

DEMOS

THE INTEGRITY MISMATCH

PUBLIC SERVICE STANDARDS IN A
POLITICAL WORLD

MARCIAL BOO

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ABOUT THIS ESSAY

This essay is written in a personal capacity as part of a series showcasing thinking from beyond Demos and is not necessarily reflective of the views of Demos.

This project is part of our pillar focusing on building a **Collaborative Democracy**, which enables politicians, experts, and citizens to work in partnership to tackle the massive challenges facing our country. By creating this new political environment, we can develop policies that work for people, strengthen citizenry, and improve trust in the political system.

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All errors are mine.

Marcial Boo

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INTRODUCTION

Everyone in public life commits to exercising the duties of their office with integrity, one of the seven Nolan principles. For elected politicians, who are obliged to make judgments involving difficult compromises as part of their governance role, standards of integrity may at times be given less weight than partisan considerations. There is no such flexibility for the unelected public servants who implement politically-determined policy goals. The resulting 'integrity mismatch' can lead to tension if, in performing their professional roles, public servants have strong ethical qualms about policy decisions they must implement.

Such tensions are inevitable, but they could and should be better understood and managed. Proposals to improve integrity in government by strengthening ethical watchdogs and their processes will not be effective without an accompanying focus on education and culture, including in relation to the integrity mismatch. Public servants should be trained to handle the ethics of implementing messy political compromises that may challenge their understanding of standards of integrity. This includes developing confidential ways for public servants to raise ethical concerns. Reciprocally, politicians should be trained in how to receive and weigh unwelcome advice on ethical standards in their decision-making roles.

In these ways, any integrity mismatch between elected politicians and unelected public servants would be better managed: politicians can pursue their policy goals flexibly, while taking account of advice from public servants to whom more rigid standards of integrity apply.

I start this essay by examining what the concept of integrity in public life means, how the concept meets the reality of life in a political office and how this results in an 'integrity mismatch' between those in elected office and the public servants who work with them. I then make recommendations on how to mitigate the risks that result from this mismatch in order to protect trust in the political system.

INTEGRITY

WHAT IT IS AND WHAT IT'S NOT

Integrity is a characteristic that many aspire to have. For those in the UK public sector, it is not just an aspiration, but a requirement. It is one of the seven 'Nolan' principles of public life and therefore embedded, along with honesty, selflessness, objectivity and others,¹ in the codes of conduct for both civil servants and ministers, and in the contracts of others in public roles.

Nolan defines integrity narrowly in terms of conflict of interest: "Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships."²

Although Nolan's narrow definition should be understood alongside the other six principles, 'behaving with integrity' generally has a broader scope than simple financial propriety, both in common parlance and in the academic literature, as well as in the Civil Service Code.³ Huberts (2014) identifies eight definitions of integrity in research on public administration. One sees 'behaving with integrity' as requiring a show of consistent values; another as requiring professionals to complete tasks responsibly by considering all relevant interests. A third definition equates integrity with morality and decisions about what is right or wrong. A fourth considers integrity to be an umbrella concept, encompassing constitutional values and legal compliance.⁴

Common to all approaches is that integrity is a matter of means not ends. Those behaving with integrity do not focus only on the output or consequences of decisions, but on their conduct, the requirements of office, and on process and procedure. Two people can hold strongly opposing views on a moral issue, and both can act with integrity in their disagreement. The notion of integrity in public life is thus connected not just with compliance with financial rules and standards of behaviour, but also with reasonable debate, the use of evidence, trust, and a willingness to change one's mind.

Codes of conduct, such as the Nolan principles, should help people to behave with integrity. Codes set expectations and provide guidelines when people are faced with ethical dilemmas. Although people may choose to behave with integrity not just because of the external incentive of a code,⁵ such codes reinforce appropriate behaviour and reduce the risk of misconduct. By setting ethical standards, codes such as the Nolan principles also provide assurance to the public that a certain level of moral conduct should be expected from those in public life.

