

Examining the case for an
Independent Anti-Corruption Commissioner
in the United Kingdom

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Summary

The UK faces multiple corruption threats, and recent events – including PPE procurement, Russian money in London and substantial breaches of the Nolan Principles – have signified that the UK's anti-corruption governance is not fit for purpose when faced with challenging circumstances. Public concern is rising, and global indices show the UK's standing to be in decline. The current institutional arrangements are not safeguarding the UK. This paper examines the gaps in the current anti-corruption governance arrangements and concludes that a low-cost and agile Independent Anti-Corruption Commissioner could substantially enhance the UK's defences against and response to corruption.

1. Background

A recent National Audit Office report noted 'a risk that the UK is becoming perceived as more corrupt than it was before the pandemic. Such perceptions could affect public confidence in the integrity of public services.'¹ Although corruption and governance rankings are imperfect, and positions can easily fluctuate, it is noteworthy that the UK's standing is in decline on all the major indices and assessments of corruption, including the well-known Corruption Perceptions Index, Quality of Government Index and Worldwide Governance Indicators. Scandals over PPE procurement, frequent breaches of the Nolan Principles by MPs and Ministers, reports of corruption in the Metropolitan Police, and the UK's attractiveness to dirty money, reinforce this negative image.

¹ Tackling Fraud and Corruption Against Government, NAO, March 2023 <https://www.nao.org.uk/wp-content/uploads/2023/03/tackling-fraud-and-corruption-against-government.pdf>

Corruption - the abuse of entrusted power for private gain which harms the public interest - is highly damaging to society and the economy, and once it takes root is extremely hard to eradicate. It is often wrongly conflated with overlapping issues such as fraud and economic crime, and has become a term applied to various types of wrongdoing both within parliament and – frequently – about politicians on social media. However, it is an issue that needs to be properly identified and taken seriously because the consequences of overlooking it or ignoring it are very severe. Unlike the majority of countries in the world, the UK does not have an anti-corruption agency (ACA) to help identify and address such problems. This raises the question of whether the institutional apparatus that the UK does have in place is fit for purpose, and if not, what arrangements might be better.

ACAs (sometimes – for example in Australia - known as anti-corruption commissions) are envisaged in Articles 6 and 36 of the UN Convention Against Corruption, to which the UK is a signatory, as appropriate institutions to tackle corruption within a country. Such ACAs were set up by British administrations in former colonies such as Singapore and Hong Kong; and, although until recently such ACAs had been less commonly found in advanced economies, they have in the past few years been created in peer countries such as Australia, Italy, South Korea and France.

Box 1: Terminology

Confusingly, Anti-Corruption Agencies are sometimes called Anti-Corruption Commissions – for example in Australia – and so the head of the outfit is called a ‘Commissioner.’ This should not be confused with the UK-style ‘Commissioner’ model, such as the Children’s Commissioner or Anti-Slavery Commissioner.

Instead of putting in place an anti-corruption agency, the UK’s approach to preventing and tackling corruption has instead been characterised by a ‘multi-agency’ approach, in which the role and powers that are vested by other countries in an ACA are dispersed amongst multiple bodies and agencies. However, there is a set of standards by which a country’s anti-corruption apparatus can be benchmarked: the UN’s Jakarta Principles (Annex I) set out underlying principles ‘to promote and strengthen the independence and effectiveness’ of a country’s response to corruption, whether via a single anti-corruption agency or a multi-agency approach. The UK’s apparatus does not fulfil the Jakarta Principles in a number of important respects, including independence from political interference and being ‘established by a proper and stable legal framework.’

The question of what kind of anti-corruption institutional arrangements the UK needs is already in play, since the Labour Party has proposed both an Ethics & Integrity Commission and a Covid Corruption Commissioner, the Brown report proposed an Independent Anti-Corruption Commissioner and a leading think tank (RUSI) has proposed there should be an Economic Crime Commissioner. There is a risk that multiple well-intentioned initiatives will create confusion rather than clarity. This paper is intended to examine the problem that needs to be addressed and to explore the proposal in the Brown report for an Independent Anti-Corruption Commissioner.

2. Current arrangements

A study of the UK's anti-corruption arrangements in 2016² found 66 separate 'specialist enforcement, prevention, investigative and oversight agencies involved in the policing of offences directed against corruption behaviour' in addition to 48 police forces. More recently, a report in 2020 by the Independent Commission on Aid Impact (ICAI), which gives the most comprehensive analysis to date of the UK's institutional architecture with regard to illicit financial flows and corruption, has identified twenty different government departments, committees, agencies and operational bodies with overlapping responsibilities.³

Back in 2006, in order to provide more coherence to the UK's approach in the midst of the BAE Systems scandal, the Prime Minister at the time created a new post of Anti-Corruption Champion whose role involved 'overseeing the Government response to both domestic and international corruption.'⁴ This post remains in place today, but has been steadily downgraded in status, left vacant for periods of over a year (and has been currently vacant since June 2022) and is personally appointed by and reports to the Prime Minister, with inevitable constraints on its independence. The post is supported by a small civil service team, the Joint Anti-Corruption Unit (JACU), which formally reports to whichever minister within the Home Office has had economic crime (as the Home Office currently conceives corruption to be) added to their responsibilities.

3. What is the problem that needs to be addressed?

Despite the absence of hard data available on UK corruption, researchers and expert analysts are united in the view that the UK has had elevated levels of corruption risk in recent years.⁵ This is reflected in raised levels of public concern about both corruption and standards in public life. The threats that combine to increase the corruption risk include organised crime, strategic use of corruption by hostile actors, the effect of corrupt capital flows, cut-backs in public sector accountability and oversight mechanisms, a decline in the public service ethos linked to outsourcing and privatisation, and corruption within the political system.

The corruption that takes place within the UK is both criminal (for example, bribe-paying) and non-criminal (for example, a substantial breach of regulatory standards), and there are three primary areas in which these risks are manifested:

² Maxwell, N Cowdock, B Barrington, R (ed) (June 2016). *Corruption Laws: A non-lawyers' guide to laws and offences in the UK relating to corrupt behaviour*, Transparency International UK, Annex 1 pp.64-65

<https://www.transparency.org.uk/publications/corruption-laws-a-non-lawyers-guide-to-laws-and-offences-in-the-uk-relating-to-corrupt-behaviour/>

³ *Mapping the UK's Approach to tackling Corruption and Illicit Flows*, Annex I, ICAI Information Note, March 2020 https://icai.independent.gov.uk/wp-content/uploads/ICAI_Anticorruption-and-illicit-financial-flows.pdf

⁴ *UK Anti-Corruption Plan* (2014), Home Office, para 8.2

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/388894/UKantiCorruptionPlan.pdf

⁵ Corruption risk correlates closely with actual corruption, but it is easier to measure corruption risk, which can be further evidenced by known examples of corrupt activity and behaviour.

- i. Economic crime (the label applied by the government to a range of issues both related to corruption, such as corrupt capital flows and overseas bribery, and unrelated to corruption, such as scamming; often involving organised crime).
- ii. Corruption within non-political institutions (eg police, borders, social housing, prisons).
- iii. Political corruption.⁶

Since 2017, the UK has had in place a national anti-corruption strategy to address some of these areas. Although much recent public and media attention was rightly paid to political corruption during the Johnson government, successive national anti-corruption plans and strategies have focussed on areas other than political corruption. A strategy encompassing all the forms of corruption risk outlined above is necessary because corruption risks do not arise one by one – they are manifested in several areas at the same time. Meanwhile, an anti-corruption strategy also needs flexibility and adaptability because the risks facing a country are likely to change over time. For example, a high risk in 2006 when the Anti-Corruption Champion was first appointed was corporate bribery overseas, exemplified by the BAE Systems case; whereas more recently, the Russian invasion of Ukraine has put the focus on the national security implications of becoming a safe haven for corrupt capital flows from kleptocracies.

Cases like BAE Systems and property purchases by corrupt oligarchs illustrate both that the UK is not a corruption-free zone, and that corruption can take place in different areas of the political economy. The UK has tended to have a complacent approach towards corruption, with a widespread assumption that it happens overseas but not within the UK itself.

Political corruption is particularly serious, due to its impact and knock-on effects: there is a consensus within the academic literature on corruption that increased political corruption usually goes hand in hand with rapid decline in other institutions and therefore a system-wide anti-corruption approach is necessary.⁷ In diagnosing, preventing and responding to political corruption, it is important to understand the interplay between breaches of integrity standards and corruption, to ensure that political corruption is identified early and before it leads to the degradation of other institutions - and certainly, before a government can embark on a path to state capture. In the early stages of systemic political corruption, integrity breaches can easily be misinterpreted as one-off examples, or the actions of a rotten apple.

Within the UK, there is a further complexity due to the diverse situations of England, Scotland, Wales and Northern Ireland, and the need for any anti-corruption strategy and related institutional arrangements to respect devolved powers. However, recent events within the SNP in Scotland, and the post-conflict status of Northern Ireland, reinforce the impression that the threat of corruption is UK-wide.

⁶ Defined by Professor Paul Heywood as: *'The misuse of power for personal or political gain by governmental officials or politicians, or other actors working alongside them, at the expense of the public interest.'* Barrington, R et al (2023). *A Dictionary of Corruption* (Agenda Publishing, Newcastle).

⁷ For example, Michael Johnston, *Syndromes of corruption: wealth, power, and democracy*. Cambridge University Press, 2005.

As well as getting the right strategy in place, it is necessary to have institutional arrangements that are capable of delivering the strategy. This is perhaps the biggest gap in the UK's approach to tackling corruption, and can help explain why strategies to date have been less successful than had been hoped. For example, a persistent theme of anti-corruption campaigners has been that, despite a broadly robust legislative framework, UK enforcement is very weak. This can be traced on the one hand to political will (linked to prioritisation and resourcing) and on the other hand to having an institutional set up that identifies where enforcement is required and then following through on the enforcement.

4. Where are the gaps?

The UK's multiplicity of agencies with overlapping responsibilities for corruption bring related issues of coordination and accountability. This has created a system in which there are two fundamental problems:

- there is no person or body responsible for taking an overview of corruption in the UK, encouraging resource prioritisation, helping to spread best practice, or holding the entire national integrity system to account
- new issues can too easily slip between the cracks.

Five examples illustrate some of the gaps in the current arrangements:

- i. ***PPE procurement scandals and VIP fast lane.*** During the Covid crisis, the rapid PPE procurement exercise opened the door to corrupt behaviour, and it seems that corrupt actors came quickly through that/ open door. The suspension of procurement rules may have seemed rational in terms of rapid procurement; however, while experts cautioned at the time that the suspension created a high risk of corruption, no corrective mechanisms were put into place, and no person or body had the authority to press this point home. In the event, the PPE procurement has faced multiple allegations of sub-standard and unusable equipment, procured at high cost to the taxpayer, and sold to the NHS in circumstances that included the fraudulent and the corrupt – as well as the incompetent and poorly-managed. None of the UK's many anti-corruption bodies has taken ownership of establishing whether corruption was at play, whether there is a case for prosecution or other action, and what lessons can be learned. The Labour Party has proposed creating a Covid Corruption Commissioner for precisely this reason.
- ii. ***Standards of political integrity.*** There is sometimes a thin line between breaches of integrity and corruption, and it can easily be crossed. Standards-setting bodies such as the Committee on Standards in Public Life (CSPL), Advisory Committee on Business Appointments (ACOBA) and the Independent Adviser on Ministerial Interests have over the past few years made many recommendations about closing loopholes, but there is no system for overseeing how many of those recommendations – many of which are closely linked to managing corruption risk - have been adopted or implemented. Moreover, all of these bodies ultimately report to the Prime Minister, and so there is no independent oversight. The standards and integrity regime also has a more fundamental gap: it is dependent on the 'good chaps' principle that assumes those in leadership positions will by default act in the

public interest. Recent events demonstrate that the UK may one day need a backstop against having bad chaps in government – in other words, a stronger defence against the threat of state capture which is a phenomenon that is increasingly present in liberal democracies.⁸

- iii. **Local government audit.** Audits are a key tool in deterring and detecting corruption. The Audit Commission, abolished in 2015, had specific responsibility for ensuring that audits were carried out and that corruption was considered as part of the audits. Although replacement mechanisms were theoretically put into place when the Commission was closed, several of these have not functioned, and there is no person or body with responsibility for ensuring that corruption is properly considered at local government level in England & Wales. The NAO reported in 2023 that in the past year, only 12% of local authorities had completed their audits on time, due to ‘lack of qualified and experienced staff’ and other factors.⁹ Moreover, corruption is now almost universally excluded from local audit Terms of Reference, having previously been automatically included.
- iv. **Police corruption.** The subject of police corruption has recently received a prominence not seen since the 1970s, as the Morgan, Casey and Lawrence reviews of the Met have identified both historical and ongoing corruption. HMICFRS has also undertaken reviews of police corruption. These reviews have been reactive, but also seem built on a shaky foundation with regards to corruption analysis, having no collective reference point about the definition of corruption, best practice in terms of institutional analysis regarding corruption or how corruption and tackling corruption in policing might be compared to other sectors.¹⁰ This is in part because analysing corruption is a by-product of most such reports rather than being central to the terms of reference.
- v. **Tees Valley Report.** In May 2023, following ‘allegations of corruption, wrongdoing and illegality’, the government commissioned an ‘Independent Review into the Tees Valley Combined Authority’s oversight of the South Tees Development Corporation and Teesworks Joint Venture’. This review was into the Teesworks project, a vast regeneration converting former industrial land into ‘the UK’s first and largest freeport’, which has absorbed more than half a billion pounds of public money while providing the private sector joint-venture partners with handsome profits. Despite being set up to examine whether there had been corruption, the report barely referenced corruption, and the independent panel members had no personal expertise or expert advice on the subject. Although the panel’s report claimed that

⁸ Dávid-Barrett, E., 2023. State capture and development: a conceptual framework. *Journal of International Relations and Development*, pp.1-21.

⁹ <https://www.nao.org.uk/press-releases/progress-update-timeliness-of-local-auditor-reporting-on-local-government-in-england/>

¹⁰ Barrington, R (2023). Is the Metropolitan Police institutionally corrupt? CSC Blog <https://blogs.sussex.ac.uk/centre-for-the-study-of-corruption/2023/03/28/is-the-metropolitan-police-institutionally-corrupt/>

no evidence of corruption had been found, this would have been effectively prevented by the terms of Reference, methodology and level of resourcing.¹¹

These examples – selected from many possible cases - illustrate that the UK’s approach to deterring and tackling corruption is patchy at best, and that in some cases long-standing defences have been weakened. Corruption is a risk in any institution, at all levels and at all time. In most other countries it has been identified as a sufficiently serious issue that it needs a coordinated specialist response. Despite the existence of a national anti-corruption strategy (which expired in 2022 and has not yet been replaced), the current multi-agency framework in the UK has proven unable to offer a strategic approach to preventing and responding to corruption.

5. The Brown Report’s recommendation

The *Commission on the UK’s Future* chaired by former Prime Minister Gordon Brown produced a report in late 2022 entitled ‘A New Britain: Renewing our Democracy and Rebuilding our Economy.’¹² Along with the recommendation that there should be a new Ethics & Integrity Commission to oversee an enhanced Ministerial Code, the report’s Recommendation 36 was that ‘There should be a powerful new anti-corruption Commissioner to root out criminal behaviour in British political life where it occurs.’

This establishes the concept that there should be an independent commissioner to replace the Anti-Corruption Champion, while also suggesting that the new Commissioner might focus on ‘criminal behaviour’ in ‘political life.’ Such a position would help to address the risk of state capture. However, if it were to replace the Anti-Corruption Champion post, this could leave non-political corruption and non-criminal corruption as orphans, creating further gaps in the system. Those gaps could be filled by incorporating into the anti-corruption Commissioner post envisaged by the Brown report all aspects of the current Anti-Corruption Champion’s role.

6. Potential models to enhance the UK’s anti-corruption governance

Three potential models for anti-corruption governance can be discerned (see Annex III), drawing on both the experiences of peer countries beyond the UK, and the UK’s own experiences in other fields:

- Anti-Corruption Champion – strengthening the current role. The history of this role – which is a political appointment and thus subject to political compromises, which has been left vacant for years on end, and has failed to address the gaps identified above – suggests that there are some fundamental design flaws which would be hard to correct in order to make it fit for purpose.

¹¹ Barrington, R (2024). The unsolved mystery of corruption on Teesside. CSC Blog <https://blogs.sussex.ac.uk/centre-for-the-study-of-corruption/2024/02/16/the-unsolved-mystery-of-corruption-in-teesside/>

¹² <https://labour.org.uk/updates/stories/a-new-britain-renewing-our-democracy-and-rebuilding-our-economy/>

- Anti-Corruption Agency. This is a relatively costly option, and creates institutional complexity given the multiple agencies that already have responsibilities in this area. Politically, it might be a hard job to make the case that the corruption threats facing the UK merit a full-scale ACA. Future scandals might, however, revive calls for an ACA.
- Independent Anti-Corruption Commissioner. If created in the right way, this position could provide a relatively low-cost solution that addresses the UK's challenges and dovetails with existing bodies, including the Labour party's proposed Ethics & Integrity Commission. Should the need arise in future, this might provide a template for scaling up into an ACA. There are several potential low-cost models already available in the UK's regulatory and accountability apparatus – for example, the Independent Anti-Slavery Commissioner [budget 2020-21: £609,000] and the Office for Environmental Protection [budget 2021-22: £2.5 million].

For obvious reasons, politicians the world over have a tendency to try and hive off political corruption into institutions over which they themselves have greater control, usually using the argument that only they have a true mandate from the people and so should not be accountable to anyone who is unelected.

However, apart from concerns over political self-interest, there is good reason to have a joined-up approach that locates responsibility for political corruption in the same institution as other forms of corruption: this brings a concentration of expertise and the opportunity to develop an overview of the country's full anti-corruption system. In that sense, it is actually fairly important to locate them together, as political corruption plays such a central role in opening the door to other forms of corruption, and political leadership plays such an important role in preventing and combatting corruption in other spheres. Australia's NACCC, for instance, has a remit that encompasses both politics and the wider public sector: 'The National Anti-Corruption Commission enhances integrity in the Commonwealth public sector by deterring, detecting and preventing corrupt conduct involving Commonwealth public officials. It does this through education, monitoring, investigation, reporting and referral.'

Other proposals that have been made are for an Economic Crime Commissioner and a Covid Corruption Commissioner. The latter (on Covid) would appear to be a temporary role with a specific brief, and could co-exist with, or be part of, other institutional arrangements. An Economic Crime Commissioner may have a valuable role to play in addressing economic crime, but that should not be confused with tackling corruption. There is a clear overlap, but there are also distinct differences and illustrated by the diagram in Annex II. The UK government has for some years placed its response to corruption under the broad ambit of 'economic crime', which may explain why there are some significant gaps. For example, economic crime might not cover cronyism, sextortion or several forms of political corruption, while institutionally an economic crime approach would exclude non-financial corruption in relation to high-risk areas including the police, prisons, social housing, local government and borders, to name but a few.

7. Independent Anti-Corruption Commissioner: potential solution

Establishing a new post - supported by a small staff - of Independent Anti-Corruption Commissioner, would be a low-key but potentially effective approach to strengthening the UK's anti-corruption governance and bringing the UK in line with the UN's Jakarta Principles.

The Independent Anti-Corruption Commissioner would replace the Anti-Corruption Champion, taking on that position's remit to provide an overview of all UK corruption. The fundamental purpose of the role would be to help reduce corruption and corruption risk in the UK through providing independent oversight, accountability and challenge.

Like other UK government commissioner roles – for example, the Children's Commissioner – this role would have a credible voice and a public platform. While the opportunity to exercise direct political influence would be less than having a politically-appointed Anti-Corruption Champion, the independence and status of the role would give it influence through other means.

Unlike a full-scale Anti-Corruption Agency, the Independent Anti-Corruption Commissioner would avoid creating a single point of failure as the agencies and bodies over which it has oversight would continue to have a separate existence.

While there is potential overlap in some areas, notably those related to standards in public life and possibly the Labour Party's proposed Ethics & Integrity Commission, some thorough preliminary work could discern which issues of standards relate to corruption, and how the Commissioner's oversight of those areas would dovetail with the responsibilities of other bodies. Such inter-operability and cooperation is a feature of anti-corruption governance in mature democracies, giving the UK the opportunity to draw on the experiences and best practice of existing models in peer countries.

The role of Independent Anti-Corruption Commissioner would have the following characteristics and responsibilities:

Governance

- Established in legislation and fully independent [like other similar Commissioner roles]
- Supported by a small staff and advisory board [like ICAI and the office of the Independent Anti-Slavery Commissioner]
- Reports annually to parliament

Scope

- Has a UK-wide remit insofar as it compatible with devolved powers, or otherwise liaises closely with the most appropriate counterpart in each devolved administration
- Remit encompassing domestic corruption (including politics, public and private sectors), the UK's impact on corruption overseas, and the role of foreign corrupt actors within the UK

Role

- Provides oversight of the UK's national safeguards against corruption and the national response to corruption, including a) the legal and institutional framework, b) standards c) plans, strategies and actions to implement them d) sanctions and penalties e) gaps and loopholes

- Has advisory role in proposing standards to any public body where there appears to be weaknesses or loopholes that present a corruption risk, and any private sector body that is delivering public services or is in receipt of public funds
- Liaises with other independent bodies on standards and integrity to discern which aspects of their role relate to corruption, and provides light-touch advice and oversight of those areas
- Advises on the use of, and initiation of cases under, the Misconduct in Public Office offence in relation to cases of corruption, or any replacement offence as proposed by the Law Commission, as well as other relevant anti-corruption legislation
- Advises government on necessity and content of new anti-corruption legislation
- Advises government on how effectively it is fulfilling its obligations under international anti-corruption agreements, treaties and conventions and how to remedy deficiencies

Research and investigations

- Provides expert advice on corruption to enquiries, commissions and reviews
- Advises government on when and how to create an enquiry, commission or review into corruption
- Commissions research, with appropriate resources to do so
- Has access and appropriate security clearance to view sensitive information [like the Independent Reviewer of Terrorism Legislation]
- Has powers – and unimpeded access to resources - to initiate investigations in exceptional circumstances.

The Independent Anti-Corruption Commissioner would *not*:

- Be responsible for enforcement of anti-corruption legislation or actions
- Represent the UK government in international forums such as UNCAC, although might normally be part of senior delegations, and closely consulted as part of reviews and submissions
- Have ownership of the national anti-corruption strategy, which remains the government's to own and implement; the Commissioner would however be closely consulted on drafting the strategy
- Replace the Joint Anti-Corruption Unit in the Home Office, though the latter would continue to coordinate and help implement the government's own response
- Replace the functions of existing bodies such as the CSPL or proposed Ethics & Integrity Commission, but would provide independent oversight of the corruption-related aspects of those bodies.

Would such a solution work? The patchy track record of anti-corruption agencies around the world suggests that success should not be taken for granted.¹³ However, precisely because there have been both successes and failures amongst anti-corruption agencies, lessons can be drawn from those experiences to increase the chances of success. Indeed, that is

¹³ Meagher, P., 2005. Anti-corruption agencies: Rhetoric Versus reality. *The Journal of Policy Reform*, 8(1), pp.69-103; Kuris, G., 2015. Watchdogs or guard dogs: Do anti-corruption agencies need strong teeth?. *Policy and Society*, 34(2), pp.125-135; Gemperle, S.M., 2018. Comparing anti-corruption agencies: a new cross-national index. *International Review of Public Administration*, 23(3), pp.156-175.

exactly what has happened in the institutional design of the new agencies in France and Australia.

Importantly, the Independent Anti-Corruption Commissioner model being outlined here is precisely *not* an anti-corruption agency. It is an independent oversight model which aims to ensure other agencies and bodies coordinate, and holds them accountable for their role in deterring or tackling corruption.

Pragmatically, it may be said that as long as it has a better net effect than the Anti-Corruption Champion, a new Commissioner role could be considered a success. But more aspirationally, it might reasonably aim to have an effect akin to the Office for Environmental Protection which ‘protects and improves the environment by holding government and other public authorities to account’ or the Independent Anti-Slavery Commissioner which ‘has a UK-wide remit to encourage good practice in the prevention, detection, investigation and prosecution of modern slavery offences and the identification of victims.’

Conclusion

The UK faces multiple corruption threats, and recent events – including PPE procurement, Russian money in London and substantial breaches of the Nolan Principles – have signified that the UK’s anti-corruption governance is not fit for purpose when faced with challenging circumstances. Public concern is rising, and global indices show the UK’s standing to be in decline. The combination of corruption risks, public concern, independent assessments of the UK’s corruption vulnerabilities, and known cases of corruption, suggests that the current institutional arrangements are not safeguarding the UK.

