Unit.

54. In addition, civil servants are subject to public law remedies (breach of statutory duty, judicial review), based on the Civil Service Code, as well as criminal law with a specific offence of misconduct in a public office in serious cases. Moreover, the Civil Service Commission, an independent statutory body, can investigate complaints about the Civil Service Code. The Civil Service Commission will investigate breaches to Civil Service Code upon complaint from a civil servant and may issue recommendations on how the matter should be solved but does not have sanction powers. In most cases within the commission's remit, the case is referred back to the departments concerned to be resolved. Matters related to breaches of integrity standards, including where recommendations of the Civil Service Commission have not been followed, can be brought to the attention of other bodies, including the Parliamentary Ombudsman (see above), the Public Administration and Constitutional Affairs Committee of the House of Commons and the Committee on Standards in Public Life. This information was not known at the time of the Evaluation Report and has a bearing on the situation of senior

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<sup>11</sup> <https://www.independent.co.uk/news/uk/politics/priti-patel-bullying-report-boris-johnson-b1759076.html>

<sup>12</sup> <https://www.theguardian.com/politics/2020/nov/21/officials-blocked-access-to-witness-in-priti-patel-inquiry>

<sup>13</sup> [Watchdog questions whether Boris Johnson should be able to rule on complaints about ministers \(telegraph.co.uk\)](https://www.telegraph.co.uk/news/uk-politics/boris-johnson/priti-patel-bullying-report-boris-johnson-should-be-able-to-rule-on-complaints-about-ministers/)

civil servants and special advisers. While GRECO would have found it beneficial to have the Independent Adviser cover all PTEFs, including senior government officials and special advisers, it acknowledges that there is a sufficiently developed system to process cases of integrity breaches involving senior government officials and special advisers as civil servants.

55. Therefore, GRECO considers that the above recommendation remains entirely relevant for ministers. GRECO notes that the main issue at stake, i.e. reviewing the status, role and remit of the Independent Adviser on Ministers' Interests, has not led to any form of progress.

56. GRECO concludes that recommendation vi has not been implemented.

*Corruption prevention and promotion of integrity in respect of law enforcement agencies*

**Recommendation vii.**

57. *GRECO recommended that further efforts be made to ensure that training on integrity and ethics be better linked to the day-to-day work of police staff and be practice-oriented.*

58. The UK authorities report that the Legitimacy Inspection of Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) found in a report published in September 2019 that progress had been made in every force in embedding the Policing Code of Ethics, including through the delivery of training and ongoing communication within police forces. The Code of Ethics is a thread in both initial training and continuous professional development. Within the Metropolitan Police Service (MPS), both at recruitment and promotion training, there is an input on professional standards. The Code of Ethics input includes an overview of dilemmas that officers may face and that have been identified as "key threats" such as declarable associations and information leakage. This input is regularly reviewed and updated. The MPS's Professional Standards Unit maintains similar inputs, tailored to the specific audience, at various other "touchpoints" in officers' careers (e.g. promotion courses, and local and bespoke training days reaching approximately 4 000 officers per year). Furthermore, awareness of issues is raised and maintained informally through period intranet articles, forums, and videos (e.g. social media principles). In addition, the MPS are currently seeking to create immersive scenario-based training for Ethical Dilemmas exploring the relationship between emotional intelligence and policing. The Code of Ethics is embedded as the central component of the police National Decision Model (NDM), which is at the heart of all police decision-making, and it is therefore incorporated into a large proportion of police training.

59. Furthermore, reforms made in February 2020 introduce the concept of Reflective Practice to policing. This is a structured process to manage lower level conduct and performance matters outside of a formal disciplinary system. The process encourages officers to be honest and open about mistakes or shortcomings, with the understanding that they will not be punished. They will be supported to learn, improve and prevent issues from re-occurring. The College of Policing have led on the delivery of national training courses to police forces on these reforms, delivered in 2019. These will be shortly supported by two online training packages focussed on the Reflective Practice Review Process.

60. The MPS was one of the first forces to trial this process before it became legislation and its development of user guides, forms and training material has been the basis for the creation of a nationally developed set for all forces. The MPS has a Prevention and Learning Team that disseminates issues relating to ethics and integrity to other Professional Standards Units through regular newsletters and on its intranet site. This team is divided into three strands: (a) The prevention team offer a proactive capability around identifying and addressing key threats and intervention on low-level intelligence around misconduct, allowing the MPS to intervene before matters become a problem; (b) The engagement team support Professional Standards Units and monitor their performance; (c) The future team look at business and legislative change. They are responsible for identifying emerging issues and threats, and lead on organisational learning identified as a result of a police force's or the Independent Office for Police Conduct's (IOPC) investigations.

61. The MPS has developed a method of recording early interventions in order to identify potential persons of concern and ensuring it does not drive any other perverse behaviours and outcomes. One avenue is through its training programmes, where the Directorate of Professional Standards provides input on all courses delivered by the MPS Learning and Development Command – which outlines the training for new joiners and those rewarded with a promotion – to strengthen the set standards for professional behaviour and identify potential risks of corrupt practices. In June 2019, an ongoing national campaign entitled '*Knowing the Line*' was launched to tackle inappropriate behaviour in the workplace. In addition to this, Professional Standards Leads from across the MPS attend quarterly training sessions chaired by the DPS to update and train on ethical, integrity and many other issues. All this training input is managed and directed by local PSUs which set the standard and tone within their local commands.

62. There is an increasingly active network of ethics panels in police forces and at regional level across England and Wales, with the UK Police Ethics Guidance Group providing oversight at national level. These groups provide fora to discuss ethical dilemmas facing the police and involve non-policing stakeholders.

63. Training around gifts and hospitality, potentially compromising individuals and conflicts of interest is currently delivered to all new recruits of the National Crime Agency (NCA) by members of the Professional Standards Unit. Additionally, the NCA has launched its Code of Ethics taking into account the specificities of the agency in September 2020. This code reflects NCA values while setting out the minimum standards of behaviour expected of everyone working for the NCA. It is to act as a guide to enable ethical decision making around issues faced on a daily basis. The NCA's Code of Ethics is not to be used in misconduct proceedings; it is to sit alongside the Civil Service Code and the NCA Code. It is to assist in enabling staff to recognise, and empower them to challenge, unethical behaviour. The launch of Code of Ethics has been accompanied by a mandatory bespoke online training package that will be completed by every officer. There are also planned supervisor/manager workshops aimed at instilling the aims of the Code and emphasising the role of leadership in promoting integrity.

64. GRECO takes notes of the information provided by the authorities. It appears that the Policing Code of Ethics is used in different forms of training in the police forces, including for the MPS, at all stages from recruitment to promotion training, and the content of training is

regularly updated to take into account particular key risks of participants. Moreover, it is embedded in the decision-making framework and is therefore at the heart of training courses.

65. It also notes that, within the MPS, a Prevention and Learning Team not only disseminates information relating to ethics and integrity but is also responsible for leading on organisational learning identified as a result of a police force's or the Independent Office for Police Conduct's (IOPC) investigations. Further, the input of the MPS Directorate of Professional Standards on courses delivered by the Learning and Development Command in order to strengthen the standards for professional behaviour and identify potential risks of corrupt practices is also positive.

66. Other measures have been taken to promote an ethical behaviour within the police forces, in particular the recently introduced concept of Reflective Practice to manage lower level conduct matters outside of a formal disciplinary system and hence encourage officers to be open about mistakes or shortcomings. The objective is to support them to learn, improve and prevent issues from re-occurring. Although not strictly speaking part of the formal training curriculum, GRECO considers that such a system has nonetheless formative value concerning daily matters.

67. GRECO is satisfied that these different measures (such as the Policing Code of Ethics being a thread in all training, raising awareness when minor breaches occur, increasing dissemination of relevant information, co-operation between the MPS professional standards department and the training unit) contribute to embedding a culture of integrity and ethical behaviour within police forces.

68. As for the NCA, GRECO notes that training around gifts and hospitality, potentially compromising individuals and conflicts of interest is currently delivered to new recruits. Moreover, the NCA has recently launched its own Code of Ethics, containing practical examples, in order to promote integrity standards in a more structured way in NCA training. Training on the Code of Ethics has been made compulsory for all NCA officers.

69. GRECO concludes that recommendation vii has been implemented satisfactorily.

#### **Recommendation viii.**

70. *GRECO recommended that trained persons of trust be appointed within the Metropolitan Police Service (MPS) and the National Crime Agency (NCA) – as well as all police forces and other law enforcement agencies – in order to provide confidential advice on ethical and integrity matters*

71. The UK authorities report that the MPS has a Professional Standards Unit (PSU) in place on each Borough Command Unit (BCU). With the new formation of BCUs in 2018, several PSUs were amalgamated in the new structure. The PSU has requisite training and is already the focal point for advice on ethical and integrity matters. If the local PSU cannot give the relevant advice, they refer the matter centrally to the Directorate for Professional Standards (DPS). Confidentiality of requests for advice is respected unless what officers reveal relates to a threat to life or safeguarding.

72. Furthermore, the MPS Prevention and Learning Team (previously known as the Prevention and Reduction Team) have a corporate function for training and communicating to all MPS staff. This is delivered direct by the Prevention and Learning Team rather than through local Professional Standards Units. This units covers “ethical dilemma training”, updates on legislation and National Police CC policies such as abuse of authority for sexual gain. The NCA provides a confidential reporting/advice line and actively encourages staff to approach not only the Professional Standards Unit but their own management and supervision.

73. GRECO takes notes of the information provided by the authorities. It notes that each of the 12 Borough Command Units (which have replaced the 32 police boroughs existing previously and at the time of the Evaluation Report) has a Professional Standard Unit in place which act as trained focal points for advice on ethical and integrity matters. This responds to the purpose of the recommendation. The confidentiality of advice on ethical and integrity matters is guaranteed within the NCA and the MPS. Therefore, the recommendation can be considered fully implemented.

74. GRECO concludes that recommendation viii has been implemented satisfactorily.

#### **Recommendation ix.**

75. *GRECO recommended that adequate measures be taken and sufficient resources allocated in order to ensure that within the Metropolitan Police Service (MPS) vetting takes place not only during staff recruitment but also at other regular intervals during its staff members’ careers.*

76. The UK authorities report that following GRECO’s, Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) are currently inspecting forces’ vetting capacity and capability and will be carrying this on until next year, during 2020. As part of the inspection, all forces will need to respond to any recommendations made by HMICFRS if improvements are required. Following the completion of the inspection, an update will be provided on the progress.

77. However, the authorities underline that the MPS has set up a specific vetting renewals team to absorb the number of outstanding vetting renewal cases and 10 000 cases have already been processed. All vetting forms have been sent to the remaining officers and staff to enable the remaining number of outstanding vetting renewal cases to be completed. A new governance and performance management framework has been implemented within the vetting team. Teams review actual performance against that planned daily. An escalation process is in place to address risks. A monthly oversight group made up of senior leadership team members has been set up to review progress. Predictions suggest that the MPS will meet the HMIC recommendation of addressing outstanding vetting renewals by October 2020. The vetting team benefits from additional funding, a new capacity planning function and a new IT system. This is to ensures that a viable system of operation is in place with resources set to align with future vetting demand. A transformation plan of activity is set to launch in the vetting team in October 2020 to review the end-to-end vetting service.

78. The Directorate of Professional Standards (DPS) conduct computer checks on every single MPS employee to verify any undisclosed arrests or any incident that has been brought to police attention that the officer has not disclosed. These checks were done last in 2017.

79. The authorities also report that the College of Policing are currently conducting a review of their Authorised Professional Practice (APP), the college's professional practice on policing. This will look to further detail social media checks and identify any further areas where processes can be strengthened and clarified. At present, specified levels of clearance are for a limited period and require renewal after that period has elapsed. The College of Policing published its Vetting Code of Practice in 2017, which replaced all previous guidance and applies to all police forces in England and Wales. The code is supported by APP on Vetting, which sets out vetting processes in further detail. The Code sets out that all police personnel should be subject to periodic re-vetting in accordance with APP on Vetting.

80. GRECO takes notes of the information provided by the authorities. It notes that HMICFRS underlined in a report on inspections led in 15 police forces (including MPS), published in 2019, that police forces continue to have problems in making sure that their workforce is properly vetted. It goes on to say that police forces will need to improve their vetting processes to manage the recruitment of more officers. At the same time, GRECO acknowledges that robust measures have now been taken to ensure that outstanding vetting renewals in the MPS be carried out, including through additional resources and a new management of the vetting process in order to ensure that the system remains viable over time. According to predictions, the target set by the HMICFRS (inspectorate) is to be met in October 2020. GRECO is therefore satisfied that the requirements of this recommendation have been met.

81. GRECO concludes that recommendation ix has been implemented satisfactorily.

#### **Recommendation x.**

82. *GRECO recommended considering the possibility of imposing post-employment restrictions on all police officers and staff leaving the Metropolitan Police Service (MPS).*

83. The UK authorities report that this issue was addressed by the Leveson Inquiry and as a result of recommendations from that report, from 1 January 2018, all new Chief Officers in all police forces in England and Wales should agree, as part of their contracts of employment, to provide notification of any post-service employment for a period of 12 months after leaving the police service. Serving Chief Officers should provide notification on a voluntary basis. Chief Constables and PCCs will make recommendations based on whether there is a likely conflict of interest and all decisions will be published on force websites. The system is modelled on the well-established Civil Service Business Appointment Rules. The Home Office has worked with the National Police Chief's Council (NPCC), the Chief Police Officer's Staff Association (CPOSA), the Association of Policing and Crime Chief Executives (APACE) and the Association of Police and Crime Commissioners (APCC) to develop a tool kit to assist forces with implementation.

84. In December 2019 the new Police and Crime Act 2017 came into effect which introduced the Barred & Advisory lists, which can hold the names of officers, staff, specials and designated volunteers in certain circumstances. The Barred List contains the names of persons dismissed

from policing and prevented from re-entering the service. The Advisory List contains information on those who have resigned or retired whilst under investigation for gross misconduct. Additionally, the new legislation requires that there is a publicly searchable version of the Barred List containing only officers and specials dismissed under Conduct Regulations.

85. GRECO takes notes of the information provided by the authorities. It appears that the post-employment measures put in place regarding Chief Officers were those already planned at the time of the Evaluation Report. While in itself a positive development, the purpose of the recommendation was that the possibility of expanding this procedure beyond Chief Officers be explored. Such does not appear to have been the case yet nor is there any indication that it has been considered, and this recommendation therefore cannot be considered to be implemented. The information provided on the Barred and Advisory lists does not respond to the purpose of this recommendation which is focused on officers moving voluntarily to the private or other sectors (so called “revolving doors”) rather than preventing officers from re-joining the force notably after being dismissed.

86. GRECO concludes that recommendation x has not been implemented.

#### **Recommendation xi.**

87. *GRECO recommended that the UK authorities pursue their efforts to improve the oversight of police misconduct, including regarding the Metropolitan Police Service (MPS) and the National Crime Agency (NCA), by simplifying the referral and appeals procedures and by keeping under close review the implementation and adequate resourcing of the ongoing reform of the oversight system.*

88. The UK authorities report that a series of reforms have been implemented to strengthen the police complaints and discipline systems. The Independent Office for Police Conduct (IOPC) was created in January 2018 by the Policing and Crime Act 2017 and replaced the Independent Complaint Commission (IPCC). The IOPC’s powers were strengthened and it was given greater resource to increase its capacity. The 2017 Act also introduced an additional avenue for charities and advocacy groups to raise concerns about policing through a new system of super-complaints for policing.

89. A further package of reforms has been brought into force in February 2020. These changes follow detailed reviews of the police complaints and discipline systems. There is an enhanced role for Police and Crime Commissioners (PCCs), whereby they can take on additional functions in the initial handling of police complaints to improve customer satisfaction. PCCs are now also the recommended review body for complaint appeals which previously would have been reviewed by the police force itself, in order to provide greater independence to the decision making.

90. There are additional powers for the IOPC, allowing them to present at misconducting hearings and investigate matters without having to wait for a police force to refer the matter to them. What constitutes a complaint has also been redefined – no longer does it focus on the behaviour of an individual officer, it now allows members of the public to complain about their general dissatisfaction with a police force, meaning that forces will have to give greater consideration to organisational learning.

91. Some of the measures taken also contribute to improve timeliness. The discipline system focuses on improvements to proportionality. The threshold for what constitutes misconduct has been redefined, ensuring that lower level matters, which would not justify at least a written warning, are kept out of the disciplinary system and instead are handled local by line managers under a structured process called Reflective Practice. This process is designed to encourage honesty and openness with a focus on learning and development. The authorities also submit that the appeals process has been reformed and simplified under the new system. Previously there were five stages at which an appeal could be made, with forces able to disapply or not record a complaint. There is now one stage at which an appeal can be made, and these are handled by either the PCC or IOPC and not the police force itself. The above-mentioned measures do not apply to the NCA as they have yet to be statutorily required to adhere to the latest police regulations. However, the NCA Professional Standards Unit has recently been subject of internal review and, as a result, more lower level matters are now being returned to local management to be dealt with by advice and performance improvement plans. The authorities indicate that a working group has now been established including the NCA and other organisations, such as HM Revenue and Customs, which need to make equivalent updates to their own regulations. This group is meeting to discuss the relevant changes to regulations, with the next meeting taking place on 2 February 2021.

92. GRECO takes notes of the information provided by the authorities. It notes the radical changes that have taken place with the replacement of the former independent complaint body (IPCC) with a new authority (IOPC) with further powers and capacities (covering all police forces). For instance, the IOPC can investigate matters without having to wait for a police force to refer the matter to them. In addition, appeals are to be handled by the Police and Crime Commissioners (PCCs), who are elected and outside police hierarchy, or IOPC but no longer the police force; instead of five stages for an appeal, there is now one stage. Measures have been taken to improve timeliness, including by keeping out of the disciplinary system lower level matters, which would not justify more than a written warning, and by increasing the role of PCCs in the initial handling of police complaints. GRECO welcomes these developments which are in line with the recommendation. GRECO trusts that the authorities will keep under review the effectiveness of these far-reaching changes

93. GRECO notes that the NCA has adopted a policy of returning low-level matters to local management to be dealt with through advice and performance improvement plans. However, new statutes are needed for the above-mentioned reform to apply to its officers and staff. Therefore, the recommendation cannot for the time being be considered fully implemented.

94. GRECO concludes that recommendation xi has been partly implemented.

#### **Recommendation xii.**

95. *GRECO recommended strengthening the protection of whistleblowers within the police service and reaffirming the obligation for police officers to report corrupt conduct.*

96. The UK authorities report that the Independent Office for Police Conduct (IOPC) operates a dedicated “report line” for police officers and staff to report concerns of wrongdoing that a criminal offence has been committed, or where there is evidence of conduct that would justify disciplinary proceedings for this purpose. By removing the

requirement for the IOPC to refer the report back to the police force, the independent reporting line should provide reassurance to police officers and staff and provide protections of a whistle-blower's identity. Protection from unfair disciplinary action or repercussions has been carried forward in the new Police (Conduct) Regulations 2020, alongside statutory guidance.

97. Under the Policing and Crime Act 2017 further protections are to be introduced for whistle-blowers. The provisions, not yet implemented, will provide an additional avenue for individuals in the police to raise concerns with the IOPC under a special new process, free from any fear of a detrimental effect on their career or reputation. The new provisions will give police whistle-blowers the right to have their identity protected, give the IOPC a power to carry out whistleblowing investigations without waiting for a referral from the police force, and allow the IOPC to conduct covert investigations.

98. All officers are expected to challenge and report improper conduct. This is one of the professional standards, as set out in the Police (Conduct) Regulations 2012 (and now the 2020 Regulations), that also officers are required to adhere to. This is reinforced by the College of Policing's Code of Ethics.

99. The Whistle-blowing Policy and guidance on reporting wrongdoing is outlined on the MPS's intranet site, available for access by all staff. This includes Q&As, which makes clear the obligation to report wrongdoing

100. GRECO takes notes of the information provided by the authorities and, in particular, that the newly established Independent Office for Police Conduct (IOPC) is not required to refer a report of misconduct by a police officer or staff back to the police force, thus providing protections of a whistleblower's identity. Moreover, according to the Policing and Crime Act 2017, new provisions will give police whistleblowers the right to have their identity protected, give the IOPC a power to carry out whistleblowing investigations without waiting for a referral from the police force, and allow the IOPC to conduct covert investigations. Awareness-raising material has also been made available on the MPS's intranet to provide guidance on reporting wrongdoing. GRECO is satisfied that the new mechanism of reporting to the IOPC offers guarantees that should provide additional protections for whistleblowers from within the police. Moreover, the requirement on police officers to report crime and misconduct (including corruption) has been highlighted in the updated Police (Conduct) Regulations 2020 and reinforced by the College of Policing's Code of Ethics.

101. GRECO concludes that recommendation xii has been implemented satisfactorily.

### **III. CONCLUSIONS**

102. **In view of the foregoing, GRECO concludes that the United Kingdom has implemented satisfactorily or dealt satisfactorily with five of the twelve recommendations contained in the Fifth Round Evaluation Report.** Of the remaining recommendations, four have been partly implemented and three have not been implemented.

103. More specifically, recommendations v, vii, viii, ix and xii have been implemented satisfactorily, recommendations i, ii, iii and xi have been partly implemented and recommendations iv, vi and x have not been implemented.

104. As regards PTEFs, there have been developments in certain areas which had been identified as challenging in the Evaluation Report. For instance, regarding contacts with lobbyists and third parties seeking to influence decision making, more information is now available on the content of meetings involving ministers and private secretaries, as opposed to generic information. However, no progress has been made about providing more information on such meetings involving other senior civil servants in government and special advisers. As regards declarations of interests, new forms have been developed to clarify the notion of “relevant interests” which ministers are meant to declare upon taking office. While the Propriety and Ethics Team in the Cabinet Office has an overall overview on how interests are managed by ministers and can identify trends, a more global and in-depth risk assessment exercise for all PTEFs and covering issues such as post-employment moves and contacts with lobbyists and third parties, ought to be carried out. Furthermore, GRECO regrets that several recommendations have not been addressed, such as the expansion of the remit and powers of ACOBA, which oversees post-employment restrictions, and of the Independent Adviser on Ministers’ Interests, who deals with the management of interests of ministers and possible investigations into conflicts of interest.

105. As to LEAs, efforts have been deployed to review and strengthen training, including by placing the Policing Code of Ethics as a thread throughout training and introducing the concept of Reflective Practice which aims at managing lower level conduct matters outside of a formal disciplinary system and encouraging officers to be open about mistakes or shortcomings in combination with support to improve and prevent issues from re-occurring. The NCA has adopted its own Code of Ethics which is accompanied by compulsory training for NCA officers. Measures have been taken to improve vetting renewals in the MPS. The independent disciplinary procedure has been overhauled and a new independent body has been created, the Independent Office for Police Conduct (IOPC), with increased powers. In particular, the IOPC can investigate matters without having to wait for a police force to refer the matter to them. Measures have been taken to improve timeliness of decisions and all appeals are dealt with by the PCCs or IOPC in one stage, with no intervention of the police forces, which is a clear improvement. However, this reform still needs to be extended to the NCA. In addition, the IOPC is not required to refer a report of misconduct by a police officer or staff back to the police force, thus providing protections of a whistle-blower’s identity. Moreover, new legal provisions will give police whistle-blowers the right to have their identity protected.

106. In view of the above, GRECO notes that further progress is necessary to demonstrate an acceptable level of compliance with the recommendations within the next 18 months. Pursuant to Rule 31 revised bis, paragraph 8.2 of its Rules of Procedure, GRECO invites the Head of delegation of the United Kingdom to submit additional information regarding the implementation of recommendations i, to iv, vi, x and xi by 30 September 2022.

107. Finally, GRECO invites the UK authorities to authorise, as soon as possible, the publication of the report.