Public Office (Accountability) Bill

RUNNING LIST OF ALL

AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

Tabled up to and including

2 October 2026

The amendments are listed in accordance with the following Instruction –

Clauses 1 and 2	Schedule 4
Schedule 1	Clauses 17 to 19
Clauses 3 to 11	Schedule 5
Schedule 2	Clause 20
Clause 12	Schedule 6
Schedule 3	Clauses 21 to 28
Clauses 13 to 16	Title

[*Amendments marked ★ are new or have been altered*]

Clause 2

BARONESS KRAMER

Clause 2, page 2, line 20, after "(4)" insert ", (4A)"

Member's explanatory statement
This amendment is consequential on Baroness Kramer's amendment at page 2, line 39, and includes the new duty within the duty of candour and assistance.

LORD KEEN OF ELIE
LORD WOLFSON OF TREDEGAR

Clause 2, page 2, line 24, leave out "or may be"

Member's explanatory statement
This probing amendment seeks to clarify the definition "may be relevant" in practice.

LORD KEEN OF ELIE
LORD WOLFSON OF TREDEGAR

Clause 2, page 2, line 26, at end insert—

"(3A) The duties set out in subsection (3) apply when an inquiry or investigation has been formally established."

Member's explanatory statement
This amendment seeks to clarify when a person is a subject to the obligation set out in section 2(3).

BARONESS BRINTON
BARONESS HAMWEE

Clause 2, page 2, line 35, at end insert—

"(ca) where the authority or official has relevant records, including digital messages and communication, retain and disclose those records;"

Member's explanatory statement
This probing amendment would add the disclosure of digital messages and communication to the assistance that a public authority or official must provide to an inquiry or investigation.

BARONESS KRAMER

Clause 2, page 2, line 39, at end insert—

"(4A) A public authority or public official must not subject a person to any detriment because the person has provided, or intends to provide, information to an inquiry or investigation."

Member's explanatory statement
This amendment seeks to prevent a public authority or public official to subject a person to detriment for providing, or intending to provide, information to an inquiry or investigation, using the concept of detriment established under section 47B of the Employment Rights Act 1996.

BARONESS KRAMER

Clause 2, page 3, line 1, leave out "or (4)" and insert ", (4) or (4A)"

Member's explanatory statement
This amendment is consequential on Baroness Kramer's amendment at page 2, line 39, and applies the duty on the individual in charge of a public authority to the new duty not to subject a person to detriment.

Schedule 1

LORD WILLS

Schedule 1, page 29, line 7, at end insert—

"(ca) may require a person to create an annex of unused material which can be accessed by the chair of the inquiry, alongside an explanation of why this material has been deemed not relevant;"

BARONESS BRINTON
BARONESS HAMWEE

Schedule 1, page 33, line 40, after second "inquiry" insert ", independent panel, review established by a Minister, or independent panel or review established by a local authority"

Member's explanatory statement
This probing amendment ensures that the statutory duty of candour and assistance extends automatically to independent panels and reviews established by Ministers of the Crown and by local authorities.

LORD KEEN OF ELIE
LORD WOLFSON OF TREDEGAR

Schedule 1, page 41, line 32, leave out "or may be"

Member's explanatory statement
This probing amendment seeks to clarify the definition 'may be relevant' in practice.

Clause 3

LORD CARLILE OF BERRIEW

★ Clause 3, page 4, line 4, at end insert—

"(aa) applies notwithstanding that compliance with the duty may involve the disclosure of information which tends to expose the person making the disclosure to criminal liability;"

Member's explanatory statement
This amendment, and another in the name of Lord Carlile of Berriew, seeks to ensure that the duty of candour includes a duty to disclose information notwithstanding that its disclosure would infringe the discloser's privilege against self-incrimination, but any such disclosure is inadmissible in criminal proceedings against the discloser.

LORD KEEN OF ELIE
LORD WOLFSON OF TREDEGAR

Clause 3, page 4, line 6, at end insert—

"(8) Within one month of the day on which this Act is passed, the Secretary of State must publish guidance regarding statutory interactions between this Act and existing statutory duties."

Member's explanatory statement
This amendment seeks to require the Secretary of State to publish a guidance for when the duty of candour interacts with duties in existing legislation.

LORD CARLILE OF BERRIEW

★ Clause 3, page 4, line 6, at end insert—

"(8) A person subject to the duty of candour shall not be entitled, by reason only of the privilege against self-incrimination, to withhold any information required to be disclosed under this Act.

(9) A statement, admission, document or other information disclosed by a person in compliance with the duty of candour under this Act may not be used in evidence against that person in any criminal proceedings.

(10) Subsection (9) does not prevent—

(a) the use of evidence obtained independently of the disclosure,

(b) the prosecution of an offence consisting of knowingly or recklessly making a false or misleading statement under this Act, or

(c) the use of the disclosure in proceedings relating to perjury, fraud, obstruction of justice, or any similar offence arising from the disclosure itself.

(11) Nothing in this section confers immunity from investigation, prosecution or conviction where evidence supporting the prosecution is obtained otherwise than solely from the disclosure required under this Act."

Member's explanatory statement
This amendment, and another in the name of Lord Carlile of Berriew, seeks to ensure that the duty of candour includes a duty to disclose information notwithstanding that its disclosure would infringe the discloser's privilege against self-incrimination, but any such disclosure is inadmissible in criminal proceedings against the discloser.

Clause 4

LORD MARKS OF HENLEY-ON-THAMES
BARONESS BRINTON

★ Clause 4, page 4, line 19, after "authority" insert "or as any subcontractor in any chain of provision to a service provider"

Member's explanatory statement
This amendment, together with Lord Marks' amendment to page 4, line 28, ensures that any person involved in providing a service to a service provider which was subcontracted will fall under the duty to comply with the duty of candour and assistance to an inquiry or investigation.

LORD MARKS OF HENLEY-ON-THAMES
BARONESS BRINTON

★ Clause 4, page 4, line 28, after "direct" insert "or indirect"

Member's explanatory statement
This amendment, together with Lord Marks' amendment to page 4, line 19, ensures that any person involved in providing a service to a service provider which was subcontracted will fall under the duty to comply with the duty of candour and assistance to an inquiry or investigation.

Clause 5

BARONESS KRAMER

Clause 5, page 5, line 21, at end insert—

"(1A) A person commits an offence if they knowingly or recklessly impede, prevent, threaten, intimidate, victimise or retaliate against a person who—

(a) makes, intends to make or assists another person in making a protected disclosure, or

(b) provides information or evidence in connection with a protected disclosure or an investigation into such a disclosure,

where the conduct is intended, or is reckless as to whether it will, prevent, discourage or otherwise adversely affect the making of the disclosure or the provision of information or evidence."

Member's explanatory statement
This amendment creates an offence of impeding or retaliating against a person who makes a protected disclosure or provides evidence, as a counterpart to the offence of failing to comply with the duty of candour and assistance.

BARONESS BRINTON
BARONESS HAMWEE

Clause 5, page 5, line 21, at end insert—

"(1A) Where an offence under this section is committed by—

(a) a public authority, or

(b) a body corporate with relevant public responsibility under section 4 of this Act,

the chief officer or chief executive (as well as the public authority or body corporate) is guilty of the offence and liable to be proceeded against and punished accordingly."

Member's explanatory statement
This amendment would place a personal responsibility on the chief officer or chief executive of a public authority or a corporate body with public responsibility under Clause 4 for an offence of failing to comply with the duty of candour and assistance.

LORD KEEN OF ELIE
LORD WOLFSON OF TREDEGAR

Clause 5, page 5, line 21, at end insert—

"(1A) For the purposes of subsection (1), "reckless" is defined as when—

(a) the person actually foresaw the risk of the prohibited consequence coming about;

(b) that the risk was an unreasonable one to take in the circumstances known to the person; and

(c) the person took the risk anyway."

Member's explanatory statement
This amendment, and another in the name of Lord Wolfson of Tredegar and Lord Keen of Elie, seeks to include the definition of "recklessness" as set out in R v G for the purposes of the Criminal Damages Act 1971.

After Clause 7

LORD FAULKNER OF WORCESTER
BARONESS BRINTON

After Clause 7, insert the following new Clause—

"Police records: Public Records Act 1958

Within 12 months of the day on which this Act is passed, the Secretary of State must lay before Parliament draft legislation proposing how, for the purposes of compliance with this Act, records of police conduct in England and Wales can be brought under the supervision of the Keeper of Public Records, including by amending the Public Records Act 1958."