Integrity in practice is often more visible in its absence: those who do not behave with integrity can be more obvious than those who do. Hall (2024), in line with Kant's thought that a moral life involves not being dishonest, argues that "integrity [in public office] should be understood in broadly negative terms; as a matter of not violating the public's trust by engaging in various kinds of malfeasance". Huberts (2018) classifies nine 'violations of integrity', which include but stretch beyond the narrow financial breaches which concerned Nolan.

1. Corruption: bribing
2. Corruption: favouritism

1 The remaining three are openness, accountability and leadership.

2 CSPL (1995)

3 UK Government (2015). Integrity is defined generally as 'putting the obligations of public service above your own personal interests'.

4 See also ICAEW (2007) for a summary of definitions of integrity.

5 As explained in more detail by Philp (2009)

3. Conflict of interest (gifts, jobs, etc.)
4. Fraud and theft of resources
5. Waste and abuse of resources
6. Breaking rules or misuse of power
7. Misuse and manipulation of information
8. Indecent treatment of others (including intimidation or discrimination)
9. Misconduct in one's private life (rather than in the public role)

This wider scope of integrity aligns not only with the common understanding of the concept, but with all seven Nolan principles. It is hard to claim that someone is behaving with integrity, or adhering to the Nolan principles, if they exhibit any of the 'integrity violations' above.

INTEGRITY FOR POLITICIANS

All those in public life commit to behaving with integrity. However, since well before Machiavelli, it has also been understood that those in political roles have a degree of licence to behave with partisan expediency even if this compromises ethical standards. Hobbes accepts that sovereigns should be able to dissemble, lie or cheat to maintain the security of their nation. To him, Oliver Cromwell was a case study of adaptability in the cause of political supremacy, 'applying himself always to the faction which was the strongest, and was of a colour like it'.⁶ Runciman, quoting Bacon, agrees that politics happens in the space between truth and lies, where there is room for 'refusing to answer the question, changing the subject, ... deliberate ignorance, evasion, obfuscation, simplification, ... exaggeration, dissembling, false certainty, [and] mis-description'.⁷

Politicians' proper governance role necessarily involves assessing the competing interests of those they represent, reaching compromises and managing others to achieve goals. Doing this may require them to dirty their hands with imperfect deals, economies with the truth, coalitions with disagreeable groups, or perceived betrayals.⁸ Weber (2004) famously stated that anyone involved in politics makes 'a pact with satanic powers' due to their need inevitably to compromise their principles, potentially using violence to achieve their goals, or doing evil to achieve good. Politics is about winning, whether to safeguard the nation or to win a vote, and can therefore involve 'dark arts'.

Such observations may be unpalatable to ethical purists but are a practical reality. A functioning democracy requires politicians to compromise, negotiate between different interests, and sometimes to sacrifice others. These compromises and sacrifices need not be unprincipled.⁹ But holding public office imposes unique ethical challenges on even principled politicians. Codes of conduct, including the Nolan principles, play a vital and necessary role in encouraging politicians to resist temptation and to 'behave with probity and integrity'.¹⁰ They should not behave shamelessly, stealing public money or lying knowingly to Parliament. Arguments cannot be won at any price. But politics matters too; and this can be messy. Politicians must exercise judgement in circumstances of pressure, risk and uncertainty. Behaving with integrity for politicians thus requires them to obey the law, set aside personal gain, and stick to fundamental democratic values, while allowing them some flexibility too: "politicians must ... weigh the relevant factors at play in a responsible manner when deciding how to act".¹¹ These factors include integrity, but also other factors, ranging from the long-term national interest to short-term electoral advantage or simple political expediency.

