

# Public Office (Accountability) Bill

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## MARSHALLED LIST OF AMENDMENTS TO BE MOVED IN COMMITTEE OF THE WHOLE HOUSE

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*The amendments have been marshalled in accordance with the Instruction of 1st September 2026, as follows –*

|                  |                  |
|------------------|------------------|
| 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]*

**Amendment  
No.**

**Clause 1**

LORD YOUNG OF ACTON

**1★** Clause 1, page 2, line 11, at end insert –

- “(3) Subsection (1) sets out the purpose of this Act for the purpose only of interpreting the duties imposed, and offences created, by Parts 2 to 4, and does not of itself –
- (a) impose any duty on a public authority or public official,
  - (b) confer any power on, or provide any justification for, a public authority or public official to act otherwise than in accordance with a lawful instruction or direction given to them, including an instruction given by or on behalf of a Minister of the Crown, or
  - (c) provide a standard against which the conduct of a public authority or public official is to be assessed, other than in determining whether a duty under this Act has been complied with or an offence under this Act has been committed.”

***Member's explanatory statement***

*This amendment would make clear that the reference to "the public interest" in clause 1(1)(b) is an aid to interpreting the specific duties and offences in the Bill. It would not be a freestanding duty, and no official could rely on it to justify refusing a lawful instruction.*

**Clause 2**

BARONESS KRAMER

- 2 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

- 3 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

- 4 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 subject to the obligation set out in section 2(3).*

BARONESS BRINTON  
BARONESS HAMWEE

- 5 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

6 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

7 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.*

## BARONESS CHAKRABARTI

8 Clause 2, page 3, line 2, leave out from “authority” to end of line 3 and insert “is responsible for the discharge of the obligation or obligations.”

***Member's explanatory statement***

*This amendment seeks to clarify and render more enforceable the obligations on those in charge of public authorities.*

BARONESS MAY OF MAIDENHEAD  
BARONESS SANDERSON OF WELTON

9★ Clause 2, page 3, line 7, at end insert —

“(6A) For the avoidance of doubt, the duty of candour and assistance referred to in this section, and the other requirements placed on public authorities by this Act, apply to interactions with the standing advocate appointed under section 35 of the Victims and Prisoners Act 2024.”

***Member's explanatory statement***

*This amendment seeks to confirm that the duty of candour applies to any dealings public authorities and public officials may have with the Independent Public Advocate.*

## Schedule 1

### LORD WILLS

10 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 HAMWEE

11 Schedule 1, page 30, line 5, leave out “ends” and insert “has reported”

***Member's explanatory statement***

*This amendment is intended to probe precisely when the duty of candour ends.*

### BARONESS CHAKRABARTI

12 Schedule 1, page 30, line 21, at end insert—

**“23B Duty of candour and assistance: service of compliance directions**

- (1) This section applies in relation to the giving of a compliance direction to a person under section 23A (duty of candour and assistance: directions).
- (2) The direction may be given to the person by —
  - (a) delivering a copy of it to the person,
  - (b) leaving a copy of it at the person's proper address,
  - (c) sending a copy of it by post to the person at that address, or
  - (d) sending a copy of it by email to the person's email address.
- (3) A direction to a body corporate may be given in accordance with subsection (2) to any officer of that body.
- (4) A direction to a partnership may be given in accordance with subsection (2) to any partner or to a person who has the control or management of the partnership business.
- (5) A direction to a body that is not a legal person under the law under which it is formed (other than a partnership) may be given in accordance with subsection (2) to any member of its governing body.
- (6) The person's proper address is —
  - (a) in the case of a body that has a registered or principal office, the address of that office;
  - (b) in any other case, any address at which the person giving the direction reasonably believes that the direction will come to the attention of the person to whom the direction is being given.
- (7) A proper address is not limited to an address in the United Kingdom.

- (8) In the case of a body registered or carrying on business outside the United Kingdom, or with offices outside the United Kingdom, the reference in subsection (6) to its principal office includes –
- (a) its principal office in the United Kingdom, or
  - (b) if the body has no principal office in the United Kingdom, any place at which the person giving the direction reasonably believes that the direction will come to the attention of any director or other officer of that body.
- (9) For the purposes of subsection (2)(d), a person’s email address is –
- (a) any email address published for the time being by the person as an address for contacting them, or
  - (b) if there is no such published address, any email address by means of which the person giving the direction reasonably believes that the direction will come to the attention of the person to whom it is given or (where that person is a body) any director or other officer of that body.
- (10) In this section –
- “director” includes any person occupying the position of a director, by whatever name called;
  - “officer”, in relation to a body, includes a director, a manager, a partner, an associate, a secretary or, where the affairs of the entity are managed by its members, a member.”

