

Committee on Standards

Oral evidence: [Work of the Parliamentary Commissioner for Standards](#), HC 508

Tuesday 13 January 2026

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Members present: Alberto Costa (Chair); Gill Furniss; Sir Francis Habgood; Professor Michael Maguire; Mehmuda Mian; Dr Rose Marie Parr; Dr Neil Shastri-Hurst; Victoria Smith; Gareth Snell; Dr David Stirling; Michael Wheeler; Carys Williams.

Questions 21-59

Witnesses

[I](#): James Davies, Registrar of Members' Financial Interests, Daniel Greenberg CB, Parliamentary Commissioner for Standards, and Helen Reid, Senior Investigations and Complaints Manager, Office of the Parliamentary Commissioner for Standards.

Examination of witnesses

Witnesses: James Davies, Daniel Greenberg and Helen Reid.

Q21 **Chair:** I welcome the Commissioner for Standards, the Registrar of Members' Financial Interests and the head of investigations for the Commissioner's office to this public session of the first meeting of the Committee on Standards in 2026. Commissioner, would you like to make a statement?

Daniel Greenberg: There is nothing that I wanted to add to the annual report I made and which the Committee wants to ask me about. I am here with the Registrar and the senior complaints and investigations manager. Since you offer me the opportunity to open, it is helpful to be able to record that I have a small team, they are phenomenally dedicated, and they support me exceptionally well. I know that the whole Committee is grateful for this annual opportunity to express thanks on behalf of Parliament to my entire team.

Q22 **Chair:** That is very helpful. Thank you very much, Commissioner. We were 15 months into the new Parliament, which was elected in 2024, before a case was referred to the Committee for consideration of a breach. What conclusions, if any, do you draw from that on how the new Parliament has been working?

Daniel Greenberg: There is a certain amount of activity under the surface, and the standing orders and procedural protocol provide for quite a lot to happen without anything coming to Committee. Indeed, the Committee is working at its best when no cases come to it. One of the things that the standing orders give me the power to do is advise Members. I, and the Registrar and his team, spend a lot of time giving advice to Members in advance—we cannot give retrospective advice—on what the code means and how the guide should be applied to their particular cases. I seriously welcome that.

On the gap that you are talking about, there is not nothing happening. There was a lot of advice, with new Members—and some returning Members—asking for advice. Like all regulators, I very much prefer to support Members in good practice than to assist the Committee in punishing bad practice. One of the things that I take from that gap is that a lot of good activity has been going on in terms of explanations, advice and all the regulatory activity that I oversee on behalf of the House.

Q23 **Chair:** *The Times* reported your interview with Times Radio on 23 November saying that you had said, there had been “no radical change” in MPs' conduct since Labour came to power. What did you mean by that?

Daniel Greenberg: What I must look at is whether there are atmospheric changes in the kind of cycle that you are talking about: number of cases, requests for advice and breaches. As the Committee knows, in accordance



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with the standing orders I sometimes have the power to give confidential words of advice in relation to matters where there may have been a breach, but that will never come to the Committee, and it will never be published—which is what the Committee has arranged. I was asked whether I thought that before and after the general election there had been an atmospheric change. Based on my feeling of the kind of questions I get, the kind of complaints I get from members of the public and the kind of activity that I am carrying out, I said I did not think there had been.

- Q24 **Michael Wheeler:** You have stated that your office received 2,955 written allegations and inquiries in the year 2024-25, but that resulted in 15 code of conduct inquiries. What can the House, and you and your office, do to address the public misperception of what your office is for?

Daniel Greenberg: First, a lot of the inquiries or complaints that I get, obviously, do not result in investigation. That does not necessarily mean that they are misdirected.

The procedural protocol sets three tests for me before I open a public investigation. The first is whether there is sufficient evidence of a breach, the second is whether an investigation would be justified, and the third is whether an investigation would be proportionate. I think it is fair to say that I receive a lot of complaints that are within the scope of my role but are not sufficiently evidenced. Sometimes that is because people have not done the necessary work to acquire the evidence or because they cannot acquire it. I would not want to give the impression that all those complaints, apart from 15, were misconceived, because that is not the case.

Also, in my annual reports, I have always made clear to the public that, sometimes, they bring matters to my attention that I am not going to open an investigation into, under the protocol, but that writing to me about a standards matter is a helpful way for the public to enable me to alert Members and to tell the House what the public care about. Responsiveness to MPs and choice of language I think have been in each of my three annual reports as things I do not open investigations about—quite rightly so. However, the public have the opportunity to write to me knowing that I will report it to the House for you to take account of it as you want.

Then, finally, are there some complaints that get to me because people do not understand enough about what my office is? Yes. Could we be doing more? Clearly. What have we done? We have expanded the explanatory material on my webpage so that, hopefully, people who want to know what is within scope will get a clear picture. That is something we will keep an eye on. Can I just check whether Helen wants to add anything on that?

- Q25 **Michael Wheeler:** In that case, do you have a rough idea of what proportion of those—more than the 15 that led to an investigation—fall into each of those categories? Just so that we can consider and assess whether, as I asked, if there is more that we, the House, or that you



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need to do. If we are talking about a small number with that misperception, it is not necessarily an area that needs a lot of work. Rough proportions if possible.