LORD WILLS
BARONESS BRINTON

After Clause 7, insert the following new Clause—

"Record keeping duty

The head of each public authority must ensure that the authority has in place arrangements designed to ensure that persons who work for the authority comply with the authority's procedures for—

(a) maintaining a record of information in relation to any acts that are or may be relevant to an inquiry or investigation, including one which may take place in the future, and

(b) informing the authority that they have information (if not otherwise available to the authority) that is or may be relevant to an inquiry or investigation."

Member's explanatory statement
This is a probing amendment to discover if the intention is that information record keeping be completed as standard by public authorities in accordance with the Public Records Act 1958.

BARONESS KRAMER

After Clause 7, insert the following new Clause—

"Agreements purporting to prevent assistance

Any provision in an agreement between a person and a public authority (including a contract of employment and an agreement settling a claim or complaint) is void in so far as it purports to prevent or restrict a person from—

(a) providing information or other assistance to an inquiry or investigation, or

(b) making a notification under section 2(3)."

Member's explanatory statement
This amendment provides that an agreement is void so far as it purports to prevent a person from assisting an inquiry or investigation, on the model of section 43J of the Employment Rights Act 1996.

BARONESS BRINTON
BARONESS HAMWEE

After Clause 7, insert the following Clause—

"Offence of wilfully destroying information or records relevant to an inquiry or investigation

(1) A public authority or public official commits an offence if—

(a) they deliberately destroy relevant information or records relevant to an inquiry, investigation, or inquest, and

(b) they know that, or are reckless as to whether, the information is relevant to or required by an inquiry, investigation, or inquest.

(2) A public official who commits an offence under this section is liable—

(a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);

(b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);

(c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum (or both);

(d) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both)."

Member's explanatory statement
This new clause introduces an offence for wilfully destroying relevant records after a major incident that may lead to an inquiry or inquest.

LORD CARTER OF HASLEMERE
BARONESS BRINTON

After Clause 7, insert the following new Clause—

"Recommendations

(1) This section applies when the Secretary of State receives the recommendations of an inquiry with respect to the actions of a public authority.

(2) Within 56 days, the Secretary of State must, in line with their duty of candour, transparency and frankness as set out in this Act, lay before Parliament—

(a) details of any action that has been taken, or is proposed to be taken, in response to the recommendations of the inquiry, or

(b) an explanation as to why no action is to be taken in response to the recommendations of the inquiry."

Member's explanatory statement
This amendment places a duty on the Secretary of State to respond to recommendations of inquiries related to the actions of public authorities.

LORD WILLS

After Clause 7, insert the following new Clause—

"Review: Inquiries Act 2005

Within six months of the day on which this Act is passed, the Secretary of State must publish and lay before Parliament—

(a) a review of the provisions of the Inquiries Act 2005 in relation to inquiries where public authorities and public officials have been accused of not

acting with candour, transparency and frankness, and in the public interest, as required under section 1 of this Act;

(b) draft legislation to amend this Act, or regulations made under this Act, in order to address any shortcomings or potential improvements identified in the review published under paragraph (a)."

BARONESS BRINTON
BARONESS LUDFORD

★ After Clause 7 insert the following new Clause—

"Conduct of public authorities and access to legal aid for seriously injured survivors who are participating in inquests or inquiries

(1) Legal aid must be made available, without a means test, to seriously injured survivors who are participating in inquests or inquiries where there are reasonable grounds for believing the matter under investigation relates to the conduct of public authorities tasked with carrying out public functions, or public officials working for bodies in a public capacity, in connection with the discharge of their public duties.

(2) The Secretary of State must, within three months of the Act receiving Royal Assent, make regulations to—

(a) add civil legal services to Part 1 of Schedule 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 in connection with proceedings relating to seriously injured survivors who are participating in inquests or inquiries as under subsection (1);

(b) amend the Civil Legal Aid (Merits Criteria) Regulations 2013 (S.I. 2013/104) for the purposes of providing criteria for a determination for legal representation in respect of cases under subsection (1).

(3) This section comes into force on the day on which this Act is passed."

Member's explanatory statement
This new clause would extend civil legal aid to seriously injured survivors who are participating in inquests or inquiries where the conduct of public bodies or public officials is in question.

Clause 10

LORD ALTON OF LIVERPOOL
LORD HOPE OF CRAIGHEAD
LORD MURRAY OF BLIDWORTH
LORD MARKS OF HENLEY-ON-THAMES

Clause 10, page 10, line 31, leave out subsections (3) to (14) and insert—

"(3) Within 12 months of the day on which this Act is passed, the Secretary of State must lay before Parliament regulations to make provision for a single national code setting standards of ethical conduct expected of public officials (the "core code of conduct").

(4) The core code of conduct must—

(a) be based on the principles set out in subsection (2),

(b) apply throughout the United Kingdom to public officials to whom this Chapter applies,

(c) set standards concerning ethical conduct, candour, transparency and frankness in the performance of public functions, and

(d) make provision about the practical application of those standards.

(5) In addition to the core code of conduct, the regulations under subsection (3) must also contain—

(a) the sanctions available for non-compliance with the core code of conduct,

(b) provision for the independent investigation and determination of alleged non-compliance,

(c) provision for the imposition and enforcement of sanctions,

(d) appropriate provision for review or appeal, and

(e) provision ensuring that the arrangements apply to conduct occurring while a person was subject to the core code of conduct notwithstanding that the person has subsequently ceased to hold the relevant office, employment or position.

(6) The regulations must secure procedures which are independent and procedurally fair.

(7) Nothing in this section prevents the regulations from making different procedural provision for different descriptions of case or sanction, provided that the requirements of subsection (5) are satisfied.

(8) A public authority must take reasonable steps to promote compliance with the core code of conduct and to ensure that public officials for whom it is responsible are made aware of the core code of conduct.

(9) The application of the core code of conduct to conduct occurring while a person is subject to it is not affected by the person subsequently—

(a) ceasing to hold public office,

(b) ceasing to be employed in public service,

(c) resigning,

(d) retiring,

(e) being dismissed,

(f) ceasing to perform a public function, or

(g) otherwise ceasing to be a public official.

(10) Accordingly, cessation of office, employment or public function does not of itself prevent—

(a) an allegation of non-compliance being made or considered,

(b) an investigation into the conduct,

(c) a determination as to whether the core code of conduct was breached,

(d) the imposition or enforcement of any sanction otherwise available in respect of that breach, or

(e) any review or appeal arising from such a determination or sanction.

(11) Regulations under this section are subject to the affirmative procedure.

(12) Before laying draft regulations under this section the Secretary of State must comply with section (*Core code of conduct: consultation and Parliamentary report*).

(13) In this Chapter—

"public authority" has the meaning given by Part 3 of Schedule 2;

"public official" has the meaning given by Part 2 of Schedule 2."

Member's explanatory statement

This amendment replaces separate codes adopted by individual public authorities with one national core code of conduct made by affirmative regulations. It also preserves accountability for conduct occurring while a person was subject to the code notwithstanding that the person later leaves office, employment or public service.

BARONESS HAMWEE

As an amendment to the above amendment in the name of Lord Alton of Liverpool to Clause 10

After subsection (4) insert—

"(4A) In preparing the core code of conduct the Secretary of State must consult and have regard to advice from the standing advocate appointed under section 35 of the Victims and Prisoners Act 2024 in relation to the experience of victims of major incidents."

BARONESS BRINTON
BARONESS HAMWEE

Clause 10, page 10, line 40, at end insert "including expectations regarding the retention and disclosure of digital records, including messages relevant to public functions"

Member's explanatory statement

This probing amendment ensures that digital messages and records are added to the duty of candour in relation to inquiries and inquests.

LORD WILLS

Clause 10, page 11, line 7, at end insert—

"(e) set out the disciplinary consequences of failing to comply with the duty in section (*Whistleblowing: public authority duty*)."

BARONESS FEATHERSTONE

Clause 10, page 11, line 19, at end insert—

"(d) the steps to be taken by the authority upon receipt of credible information indicating serious wrongdoing, systemic failure or a continuing risk of serious harm;

(e) the circumstances in which such information must be brought to the attention of a person with responsibility for the management or governance of the authority;

(f) the recording of decisions made in response to such information, including—

(i) whether the matter was investigated or otherwise acted upon,

(ii) who was responsible for that decision, and

(iii) where no further action was taken, the reasons for that decision."

Member's explanatory statement
This amendment would require a public authority's code of ethical conduct to set out how serious concerns are to be dealt with, including escalation to senior management and the recording of decisions and reasons where no further action is taken.

