

EIC: CODES OF ETHICAL CONDUCT PROJECT

TERMS OF REFERENCE

The Ethics and Integrity Commission is carrying out a review into Codes of Ethical Conduct, in order to formulate non-statutory guidance for public authorities to meet their requirements under the Public Office (Accountability) Bill.

PROJECT PURPOSE

1. The Ethics and Integrity Commission's terms of reference include advising public authorities on the development of clear Codes of Ethical Conduct with effective oversight arrangements, in line with the planned forthcoming obligations of the Public Office (Accountability) Bill.
2. The purpose of our work is to produce non-statutory guidance that will support public authorities to (a) produce a statutory Code of Ethical Conduct required under Clause 9 of the Public Office (Accountability) Bill and then (b) embed the code by translating it into meaningful workplace culture change. The Ethics and Integrity Commission guidance will assist relevant public authorities to think through what a code of ethical conduct should look like for their specific organisational circumstances and context. This will require periodic review to ensure that it reflects appropriate changes.

OBJECTIVE

3. To support those Public Authorities listed in the relevant Schedule of the Bill, as it relates to Clause 9 (when enacted), to improve standards by achieving a culture underpinned by a code of ethical conduct.

SCOPE

4. **Content Scope:** The guidance produced by this Inquiry will include practical guidance on how to write a Code of Conduct, including recommended structure, style, and examples of good practice. It will also provide guidance on how to embed and review a code, using case study examples where deemed helpful, and related issues. Cabinet Office has responsibility for producing any guidance required for

legal, statutory or regulatory compliance requirements. EIC will explicitly avoid providing guidance for these requirements.

5. **Geographic Scope:** Schedule 2 of the Public Office (Accountability) Bill establishes the meaning of “Public Authority” for the purposes of Clause 9 of this Act as covering those in England, Scotland, Northern Ireland and Wales. The scope will be limited to all public authorities listed in the Schedule 2 in England only. The Ethics and Integrity Commission’s Terms of Reference requires them to “*not inquire into matters relating to the devolved administrations, except with their agreement*” (Schedule ‘C’). The Ethics and Integrity Commission anticipates consulting with the Devolved Nations on relevant areas to support this work.

APPROACH

6. We will approach this work in two phases. A preliminary evidence gathering phase that builds a provisional draft of what the guidance should include. This will be followed by a public consultation phase, which will be designed to listen to practitioners, experts, and the public before guidance is finalised.

6.1 Phase One: Preliminary evidence gathering to construct provisional draft guidance. The Commission will be publishing a call for evidence, seeking initial written submissions that help to identify knowledge gaps, understand what works, how Codes of Ethical Conduct have been embedded and lessons that have been identified. This will inform subsequent work to draft provisional guidance, which will be put to public consultation.

6.2 Phase Two: Testing draft guidance. Once the Ethics and Integrity Commission has drafted its provisional guidance, there will be a public consultation to assess how practical and effective the provisional guidance is. The responses to the public consultation will be taken into account in shaping the Ethics and Integrity Commission’s final guidance to public authorities.

7. In addition, the Ethics and Integrity Commission has commissioned three short-timescale research projects to inform and support this project.

TIMELINE / MILESTONES

8. The Ethics and Integrity Commission intends to submit its report and non statutory guidance in the final draft format to the Prime Minister in 2027.

GOVERNANCE AND DECISION-MAKING

9. Oversight and Accountability: The Ethics and Integrity Commission's Chair and selected Members hold the accountability for the project's strategic direction, findings and the final non-statutory guidance framework. Formal agreement for decisions and outputs must be agreed with Members. To promote this, the Chair hosts monthly meetings with Members in which they provide high-level steers and consensus of the process.
10. Operational Delivery: The day-to-day delivery of the project will be managed by the Ethics and Integrity Commissions officials team; they will report directly to the Commission on progress against milestones.
11. The Ethics and Integrity Commission will retain flexibility to take further or other steps as it thinks best to achieve the purpose of the inquiry.