

## Speech for the TI UK AGM, 22 November 2011

When I was asked to speak at this AGM, I was unsure as to what theme I should adopt. Should I talk about corruption or ethics, or organised crime or criminals? In the end, I decided to talk about all of them.

In previous collaborations with TI UK papers<sup>1</sup>, I have made the point that in both the combatting organised crime and combatting corruption fields, it is crucial that more proactive and preventive approaches are used, rather than to simply rely only upon the orthodox approach of investigation, case preparation and prosecution.

In my view all law enforcement agencies around the world, are falling behind in the arms race against organised crime and corruption. There are more criminals operating than can ever be dealt with through orthodox means given the amount of investigations that can practically be carried out, even if law enforcement resources were increased hugely. It is also increasingly the case that criminals operate across a global environment and are not therefore able to be investigated, arrested and prosecuted by single jurisdictions alone. European and international arrest warrants and joint operations between countries notwithstanding, new ways have to be found to deal with greater number of criminals engaged in serious organised crime.

Those new ways by which we must deal with organised crime, and the corruption used as a weapon by criminals, include disabling their ability to operate, disrupting their enterprises and dismantling their organisations. This has to be recognized as a “high volume” approach and to support this rethink, we need to find faster ways to “clear the decks” of the low-level volume crime and corruption so that we can concentrate upon the serious and dangerous.

In relation to the approach taken by the countering organised crime and countering corruption communities, whilst law enforcement agencies countering organised crime tend to maintain a low profile, focussing on the use of covert operations and intelligence, anti-corruption agencies and civil society operate far more in the transparent public domain and are able to foster much more public engagement. On the other hand, civil society organisations possess little or no access to powerful tools such as investigative powers and intelligence.

That may be partly explained by the fact that until recently, corruption in the minds of most people was seen as a matter that involved public officials, politicians and business and was therefore susceptible to accountability procedures and was best dealt with in an open way. As the old saying goes, “the best disinfectant is sunlight”. Unfortunately what we are seeing now is “hard” law enforcement focused upon corruption used by organised criminals, whilst other corrupt activity is not being discovered and is not being investigated in a way that will properly reduce or remove it. I want to talk about that in a moment.

In terms of organised criminals the relationship between organised crime and corruption is a simple one – criminal networks make extensive use of corruption, in its various forms, to carry out criminal activity, avoid investigation and escape

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<sup>1</sup> *Organised crime, corruption, and the vulnerability of defence and security forces*, Transparency International, September 2011

prosecution. Criminal factions who abuse international borders in order to conduct their business put pressure on public services, local communities and legitimate businesses- and an easy way to achieve this is through corruption. In order to deal with these criminal enterprises therefore, law enforcement agencies recognise that investigating the corruption and following that activity often leads to the criminal enterprise. Once arrested, all of the information gleaned all gets dealt with in the ensuing prosecution. When I say that, it does not follow that there is always a count on the indictment in relation to a specific criminal offence of corruption, as prosecutors look for those counts that are treated as the most serious by the courts. Often the corruption activity is referred to in the prosecution case as reinforcing the seriousness of the other specific offences, and sometimes falls off the indictment, not because it is unimportant, but to make the indictment more manageable and not look as if the prosecution are seeking “two bites of the cherry”.

If we are to go for this new high volume model approach that I referred to earlier, there is great value in bringing the anti-organised crime and anti-corruption factions together. The complementarity between “hard,” decisive instruments of law enforcement and the norm setting and influencing ability of the anti-corruption apparatus is a valuable resource which is currently under-utilised. Therefore, robust, strategic cooperation between anti-corruption and the counter-organised crime world will go a long way towards addressing both problems and such a coalition-while respecting each other’s distinct missions-may go a long way to dismantling the elaborate market infrastructure of today’s organised crime.

Currently, the plans for the new National Crime Agency set to come into being in 2013, suggest that it will contain various “Commands” to deal with Serious Organised Crime, Economic Crime, Cyber-Crime, etc. Provided that there is coordination across the agency to prevent the “silo” effect of separate commands having responsibility for areas of work that are not discrete but overlap and duplicate with each other, this looks a sensible approach. What is not intended so far is an Anti-Corruption Command, so let me just look at that for a moment.

In respect of the anti-corruption bodies, there have been calls from some for an Anti Corruption Agency to be formed. In this world there is much in a name, and in my view, an agency or command within the NCA with a specific anti-corruption remit would not perhaps be as helpful as it would initially appear. Before you all think that at the AGM of TI UK that is probably the least helpful statement that I could make, allow me to develop my thesis. Then you can throw me out.

Corruption is a subject that is less well understood by the public than many would believe. When professionals talk about corruption, it reminds me that legal definitions are only useful in courts of law. It is similar to surveys that ask the public about their fear of crime. Most of the “crimes” that the public refer to, are not criminal offences on the statute book in the legal sense, but are anti-social activities that cause fear. For that reason, statistics recording these anti-social activities are not kept in the same way as recorded crime.

The media reporting of the tragedy of Mrs Pilkington who killed her daughter and then herself after suffering months of torment by neighbouring children and youths on her estate, referred to crime and criminals not being dealt with by the police. These

youths were not committing “crime” as narrowly defined in the legislation, but highly offensive and repulsive anti-social behaviour, which despite every successive Home Secretary over the last 20 years having a go at it, is still not defined in a way sufficient for the criminal law to properly deal with it. This makes it harder for the police to deal with it, as not being a crime the legal process by which it can be brought before a court is clumsy and ineffective. We are all aware of the bad place that anti-social behaviour orders or ASBO’s have got to because of the lack of definition and a lack of an overarching strategy for their use.

Anti-social behaviour is by its nature, an issue for society, for the parents of the youths and the psyche of the community who saw it happening but did nothing out of fear or impotence.

For operational police commanders, performance targets over the years and a culture that has developed the concept of the police into a “crime-fighting” agency as successive governments have reinforced, means that community policing is caught between being seen as “soft” and not “crime-fighting” by the police and government, with a commensurate low level of priority, whereas local communities and local politicians want an agency with the skills to deal with anti-social behaviour rather than criminal offences.

So it is with corrupt and unethical behaviour. During my career as a police officer, I have dealt with criminal offences of corruption in the public sector amongst local government employees and councillors. There are statutory offences for dealing with these matters. I have also led operations to arrest and prosecute corrupt police officers. Although their substantive crime was to deal in drugs, or seek bribes or other criminal activities which made them a disgrace to the uniform and the oath that they undertook, and a professional liability and smear on the character of all honest and professional law enforcement, they committed criminal offences of misfeasance or malfeasance, which have a legal definition, and that criminality can be understood and dealt with professionally by law enforcement. It is also the case that such criminality carries a very high priority in law enforcement and with prosecutors.

But what the man or woman in the street defines as “corruption” is often not activity as narrowly defined in the criminal codes, but is in reality, unethical behaviour. How else would you define the activities of MP’s in the allowance debacle? The criminality is more difficult to prove (but not impossible), but the unethical behaviour shrieks out.

When people see bankers and chief executives and others in the private and public sectors richly rewarding themselves in dubious ways, whilst many are losing their jobs or their savings, or both, they see unethical behaviour, which they call corruption. It is not necessarily criminal in the legal sense of that word, and will rarely face legal sanction in itself, but it creates very strong emotions within society that threaten unity and good behaviour.

We are now seeing that in the attitude of many in society. Are the protestors outside St Paul’s representative? Some of them are probably from the same group of self-appointed public guardians that you can find at any demo or action throughout the

country, from G20 to Dale Farm. Many are not however, and the issues they ostensibly espouse have many tacit supporters.

So to return to the question whether in the UK we need an Anti-Corruption Agency, I am not sure that we need an agency or a body with that title, for it falls into the trap that I have already talked about of being seen to relate to criminal offences, not the unethical behaviour that people get exercised over. The criminal law already exists for corruption. The fact that the offences are not used that often is more to do with the difficulty of proving them, rather than the simpler (in terms of proof) offences of theft or false accounting or cheat, with conspiracy always a useful catch-all behind that. As I have already said, corrupting a public official to look the other way or to assist you in some other way to import several tons of cocaine, or a boatload of people into the country in a scuttle-bucket of a ship is seen as of a lower order than the main course of activity, and therefore that count often falls off the indictment list.

In my view, corruption as crime should be, and to an extent is, dependent as in all things on the resources available, picked up and dealt with by law enforcement within the whole arena of criminal justice. The new Bribery Act will require law enforcement to have a better “radar” for such offences, which I will come to in a moment but it should enable better use of specific legislation to counter corruption *per se* than hitherto.

However, and here I want to go off on what you may all believe to be a tangent, but I hope that my reasoning will become clearer as we progress.

In my view we do need to strengthen the response of society to unethical behaviour. The Nolan Commission Report and Recommendations of 1995 makes useful reading today 16 years later, as the points which caused the Commission real concern do not appear to have altered very much, and I am saddened to say that is true especially in the case of the behaviour of some politicians.

There are many who believe that society’s mores have changed and that we are more free and easy than in the past. Well that may be true, but I think that it relates more to diversity, our personal relationships, marriage and sexuality. For most people in the UK, and elsewhere in the world, whatever their age, there is still an innate sense of fairness that runs deep.

Many of those engaged in the riots this year did so because they considered that if others were being rewarded in society for acting unethically, why shouldn’t they? Despite commentators arguing over whether it was gangs involved or not, (which it certainly was), there were significant numbers of people that many of us in this room would describe as “normal, respectable, decent” people who did not resist the opportunity to take something. Many did not of course and dissented publicly and in many cases, at great personal risk to themselves. They acted because in their view such behaviour was not right. Not that it was criminal *per se*, but that it was not right. It was not lawful and it was not fair.

In the past there have been various Commissions on the state of the nation in different areas of public life. The Nolan Commission reported and did a good job in relation to ethical behaviour but in my view the government response to it failed to deliver some

means by which a regime of sanctions could be imposed upon those who breached the standards, and more importantly, failed to establish an open and accessible reporting mechanism.

I believe that we need some public body that would have the power to investigate allegations and to call people before it to give evidence and to make pronouncements regarding ethical behaviour as the start of a process to reduce unethical bordering upon criminally corrupt behaviour that many will then see as enabling a fairer society. This fairer society if it sees that unethical behaviour is not acceptable and there are sanctions against every level, might then also see the value in working to prevent organised crime ruining their communities. This body might also consider the impact of the corruption caused by organised crime upon public officials and others, with a view to making the risks more open and transparent.

So, if you will allow me a little further speculation. We might ask ourselves who we think should oversee and form this public accountability/ethics body. Perhaps it should be politicians?

Whilst I wait for the laughter in the room to die away, I should recount to you the introduction that the Prime Minister of Thailand received at the Bangkok Anti-Corruption Conference last November. I had to check with several people that I had heard the introduction correctly, and they assured me that I had. He was introduced to all the delegates for the opening ceremony as “the least corrupt politician in Thailand”. I could see that within Thailand that might be seen as approbation in itself, but it really tells you much about the state of that nation, and how it views itself. Is it any wonder that corruption is endemic within a society that accepts that all will be corrupt?

No, putting politicians in charge of this body would be like putting King Herod in charge of Mothercare. Politicians have one of the lowest public approval scores in society, and whether they like it or not, they would not be trusted.

In the TI survey on corruption in the UK, the judiciary, education and the military came out as being those institutions most trusted by the public. On any assessment, the role of the judiciary appears to fit closely to that which is required for this public “Ethics” body. They are regarded as “fair” in their approach. They can gather and weigh evidence in an impartial manner, and present their findings in a way that is not in any shape or form like the “grandstanding” you get from Select Committees, or the “sound-bite mentality” which has crept into almost every public and private sector announcement.

They would need to form opinion and present it back to the public, on what is considered to be ethical and that which is considered to be unethical. Whilst it is a standing joke that judges are out of touch with the real world, whom else would you want to do that? Politicians? The Media? Heaven help us. Religious and social leaders could have a place in this body. There could even be elections or referenda on the composition.

Of course, the difficulty that some may point out with this approach is that the judiciary interpret the law in the UK, they do not make it. It is for the executive to

make the law, but of course we are not necessarily talking about the legislative law in this instance. There are also insufficient members of the current judiciary to divert large numbers off to this new body, and of course, the fundamental problem will remain whether the judiciary are considered able to determine the values of society.

So who should determine society's values? It has been said that all cultures have different standards and values, so how would this apply in a multi-cultural society like the UK? Taking that role away from politicians and the danger of populist reaction has to be the best way. Other countries do this through public hearings and enquiries.

For example, in Australia recently, I was struck by the power of the Examinations that are conducted by the Australian Crime Commission which are chaired by a judicial officer and have the power to compel those called before them to answer questions. These Examinations deal with corrupt behaviour as well as straightforward criminal conduct in their processes, and they are widely reported and commented upon.

It is also the case that most of the States in Australia have some form of oversight and accountability mechanism, in the shape of Integrity Commissions, to ensure the highest standards in public life, and Australians are not shy of calling their political masters and public officials to account for their actions in open and transparent hearings. From what I saw, many of these hearings should be conducted with sawdust on the floor, the better to absorb the blood!

In the UK, much has been written of the new Bribery Act, with some in business stating that this will put the UK in a competitive disadvantage with other countries. An interesting comment to make, but I have not yet seen any evidence to support it. Presumably we would need to hear from any business that has made secret payments to win contracts, and fears that it will not win others if it cannot continue to bribe, but the drawback is that such a company might not deem it wise to cite examples as evidence to support their case? So it gets hinted at, on the basis that "everybody else in the world does it, so British industry will be at a disadvantage when dealing with these corrupt Johnny foreigners".

Interestingly, in India, a country where "baksheesh" and corruption are cited as being endemic, there is now a strong anti-corruption approach being put in place. They are starting with the police and the judiciary and they seem to mean business. They have realised that India cannot become one of the major world economic powers based upon corruption and lack of trust.

I have recently visited the UK branch of a huge US company. In an aside to the business, the point was made very forcibly that if the company believes that bribery or corrupt practice is involved in a potential contract, they will simply walk away from it, and not even bother further. I suppose that a multi-billion dollar annual turnover may give you some leeway in turning down some business, but it speaks volumes about the ethics of the company.

Which brings me to another point, and please forgive my ramblings and musing here. After 35 years in the public sector, and having gone over to the "dark side"; the private sector, I find strange and disturbing differences with everything I have known

before. This has opened my eyes to see a pattern in the public sector that is ultimately creating a greater problem than it was set up to prevent.

In the private sector, you work with and give contracts to trusted and known partners. You look to the credibility of those who work for you; so family members are often placed into positions of authority. We have recently been watching the Murdoch empire being attacked where father and children run their business, and whilst News International's approach in many areas has come under fire, nobody sees family relations in the management as inherently unethical.

I am not saying that the private sector are right, but contrast that with the public sector, where there are long and complex procurement processes to award contracts to companies that you may never have done business with or even heard of. They may not be from the UK given the European dimension and the requirement to show value for money for the taxpayer.

Any inference of cronyism will stop the process and lead to investigation, and as for nepotism, there are several investigations on-going or recently publicised on that subject.

The result of all this is a sclerotic process with long drawn out procurement processes and long lead times for developments and new systems. There are also the huge administrative costs around the process and the time of many civil servants and officials, plus the oversight mechanisms and audit and inspection processes.

These differences must create difficulty for those who move between the private and public sectors. Many governments bring private sector individuals in to run state enterprises, where they believe that the expertise on delivering a sound business model in the private sector will allow for similar success in the public. It has often been said that a sound business model should be transferable. It should, but it is the relationships within business that make the model work.

When I was an Assistant Chief Constable in West Yorkshire, I remember a visit to one particular police station in that force. It was very poorly designed and built, and I remarked upon this. I was told that there was a reason for that, because the architect was a certain Mr Poulson, a name that the older members of the audience may remember.

Corruption in the public sector led, in that case, to shoddy work paid for by the taxpayer and lining the pockets of a corrupt group of local politicians and their cronies. As a result, more and more stringent restrictions were brought in where building contracts for the public sector were required.

After other public sector corruptions cases, the same occurred, and so the inevitable result of corruption is that to avoid any allegation of corruption or improper practice, the UK model is, as usual, "belt and braces" with vast bureaucracy. To some, this is a price worth paying for what is arguably one of the least corrupt public sectors in the world. It is still not, however, totally clean.

As with all preventative processes however, there is always the danger that the process becomes unwieldy and vastly more complex than it needs, because it focuses upon finding out through process rather than encouraging personal reporting.

This is where my point concerning people comes in. Their innate sense of “fairness” will result in those who suspect corrupt or unethical behaviour wanting to take some action to prevent it. Of course, one of the reasons that there may be a low level of recorded public sector corruption in the UK is because reporting unethical or corrupt practice is difficult, and to whom do you report it? That is where a new body that can receive and process reports of unethical behaviour and corruption may well be required. In the case of unethical behaviour it could take action itself. In the case of corruption crime, the matter would be referred to the relevant law enforcement agency. This would improve that “radar” requirement for law enforcement to pick up on criminal corruption.

In my view the cost to the taxpayer of these bureaucratic and complex anti-corruption processes could be reduced if a more sensible way of reporting corrupt and unethical behaviour was implemented. This would also allow for faster decision-making and thus reduce lead-in times and backlogs. But it must be coupled with one very important new aspect.

The sanction for corrupt and unethical behaviour within society and within business has to be made severe. It must remove all benefit accrued from such behaviour. In the case of politicians, it must exclude them from ever holding public office again. In the case of business, corrupt behaviour which is designed in or encouraged from the top of the organisation should lead to the involuntary winding-up of the business. There should be only one defence to this, that action was taken by the company to rid itself of those responsible for its improper behaviour immediately, and a public examination through auditors to ensure that it has not simply used junior employees as the “fall guys”.

To be accepted, it must also apply across all in society. To quote the old saying, “The law locks up both man and woman, who steals the goose from off the common, but lets the great felon loose, who steals the common from the goose.”

One of the concerns voiced recently is that the Audit Commission is being abolished. When originally established, the Audit Commission set out to provide the oversight arrangements for the public sector to prevent corruption and waste. Whatever the reason for its abolition that function still has to be conducted. This may be the opportunity to combine that oversight function with the better reporting process and the judicial decision process.

Whilst we are in this contemplative mode, what is the role of the media? Many in the media complained that individuals like Robert Maxwell used the libel laws in the UK to prevent investigative journalists getting into print the allegations regarding corrupt and improper practice against them and their business methods.

In the internet era, with Twitter, Facebook and Wikileaks, that might not be the case with similar individuals now, and the recent issue around ‘super-injunctions’ demonstrated that. One needs only to look at the so-called “Arab Spring” to see that

others in the world have the same innate sense of fairness, but have lacked the mechanisms, until now, to express collective revulsion at the political systems that control and repress their lives.

Interestingly, that is not the media bringing about change. It is ordinary people, communicating and sharing that sense of unfairness, and more importantly collectively taking action.

If we are to have this new public body approach, we have to reconstruct the protections around “Whistle-blowers”. They have not received the protection that they were promised by the new legislation some years ago. It is still the case that there are few reporting mechanisms put in place in either the public or private sector, and whistle-blowers are routinely ill-treated within the business or agency where they work.

In the news recently have been disturbing reports concerning the situation in the NHS. It has been alleged that doctors and Chief Executives are being forced to sign confidentiality clauses, thus preventing them from blowing the whistle on improper practices and procedures within hospitals and trusts. If this is correct, it is a sign of the contempt for the whistleblowing legislation. It has to be against the law to prevent allegations of corrupt and improper practice, yet here it is being apparently circumvented without any reaction.

In dealing with serious organised crime, we have already found that properly used and supported informants are vital for the gathering of information and intelligence about criminal organisations. We have moved on a long way from the complete farrago of the police use of “supergrasses” in the 70’s and 80’s. It may explain some of the reaction to whistle-blowers that they are perceived as “grasses”. It has never ceased to amaze me that within society there seems to be an inherent disgust at those who inform on criminals within their society, and the use of the term “grass” is used as a term of denigration. But Crimestoppers and BBC’s CrimeWatch have shown that the public are more repulsed by criminals and want them dealt with. That said, both of those systems rely upon anonymity.

Organised criminals use violence against those who inform because they recognise that it is such a powerful tool for law enforcement to use against them. Many people fear that violence or persecution if they are seen to inform, precisely because of that fear, but also because their friends will stupidly label them as “grasses”.

That is one of the reasons why in law enforcement we have pointed out the major need for a witness protection programme within the UK to deal with those at risk from criminals and there may also be a case to be made for including whistle-blowers and those who report on unethical behaviour and corruption.

If you doubt that, consider one of the more concerning aspects of the News International saga has been the apparent response of the organisation when criticised. They have been criticised for responding as if to a threat, in defensive mode, and this allegedly seems to have taken the form of using private investigators to follow and check on the critics, to presumably find damaging personal information about them.

That is not investigative journalism, and therefore at that point any defence they may have used that intrusion into the personal lives of those they were following was in the public interest, disappears. This certainly appeared as an attempt to smear. As Cicero said, “When you have no basis for an argument abuse the plaintiff.”

It would not require much imagination to consider what other forms of defence could be exhibited by those who stand to lose major financial rewards, and this is certainly the case within serious organised crime where extreme violence is often administered in a casual manner.

So to return to the theme this evening, what do we mean now by corrupt behaviour? The definition proposed by TI is useful, but we need to see what areas of business can now provide that personal benefit, as we move from a simple bribery scenario to win lucrative contracts. In reviewing these examples, one can start to see the convergence between serious organised crime and corruption.

Great concern is expressed regarding commercial espionage and the theft of IPR. There is increasing evidence to show highly organised criminal activity being used to steal information on behalf of business and hostile governments.

Similarly, there are more cases of the illegal disclosure of information, which can be used in insider dealing through to confidential information on celebrities. Much of this is from public databases administered by public servants.

Access to confidential and secure IT networks allows criminals and other competitive businesses to access and view, or steal, or corrupt in its technical sense, the confidential material that the business uses.

Other new markets for crime globally include emission and pollution-trading frauds, illegal waste disposal and dumping, interference with biometric systems and databases, the theft and trafficking of finite resources, fuel, minerals, precious metals, food and water. All of these require extensive corruption of public officials and agencies to be successful.

In the event of catastrophic events, short-term criminal market opportunities will arise such as post-disaster migration, insurance fraud or contracts for reconstruction. Law enforcement will be increasingly pressurised to deal with these issues, at the same time as government agencies and the emergency services are dealing with the catastrophe itself and the security demands from those who feel more and more under threat.

Low-level corruption can procure any document or reference material, from MoT certificates, through to Birth and Marriage Certificates. There is now unlikely to be any official document that cannot be forged or obtained through corruption.

Criminality now regularly includes extortion demands and blackmail, often based upon information disclosed by a public official. We have seen examples where drug gangs corrupt and infiltrate law enforcement to obtain information on whether they are being targeted, and to seek to identify informants and intelligence sources.

Even sport is increasingly being targeted for betting scams, which can net huge sums for the criminals, many of whom place their bets in countries far removed from the actual sporting event's venue. And as you fight back your tears for the bookmaker victims, ask yourself what criminals do with their illicit revenue?

For all criminals, their illicit revenue buys power and status. They do not invest in hospitals and schools. They fund other criminal activity and they become powerful role models for others in society.

One can start to see that dealing with organised crime and dealing with corruption is linked intrinsically in the search for a more just and fairer society. In the way that public sector corruption has changed let me give you some examples to develop this theme, and where a little openness and transparency would benefit society in knowing how corruption and crime are linked.

In the police service, corrupt activity has changed over the years. Some years ago, a Chief HMIC referred to "noble cause corruption" which he used as a term to identify conduct where police officers "fitted up" those they strongly believed but could not prove, were guilty of serious crimes. I have always refused to use that term. There is no such thing as a "noble cause" in that regard. It is criminal corruption, plain and simple. Over the years, that type of behaviour has been eradicated from the police service, because of better investigative techniques, disclosure rules, the strong linkages with the CPS, and because importantly, police officers themselves will not allow or condone such behaviour from their colleagues and will report it.

However, there is still corruption in other areas of police work. There is an on-going investigation in place looking at finding those who have sold information to journalists, and of course, it is not always a warranted police officer that has acted in this way. It is also the case that much information has been sold to criminals, as I referred to earlier.

In the modern IT world within which we live, crucial information is now available at all levels of the organisation. Indeed the "Crown Jewels" of the business information are usually available to the most junior frontline staff, because they need that information to provide customer service. How many businesses check on what it being done with that information? Call centres are a classic example. Do the bosses know, or even understand how their information can be used and abused?

This was one of the reasons why we decided that all staff in SOCA should be vetted to a higher level than in police forces or other agencies. It will not prevent corruption by itself, but it means that those who seek to infiltrate or are judged to be more susceptible to corrupt advances are filtered out. By so doing we ensure that the information, often sourced from other agencies who would not share with less secure systems, can be made available for use at all levels of the organisation. However, it is still necessary to have strong anti-corruption systems in place to monitor constantly, and intrusively.

Within the Prison Service there has always been an underlying issue that can lead to corrupt behaviour. Prisons run primarily, not because of the prison authorities, but because the prisoners consent. Where they do not consent, expect riots, prisons burnt

down and prison officers attacked. Where prisons run smoothly, one needs to ask how that was achieved. Clearly good management has its place, together with sound, compassionate and professional systems.

But it can also be because the prisoners have found ways to access drugs and other contraband without too much let or hindrance, and much of this is enabled by corruption, or unacceptable violent threats against prison staff and their families. It might be useful to ask what dangers there may be with a performance regime in the prison system where smooth running prisons are seen as the desirable target?

Let me just pick up again on unethical behaviour. So to the private sector, where boxes at major sporting and cultural events are provided as “hospitality” for other company leaders and senior civil servants. How can this hospitality be justified? For what purpose is it provided? It is recorded, as required by the Nolan standards in public life, so that’s all right then. But who asks the blindingly obvious question why they do it in the first place. Who asks if that hospitality is ethical?

Of course, it is easy to counter that many of the large sporting events in this country and elsewhere might fold if it were not for the corporate hospitality income. But as in one of my favourite episodes of “Yes, Prime Minister”, when Hacker was discussing tobacco companies sponsorship of sport and other events with his Minister for Sport; “If they are public benefactors, they can put the money in anonymously.” “Well yes Jim, as long as they can tell people that they have anonymously donated to the event.”

So now we come to the really difficult issues around unethical behaviour. Some would say that it is endemic in our society, as much as anywhere else, and that we just disguise it better or we ignore it better. It is still there however, and how do we deal with it, provided that we all agree that it is not acceptable?

The more that we provide a mechanism to allow for the better transparency of unethical and corrupt behaviour, the more we reduce the cost of anti-corruption measures, and the more we clear the decks of the removable “dross” so that we can all concentrate upon the serious and dangerous. We must have a better and more widely understood reporting mechanism, and investigative machinery that can allow unethical behaviour to be dealt with and that places before professional law enforcement those identified as committing criminal corruption.

We have come full circle to my initial argument about the innate “fairness” chip within the majority of the population, and the need to set standards. We must sanction those who break those standards, and ensure that we do not simply look to narrowly define corruption in terms of carefully worded criminal statutes, but that we deal with unethical behaviour that can create huge public disquiet.

Role models for corruption and unethical behaviour must not be seen to profit from that behaviour or we encourage reciprocal and increasingly serious negative behaviour from the public generally. The same is true of serious organised crime.

We need mechanisms that will allow for standards in public life to be not only set, as by Lord Nolan, but also regulated and monitored. All must be seen to be subject to those standards, and sanctions for breach must be harsh and punitive.

If we can find the mechanism to do that, we will have succeeded in bringing those who are concerned with combatting serious organised crime and those who are concerned with corruption together, and we will have provided to the public of the UK a mechanism by which they can do something and see the results against those whom they perceive to be acting in a way that is unethical and unfair. If the public do not see that, we will not receive public support for our actions, and nor will we deserve that support.

..... And now you can throw me out.