BARONESS KRAMER

Clause 10, page 11, line 19, at end insert—

"(d) the steps that the authority must take in relation to recording, investigating and acting upon complaints and protected disclosures made to it in accordance with the procedures specified in paragraphs (a) to (c);

(e) the protections which will be afforded by the authority to persons making such complaints or protected disclosures, including, but not limited to, protections from being subjected to detriments."

Member's explanatory statement
This amendment would require a public authority's code of ethical conduct to state what the authority will do with complaints and disclosures it receives, and what protections it will give to those who make them.

BARONESS FEATHERSTONE

Clause 10, page 11, line 19, at end insert—

"(5A) A public authority's code of ethical conduct must make provision for the independent consideration of credible information indicating serious wrongdoing, systemic failure or a continuing risk of serious harm where—

(a) the information concerns the conduct of a person with responsibility for the management or governance of the authority,

(b) there is reason to believe that the authority has failed adequately to investigate substantially similar information previously received, or

(c) there is otherwise a reasonable concern that the matter cannot be investigated impartially within the authority.

(5B) Provision under subsection (5A) must identify an appropriate person or body independent of the authority to whom the matter may be referred."

Member's explanatory statement
This amendment would require ethical codes to provide an independent route for serious concerns where senior management is implicated, previous warnings have not been adequately investigated, or an impartial internal investigation cannot reasonably be expected.

LORD WILLS

Clause 10, page 11, line 22, at end insert—

"(6A) The Secretary of State may by regulations make further provisions about the expected standards of ethical conduct and a public authority's code of ethical conduct.

(6B) Regulations under subsection (6A) are subject to the negative procedure."

LORD WILLS

Clause 10, page 11, line 37, leave out paragraph (c)

Member's explanatory statement
This amendment seeks to increase transparency, given the public interest in knowing what standards can be expected of public bodies the public may interact with, and what standards they are being bound to.

LORD MARKS OF HENLEY-ON-THAMES
BARONESS BRINTON

★ Clause 10, page 12, line 28, leave out paragraph (b)

Member's explanatory statement
This amendment ensures that the definition of a person who "works for" a public authority does not exclude a person who exercises functions for that authority but is not included in the contractual ambit of section 25(3)(a) to (g).

After Clause 10

BARONESS FEATHERSTONE
BARONESS BRINTON

After Clause 10, insert the following new Clause—

"Duty to act on credible evidence of serious wrongdoing

(1) A public authority must take reasonable steps to ensure that credible information indicating—

(a) serious wrongdoing,

(b) systemic failure, or

(c) a continuing risk of serious harm,

arising from the failure of a public authority or public official to perform their functions with candour, transparency and frankness, and in the public interest, is properly considered, investigated where appropriate, and acted upon.

(2) Where information within subsection (1) is received by a person with responsibility for the management or governance of the public authority, that person must take reasonable steps to ensure that the authority complies with subsection (1).

(3) In determining what constitutes reasonable steps for the purposes of this section, regard must be had to—

(a) the seriousness and credibility of the information received;

(b) the nature and extent of any risk of harm;

(c) whether similar or related concerns have previously been raised;

(d) the need for investigation to be sufficiently independent of any person whose conduct is in question.

(4) The appropriate authority may issue guidance about compliance with this section."

Member's explanatory statement
This amendment would place a positive duty on public authorities, and those responsible for their management or governance, to take reasonable steps in response to credible information indicating serious wrongdoing, systemic failure or a continuing risk of serious harm arising from the failure of a public authority or public official to perform their functions with candour, transparency and frankness, and in the public interest.

LORD ALTON OF LIVERPOOL
LORD HOPE OF CRAIGHEAD
LORD MURRAY OF BLIDWORTH
LORD MARKS OF HENLEY-ON-THAMES

After Clause 10, insert the following new Clause—

"Core code of conduct: consultation and parliamentary report

(1) The Secretary of State must, as soon as reasonably practicable after the day on which this Act is passed, consult such persons as the Secretary of State considers appropriate about—

(a) the content and operation of the core code of conduct,

(b) the sanctions which should be available where a person is found not to have complied with the core code of conduct,

(c) the persons or bodies by whom allegations of non-compliance should be received, investigated and determined,

(d) the procedures for investigating and determining alleged non-compliance,

(e) the procedures for imposing and enforcing sanctions,

(f) appropriate provision for review or appeal, and

(g) the application of those arrangements where the person concerned has ceased to hold the office, employment or position by reason of which the core code of conduct applied to the conduct in question.

(2) The consultation must include persons appearing to the Secretary of State to represent or have relevant experience of—

(a) public authorities and public officials,

(b) regulatory, disciplinary, investigatory and oversight bodies,

(c) the administration of justice and independent adjudication, and

(d) victims, bereaved families and other persons affected by serious failures in the performance of public functions,

and such other persons as the Secretary of State considers appropriate.

(3) In formulating proposals following the consultation the Secretary of State must have particular regard to the need for—

(a) independence in the investigation and determination of alleged breaches,

(b) procedural fairness and impartial decision-making,

(c) a reasonable opportunity for a person against whom an allegation is made to know and answer the case against them,

(d) proportionate sanctions,

(e) appropriate rights of review or appeal, and

(f) effective investigation, determination and sanctioning of conduct notwithstanding that the person concerned has subsequently left office, employment or public service.

(4) No later than the end of the period of 12 months beginning with the day on which this Act is passed, the Secretary of State must lay before Parliament a report on the consultation and the conclusions reached."

Member's explanatory statement
This amendment requires consultation on the single national core code of conduct, sanctions and enforcement arrangements.

BARONESS KRAMER

After Clause 10, insert the following new Clause—

"Duty to investigate protected disclosures

(1) A public authority must take reasonable steps to investigate any protected disclosure made to it about a public authority or public official.

(2) The duty under subsection (1) includes, in particular, a duty to—
  (a) establish and maintain internal channels and procedures for receiving, recording and managing protected disclosures,
  (b) ensure that protected disclosures are assessed promptly and impartially,
  (c) ensure that a person who is the subject of a protected disclosure does not control, influence or determine the handling or outcome of the disclosure,
  (d) keep the person making the disclosure informed, so far as reasonably practicable and consistent with any applicable legal restrictions, about the progress and outcome of the investigation, and
  (e) refer the disclosure to an independent person or body where the public authority has a conflict of interest, is implicated in the matters raised, or has failed to act within a reasonable period.

(3) The Secretary of State must, within six months of the commencement of this section, issue statutory guidance setting out what constitutes reasonable steps for the purposes of subsection (1).

(4) A public authority must have regard to guidance issued under subsection (3)."

Member's explanatory statement
This amendment imposes a substantive duty on public authorities to take reasonable steps to investigate protected disclosures about public authorities or public officials, with safeguards against conflicts of interest and provision for external referral where an authority is implicated or fails to act.

BARONESS KRAMER

After Clause 10, insert the following new Clause—

"Duty to prevent retaliation against those who make protected disclosures

(1) A public authority and a public official must take reasonable steps to prevent a person from suffering detriment as a result of—
  (a) making or intending to make a protected disclosure,
  (b) assisting another person in making a protected disclosure,

(c) providing information or evidence in connection with an investigation of a protected disclosure, or

(d) cooperating with the Office of the Whistleblower.

(2) For the purposes of subsection (1), detriment includes retaliation, victimisation, harassment, intimidation, dismissal, disciplinary action, loss of employment, loss of professional opportunity or any other adverse treatment.

(3) The Secretary of State must, within six months of the commencement of this section, issue statutory guidance setting out what constitutes reasonable steps for the purposes of subsection (1).

(4) A public authority must have regard to guidance issued under subsection (3)."

Member's explanatory statement
This amendment imposes a positive duty on public authorities and public officials to take reasonable steps to prevent retaliation against those who make protected disclosures, assist others in making them or provide evidence.

LORD WILLS

After Clause 10, insert the following new Clause—

"Whistleblowing: public authority duty

(1) A public authority must take reasonable steps to investigate all concerns relating to its conduct raised to the public authority by protected disclosures.

(2) In subsection (1), "protected disclosure"—

(a) in relation to England and Wales and Scotland, has the same meaning as in section 43A of the Employment Rights Act 1996 (meaning of "protected disclosure");

(b) in relation to Northern Ireland, has the same meaning as Article 67A of the Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919) (N.I. 16).

(3) A public authority is deemed to have failed to comply with the duty as set out in subsection (1) if—

(a) the public authority fails to investigate a concern raised by a protected disclosure, or

(b) the public authority impedes or retaliates against a person who makes a protected disclosure.

(4) A public authority who fails to comply with the duty as set out in subsection (3) is subject to the disciplinary consequences set out in the public authority's code of ethical conduct."

