



House of Commons
Committee on Standards

Margaret Ferrier

Ninth Report of Session 2022–23

*Report, together with formal minutes relating
to the report*

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Committee on Standards

The Committee on Standards is appointed by the House of Commons to oversee the work of the Parliamentary Commissioner for Standards, except in relation to the conduct of individual cases under the Independent Complaints and Grievance Scheme; to examine the arrangements proposed by the Commissioner for the compilation, maintenance and accessibility of the Register of Members' Financial Interests and any other registers of interest established by the House; to review from time to time the form and content of those registers; to consider any specific complaints made in relation to the registering or declaring of interests referred to it by the Commissioner; to consider any matter relating to the conduct of Members, including specific complaints in relation to alleged breaches in the Code of Conduct which have been drawn to the Committee's attention by the Commissioner; and to recommend any modifications to the Code of Conduct as may from time to time appear to be necessary.

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Publications

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1 Report

1. This report arises from an investigation by the Parliamentary Commissioner for Standards following a self-referral from Margaret Ferrier MP. The Commissioner investigated whether Ms Ferrier had breached paragraphs 11 and 17 of the 2019 Code of Conduct for Members¹ by her actions in September 2020, during the COVID-19 pandemic, following developing symptoms of COVID-19, and subsequently receiving a positive test result for COVID-19, for which Ms Ferrier later received a conviction by the Glasgow Sheriff Court for “culpable and reckless conduct”.

2. The Commissioner has supplied us with a memorandum relating to these matters, which we publish as an appendix to this report.² Ms Ferrier indicated to us that she did not wish to submit further written evidence or request to give oral evidence. Written evidence relating to the Commissioner’s inquiry is published on our webpages.

3. Full details of the Commissioner’s inquiry and his opinion are set out in his memorandum. We summarise the Commissioner’s advice briefly before setting out our decision.

4. Two lay members of the Committee were not able to attend the meeting at which an initial discussion of this case took place. Since the Committee did not take evidence on that occasion, and in order that a balance of lay and elected members is maintained, we considered that it was fair for those two members to continue to participate in this case.

Background

5. In September 2020, during the COVID-19 pandemic, there was guidance in place in England and Scotland that those with COVID-19 symptoms, or who had tested positive for COVID-19, should self-isolate for a period of 10 days.³ The parliamentary guidance in place on 28 September 2020 was that “anyone who was experiencing COVID symptoms should not be on the estate and they should not travel to the estate if they have symptoms, if they were awaiting results of a COVID-19 test, again they should not travel until they receive the results of that test”.⁴

6. On Saturday 26 September 2020, Ms Ferrier, having developed symptoms of COVID-19, took a COVID-19 test. The following day she attended church and had lunch with a family member.

7. On Monday 28 September 2020, Ms Ferrier travelled to Glasgow Central Station by taxi and took a train to London. She attended the House, taking part in a debate, and ate in the Members’ Tearoom. She received a text that evening informing her that she had tested positive for COVID-19. Ms Ferrier consequently informed the SNP Chief Whip that she would be returning to Scotland the next morning, giving as the reason that a family member was unwell. She did not disclose her test result to her Chief Whip. Ms Ferrier then travelled by train to Glasgow the following morning.

1 House of Commons, The Code of Conduct together with the Guide to the Rules relating to the conduct of Members (HC (2017–19) 1882)

2 The Commissioner’s memorandum is published as Appendix 1.

3 Appendix 1, para 44

4 Appendix 1, para 47

8. On Wednesday 30 September 2020, Ms Ferrier contacted the SNP Chief Whip to advise him that she had tested positive for COVID-19, but did not state when she had taken the test or when she became aware that she had tested positive. Ms Ferrier also made contact with the parliamentary test and trace team. Ms Ferrier had not answered four calls from the NHS Scotland Test and Protect team during her train journey (telling the Commissioner that she did not think it was a “suitable and secure environment to be answering a series of sensitive, confidential questions”⁵), but answered a call on her arrival at home.