6 Hobbes (1969) p.136

7 Runciman (2010) p.234, quoting Francis Bacon (1625) 'Of Truth'.

8 Cf. Walzer (1973)

9 As set out in more detail by Hall (2024), quoting Bellamy (2012)

10 UK Parliament (2015) p.3

11 Hall (2024)

INTEGRITY FOR PUBLIC SERVANTS AND THE 'INTEGRITY MISMATCH'

Such flexibilities do not apply to unelected public servants.¹² Their job is not to judge where and how to make ethical compromises, as politicians must. Instead, they must faithfully implement the political choices of others. Politicians are accountable for their choices to the conflicting interested parties within the electorate, whether via select committees, the media or the ballot box. In contrast, public servants are accountable to those in elected political office.¹³ Their contracts of employment require them, under threat of dismissal, to implement political decisions while complying with the law and relevant codes of conduct, such as the Nolan principles. Public servants must behave with integrity or face the sack.

This does not mean that unelected public servants always behave with integrity. They are as fallible as other humans; and can be drawn into political situations where they cannot or do not wish to be neutral. Some may behave unethically. But there is a difference in the role that they perform. While politicians might feel the need to balance standards of integrity against partisan considerations when making policy decisions, public servants cannot have that flexibility in performing their subordinate, advisory role. This creates what I term an 'integrity mismatch'. The different realities for politicians and public servants to observe the same standards of integrity have consequences for both parties, and for their decisions.

One way of exposing the integrity mismatch is via the nine integrity violations listed below, to identify where it may be permissible for politicians to weigh standards of integrity less than will be allowable for public servants.

TABLE 1
INTEGRITY VIOLATIONS AS THEY MAY APPLY TO POLITICIANS AND PUBLIC SERVANTS

	INTEGRITY VIOLATION	PERMISSIBILITY FOR POLITICIANS	PERMISSIBILITY FOR PUBLIC SERVANTS
1	Corruption: bribing	Impermissible: punishable via the courts and constitutional regulators	Impermissible: punishable by dismissal and via the courts
2	Corruption: favouritism		
3	Conflict of interest (gifts, jobs, etc.)		
4	Fraud and theft of resources	Questionably permissible: subject to the nature of the relevant decision, the violation and the resulting public opinion and wider political judgement.	
5	Waste and abuse of resources		
6	Breaking rules or misuse of power		
7	Misuse and manipulation of information		
8	Indecent treatment of others (including intimidation or discrimination)		
9	Misconduct in one's private life (rather than in the public role)		

¹² Here and throughout, elected politicians, accountable democratically to their voters, are contrasted with those appointed to unelected roles whose job is to implement political directives. This includes civil servants, local government officials and those appointed to and working in public bodies.

¹³ Public servants are also variously held to account by the National Audit Office, Information Commissioner's Office, the Parliamentary and Health Service Ombudsman, but each of these watchdogs is also accountable to those in elected political office.

Severe violations of integrity (1 to 4 above), whether corruption, financial conflicts of interest or fraud, must be ethically impermissible for both politicians and public servants, though routes to accountability differ. Action against politicians may be initiated by constitutional or ethical regulators such as the Parliamentary Commissioner for Standards or the Independent Parliamentary Standards Authority, while public servants will be sanctioned by the public body that employs them.

When misconduct takes place outside work (9 above) and may not have an impact on the public role, politicians and public servants both have some latitude. Whether the behaviour lacks integrity and should be sanctioned will be judged case by case.

However, in four areas (5 to 8 above) there is an integrity mismatch between what may be permissible for politicians and for public servants in their different roles. It can never be allowable for public servants knowingly to waste resources, misuse power, manipulate information or mistreat others. Such behaviour, if proved, may lead to dismissal. Yet there may be times when politicians believe it necessary, in order to achieve political goals, to give less weight to ethical advice than to electoral advantage, media reporting or partisan expediency by massaging information, intimidating others, or directing the use of public resources in ways that others consider to conflict with standards of integrity.