Member's explanatory statement
This amendment seeks to establish a public authority duty to investigate concerns raised by whistleblowing, with disciplinary consequences for non-compliance.

Clause 11

LORD ANDERSON OF IPSWICH
LORD EVANS OF WEARDALE
LORD CARLILE OF BERRIEW

Clause 11, page 12, line 39, leave out subsection (4) and insert—

"(4) For the purposes of this section, the "appropriate national authority" is—
(a) the Ethics and Integrity Commission;
(b) the Scottish Ministers, if the guidance relates to Scottish devolved matters;
(c) the Welsh Ministers, if the guidance relates to Welsh devolved matters;
(d) a Northern Ireland department, if the guidance relates to Northern Ireland devolved matters.

(5) The Ethics and Integrity Commission may issue guidance under this section—
(a) which relates to a Scottish devolved matter, if the Scottish Ministers have consented to that guidance;
(b) which relates to a Welsh devolved matter, if the Welsh Ministers have consented to that guidance;
(c) which relates to a Northern Ireland devolved matter, if a Northern Ireland department has consented to that guidance."

Member's explanatory statement
This amendment removes responsibility for the issuing of guidance under clause 11 from the Secretary of State and places it instead with the Ethics and Integrity Commission (formerly known as the Committee on Standards in Public Life) and the devolved Governments.

LORD ALTON OF LIVERPOOL
LORD HOPE OF CRAIGHEAD
LORD MURRAY OF BLIDWORTH
LORD MARKS OF HENLEY-ON-THAMES

Clause 11, page 12, line 41, at end insert—

"(5) Any guidance issued under this section must be consistent with the core code of conduct and may not authorise a public authority to substitute its own code of ethical conduct for the core code of conduct."

Member's explanatory statement
This amendment prevents guidance from recreating separate authority-specific ethical codes in place of the single national core code.

After Clause 11

LORD ANDERSON OF IPSWICH
LORD EVANS OF WEARDALE
LORD CARLILE OF BERRIEW

After Clause 11, insert the following new Clause—

"Ethics and Integrity Commission: draft legislation

(1) Within the period of 12 months beginning on the day on which this Act is passed, the Secretary of State must publish draft legislation which sets out statutory powers for the Ethics and Integrity Commission relating to the duty of public authorities and public officials to act with candour, transparency and frankness as established by this Act.

(2) Before publishing the draft legislation under subsection (1), the Secretary of State must carry out a consultation."

Member's explanatory statement
This amendment would require the publication of draft legislation placing certain functions of the Ethics and Integrity Commission on a statutory footing.

BARONESS BRINTON
BARONESS FEATHERSTONE

After Clause 11, insert the following new Clause—

"Expected standards of conduct and duty of NHS boards to report medical malpractice or serious wrongdoings

(1) This section sets out a duty for boards of NHS trusts and NHS foundation trusts in England to adopt codes of conduct mandating reporting of concerns in relation to systemic medical malpractice or serious wrongdoings, including Never Events, relating to patient safety within an NHS body.

(2) A member of the board of directors of an NHS trust or an NHS foundation trust in England must report any evidence or reports they have seen of systemic medical malpractice or serious wrongdoings relating to patient safety within the trust to—
  (a) the Care Quality Commission,
  (b) the Department of Health and Social Care, and
  (c) the Health Services Safety Investigations Body.

(3) The board of directors of an NHS trust or NHS foundation trust in England has a collective duty to—
  (a) refer the trust to the Care Quality Commission, and
  (b) alert the Department of Health and Social Care and the Health Services Safety Investigations Body, if staff employed by, or acting on behalf of, the trust raise concerns of systemic medical malpractice or serious wrongdoings relating to patient safety.

(4) In discharging its duties under subsection (1), an NHS trust board must, in particular—

(a) adopt a code of conduct which sets standards expected of members who serve on the boards of an NHS trust or NHS foundation trust, and

(b) ensure that the code of conduct is published.

(5) An NHS trust's code of conduct must in particular—

(a) require members of a board of an NHS trust or NHS foundation trust to act in accordance with the duty of candour in reporting concerns relating to systemic medical malpractice or serious wrongdoings relating to patient safety within a trust;

(b) require members of the trust's board to promote ethical conduct, candour, transparency and frankness within all parts of the NHS trust or foundation trust for which they work;

(c) contain information about the steps that a person who works for an NHS trust should take if they believe that a member of a trust's board has failed to act in accordance with the code of conduct.

(6) In this section—

"systemic medical malpractice" means an action or omission in the provision of health care that falls below the expected standard of care and indicates a widespread, patterned, or recurring failure within the systems, processes, or governance of the trust;

"wrongdoing" includes abuse of authority, perverting the course of justice, neglect of duty and the exploitation of vulnerable people."

Member's explanatory statement
This new clause sets a duty for boards of NHS trusts and foundation trusts in England to adopt codes of conduct mandating reporting of concerns in relation to systemic medical malpractice or serious wrongdoings relating to patient safety within a trust.

Schedule 2

LORD MARKS OF HENLEY-ON-THAMES
BARONESS BRINTON

★ Schedule 2, page 54, line 1, leave out sub-paragraphs (3) and (4) and insert—

"(3) A body meets the condition in this sub-paragraph if its functions—

(a) are functions of a public nature, or

(b) include functions of a public nature."

Member's explanatory statement
This amendment seeks to probe the definition of a public authority for the purposes of Chapters 1 and 3 of Part 2, and Chapter 2 of Part 2.

Clause 12

LORD KEEN OF ELIE
LORD WOLFSON OF TREDEGAR

Clause 12, page 13, line 8, at end insert—

"(1A) For the purposes of subsection (1), "reckless" is defined as when—

(a) the person actually foresaw the risk of the prohibited consequence coming about,

(b) that the risk was an unreasonable one to take in the circumstances known to the person, and

(c) the person took the risk anyway."

Member's explanatory statement
This amendment, and another in the name of Lord Wolfson of Tredegar and Lord Keen of Elie, seeks to include the definition of "recklessness" as set out in R v G for the purposes of the Criminal Damages Act 1971.

LORD KEEN OF ELIE
LORD WOLFSON OF TREDEGAR

Clause 12, page 13, line 8, at end insert—

"(1A) For the purposes of subsection (1), "misleading" is defined as when a person—

(a) omits material information, or

(b) omits information which the person is required under any other enactment to give to the public as part of the practice."

Member's explanatory statement
This amendment seeks to include the definition of 'misleading' as is currently set out in Section 227 of the Digital Markets, Competition and Consumers Act 2024.

BARONESS BRINTON

Clause 12, page 13, line 8, at end insert—

"(1A) An act under subsection (1)(a) includes the provision of misleading information to a person acting for the purposes of journalism (as described in subsection (4)(b)) carried out via a press statement, media briefing, or other communication intended for dissemination by a recognised news publisher."

Member's explanatory statement
This amendment would ensure that the offence of misleading the public would include a public authority or public official providing misleading information to a recognised news publisher.

LORD KEEN OF ELIE
LORD WOLFSON OF TREDEGAR

Clause 12, page 13, line 20, at end insert "or

(d) involved the deliberate misleading of a Minister by a civil servant."

Member's explanatory statement
This amendment seeks to ensure that a civil servant misleading a Minister is an offence.

BARONESS BRINTON

Clause 12, page 13, line 25, leave out paragraph (b)

Member's explanatory statement
This amendment is to probe the range of such persons defined in subsection (4)(b) from being excluded from the scope of Clause 12

LORD KEEN OF ELIE
LORD WOLFSON OF TREDEGAR

Clause 12, page 14, line 7, at end insert—

"(7A) A prosecution for an offence under this section shall not be instituted except by or with the consent of the Attorney General."

Member's explanatory statement
This amendment requires the Attorney General to consent to the prosecution of anyone for the offence of misleading the public in order to prevent this offence being used in an attempt to curtail political debate.

Clause 13

LORD ANDERSON OF IPSWICH
LORD HOPE OF CRAIGHEAD
LORD MARKS OF HENLEY-ON-THAMES
LORD CARLILE OF BERRIEW

Clause 13, page 14, line 28, after "office" insert "with the intent"

Member's explanatory statement
This amendment removes an ambiguity in Clause 13 and clarifies, as recommended by the Law Commission, that the offence can be committed even where no benefit is obtained or detriment is suffered, so long as there is an intention that this should be the case.

LORD KEEN OF ELIE
LORD WOLFSON OF TREDEGAR

Clause 13, page 14, line 31, at end insert "or

(c) they deliberately destroy documents they know to be relevant to the inquiry."