9. On Thursday 1 October 2020, Ms Ferrier received a text message from the SNP Chief Whip asking for a timeline of events, which she provided to the Chief Whip but which she was not willing to provide to the Commissioner during his investigation. Ms Ferrier reported a breach of COVID-19 regulations to Police Scotland, after being asked to do so by a senior member of the SNP leadership team.

10. On the same day, Ms Ferrier wrote to Kathryn Stone, the then Parliamentary Commissioner for Standards, referring herself for investigation under the Code of Conduct for Members. She stated:

I am deeply concerned that my actions may have brought the House into disrepute, as well as letting down the constituents who placed their faith in me to serve as their voice in this House.⁶

11. The Commissioner’s investigation was suspended during the period of the criminal investigation into Ms Ferrier’s conduct. Ms Ferrier was subsequently convicted of “culpable and reckless conduct”, to which she pled guilty. She was sentenced on 13 September 2022 to a Community Payback Order, under which she was required to undertake 270 hours of unpaid work.⁷

The Commissioner’s opinion

Scope of the Code of Conduct

12. Paragraph 2 of the 2019 Code states that:

The Code applies to Members in all aspects of their public life. It does not seek to regulate what Members do in their purely private and personal lives.

13. The Commissioner has given his opinion that Ms Ferrier’s actions on Saturday 26 September 2020 and Sunday 27 September 2020 were “made within the parameters of Ms Ferrier’s private life” and he has not therefore applied paragraph 11 of the Code to Ms Ferrier’s actions during this period.⁸

14. The Commissioner considered that since Ms Ferrier was travelling to London on Monday 28 September 2020 to undertake her duties as a Member, the provisions of paragraph 11 applied from this point.⁹

5 Written evidence bundle, MF MP letter to PCS 03.02.23

6 Appendix 1, para 1

7 Appendix 1, para 4

8 Appendix 1, para 52

9 Appendix 1, para 53

15. The Commissioner has also stated that, although Ms Ferrier’s criminal conviction included her actions on Saturday 26 and Sunday 27 September 2020, which were part of her private life, “unlawful behaviour does not fall within the exclusion from the scope of the Code relating to Members’ ‘purely private and personal lives’”.¹⁰

Relevant provisions of the Code

16. Paragraph 11 of the 2019 Code of Conduct provides that:

Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

17. Paragraph 17 of the 2019 Code of Conduct provides that:

Members shall never undertake any action which would cause significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally.

18. The Commissioner has given his opinion that Ms Ferrier breached paragraph 11 of the Code “by placing her own personal interest of not wishing to self-isolate immediately or in London over the public interest of avoiding possible risk of harm to health and life for people she came into contact with once she had received a positive COVID-19 test result”.¹¹

19. The Commissioner has also given his opinion that Ms Ferrier breached paragraph 17 of the Code “as her actions commencing from when she first took a COVID-19 test to when she finally begins self-isolation have caused significant damage to the reputation and integrity of the House of Commons as a whole, and of its Members generally”.¹²

Ms Ferrier’s position

20. Ms Ferrier accepts that she breached paragraph 17 of the 2019 Code of Conduct. She told the Commissioner in written evidence:

With regard to Paragraph 17, I accept that my conduct and actions would constitute a breach.¹³

Ms Ferrier also told the Commissioner that her self-referral in relation to this provision of the Code was “an open acceptance and acknowledgement of the damage my acts/ omissions may have caused to the reputation and integrity of the House of Commons and/or its members generally and is an indication of my remorse”.¹⁴

10 Appendix 1, para 66

11 Appendix 1, para 71

12 Appendix 1, para 72

13 Appendix 1, para 41

14 Appendix 1, para 41

21. Ms Ferrier maintains, however, that she did not breach paragraph 11 of the 2019 Code. Ms Ferrier told the Commissioner:

Whilst I made an error in judgment, I do not believe that I placed my personal interest above the public interest during the period in question. However, I did make a series of poor decisions that flowed from my original error which compounded the situation. This I accept could be construed as placing personal interest above the public interest and I can only set out what my honestly held beliefs and motivations for my actions were at the time.¹⁵

And:

There was not a moment where I was consciously aware of a conflict between personal and public interest and made a decision to prioritise my own. I had put the COVID-19 test out of my mind and only focused attention on my routines and my work responsibilities. Given my understanding of the meaning and intention of paragraph 11, I do not believe my actions were in breach of this Paragraph.¹⁶

Our decision

Scope of the Code of Conduct

22. Whether unlawful behaviour by a Member falls within the scope of the Code of Conduct will depend on the facts of an individual case. We agree with the Commissioner that, in line with precedent, disregard of or disrespect for the law by a Member cannot be considered to be part of a Member's "purely private and personal life" (which is excluded from the scope of the Code).¹⁷ In our view, Ms Ferrier was therefore subject to the Code of Conduct for Members in her actions between Saturday 26 September 2020 and Sunday 27 September 2020 insofar as they showed disregard of or disrespect for the law. Ms Ferrier was otherwise subject to the Code only from the point that she commenced her journey to London, to undertake her duties as a Member, on Monday 28 September 2020.

23. We agree with the Commissioner that "the fact that Ms Ferrier's behaviour has been sanctioned by a criminal court does not mean that the behaviour does not also require to be addressed as a breach of the Code".¹⁸ The House's standards system and the criminal justice system are separate; and the purposes, relevant rules, and sanctions available for each are different.

Paragraph 11

24. The Commissioner is right to state that, at the time that Ms Ferrier acted, "there was a strong public interest in being protected from possible and reasonably avoidable transmission of the virus and possible detriment to health or life".¹⁹

15 Appendix 1, para 41

16 Appendix 1, para 41

17 Appendix 1, para 66 and Committee on Standards, *Keith Vaz*, First Report of Session 2019–21 (HC 93), para 63

18 Appendix 1, para 68

19 Appendix 1, para 51

25. We also agree with the Commissioner that when Ms Ferrier received a positive test result it was “evident that [Ms Ferrier] did not wish to self-isolate at the hotel and her preference was to self-isolate at home” and that, in his opinion, “this is the point at which there arose a clear conflict between the personal and public interest”.²⁰

26. Ms Ferrier told the Commissioner:

My decision to make the journey home once I had discovered I had tested positive for COVID-19 was made whilst in a state of shock and anxiety, even panic.²¹

And:

I did not at any time believe that I was acting in my own self-interest but believed I was taking the safest step in the unfortunate set of circumstances that I had myself created when I made the decision to travel to London, a poor decision which I now bitterly regret.²²

27. Ms Ferrier also told the Commissioner that, in taking her decision to return home rather than self-isolate in London, she was very worried that she only had medication for two days for an underlying health issue. The Commissioner has stated that “[g]iven the guidance on self-isolation was clear and that any breach of the guidance would inevitably have posed a risk for all those who came into contact with Ms Ferrier, my view is that more effort should have been made to find an alternative”.²³

28. The Commissioner concluded that “[b]y making the journey home from London while positive with COVID-19, Ms Ferrier’s actions placed members of the public, parliamentary staff and colleagues at risk of contracting COVID-19”;²⁴ and in doing so resolved the conflict of interest in favour of her personal interest.

29. Ms Ferrier states that she did not perceive there to be a conflict between her personal interest and the public interest. She should, however, have realised that there was such a conflict. By choosing to return home rather than self-isolate in London, as required by national guidance and the House’s guidance, Ms Ferrier acted selfishly in her personal interest and in defiance of the public interest. In doing so, Ms Ferrier breached paragraph 11 of the 2019 Code.

Paragraph 17

30. The Commissioner has stated that “Ms Ferrier’s decisions upon receiving the positive test result demonstrate a disregard for the rules and guidance” and noted that “Ms Ferrier accepts that she exposed people to the risk of contracting COVID-19 and her actions were in breach of published guidance in place”.²⁵ We agree. Those with whom Ms Ferrier had been in close contact—both Members and staff as well as the general public—could have

20 Appendix 1, para 54

21 Appendix 1, para 41

22 Appendix 1, para 41

23 Appendix 1, para 56

24 Appendix 1, para 58

25 Appendix 1, para 62

been at serious risk without knowing it for several days. This flew in direct contravention of the national effort to prevent the spread of COVID-19 at a time when the number of cases was rising.