***Member’s explanatory statement***

*This amendment and another in the name of Baroness Chakrabarti seek to apply the same provision for service of compliance directions in non-statutory inquiries to statutory inquiries and include provision for extra-territorial service and application.*

BARONESS BRINTON  
BARONESS HAMWEE

- 13 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.*

BARONESS CHAKRABARTI

- 14 Schedule 1, page 34, line 7, leave out paragraph 3 and insert –

“3 Section 23B of the Inquiries Act 2005 (duty of candour and assistance: service of compliance directions) applies in relation to the giving of a compliance direction under paragraph 2 to a person.”

***Member's explanatory statement***

*This amendment and another in the name of Baroness Chakrabarti seek to apply the same provision for service of compliance directions in non-statutory inquiries to statutory inquiries and include provision for extra-territorial service and application.*

LORD LEMOS

15 Schedule 1, page 38, line 36, at end insert—

“(1A) In Schedule 1 (duty or power to suspend or resume investigations), in paragraph 6, after sub-paragraph (2) insert—

“(3) The duty of a senior coroner to give a compliance direction under paragraph 2A of Schedule 5 in respect of an investigation does not apply at any time during which the investigation is suspended under this Schedule.””

***Member's explanatory statement***

*This amendment clarifies that a duty on a senior coroner to give a compliance direction under new paragraph 2A of Schedule 5 to the Coroners and Justice Act 2009 (inserted by Part 4 of Schedule 1 to the Bill) does not apply during times when an investigation is suspended under Schedule 1 to that Act.*

LORD LEMOS

16 Schedule 1, page 41, line 10, after “evidence)” insert “—

(a) in paragraph 6, at the end insert “or a direction under paragraph 2A of that Schedule”;

(b)”

***Member's explanatory statement***

*This amendment would enable a senior coroner conducting an investigation under the Coroners and Justice Act 2009 to issue a fine of up to £1000 for a failure to comply with obligations under the duty of candour and assistance.*

LORD KEEN OF ELIE  
LORD WOLFSON OF TREDEGAR

17 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

18 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

19 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

20 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

- 21** 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

- 22** 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.*

LORD WILLS

- 23★** Clause 4, page 5, line 11, at end insert —

“(6) This subsection applies to a person who —

- (a) is subject to the duty of candour by virtue of subsection (1), and
- (b) has a relevant public responsibility in connection with an incident by virtue of subsection (2)(b), and
- (c) is not —
  - (i) a public authority for the purposes of the Freedom of Information Act 2000, or
  - (ii) a Scottish public authority for the purposes of the Freedom of Information (Scotland) Act 2002.

- (7) Where a person to whom subsection (6) applies holds information in connection with –
- (a) an incident occurring in England, Wales or Northern Ireland that person is deemed to be a public authority for the purposes the Freedom of Information Act 2000 in relation to information which the person holds which to any extent relates to the incident;
  - (b) an incident occurring in Scotland that person is deemed to be a Scottish public authority for the purposes of the Freedom of Information (Scotland) Act 2002 in relation to information which that person holds which to any extent relates to the incident.
- (8) After section 3(1)(b) of the Freedom of Information Act 2000 insert –
- “(c) a person subject to section 4(7)(a) of the Public Office (Accountability) Act 2026.”
- (9) After section 3(1)(c) of the Freedom of Information (Scotland) Act 2002 insert –
- “(c) a person subject to section 4(7)(b) of the Public Office (Accountability) Act 2026.””

***Member's explanatory statement***

*This amendment makes service providers who are subject to the duty of candour in relation to specific incidents but are not themselves public authorities under the Freedom of Information Act 2000 or the Freedom of Information (Scotland) Act 2003 subject to that Act in relation to information which they hold about an incident occurring in England, Wales, Scotland or Northern Ireland.*

**Clause 5**

BARONESS KRAMER

**24** 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

25 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

26 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 Damage Act 1971.*

BARONESS LEVITT

27 Clause 5, page 5, line 33, leave out "2" and insert "14"

***Member's explanatory statement***

*The proposed higher maximum sentence reflects those for the new offences in Clauses 13 and 14. It would ensure that the Bill does not inadvertently create a perverse incentive for public officials, leading them to believe that they would be better off not making full disclosure than revealing material which they fear might lead to an investigation for more serious offences.*

**After Clause 7**

LORD FAULKNER OF WORCESTER  
BARONESS BRINTON

28 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

29 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

30 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

31 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 which are or may be 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

32 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

33 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).”

**After Clause 8**

LORD KEEN OF ELIE  
LORD WOLFSON OF TREDEGAR

34★ After Clause 8, insert the following new Clause—

**“Guidance for officials on duties under Chapter 1**

- (1) Within one month of the coming into effect of this Act the Secretary of State must issue guidance for the purposes of this Chapter.
- (2) Any guidance issued under this section must include information for officials on the support which is available to them to help them comply with section 2 of this Act.”

