



Parliamentary Commissioner for Standards

Keele University – Global Challenge Series

Building and Maintaining Trust in Politics and Parliament

Devising and delivering solutions to every global problem requires a foundation of trust between the people and communities affected by the problem and the officials and authorities tasked with addressing it. Lack of trust in our parliamentary and political institutions risks causing those concerned about a range of issues from climate change through to housing, energy and education, to disengage from the democratic process and to look elsewhere for action. In a world of increasing cynicism fuelled by ever more intrusive media expectations and an online world where it is hard to distinguish fact from fiction and rumour from report, how do we build and maintain that trust in our political and parliamentary authorities and institutions that is essential if we are to provide effective transparent and accountable solutions to today's pressing problems?

Thank you for being so kind as to invite me to give a lecture this evening in this important series discussing global challenges. When I received the invitation I first consulted your Global Challenge Pathways courses to discover the broad topics that you are addressing within this series, and to ask myself whether I have anything relevant or useful to contribute from the rather narrow perspective of my work as Parliamentary Commissioner for Standards.

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At first sight it seemed to me that the topics with which you are dealing within the overarching framework of Global Challenge Pathways succinctly identify the core challenges of today's world from a geopolitical perspective: taken together, climate change and sustainability, digital futures, enterprise and the future of work, global health challenges, languages and intercultural awareness, and social justice both encapsulate and underpin all or most of the most urgent issues confronting people in all parts of the world today.

And my initial conclusion was that none of them seems to have very much to do with monitoring the operation of the House of Commons Code of Conduct, which is my principle overarching duty under the Standing Orders under which I am appointed.

But then I asked myself: is there a common theme that underpins the most urgent and intractable problems within each of these broad subject areas? And I came to the conclusion that there is. The narrative around ecological measures to address climate challenges, discussions about the regulation and impact of artificial intelligence, questions about the future shape and purpose of working environments, the development and implementation of new health initiatives from prophylactic vaccines to end of life treatment and decision-making, embracing intercultural diversity, and the acceptance and implementation of national and international justice, all require a foundation of trust, and all most commonly founder because of a lack of that trust.

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In my rather niche corner of public life, it occurred to me some time ago that the fundamental purpose of the standards regime for Members of Parliament is, again, centred around the issue of trust. It came into being in its present form because of a dangerous lack of trust, and its primary function is to rebuild and maintain trust. So it occurred to me perhaps I do, after all, have thoughts to offer from a parliamentary perspective that may not be entirely without utility in relation to the much wider issues that you address in this broader series.

Why does trust matter?

First and foremost, in a democracy, government is by the aggregate consent of the people. I may not like the outcome of a particular election, or a particular decision made by a public official or regulator: but I consent to be bound by the result because I trust the process by which it has been reached. When I vote in an election for central, local or devolved government I consent to be regulated by whatever government emerges, whether or not it is formed from the party for whom I voted, because I benefit overall from living in a society whose leaders are elected by the people together with a more or less universal franchise; and because whatever government is in power from time to time is subject to a universal rule of law, which imposes limitations on its actions in a number of ways that secure my compliance and justify my consent.

That consent is, therefore, conditional on a number of things, each of which itself rests on trust: trust that elections will be held in a free and fair way; trust that the government will abide by the principles of the rule of law and its universality and impartiality; and trust that the rule of law will be maintained

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by an effective enforcement system, comprising, in particular, independent judges and an impartial police force.

That trust is largely implicit and tacit: but it is also as fragile as it is continually essential. Remove that trust, and you vitiate the consent that guarantees the continued authority of the Executive to govern, the legislature to legislate and the judiciary to judge.

Although the constitutional imperative of trust is confined to the public sector, trust is as institutionally central for the private and third sectors as it is for the public sector. Indeed, in some ways, while the public sector can in practice regard it as something of a luxury at least in the short term, their functions and offices being secure, the private sector is more instantly vulnerable to the reputational damage, and its immediate commercial consequences, that can be caused by a loss of trust.

There is also a profoundly practical reason why trust matters so much for all sectors. Once trust has been, or appears to have been, broken, its lack may actually disincentivise high standards. If there is a feeling that the public have dismissed an office, a business or an organisation as unworthy of trust, there is simply less reason for individuals within that body to control their behaviour so as to comply with relevant professional, public or commercial standards.

Finally, whether we address the most significant and urgent global geopolitical issues from climate to warfare, or whether we focus more narrowly on domestic social and political issues, it is axiomatic that any attempt at dialogue or

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discourse will break down sooner rather than later without the trust necessary to support constructive conversation.

