

Committee on Standards in Public Life (the Wicks Committee)

Sixth Report Summary and List of Recommendations and Observations

Introduction

1. The Committee on Standards in Public Life was set up in October 1994 by the then Prime Minister Rt Hon John Major MP against a backdrop of public disquiet about standards in public life.
2. The immediate causes of concern were threefold: (a) the 'cash for questions' scandal involving a small number of Members of Parliament (MPs) who were alleged to have accepted payment in order to raise questions in the House of Commons; (b) allegations that former Ministers were obtaining employment with firms with which they had had connections whilst in office, and (c) a perception that appointments to public bodies were being unduly influenced by party political considerations.
3. In response, the Committee was given broad terms of reference: 'To examine current concerns about standards of conduct of all holders of public office...' Within 6 months, the Committee, under the chairmanship of the Rt Hon the Lord Nolan made its first report to the Prime Minister, focusing on MPs, the Executive (Ministers and the Civil Service) and public appointments.¹
4. As a standing committee, the Committee can, as well as reviewing the implementation of recommendations flowing from previous reports, undertake enquiries into new subject areas.
5. The initial purpose of the present enquiry was to review the implementation of the recommendations contained in the Committee's First Report.² In the light of evidence received, however, it became clear to the Committee that other related areas had to be considered. As a result, this report includes recommendations on the status and regulation of special advisers, on sponsorship of government activities and on the lobbying of Ministers and civil servants.
6. Whilst it was satisfactory to note that the perception of those participating in public life and of political commentators is that standards in public life have improved since the publication of the First Report in May 1995, the Committee considers that there is more to be accomplished. Many of the issues addressed in the First Report have been resolved, but new issues have come to the fore. Some of these involve concerns about privileged access and the exercise of undue influence through political, social or business contacts or through gifts of money.
7. Our conclusions are briefly summarised below. They are followed by a list of recommendations and observations.

Chapter 3: Members of Parliament

8. We have focused on two principal issues relating to MPs. First, disciplinary procedures in the House of Commons, particularly those governing the investigation and adjudication of allegations of serious misconduct by MPs; and, secondly, the guidelines on the ban on paid advocacy.

9. We continue to support the self-regulation of Parliament in respect of allegations of misconduct (save those involving accusations of crime). We share the concern of many, however, that the arrangements in the House of Commons for dealing with contested allegations of serious misconduct by MPs stand in need of reform. We, therefore, propose a new procedure involving, at first instance, an investigative tribunal consisting of an independent lawyer of substantial seniority as chairman sitting with two or four experienced MPs, with a right of appeal to an ad hoc appellate tribunal.

10. As regards the second issue, we were troubled by the effect of the guidelines relating to the ban on paid advocacy in the House of Commons. In particular, it is now a widely held view that these guidelines inhibit contributions in the House by those MPs who have substantial expertise and experience. We are committed to the ban on paid advocacy but propose amendments to the guidelines in relation to the ban that would ease the restrictions governing initiation of proceedings.

Chapter 4: Ministers

11. The issue which most concerned our witnesses in relation to Ministers was how the Prime Minister should investigate allegations of misconduct by Ministers. We considered carefully whether the Prime Minister would be assisted by an external adjudicator such as an ethics commissioner and concluded against such a proposal. We take the view that the Prime Minister should be the ultimate judge of the requirements of the Ministerial Code and we propose an amendment to the Ministerial Code to make this clear.

Chapter 5: Civil Servants

12. The Government has demonstrated its commitment to changing the Civil Service with the publication, in March 1999, of a White Paper entitled *Modernising Government*.³ This was followed in December 1999 by the report of Sir Richard Wilson, Cabinet Secretary and Head of the Home Civil Service, to the Prime Minister on Civil Service reform.⁴ Whilst endeavouring to uphold the Civil Service 'core values' of integrity, propriety and objectivity, the Government is seeking 'greater creativity, radical thinking and collaborative working'.⁵ One of the steps that the Government intends to take is to encourage more recruitment from outside the Service, using short-term contracts. We appreciate the importance of developing strategies to enable the Civil Service to respond to a changing environment. We think it important, however, that the public service ethos should be sustained. We, therefore, recommend that those coming in from outside the Service should be given training and induction opportunities at which ethical issues within the public sector are examined and explained.

13. A concern addressed in the First Report was that the impartiality of senior civil servants might be eroded by a perception that reward or promotion depended on a commitment to Ministerial ideology. In the *Modernising Government White Paper*, the Government set out its intention that Permanent Secretaries and heads of department should have personal objectives for taking forward the Government's modernising agenda and ensuring delivery of the Government's key targets. As a safeguard against any suspicion of politicisation of the Civil Service, we recommend a system of independent validation of the performance of permanent heads of departments and agencies.

14. As a more fundamental safeguard of the Civil Service 'core values' and the public service ethos, we recommend that the Government should place a greater priority on its commitment to putting the Civil Service Code on a statutory footing. A Civil Service Act has for too long been heralded.

Chapter 6: Special Advisers

15. Special advisers are technically civil servants, although not recruited by open competition. They are paid for out of public funds. They are governed by the Civil Service Code although exempted from the provisions relating to impartiality and objectivity. They are employed under terms based on a published Model Contract. By an amendment in 1997 to the Civil Service Order in Council 1995, three special advisers in the Prime Minister's Office are permitted to have executive powers.

16. We did not consider special advisers in the First Report, save in relation to the application of business appointment rules. The increase in numbers of special advisers since 1995 – in December 1999 standing at over 70 – and the high public profile of some special advisers have generated a debate about their function, about whether they should be paid out of public funds and about how they should be regulated.

17. We have no doubt that special advisers perform a valuable function within government and we have concluded that it is right that they should be paid out of public funds. We are concerned, however, that any increase in their number should be subject to Parliamentary scrutiny and we recommend that provision should be made for a statutory limit on numbers. We also recommend that a special advisers' code should be issued, replacing the Civil Service Code and the Model Contract in the case of these advisers.

Chapter 7: Lobbying and All-Party Groups

18. In our First Report, we focused on Parliamentary consultancies and whether there should be a register of lobbyists. The changes flowing from our recommendations have, we believe, resolved many of the issues relating to lobbying and Parliament. In this report, following the 'lobbygate' affair in July 1998,⁶ we have considered in more detail the relationship between lobbyists and the Executive (Ministers and civil servants (including special advisers)).

19. We remain of the view expressed in the First Report that there should not be a formal register of lobbyists and that regulation of lobbying should be through regulation of 'the lobbied' rather than the 'lobbyists'. We, therefore, recommend that Ministers and civil servants (including special advisers) should be required to keep records of contacts with those promoting external interests. Whether those records should be publicly available may be governed by the conclusions reached on the Freedom of Information Bill, which was introduced in the House of Commons in November 1999.

20. We also recommend that the Cabinet Office should issue new guidance on consultation exercises. The purpose of the guidance would be to ensure greater transparency in government. This measure and our recommendation that Ministers and civil servants should be required to keep a record of contacts would go some way to allaying the suspicion that lobbyists have both privileged and secret access to the Executive.

21. Finally, we considered the operation of All-Party Groups in Parliament and whether these offered an avenue of privileged access for lobbyists to MPs. We conclude that, although we received no evidence to suggest that the organisation and funding arrangements for such groups was a cause for concern, the Register of All-Party Groups should be made more accessible to the public.

Chapter 8: Sponsorship of Government Activities

22. The issue of sponsorship of government activities (in cash or 'in-kind') by private companies and other organisations has emerged since the publication of the First Report. We acknowledge the force of the argument that such sponsorship – like donations to

political parties – could amount to an attempt, or be perceived as an attempt, by outside organisations to ‘buy’ influence in government. We conclude, however, that appreciable public benefits can be derived from sponsorship of government activities and that the proper approach is not to ban it outright but to regulate it. We recommend that the Cabinet Office should issue guidance to departments on how sponsorship transactions should be conducted, without compromising the integrity of government. We also recommend that each department should identify an individual official who would be charged with ensuring that the guidance on sponsorship is properly observed in the department.

23. On the same principle of openness which we applied in our report on the funding of political parties,⁷ in which we recommended disclosure of donations of 5,000 or more,⁸ we recommend that sponsorship valued by the department at 5,000 or more should be disclosed in the departmental annual report, and the information should be made available to the public on request.

Chapter 9: Public Appointments and Proportionality

24. In our Fourth Report,⁹ we reviewed the First Report recommendations on public appointments. An issue which has remained of concern, however, is ‘proportionality’ in the public appointments process. By ‘proportionality’ we mean the principle that the length and complexity of an appointment procedure should be commensurate to the nature and responsibilities of the post being filled. We received evidence on appointments procedures in relation to both Non-Departmental Public Bodies (NDPBs) and National Health Service (NHS) bodies.

25. As regards NDPBs, we found that there were two main criticisms: (a) that the full executive NDPB appointments procedure is being applied to appointments to NDPBs (both executive and advisory) without discrimination, and (b) that an appointments system based on open competition is inappropriate to highly specialist advisory bodies. The current Commissioner for Public Appointments, Dame Rennie Fritchie, said in evidence to us that she would be addressing both these issues.

26. As regards appointments to NHS bodies, a number of issues emerged in evidence: the delay in making appointments and deciding reappointments, discourtesy towards board members seeking reappointment, the workload of board members exceeding that suggested in the post advertisement, problems arising from the central register system of appointments, and concerns about politically motivated appointments. In the light of these problems, we recommend that the Secretary of State for Health should review the NHS appointments system, taking into account the results of a scrutiny of NHS appointments procedures currently being undertaken by Dame Rennie.

27. An issue which was often raised in evidence to us concerned principles of selection and the tension between the principle of appointment on merit and a commitment to balanced representation of gender and ethnic groups. We did not consider this issue exhaustively and we welcome Dame Rennie’s work on developing measures to tackle it.

Chapter 10: Task Forces

28. Our attention was drawn to the burgeoning number of ‘task forces’ or policy review groups. Because they are outside the scope of the Office of the Commissioner for Public Appointments, it can be alleged that they are constituted by political patronage. A comparable charge was made at the time of the First Report about the unregulated growth of ‘quangos’, the secret nature of the appointment process and their unaccountability.

29. We recognise the value to government of task forces. We think it important, however, that the growth in task forces should be monitored, a starting point being an agreed definition of a task force. We recommend that a definition should be developed, key elements being that a task force includes plural outside membership and should exist for no more than two years. A definitive list of task forces should then be drawn up by the Cabinet Office on that basis. Our final recommendation on task forces is that groups which satisfy the definition of task force but for the fact that they have been in existence for more than two years should be disbanded or reclassified as advisory NDPBs.

Chapter 11: Business Appointments

30. As a result of the First Report, the business appointment system governing the movement of civil servants into jobs outside Government was, with some modifications, extended to Ministers and special advisers. We have concluded that the business appointments system, operated by the Advisory Committee on Business Appointments, appears to be working well. As a result, we have not formally recommended any changes to the system.

List of Recommendations and Observations

(Recommendations are identified by the prefix 'R' and Observations by the prefix 'O')

Chapter 3: Members of Parliament

R1. The Government should introduce its proposed legislation on the criminal law of bribery as soon as possible in order to remove any uncertainty regarding the scope of the statutory offence of bribery and to make clear that members of both Houses of Parliament, acting in their capacity as members, and those who bribe a member of either House of Parliament fall within its scope.

R2. Where a complaint is made to the Parliamentary Commissioner for Standards alleging criminal conduct by an MP and the complaint is neither malicious nor frivolous, then the Parliamentary Commissioner should report to the Committee on Standards and Privileges with a recommendation that the matter be referred to the police for further investigation.

R3. 'Trial' procedure in serious, contested cases

1. Where
 - a. the Parliamentary Commissioner finds a prima facie case against an accused MP, the alleged facts of which, if true, would amount to serious misconduct, but
 - b. the alleged facts are disputed by the accused MP,

the Parliamentary Commissioner should report to the Committee on Standards and Privileges with a recommendation that the case be referred to a disciplinary tribunal consisting of a legal chairman sitting with either two or four MPs who should be of substantial seniority.

2. Before making a decision about whether to accept the Parliamentary Commissioner's recommendation, the Committee on Standards and Privileges should allow the accused MP an opportunity to make representations in respect of that decision.
3. If the Parliamentary Commissioner's recommendation is accepted, the accused MP should be provided with financial assistance to enable him or her to fund legal representation at the hearings of the tribunal.

4. The tribunal should be governed by procedures which satisfy the 'minimum standards of fairness', as defined by the Nicholls Committee.¹⁰
5. The tribunal should both act as fact-finder and decide whether, on the basis of the facts found, the charges against the accused MP are proved.
6. The tribunal should report its conclusions to the Committee on Standards and Privileges and, assuming no appeal is being lodged, the Committee should consider what penalty (if any) should be recommended to the House of Commons.

R4. Appeal procedure in serious, contested cases

1. An accused MP who receives an adverse ruling from the first instance tribunal should have a right of appeal and should be entitled to financial assistance to pursue that appeal.
2. The appeal should be heard by an ad hoc appellate tribunal, possibly a retired senior appellate judge sitting alone.
3. If the appeal is dismissed, the Committee should report the result of the appeal to the House of Commons along with any recommendation as to penalty.

R5. 'Trial' and appeal procedure in other contested cases

1. In cases which, in the opinion of the Parliamentary Commissioner, do not warrant a referral to the full tribunal, the Parliamentary Commissioner should make a recommendation to the Committee on Standards and Privileges accordingly. The Committee should decide whether to uphold the recommendation of the Commissioner on the basis of the Commissioner's report and of the representations (if any) by the accused MP.
2. In those cases that remain with the Parliamentary Commissioner, the Commissioner should investigate the complaint and, on the basis of the facts found, decide whether the complaint should be upheld or dismissed. The Commissioner's decision should be reported to the Standards and Privileges Committee which should, in turn, decide whether or not to adopt the Commissioner's report and what penalty (if any) should be recommended to the House.
3. In cases where an accused MP disputes the Commissioner's findings or conclusions, that MP should be able to appeal against the Commissioner's decision, such an appeal to be heard either by the Committee itself or by such ad hoc appellate body as it decides to appoint.

R6. Disciplinary procedure in non-contested cases

In non-contested cases, whether serious or minor, the Parliamentary Commissioner should, in accordance with present practice, report the (undisputed) facts and conclusions based on those facts to the Committee on Standards and Privileges which, if it endorses the report, should recommend to the House of Commons what penalty (if any) should be imposed.

R7. The disciplinary proceedings of the House of Commons should be held in public but should not be broadcast. This recommendation as to hearings in public does not extend to the private deliberations of the Standards and Privileges Committee or of any disciplinary or appellate tribunal (which should remain private).

R8. The House of Commons should take measures in relation to the Committee on Standards and Privileges, with a view:

- a. to ensuring that a substantial proportion of its members are senior MPs, and

- b. to exempting the Committee from the convention that its chairman should be drawn from the Government benches.

R9. The ban on paid advocacy should be retained.

R10. The guidelines relating to the ban on paid advocacy, set out in the Guide to the Rules relating to the Conduct of Members, should be amended so as to make it possible for an MP who has a personal interest to initiate proceedings which relate in a general way (and not exclusively) to that interest, subject to the following safeguards:

- the MP is prohibited from engaging in 'paid advocacy' on behalf of that interest;
- he or she is required to register and declare the interest in accordance with the guidelines;
- he or she must identify his or her interest on the Order Paper (or Notice Paper) by way of an agreed symbol when initiating a debate.

Chapter 4: Ministers

R11. Paragraph 123 of the Ministerial Code should be amended to make it clear that a Minister, having had the advice of his or her Permanent Secretary on potential conflicts of interests, must take full responsibility for any subsequent decision.

R12. No new office for the investigation of allegations of ministerial misconduct should be established.

R13. The final three sentences in section 1 of the Ministerial Code should be redrafted to clarify the role of the Prime Minister. It will be for the Prime Minister to determine the precise wording but we suggest the following text:

It will be for individual Ministers to judge how best to act in order to uphold the highest standards. They are responsible for justifying their conduct to Parliament and retaining its confidence. The Prime Minister remains the ultimate judge of the requirements of the Code and the appropriate consequences of breaches of it.

R14. The presentation of section 1 of the Ministerial Code should be improved to reflect its importance as a statement of the ethical principles governing ministerial conduct. In particular the final three sentences, redrafted as suggested above, should be clearly distinguished from the preceding text.

Chapter 5: Civil Servants

R15. Permanent heads of department and heads of profession, in conjunction with the Centre for Management and Policy Studies, should ensure that there are training and induction opportunities for those appointed on secondments or on short-term contracts to middle management or senior civil service levels at which ethical issues within the public sector are examined.

R16. The arrangements for validating the performance of permanent heads of department and agencies against their personal objectives need to be subject to further scrutiny but should be structured to allow for some element of independent validation so as not to undermine political impartiality.

R17. A timetable for the implementation of the Government's commitment to a Civil Service Act should be produced as soon as possible. In particular a target date should be set for the process of consultation on the scope of such an Act.

Chapter 6: Special Advisers

R18. The Ministerial Code should be amended to reflect the fact that in certain circumstances more than two special advisers per Cabinet Minister may be appointed. The Prime Minister may wish to set out in the Code the criteria which should be applied if the limit is to be exceeded.

R19. The proposed Civil Service Act should contain a provision limiting the total number of special advisers that can be appointed within Government. Any increase beyond that figure should be made subject to affirmative resolution of both Houses of Parliament.

R20. Pending the enactment of the Civil Service Act, the Government should put before both Houses of Parliament for debate a limit on the total number of special advisers that can be appointed within Government.

R21. Any increase in the number of special advisers with executive powers should be subject to the same process of Parliamentary scrutiny as set out in recommendations R19 and R20 above for the overall number of special advisers.

R22. There should be a separate code of conduct for special advisers. The special advisers' code should:

- a. consolidate appropriate elements of the Civil Service Code, the Model Contract and paragraph 56 of the Ministerial Code, which sets out the duty to uphold the political impartiality of the Civil Service and other obligations;
- b. include a section on the direct media contacts of special advisers, making clear the nature of the role that they play in relation to the work of Civil Service information staff and in particular the role of the departmental head of information, as set out in the Guidance on the Work of the Government Information Service published in July 1997;
- c. be enforced by permanent heads of department.

R23. The Government should include in the contracts of employment of all future special advisers a clause requiring the special adviser to abide by the terms of the special advisers' code, and the Model Contract and the Civil Service Code should not apply to them. The Government should also ensure that existing special advisers abide by the terms of the special advisers' code.

R24. The special advisers' code should be included in the proposed Civil Service Act.

R25. Pending the enactment of the Civil Service Act, a draft of the proposed code should be tabled in both Houses of Parliament for debate.

Chapter 7: Lobbying and All-Party Groups

R26. There should be no statutory or compulsory system for the regulation of lobbyists. The current strengthening of self-regulation by lobbyists is to be welcomed.

R27. For Ministers, the basic facts about official meetings with external interests (which should include the date and time, the people involved and the general subject under discussion) should be recorded in their office diaries, which should be retained. The Ministerial Code should be supplemented accordingly.

R28. For civil servants including special advisers, the current guidance on lobbying should be strengthened, to ensure that a record is kept of the basic facts (which should include the date and time, the people involved and the general subject under discussion) of any

contact with external interests in which those interests attempt to influence policy and decisions.

R29. The Cabinet Office should issue guidance on consultation, which would have as its objective a uniformly high and transparent standard of consultation on policy issues and decisions. This might be in the form of a Consultation Code, which would seek to ensure that departments meet the principles set out in the current Cabinet Office document on Best Practice in Written Consultation.

R30. The Register of All-Party Parliamentary and Associate Parliamentary Groups should be placed on the internet. The question of the ease of public access to information about All-Party Groups should be kept under review by both Houses.

Chapter 8: Sponsorship of Government Activities

R31. There should be no ban on sponsorship of government activities, subject to the implementation of recommendations R32, R33, R34, R35 and R36.

R32. The Cabinet Office should produce a set of principles (based on the current Cabinet Office guidelines but reflecting recommendations R33, R34, R35 and R36) to be followed by all departments that wish to attract private or voluntary sector sponsorship. Each of these departments should incorporate these principles in a more detailed practical document, appropriate to its own requirements.

R33. The Cabinet Office sponsorship principles should include a requirement that departments must satisfy themselves, before they begin to seek sponsorship, that any sponsorship is likely to produce significant net benefit for the department, at no detriment to the public interest. Departments should in particular examine rigorously whether: (a) particular activities should be excluded from sponsorship, and (b) particular types of company could be held to be unsuitable for consideration as sponsors on the grounds of potential conflicts of interest or inappropriate association.

R34. Each department which seeks sponsorship should identify an official, who would be responsible for ensuring that the relevant guidance on sponsorship is known and observed throughout that department. The official should liaise with other such officials across government departments to ensure high standards of propriety in relations with sponsors.

R35. There should be disclosure in departmental annual reports, and to the public on request, of the details, including the value received, of sponsorship of government activities by the private and voluntary sectors. For sponsorship valued at less than 5,000, the individual amounts need not be disclosed.

R36. In recording the value of sponsorship, the figure to be recorded should be the value of the sponsorship to the government department. Guidance on the correct way to record 'in-kind' sponsorship in such disclosures should be appended to the principles set out by the Cabinet Office.

Chapter 9: Public Appointments and Proportionality

01. We welcome the announcement of the Commissioner for Public Appointments, Dame Rennie Fritchie, that she intends undertaking a review of the operation of the tier system and look forward to the report of her findings and conclusions.

02. We also welcome the Commissioner's indication that she is to consider whether it would be appropriate to introduce a special category of appointments, designated 'expert' posts, to which different appointment rules should apply.

R37. The Secretary of State for Health should review the procedure governing reappointments to NHS bodies with a view:

- a. to re-introducing a system under which those seeking reappointment for the first time, who have been assessed as performing satisfactorily in their posts, can be reappointed without being compared to an external candidate;
- b. to ensuring that those seeking reappointment are kept fully informed about the progress of the reappointment process at all stages; and
- c. to ensuring that the reappointment process is undertaken at the appropriate stage and a decision on reappointment is made reasonably in advance (say, two months) of the end of the post-holder's term of office.

R38. The Secretary of State for Health should reconsider, with the advice of the Public Appointments Commissioner and following the Commissioner's scrutiny of the NHS appointments system (see O3 below), the appointments procedure in relation to NHS trusts and authorities with a view to setting up, if practicable, a less centralised appointments system than the present register system, subject to the need to maintain standards of performance and delivery across the NHS system.

O3. We support the announcement of the Commissioner for Public Appointments that she intends undertaking a scrutiny of the appointment procedure used for NHS appointments and look forward to the report of her findings.

O4. We welcome the work of the Commissioner for Public Appointments on developing measures to improve the balance of representation on the boards of public bodies and look forward to the report of her conclusions. As part of the objectives of her work, we invite her to consider:

how to improve the range of candidates from which public appointees are drawn, and
how the concept of 'merit' can be reconciled with the need for a balanced and appropriately qualified representation.

Chapter 10: Task Forces

R39. An agreed definition of a task force should be established by the Cabinet Office, key elements of which should be that such a body has significant and plural outside membership and operates within a time frame of not more than two years.

R40. Using the agreed definition, a review should be conducted by the Cabinet Office to establish the number of task forces in existence and their current status and longevity.

R41. If it emerges that some task forces have been in existence for longer than two years, a decision should be made by the Cabinet Office, in conjunction with the commissioning department, as to whether the task force should be disbanded or reclassified as an advisory NDPB.

End notes

1. Committee on Standards in Public Life, First Report, Cm 2580 (1995), referred to hereafter as the First Report. []
2. The First Report also included recommendations in relation to propriety in public appointments to executive NDPBs and NHS bodies. These matters were reviewed in the Committee's Fourth Report, Review of Standards of Conduct in Executive NDPBs, NHS Trusts and Local Public Spending Bodies (London: Stationery Office,

- 1997), referred to hereafter as the Fourth Report, and have not, therefore, been included in the present enquiry. []
3. Cm 4310. []
 4. Civil Service Reform: Report to the Prime Minister by Sir Richard Wilson, Head of the Home Civil Service, Cabinet Office, December 1999. []
 5. Modernising Government White Paper, p 55. []
 6. This involved allegations about the level of access and influence in Government circles enjoyed by a number of people who, formerly advisers to members of the pre-1997 Shadow Cabinet, now worked as lobbyists. []
 7. The Fifth Report of the Committee on Standards in Public Life, The Funding of Political Parties in the United Kingdom, Cm4057 (1998). []
 8. Fifth Report, Recommendation 1. []
 9. The Fourth Report of the Committee on Standards in Public Life, Review of Standards of Conduct in Executive NDPBs, NHS Trusts and Local Public Spending Bodies (London: Stationery Office, 1997). []
 10. The Nicholls Committee is the Joint Committee on Parliamentary Privilege. It was chaired by the Rt Hon the Lord Nicholls of Birkenhead. It published a report (the Nicholls Report) in March 1999 (HL Paper 43-1 and HC 214-I (1998-99)). The 'minimum standards of fairness' are set out on p 75, para 281. []