



Friday, 17 July 2026

Rt Hon Andy Burnham MP

Sent by email

Dear Mr Burnham,

Ministerial Code

Firstly, congratulations on your election as leader of the Labour Party. I welcome your comments on changing our political culture and I wanted to write to you about an important mechanism for making that change.

As a new Prime Minister, you will have the opportunity to set out your expectations on the conduct of your ministers when you publish your version of the Ministerial Code.

As you know, the code, together with the role of Independent Adviser on Ministerial Standards, regulates the conduct of ministers, including in relation to any allegations of bullying and harassment. I am urging you to go further than your predecessors and introduce a fully independent process for investigating and determining on the facts of such allegations.

Bullying and harassment by ministers is not a party-political issue, and like its predecessors, this government has not been immune. As the union that represents many of the civil servants who interact with and support ministers daily, we have had serious concerns raised about the conduct of ministers in all governments.

Whilst some instances in the past have received public attention, many do not. For a civil servant, raising a complaint about a minister can not only be career-threatening, but ultimately is also about challenging one of the most powerful people in the country. To do so takes courage, but also confidence that the process for determining on any complaint will be fair and considered solely on its merits.

The current Ministerial Code makes clear that “the Prime Minister is the ultimate judge of the standards of behaviour expected of a minister and the appropriate consequences of a breach of those standards.” The phrase is repeated several times in the Code.

Superficially that is understandable: the Prime Minister appoints ministers, and they only serve with his or her confidence.



The reality for a civil servant is that if they want to raise a complaint, there is no written process for determining how that would be dealt with, and no rights for them as an individual complainant (nor indeed for a minister who has been complained against). While the Independent Adviser on Ministerial Standards can make recommendations following an investigation, ultimately it is the Prime Minister who determines the outcome as well as any sanction.

All Prime Ministers enter office believing they will act only with integrity, and all are subject to the political demands of running government. Civil servants, like the general public, have witnessed successive Prime Ministers, often with the best of intentions, make bad choices that are driven by their own political interests.

That is why I am asking now, as you enter office, that you recognise the inherent conflict of interest that exists in the current arrangements. It is right that the Prime Minister has the power to consider the appropriate sanction on a minister in relation to a breach of the Ministerial Code. But a Prime Minister is inherently conflicted when it comes to determining on matters of fact in relation to a minister whom they have appointed, who could be their close political ally and where a determination could create political damage for the government.

Demonstrating a commitment to integrity, objectivity, accountability and leadership, key pillars of the Nolan Principles, means recognising those inherent conflicts of interest and ensuring they are addressed at the beginning of your period of office.

Separating out a determination on fact - the outcome of the investigation - from the sanction that will apply if appropriate, would address the conflict in the current process. It would give civil servants the confidence they need that, if they take the brave and difficult step of raising a complaint, it will be decided solely on the evidence.

We believe a fully transparent and independent process is not only what civil servants should expect in a modern workplace, but is also in the best interests of ministers, protects the Prime Minister from accusations of political bias and would be a visible demonstration of your commitment to doing politics differently.

I look forward to receiving your response.

Yours sincerely,

A handwritten signature in black ink, which appears to read 'Dave Penman', is positioned below the closing of the letter.

Dave Penman

General Secretary of the FDA union