***Member's explanatory statement***

*This amendment seeks to probe what support will be made available to officials to ensure they get the help they need to comply with the duty of candour under section 2 of this Act.*

### Clause 10

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

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

- 5 “(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 –
- 10 (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 –
- 15 (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
- 20 (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.
- 25 (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.
- 30 (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,
- 35 (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 Amendment 35*

36 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.”

LORD MARKS OF HENLEY-ON-THAMES  
BARONESS BRINTON

37 Clause 10, page 10, line 35, leave out paragraph (b) and insert—

- “(b) take all reasonable steps to ensure that those people—
  - (i) are aware of the code and the consequences of failing to act in accordance with it, and
  - (ii) comply with the code fully.”

***Member's explanatory statement***

*This amendment would replace the requirement for a public authority to make people who work for it aware of its code of ethical conduct with a requirement for the authority to take all reasonable steps to ensure that those people comply with the code.*

BARONESS BRINTON  
BARONESS HAMWEE

- 38 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 included in the code.*

LORD MARKS OF HENLEY-ON-THAMES  
BARONESS BRINTON

- 39 Clause 10, page 11, line 3, leave out paragraph (c) and insert –

“(c) set out –

- (i) the disciplinary consequences for failing to act in accordance with the standards of conduct expected of them, including circumstances where such failure must be treated as gross misconduct, and
- (ii) the circumstances in which a failure to act in accordance with the standards of conduct expected of them must be referred to the appropriate authority for investigation as a potential criminal offence.”

***Member's explanatory statement***

*This amendment would require a public authority's code of ethical conduct to specify when a failure to comply with the standards of conduct must be referred for investigation as a potential criminal offence, in addition to setting out disciplinary consequences for breaches.*

LORD WILLS

- 40 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

- 41 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

**42** 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

**43** 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 MARKS OF HENLEY-ON-THAMES  
BARONESS BRINTON

- 44** Clause 10, page 11, line 21, leave out “with or without modifications” and insert “subject to any modifications which do not reduce the standards of ethical conduct contained in those documents”

***Member's explanatory statement***

*This amendment ensures that a public authority may adopt another document as its code of ethical conduct, but may not modify that document in a way which reduces the standards of ethical conduct contained in it.*

LORD WILLS

- 45** 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 MARKS OF HENLEY-ON-THAMES  
BARONESS BRINTON

- 46** Clause 10, page 11, line 22, at end insert —
- “(6A) In adopting a code of ethical conduct under subsection (3)(a), a public authority must have regard to the need for consistency in the standards of ethical conduct applicable across public authorities.
- (6B) A public authority may include additional standards in its code where those standards are appropriate having regard to the functions of the authority.”

***Member's explanatory statement***

*This amendment requires public authorities to have regard to consistency in ethical standards across public authorities while allowing authorities to adopt additional standards appropriate to their functions.*

LORD MARKS OF HENLEY-ON-THAMES  
BARONESS BRINTON

47 Clause 10, page 11, line 31, at end insert —

“(c) an explanation of how the modifications are consistent with the need for consistent standards of ethical conduct across public authorities.”

***Member's explanatory statement***

*This amendment would require a public authority to explain how any modifications to its code of ethical conduct are consistent with the need for consistent standards of ethical conduct across public authorities.*

LORD WILLS

48 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

49 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

50 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

51

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

52

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

53 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  
BARONESS D'SOUZA

54 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.*

LORD MARKS OF HENLEY-ON-THAMES  
BARONESS BRINTON

55 After Clause 10, insert the following new Clause –

**“Regulations relating to codes of ethical conduct**

- (1) The appropriate national authority must by regulations prescribe requirements which a code of ethical conduct adopted by a public authority under section 10 must meet.
- (2) Regulations under subsection (1) must include provision for –
  - (a) the standards of ethical conduct to be reflected in a code,
  - (b) the arrangements to be made by a public authority for securing compliance with its code, and
  - (c) the procedures to be followed where a person who works for a public authority fails to comply with its code.

- (3) A public authority must ensure that its code of ethical conduct complies with regulations under subsection (1).
- (4) Regulations under this section are subject to the affirmative procedure.”

***Member's explanatory statement***

*This amendment would require the appropriate national authority to establish by regulations the minimum requirements that public authorities' codes of ethical conduct must meet, including requirements concerning standards, compliance and responses to breaches.*

LORD MARKS OF HENLEY-ON-THAMES  
BARONESS BRINTON

56 After Clause 10, insert the following new Clause—

**“Offence of serious breach of a code of ethical conduct**

- (1) A person who knowingly or recklessly fails to comply with a code of ethical conduct applicable to that person commits an offence where the failure is serious.
- (2) For the purposes of subsection (1), a failure is serious if it—
  - (a) causes, or creates a significant risk of, serious harm to another person,
  - (b) involves dishonesty, corruption or abuse of public office,
  - (c) involves a serious breach of the principles set out in section 10(2), or
  - (d) seriously undermines public confidence in the public authority or the proper exercise of its functions.
- (3) A person guilty of an offence under this section is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine, or both, or
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine, or both.
- (4) A public authority must take all reasonable steps to prevent, detect and respond to conduct which may constitute an offence under this section.
- (5) The Secretary of State must by regulations make provision for the enforcement of the duty in subsection (4) by the appropriate national authority.
- (6) Regulations under subsection (5) must be made consistently with section 24.
- (7) Regulations under subsection (5) are subject to the affirmative procedure.
- (8) A person may be prosecuted under this section notwithstanding that disciplinary proceedings have also been brought or concluded in relation to the same conduct.”

***Member's explanatory statement***

*This amendment would create a criminal offence for serious and knowing or reckless breaches of a code of ethical conduct. It would also place a duty on public authorities to take reasonable steps to prevent, detect and respond to serious breaches of their codes.*

LORD MARKS OF HENLEY-ON-THAMES  
BARONESS BRINTON

57 After Clause 10, insert the following new Clause –

**“Minimum standards of ethical conduct**

- (1) The appropriate national authority must publish minimum standards of ethical conduct which apply to all public authorities for the purposes of section 10.
- (2) The minimum standards must include standards relating to –
  - (a) selflessness,
  - (b) integrity,
  - (c) objectivity,
  - (d) accountability,
  - (e) openness,
  - (f) honesty, and
  - (g) leadership.
- (3) A public authority must ensure that its code of ethical conduct meets or exceeds the minimum standards published under subsection (1).
- (4) A public authority may include additional standards in its code of ethical conduct where those standards are appropriate having regard to the functions of the authority.
- (5) The appropriate national authority must keep the minimum standards under review and may revise them from time to time.”

***Member's explanatory statement***

*This amendment would establish minimum standards of ethical conduct applicable across all public authorities while allowing individual authorities to adopt additional standards appropriate to their functions.*

LORD MARKS OF HENLEY-ON-THAMES  
BARONESS BRINTON

58 After Clause 10, insert the following new Clause –

**“Review of standards of ethical conduct**

- (1) The Ethics and Integrity Commission must periodically review the codes of ethical conduct adopted by public authorities under section 10.
- (2) A review under subsection (1) must consider –
  - (a) the extent to which the codes reflect the principles set out in section 10(2),
  - (b) the consistency of the standards of ethical conduct applicable across public authorities, and
  - (c) whether differences between codes are justified by the functions of the public authorities concerned.

- (3) The Ethics and Integrity Commission must publish the findings of each review.
- (4) Where the Ethics and Integrity Commission considers that a public authority's code does not provide for appropriate standards of ethical conduct, it may recommend changes to the code.
- (5) A public authority receiving a recommendation under subsection (4) must publish its response to that recommendation."

***Member's explanatory statement***

*This amendment requires the Ethics and Integrity Commission to review codes of ethical conduct across public authorities, with particular regard to consistency of standards and requires public authorities to publish their responses to recommendations for changes.*

**Clause 11**

LORD MARKS OF HENLEY-ON-THAMES  
BARONESS BRINTON

- 59 Clause 11, page 12, line 32, leave out "may issue guidance for the purposes of this Chapter" and insert "must issue guidance on compliance with the requirements of this Chapter"

***Member's explanatory statement***

*This amendment would require the appropriate national authority to issue guidance for the purposes of Chapter 2 of Part 2 rather than leaving the issuing of such guidance discretionary.*

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

- 60 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

**61** 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  
LORD LEVESON OF LIVERPOOL

**62** 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

63 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**

BARONESS JONES OF MOULSECOOMB

**64★** Schedule 2, page 50, line 33 at end insert “or (2A)”

***Member's explanatory statement***

*This amendment and others in the name of Baroness Jones of Moulsecoomb seek to include the public functions of higher education providers in the provisions of this Bill.*

BARONESS JONES OF MOULSECOOMB

**65★** Schedule 2, page 51, line 3, at end insert —

“(2A) A body comes within this sub-paragraph if —

- (a) it is a higher education provider, and
- (b) its functions —
  - (i) are functions of a public nature, or
  - (ii) include functions of a public nature.

(2B) But a body within sub-paragraph (2A)(b)(ii) is a public authority only to the extent of its functions of a public nature.

(2C) The functions of a higher education provider which are functions of a public nature include but are not limited to —

- (a) admissions, assessment, progression and the award of qualifications,
- (b) academic, disciplinary and fitness to practise processes, including suspension and withdrawal,
- (c) pastoral and student support services,
- (d) student welfare and wellbeing,
- (e) safeguarding,
- (f) accommodation which the provider supplies or arranges,
- (g) the handling of student complaints and appeals, and
- (h) responses to serious incidents, including student deaths, and any review or investigation following them.”