Daniel Greenberg: As you can understand, I am reluctant to pluck a figure out of the air because I think that might not be helpful. In the spirit of your question, I think that it is a relatively small number of complaints that are wholly misconceived in the sense of just being sent to entirely the wrong person. I would also say that one of the functions that we take seriously is, if somebody does come to the wrong person, to give them some help and find out where they should go. On my webpage, we now have a list of alternative providers of advice that people might want to look at if I cannot help them. There might be somewhere else for them to go. We are doing our best to redirect, but I think that is a relatively small issue.

Q26 **Sir Francis Habgood:** I am going to ask a couple of questions about your chart on page 26, which is about where those 2,955 cases go if they are not part of the investigations. To pick up on what you were saying, in a third of those cases—the largest category—communication should have gone to another body. I know we have talked about this before, but it is about what can be done to encourage people not to come to you with complaints or communications that you are not going to investigate. That is the first point. Do you want to answer that and then I will come to the second one?

Daniel Greenberg: Again, sometimes the fact that it is for another body to deal with does not mean that I am not quite pleased to hear about it. That is why I say that there is a subset within the 1,223 bubble on page 26. I do not know whether the Committee is planning to ask questions later about the new ethics commission, but from the previous Committee's landscape report, I know one thing that has always concerned you is the complexity of the standards landscape. I am hopeful that having an overarching ethics commission might be a source of doing some work on pulling those things together.

I do not write off all those 1,223 cases as useless. Indeed, sometimes I write back to members of the public specifically to thank them for raising issues that I think the House wants to hear about. Where we do want to make sure that people know whether they should be accessing the police or other sources of advice, that is always a work in progress.

Q27 **Sir Francis Habgood:** The other area I want to touch on is the 105 cases where there is not sufficient evidence, which you touched on in the last response. I get that, but are there occasions where you look at what has come in and think that they have not given enough evidence but you are concerned, and that perhaps they do not have the opportunity to find the evidence but you need to do something? Are there circumstances like that, and if so, how do you deal with those ones?

Daniel Greenberg: Yes, there are, and I sometimes find those quite concerning. The only specific action that I am empowered under the House's procedures to take in a situation like that is that, under the



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standing order, there are two parallel kinds of confidential words of advice. One is where I think there has been a breach or there may have been a breach, and the other is where I don't think there has been a breach but I have a concern that should be shared with the Member. With a case that has not been evidenced sufficiently to engage paragraphs 23 and 24 of the protocol to start an investigation, I am able to communicate with the Member under the standing order if I think that is appropriate, and I would sometimes do that. That is the only specific action that I can take.

There is another, less formal line. When I have a serious complaint but I do not think there is sufficient evidence, I will sometimes ask, "Is this a matter that Members generally need to have more information on and think about?" I do, of course, have the ability to issue an advice note where I have not started an investigation, and I can just say to Members collectively, "You might like to think about this particular issue." It is not perfect, but those are the two things that I can do when that arises.

Q28 Sir Francis Habgood: Do you think there is a gap there?

Daniel Greenberg: No, I don't think there is a procedural gap, because, as you alluded to at the beginning, any regulator faces situations where somebody knows they are on to something but they cannot get evidence. That is just the way the world is.

Q29 Professor Maguire: You mentioned the previous Committee's landscape report. Something that we put forward to address the complexity of the different regulatory bodies that look at MPs was a front-end portal to help guide people to the right organisation. You mentioned the ethics committee and some things that it might be doing. Is that an aspiration or are you aware that there is work ongoing to do that?

Daniel Greenberg: I am not aware of a specific workstream that they are about to deliver, but that is certainly one of the things that is being discussed. The public co-ordination of the ethics system, I understand, is one of the reasons that the commission was established in its present form. I attend meetings with the commission and that is certainly one of the things we discuss.

Q30 Professor Maguire: It is more than just a hope?

Daniel Greenberg: Yes.

Chair: If we can turn to the issue of words of advice, our colleague Gill has some questions.

Q31 Gill Furniss: Thank you for coming and I wish you all a happy new year. We had a very late night, so I had plenty of time to read your report, and enjoyed seeing what you are doing for the House. Your report does not say, however, how many times you have held informal discussions with Members or gave formal words of advice about reported attitudes, behaviour or conduct. Without going into individual operational detail, broadly how many times did you use those powers in the past year or so?



Daniel Greenberg: I share your view that this is a useful tool in the range of possible actions available to me. The Committee as a whole, in establishing the present system, is of the view that it ensures a proportionate and effective response in the individual circumstances of each matter. I know proportionality has always been a significant issue for the Committee, and that is one that I share.

I do not keep or publish a list, as you know: it is not in the annual report. It is quite important to reflect that, as this is deliberately under the standing orders a confidential process, I do not give information that might lead to identification of individual cases. What I have tried to do, however, for the Committee in my monthly updates over the past year or so, is include a report on the issuance of words of advice.