Member's explanatory statement
This amendment seeks to ensure that the deliberate destruction of documents by a public official is an offence.

LORD ANDERSON OF IPSWICH
LORD HOPE OF CRAIGHEAD
LORD MARKS OF HENLEY-ON-THAMES
LORD CARLILE OF BERRIEW

Clause 13, page 15, line 11, after "obtained" insert "or intended to be obtained"

Member's explanatory statement
This amendment, consequential on another amendment in the name of Lord Anderson of Ipswich to Clause 13, requires the jury to be directed on the nature and degree not only of any benefit obtained, but of any benefit that may have been intended.

LORD ANDERSON OF IPSWICH
LORD HOPE OF CRAIGHEAD
LORD MARKS OF HENLEY-ON-THAMES
LORD CARLILE OF BERRIEW

Clause 13, page 15, line 13, after "suffered" insert "or intended to be suffered"

Member's explanatory statement
This amendment, consequential on another amendment in the name of Lord Anderson of Ipswich to Clause 13, requires the jury to be directed on the nature and degree not only of any detriment suffered, but of any benefit that may have been intended to be suffered.

LORD ANDERSON OF IPSWICH
LORD HOPE OF CRAIGHEAD
LORD MARKS OF HENLEY-ON-THAMES
LORD CARLILE OF BERRIEW

Clause 13, page 15, leave out line 21 and insert "prove that the conduct was, in all the circumstances, in the public interest."

Member's explanatory statement
This amendment replaces the reasonable excuse defence in the Bill with the narrower public interest defence recommended by the Law Commission.

LORD MARKS OF HENLEY-ON-THAMES
BARONESS BRINTON

★ Clause 13, page 15, line 27, at end insert "or, where section (*Offence by bodies corporate*) applies, to a fine not exceeding the statutory maximum, or to both."

Member's explanatory statement
This amendment, and others in the name of Lord Marks of Henley-on-Thames, seeks to ensure that a fine may be issued to bodies corporate guilty of an offence under this section.

Clause 14

LORD MARKS OF HENLEY-ON-THAMES
BARONESS BRINTON

★ Clause 14, page 16, line 10, at end insert "or, where section (*Offence by bodies corporate*) applies, to a fine not exceeding the statutory maximum, or to both."

Member's explanatory statement
This amendment, and others in the name of Lord Marks of Henley-on-Thames, seeks to ensure that a fine may be issued to bodies corporate guilty of an offence under this section.

Clause 16

BARONESS BRINTON
BARONESS HAMWEE

Clause 16, page 17, line 8, at end insert—

"(2A) References in this Part to a person who "holds public office" include references to an individual who was, but is no longer, such an office holder, in respect of conduct occurring while they held such office."

Member's explanatory statement
This probing amendment would ensure that public officials would still be liable for misconduct during their time in public office if they resign or retire.

After Clause 16

LORD MARKS OF HENLEY-ON-THAMES
BARONESS BRINTON

★ After Clause 16 insert the following new Clause—

"Offence by bodies corporate

(1) This section applies if an offence under section 13(1) or section 14(1) is committed by a body corporate or a Scottish partnership where that body corporate or Scottish partnership is under a contractual relationship with the holder of public office.

(2) If the offence is proved to have been committed with the consent or connivance of—

(a) a senior officer of the body corporate or Scottish partnership, or

(b) a person purporting to act in such a capacity,

the senior officer or person (as well as the body corporate or partnership) is guilty of the offence and liable to be proceeded against.

(3) In this section—

"senior officer" means—

(a) in relation to a body corporate, a director, manager, secretary or other similar officer of the body corporate, and

(b) in relation to a Scottish partnership, a partner in the partnership."

Member's explanatory statement
This amendment ensures corporate liability for misconduct in public office where companies exercise functions on behalf of a holder of public office.

Schedule 4

LORD MARKS OF HENLEY-ON-THAMES
BARONESS BRINTON

★ Schedule 4, page 62, line 3, at end insert—

"28 A person, not mentioned in any other paragraph of this Schedule, who exercises functions or performs work for the government on a contractual basis."

Member's explanatory statement
This amendment is intended to ensure that private contractors and subcontractors are included in the definition of "holders of public office" in Schedule 4, for the purposes of Part 3 of the Bill.

Schedule 5

BARONESS KRAMER

Schedule 5, page 62, line 23, at end insert—

"Legal Aid, Sentencing and Punishment of Offenders Act 2012

5 In section 10 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (civil legal services: exceptional cases), after subsection (5) insert—

"(5A) A wider public interest determination is a determination that the provision of civil legal services, including advocacy, is appropriate for an individual to bring or defend proceedings under section 47B or section 103A of the Employment Rights Act 1996 (protected disclosures) where the proceedings arise from the individual having made, or intended to make, a protected disclosure or having exercised a duty of candour or assistance under the Public Office (Accountability) Act 2026.""

Member's explanatory statement
This amendment provides a route to exceptional legal aid for proceedings arising from whistleblowing or the exercise of duties under this Act, where the wider public interest justifies it.

Clause 20

BARONESS GOUDIE
LORD BACH

Clause 20, page 19, line 4, at end insert—

"(1A) The Secretary of State must make regulations to provide for legal aid to be made available, without a means test, to bereaved family members in cases where a public authority is likely to be, or likely to be represented by, an interested person at an inquest.

(1B) Regulations under subsection (1A) must include provision for the legal aid to cease if there is a decision that the public authority is not, or is not represented by, an interested party at an inquest.

(1C) Regulations made under subsection (1A) are subject to the affirmative procedure."

After Clause 20

LORD ALTON OF LIVERPOOL
LORD HOPE OF CRAIGHEAD

After Clause 20, insert the following new Clause—

"Review: effectiveness of this Act

(1) Within 18 months of the day on which this Act is passed, the Secretary of State must publish and lay before Parliament—
  (a) a review of the effectiveness of this Act, in the period of 12 months beginning with the day on which this Act is passed, in achieving its purpose as set out in section 1, and
  (b) draft legislation to amend this Act, or regulations made under this Act, in order to address any shortcomings or potential improvements identified in the review published under paragraph (a).

(2) In preparing the review under subsection (1) the Secretary of State must consult and take into consideration the views of—
  (a) persons appearing to the Secretary of State to represent victims, bereaved families and other persons affected by serious failures in the performance of public functions, and
  (b) such other persons as the Secretary of State considers appropriate."

Member's explanatory statement
This amendment requires the Secretary of State to publish a review on the effectiveness of this Act in its first year in force and propose draft legislation to address any deficiencies.

BARONESS KENNEDY OF THE SHAWS
LORD ALTON OF LIVERPOOL
LORD WILLS
BARONESS MAY OF MAIDENHEAD

After Clause 20, insert the following new Clause—

"Affected persons: statement to correct the public record

(1) An affected person, or their family member or representative, may make an application to the court for a statement to correct the record, where the conditions in subsection (2) are met.

(2) The conditions in this subsection are that the court has found that a public authority has—
  (a) failed to act with candour, transparency and frankness within court proceedings to which the public authority is a party, and
  (b) that failure led to serious and adverse misrepresentation of an affected person during those court proceedings.

(3) Any statement made under subsection (1) must be given in open court.

(4) In this section, "affected person" means a person adversely impacted by the conduct that is the subject of the relevant court proceedings, whether or not they are a party to the proceedings."

Member's explanatory statement
This amendment seeks to grant individuals affected by public authority failures in court the right to make a court application to correct the public record.

LORD WILLS

After Clause 20, insert the following new Clause—

"Review of sentencing provisions

(1) The Secretary of State must, within the period of one year beginning with the day on which this Act is passed, carry out a review of the effectiveness of the penalties available for offences under this Act.

(2) The review must consider whether the maximum penalties have proved sufficient to deter relevant offences.

(3) The Secretary of State must lay before Parliament a report setting out the findings of the review.

(4) The Secretary of State may by regulations amend the maximum sentences specified under this Act.

(5) Regulations under this section are subject to the affirmative procedure."

BARONESS KRAMER

After Clause 20, insert the following new Clause—

"Review of disclosure and detriment provisions

(1) The Secretary of State must, before the end of the period of 12 months beginning with the day on which this section comes into force, carry out a review of the impact of the provisions of this Act on the making of disclosures by persons who work for a public authority.

(2) The review must consider in particular—

(a) whether those provisions are effective in ensuring that a person who works for a public authority who provides, or intends to provide, information to an inquiry, investigation or inquest under this Act is protected from being subjected to any detriment as a result,

(b) whether public authorities are taking adequate steps to receive, record, investigate and act upon disclosures made to them,

(c) whether the enforcement mechanisms available under this Act are sufficient for those purposes, and

(d) whether an independent body should be established with functions relating to the receipt, investigation and oversight of such disclosures and to the protection of persons who make them.