***Member's explanatory statement***

*This amendment and others in the name of Baroness Jones of Moulsecoomb seek to include the public functions of higher education providers in the provisions of this Bill.*

BARONESS COFFEY

- 66★ Schedule 2, page 51, line 8, leave out paragraph (b)

***Member's explanatory statement***

*This amendment seeks to probe the application of this bill to either House of Parliament*

BARONESS JONES OF MOULSECOOMB

- 67★ Schedule 2, page 53, line 30 after “(3)” insert “or (3A)”

***Member's explanatory statement***

*This amendment and others in the name of Baroness Jones of Moulsecoomb seek to include the public functions of higher education providers in the provisions of this Bill.*

LORD MARKS OF HENLEY-ON-THAMES  
BARONESS BRINTON

- 68 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.*

BARONESS JONES OF MOULSECOOMB

- 69★ Schedule 2, page 54, line 3, at end insert —

“(3A) A body comes within this sub-paragraph if —

- (a) it is a Higher Education provider, and
- (b) its functions —
  - (i) are functions of a public nature, or
  - (ii) include functions of a public nature.

(3B) But a body within sub-paragraph (3A)(b)(ii) is a public authority only to the extent of its functions of a public nature.

(3C) The functions of a higher education provider which are functions of a public nature include but are not limited to —

- (a) admissions, assessment, progression and the award of qualifications,
- (b) academic, disciplinary and fitness to practise processes, including suspension and withdrawal,
- (c) pastoral and student support services,
- (d) student welfare and wellbeing,
- (e) safeguarding,
- (f) accommodation which the provider supplies or arranges,
- (g) the handling of student complaints and appeals, and
- (h) responses to serious incidents, including student deaths, and any review or investigation following them.”

***Member's explanatory statement***

*This amendment and others in the name of Baroness Jones of Moulsecoomb seek to include the public functions of higher education providers in the provisions of this Bill.*

**Clause 12**

LORD KEEN OF ELIE  
LORD WOLFSON OF TREDEGAR

**70** 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 Damage Act 1971.*

LORD KEEN OF ELIE  
LORD WOLFSON OF TREDEGAR

**71** 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

72 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.*

## BARONESS CHAKRABARTI

73 Clause 12, page 13, line 17, leave out paragraph (b)

***Member's explanatory statement***

*This amendment seeks to remove the requirement to prove an intention to cause personal harm, with a view to strengthening the enforceability of the offence and avoiding disputes about the nature or extent of harm.*

LORD KEEN OF ELIE  
LORD WOLFSON OF TREDEGAR

74 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.*

LORD MARKS OF HENLEY-ON-THAMES  
BARONESS BRINTON

75 Clause 12, page 13, line 20, at end insert —

“(3A) It is an offence for a person to encourage, directly or through a third party, a public office holder to commit an offence under subsection (1).”

***Member's explanatory statement***

*This amendment seeks to ensure that private instigators of misconduct are specifically covered under the offence in Clause 12.*

## LORD YOUNG OF ACTON

76★ Clause 12, page 13, line 20, at end insert —

“(3A) An act is not seriously improper for the purposes of this section if it consists of —

- (a) the expression of an opinion, or
- (b) a contribution made in good faith to debate on a matter of public interest, unless it involves the knowing assertion of a statement of fact which the person knows to be false.”

***Member's explanatory statement***

*This amendment would place on the face of the Bill the assurance in the Explanatory Notes that the offence of misleading the public is not intended to stifle public debate or the expression of opinion, while preserving liability for the knowing assertion of false statements of fact.*

BARONESS BRINTON

- 77 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*

BARONESS LEVITT

- 78★ Clause 12, page 14, line 3, leave out paragraph (b) and insert—  
“(b) to prove that their act was 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*

BARONESS LEVITT

- 79 Clause 12, page 14, line 4, leave out subsection (7)

***Member's explanatory statement***

*This would place the burden of establishing the defence on the defendant.*

LORD KEEN OF ELIE  
LORD WOLFSON OF TREDEGAR

- 80 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  
BARONESS LEVITT

- 81 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

- 82 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  
BARONESS LEVITT

- 83 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  
BARONESS LEVITT

- 84 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  
BARONESS LEVITT

- 85 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.*

BARONESS LEVITT

- 86 Clause 13, page 15, line 22, leave out subsection (6)

***Member's explanatory statement***

*This would place the burden of establishing the defence on the defendant.*

LORD MARKS OF HENLEY-ON-THAMES  
BARONESS BRINTON

- 87 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**

BARONESS LEVITT

- 88★ Clause 14, page 16, leave out line 4 and insert “prove that their act was 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.*

BARONESS LEVITT

- 89 Clause 14, page 16, line 5, leave out subsection (3)

***Member's explanatory statement***

*This would place the burden of establishing the defence on the defendant.*

LORD MARKS OF HENLEY-ON-THAMES  
BARONESS BRINTON

- 90 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

- 91 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

- 92 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**

BARONESS LEVITT

**93** Schedule 4, page 58, line 37, at end insert—

*“Paramedics*

20A A paramedic registered with the Health and Care Professions Council who is responding to a 999 or other emergency call.”

