

Written evidence submitted by Centre for People’s Justice for the Public Office (Accountability) Bill Committee (POAB05)

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1. Introduction

The Centre for People’s Justice at the University of Liverpool welcomes the opportunity to submit evidence to the Public Bill Committee on the Public Office (Accountability) Bill 2025 (“Hillsborough Law”). The Centre spans seven Universities from all four UK jurisdictions, its mission is to improve law and improve lives through community-led research. Our submission draws on two complementary sources:

1. **Unique public-facing research** about Hillsborough Law that we have conducted since September 2025 involving public legal education materials and over **1,000 public responses** across six social media platforms.



2. **Academic legal analysis** of Section 9 (Code of Ethics and Duty of Candour), including detailed proposed amendments to strengthen the Bill to achieve its intended objectives.

This submission sets out the consolidated findings of both strands of work and proposes specific amendments to ensure the Bill is effective, credible, and publicly understood.

2. Public Research Findings: Overview

2.1 Overwhelming Public Support

There is clear, strong support for the aims of the Bill. For example, public respondents describe the proposals as “absolutely fabulous” and as giving citizens “the power they deserve to get to the truth.” The public believe these reforms are long overdue, yet express disbelief that statutory candour duties are only now being legislated in 2025.

2.2 A Demand for Culture Change

Respondents consistently interpret Hillsborough Law as a vehicle for culture change. The duty of candour is viewed not merely as a procedural standard but as a requirement for public authorities to “treat us like adults” and end the historic pattern of defensiveness and institutional paternalism. Many explicitly link the Bill to the Nolan Principles and Freedom of Information, suggesting the Bill

could bring greater credibility to existing transparency standards as well as setting new expectations of candour, frankness, ethics and openness.

2.3 Deep Public Distrust Shaped by National Scandals

Respondents frequently referenced tragedies and scandals — including Hillsborough, the Post Office scandal, grooming gang failures, PPE procurement concerns, and data leak cover-ups. These experiences shape a deeply embedded national consciousness of institutional failure. Across the responses, **MPs are perceived as the public face of these failures**, an uncomfortable but important finding for this Committee.

2.4 Anger at exclusion of elected representatives from Offence of Misleading the Public

The most prominent theme concerns exclusion of MPs and councillors from the new statutory offence of Misleading the Public contained at section 11 of the Public Office (Accountability) Bill 2025. Given that offence's high threshold (intent, public capacity, harm, and seriousness), respondents cannot understand why political actors are exempt. The Committee should be aware that this exemption is widely viewed as undermining credibility, fairness, and public trust in the Bill. The exclusion of MPs who are not Ministers (Schedule 2, Part 2 Public Office (Accountability) Bill 2025) is viewed by the public as reinforcing a perception that politicians see themselves as "above the law". Since this goes directly to the Bill's credibility, our evidence suggests the need to amend Schedule 2, Part 2, including deletion of exclusion at sections 2(6)(b)-(e).

2.5 Desire for a stronger Section 9 (Code of Ethics and Duty of Candour): "this needs some real teeth", "who watches the watchers?"

Section 9 sets the framework for public authorities to promote and maintain ethical standards and apply the duty of candour internally. The duty of candour has generated substantial public commentary regarding its impact on public authorities with perceived 'regulatory' impact on day-to-day life: such as the Care Quality Commission, family courts, local authorities, social services, and privately run care homes. Respondents to our content have expressed concern that new requirements for a code of ethics and duty of candour must mean genuine culture change in day-to-day engagement of public officials with the public.

3. Proposed Amendment to Section 9

Our analysis highlights that Section 9, as drafted, risks being insufficiently robust to secure the cultural transformation envisaged. We therefore propose specific amendments, aligned with public expectations and grounded in established legislative models. These proposed amendments have support and are endorsed by the Hillsborough Law Now Campaign.

3.1 Strengthen wording in s9(1): "All reasonable steps"

Problem:

s9(1) currently requires public authorities to “promote and take steps to maintain high standards.” This wording permits minimal or symbolic compliance.

Proposed Amendment:

Replace “*promote and take steps to maintain high standards*” with:
“take all reasonable steps to promote and maintain high standards.”

Rationale:

- Mirrors the stronger “all reasonable steps” standard in s2(5) Public Office (Accountability) Bill 2025 (duty of candour and assistance).
- Aligns with Equality Act 2010 s109 (employer duty to ‘take all reasonable steps’ to prevent discrimination), where this wording has driven culture change across the public and private sector.
- ‘All reasonable steps’ is a well-established concept with which employers and employment tribunals are familiar. For example, *Campbell v Sheffield Teaching Hospitals NHS Foundation Trust* [2025] EAT 42: a tribunal recognised the employer had taken ‘all reasonable steps’ to prevent discrimination. Those reasonable steps were: training for new workers, annual performance reviews routinely included opportunity for discussion about equality and discrimination, clear messages on posters in the workplace, regular mandatory equality training for all workers.
- Strengthens the duty on employers by requiring meaningful action rather than minimal effort, recognising that authorities must provide adequate training, information, and guidance.
- Provides better protection and support for those who work for the authority and for the public, by making clear that reasonable training, information, and guidance is necessary to drive culture change.

4.2 Mandate, not merely expect, ethics and candour at s9(4)(a).**Problem:**

The current wording (“expectations that people... should act in accordance”) is insufficiently directive.

Proposed Amendments:

- Replace “expectations that people... should act” with **“require that people... must act”** in s9(4)(a).
- Correspondingly, replace “expected” with **“required”** in s9(3)(a).

Rationale:

Only mandatory obligations can secure consistent ethical standards and real change.

4.3 Require engagement with recognised trade unions**Problem:**

Culture change cannot be delivered solely through top-down policies. It requires full engagement with staff and their representatives.

Proposed Amendment:

Add new **s9(3)(d)**:

“Consult with representatives of recognised trade unions with a view to the making and maintenance of a code of ethical conduct to enable the public authority and all those who work for it to co-operate effectively in promoting and maintaining a code to ensure ethical conduct, and in checking the effectiveness of that code.”

Rationale:

- Aligns with s2(6) Health and Safety at Work Act 1974, where union engagement has been essential to enforcing general duties.
 - Reflects that the code of ethics and compliance with it are matters relevant to collective bargaining under TULRCA 1992.
 - Ensures access to training for trade union representatives, partnership in implementation, and accountability are embedded at all organisational levels.
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4.4 Strengthen whistleblowing protections (new s9(5))**Problem:**

It is clear from evidence of failure of candour within public authorities that existing measures to protect ‘whistleblowers’ are insufficient to remove fear of reprisal and do not adequately protect persons making protected disclosures. The provisions at s9(5) are insufficient to support the government objective of securing culture change across public authorities. Disclosures about potential breach of a code of ethical conduct may fall outside the existing statutory definition of ‘protected disclosure’.

Proposed Amendment:

Insert a new **s9(5)**

(5) A public authority's code of ethical conduct must also contain information about the following matters-

- (a) the steps that a person who works for the authority may take if they believe that another person who works for the authority has failed to act in accordance with the code;
- (b) the making by any person of disclosures which are protected disclosures in terms of section 43B of the Employment Rights Act 1996 or which would be such disclosures had they been made by a worker or employee, including information about any policies the authority has adopted in relation to the making of such disclosures;
- (c) the affording of enhanced protection to any persons making disclosures under paragraphs (a) or (b), including policies ensuring that those persons are not subjected to bullying, harassment, or any other form of detriment in relation to the making of such disclosure.
- (d) how persons who do not work for the authority may complain about the conduct of the authority or of persons who work for it, including information about any person other than the authority to whom such complaints may be made.

Rationale:

- Enhanced protections against bullying, harassment, and detriment;
- Support for protected disclosures and other disclosures in accordance with code of ethics;
- Attention to enabling disclosure from members of the public as well as those who work for public authorities;
- Addresses widespread public concern that fear of reprisals deters disclosures.
- Supports the overarching aim in s1(2) Public Office (Accountability) Bill 2025 to create conditions conducive to ethics, candour and transparency.
- Proposed 9(5) amendment put forward with support from Whistleblowers UK

6. Conclusion

Our research shows both overwhelming public support for the Bill and deep concern that its current drafting does not go far enough to secure cultural transformation. Strengthening Section 9 is essential if the Bill is to meet public expectations, deliver on Government objectives, and restore trust in public office.

The amendments proposed here are based on public evidence, legal analysis, and established statutory models – they would significantly enhance the Bill’s robustness, credibility, and practical effect. These amendments are based on findings from unique research, responding to public concerns:

- Legislation strong enough to deliver genuine culture change.
- Universal application of candour obligations.
- Stronger accountability and meaningful duties.
- Meaningful involvement of workers in developing, promoting and maintaining high ethical standards through representation and engagement of their trade unions.
- Protection for those who speak out (whistleblowers) to uphold high standards of ethics and candour.
- The Hillsborough Law in full, making a real turning point – not symbolic gesture.

We would be pleased to provide oral evidence to the Committee.

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