In practice, the integrity mismatch manifests when public servants are reluctant to countenance behaviour or action that politicians consider necessary. This can lead to tension. If poorly handled, the integrity mismatch damages trust and reduces effectiveness: politicians think their legitimate goals are being frustrated by over-zealous officials, while public servants believe their legitimate concerns are being ignored by compromised ministers. Overall government performance suffers.

RESPONDING TO CHALLENGES TO INTEGRITY

Tensions between politicians and their advisors are hardly new. The need for candid speech in democratic decision-making was known as parrhesia to the Greeks. And advisors to political leaders have always faced ethical dilemmas, sometimes with fatal consequences, as Cardinal Wolsey and Thomas Cromwell found with a determined king. Worries about politicians' ethical standards are longstanding too. John Stuart Mill lamented government corruption in nineteenth century Britain. A hundred years later, a cash-for-questions affair led John Major to form a Committee on Standards in Public Life which created the Nolan principles.

However, the risks of integrity mismatch are worth reviewing anew in the light of emerging proposals to improve ethical standards in UK governance. They flow from concerns about recent ethical standards among senior politicians, whether relating to their behaviour or their decisions,¹⁴ such that ethics have again become a public worry: two-thirds of those questioned in early 2024 said that the government does not behave with high ethical standards.¹⁵ There are more tangible consequences than public concern: Moody's downgraded the UK's credit rating in part due to 'the weakening in the UK's institutions and governance'.¹⁶ Four in five people believe that reform is needed to raise standards of integrity¹⁷ and that action should be taken to improve UK governance,¹⁸ in line with Rawls' observation fifty years ago that 'in times of social doubt ... there is a tendency to fall back on the virtues of integrity, truthfulness and sincerity'.¹⁹

Recommendations to address these ethical concerns have come from four main sources: the Institute for Government (2022), the UCL Constitution Unit (2023), the Committee for Standards in Public Life (2021b) and most recently the UK Governance project (2024) chaired by Dominic Grieve. There is much consensus among them on the institutional measures necessary to improve compliance with standards of integrity and reduce the likelihood of future ethical failures. They uniformly argue that the current system for upholding ethical behaviour is flawed and inconsistent, relying too much on convention and informality. To address this, ethical watchdogs need greater independence and more power. The government's Independent Advisor on Ministerial Interests, the Advisory Committee on Business Appointments (ACOBA) and the Commissioner for Public Appointments should all be statutorily independent, with greater transparency of process to prevent abuse. The ministerial code should be updated, and a formal compliance function created in government.

14 Concerns about behaviour have been made about Boris Johnson misleading parliament, Cabinet members bullying staff (Dominic Raab) or employing their lover (Matt Hancock), and 83 people being fined for breaking Covid rules in Downing Street. Concerns about decisions have been made about the illegal prorogation of parliament and the 'fast-track' allocation of Covid contracts to friends of ministers.

15 Institute for Government (2024)

16 In October 2020, referenced by CSPL (2021a) para.1.8.

17 Renwick et al. (2023a)

18 Renwick et al. (2023b)

19 Rawls (1972)

In sum, these expert commentators agree that there should be specific legislative and structural strengthening of the statutory infrastructure that enforces higher standards of ethical compliance for those in public life.

Politicians recognise the problem. Rishi Sunak, on taking office, committed to 'integrity, professionalism and accountability',²⁰ and published a policy paper²¹ on ethics and integrity, promising to strengthen business appointment rules and update the ministerial code. The opposition Labour Party reviewed ethical issues through a report²² from Gordon Brown, promoted by Angela Rayner.²³ An Integrity and Ethics Commission is proposed to replace the Independent Advisor, with other recommendations including banning MPs' second jobs, making public appointments wholly independent, creating an anti-corruption commissioner, and setting up juries of ordinary citizens, chosen at random, to review ethical standards and whether they have been broken.