LORD MARKS OF HENLEY-ON-THAMES  
BARONESS BRINTON

**94** 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

**95** 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**

LORD LEMOS

96 Clause 20, page 18, line 16, leave out “UK”

***Member's explanatory statement***

*This amendment is consequential on my amendments to Parts 1 and 2 of Schedule 6.*

LORD LEMOS

97 Clause 20, page 18, line 17, leave out “UK”

***Member's explanatory statement***

*This amendment is consequential on my amendments to Parts 1 and 2 of Schedule 6.*

LORD LEMOS

98 Clause 20, page 18, line 19, leave out “UK”

***Member's explanatory statement***

*This amendment is consequential on my amendments to Parts 1 and 2 of Schedule 6.*

LORD LEMOS

99 Clause 20, page 18, line 21, leave out “UK”

***Member's explanatory statement***

*This amendment is consequential on my amendments to Parts 1 and 2 of Schedule 6.*

LORD LEMOS

100 Clause 20, page 18, line 25, leave out “UK”

***Member's explanatory statement***

*This amendment is consequential on my amendments to Parts 1 and 2 of Schedule 6.*

LORD LEMOS

101 Clause 20, page 18, line 37, leave out “UK”

***Member's explanatory statement***

*This amendment is consequential on my amendments to Parts 1 and 2 of Schedule 6.*

BARONESS GOUDIE  
LORD BACH

**102** 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.”

LORD LEMOS

**103** Clause 20, page 19, line 8, at end insert —

““inquiry” means —

- (a) an inquiry under the Inquiries Act 2005, or
- (b) an inquiry to which paragraph 2 of Schedule 1 applies (non-statutory inquiries),

which has been caused to be held by a United Kingdom Minister, within the meaning given by section 43(1) of the Inquiries Act 2005, or by the Welsh Ministers;”

***Member's explanatory statement***

*This amendment is consequential on my amendments to Parts 1 and 2 of Schedule 6.*

LORD LEMOS

**104** Clause 20, page 19, leave out lines 17 to 22

***Member's explanatory statement***

*This amendment is consequential on my amendments to Parts 1 and 2 of Schedule 6.*

**After Clause 20**

LORD ALTON OF LIVERPOOL  
 LORD HOPE OF CRAIGHEAD  
 BARONESS D'SOUZA

**105** 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

**106** 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

107 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

108 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

109

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  
LORD WILLS

**110** 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 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

**111** 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

**112** 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

**113** 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 BACH  
LORD CARLILE OF BERRIEW  
LORD MARKS OF HENLEY-ON-THAMES  
LORD WILLS

**114** 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  
BARONESS D'SOUZA

115 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

**116** 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

117 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 amendment 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  
LORD ALTON OF LIVERPOOL

118 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

119 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

120

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 inquests,
  - (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

**121** 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 persons affected as described in 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

122 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 to consider 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 2005 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 collective representation body 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 the delivery of 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).”

BARONESS BRINTON  
BARONESS LUDFORD  
BARONESS D'SOUZA

**123** After Clause 20, insert the following new Clause –

**“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 day on which this Act is passed, 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 described in 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 covered by subsection (1).
- (3) Regulations under this section are subject to the negative procedure.”

***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.*

## BARONESS CHAKRABARTI

**124** After Clause 20, insert the following new Clause —

**“Equality of funding for legal representation**

Public authorities funding legal advice or representation in contemplation of, or at an inquest, must not exceed the rate allowed for legal aid for bereaved families in contemplation of, or at such proceedings.”

***Member's explanatory statement***

*This new Clause seeks to achieve equality of legal funding between families and public authorities around inquests. Rather than requiring the Secretary of State to investigate or estimate the actual or potential spending rates of various public authorities, it seeks to achieve greater certainty by placing the onus on the latter not to spend more than the prevailing rates for legal aid.*

BARONESS MAY OF MAIDENHEAD  
BARONESS SANDERSON OF WELTON

**125★** After Clause 20, insert the following new Clause —

**“Standing advocate: functions and funding**

(1) Section 35 of the Victims and Prisoners Act 2024 (appointment of standing advocate) is amended as follows.

(2) In subsection (2), after paragraph (a), insert —

“(aa) to monitor and report publicly on whether public authorities and public officials have performed and are performing their functions, in relation to the victims of all major incidents, with candour, transparency and frankness, and in the public interest, as required by the Public Office (Accountability) Act 2026;”.

(3) After subsection (4) insert —

“(4A) The Secretary of State must provide sufficient funding for any ongoing or preparatory work the standing advocate undertakes to —

(a) monitor and report on whether public authorities and public officials have performed and are performing their functions, in relation to the victims of major incidents, with candour, transparency and frankness, and in the public interest, and

(b) assist victims, survivors, bereaved families and others in circumstances where public authorities or public officials have not performed their functions, in relation to any major incidents, with candour, transparency and frankness, and in the public interest.””

***Member's explanatory statement***

*This probing amendment seeks to provide the Independent Public Advocate with adequate functions and funding to carry out certain tasks related to the Public Office (Accountability) Bill.*

**Schedule 6**

LORD LEMOS

- 126 Schedule 6, page 63, line 2, leave out “UK”

***Member's explanatory statement***

*This amendment is consequential on my amendment to Schedule 6, page 63, line 7.*

LORD LEMOS

- 127 Schedule 6, page 63, line 7, at end insert—

“(1A) The Welsh Ministers may issue guidance to core participants that are public authorities, setting out the principles that should guide their conduct at an inquiry for which the Welsh Ministers are responsible.”

***Member's explanatory statement***

*This amendment provides for the Welsh Ministers to issue guidance to public authorities in respect of their conduct in relation to inquiries established by the Welsh Ministers.*

LORD LEMOS

- 128 Schedule 6, page 63, line 13, after “(A1)” insert “or (A1A)”

***Member's explanatory statement***

*This amendment is consequential on my amendment to Schedule 6, page 64, line 40.*

LORD LEMOS

- 129 Schedule 6, page 63, line 33, after “is” insert “, or the Welsh Ministers are,”

***Member's explanatory statement***

*This amendment extends section 34B of the Inquiries Act 2005 (inserted by paragraph 1 of Schedule 6 to the Bill), which imposes a duty on public authorities in relation to their engagement of legal representatives at inquiries, so as to include inquiries established by the Welsh Ministers.*

LORD LEMOS

- 130 Schedule 6, page 64, line 21, after “is” insert “, or the Welsh Ministers are,”

***Member's explanatory statement***

*This amendment extends section 34C of the Inquiries Act 2005 (inserted by paragraph 1 of Schedule 6 to the Bill), which enables the chair of an inquiry to report on concerns over the conduct of a public authority, so as to include inquiries established by the Welsh Ministers.*

LORD LEMOS

**131** Schedule 6, page 64, line 40, at end insert—

“(A1A) The Welsh Ministers may make rules dealing with the overriding objective to which regard is to be had when conducting, or participating in, an inquiry for which they are responsible.”

***Member's explanatory statement***

*This amendment enables the Welsh Ministers to make rules about the overriding objective in relation to inquiries for which they are responsible.*

LORD LEMOS

**132** Schedule 6, page 64, line 41, after “(A1)” insert “or (A1A)”

***Member's explanatory statement***

*This amendment is consequential on my amendment to Schedule 6, page 64, line 40.*

LORD LEMOS

**133** Schedule 6, page 65, line 18, at end insert “, or by the Welsh Ministers”.

***Member's explanatory statement***

*This amendment provides for sections 34A to 34C of the Inquiries Act 2005 (inserted by paragraph 1 of Schedule 6 to the Bill) to apply in relation to non-statutory inquiries established by the Welsh Ministers.*

LORD LEMOS

**134** Schedule 6, page 65, line 25, after “34A(1)” insert “and (1A)”

***Member's explanatory statement***

*This amendment is consequential on my amendment to Schedule 6, page 63, line 7.*

LORD LEMOS

**135** Schedule 6, page 65, line 27, at end insert—

“(ba) in section 34A(2), paragraph (a) applies as if sub-paragraph (ii) were omitted;”

***Member's explanatory statement***

*This amendment is a drafting clarification.*

## LORD LEMOS

136 Schedule 6, page 70, leave out lines 26 to 30 and insert –

“(ma) legal help in relation to an inquest under the Coroners and Justice Act 2009 to the extent that the individual to whom the legal help may be provided is an individual to whom sub-paragraph (m)(i) applies;”

***Member's explanatory statement***

*This amendment to legal aid regulations clarifies the circumstances in which legal aid is available without a means test in cases covered by the amendments to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 elsewhere in Schedule 6 to the Bill.*

## LORD LEMOS

137 Schedule 6, page 70, line 31, leave out paragraph (c) and insert –

“(c) omit sub-paragraph (n).”

***Member's explanatory statement***

*This amendment to legal aid regulations is consequential on paragraph 6(2) of Schedule 6 to the Bill.*

## Clause 24

## LORD LEMOS

138 Clause 24, page 22, line 1, leave out “draft of regulations” and insert “statutory instrument, or a draft of a statutory instrument, containing regulations made by the Secretary of State”

***Member's explanatory statement***

*This is a technical amendment to ensure that the de-hybridising provision in Clause 24(12) will apply to all affirmative instruments laid under the Bill.*

## LORD LEMOS

139 Clause 24, page 22, line 8, at end insert –

“(16) In Schedule 7B to the Government of Wales Act 2006 (general restrictions on legislative competence of Senedd Cymru) –

(a) in paragraph 9(8)(b) (exceptions to restrictions relating to reserved authorities), at the appropriate place insert –

“the Public Office (Accountability) Act 2026;”;

(b) in paragraph 11(6)(b) (exceptions to restrictions relating to Ministers of the Crown), at the appropriate place insert –

“the Public Office (Accountability) Act 2026;”.

**Member's explanatory statement**

*This amendment provides for the restrictions on the legislative competence of Senedd Cymru under paragraphs 8(1)(c) and 11(1)(a) of Schedule 7B to the Government of Wales Act 2006 to be disapplied in relation to the concurrent powers conferred by the Bill.*

**Clause 25**

BARONESS JONES OF MOULSECOOMB

**140★** Clause 25, page 23, line 19, at end insert –

““higher education provider” means –

- (a) in relation to England, the governing body of –
  - (i) a registered higher education provider, within the meaning given by section 3(10) of the Higher Education and Research Act 2017, or
  - (ii) a constituent college, school, hall or other institution of such a provider,
 and for this purpose "governing body" has the meaning given by section 85 of that Act;
- (b) in relation to Wales, the governing body of –
  - (i) a tertiary education provider registered in the register maintained under section 25 of the Tertiary Education and Research (Wales) Act 2022 in a category of registration which relates to the provision of higher education, other than a provider which is a further education provider or a school, or
  - (ii) an institution in Wales within the higher education sector, as set out in section 91(5) of the Further and Higher Education Act 1992;
- (c) in relation to Scotland, the governing body of a higher education institution, as defined in section 35 of the Further and Higher Education (Scotland) Act 2005;
- (d) in relation to Northern Ireland, the governing body of –
  - (i) a university receiving financial support under Article 30 of the Education and Libraries (Northern Ireland) Order 1993 (S.I. 1993/2810 (N.I. 12)), or
  - (ii) a college of education in respect of which grants are paid under Article 66(2) or (3) of the Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3));”

**Member's explanatory statement**

*This amendment and others in the name of Baroness Jones of Moulsecoomb seek to include the public functions of higher education providers in the provisions of this Bill.*

## LORD LEMOS

- 141** Clause 25, page 23, line 28, at end insert “in its capacity as a local authority or port health authority”

***Member's explanatory statement***

*This amendment clarifies that the Common Council of the City of London is a local authority for the purposes of the Bill only in its capacity as a local authority or port health authority and not in its private capacities.*

LORD MARKS OF HENLEY-ON-THAMES  
BARONESS BRINTON

- 142** 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

- 143** 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

- 144** 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

- 145** Clause 27, page 27, line 9, leave out “comes” and insert “, and Parts 4 and 5 of Schedule 6, come”

***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.*

BARONESS BRINTON  
BARONESS LUDFORD

- 146** Clause 27, page 27, line 9, leave out “comes” and insert “and section (Access to legal aid for seriously injured survivors who are participating in inquests or inquiries) come”

LORD KEEN OF ELIE  
LORD WOLFSON OF TREDEGAR

- 147** 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 LEMOS

- 148** Clause 27, page 27, line 24, leave out “or (c)” and insert “, (c) or (d)”

***Member's explanatory statement***

*This amendment is consequential on my amendment to Clause 27, page 27, line 28.*

LORD LEMOS

- 149** Clause 27, page 27, line 25, after “Schedule 1” insert “(and section 2(7) so far as relating to that Part)”

***Member's explanatory statement***

*This is a drafting clarification.*

LORD LEMOS

- 150 Clause 27, page 27, line 26, after “Schedule 6” insert “(and section 20 so far as relating to that Part)”

*Member's explanatory statement*

*This is a drafting clarification.*

LORD LEMOS

- 151 Clause 27, page 27, line 27, after “Schedule 1” insert “(and section 2(7) so far as relating to that Part)”

*Member's explanatory statement*

*This is a drafting clarification.*

LORD LEMOS

- 152 Clause 27, page 27, line 28, at end insert—

“(d) in the case of regulations that bring into force Part 1 or 2 of Schedule 6 (and section 20 so far as relating to those Parts) in relation to inquiries caused to be held by the Welsh Ministers, the Welsh Ministers.”

*Member's explanatory statement*

*This amendment is consequential on my amendments to Parts 1 and 2 of Schedule 6.*

LORD MARKS OF HENLEY-ON-THAMES  
BARONESS BRINTON

- 153 Leave out Clause 27 and insert the following new Clause—

**“Commencement**

This Act comes into force on the day on which it is passed, save for sections 10, 11 and 20, which 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

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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*8 October 2026*

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PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS