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The Governance of Corruption in the UK:  
*who is in charge?*

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### **Note on sources**

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# The Governance of Corruption in the UK: *who is in charge?*

## **Contents**

1. Introduction
2. Anti-Corruption Agencies - the UK's approach
3. The Anti-Corruption Champion
4. Civil service support
5. Cross-government coordination
6. Accountability
7. Conclusions
8. Where next?

## **1. Introduction**

There are few countries that might claim to have the global clout and moral authority to take an international lead on tackling corruption. Since passing the Bribery Act in 2010, the UK has claimed such a position, and by and large had played its hand well. It has risen up the OECD rankings of corporate bribery investigations;<sup>1</sup> held an Anti-Corruption Summit which resulted in several hundred commitments;<sup>2</sup> is making slow but identifiable progress with the City and the recalcitrant Overseas Territories on issues of money laundering; and has launched a substantive international push on public registers of beneficial ownership.<sup>3</sup>

It is therefore important not just for the UK, but for the setting of global standards with regard to corruption, that the UK does not lose its way. This is not only, in Transparency International's words, whether post-Brexit Britain will choose to be a 'beacon or buccaneer'

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<sup>1</sup> *2018 Enforcement of the Anti-Bribery Convention Investigations, proceedings, and sanctions* (December 2019). OECD Working Group on Bribery <http://www.oecd.org/daf/anti-bribery/OECD-Anti-Bribery-Convention-Enforcement-Data-2019.pdf>

<sup>2</sup> *Anti-Corruption Pledgetracker 2020* <https://www.anticorruptionpledgetracker.com/>

<sup>3</sup> *Registers of Beneficial Ownership* (August 2019). Commons Research Briefing <https://commonslibrary.parliament.uk/research-briefings/cbp-8259/>

with regard to overseas bribery and international money laundering.<sup>4</sup> The concern also relates to the question of whether future UK governments will maintain standards of integrity domestically, after a turbulent few months: Parliament controversially prorogued, politicised attacks on the Supreme Court, threats by the Government against the media; Ministers and advisers refusing to resign over issues where that would previously have been the norm; and allegations of an abnormally large number of half-truths underpinning political campaigns and announcements. Attacks on such standards and institutions are worrying, because many anti-corruption experts agree that the health of such institutions and the formal and informal standards that underpin them is one of the key safeguards against corruption in government and the public service. This inevitably leads to the question of who is in charge of overseeing the UK's national well-being with regard to corruption.

This paper reviews the recent history of the UK's institutional arrangements for overseeing corruption, and argues that although progress has been made by the UK, the oversight (governance) is unnecessarily complex and ad-hoc. Progress has been by good fortune as much as design. The paper references the contribution made by the UK's Anti-Corruption Champions, followed by an analysis of key aspects of the governance architecture: civil service support; accountability; cross-government coordination; and how the Champion fits in. It concludes that the UK needs to review its anti-corruption governance, proposing steps to be taken.

## 2. Anti-Corruption Agencies - and the UK's approach

Unlike many countries, the UK does not have an Anti-Corruption Agency (ACA). This means that the UK does not have an obvious single competent authority when it comes to corruption. Indeed, a study in 2016<sup>5</sup> found 66 separate 'specialist enforcement, prevention, investigative and oversight agencies involved in the policing of offences directed against corruption behaviour' in addition to 45 police forces. More recently, a report by the Independent Commission on Aid Impact (ICAI), the most comprehensive analysis to date of the UK's institutional architecture with regard to illicit financial flows and corruption, has identified twenty government departments, committees, agencies and operational bodies with overlapping responsibilities.<sup>6</sup>

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<sup>4</sup> Barrington, R (May 12 2019). *Will post-Brexit Britain be a Beacon or Buccaneer on Financial Crime?* Transparency International UK blog <https://www.transparency.org.uk/failure-to-prevent-summit/>

<sup>5</sup> 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/>

<sup>6</sup> *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](https://icai.independent.gov.uk/wp-content/uploads/ICAI_Anticorruption-and-illicit-financial-flows.pdf)

It is by no means uncommon for advanced economies not to have anti-corruption agencies. Indeed, one of the criticisms of ACAs is that they have been forced on developing economies that have a problem with corruption by donor countries which themselves would not accept them – on the basis that they do not have a problem with corruption.<sup>7</sup> To some extent this is true, but by contrast Singapore and Hong Kong, both advanced economies, are the poster-children for ACAs, while France created its first such agency under the recent Loi Sapin II in 2018,<sup>8</sup> and Australia is in the process of a public consultation about the powers and extent of an agency to which the government has already committed.<sup>9</sup>

The UK's own self-assessment report for the United Nations Convention Against Corruption (UNCAC) from 2017 is particularly revealing.<sup>10</sup> The 198-page document describes an extraordinarily extensive, complicated and sophisticated national anti-corruption architecture; ten different Government Departments were 'consulted' in addition to the devolved administrations; but it is impossible to discern who is in charge, or at least has some kind of oversight, of the architecture.

For countries like the UK that do not have ACAs, it is typical to argue that the functions are carried out by other organs and institutions of the state. Proponents of ACAs believe that bringing those functions together into a single body makes their coordination and operations more efficient, and this is the appropriate response to a problem that have been long neglected in developed economies and therefore lacks an appropriate institutional framework.