(3) The Secretary of State must lay a report of the review before Parliament as soon as reasonably practicable after its completion.

(4) The report must state what steps, if any, the Secretary of State intends to take in consequence of the review, or, where the Secretary of State does not intend to act on a conclusion of the review, the reasons for that."

Member's explanatory statement

This amendment requires the Secretary of State to review within twelve months whether the Act's disclosure provisions are protecting those who rely on them, to report to Parliament, including on whether an independent body should be established, and to explain any decision not to act on the review's conclusions.

LORD MARKS OF HENLEY-ON-THAMES
BARONESS BRINTON

After Clause 20, insert the following new Clause—

"Monitoring compliance with duties under this Act

(1) The Secretary of State must commission and publish annually an independent report which monitors public authorities' compliance with their duties under this Act.

(2) The report must assess—
  (a) public authorities' record-keeping, disclosures and responses to inquiries and investigations,
  (b) the effectiveness of enforcement and sanctions provisions in this Act in helping to ensure that public authorities and public officials perform their functions in line with the duty of candour in their dealings with inquiries and investigations, and
  (c) the effectiveness of the provisions in this Act for supporting persons, including public officials, making protected disclosures and for reporting wrongdoings to an inquiry or investigation following a major incident involving a public authority.

(3) The Secretary of State must lay a copy of each report before both Houses of Parliament.

(4) The first report must be laid within the period of 12 months beginning on the day on which this Act is passed.

(5) Each subsequent report must be laid within the period of 12 months beginning on the day on which the previous report was laid."

Member's explanatory statement
This new clause requires the Secretary of State to commission and publish annually an independent report with the purpose of providing an oversight mechanism to monitor compliance with duties under this Act.

BARONESS KRAMER

After Clause 20, insert the following new Clause—

"Office of the Whistleblower

(1) The Secretary of State must establish an independent public body to be known as the Office of the Whistleblower.

(2) The Office must be independent of—
  (a) any public authority,
  (b) any public official,
  (c) any employer,
  (d) any prescribed person or regulatory body, and

(e) any person whose conduct may be the subject of a disclosure or investigation by the Office.

(3) The principal objectives of the Office are—

(a) to ensure that protected disclosures and relevant concerns about public authorities are properly received, assessed, investigated and acted upon,

(b) to protect persons who make protected disclosures or relevant concerns about public authorities from retaliation and detriment,

(c) to promote high standards of public sector governance and ethical conduct,

(d) to prevent and expose serious wrongdoing, misconduct, fraud, corruption and abuse by public authorities,

(f) to promote a culture in which speaking up about relevant concerns is regarded as an essential component of good public governance, and

(g) to identify systemic risks and recurring failures by public authorities revealed through protected disclosures.

(4) The functions of the Office are—

(a) providing confidential information, advice and guidance to persons considering making, or who have made, a protected disclosure or have a relevant concern about a public authority,

(b) providing or arranging access to independent legal, professional and other support to those persons,

(c) receiving protected disclosures and relevant concerns about public authorities,

(d) assessing protected disclosures and determining the appropriate authority, regulator or other body to which they should be referred,

(e) investigating, or arranging for the independent investigation of, protected disclosures where appropriate,

(f) monitoring the handling of protected disclosures by public authorities and public officials,

(g) investigating alleged breaches of whistleblowing duties and standards,

(h) monitoring allegations of retaliation or detriment,

(i) setting standards and issuing guidance concerning the handling and investigation of protected disclosures,

(j) requiring relevant persons and bodies to provide information and documentation reasonably required for the performance of its functions,

(k) issuing warning notices and redress orders where appropriate,

(l) administering civil penalties in accordance with regulations made under this section,

(m) facilitating cooperation and information-sharing between public authorities, regulators and other relevant bodies,

(n) identifying systemic failures, recurring risks and patterns of wrongdoing,

(o) promoting awareness and education concerning whistleblowing rights and responsibilities, and

(p) reporting to Parliament on the effectiveness of whistleblowing arrangements,

in relation to a failure to comply with a duty under this act in the conduct of public functions by public authorities.

(5) The Office shall have power, subject to regulations made under this section—

(a) to require any person to provide information or documentation reasonably required for the performance of its functions,

(b) to conduct inquiries and investigations,

(c) to issue warning notices,

(d) to issue redress orders,

(e) to impose civil penalties, and

(f) to take such other enforcement action as may be prescribed.

(6) The Secretary of State must ensure that the Office is provided with sufficient resources to discharge its functions effectively and independently.

(7) The Office shall have such governance, appointment, reporting and accountability arrangements as are necessary to secure its independence.

(8) The Secretary of State must by regulations establish the civil penalty regime applicable to breaches investigated by the Office.

(9) Regulations under subsection (8) must specify—

(a) the circumstances in which a civil penalty may be imposed,

(b) the maximum amount of a civil penalty,

(c) procedures for issuing and appealing a penalty, and

(d) arrangements for enforcement and recovery.

(10) Before concluding an investigation, the Office must, subject to subsection (11), provide the person who made the protected disclosure or relevant concern with a draft statement of material findings and conclusions.

(11) Subsection (10) does not require the Office to disclose information where doing so would—

(a) prejudice a criminal investigation or prosecution,

(b) prejudice national security,

(c) unlawfully disclose personal data or confidential information, or

(d) otherwise prejudice the effective conduct of the investigation.

(12) A person provided with a draft under subsection (10) may submit written representations to the Office.

(13) The Office must consider any representations received under subsection (12) within three months of the issuing a draft statement before issuing its final findings.

(14) A person must not suffer detriment as a result of making a protected disclosure or relevant concern to the Office or cooperating with an investigation conducted by the Office.

(15) The Secretary of State may by regulations make further provision about the constitution, governance, powers, functions and accountability of the Office.

(16) Regulations under this section are subject to the affirmative procedure."

Member's explanatory statement
This amendment establishes an independent Office of the Whistleblower with functions of support, investigation, oversight and enforcement in relation to protected disclosures and relevant concerns about public authorities.

BARONESS KRAMER

After Clause 20, insert the following new Clause—

"Independent investigation of serious wrongdoing in the Civil Service

(1) The Office of the Whistleblower must establish arrangements enabling a civil servant to make a protected disclosure or relevant concern to an independent body where the concern has not been properly investigated or addressed within the relevant government department.

(2) The arrangements must provide for the independent investigation of serious wrongdoing reported by a protected disclosure or a relevant concern by a civil servant.

(3) The Office must have power to—
  (a) investigate concerns raised under arrangements in subsection (1),
  (b) require relevant information and documentation,
  (c) make findings and recommendations,
  (d) require a relevant department to respond to findings and recommendations, and
  (e) report systemic concerns to the Secretary of State and Parliament.

(4) The Office must publish arrangements governing the exercise of its functions under this section.

(5) Nothing in this section prevents a civil servant from making a disclosure to a prescribed person or another person or body entitled to receive a protected disclosure under applicable law."

Member's explanatory statement
This amendment requires the Office of the Whistleblower to provide an independent route for civil servants where a relevant concern has not been properly investigated or addressed within the relevant department.

BARONESS KRAMER

After Clause 20, insert the following new Clause—

"Annual report on whistleblowing and public sector accountability

(1) The Office of the Whistleblower must prepare and publish an annual report on whistleblowing arrangements and the handling of protected disclosures and relevant concerns about failures by public authorities to comply with a duty under this Act in the conduct of public functions.

(2) The report must include, so far as reasonably practicable—

(a) the number and nature of protected disclosures and relevant concerns received,

(b) the number of protected disclosures and relevant concerns investigated by public authorities,

(c) the number of protected disclosures and relevant concerns investigated or referred by the Office,

(d) the number of protected disclosures and relevant concerns referred to regulators or other external bodies,

(e) the time taken to acknowledge, assess and investigate protected disclosures,

(f) the number and nature of allegations of retaliation or detriment,

(g) the action taken in response to allegations of retaliation or detriment,

(h) enforcement action undertaken by the Office,

(i) the number and nature of systemic failures to comply with a duty under this Act,

(j) the extent to which public authorities have complied with the duties under this Act,

(k) recurring patterns of misconduct or institutional failure to comply with a duty under this Act, and

(l) recommendations for preventing misconduct, fraud, corruption or misuse of public funds.

(3) The report must be laid before both Houses of Parliament.

(4) The Secretary of State must respond to the recommendations in the report within three months of the report being laid before Parliament.

(5) The Office may publish interim reports where it considers that a matter presents an immediate or significant risk to the public interest."

Member's explanatory statement

This amendment requires the Office of the Whistleblower to publish an annual report to Parliament on whistleblowing relating to public authorities, with a duty on the Secretary of State to respond to its recommendations within three months.

BARONESS KRAMER

After Clause 20, insert the following new Clause—

"Protected disclosure and relevant concern meaning

In this Chapter, a "protected disclosure" and a "relevant concern" means information that a person reasonably believes indicates—

(a) a failure to comply with a duty imposed under this Act,

(b) serious wrongdoing, misconduct or abuse,

(c) fraud, corruption or misuse of public funds, or

(d) deliberate or reckless concealment of information relating to any matter falling within paragraphs (a) to (c),

by a public authority or a public official."

Member's explanatory statement
This amendment is linked to the other amendments in the name of Baroness Kramer and defines a "relevant concern" and "protected disclosure" so that the framework is not confined to disclosures meeting the employment law definition of a protected disclosure.

LORD WILLS

After Clause 20, insert the following new Clause—

"Independent Whistleblowing Commissioner

(1) The Secretary of State must appoint an Independent Whistleblowing Commissioner (referred to in this section as "the Commissioner").

(2) The functions of the Commissioner are—
  (a) to provide a service to allow civil servants to make protected disclosures outside of the department the civil servant works in;
  (b) to investigate concerns raised by protected disclosure to the Commissioner;
  (c) to issue penalties to those who impede or retaliate against whistleblowers who raise a concern with the Commissioner.

(3) In subsection (2), "protected disclosure"—
  (a) in relation to England and Wales and Scotland, has the same meaning as in the Employment Rights Act 1996 (see section 43A of that Act);
  (b) in relation to Northern Ireland, has the same meaning as in the Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919 (N.I. 16) (see Article 67A of that Order).

(4) The Secretary of State may pay to, or in respect of, the Commissioner amounts—
  (a) by way of remuneration, pensions, allowances or gratuities, or
  (b) by way of provision for any such benefits.

(5) The Secretary of State may pay sums in respect of the expenses of the Commissioner."

LORD BACH
LORD CARLILE OF BERRIEW
LORD MARKS OF HENLEY-ON-THAMES

After Clause 20, insert the following new Clause—

"Equality of funding for legal representation

The Secretary of State must ensure that legal representation for bereaved family members at an inquest relating to a death for which a public authority may bear responsibility is funded at rates no less favourable than those applicable to legal representation provided to the relevant public authority."

BARONESS BRINTON
BARONESS BENJAMIN

After Clause 20, insert the following new Clause—

"Compensation for persons affected by public authority shortcomings

(1) A body corporate called the Public Authority Compensation Authority ("the PACA") is established.

(2) The purpose of the PACA is to provide for payments under any scheme established under subsection (4) to be made by the PACA and for such schemes to be otherwise administered by the PACA.

(3) In exercising its functions the PACA must have regard to the following matters—
  (a) the need for swift and fair redress to affected persons;
  (b) the ease of accessibility to a relevant compensation scheme;
  (c) the efficient and effective operation of such compensation schemes.

(4) The Secretary of State may by regulations establish schemes to make payments to affected persons who have suffered harm, hardship and distress where public authorities and public officials have been found, in performing their functions, not to have acted—
  (a) with candour, transparency and frankness, or
  (b) in the public interest.

(5) Regulations under subsection (4) must—
  (a) define an affected person for the purpose of each compensation scheme;
  (b) make provision for the amount payable to affected persons;
  (c) deal with the procedure for making and deciding applications under each scheme;
  (d) make provision for the PACA to review decisions taken under each scheme;
  (e) confer a right of appeal to the First-tier Tribunal against a decision taken under each scheme;
  (f) authorise a person specified in the regulations to provide information to the PACA and for the PACA to provide information to a person so specified;
  (g) provide a duty for the PACA and specified relevant persons to co-operate with each other on any matter connected with the making of payments to persons in connection with each compensation scheme;
  (h) make such arrangements as appropriate for the provision of support and assistance to applicants for compensation under each compensation scheme.

(6) The PACA is to consist of—
  (a) a Chair who is or has been a judge of the High Court (England and Wales, or of Northern Ireland), or of the Court of Session (Scotland);
  (b) at least nine non-executive members,
  (c) a chief executive, and
  (d) at least four executive members.

(7) The Chair is to be appointed by the Secretary of State.

(8) An appointment under subsection (7) is to be overseen by the Commissioner for Public Appointments and is subject to a pre-appointment hearing by the relevant Select Committee of the House of Commons.

(9) The non-executive members are to be appointed by the Secretary of State and the Chair.

(10) The executive members are to be appointed by the Chair.

(11) The Secretary of State may by regulations make further provision about the PACA including—

(a) eligibility and terms of membership,
(b) staffing,
(c) annual and other reports,
(d) funding, accounts and audits, and
(e) any other matters relating to the operation and status of the PACA.

(12) Within 12 months of PACA being established, and every 12 months thereafter, the Chair must report to the Secretary of State on the operation of its functions.

(13) Within one month of receiving a report under subsection (12), the Secretary of State must lay that report before Parliament.

(14) Regulations under this section are subject to the affirmative procedure."

Member's explanatory statement
This amendment probes the potential benefits of a body to administer compensation in cases where public authorities and public officials have not acted with candour, transparency and frankness or in the public interest, such as the Windrush scandal or the Post Office Horizon scandal.

LORD WILLS

After Clause 20, insert the following new Clause—

"Standing advocate: duty of candour function

In the Victims and Prisoners Act 2024, before section 41 insert—

"40A Standing advocate: duty of candour fact-finding inquiry

(1) Where the standing advocate has reasonable grounds to believe that, in relation to a major incident, a public authority or public official has not performed their functions with candour, transparency and frankness, and in the public interest, as required by the Public Office (Accountability) Act 2026, the standing advocate may request authorisation from the Secretary of State to conduct a fact-finding inquiry.

(2) The Secretary of State must, within 14 days of receiving a request under subsection (1), decide whether to authorise the inquiry, and must do so if he or she considers that the inquiry would be in the public interest.

(3) In deciding whether the inquiry would be in the public interest, the Secretary of State must have regard to the interests of victims, including—

(a) the need for a timely establishment of the facts,

(b) the likely cost of the inquiry,

(c) the public interest in transparency and accountability,

(d) the emotional distress of victims, and

(e) the financial interests of victims.

(4) Where the Secretary of State refuses a request under subsection (1), the Secretary of State must, as soon as reasonably practical—

(a) provide the standing advocate with written reasons for the refusal, and

(b) make a statement to Parliament setting out those reasons and why an inquiry is not in the public interest.

(5) The Secretary of State must provide the standing advocate with such standing resources as are necessary to enable the advocate to discharge effectively any fact-finding inquiry established under this section, including sufficient levels of secretarial and financial support to allow an inquiry to be established quickly and maintained adequately.

(6) The Secretary of State must lay before Parliament an annual report on the use of resources provided under subsection (5).

(7) In carrying out an inquiry established under this section, the standing advocate has the power to—

(a) require a public authority or public official to provide documents, information or other material relevant to the inquiry,

(b) make findings in relation to the matters under investigation, and

(c) publish a report containing those findings and any recommendations arising from them.

(8) A public authority or public official who is required to provide documents, information or other material under subsection (7)(a) must comply with that requirement.

(9) A failure by a public authority or public official, without reasonable excuse, to comply with subsection (8) is to be treated as a failure to comply with section 2 of the Public Office (Accountability) Act 2026.""

LORD WILLS

After Clause 20, insert the following new Clause—

"Legal representation in criminal proceedings

The Secretary of State must ensure that persons directly affected by a breach of the duties under this Act have the opportunity to be legally represented in any criminal proceedings arising from that breach, on a basis corresponding to the

provision for legal representation in relation to inquests and inquiries under Schedule 6."

Member's explanatory statement
This amendments probes whether victims who have been directly affected by a breach of this Act could be given funded representation in criminal court cases, alongside prosecutors and the accused.

BARONESS HAMWEE

After Clause 20, insert the following new Clause—

"Standing advocate

The Secretary of State and the Lord Chancellor must issue guidance to ensure that the standing advocate appointed under section 35 of the Victims and Prisoners Act 2024 is enabled to take as full a part as the standing advocate considers appropriate during and in preparation for inquiries, investigations and inquests in which public authorities and public officials are or might become a participant in relation to their public duties."