BUILDING A CULTURE OF INTEGRITY

Such institutional and structural changes to the ethics landscape, if refined and implemented, could bring welcome improvements to standards of integrity. But they will be insufficiently effective without accompanying cultural change and a greater understanding among both politicians and public servants about why integrity matters. This is because compliance with any new rule, including those imposed by stronger ethics watchdogs, is more likely if those subject to the rules choose voluntarily to comply with them, with the sanction of punishment for non-compliance applied only exceptionally. The cultural norm should be to ask oneself 'what is the right thing to do?' rather than 'what can I get away with?'

An analogy is instructive. There is a Highway Code that drivers must obey. They had to study it to get their license. But in practice, drivers give way at pedestrian crossings and roundabouts not because they think about the Code, nor from a fear of speed cameras. They do so because they have internalised and choose to comply with agreed standards that they also expect of others. Rules and culture are aligned. When they are not, culture takes precedence. Rules say it is illegal to exceed 70mph on motorways. But culture allows faster driving: many do it, and few are held to account for non-compliance.

The same applies to ethical standards in government. Strengthened ethics institutions will help improve standards; and watchdogs may take action against violations of integrity. But no integrity watchdog can be always present within government when policies are discussed, and decisions made. In moments of an integrity mismatch, if public servants are asked to act in ways that may be illegal, or to turn a blind eye to discrimination, or otherwise behave in ways that risk standards of integrity, there must also be an accepted culture of respect for ethical boundaries.

This is how standards of financial propriety are upheld. There is a statutory watchdog (the National Audit Office) that acts against non-compliance, with a code of conduct (set out in 'Managing Public Money').²⁴ But financial standards in government are upheld daily not by auditors but by politicians and public servants who, as budget holders, know that complying with financial standards is the right thing to do, and that non-compliance could get them into trouble.

A similar culture must exist to ensure compliance with integrity. If it does not, then, whatever codes of conduct or stronger ethics watchdogs exist, public servants will feel unable to challenge politicians at times of an integrity mismatch. Higher standards of integrity in the culture of public bodies must complement the institutional strengthening of ethical watchdogs. The need for this has been recognised, including by Boardman's (2021) review of the use of finance schemes in government, commissioned after former Prime Minister David Cameron had lobbied on behalf of a finance firm. Boardman called for 'greater emphasis ... on embedding integrity in the civil service', with mandatory propriety and ethics training for all public servants to instil this as a responsibility.

A culture that better understands integrity is likely to ensure that policymaking and its delivery is more effective, and avoid some of the problems arising from integrity mismatch that currently exist.

20 In his first speech as Prime Minister, 25 October 2022

21 UK Government (2023)

22 Commission on the UK's Future (2023)

23 Labour Party (2021), Institute for Government (2023)

24 The document, regularly updated by HM Treasury, on how civil servants should handle public funds.

DEALING WITH AN INTEGRITY MISMATCH 1

FOLLOW INSTRUCTIONS

At present, unelected public servants have three choices if they believe there is an integrity mismatch between what elected politicians believe necessary and what they consider permissible. The most common choice is to implement the political decisions as directed, notwithstanding any concerns they may have about integrity.

Times when public servants have concerns about political integrity are few. Their job is to help ministers to achieve political goals in ways that are legal, feasible and affordable, by providing comprehensive, impartial advice. There may be dialogue on the merits of different approaches. This is usually conducted with professionalism and integrity on both sides, resulting in policies that achieve political goals while complying with relevant laws and standards.

Any disagreement between politicians and their public servants is rarely revealed, whether on ethical or other issues. Politicians rightly expect public servants to implement political decisions regardless of their personal views, and to maintain confidentiality. This compact is at the heart of their relationship and builds on ancient links between monarchs and their staff. Hobbes believed that public servants behave with integrity by obeying their ruler, even if the command seems unjust.²⁵ This ensures the survival of the state. Weber agreed that public servants show integrity by putting the interests of the state before their own: 'when an official receives an order, his honour lies in his ability to carry it out'.²⁶

This is the position taken by countless public servants who appear before parliamentary select committees and the media, faithfully defending ministerial decisions and refusing to disclose areas of disagreement or private concern.²⁷ George Orwell felt he was 'an absurd puppet' of empire²⁸ when, as an administrator in India, he was ordered to shoot an elephant. He considered the act not only unpleasant but wrong. But he did it.