The UK's 2017 UNCAC self-assessment makes no mention of any institution functioning as the equivalent of an Anti-Corruption Agency, or indeed any systematic analysis of how the usual functions of an ACA operate within the UK. The UK may best be described as following a 'multi-agency' approach. One of the benefits of a more systematic approach is that it is obvious who is in charge. Within its multi-agency approach, the nearest equivalent the UK has in terms of providing high-level oversight and coordination is the Anti-Corruption Champion.

### **3. The Anti-Corruption Champion<sup>11</sup>**

The details of those who have filled this role can be seen in Box I. The position was created in 2006, and has been filled with varying degrees of effectiveness. Over time, the status of

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<sup>7</sup> Doig, A., Watt, D. and Williams, R. (2007), *Why do developing country anti-corruption commissions fail to deal with corruption? Understanding the three dilemmas of organisational development, performance expectation, and donor and government cycles*. Public Admin. Dev., 27: 251-259

<sup>8</sup> <https://www.agence-francaise-anticorruption.gouv.fr/fr>

<sup>9</sup> <https://www.ag.gov.au/Consultations/Pages/commonwealth-integrity-commission.aspx>

<sup>10</sup> [https://www.unodc.org/documents/treaties/UNCAC/SA-Report/2018\\_01\\_09\\_UK\\_SACL.pdf](https://www.unodc.org/documents/treaties/UNCAC/SA-Report/2018_01_09_UK_SACL.pdf)

<sup>11</sup> For a fuller analysis of the function and effectiveness of this role, see Barrington, R (2020). *The role of UK Anti-Corruption Champion*. CSC Working paper no.5 <https://www.sussex.ac.uk/research/centres/centre-for-study-of-corruption/research>

the post-holder has been downgraded from the level of Cabinet Minister. It was initially created with no Terms of Reference and no formal accountability, and is a personal appointment by the Prime Minister. Although (minimal) Terms of Reference have now been published, the post still has an ad-hoc air about it, and is overly-dependent on the interest and energy of the incumbent. In terms of the governance of the UK's anti-corruption response, the position of Champion is unsatisfactory in several ways:

- The responsibilities and remit are unclear
- Given they are unclear, it is also unclear where the responsibilities lie if they are not with the Champion; and to compensate for this void, a series of parallel ad-hoc mechanisms have been gradually created in response to specific issues (like economic crime), with no sense of an overall strategic approach
- There is a dependence on informal structures and influence, particularly since the post is no longer held by someone with ministerial status.

It is by no means an entirely negative picture. The UK is on the whole better off for having had a Champion, even though at times it has provided a fig-leaf for Government inaction or ineptitude. There have been successes along the way, and some individuals have filled the role much better than others. But as the UK has upped its game in other anti-corruption areas – particularly legislation, publishing a national Anti-Corruption Strategy and creating the Joint Anti-Corruption Unit - and risen in international league tables, the ad-hoc nature of the Champion's role has started to look dated.

### **Box I – UK Anti-Corruption Champions<sup>12</sup>**

<b>Name</b>	<b>Role Title</b>	<b>Dates in Office</b>	<b>Other role</b>	<b>Status</b>	<b>Key achievements</b>
Hilary Benn	Ministerial champion for combating international corruption <sup>13</sup>	2006-2007	Secretary of State for International Development	Cabinet member	Creation of anti-corruption units in Met and City of London police; publication of 1.5 page Anti-Corruption Plan
John Hutton	Unclear	2007-2008	Secretary of State for Business, Enterprise and Regulatory Reform	Cabinet member	Not known
Jack Straw	Anti-corruption champion <sup>14</sup>	2008-2010	Secretary of State for Justice	Cabinet Member	Bribery Act passed into law

<sup>12</sup> Box I repeated from Barrington, R (2020). *The role of UK Anti-Corruption Champion*.

<sup>13</sup> Cited in Select Committee on International Development (2007), *Second Report*, House of Commons, para 41 <https://publications.parliament.uk/pa/cm200708/cmselect/cmintdev/68/6807.htm#note78>

<sup>14</sup> Lords Statement by Baroness Vadera, *Hansard*, October 15 2008, vol 704 <https://hansard.parliament.uk/Lords/2008-10-15/debates/08101546000002/Anti-Corruption>

Ken Clarke	International anti-corruption-champion <sup>15</sup>	2010-2014	Secretary of State for Justice (2010-2012), Minister without Portfolio (2012-2014)	Cabinet Member (2010-2012), attending Cabinet (2012-14)	Commitment to UK public register of beneficial ownership at G7 Summit in Lough Erne
Matt Hancock	Government Anti-Corruption Champion <sup>16</sup>	2014-2015	Minister of State for Business and Enterprise	Minister, attending Cabinet	Publication of 64-point national Anti-Corruption Plan; incorporation of anti-corruption aspects into UK's Open Government Partnership plan; establishment of Joint Anti-Corruption Unit
Eric Pickles	Prime Minister's Anti-Corruption Champion <sup>17</sup> / government's Anti-Corruption Champion <sup>18</sup>	2015-2017		Backbench MP, not attending Cabinet	Anti-Corruption Summit; introduction of Unexplained Wealth Orders in Criminal Finances Act
John Penrose	Prime Minister's Anti-Corruption Champion <sup>19</sup>	2017-2019, re-appointed post-election 2019 or 2020 (date unclear - no official announcement)		Backbench MP not attending Cabinet (2017-19; 2019-), Minister for Northern Ireland not attending Cabinet (2019)	Publication of five-year national Anti-Corruption Strategy; launch of global Beneficial Ownership Transparency campaign