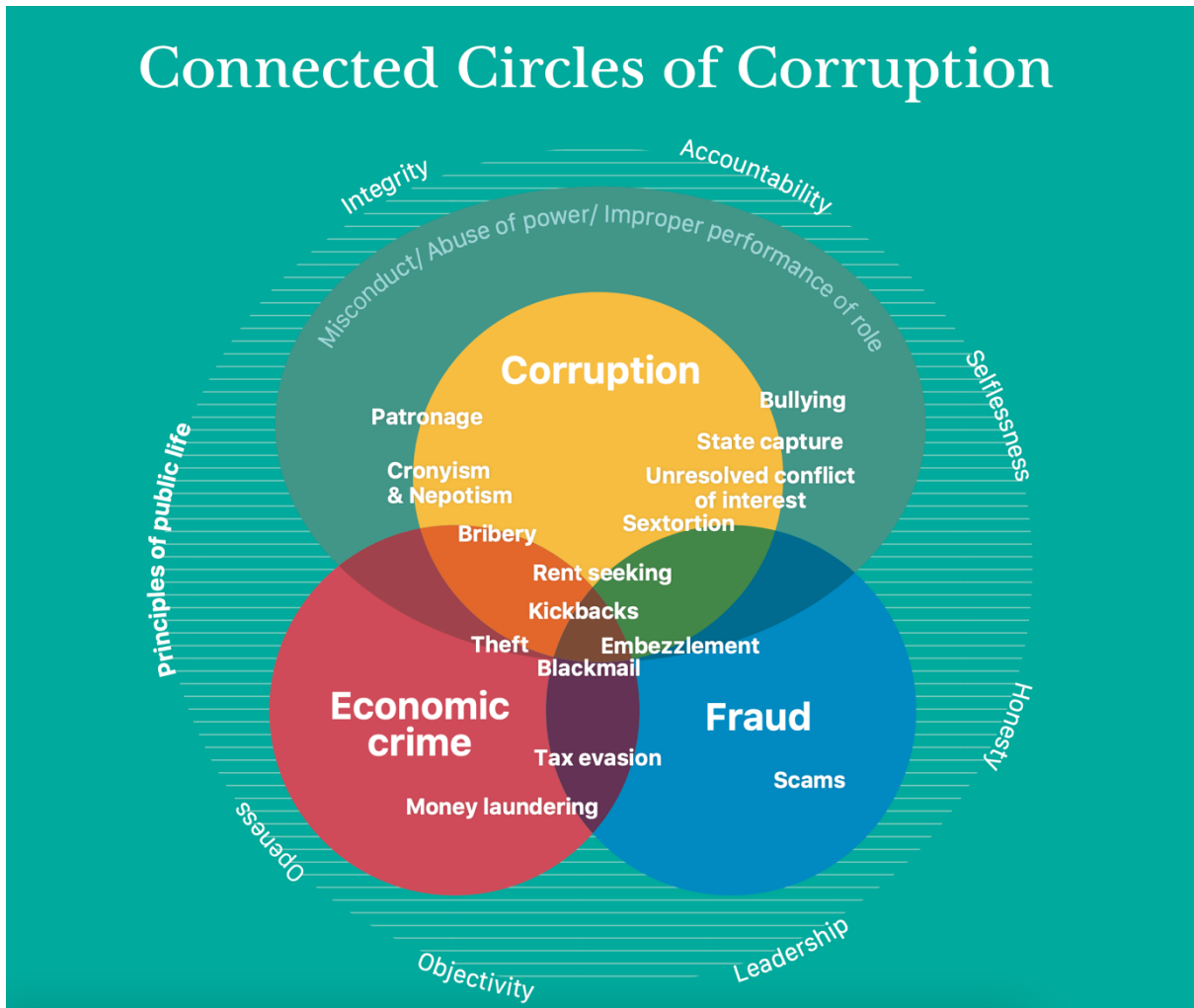
One of the reasons for the UK’s vulnerability is that there are multiple gaps in the country’s current anti-corruption governance arrangements. The multi-agency approach and position of Anti-Corruption Champion may have had much to commend them in the past. However, this approach is no longer commensurate with the risks facing the UK. Although other G7 countries have responded to similar situations by creating an anti-corruption agency, that can be a costly and complex exercise. The UK may benefit from such an approach in the course of time. For now, a low-cost and agile Independent Anti-Corruption Commissioner could substantially enhance the UK’s defences against and response to corruption. This would dovetail with the reforms that have been proposed by the Labour Party and others to tighten up standards in public life, as well as the Labour Party’s proposed Covid Corruption Commissioner.

Re-arranging the deckchairs as the ship starts to tilt is an over-optimistic response to a challenging situation. Other countries have found that when corruption takes root it can proceed with alarming speed to unbalance the economy, embed inequality in society and undermine democracy and the rule of law. The United Kingdom needs to recognise that it is as vulnerable to corruption as anywhere else, and respond to recent alarm bells by putting in place anti-corruption governance that is fit for purpose.

Annex I Jakarta Principles

The UN has established the [Jakarta Principles](#) as a set of principles ‘to promote and strengthen the independence and effectiveness of Anti-Corruption Agencies.’

1. **MANDATE:** ACAs shall have clear mandates to tackle corruption through prevention, education, awareness raising, investigation and prosecution, either through one agency or multiple coordinated agencies;
2. **COLLABORATION:** ACAs shall not operate in isolation. They shall foster good working relations with state agencies, civil society, the private sector and other stakeholders, including international cooperation;
3. **PERMANENCE:** ACAs shall, in accordance with the basic legal principles of their countries, be established by proper and stable legal framework, such as the Constitution or a special law to ensure continuity of the ACA;
4. **APPOINTMENT:** ACA heads shall be appointed through a process that ensures his or her apolitical stance, impartiality, neutrality, integrity and competence;
5. **CONTINUITY:** In the event of suspension, dismissal, resignation, retirement or end of tenure, all powers of the ACA head shall be delegated by law to an appropriate official in the ACA within a reasonable period of time until the appointment of the new ACA head;
6. **REMOVAL:** ACA heads shall have security of tenure and shall be removed only through a legally established procedure equivalent to the procedure for the removal of a key independent authority specially protected by law (such as the Chief Justice);
7. **ETHICAL CONDUCT:** ACAs shall adopt codes of conduct requiring the highest standards of ethical conduct from their staff and a strong compliance regime;
8. **IMMUNITY:** ACA heads and employees shall have immunity from civil and criminal proceedings for acts committed within the performance of their mandate. ACA heads and employees shall be protected from malicious civil and criminal proceedings.
9. **REMUNERATION:** ACA employees shall be remunerated at a level that would allow for the employment of sufficient number of qualified staff;
10. **AUTHORITY OVER HUMAN RESOURCES:** ACAs shall have the power to recruit and dismiss their own staff according to internal clear and transparent procedures;
11. **ADEQUATE AND RELIABLE RESOURCES:** ACAs shall have sufficient financial resources to carry out their tasks, taking into account the country’s budgetary resources, population size and land area. ACAs shall be entitled to timely, planned, reliable and adequate resources for the gradual capacity development and improvement of the ACA’s operations and fulfillment of the ACA’s mandate;
12. **FINANCIAL AUTONOMY:** ACAs shall receive a budgetary allocation over which ACAs have full management and control without prejudice to the appropriate accounting standards and auditing requirements;
13. **INTERNAL ACCOUNTABILITY:** ACAs shall develop and establish clear rules and standard operating procedures, including monitoring and disciplinary mechanisms, to minimize any misconduct and abuse of power by ACAs;
14. **EXTERNAL ACCOUNTABILITY:** ACAs shall strictly adhere to the rule of law and be accountable to mechanisms established to prevent any abuse of power;
15. **PUBLIC REPORTING:** ACAs shall formally report at least annually on their activities to the public;
16. **PUBLIC COMMUNICATION AND ENGAGEMENT:** ACAs shall communicate and engage with the public regularly in order to ensure public confidence in its independence, fairness and effectiveness.



Annex III Assessment of options for renewing or replacing role of Anti-Corruption Champion					
	<i>Backbench MP</i>	<i>[Cabinet] Minister</i>	<i>Crossbench Peer</i>	<i>Head of Anti-Corruption Agency</i>	<i>Independent Commissioner</i>
	Champion	Champion	Champion	Replaces Champion	Replaces Champion
Independence	Low/Medium	Low	Medium/High	High	High
Influence	Medium	High	Medium	Medium <i>Influence partially exercised through non-parliamentary routes eg media</i>	Medium <i>Influence partially exercised through non-parliamentary routes eg media</i>
Access	Medium	High	Medium/Low	Low/Medium	Low/Medium
Expertise	Medium	Low	Medium/High	High	High
Resourcing required	Low <i>some support from JACU</i>	Medium/Low <i>Ministerial resources likely to be directed to day job</i>	Low <i>some support from JACU</i>	High <i>ACA would have dedicated staff</i>	Medium <i>Commissioner would have dedicated staff, probably small numbers but dedicated and focussed like JACU, CSPL or ICAI</i>
	A-C Champion role requires comprehensive ToRs, should not be under personal patronage of PM, and should report to Parliament				
Other notes	Has Government whip but able to operate with some independence	Previous experience indicates engagement and involvement may or may not happen	May form part of G5; potential to find peer with highly relevant experience, contacts and track record	Needs to be established by statute	Likely need to establish by statute if similar to Modern Slavery Commissioner

This table was first produced for the UK Anti-Corruption Coalition, and is also available here: <https://www.ukanticorruptioncoalition.org/work/briefing-on-the-anti-corruption-champion>

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