What I have tried to do there is give you a general description of the range of matters that have been subject to words of advice, so that in your oversight capacity of my work you are able to get a feel for how that power is being used. Without being able to give you an exact number, you can get a flavour, from the number of different topics that I raise in the monthly reports, of the sort of numbers that we are dealing with.

Q32 **Gill Furniss:** Do you think it would be useful for us to see those numbers in your annual report?

Daniel Greenberg: If the Committee would like more information about words of advice, that is certainly something I will take away and think seriously about. Perhaps that is something we could explore together between now and the time of the next annual report.

Q33 **Gill Furniss:** In broad, general terms, which particular attitudes, behaviour or conduct matters required such intervention?

Daniel Greenberg: Again, the most helpful response is that they are generally, with few exceptions, behaviours that are in chapters 1 to 4 of the guide to the conduct of Members. As I said, there will be cases where there was no evidence or for some reason it was not proportionate or justified to have an investigation. They are going to be almost exclusively squarely within those four chapters. To give an example that I have recorded in reports to the Committee, and which it may be helpful to say in public, there will be issues about registration or declaration that clearly fall within the ambit of the power.

Q34 **Gill Furniss:** Would you say that there were many of these attitudes? Going back to the numbers again, it would be really helpful for us to know how many of our colleagues are finding difficulties. Can you give us more numbers, so we get some idea of how many people are reaching out? That includes whether it is a small number or a big number, and whether we should take action to make sure that they do not need to go to you.

Daniel Greenberg: That is definitely something I will think about. I will perhaps talk to the Committee between now and the next reporting occasion about whether I can be more helpful on that.

Gill Furniss: That is helpful, thank you.

Chair: We will now move on to the issue of trust in politics.

Q35 Dr Shastri-Hurst: Good morning, commissioner. In the foreword on page 4 of your report, you set out that you have raised concerns about what you see as “a dangerously low level of trust between the public at large and the political class in general”. On page 37, paragraph 66, you then go on to identify that “engagement with the public, and aiming to address public disaffection with and disengagement from the political system” are priorities within your tenure.

One of the issues that you spoke about at Keele University was behaviour at PMQs, for example. Of course, that falls under the procedural protocol, under the ambit of the Speaker as opposed to your authority. What factors do you take into account when balancing your role as an impartial investigator of complaints made against Members with your public statements about parliamentarians’ conduct in matters that go beyond the code of conduct, specifically issues around behaviour in the Chamber?

Daniel Greenberg: My starting point always has to be the standing order that sets me up and sets out what my role is and what my powers are. One of the issues that the standing order requires me to advise on—including individual Members, the House and the Committee—is questions of propriety. That is a very broad phrase.

In my view, one of the purposes of having an independent officer appointed by the House as I am is that I am able to take a slightly objective look at a general range of Members’ behaviours and attitudes—going back to the question before. One of my roles is to investigate specific breaches of specific provisions of the code of conduct, but I also think I have a wider responsibility to the House to help it to look at its own behaviour through the prism of the expectations of the public, on the standards, ethics and propriety of public servants.

The particular reference to Prime Minister’s questions arose because I was asked to give induction talks to new Members of Parliament after the general election. I asked myself: what can I say to them about the propriety of behaviour of Members generally that will help them to enhance trust between the body politic and members of the public? Based on the numbers of issues that I received from members of the public—many of which do not fall within my investigatory role—one of the things I know the public care about is how you treat each other. That is something that is constantly reported to me. I think that it is helpful for me to say to the House, “Think about how you look on these occasions.”

If somebody made a complaint to me about something that was said in the Chamber, the procedural protocol is very clear that that is not a matter for me; it is a matter for the Speaker. Mr Speaker and I discuss general matters of propriety and standards regularly, and we share a common aim to enhance the reputation of the House and enhance trust between the public and the body politic. That is really what is in my mind:

does it fall within my wider responsibilities and is it something that is likely to be helpful to the House?

- Q36 Gareth Snell:** I entirely understand the point about trying to ensure we are cognisant of issues of propriety; I am just conscious that you started a number of your answers by saying that you are governed by the rules of the standing orders. The standing orders on these matters are very clear: they are about recommendations to this Committee, its Sub-Committees or individual Members.

I am conscious, and wondering, whether there is any rationale for how you square the responsibility under the standing orders to make recommendations to this Committee with the very absolute points you make about how we are perceived in public—whether in public lectures or on Times Radio—when seemingly no matters have been brought directly to us as a Committee first?

Daniel Greenberg: I definitely have a responsibility to advise the Committee. I also have a responsibility to advise Members, other persons or bodies subject to registration. Under Standing Order No. 150(2)(c), I advise the Committee and individual Members. So yes, I definitely have a role to advise the Committee, and I am always happy to supply any advice the Committee requires.

I remind the Committee that I report to the House. Under Standing Order No. 150(6), my annual report is made not to the Committee—although I am delighted that I have the annual opportunity to discuss it with the Committee on Standards—but to the House. I am appointed by the House and ultimately, I answer to the House.

I enormously and absolutely appreciate the importance of the relationship with the Committee, as set out in standing orders, and I am enormously grateful to it for that relationship. I also have a wider responsibility.

- Q37 Gareth Snell:** Can I tease that out a little further? To take one example, in your Times Radio interview you gave some pretty forthright opinions on what the hospitality rules should be and what you would be saying if you were a Member of Parliament. That is obviously a subject that this Committee has been corresponding with you on, and your comments on Times Radio were a clear set of opinions that you have exposed.

I am conscious of where your responsibilities, which, as you rightly point out, include reporting to the House, extend to offering via national media such forthright opinions, which you know are at odds with the views of some members of this Committee. Where do the standing orders underpin that particular level of activity in your role as commissioner and as an officer of the House of Commons?

Daniel Greenberg: I appreciate the force of the question. I remind the Committee that I absolutely did not, and would not, express a view on what the rules about gifts and hospitality should be; indeed, I said very clearly that that is entirely a matter for the House and a matter to come before the Committee. The only opinion I gave was that Members should be benchmarking constantly their own views about what the rules should



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be against the need to enhance trust, which I do not think is a controversial statement to make.

I was very clear, and I am extremely grateful to you for the opportunity to repeat it today—I was very clear in what I said to Times Radio. I am always clear in what I say in public: that the policy of this House is that it is a self-regulating House and must be a self-regulating House, for strong constitutional reasons that we all understand. I will never tell the House or the Committee what policy it ought to have. I will advise the Committee if I am asked to advise on the development of policy, but it is always for Members to set their own rules. I apply those rules impartially in accordance with the procedure set out by the House in the procedural protocol.

Chair: Let us move on to the next item, which is on advice notes.

Q38 Gareth Snell: It is a similar sort of thing, commissioner. Looking at Standing Order No. 150(2), paragraphs (b), (c) and (d), advice notes are a tool of your creation to assist Members to better understand the code of conduct. Again, I am just conscious that you construct and publish these documents to the House. I am curious about which section of Standing Order No. 150 you are relying on to have the authority to produce those particular advice notes. I appreciate that they are not part of the code of conduct, but they give a clear indication of your interpretation of the code of conduct. What is the authority that you derive from Standing Order No. 150 to do that?

Daniel Greenberg: Standing Order No. 150(2)(c) requires me to advise individual Members “on the interpretation of any code of conduct to which the House has agreed”. What tends to happen is this: my team and I, and the Registrar and his team, get a lot of questions from Members—I said before that I really welcome that, and the fact that the advice practice has expanded—about the application of specific provisions of the code or guide. I took the view that, where I am getting what you might call “frequently asked questions”, or where I am getting the same question on the same provision quite a lot, rather than responding piecemeal to an individual inquiry, it would be helpful to issue in a consistent form advice to all Members. That was the genesis of the advice notes.

Indeed, the first advice note arose from a direct request from the previous Standards Committee in its first report of the 2022-23 Session, when I was asked to advise on wording for a template clause and undertaking to satisfy the new rules on written contracts for outside formal paid employment. That was the first advice note that I issued, and I have recently revised that advice note to take account of recent developments.

On the point you made, it is particularly important to stress that advice notes do not—they say expressly that they do not—vary the rules or create new obligations. They are there to support Members’ compliance with the code and guide, and they are in response to questions that I have received. They are circulated to Members when they are issued, and they are also re-circulated when they are updated.



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The Registrar may wish to say something about this, because he and his team deploy advice notes in response to requests for advice quite frequently, but the feedback from Members is that they appreciate the contextual and practical aspects of advice notes.

James Davies: Overall, that is correct. When you get a number of requests for advice to my office that hit the same subject, having an advice note is rather helpful, to give Members something that has the authority of the commissioner, and that also enforces the consistency of the advice that we provide.

Q39 **Gareth Snell:** In terms of the threshold at which you operate to determine that an advice note is necessary, how many consistent or similar requests would you have in front of you before you think, "Actually, this is something that probably requires an advice note, as opposed to individual and confidential advice to individual Members"?

Daniel Greenberg: It varies. There have been cases where there might have been a dozen or so, or quite a few, and there have been other cases where I have thought to myself, "Hold on, even if a couple of people are unclear about this, it might be helpful to think about issuing advice."

I should have said one other thing in my response to you—I do not know whether you are going to come on to discuss the code of conduct review at some point, Chair, but perhaps I can just interpolate this thought briefly.

Chair: Please do, yes.

Daniel Greenberg: That is very kind. Because we do not want to overcomplicate the system, I very much do not want advice notes to become an additional pile of documents that everybody has to check.

One of the things I am doing in preparing my submissions for your code of conduct review, which you will start in due course, is looking at all my advice notes. I am marking each one either as a recommendation for absorption within the code or guide, where I think there is a little bit missing that is quite helpful to tell Members, or, where I think the note is ephemeral, I am identifying it and saying it does not need to be perpetuated. The aim is that these are effectively "frequently asked questions" responses, and that where we can absorb them within the general system, we should do that.