#### 4. Civil service support

The level and nature of civil service support for the UK's anti-corruption plans, strategy and champions is in many ways an operational rather than governance matter. But tracing its history also shines a useful light on several aspects of governance: in particular, who is in charge of what and the extent to which resources are available to support the governance and oversight of the multi-agency approach that the UK is following.

Parliament and civil society have often critiqued the level of resources available for the Champion's role from the civil service. Given that any post of this nature is likely to be ineffective without civil service support, and the role of Champion occupies a key position in

<sup>15</sup> *Appointment of international anti-corruption champion*, No10 Press Release, June 15 2010, <https://www.gov.uk/government/news/appointment-of-international-anti-corruption-champion>

<sup>16</sup> *UK Anti-Corruption Plan (2014)*, Home Office, Foreword [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/388894/UKantiCorruptionPlan.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/388894/UKantiCorruptionPlan.pdf)

<sup>17</sup> *The Rt Hon Lord Pickles, Biography* <https://www.gov.uk/government/people/eric-pickles#announcements>

<sup>18</sup> *Sir Eric Pickles speech on tackling corruption*, October 14 2016 <https://www.gov.uk/government/speeches/sir-eric-pickles-speech-on-tackling-corruption>

<sup>19</sup> *Prime Minister's Anti-Corruption Champion John Penrose MP, Biography* <https://www.gov.uk/government/people/john-penrose>

the UK's anti-corruption governance, the level and nature of civil service support is a good test for how seriously the subject is taken within the Government.

The support for the Champion has had a chequered history – tossed around between departments, at times separated from the Ministerial post-holder, responsibilities split between departments under Jack Straw, and temporarily superseded by a G8 and No10 team when the Prime Minister took a personal interest. For much of this period, it consisted of only one or two staff. Throughout, the UK had international representation and reporting obligations to maintain – notably to the OECD, UN and Council of Europe. The dismembered civil servants seem to have acquitted themselves well regarding those international obligations, helping paper over the cracks, but leaving little room for anything else.

The uncertainty was to some extent resolved with the creation of the Joint Anti-Corruption Unit (JACU) in the 2014 Action Plan.<sup>20</sup> JACU quickly established itself as a centre of expertise, building on the expert base which had long existed in DFID and that since the days of Hilary Benn had been separate from the Champion's civil service team. In addition to providing support and expertise for the Champion, JACU played two other important roles: monitoring the delivery of the Government's action plans, and a new liaison function with civil society, which to some extent compensated for the lack of formal transparency in the system and the privileged access accorded to the private sector.

However, report of October 2016 by the International Development Committee, a House of Commons Select Committee, reflects a concern that JACU had an air of impermanence:<sup>21</sup>

'We welcome the establishment of the Joint Anti-Corruption Unit (JACU), based in the Cabinet Office, as a mechanism for ensuring greater cross-government coordination on anti-corruption efforts...We also urge the Government to formalise the Joint Anti-Corruption Unit (JACU) currently based at the Cabinet Office, in recognition of the fact that tackling corruption at home and overseas requires coordinated delivery of the UK Anti-Corruption Plan and forthcoming Anti-Corruption Strategy across Government.'

A greater sense of permanency was given by the inclusion of JACU within the United Kingdom Anti-Corruption Strategy 2017-22:<sup>22</sup>

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<sup>20</sup>*UK Anti-Corruption Plan* (2014), Home Office, Section 8.1

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/388894/UKantiCorruptionPlan.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/388894/UKantiCorruptionPlan.pdf)

<sup>21</sup> *Tackling corruption overseas* (2016), International Development Committee, House of Commons, paras 12-15 <https://publications.parliament.uk/pa/cm201617/cmselect/cmintdev/111/111.pdf>

<sup>22</sup> *United Kingdom Anti-Corruption Strategy 2017-22* (2017), HM Government, p.10

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/667221/6\\_3323\\_Anti-Corruption\\_Strategy\\_WEB.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/667221/6_3323_Anti-Corruption_Strategy_WEB.pdf)



‘JACU will continue as a joint integrated unit, co-ordinating anti-corruption work across government, representing the UK at international anti-corruption fora and providing support to the Anti-Corruption Champion. It will also continue to be responsible for developing strong relationships with business, civil society and foreign governments.’