DEALING WITH AN INTEGRITY MISMATCH 2

RAISE CONCERNS

If public servants have significant concerns about integrity, their second option is to challenge the intended political decisions, more or less strongly. The effective functioning of government requires loyalty and obedience from public servants. But public servants may consider that behaving with integrity requires them to highlight ethical standards and codes of conduct even if this risks disapproval from a political boss. This may be for good professional reasons: ignoring ethical dilemmas may make political choices more palatable initially but lead to more complex future problems. Public servants may feel obliged to point this out in their advice.

Bernard Williams²⁹ considered that people of integrity put ethics, and actions that they believe to be ethically necessary, at the core of their identity and sense of self. For such people, ethical behaviour can be non-negotiable. But integrity does not require rigidity: people of integrity can be effective public servants in a political world. Personal and professional integrity are different. The former, where ethical challenges impact on a person's intrinsic characteristics, such as their religion or sexuality, are matters of conscience, not examples of an integrity mismatch. A strongly religious Catholic person may not feel able to advise politicians on abortion policy. The focus for public servants should instead be on their professional integrity that comes with the role being performed, and the legitimate expectations of them, regardless of their personal values, beliefs or characteristics.³⁰

Cases where a public servant's concerns about integrity are a cloak for self-indulgent egotism, or for taking a partisan political position,³¹ should also be discounted. A public servant may feel good about themselves if they take a principled stance on something they believe in. But if they do not think critically about the

25 Hobbes (1998) p.133

26 Weber (1968) p.988

27 A masterclass in this approach was given by Sir Chris Wormald of the Department of Health and Social Care at the Covid-19 inquiry. UK Covid-19 Inquiry - Module 2 Hearing AM - 2 November 2023

28 Orwell (1936)

29 Williams (1981) quoted by Scherkoske (2013)

30 Cf. Philp (2018)

31 Cf. Scherkoske (2013)

evidence, nor about their contractual obligation to support and faithfully implement the legitimate policies of elected politicians, then this is not behaviour consistent with professional integrity.

Instead, the focus of debate should be on cases where public servants are willing to weigh evidence and change their mind, and where behaving with integrity requires the public servant simultaneously to uphold their convictions about standards while also accepting that politicians may legitimately have different views about them.³² Behaving with integrity should not be uncompromising but accepting of disagreement, challenge and compromise. And it should matter to a person of integrity that their actions are defensible and reasoned, and that they are aligned with ethical codes such as the Nolan principles.

Public servants who, having weighed evidence and codes of conduct, still believe it necessary to identify concerns about integrity to politicians, will face difficulties. This is because few people in power truly welcome honest feedback that presents obstacles to their goals. Politicians are in a hurry, conscious of their limited time in office and the need to demonstrate quick wins to the electorate. Unhelpful advice may be ignored or rejected, and those who give it may face reprisals if the politician feels undermined or obstructed. A public servant who raises concerns about integrity may be as welcome as Banquo at a banquet.

The fear, real or imagined, of reprisal will inhibit public servants from pointing out an integrity mismatch and soften how they do so. They may also fear that they have incomplete information or that their superiors may not stand by them or take a different view. Yet some public servants will consider that, by remaining silent about a political action they consider ethically impermissible, whether a serious misuse of information or discriminatory behaviour, they are allowing violations of integrity to continue. Their silence will count as consent, as Mark Esper recognised when serving as Defence Secretary to Donald Trump,³³ and they will find it difficult to avoid becoming implicated in the potential malpractice. Professional loyalty does not demand unconditional obedience.

The internal struggle that such public servants experience may be severe. They will know that there are no easy solutions: in these circumstances, 'answers are not self-evident but require a sophisticated understanding of, and an identification with, one's office and the order of which it is a part, and a judgement about how one should act that plumbs the depth of this identification and one's loyalties'.³⁴ The public servant may believe that their own integrity requires them to call out the politician; but doing so requires them to set aside their own professional commitment to implement the politician's instructions. Their integrity pulls them both ways. They are in a bind.³⁵

DEALING WITH AN INTEGRITY MISMATCH 3 RESIGN

The third option for public servants, if their concerns about integrity cannot be reconciled, is to resign. Some do this quietly, without the reason for their resignation or any concerns about an integrity mismatch becoming known. In rare cases, the public servant feels it necessary to make the ethical reasons for their resignation public,³⁶ whether via a statement or by claiming constructive dismissal.

But resignation not only deprives the public servant of their livelihood but is likely to have little impact on the political behaviour of concern. It also denudes public service of people of integrity who, better managed, would continue to give good service to their country. It is in everyone's interest that this outcome is avoided.

HANDLING AN INTEGRITY MISMATCH

Some may believe that the ethical struggles of responsible public servants should be a matter for them alone. But standards of integrity matter. They benefit the country overall, making the UK a safe, reliable place to live, study and do business, with low levels of corruption and unbiased enforcement of the law. This is made possible in part by public servants who behave with integrity, and who are consistent in their judgments, evidence-based in their advice and committed to complying with the law, even when pressed to do otherwise.

32 Cf. Calhoun (1995) p.260

33 Esper (2022)

34 Philp (2007) p.165

35 Ex-diplomat Alexandra Hall reflected in depth on the dilemma, quoted in Stanley (2024) p.95

36 Sir Alex Allan resigned in 2020 as the Prime Minister's independent advisor on standards after his findings that Cabinet minister Priti Patel had demonstrated bullying behaviour were overruled by Boris Johnson. Sir Jonathan Jones resigned in 2020 as the government's principal lawyer when ministers announced that they intended to breach international law in the Internal Market Bill.

The reality of the political world inevitably creates moments of integrity mismatch, when politicians may weigh standards of integrity less than public servants must. These moments cannot be avoided and should not be ignored. Politicians and public servants should recognise this and accept that ethical debates on policy choices can be conducted with integrity on all sides.

At present, there are ways, short of resignation, for public servants to raise ethical concerns. None is wholly effective.

- a. Public servants can raise concerns with colleagues rather than with the politician. That may assuage the conscience but do little to address the concern. And it is not an option for the most senior public servants who engage with politicians directly.
- b. They can express concerns softly, privately and not in writing, in the hope that the politician will moderate their position. This is a legitimate and much-used approach,³⁷ but its effectiveness is necessarily contingent on a political willingness to compromise.
- c. Where concerns are significant, senior public servants can ask for a letter of ministerial direction, where they are instructed by politicians, against advice, to implement the policy.³⁸ This can be effective: the threat of one can make politicians think again about a proposal. However, most such letters express concern about the risk of poor value for public money. It is not a device used to express concerns about integrity.
- d. Public servants have the option to blow the whistle on violations of integrity. Few do so. This is not only due to the stress and cost involved, and the likelihood that, notwithstanding legal protection,³⁹ the public servant will lose their job, but because it is often ineffective in addressing the cause of concern. Issues can also be muddled by inter-personal disputes, individual context, and efforts to discredit the complainants.⁴⁰

The future strengthening of ethical watchdogs may help raise the profile of integrity in government. But institutions alone cannot create a culture of integrity; and a procedural approach to ethics is insufficient to ensure that those making decisions assess the meaning of the Nolan principles and apply them in practice. Integrity depends on people choosing to behave well, and for 'the practices, norms and rules of their office [to] have some grip on their minds',⁴¹ with those taking decisions on behalf of the public doing so accountably and in line with the ethical principles expected of them:

"What we want ... is people who, in accepting public office, accept the responsibility to act in keeping with the terms and spirit of that office, and who have the strength of character to recognise the importance of that commitment against other competing interests, and to sustain those commitments even when under pressure. ... integrity is really what we want."⁴²

NEXT STEPS IN IMPROVING INTEGRITY

Improvements can be achieved. The first step is to ensure that integrity is on the agenda, with ethical standards seen as essential to effective government. Senior politicians and public servants must make explicit their commitment to high standards of integrity.

The second step is to ensure that politicians and public servants understand what this means in practice, including how to handle the inevitable difficulties of an integrity mismatch. It is not enough for induction and training to involve an emailed copy of the Nolan principles. They should be understood in real-life situations. Pre-emptive conversations, even if uncomfortable, will help both elected politicians and unelected public servants to recognise their complementary roles, and put in place foundations of understanding and trust that will pay dividends ahead of an integrity mismatch that may later take place.

37 Chief medical officer Sir Chris Whitty and chief scientist Sir Patrick Vallance seemed, from their Covid evidence, to take this approach.

38 There were 102 such letters in the 33 years to 2023. Institute for Government (2017)

39 Public Interest Disclosure Act 1998

40 Glazer & Glazer (1989) recognise that, although most whistle-blowers are responsible professionals who believe they are defending the organisation, each case is complex with distinct judgments possible.

41 Philp (2007) p.152

42 Philp (2018)

- a. The role of elected politicians is to make decisions on controversial issues in the public interest. This may involve ethical compromise. Politicians will be more effective in achieving their goals if they build respectful working relationships with the public servants who must implement their decisions. In part this means understanding the integrity mismatch between their roles, and being able to hear appropriate ethical concerns. Training for politicians can focus on how to do that with respect and professionalism, as Lord Bew, as chair of the Committee on Standards in Public Life, recommended a decade ago, however resistant politicians are to receiving this.⁴³
- b. Training for public servants should be clear that integrity is a core part of their job, but that politicians must have some license in applying ethical standards due to their different decision-making role. Politicians must not be corrupt. But legitimate political goals may require more ethical flexibility than public servants are comfortable with. There should also be guidance⁴⁴ to public servants on the basic techniques of providing ethical advice gently and reasonably, explicitly understanding issues from a political perspective, and providing workable solutions to ethical dilemmas where possible.

A third step is for integrity, and upholding ethical standards, to be the formal responsibility of a specific institution or individual. This could be a strengthened Director General of Ethics and Propriety in the Cabinet Office, as recommended by Boardman, in addition to the stronger institutional arrangements to improve integrity recommended by the Committee on Standards on Public Life and others, as mentioned above. Their responsibilities could include ensuring that ethical rules are appropriate and understood, and that organisational cultures value integrity in practice, with research commissioned and published on what works to foster integrity in government and public roles.

And fourth, there must be better appropriate ways for public servants to raise concerns about integrity. This may involve more actively using reporting channels to senior staff, particularly accounting officers, the Cabinet Secretary or the Civil Service Commission, with records kept of ethical concerns raised that can be periodically examined by those formally responsible for integrity in government. This is in line with the Gray recommendation⁴⁵ that it should be easier for public servants to raise concerns about poor behaviour, with identified routes in each government department to support wider cultural change to improve standards. The use of letters of ministerial direction could be expanded to explicitly identify concerns about integrity, with periodic scrutiny from the National Audit Office or a parliamentary committee.

In such ways, the inevitable integrity mismatch between elected politicians and unelected public servants can be better managed, with policymaking and delivery benefiting both from the occasional need for political ethical agility, and from the more rigid ethical advice of public servants who are acting with integrity.

43 CSPL (2014)

44 Such as is provided by Stanley (2021).

45 UK Government (2022)

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