31. The Commissioner has also given his opinion that Ms Ferrier’s conviction by the Glasgow Sheriff Court for “culpable and reckless conduct” would cause significant damage to the reputation and integrity of the House and its Members generally “by contributing to a general feeling on the part of the public that MPs do not consider themselves bound by the rules that they make or approve for others”.²⁶ When sentencing Ms Ferrier, the judge remarked that “[a] high degree of recklessness is needed, more than carelessness or negligence [...] You accepted having acted with an utter disregard of the consequences of your conduct on the public [...] The pandemic led to a dramatic loss of human life worldwide [...] and more than 12,000 people in Scotland have died as a result of Covid-19”.²⁷

32. Lastly, the Commissioner has given his opinion that “[b]y delaying providing important information to [the SNP Chief Whip] and the parliamentary test and trace team, Ms Ferrier demonstrated a disregard for the integrity, selflessness and leadership values expected from Members generally and placed the health of staff members and colleagues at risk”.²⁸ Ms Ferrier told her Chief Whip that she wanted to return to Scotland because a family member was ill, and withheld from him the fact that the real reason that she wanted to participate remotely was that she had received a positive test result. This was a calculated untruth, designed to enable her to return to Scotland without being challenged.

33. Ms Ferrier accepts that she breached paragraph 17 of the 2019 Code of Conduct, and told the Commissioner that her self-referral was “an open acceptance” of this as well as “an indication of [her] remorse”.²⁹

34. We agree with the Commissioner that Ms Ferrier’s actions knowingly and recklessly exposed members of the public and those on the parliamentary estate to the risk of contracting COVID-19 and demonstrated a disregard for the parliamentary and national guidance in place. This is compounded by the fact that, by misleading her Chief Whip and delaying notifying the parliamentary test and trace team, Ms Ferrier acted dishonestly. In doing so, Ms Ferrier would have caused significant damage to the reputation of the House. We also agree with the Commissioner that the fact that Ms Ferrier’s actions constituted a breach of the criminal law in Scotland has caused significant damage to the reputation of the House. Ms Ferrier therefore breached paragraph 17 of the 2019 Code.

Recommendation

35. In accordance with our usual practice, we have considered whether there are any aggravating or mitigating factors in relation to these breaches.

36. We consider the following to be aggravating factors:

26 Appendix 1, para 63

27 Sentencing statement in HMA v Margaret Ferrier. Available online at < <https://www.judiciary.scot/home/sentences-judgments/sentences-and-opinions/2022/09/13/hma-v-margaret-ferrier> >

28 Appendix 1, para 64

29 Appendix 1, para 41

- a) Ms Ferrier’s failure was not a single misjudgment, but a series of deliberate actions over several days;
- b) Ms Ferrier’s actions demonstrated, in particular, a lack of honesty, one of the Seven Principles of Public Life;
- c) Others, both across the country and within the parliamentary community, made significant sacrifices in order to follow the rules and guidance during the COVID-19 pandemic;
- d) Ms Ferrier knowingly exposed others to risk, including staff working on the parliamentary estate, both by attending the House and by failing to notify the House authorities of her positive test result, and exposed members of the public to risk when travelling; and
- e) Ms Ferrier’s actions constituted a breach of the criminal law for which a “high degree of recklessness”³⁰ was needed.

37. We consider the following to be mitigating factors:

- a) Ms Ferrier has received a criminal penalty for her actions, of 270 hours of unpaid work;³¹
- b) Ms Ferrier expressed her remorse for her actions during her trial and her “[bitter] regret”³² to the Commissioner;
- c) Ms Ferrier has experienced considerable personal distress in relation to this matter.

38. We have considered whether Ms Ferrier has cooperated with the Commissioner, including by referring herself for investigation. The Commissioner has noted that Ms Ferrier made “a self-referral at an early stage”.³³ We cannot, however, consider this an entirely voluntary act, since this was on the same day that Ms Ferrier had been asked by the SNP leadership to report herself to the police under threat of being reported to the press. If Ms Ferrier had not referred herself to the Commissioner at that time, it seems extremely likely that somebody else would have done so. In relation to the Commissioner’s investigation, Ms Ferrier has provided answers in writing to all the Commissioner’s questions; but was not willing to provide the Commissioner with her responses to the questions that the SNP Chief Whip asked her on Thursday 1 October 2020.³⁴ Overall, Ms Ferrier has cooperated adequately with the Commissioner’s investigation, but we cannot consider this to be a mitigating factor.

39. *The threshold for a breach of paragraph 17 of the Code is necessarily high. However, any finding that a Member’s actions have brought the House into disrepute must be considered to be a serious breach. The 2019 Code states that “Members have a*

30 Sentencing statement in HMA v Margaret Ferrier. Available online at < <https://www.judiciary.scot/home/sentences-judgments/sentences-and-opinions/2022/09/13/hma-v-margaret-ferrier> >

31 Sentencing statement in HMA v Margaret Ferrier. Available online at < <https://www.judiciary.scot/home/sentences-judgments/sentences-and-opinions/2022/09/13/hma-v-margaret-ferrier> >

32 Appendix 1, para 41

33 Appendix 1, para 70

34 Appendix 1, para 24 and fn 10

duty to uphold the law”; something the public rightly expect. If Ms Ferrier had been a public sector employee in a position of trust or leadership, she could have faced severe disciplinary consequences, potentially including dismissal, for these or similar actions.

40. We therefore recommend that Ms Ferrier is suspended from the service of the House for 30 days.

41. In arriving at the decision on sanction, the Committee has had to take account of the effect of the Recall of MPs Act 2015. The recommended sanction, if approved by the House, will trigger the possibility of recall. We believe the operation of the Act requires review.

Appendix 1: Parliamentary Commissioner for Standards memorandum

Summary

This memorandum reports on the inquiry that the former Commissioner Kathryn Stone OBE commenced on 12 October 2022. In October 2020, Ms Ferrier wrote to Ms Stone expressing a concern that her actions in breaching the public health guidance for COVID-19 may have brought the House into disrepute and self-referred the matter for the Commissioner's consideration. Ms Stone commenced the inquiry once the Police Scotland action in relation to the same issue had been concluded.

This investigation was undertaken in line with the December 2019 Code of Conduct.

The inquiry focused on the following:

- a) Did Ms Ferrier resolve conflict between personal interest and public interest in favour of her personal interest (paragraph 11 of the Code of Conduct)?
- b) Would Ms Ferrier's actions cause significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally (paragraph 17 of the Code of Conduct)?

During the investigation one witness was interviewed and a range of documentary evidence was considered. Ms Ferrier preferred not to be interviewed but provided written responses to the Commissioner's questions.

I took office as the Commissioner on 1 January 2023 and having considered the evidence, I consider that:

- a) Ms Ferrier failed to base her conduct on a consideration of the public interest and resolved a conflict between personal interest and public interest in favour of her personal interest.
- b) Ms Ferrier has undertaken actions which would cause significant damage to the reputation and integrity of the House of Commons as a whole and Members generally.

Breaches of paragraph 11 and 17 of the Code are not among the matters which I may conclude without reference to the Committee on Standards. It is for this reason that I am referring this memorandum to the Committee on Standards.

Report

Background to the inquiry

- 1) Ms Ferrier wrote to Ms Stone³⁵ on 1 October 2020 stating, “*I am deeply concerned that my actions may have brought the House into disrepute, as well as letting down the constituents who placed their faith in me to serve as their voice in this House*”.³⁶ Ms Ferrier self-referred the matter for investigation for any potential breach of the Code of Conduct.³⁷
- 2) Ms Stone received notification from Police Scotland that Ms Ferrier had been charged with a criminal offence of culpable and reckless conduct, in relation to the COVID-19 breaches. Ms Stone therefore advised Ms Ferrier on 5 January 2021, that she needed to await the outcome of the criminal investigation before considering how to proceed with the matter.³⁸
- 3) On 1 October 2020, Ms Ferrier was suspended by the SNP for breaching COVID-19 rules and remains an independent Member.³⁹
- 4) Ms Ferrier was sentenced on 13 September 2022 to a Community Payback Order after she pled guilty to culpable and reckless conduct. Ms Ferrier was ordered to complete 270 hours of unpaid work.⁴⁰
- 5) An inquiry under the Code of Conduct⁴¹ started on 12 October 2022.

Scope

- 6) The scope of the inquiry considered potential breaches of paragraph 11 and 17 of the Code of Conduct for Members of Parliament (“the Code”).
- 7) Due to wellbeing concerns Ms Ferrier chose not to be interviewed and provided written responses to questions. I am satisfied that there was nothing that I would have asked Ms Ferrier at an interview that was not comprehensively covered in her written responses.
- 8) John Owen, Director of Strategic Business Resilience for the House of Commons, was interviewed as part of this investigation.
- 9) Documentary evidence about the information and guidance sent to Members during the pandemic was considered.
- 10) A timeline of the investigation is attached at Appendix 1.
- 11) The inquiry focused on the following paragraphs of the Code:

Rule 11:

35 Former Commissioner from 1 January 2018 to 31 December 2022
 36 Page 71 of Evidence Bundle
 37 The Code of Conduct together with the Guide to the Rules relating to the Conduct of Members - House of Commons - House of Commons (parliament.uk)
 38 Page 72 of Evidence Bundle
 39 Margaret Ferrier - Wikipedia
 40 Page 17 of Evidence Bundle
 41 December 2019 version

“Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest”.

Rule 17:

“Members shall never undertake any action which would cause significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally”.

Established facts

- 12) These facts have been drawn primarily from written information provided by Ms Ferrier. Some additional information was taken from the Sentencing Statement handed down by the Judge at the end of the criminal matter, in relation to a charge of culpable and reckless conduct further to Ms Ferrier’s breaches of COVID-19 guidance.⁴²
- 13) On Saturday 26 September 2020 Ms Ferrier, after developing a slight infrequent cough in the late afternoon, undertook a COVID-19 test at 5.30pm.
- 14) On the morning of Sunday 27 September 2020 Ms Ferrier attended church and gave a reading. Ms Ferrier then had lunch with a family member in Prestwick lasting approximately 2.5 hours.
- 15) On Monday 28 September 2020, Ms Ferrier travelled to Glasgow Central Station by taxi and visited Marks and Spencer at the station, before catching a train to London. Ms Ferrier arrived at Euston at approximately 1.15pm. Ms Ferrier then checked into a hotel in Westminster and walked to the House of Commons, to participate in a debate. Following the debate, Ms Ferrier went to the Members’ Tearoom at approximately 7.15pm for an evening meal, sitting at a table with Jim Shannon MP. Mr Shannon was present for about 15–20 minutes.
- 16) By 8pm Ms Ferrier was in her Westminster office. Ms Ferrier received a text message at 8.03pm stating that she had tested positive for COVID-19.
- 17) At 8.30pm Ms Ferrier attended the SNP Chief Whip’s office and spoke to the then Chief Whip Patrick Grady MP. Ms Ferrier informed Mr Grady that she would be returning to Scotland the next morning as a family member was unwell and sought permission to attend the House of Commons virtually for the remainder of the week. Ms Ferrier did not disclose her positive COVID-19 result.
- 18) Ms Ferrier then returned to her hotel and stayed there until the following morning.
- 19) On Tuesday 29 September 2020, Ms Ferrier checked out of her hotel at 7.15am and travelled to Euston Station. Ms Ferrier caught the train to Glasgow Central Station at approximately 8.10am.
- 20) Whilst on the train Ms Ferrier was contacted by the NHS Scotland Test and Protect team on four occasions but Ms Ferrier did not pick up their calls.