The other thing I should add is that, in addition to advice notes, on my webpage there are now a small number of explanatory notes. Those are there, again, in the interests of transparency and accountability for the public as a whole, but also for Members to be able to see how I operate. They are not advice to Members, but they are explanations of how I operate.

One example is the relatively new explanatory note on the advice practice, so that people know exactly what advice we are giving under Standing Orders, what the provisions of the protocol are, how it works, when they



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can ask the registrar for safe harbour advice and when they cannot. We are trying to give as much information as possible not just about our advice, but also about how our advice is prepared.

- Q40 **Professor Maguire:** I am interested in your thoughts, Daniel, on what weight you think the Committee should give when considering a case from Members who not have read or followed your advice notes.

Daniel Greenberg: It would be entirely a matter for you in each case. The only helpful thing for me to say here is to reiterate that advice notes should not become an additional burden on Members; they are there to help Members. I certainly would deprecate any presumption that a Member is at fault for not having seen one. We are circulating them, so we try to give Members the greatest opportunity possible to see them, but I would deprecate any suggestion that, "There was an advice note, you did not see it and therefore it must be a breach", or something like that.

Advice notes are, ultimately, as Gareth Snell very helpfully mentioned at the beginning of his first question on this, only advice. They are not glossing the code; they do not add to the code. It is open to a Member, as it is open to the Committee, to say to me that you have read my advice and you do not agree with it. You could have a case where a Member would come to you and say, "I did read the commissioner's advice note. I have deliberately and knowingly acted against it and I ask you, the Committee, to affirm that I, the Member, am right and not the commissioner." That is absolutely fine. It is genuinely nuanced, but that would be the process.

- Q41 **Carys Williams:** Thank you for your report. I always find it insightful and interesting. There was a line in there that particularly resonated for me, which is "the opposite of trust is not suspicion but disengagement." In some ways, your report gives me confidence that the public are still engaged and do raise concerns with you. I know that you harness those concerns in terms of deciding on which advice notes to write.

I think you started to answer this question, but is there a set criteria to decide, "This is an appropriate topic for an advice note, and this is not"?

Daniel Greenberg: I am afraid that I do not think I can do much better than repeat, but perhaps slightly more coherently, what I was trying to say before, which is this. I genuinely am triggered by, "Is this going to be helpful to Members? Are Members struggling with a particular aspect that I could just put to rest by issuing a note and telling them, 'This is the position'?" I do not know if you want an example.

- Q42 **Carys Williams:** Is that set criteria helpful or not?

Daniel Greenberg: Genuinely, that is the criterion. If you want me to give you an example, there was an advice note I issued fairly early on in my tenure about the treatment for the purposes of registration of charitable donations. That was because I felt there was an absolutely genuine doubt in the minds of certain Members as to what the rules required. As the Registrar said, it is really important to give consistent advice on that to Members, so I thought, "You know what? I can put this



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out in a short form, circulate it to everybody, and then, as well as Members knowing where they are, in the interests of trust based on transparency and accountability, the public can also see that.”

The question for you as a Committee will be on what side of the line does that fall between ephemeral and permanently useful—whether to embody it in the code. I think I will probably be giving you advice on that in the course of my submissions, and you will ask yourselves whether maybe we should put that in the guide next time, and then no one will have that question. But yes, absolutely—it is how is this going to help people.

Q43 Victoria Smith: You mentioned in your report that you consulted a significant number of named individuals and bodies when you were drawing up your advice notes. Are you able or willing to share who you consulted and why you chose those in particular?

Daniel Greenberg: Could you help me by reminding me where that is?

Chair: It is page 45.

Daniel Greenberg: Thank you—I am with you. The first example is the Judicial Office. When I was producing my second advice note—the first was responding to the Committee’s request for a template, and I think the second one was on separation of powers and MPs writing to judges—I consulted the then Lord Chief Justice and now for the revisions it is the Lady Chief Justice, and the Judicial Office.

The Committee had issued a report relating to the action of certain Members. Very much picking up on the question before, I was asking myself, following that report, will every Member reading it know what they can and cannot do? I was concerned that they might not all understand the principles that arose out of the report in that case.

Because the essence of that was the separation of powers between Parliament and the judiciary, it seemed very important to me that the judiciary and Parliament were speaking with the same voice on that issue. Therefore, I consulted the Lord Chief and he was kind enough to share some public material that he had produced for the judiciary so that I could embody that in the text of the advice. That is one example.

Forgive me; I don’t think I can immediately reel off exactly why each of the other people I have mentioned here was relevant to a particular advice note. Obviously, the Clerk of the Journals is likely to be somebody I consult whenever, for example, there is any issue of Crowned Portcullis facilities. That is something that the Clerk of the Journals has responsibility for.

On teams from across the House Service, again, perhaps I can give you an example. I did issue an advice note about the rules relating to hospitality and tours and I certainly consulted with the relevant team there—partly, again as the Registrar said, to ensure that we were all giving consistent advice. Will that do?



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Victoria Smith: That is very helpful. Thank you.

- Q44 **Professor Maguire:** Building on what Vicky was saying, you say that you have consulted with other stakeholders other than the named individuals. Who was that and what was the benefit of that?

Daniel Greenberg: I may have to write to the Committee. I am struggling to remember specific stakeholders, unless either of my colleagues can happen to remember a particular one. No. I am struggling to recall. I will have to write to the Committee.

- Q45 **Professor Maguire:** Given the broad range of stakeholders that you consulted with, is there any particular reason why you did not consult with this Committee on the advice notes?

Daniel Greenberg: Yes. This is something that we can certainly discuss and compare notes on. I took the decision early on that these are very much intended to be consistent records of advice that I give in accordance with my standing order functions. One of the things that the Committee and the House have been very consistent on is the importance of being seen to maintain my operational independence. The Committee, on a number of occasions, has affirmed that importance. Although you are a self-regulating House, as I have said, it is very important that members of the public do not feel that Members of Parliament are simply marking each other's homework. My operational independence that the Committee gives me is, I think, very valuable in enhancing trust with the public because they can see that you send me off and you say, "Do what you want and, so far as is possible, maintain that independence."

As I explained in my first response to Gareth Snell, given that these advice notes are embodiments of individual advice that I would give to Members, in the same way that it would be improper under your arrangements for my independence to come to you and say, "I'm about to advise Member x of y"—you would not want me to do that—I took the view that it would be equally inappropriate to have them approved by you in that form. However, I take the point that consultation is not the same as approval and the thought that you have raised is one that I want to think about some more. For me, and I believe for the Committee, preserving that feeling of independence is very important. Whether that is consistent with some sort of consultation, perhaps on some occasions and not others, is something I would like to think about more.

- Q46 **Professor Maguire:** I absolutely get the issue of operational independence, and what goes into an advice note is your decision, at the end of the day. I absolutely understand that, but at the same time, that does not detract from the broader issue of consultation. Getting feedback on advice notes, or getting feedback from this Committee on how they are being implemented, is entirely relevant and does not in any way impact on your operational independence. There is an issue there that I think we might want to consider at a future point.

Daniel Greenberg: Yes, particularly with regard to how they have worked. I completely agree with that. I have no difficulty with that at all.



- Q47 Gareth Snell:** I entirely understand and appreciate the importance of the operational independence of the role of the Commissioner, and having the flexibility and leeway to investigate fairly and freely. I am just conscious that it is a perverse situation that you, Commissioner, are the regulator of some members of this Committee, and in turn, this Committee is the oversight body of you as the regulator. There is a symbiotic relationship, and I am conscious that the balance for that is drawn in a way that reflects your absolute right to investigate and regulate Members of Parliament, while the way in which you do that and the programmes and processes that you put in place are also held accountable to this Committee, as per the standing orders that established the Committee.

It is interesting that you said that you would not bring an individual advice note to this Committee for prior sign-off before you gave it to an individual Member. Do you then hold that the confidential advice you are able to give to individual Members under Standing Order No. 150(2)(b) is the same as the advice notes that you issue in general to 650 Members, not as individuals, but individually? Because I think there is a difference between the House as a whole, individual Members, and you issuing an advice note to all Members as if they were individuals.

Daniel Greenberg: We have to distinguish here between advice under Standing Order No. 150(2)(b) and (c) and the power under Standing Order No. 150(5). Confidential words of advice are not what we are talking about here. Confidential words of advice, as I explained earlier in this session, are where a complaint has been made to me or I have considered making an own motion investigation and I have concluded, for a number of reasons—I will not go over what we said before—not to open an investigation, but that I think it is helpful for the Member if I indicate concern or give words of advice. That is what that paragraph is about.

Advice under paragraph (2), which includes the safe harbour advice which the guide to the rules enables the Registrar, in most cases, to make, and the Clerk of the Journals in respect of the rules relating to the use of House-provided stationery—those are included under that category. That is advice where we are being asked either for an interpretation or to assist the Member in making one of the decisions that they have to make about the application of the rule. Those are two separate kinds of thing.

- Q48 Gareth Snell:** I understand that, but in answer to my earlier question you said that the authority under which you issue advice notes is Standing Order No. 150 (2) (c), which gives you the right to advise the Committee, the Sub-Committee or individual Members, and that you publish them to all Members—all 650 of us—as individuals. You also said, in answer to Michael's question, that you would not want to get into a situation where individual advice is sort of pre-authorised by this Committee. What I am trying to understand is, do you see an equivalence between the individual advice that you might give me as a Member if I was to come to you and ask you a question and you sent me a private advice note, versus the broad advice notes that you send to 650 Members as individuals, as opposed to making a report to this Committee or the House?



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Daniel Greenberg: This goes back to the question you asked before. If I get the same question—or a similar question—from a number of Members, I may start to think, rather than waiting for every Member to spot that there is an issue and come and ask me and get a private response, let's put one out to everybody. So yes, in that sense I see it as taking all the individual Members together and saying, "I'm going to give you all advice."

There is a distinction, of course, between the confidential advice under (b) and advice under (c), which is not always necessarily confidential, and I took the view that if I can save Members from having to keep asking the same question again and again and I can ensure that we are giving consistent advice, then publish it and get it out there.

- Q49 **Sir Francis Habgood:** Following on from what Michael said—I don't know if this will help your reflections—I think there is a distinction between giving a Member advice about the interpretation, which is fine, and absolutely your remit, and what happens when there is a gap in the rules, which is more of a policy issue: that you are going to give some advice and guidance about it to all Members, which is therefore public. For me, those might be the occasions where you would want to say, "Actually, my interpretation—or my filling of the gap—might be something that the Committee would want to have some oversight or view on," so those might be the occasions when you might want to consider involving us in the consultation. Does that help?

Daniel Greenberg: It does. I very much agree with the thrust of that. My only hesitation is the premise. I just want to remind us that advice notes should not be filling substantive gaps in the rules, and I believe they don't. They are not there to gloss the rules. The rules and the code are set by the House. In the code of conduct review, I will be drawing to your attention some gaps that I think you might want to fill. Those are not things that I would try to fill with an advice note.

- Q50 **Sir Francis Habgood:** Maybe I am misremembering. I thought I was quoting what you had said earlier in the discussion.

Daniel Greenberg: If I used the word "gap", I withdraw it, because I certainly did say earlier that advice notes are not there to gloss or to add to.

- Q51 **Michael Wheeler:** Maybe we could step away from the standing orders. That is never a good idea, I appreciate, but it is for the context of the conversation, and moving away from the beginning point. I accept that the advice was not to fill gaps, but to move to the end point, and how they are used. I think that you have indicated that, and a willingness to consider it. It is the practical applications, and it is the end point of the reality of how it is used, and the difference between providing advice to an individual Member on a confidential basis, and that which is considered acted on or not. As you have said, it is just advice, and something that is written down, published and publicly accessible. Whether we want it to be seen as part of the code of conduct or rules, which it is not, the reality is that it



becomes, effectively, a reference library, given more credence and is publicly acceptable.

I think that it is about whether you see and accept the difference in that—how it has ended up practically being used and seen—and teasing out that difference, and then coming back to the conversation as to whether, then, there is therefore a difference in how you interact with the Committee. It is the difference between individual, very private and confidential things, and things that are written down, published and therefore publicly accessible, and how the approach to drawing up and arriving at those two things might be different. That is because we obviously accept that we would not want to be signing off your conversations with individual Members and that advice.

Daniel Greenberg: I agree with the suggestion that this is particularly about how advice notes are used and how they are perceived. If the Committee wants to look at and discuss that, I will certainly be very happy to do it. Indeed, I would say a bit more than that: I would say that the advice notes about which I think Gareth Snell may have used the word “invented”—there certainly was an initiative, and it was certainly something that I initiated—at present, the protocol is silent about them, and the code and guide are silent about them.

If the Committee feels, in the course of its code review, that whether it be about the standing orders and the nature of advice, or whether this is a new kind of animal in the forest, which deserves to be recognised and given a little bit more formality as to how it is produced and treated, that is something that the Committee might want to do then, obviously, I will stand ready to assist the Committee in that as you look at it.

Chair: I move on now to the topic of naming Members under investigation.

Q52 **Dr Parr:** Thank you, and good morning. As they say in Scotland, a guid new year to ane an a. I always read your report with interest. I think that there is so much in it. It would be really good to sit down for even longer to go through it. I am going to ask, very specifically, about one issue. As the Chair has said, it is about naming members under investigation.

You said, at page 14 of your report, that it is a “balancing act” between openness and reputational impact. I absolutely understand that; it is quite a difficult balance. You have also said—and I think that it is helpful—that we have moved quite a few times on this area, and that you are going to look at it again in the five-year review of the code of conduct.

I think that that is really helpful, but to help us to think about it, what representations have you received about not publishing names of Members while the investigation is under way but before a finding has been made? Have you had a lot of people coming to you, saying, for example: “This is not fair. This is a reputational risk.”?

Daniel Greenberg: I could not promise that I have not received anything, but I do not think that I have had a significant body of representations—



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but I would not attach any significance to that because I have never put out a call for evidence. This is something for when the Committee starts its code review.

My purely anecdotal experience is that this is something that concerns Members. There are a couple of occasions, as you know, such as a power in the protocol, I think in paragraph 123, where I am allowed in certain circumstances to permit a Member to publish a rebuttal of a factually inaccurate report. I think I am right in saying that I have used that power at least once in my time, and yes, that in itself—if you are asking for evidence of disquiet—for me to have to allow a Member to publish one statement rebutting a factually inaccurate press report of an investigation, is already too many, even if it is just one.

Members of Parliament, your reputation is so precious to you—it is the stock in trade of a Member of Parliament—that we cannot think too carefully about how we effect this balance between important transparency and not allowing Members to be traduced unfairly, which is what that amounts to. No, I have not had a large body of representations, but I do not think that one should draw any conclusions from that. I will be including some thoughts on this for the Committee in my submission, so it is something that I hope we will look at. You are right that we have moved backwards and forwards over time, but I am afraid that I think it is something we should look at again.

Q53 Dr Parr: As a follow-up, in your opinion as commissioner, does the publication of the Members under investigation, but not found, help or hinder trust in Parliament and politics generally?

Daniel Greenberg: Are you talking about where I do not uphold an investigation?

Dr Parr: Yes.

Daniel Greenberg: I hope that that improves trust. To be clear, we are talking about a situation in which there was evidence, I thought it justified and proportionate, so I open investigation, but then I receive other evidence to show that in fact it was not a breach, and I close down the investigation on a “not upheld” basis. I hope that that improves trust. I mean, you have to ask, but I hope that that shows we are not afraid, or that I am not afraid, to admit that what I thought was sufficient evidence to open an investigation—I thought it might go in one direction—was not, because the full evidence has shown me that there was not a breach. I hope that that shows that I am not afraid to make a decision based on the evidence.

Q54 Dr Stirling: I join you in your comments of commendation for your team, their work and the general business of the office. I note that your staff costs have remained pretty much constant over the past three years, which in the scope of everywhere else I am involved in seems quite remarkable, so congratulations on that.

We are talking about anonymity or otherwise—the naming of MPs during



investigation. Anyone subject to an investigation by the Independent Complaints and Grievance Scheme is given the opportunity of anonymity during the investigation, so we have a difference there. Do you think that is fair?

Daniel Greenberg: When you come to consider this in the course of the code review, I think that in ICGS cases—for public clarity, we are talking about bullying and harassment, or sexual misconduct cases—there are factors that might lead you to believe that confidentiality is more required there than it is in all code cases. When I say that you “might” think there are factors that way, I mean “might”. You might decide to move more towards incorporating the two systems. That will be a decision for you. To try to be helpful, I think we should certainly be able to feed in some interesting evidence from the experience of confidentiality in relation to the ICGS that may help you in your deliberations when you look at the confidentiality of code cases.

Q55 **Dr Stirling:** I cannot help but wonder whether there might be cases, in the course of your investigations, where you think it might be more appropriate for a name to be withheld from the public, in a similar manner to the appropriateness, perhaps, of the ICGS anonymity?

Daniel Greenberg: Yes. Certainly one of the many options available to you, which I will draw to your attention when I make my submission on the code review, would involve giving the commissioner a discretion in either direction. You could start with a presumption either way, and give the commissioner a discretion. I can immediately see difficulties with that, as can you, but I can also immediately see some attractions. That is definitely one of the options to look at.

Chair: Again, I am mindful of time, and we that are coming to a close. On the ministerial code and alignment in publication, Carys.

Q56 **Carys Williams:** I am very interested in the progress on aligning the publication of ministerial interests and that of the financial interests of Members. I would appreciate an update, but also, is there anything the Committee can do to support you? I think we have a shared aspiration.

Daniel Greenberg: Thank you. There has been no progress since I last reported that there had been no progress. I am as concerned by that as you are. The one thing I would say is, as I have mentioned before, that we have the creation of the Ethics and Integrity Commission and the opportunities that it provides for overarching thought on such matters. That is certainly a specific example of one of the matters that I will be looking to discuss with the Ethics and Integrity Commission, with a particular view of your predecessor Committee’s standards landscape report of May 2024, paragraph 136, where you drew attention to the inconsistency between the amount of detail required to be supplied in ministerial data and that in equivalent categories that have to be declared in the Commons register as well as the inconsistencies in timeliness of the publication of departmental transparency returns compared with the register. Both are issues that the Committee on Standards in Public Life, which was the forerunner of the commission, acknowledged. The only

thing I can report in response to your question is an intention to raise it in that context with the commission.

Q57 Carys Williams: Is there anything we can do to support you?

Daniel Greenberg: Yes. It is really helpful that you raise this every time you do. I am not saying that in any sense other than genuinely—I mean, genuinely, when you are kind enough to raise this in public, it enables me to go to my opposite numbers in the Cabinet Office, and the Registrar to speak to his opposite numbers, to say that this is a matter of concern to the House. I also think it is very important that the landscape report was about trust, and how complicating factors and unexplained differences in reporting cycles do damage. They damage trust. Please do not let me off the hook, so to speak. I am doing what I can. I have not achieved anything so far.

Carys Williams: Thank you. I will ask the same question again next year.

Daniel Greenberg: I hope not. I hope by then it will have gone away, but I fear not. We will see where we are.

Chair: We have a follow-up from Michael.

Q58 Professor Maguire: Daniel, why do you think progress has not been made? Who do you think it would be helpful to bring before this Committee to move the process forward?

Daniel Greenberg: You could helpfully ask that question of a number of people who occasionally come before the Committee. Ultimately, it is a governmental question. Ministers do appear before you from time to time, and obviously you are able to ask them. I am not going to speculate on why they might not have been able to deliver. There may be genuine practical difficulties, and it would be wrong for me to say that there are not. Honestly, that is not something that I can help you on.

Q59 Chair: Do any Members have any other questions for the commissioner and his team in respect of their annual report? No. Commissioner, do you or any member of your team want to say any further comments in respect of your annual report during this public session?

Daniel Greenberg: No. Thank you, as always, for giving me the opportunity to come to speak to you.

Chair: Thank you very much.