Announced alongside the new Strategy launch in December 2017, after a temporary relocation to the Brexit Department during the immediate post-Referendum period,<sup>23</sup> was that JACU would be transferred with immediate effect to the Home Office. That was not entirely counter-intuitive: the Home Office had always been the notional lead for domestic corruption, a Home Office Minister has always co-chaired the Inter-Ministerial Anti-Corruption Group along with the Champion, and the 2017 Strategy’s Foreword is by the Home Secretary (the 2014 Plan was co-signed by the Anti-Corruption Champion and a Home Office Minister). Moreover, much of the narrative around the UK’s approach to domestic corruption has been related to protecting national security, a brief which sits with the Home Office – indeed, the 2017 Strategy stated a ‘reduced threat to our national security’ as one of three elements in its Vision.<sup>24</sup>

Despite this long-standing link with the Home Office, there was concern that this could be a further downgrading – moving away from the epicentre of government to an outlying department.<sup>25</sup> In the event, the move seems to have been relatively advantageous in the short term, not least because Brexit concerns had so dominated the centre of government during this period. Moreover, the move to the Home Office had the advantage of bringing together the anti-corruption responsibilities that, in the Action Plan of 2014, had been split between the Cabinet Office – responsible for ‘international corruption’ – and the Home Office which ‘leads on coordinating domestic corruption policy.’ However, there remains a real risk, reiterated in the 2020 ICAI note, that this might lead to ‘officials too focused on the priorities of one government department, to the detriment of development priorities.’<sup>26</sup>

Further insight into the role and functioning of JACU came from the oral evidence by Penrose to House of Lords Select Committee on the Bribery Act in July 2018:<sup>27</sup>

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<sup>23</sup> Barrington, R (August 1 2016). *Why we still need an Anti-Corruption Champion*, Transparency International UK blog <https://www.transparency.org.uk/why-we-still-need-an-anti-corruption-champion-and-what-more-they-need-to-do/>

<sup>24</sup> *United Kingdom Anti-Corruption Strategy 2017-22* (2017), p.7

<sup>25</sup> Davies, R (December 20 2017). *UK Anti-Corruption Strategy: A Review*, Transparency International UK blog <https://www.transparency.org.uk/uk-anti-corruption-strategy-a-review/>

<sup>26</sup> *Mapping the UK’s Approach to tackling Corruption and Illicit Flows*, p.20, ICAI Information Note, March 2020 [https://icai.independent.gov.uk/wp-content/uploads/ICAI\\_Anticorruption-and-illicit-financial-flows.pdf](https://icai.independent.gov.uk/wp-content/uploads/ICAI_Anticorruption-and-illicit-financial-flows.pdf)

<sup>27</sup> John Penrose oral evidence to House of Lords Select Committee on Bribery Act July 2018: *Select Committee on The Bribery Act 2010 Collated Oral Evidence Volume* (2018) House of Lords, pp.28-29

<https://www.parliament.uk/documents/lords-committees/Bribery-Act-2010/BA-Oral-evidence-volume.pdf>

‘The Joint Anti-Corruption Unit...is a squad that was in the Cabinet Office and has now been moved across to the Home Office. They help you go through these sorts of things and make sure that the action points are happening. In particular, where interaction is required with the OECD, the UN or UNCAC, it will assist with that too. It is the co-ordinating unit but, as I am sure you will have faced, quite a lot of the role is trying to cajole, harass or generally persuade different parts of government. You are working through people to make sure that other parts of government actually do things as promised and on time...Day to day, it reports to me; officially, for pay and rations, it goes to Ben Wallace, who is the Security Minister. I have weekly update meetings with the unit and we jointly and collectively agree on the day-to-day activity of it.’

The Committee’s report elaborates further on JACU’s role based on follow-up written evidence from the Government:<sup>28</sup>

‘The role is supported by a small team of civil servants, the Joint Anti-Corruption Unit (JACU). The Government explained that JACU was: “a joint integrated unit, co-ordinating anti-corruption work across government, representing the UK at international anti-corruption fora and providing support to the Anti-Corruption Champion. It is also responsible for developing strong relationships with business, civil society and foreign governments.”

‘In particular, it noted that the JACU meets with the Champion on a weekly basis to discuss the implementation of the Anti-Corruption Strategy, in particular the 134 actions which are identified as areas of concern.

‘JACU was initially located in the home department of the minister in question (respectively the Department for International Development, Business, the Ministry of Justice, and Business again), before moving to the Cabinet Office,<sup>29</sup> and since December 2017 is now in the Home Office. The Government told us that the most recent shift was to “enable better co-ordination of domestic and international anti-corruption efforts and to promote stronger links between anti-corruption and other economic and organised crime”.’

JACU is an expert and well-regarded unit which has bought credibility, increased resource and greater stability to the civil service support for the UK’s anti-corruption governance. Its

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<sup>28</sup> *The Bribery Act 2010: Post-Legislative Scrutiny* (March 2018), House of Lords, paras 112-14 <https://publications.parliament.uk/pa/ld201719/ldselect/ldbriact/303/303.pdf>; the documents cites *Supplementary written evidence to House of Lords Select Committee on the Bribery Act from HM Government* (BRI0059) available at <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/bribery-act-2010-committee/bribery-act-2010/written/94768.html>

<sup>29</sup> This is incorrect – JACU was always in the Cabinet Office, although the meagre civil service support for the Champion had, pre-JACU, been located in a number of Departments

staff have made a conscious effort to engage multiple stakeholders, including business, academics and civil society, as well as the many stakeholders within government with which the JACU team has to liaise to coordinate cross-government efforts and monitor delivery of the Strategy 2017-22.