Member's explanatory statement
This amendment requires the Secretary of State and the Lord Chancellor to issue guidance to ensure the Independent Public Advocate is able to play a full part with regard to inquiries, investigations and inquests in which public authorities and public officials are or might become a participant.

LORD WILLS

★ After Clause 20, insert the following new Clause—

"Whistleblowing protections

(1) Within six months of the day on which a relevant consultation has concluded, the Secretary of State must make regulations by statutory instrument to implement any recommendations for improved protections for people who make protected disclosures relating to the conduct of public authorities.

(2) A relevant consultation under this section means a consultation on updating the Public Interest Disclosure Act 1988, insofar as the consultation relates to protected disclosures about the conduct of public authorities.

(3) Regulations under this section are subject to the affirmative procedure.

(4) In this subsection, "protected disclosure"—
  (a) in relation to England and Wales and Scotland, has the same meaning as in the Employment Rights Act 1996 (see section 43A of that Act);
  (b) in relation to Northern Ireland, has the same meaning as in the Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919 (N.I. 16) (see Article 67A of that Order)."

Member's explanatory statement
This amendment seeks to ensure that the Secretary of State must implement improved protections for whistleblowers after the conclusion of relevant public consultations.

LORD WILLS

★ After Clause 20, insert the following new Clause—

"Review of legal aid provision at relevant inquests

(1) The Secretary of State must, within six months of the coming into force of Part 4 of Schedule 6, commission and publish an independent review of the availability and adequacy of non-means tested legal aid for relevant inquests.

(2) In this section, "relevant inquest" means an inquest where a public authority is, or is represented by, an interested person.

(3) The review must consider, in particular—
  (a) whether the non-means tested legal aid provision introduced by this Act is sufficient to meet the demand arising from the implementation of this Act,
  (b) the availability of suitably qualified legal representatives undertaking legally aided work at relevant inquests,
  (c) the impact of this Act on waiting times and backlogs in legally aided relevant inquest,
  (d) any regional disparities in access to legally aided representation at relevant inquests, and
  (e) the sustainability of the legal aid provider sector for relevant inquests.

(4) Where the review concludes that legal aid provision for relevant inquests has not been sufficient to meet demand, it must make recommendations as to measures required to improve that provision.

(5) Recommendations under subsection (3) may include, but are not limited to—
  (a) increasing legal aid remuneration rates for work at relevant inquests,
  (b) measures to recruit, train and retain practitioners undertaking legally aided work at relevant inquests,
  (c) changes to procurement, contracting or funding arrangements for legal aid provision at relevant inquests, and
  (d) such other measures as the reviewer considers necessary to reduce backlogs and ensure effective access to representation.

(6) Within three months of the day on which the review is published, the Secretary of State must lay before Parliament a response setting out—
  (a) whether the Government accepts each recommendation, and
  (b) the steps and timetable for implementing those recommendations that are accepted.

(7) Where the Government does not accept a recommendation, the Secretary of State must publish reasons for that decision."

BARONESS BENJAMIN
BARONESS BRINTON

★ After Clause 20 insert the following new Clause—

"Windrush: independent review

(1) Within three months of the day on which this Act is passed, the Secretary of State must establish an independent review into the implementation of the recommendations arising from the Windrush Lessons Learned Review.

(2) The independent review established under subsection (1) must consider whether, in how they have implemented the recommendations of the Windrush Lessons Learned Review, public officials have acted—

(a) with candour transparency and frankness,

(b) in accordance with expected standards of ethical conduct, and

(c) in the public interest.

(3) If the independent review finds that persons have been affected by a failure to fully implement the recommendations of the Windrush Lessons Learned Review because public officials have not acted as described in subsections (2)(a) to (c), such persons are entitled to compensation from the Windrush Compensation Scheme.

(4) Legal aid must be made available, without a means test, to such persons under subsection (3).

(5) In this section—

"the Windrush Lessons Learned Review" means the independent review laid before Parliament on 19 March 2020;

"the Windrush Compensation Scheme" means the compensation scheme launched by the Home Office on 3 April 2019."

Member's explanatory statement
This amendment requires the Secretary of State to establish an independent review into how the recommendations of the Windrush Lessons Learned Review have been handled; and allows for compensation and legal aid to be available if failings have been found.

LORD WILLS

★ After Clause 20, insert the following new Clause—

"Standing advocate: collective representation body for victims

In the Victims and Prisoners Act 2024, before section 41 insert—

"40A Standing advocate: collective representation body relating to failure of duty of candour

(1) Where the standing advocate has reasonable grounds to believe that, in relation to a major incident, a public authority or public official has not performed their functions with candour, transparency and frankness, and in the public interest, as required by the Public Office (Accountability) Act 2026, the standing advocate may request authorisation from the Secretary of State to set up a collective representation body for the victims of an individual major incident.

(2) The standing advocate may make a request under subsection (1) in each case where they believe there is reasonable grounds that a majority of victims—

(a) would benefit from a collective representation body, and

(b) would want to be collectively represented.

(3) The function of a collective representation body established under this section is to decide on legal representation for those being collectively represented at—

(a) inquests where a public authority is, or is represented by, an interested person;

(b) Scottish inquiries where a public authority is a participant;

(c) UK Inquiries held under the Inquiries Act where public authorities are legally represented.

(4) The Secretary of State must, within 14 days of receiving a request under subsection (1), decide whether to authorise the establishment of a collective representation body, and must do so if the Secretary of State considers that the collective representation body would be in the public interest.

(5) In deciding whether the inquiry would be in the public interest, the Secretary of State must have regard to the interests of victims, including—

(a) the likely cost of the collective representation body,

(b) the public interest in transparency and accountability,

(c) the emotional distress of victims, and

(d) the financial interests of victims.

(6) Where the Secretary of State refuses a request under subsection (1), the Secretary of State must, as soon as reasonably practical—

(a) provide the standing advocate with written reasons for the refusal, and

(b) make an oral statement to Parliament setting out those reasons why a collective representation body is not in the public interest.

(7) The Secretary of State must provide the standing advocate with such standing resources as are necessary to enable the advocate to discharge effectively each collective representation body established under this section, including sufficient levels of secretarial and financial support to allow a collective representation body to be established immediately after the decision to establish it has been taken and maintained adequately.

(8) The Secretary of State must lay before Parliament an annual report on the use of resources provided under subsection (7).""

Clause 25

LORD MARKS OF HENLEY-ON-THAMES
BARONESS BRINTON

★ Clause 25, page 26, line 1, leave out "personally"

Member's explanatory statement
This amendment is intended to ensure that private contractors and subcontractors are fully captured in the definition of "works for". The word "personally" is too restrictive and its insertion is unjustified.

LORD MARKS OF HENLEY-ON-THAMES
BARONESS BRINTON

★ Clause 25, page 26, line 15, after "functions" insert "or provides services"

Member's explanatory statement
This amendment is intended to ensure that private contractors and subcontractors are fully captured in the definition of "works for".

BARONESS BRINTON
BARONESS HAMWEE

Clause 25, page 26, line 44, at end insert—

"(6) For the purposes of this Act, any duty or liability imposed on a public official or a person holding public office applies in respect of any act or omission occurring while the person held that office or performed those functions, notwithstanding that the person has subsequently resigned, retired, or otherwise ceased to hold that office or perform those functions."

Member's explanatory statement
This probing amendment would ensure that the duties and liabilities in this Bill apply to public officials during their time in public office even if they have since resigned, retired or ceased to hold a public office.

Clause 27

LORD MARKS OF HENLEY-ON-THAMES
BARONESS LUDFORD

★ Clause 27, page 27, line 9, after "Part" insert ", and Parts 4 and 5 of Schedule 6,"

Member's explanatory statement
This amendment ensures that those provisions to ensure parity of legal aid of inquests comes into force on the day the Act is passed.

LORD KEEN OF ELIE
LORD WOLFSON OF TREDEGAR

Clause 27, page 27, line 16, at end insert—

"but section 10 does not come into force until the Secretary of State has published and laid before Parliament an impact assessment on the cost of the provisions set out in section 10."

Member's explanatory statement
This amendment seeks to introduce an impact assessment for the cost of implementation of expected standards of conduct.

LORD MARKS OF HENLEY-ON-THAMES
BARONESS BRINTON

★ Leave out Clause 27 and insert—

"Commencement

This Act shall come into force on Royal Assent, save for sections 10, 11 and 20, which will come into force six months thereafter.."

Member's explanatory statement
This amendment clarifies that the Act should come into force straightaway except for those sections which require the provision of codes or guidance.

Public Office (Accountability) Bill

RUNNING LIST OF ALL

AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

Tabled up to and including

2 October 2026

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2 October 2026

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS