

Whatever happened to the Nolan principles? Sleaze in the government of Boris Johnson



*The responses by the Prime Minister and ministers to the current spate of allegations of sleaze are illustrative of a longstanding problem in British political life which was meant to have been resolved 25 years ago with the Nolan Committee. **Martin Bull** argues that a return to Nolan is needed if we are to have any hope of recovering trust in British politics.*

The UK government is currently mired in a sleaze or corruption scandal largely of its own making. The allegations are running thick and fast: a lack of transparency over the issuing of COVID-19 contracts, for which the Minister of Health, Matt Hancock, [was found to have acted unlawfully](#); ministers allowing themselves to be inappropriately [lobbied by former Prime Minister David Cameron](#) to help the failing firm Greensill, in which he had a personal stake; the Prime Minister promising over WhatsApp [to fix a tax issue](#) for a millionaire entrepreneur, James Dyson, in return for the production of urgently needed ventilators; [the Prime Minister refusing to](#) reveal who initially paid for [the cost of improvements to the Prime Ministerial flat](#) in Downing Street (an issue now being subject to at least three separate investigations); and an investigation into a [possible breach](#) of the Code of Conduct for MPs by the Prime Minister over who paid for his Caribbean holiday in 2019.

If one thing stands out in the response of the Prime Minister and his ministers to these allegations it is the familiar refrain that the 'Ministerial code' was followed and no breaches occurred. Maybe, it is conceded, with regard to some of the allegations, things might have been done differently, and maybe, it is suggested, the rules could be 'looked at' in the future to make things clearer.

What some might regard as diversionary tactics (while ministers brazen out the scandal) has a tradition in the UK going back to the '[cash for questions](#)' scandal in the mid-1990s, where several MPs were found to have been accepting payments from bodies in return for asking specific questions in Parliament. Some MPs were, until then, being repaid retainers by clients to look after their interests and so, it was suggested, it was not such a giant step to take cash for questions. The Nolan Committee set up to investigate the affair concluded that 'people in public life are not always as clear as they should be about where the boundaries of acceptable conduct lie'.

Yet, in response, Nolan did more than just address the rules and regulations in relation to members' interests. The Committee, while tightening those rules, also seemed to recognise that rules, laws, and sanctions can only go so far in preventing corrupt or shady practices. There was a sense about Nolan that what we had in the UK was not so much endemic corruption than what might be called 'ethical lassitude', and that reforms should be targeted accordingly.

The outcome was Nolan's '[Seven Principles of Public Life](#)' which state that the behaviour of holders of public office holders should always be governed by:

Selflessness: their decisions should be taken solely in the public interest, not for financial or other material gain for themselves, family, or friends.

Integrity: they should not place themselves under under any financial or other obligations to outside individuals or organisations that might influence the performance of their duties.

Objectivity: their decisions (making appointments, awarding contracts and other public business) should be based on merit.

Accountability: they are accountable for their actions to the public and must subject themselves to the scrutiny appropriate to their office.

Openness: they should be as open as possible about their actions, should justify their decisions, and restrict information only when it is clearly in the public interest.

Honesty: they have a duty to declare any private interests relating to their public duties and to take steps to resolve conflicts of interest to protect the public interest.

Leadership: they should promote and support these principles through leadership and example.

These principles were incorporated into a Code of Conduct by the newly-created Select Committee on Standards and Privileges and adopted by the House of Commons in 1996, a code which emphasised an MP's duty to act in the interest of the nation, with a particular obligation to their constituents. The code subsequently became standard practice for charitable and public sector organisations, and is also widely cited abroad.

Its significance is two-fold. First, it seeks to reduce the dependence on a rules-based and prosecutorial approach to corruption through a code of ethics which covers – in a way that rules and laws cannot – all forms of public behaviour. Second, it symbolises a commitment to self-regulation. Indeed, in the UK there has always been a strong tradition of self-regulation, and Nolan can, in the mid-1990s, be seen as a way of shoring up that tradition for fear of it being called into question. While it does not obviate the need for relevant rules, regulations, and laws, Nolan reaffirmed that the UK system remained heavily weighted towards a continued dependence on trust in politicians to do the right thing.

So how has Nolan fared? On the face of it, not very well. Thirteen years after its adoption, in 2009, the parliamentary expenses scandal broke – one that was so big it has been viewed as having marked a [decisive watershed](#) in the collapse of public trust in politicians in the UK. To offset the political difficulty of awarding MPs pay rises, they were permitted to 'fill their boots' via the expenses system. After at first being in denial, politicians' responses were to blame the rules themselves, or the 'system' which allowed the sort of ludicrous (when they were not unlawful) expense claims many of them had been making. Apparently, it was not so much their behaviour as the rules that had to change.

Which brings us back to today's sleaze scandal. What does or should Nolan teach today's government? It is not just that their actions should, in the first place, have abided by the seven principles of public life, but that their responses to allegations about their behaviour should also abide by those principles – by which they should be expected to be judged. So, when Boris Johnson describes the allegations about the funding of the refurbishment of the Prime Ministerial flat as a '[farrago of nonsense](#)' and '[nothing to see here](#)', and when he refuses to commit to publishing the findings of the investigation into the matter, we are right to ask whether he is acting in the spirit and intent of Nolan. In truth, just as during the parliamentary expenses scandal, Nolan appears to have been entirely lost from view by those holding public office.

Of course, it might be argued that all of this shows that an ethical approach to preventing corruption doesn't work and that what is needed is simply more stringent laws and sanctions. Yet, the opposite could also be argued: that codes of conduct might work if we did more to embed them in political culture. Government ministers and MPs need regular training and education in the ethics of holding public office. They need to understand better not just the wrongdoing of using public office for private gain but also the importance of avoiding any suspicion that this might have happened by being honest and transparent after allegations are made. If not, the losers from this current ethical malaise will be not so much current government ministers as the recovery of public trust in politics itself.

About the Author



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