However, the question of JACU's optimal location is an unresolved issue within the government's approach to corruption. The history of the Champions demonstrates both the importance of having a well-resourced civil service team to back up the Champion, and the importance of its location in terms of influence within Whitehall. Although there was a clear rationale for re-locating the unit to the Home Office, it is an inescapable reality that reverting to the pre-Cabinet Office model of tying it to a single department is a notable step away from a more neutral, influential and cross-Whitehall coordinating position within the Cabinet Office. JACU's positioning in the Home Office has become, along with the downgrading of the Champion from Cabinet Minister level to a non-ministerial position, a marker of the lower priority accorded to corruption by the UK Government since the Cameron years.

## **5. Cross-government coordination: the Inter-Ministerial Group on Anti-Corruption and the Economic Crime Strategic Board**

While JACU was given the remit to create better cross-government coordination among the civil service, there remained a hole in coordination at ministerial level. An attempt was made to solve this in the Cameron era by creating an 'Inter-Ministerial Group on Anti-Corruption.' This was announced in the Anti-Corruption Plan of 2014.<sup>30</sup>

'A new Inter-Ministerial Group will oversee the development of a toolkit of interventions to provide Departments and overseas posts with a single source of available options for taking action on cases of corruption, ensuring a consistent and professional approach across government...jointly chaired by the Government Anti-Corruption Champion and the Home Office Minister responsible for organised crime. This brings together Ministers and heads of operational agencies to oversee delivery of the commitments in this Plan and set the direction for the Government's domestic and international anti-corruption activity.'

The Group was first convened in 2015, co-chaired by the Anti-Corruption Champion, Eric Pickles, and Home Office Minister, Mike Penning. There were twelve members, seven Ministers and five senior law enforcement officials such as the Director of the Serious Fraud Office.<sup>31</sup>

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<sup>30</sup> *UK Anti-Corruption Plan (2014)*, Home Office, paras 7.13 and 8.1  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/388894/UKantiCorruptionPlan.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/388894/UKantiCorruptionPlan.pdf)

<sup>31</sup> Inter-Ministerial Group on Anti-Corruption: members (July 29 2015). Cabinet Office Policy Paper

By October 2016, the International Development Select Committee was expressing some concern about the Inter-Ministerial Group:<sup>32</sup>

‘In order to ensure coordination across Government, the Champion currently holds the Chair of the inter-ministerial working group on anti-corruption, whose membership when last recorded in 2015 included a number of Government Ministers (although no one at Cabinet level). The then Minister of State for International Development, Rt Hon. Sir Desmond Swayne MP, told us in June that: “In terms of keeping the foot to the fire here, I believe that the inter-ministerial working group on anti-corruption chaired by Eric Pickles is going to be the driver in that respect. He is a very formidable if not terrifying chairman” ...The new membership of the inter-ministerial working group, or even its continued existence, is [also] yet to be confirmed.’

At some stage, this Inter-Ministerial Group evidently went into abeyance, and was revived during the tenure of John Penrose. The most substantial source of information about the Group comes from Penrose’s oral evidence to the House of Lords Select Committee on the Bribery Act in July 2018:<sup>33</sup>

‘... tapping people on the shoulder can have a very great effect on occasion, but much more formal mechanisms are required. For example, we have reconstituted the inter-ministerial group, which pulls together the relevant Ministers from all the different departments that are on the hook for delivering on this....

‘I am co-chair, with Ben Wallace. The aim of that group is, when these things go from green or amber to red, partly to focus on trying to head things off, understand why they are happening and stop deadlines being missed. Where we think that there may be an emerging trend—new types of corruption or existing types of corruption that are becoming more numerous—the group discusses how we might co-ordinate a response.

‘...It has only just been reformed and has met once so far, about 10 days ago. We aim to meet four times a year but, and this is part of the terms of reference, I expect that we will probably have more frequent meetings of much smaller sub-groups to work on particular action points where necessary—on the ground that life is short and meetings tend to be too long. Two or three of us will convene to try to make sure that we are focusing on one thing,

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<https://www.gov.uk/government/publications/inter-ministerial-group-on-anti-corruption-members/inter-ministerial-group-on-anti-corruption-members>

<sup>32</sup> *Tackling corruption overseas* (2016), International Development Committee, House of Commons, paras 43,48 <https://publications.parliament.uk/pa/cm201617/cmselect/cmintdev/111/111.pdf>

<sup>33</sup> *Select Committee on The Bribery Act 2010 Collated Oral Evidence Volume* (2018) House of Lords, p.29 <https://www.parliament.uk/documents/lords-committees/Bribery-Act-2010/BA-Oral-evidence-volume.pdf>

which will lead quickly and, I hope, informally, to dealing with something for half an hour to nail it down, rather than having to wait for the next meeting in three months' time.'

In keeping with much of the information about the Anti-Corruption Champion's role, this gives some tantalising glimpses but there is an almost complete - and unnecessary - absence of transparency. For example, the Terms of Reference are not published. A recent Freedom of Information request by veteran campaigner Jean James has revealed a little more:<sup>34</sup> there are now twenty standing members, with an increase from seven to fourteen in Ministerial members, and it remains co-chaired by the Minister of State for Security and Economic Crime at the Home Office and the Prime Minister's Anti-Corruption Champion.

An additional complexity has been added to the scene with the creation of the Economic Crime Strategic Board in January 2019,<sup>35</sup> an opaque group jointly chaired by the Chancellor and Home Secretary that consists of ministers, regulators and private sector representatives. Its purpose is 'to tackle economic crime...which includes fraud, bribery, corruption and money laundering.'

As with the role of the Champion, much of what is known about the Board's constitution and operation comes from sources other than the Government – media reports of which banks sit on the Board, and parliamentary questions.<sup>36</sup> In response to one such question from Anneliese Dodds in July 2019, the Minister noted that the 'outcome' of the most recent meeting 'will be published in due course', although there is no apparent record of this.

Like the Inter-Ministerial Group, the Board lacks published terms of reference, details of membership or reports on the meetings. Of course, such committees deal with potentially sensitive subjects, which is possibly the reason for the exclusion of civil society from the Board, and this may well be the rationale behind the secrecy. There is undoubtedly at times a tension between secrecy and transparency, but this does not require everything to be kept secret, and the UK Government has yet to work out where to draw the boundaries between secrecy and transparency when formulating its approach to corruption.

However, the substantive governance complication with the Economic Crime Strategic Board is not just its lack of transparency, but that its creation adds to the multiple bodies and layers of internal decision making that already exist. It is unclear who is in charge of what. For example, the Champion attends, but not DFID, despite DFID's long-term role

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<sup>34</sup> *Letter to Jean James* (December 24 2019), Home Office  
[https://www.whatdotheyknow.com/request/622950/response/1492006/attach/3/FOI%2056613%20J%20James.pdf?cookie\\_passthrough=1](https://www.whatdotheyknow.com/request/622950/response/1492006/attach/3/FOI%2056613%20J%20James.pdf?cookie_passthrough=1)

<sup>35</sup> *New Taskforce to Tackle Economic Crime*, Press Release January 14 2019  
<https://www.gov.uk/government/news/new-taskforce-to-tackle-economic-crime>

<sup>36</sup> *Economic Crime Strategic Board: Written question – 268541* (June 24 2019)  
<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2019-06-24/268541/>

regarding illicit financial flows.<sup>37</sup> This further highlights the fundamental governance question of who is conducting the orchestra.

## 6. Accountability

It is hard to discern in any substantive sense the accountability mechanisms for the UK Government's anti-corruption approach, precisely because it is hard to discern who is responsible for it. By default, it must be considered to be the Anti-Corruption Champion, even though that role is flawed and by no means comprehensive.

What little is known of the Champion's role and functioning before 2014, and the periodic progress reports that began at that time, came from occasional written and oral statements to Parliament and the International Development Committee (IDC) report of 2007.<sup>38</sup> It is notable that the IDC has since the early 2000s played a crucial role in providing accountability for the UK Government's approach to corruption, both in terms of the Champion's performance and in delivering its plans and strategy.

Even in 2020, when corruption is notionally the remit of the Home Office (as the home of JACU) and is regarded in the Government's own Anti-Corruption Strategy as an issue as relevant domestically as it is overseas, the most comprehensive information available has come from the Information Note that the IDC commissioned from ICAI.<sup>39</sup> As an accountability mechanism, the IDC route has not worked badly. However, it encapsulates much of the UK's approach to this issue – a solution arrived at by good fortune as much as by design, and one that is subject to the interest and will of the IDC Chair rather than an institutionalised arrangement.

Apart from the IDC, the accountability mechanisms for the Champion have been sporadically, irregularly and generally unsatisfactorily exercised through other parliamentary mechanisms. For example, Hilary Benn was asked about the Champion's role in two Parliamentary Questions in January 2007,<sup>40</sup> and gave an oral answer which gave little insight as to what the role was intended for:

'Ministers approved the UK anti-corruption action plan in July 2006. The plan aims to improve the UK's capacity to investigate foreign bribery, stop money laundering and recover

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<sup>37</sup> *Mapping the UK's Approach to tackling Corruption and Illicit Flows* (March 2020), ICAI Information Note, para 4.11 [https://icai.independent.gov.uk/wp-content/uploads/ICAI\\_Anticorruption-and-illicit-financial-flows.pdf](https://icai.independent.gov.uk/wp-content/uploads/ICAI_Anticorruption-and-illicit-financial-flows.pdf)

<sup>38</sup> Select Committee on International Development (2007), *Second Report*, House of Commons <https://publications.parliament.uk/pa/cm200708/cmselect/cmintdev/68/6807.htm#note78>

<sup>39</sup> *Mapping the UK's Approach to tackling Corruption and Illicit Flows* (2020) ICAI

<sup>40</sup> *Hansard* (24 Jan 2007), Column 1409

<https://publications.parliament.uk/pa/cm200607/cmhansrd/cm070124/debtext/70124-0002.htm>

stolen assets, promote responsible business conduct in developing countries, and support international efforts to fight corruption. I shall report on progress to the Prime Minister in February.’

A role so vague, particularly when dealing with plans (like the Benn plan of 2006) that are themselves not in the public domain, is hard to hold accountable. The International Development Committee report of October 2016 took up the theme of accountability: <sup>41</sup>

‘We understand the concerns that there is not yet an official parliamentary mechanism for holding the Champion to account on the progress of the UK Anti-Corruption Plan and the suggestion that the Champion produces an annual report to Parliament. We note that since this recommendation was submitted to the Committee, the Government has released a Progress Update on the Anti-Corruption Plan.’

The progress report referred to had been delivered by Pickles in May 2016 on the day of the London Anti-Corruption Summit,<sup>42</sup> although there was still no formal commitment to report. The first such firm commitment came in December 2017 from the Home Secretary, Amber Rudd, in a statement to Parliament announcing the publication of the Anti-Corruption Strategy 2017-22: ‘my department will provide an annual written update to parliament on progress.’<sup>43</sup> The key point here is that it was a written update: there was no automatic facility for Parliament to question the Minister or the Champion about the report.

A year later, in December 2018 and true to the timetable, a one-year update on the Strategy was published,<sup>44</sup> with Introductions from Ben Wallace MP Minister of State for Security and Economic Crime and John Penrose, the Anti-Corruption Champion. The second annual report, due in December 2019, was not published on time, due to the General Election.<sup>45</sup>

In terms of external accountability, the UK also has some key international reporting responsibilities. These are dealt with partly by JACU (and previously its predecessor teams); although the FATF review is owned by the Treasury, and somewhat surprisingly GRECO is

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<sup>41</sup> *Tackling corruption overseas* (2016), International Development Committee, House of Commons, paras 11-15 <https://publications.parliament.uk/pa/cm201617/cmselect/cmintdev/111/111.pdf>

<sup>42</sup> *Progress Update on the UK Anti-Corruption Plan* (May 2016). HM Government <https://www.gov.uk/government/publications/uk-anti-corruption-plan-progress-update>

<sup>43</sup> *Economic crime and anti-corruption: Written statement - HLWS325* (December 11 2017). House of Lords <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Lords/2017-12-11/HLWS325/>

<sup>44</sup> *United Kingdom Anti-Corruption Strategy 2017-2022 Year 1 Update* (2018). HM Government <https://www.gov.uk/government/publications/anti-corruption-strategy-year-1-update>

<sup>45</sup> *Letter to Jean James* (December 24 2019), Home Office [https://www.whatdotheyknow.com/request/622950/response/1492006/attach/3/FOI%2056613%20J%20James.pdf?cookie\\_passthrough=1](https://www.whatdotheyknow.com/request/622950/response/1492006/attach/3/FOI%2056613%20J%20James.pdf?cookie_passthrough=1)

still the responsibility of the Ministry of Justice. The relevant international instruments are:

- OECD Anti-Bribery Convention
- UN Convention Against Corruption
- Financial Action Task Force
- Group of States Against Corruption (GRECO, Council of Europe)

The method of assessment for each of these is an international peer review mechanism, in which experts from other signatories review documentation submitted by the government and undertake a country visit. Some review mechanisms allow countries to involve other stakeholders such as business and civil society in the country site visit, or to review the country's written submission, or to make submissions of their own. In general, the UK has taken a best practice approach to transparency and involving other stakeholders, with the notable exception of the Treasury-led FATF review.

The UK is also required to submit a periodic Action Plan under its commitments to the Open Government Partnership (OGP), which has several areas of cross-over with the Anti-Corruption Strategy, for example on open contracting. There is a separate OGP team housed in the Department of Culture, Media & Sport.

This voluntary and irregular approach to reporting both the Champion's role and the UK's anti-corruption activities has attracted frequent comment from Parliament and civil society. For example, the report from the International Development Select Committee of October 2016 noted:<sup>46</sup>

'Evidence has also raised the issue of the Champion's accountability to Parliament on delivery of the cross-government Anti-Corruption Plan. In evidence submitted prior to the London Anti-Corruption Summit, CAFOD<sup>47</sup> called for an official mechanism to make the Champion accountable to Parliament: "The Champion should provide an annual report to parliament on his/her work and the design and implementation of the plan. The report should include, at a minimum, a written ministerial statement and should be distinct from wider reporting on serious and organised crime. This would provide Parliament and other stakeholders with an opportunity to review and debate progress." However, on 12 May 2016, a Progress Update on the UK Anti-Corruption Plan was formally brought to the attention of the House in a written statement from the then Minister for State and Security, Rt Hon. John Hayes MP. Although this was a biennial, rather than annual, update it highlighted the Government's accountability to Parliament on the delivery of the Plan...

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<sup>46</sup> *Tackling corruption overseas* (2016), International Development Committee, House of Commons, paras 49,52 <https://publications.parliament.uk/pa/cm201617/cmselect/cmintdev/111/111.pdf>

<sup>47</sup> An international development NGO



‘We understand the concerns that there is not yet an official parliamentary mechanism for holding the Champion to account on the progress of the UK Anti-Corruption Plan and the suggestion that the Champion produces an annual report to Parliament.’

However, the Committee itself stopped short of making this a recommendation.

Ultimately, of course, the Champion is a personal appointment by the Prime Minister, who might therefore be expected to require some accountability for the role; but the Penrose evidence to the Lords Committee on the Bribery Act suggests this might not be frequent:<sup>48</sup>

‘...there is the advantage of being the Prime Minister’s anti-corruption champion—you can go No. 10 if you have to do, but, obviously, you do not want to do it very often.’

Overall, a review of the accountability inevitably concludes that where accountability has happened, it has been by accident. There is one valuable accountability mechanisms built into the system, which is the annual written report on the Strategy 2017-22; however, the second year deadline has now been missed by six months. The most regularly effective accountability mechanisms have been the periodic interest by the International Development Committee and occasional Parliamentary Questions, but there is no guarantee either of these will happen. External scrutiny is made much harder by the lack of transparency, in part over who is really responsible for what, and therefore who should be held accountable not just for specific actions in a plan or strategy, but for the UK’s overall approach and effectiveness in tackling corruption.

## 7. Conclusions

As outlined in the Introduction, the UK has made progress both in tackling corruption and in its international standing. This is very positive, and credit must be given to those in government, the civil service, law enforcement agencies and others who have got the UK to this point. Precisely because things have improved, it may be tempting to leave things as they are – because having an active Champion, a national Strategy and an expert civil service team in JACU is so much better than it could have been.

However, the achievements have come via a series of tactical decisions rather than a strategic approach; the architecture and governance of the UK’s anti-corruption response reflect this, and that is usually an approach that both has a limited shelf-life and is unable to withstand shock. What this paper outlines is distinctly unimpressive in governance terms. It

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<sup>48</sup> John Penrose oral evidence to House of Lords Select Committee on Bribery Act July 2018: *Select Committee on The Bribery Act 2010 Collated Oral Evidence Volume* (2018) House of Lords, p.31  
<https://www.parliament.uk/documents/lords-committees/Bribery-Act-2010/BA-Oral-evidence-volume.pdf>

is – literally – all over the place: spilt between different departments, overlaid by different committees, with several ministers, and a non-minister, all seeming to be in charge at the same time. There has been minimal transparency and accountability, but above all it is simply not possible to answer one key question: who is in charge of overseeing the UK's national well-being with regard to corruption?

There is a mis-match between the current system of ad-hoc governance and the Government's stated aspirations on a subject which it has repeatedly said is important for economic prosperity and national security, and regarding which there are significant international commitments to fulfil. In other words, while certain aspects of the national anti-corruption approach have been successfully updated (creation of JACU and the *Strategy 2017-22*, key legislation), the governance has yet to catch up.

The question is not whether the UK can continue to get by with its current approach; the question is how an improved approach might better help the UK achieve its stated objectives. There are therefore three broad reasons for addressing the governance:

- i. to ensure that the current and future strategies are delivered as effectively as possible, with the associated benefits for national security, prosperity and trust in our institutions;
- ii. to demonstrate that the UK is operating to global standards;
- iii. to increase resilience. It is not clear that the current system can withstand a shock. For example, an increase in the black market or money laundering related to Covid-19, or unintended corruption consequences of a Brexit policy such as creating freeports, could severely expose the cracks in the UK's anti-corruption governance.

At present, the UK has exactly the kind of set-up that it would usually criticise overseas. The UK Government should consider acting while it is in relatively good standing on these issues to formalise its anti-corruption governance and design it to conform to- and indeed lead - global standards.

## **8. Where next?**

The UK has a strong reliance on the Anti-Corruption Champion role within its architecture and governance; yet that role has diminished in status and has problems of authority, remit, transparency and accountability, even while it has had some successes. The role itself is unusual, and was created as an ad-hoc response to a difficult situation the Government found itself in over the BAE Systems scandal in 2006. After nearly fifteen years and creating a new Strategy, the Government should be reviewing the alternatives that exist – and if it concludes that the UK is best served by having the Champion at the core of its governance, re-design the role accordingly.

***A review should examine three areas:***

1. How best the UK's anti-corruption governance can be designed to fulfil the aims and aspirations of the *United Kingdom Anti-Corruption Strategy 2017-22*, considering how the many moving parts fit together, where they can be streamlined and coordinated, and the key question of who should be in charge; evaluating examples from peer countries; and committing that post-Brexit Britain will aim to operate to world class standards.
2. More specifically, the arguments for and against creating an Anti-Corruption Agency in the UK. This is a standard mechanism used by other countries, and even if the UK decides not to create one, the process of examining what an ACA does, the gaps in the UK system compared to this, and what the UK already does well or not so well in the absence of an ACA, would be highly beneficial.
3. The case for creating an Independent Commissioner for Corruption, akin to other Commissioners in the UK. Perhaps the best comparator is the Modern Slavery Commissioner. This could complement or replace the Anti-Corruption Champion position, and create a clearer distinction between the political and non-political aspects of the role.

Unlike its immediate predecessors, this Government has a good chance of being in place for a full term. Brexit will create risks and opportunities for the UK, both domestically and internationally, that are unprecedented in recent years. How the UK tackles the issue of corruption, and particularly if the UK gets this badly wrong, will be one of the ingredients of long-term success - one of many, but nevertheless an identifiable part of the mix. Through marginal expenditure of resource and political capital, the Government could put the UK in a leadership position.

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