Building trust through the Nolan principles

The principles underpinning the parliamentary standards regime are the seven *Nolan* principles – the standards of public life of general application first articulated by the Nolan committee some 30 years ago: openness and accountability; honesty and integrity; selflessness and objectivity; and leadership.

Openness

Transparency is, I firmly believe, the primary principle in terms of being both the indispensable starting point and the necessary continuing principle without which no progress can be made towards the building of trust.

The Freedom of Information Act 2000 has undoubtedly done something to contribute towards a culture of openness in the public service of the United Kingdom in general. The Information Commissioner's Office describes on its website the principle underpinning the Act in the following terms:

“The main principle behind freedom of information legislation is that people have a right to know about the activities of public authorities, unless there is a good reason for them not to. This is sometimes described as a presumption or assumption in favour of disclosure.

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This means that:

everybody has a right to access official information. Disclosure of information should be the default – in other words, information should be kept private only when there is a good reason and it is permitted by the Act;

an applicant (requester) does not need to give you a reason for wanting the information. On the contrary, you must justify refusing them information; ...”

The Information Commissioner’s Office directly relates these principles to trust and reports that:

“Access to official information can also improve public confidence and trust if government and public sector bodies are seen as being open. In a 2011 survey carried out on behalf of the Information Commissioner’s Office, 81% of public bodies questioned agreed that the Act had increased the public’s trust in their organisation.”

Neither the Freedom of Information Act itself nor the principles underpinning it will, however, be sufficient in themselves to create the kind of depth of understanding that is necessary as a foundation for effective trust. In part, this is because of the considerable range of exceptions to the legislative right to access to information that, although always inevitable for a range of reasons,

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were always bound to have an impact on the perception of openness arising out of the Act. Indeed, some frequent enquirers whose requests are constantly met by the invocation of one exception or another may come to see the Freedom of Information Act as more about setting the parameters of secrecy than about ensuring effective transparency.

So openness needs to be more than about reacting to requests for information: it needs to be about proactive and effective education as well. Parliament has an education unit that welcomes students and others onto the Parliamentary Estate and aims to educate them about how parliament works, as well as going outside Parliament and giving talks and presentations around the country. And I think every public sector, private sector or third sector organisation that wishes to be treated with respect, has an obligation to gain that respect in part by carrying out effective education that goes to the heart of the decisions it makes and the operations it carries out, encouraging and building respect for the organisation on a foundation of transparency as to how it operates.

But education in that sense is only part of the answer. Particularly in an age where the surge in facilities for mass communication make it increasingly difficult to distinguish between authoritative information and deliberate misinformation, simply promulgating information about how an organisation works, or how a process is conducted, is unlikely to be sufficient to attract effective respect for that organisation or process. Education can provide information: but it cannot ensure that recipients treat it as more authoritative than contrary information that may be coming from other sources.

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Which is why openness needs to go beyond education and look towards active engagement. And here, I believe, there is more that we could be doing to make openness work. The House of Commons has, in one sense, always been a model of openness: all legislative proceedings, and the majority of debates and discussions in Committee, take place in an environment that is open to the public. Members of the public have always been able simply to walk in off the street and attend any Chamber or Committee proceeding that interests them; and for the last few decades those proceedings have also been made available to the public in their own homes, originally through television and now through internet streaming.

But it does not appear to be the case that with that kind of greater openness always comes greater respect. The findings of the University College London's Constitution Unit's Report *What Kind of Democracy Do People Want? Results of a Survey of the UK Population*¹ suggest that a large proportion of the public have benefited from openness of Parliament in the sense of watching parliamentary proceedings on a number of occasions, but that a disappointingly small proportion of the public have had their respect for Parliament enhanced by the experience.

I believe there are two reasons for that: first, and most obviously, parliamentarians do not always present the best of themselves to the public. Prime Minister's Question Time is the most watched proceeding of Parliament, and it is not noteworthy for attracting the respect of those who watch it. As I

¹ First Report of the Democracy in the UK after Brexit Project, Alan Renwick, Ben Lauderdale, Meg Russell, and James Cleaver, January 2022.



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said in my induction speech to new Members of Parliament following the general election, if Prime Minister's Questions reverts to being each half of the Chamber deriding and insulting the other half, Members should not think that it is a question which half the public will believe: the likelihood is that the public will believe both halves, in the sense of taking the entire political class at what appears to be their own assessment of each other.

The second reason why greater publicity has not appeared to bring a corresponding increase in trust is the failure to combine active engagement with passive publicity. Telling the public they can come and watch what we do is in some ways arguably accentuating the division between the political class and the public. We grant you the privilege of sitting behind a glass screen watching us as we make laws by which you are bound. That is a great deal better than our sitting and making laws for you in secret and of course it is vastly preferable to not permitting in-person access to proceedings: but it perhaps misses an opportunity for the kind of active engagement that could lead more of the public to feel a genuine ownership of the parliamentary process.

This is not the place to enter into detailed discussions of how the House of Commons in particular might encode active public engagement into its proceedings so as to increase respect for those proceedings and thereby found greater trust between parliament and the public. But there are so many parliamentary occasions of a thoughtful and purposeful nature that demonstrate parliamentarians at their most collaborative and constructive, and anything that made the public feel not merely observers but genuine participants would be likely significantly to enhance both the reputation and, I believe, the effectiveness, of Parliament as an institution.

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Extrapolating from that, my message for this evening, from my parliamentary perspective but aimed at the wider global issues with which you are concerned, is simply this: it is not enough to tell people what you are doing, and therefore assume that they will respect it and trust you. Challenging oneself to find ways of actively engaging the public in what we do, whether we are public sector, private sector or third sector, will be our most effective way of ensuring that our public will respect a process in which they feel they have had a real voice, that has been listened to and has been able to exercise a guiding hand. That will certainly be the most effective way of countering misinformation about our processes, first-hand experience and knowledge being the ultimate protection against ignorant or malicious misinformation. And more generally, offering active engagement is also the most effective way of showing people who are affected by our decisions and our operations that we genuinely care about what they think; and it is that care that can build an atmosphere of mutual respect which in turn can found an effective trust.

So although openness is not the sole criterion of good standards in public life by any means, for me it is undoubtedly the quintessential standard and the primary principle in the sense that without it none of the other principles can take any hold. An institution that is beset by scandals – and in Parliament we have our fair share of those – is by definition healthy in the sense that wrongdoing is capable of being discovered by the public and therefore addressed. An institution without scandals may be rotten to the core without anyone knowing or being able to know.

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Accountability

The second *Nolan* principal – accountability – is an obvious construct upon openness and again is fundamental to the rule of law and to the development of trust.

In a parliamentary context, for example, it is important for the public and parliamentarians to know that, taking the period since I took up office as Parliamentary Commissioner for Standards as a sample, four members of Parliament have left the House of Commons as a direct result of reports by me following investigations into their misconduct and a significant number, including the then-serving Prime Minister Rishi Sunak, accounted to me for their actions, apologised through me to the House and agreed to implement a package of rectification measures to avoid recurrence of the breach of the Code of Conduct that I had found in their case. And in each Code of Conduct cases that I investigate, my decision and the supporting evidence are published in full. The result of a record like that is that we can fairly say that Members of Parliament as a class are accountable. For constitutional reasons they are necessarily accountable in one sense to themselves alone: that is to say only the House of Commons can discipline a Member, and it is quite right that that should be so. But by delegating to me, an Officer of the House appointed for a non-renewable term, under the oversight of the Committee on Standards, powers that I am instructed to exercise with operational independence, the House injects a significant level of objectivity into the system and thereby gives it credibility in terms of practical accountability.

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Honesty and integrity

Openness and accountability taken together can be seen as guarantees against misbehaviour with impunity to a considerable extent: and that can do something to defend against a culture of mistrust. It does not, however, in itself build an active relationship of positive trust. Knowing that I am reasonably unlikely to break the rules and if I do, I am reasonably likely to be found out and if I am found out I am reasonably likely to be held accountable, is very much a negative basis for a relationship.

Put another way, constructive trust that is likely to lead to constructive solutions both in the political arena and in the broader areas with which your Global Challenges Pathways Courses deal, needs to be founded on something that is more positive and aspirational than simple transparency and accountability.

And that missing ingredient could be characterised as respect.

In order to deal with critics, opponents, or simply people with other ideas and agendas and solutions to my own, in a spirit of mutual collaboration and cooperation, I need to do more than not distrust you, I need to respect you for qualities and principles that lead to a positive kind of trust.

And it is to this notion of respect that the next two Nolan principles speak most strongly: honesty and integrity.

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When it comes to discussing climate change, for example, we must be able to discover and articulate scientific data that we can agree is honest in the sense of being true, even if we may disagree immediately and radically about its interpretation and implications. One of the most challenging issues facing all the areas with which your courses deal is the increasing difficulty of distinguishing between fact and fantasy in today's society. Particularly in the social media environment, I need only assert that something is true for it to gain immediate traction and repetition throughout the world within a period of seconds. So the primary challenge in any environment in which a constructive argument or discussion is to take place is to agree the parameters and benchmarks of honesty against which data can be assessed for use in the discussion.

And this is where integrity builds upon and enhances honesty. Honesty is very much assessed in terms of truth or accuracy: integrity is a quality that goes beyond mere accuracy and begins to invoke characteristics of fairness. The old legal maxim that requires witnesses to tell the truth, the whole truth and nothing but the truth, is one of the best known articulations of the idea that I can mislead without being objectively dishonest, and that integrity means giving a picture that is integral: fair in a holistic sense.

What we require, therefore, from public officials or others who aspire to be seen as models of integrity worthy of respect, is that they should concentrate on attempting to be as fair as possible in their treatment of a subject. In a legal context, a sharp advocate aims to win the argument, an advocate of integrity aims to win it by the merit of their argument. In a political context, a politician

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shows integrity when they demonstrate that they are actuated by commitment to principle and not merely by a desire to stifle opposition so as to win and maintain power.

Objectivity and selflessness

And it is this aspect of integrity that leads to the final pair of Nolan principles: objectivity and selflessness.

It is quite often said of politicians that they are “all in it for themselves”. And, of course, in one sense politicians are individually actuated by their own professional interests in the same way as every member of every other trade, professional or business. There is nothing to be ashamed of in saying that I go to attend to my business in order to earn the livelihood on which I and any dependants rely. Indeed, perhaps one of the sources of mistrust of people in public office and in other spheres is when they claim an extent of altruism and complete disinterestedness which is patently implausible.

But if I engage in an argument about a matter of public interest, whether it be public policy in a political context or any of the global geopolitical matters that you address in your courses, I am happy to know that my coadjutors are in part driven by self-interest, but I do not want them to be driven wholly by self-interest. Indeed, what matters to me is that we are all genuinely actuated by a desire to further the public interest in accordance with what we believe to be optimal policy for all concerned, and that personal rewards of various kinds will be the natural concomitant of success and neither its benchmark nor its sole inspiration.

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It is this degree of respect not just for the people with whom we are disputing or collaborating, but also for the wider humanity for whose ultimate sake our policy ought to be devised, that is a fundamental component of trust which is indispensable to working together to find solutions for real world problems.

Leadership

Finally and briefly, let me touch upon the remaining *Nolan* principal – leadership.

In one sense it is always difficult to know precisely what is meant to be added by leadership, particularly as in its articulation in the parliamentary context it is described as being leadership in the delivery of the other six principles.

This is not the place to discuss characteristics and qualities of good and bad leadership. Suffice it to say for present purposes that problem-solving requires someone who is prepared to step forward and identify a problem, articulate an aspiration towards its solution, and lead those who are who are in a position to deliver the solution through the necessary stages from policy formation to implementation. And a successful outcome will arise if that leadership is shown by one or more people, or bodies, whose decisions are infused by and founded upon, the combination of openness and accountability, honesty and integrity, and selflessness and objectivity that we have discussed.

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Conclusion

Problems and opportunities very often go hand-in-hand.

Merely listing the many challenging areas with which the Global Challenge Pathways courses deal might be enough to make one despair of the future of humanity and of the planet in which we live.

But personally, I am far from despairing: on the contrary, I am full of hope and confidence.

Perhaps that is inevitable for the holder of an office that has emerged and expanded as the parliamentary Phoenix rising from the ashes of crisis after crisis: first cash for questions, then the MPs' expenses scandal, then misconduct within the parliamentary working environment. But each time we have examined our failings we have crafted solutions that have enabled us to emerge certainly not with complacency but with confidence that we can improve. And we have improved.

Perhaps it is for that reason that I see each of the challenges with which we are faced on a global scale, including some of the most intractable scientifically relating to the ecology, and some of the most intractable in human terms such as successfully embracing cultural diversity, that I see these challenges as fraught with dangers and risks, many of which we are actually experiencing at the present time, but at the same time ornamented with potential solutions that

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could be transformative, and permanently transformative, of our global human environment.

And if anything were required to make me more confident and even excited at the thought of these challenges resulting in innovative solutions for the benefit of all, it would be coming here to a university that has determined to engage with the most fundamental problems of our time without distraction, and seeing the respectful and constructive environment of trust created here and brought to bear on the endeavour of finding solutions. When I add that to the expertise and experience of your senior academics, and the energy and enthusiasm of your more junior colleagues, how can I be but energised and reassured that we will all engage with each of these problems within our own discipline, bringing the same qualities and principles to bear, in order to create the necessary atmosphere of respect and trust.

I thank you for inviting me, for your patience and listening to me, and I invite your questions and comments.

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