21) Ms Ferrier arrived in Glasgow just after 1pm. Once Ms Ferrier arrived home, she responded to the NHS Scotland Test and Protect team shortly before 2pm. An interview was arranged to take place at 3.30pm.

22) At about 3pm on Wednesday 30 September 2020, Ms Ferrier contacted Mr Grady and advised him she was positive for COVID-19. Ms Ferrier did not disclose that the test had been undertaken on Saturday 26 September 2020 or that she had obtained the positive test result whilst on the parliamentary estate on Monday 28 September 2020.

23) On Wednesday 30 September 2020, Ms Ferrier also made contact with the Head of the parliamentary test and trace team. This prompted John Owen⁴³ to make contact with Ms Ferrier to ask various questions about her movements on the parliamentary estate on Monday 28 September 2020 and with whom she had been in contact.

24) On Thursday 1 October 2020, Ms Ferrier received a text message from Mr Grady asking for a timeline of events, which she provided. Ms Ferrier also responded to a list of questions.⁴⁴

25) Ms Ferrier reported her breach of COVID-19 regulations to Police Scotland, after being asked to do so by a senior member of the SNP leadership team.

26) On Thursday 1 October 2020, Ms Ferrier issued a press release.⁴⁵

Ms Ferrier's evidence

27) Ms Ferrier told me in correspondence that once she had taken the COVID-19 test on Saturday 26 September 2020, she was not advised by anyone at the test centre to self-isolate. She confirms that she was given an information leaflet when leaving but does not recall if there was anything in the leaflet advising self-isolation.⁴⁶

28) The following day Ms Ferrier woke up without any symptoms and gave no further thought to the test she had undertaken the day before. She continued her weekend as normal.⁴⁷

29) Ms Ferrier's evidence was that she was not experiencing any COVID-19 symptoms when she made the journey to London on Monday 28 September 2020 or when attending the House of Commons.⁴⁸ She concluded that her earlier cough must have been a "*brief and mild irritation*" only.⁴⁹

30) Ms Ferrier states that while travelling to London and during her time in London, she complied with guidelines about social distancing and wearing a mask.⁵⁰ Ms Ferrier also confirms that when returning to Glasgow on Tuesday 29 September 2020, she sat in a 4-chair bay window, and nobody sat on the other seats during the journey.⁵¹

43 Director of Strategic Business Resilience for the House of Commons

44 Ms Ferrier was not willing to provide a copy of these responses and timeline.

45 Page 76 of Evidence Bundle

46 Page 12 of Evidence Bundle

47 Page 7 of Evidence Bundle

48 Page 7 of Evidence Bundle

49 Page 7 of Evidence Bundle

50 Page 6 of Evidence Bundle

51 Page 6 of Evidence Bundle

31) Once Ms Ferrier had received the positive test result, she explains why she was not honest when speaking to Mr Grady about the position:

*“I clearly remember in that moment I felt real fear of being hundreds of miles from home, with no GP or medical services that I rely on. I was fearful that my daughter could also have contracted Covid and potentially become ill whilst at home alone”*⁵²

32) Ms Ferrier told me that she was very worried about having difficulties obtaining her medication if she was required to isolate in London, as had happened on a previous occasion.⁵³

33) Ms Ferrier decided to return home to Scotland to self-isolate for the following reasons:

*“I became anxious at the prospect of being alone in a hotel in circumstances where my health could deteriorate over the coming week or two due to that medical condition. In my panic I believed I would be able to self-isolate more safely at home where I would have access to everything I needed and would also be able to call upon help from relatives if this became necessary. It was at that point that I made the decision that I would return to Scotland by train the following morning so that I could self-isolate in my own home.”*⁵⁴

34) Ms Ferrier explains that she did not answer the calls from the NHS Scotland Test and Protect while on the train as she did not think a public train was sufficiently secure to discuss sensitive matters and she was worried the call may cut off due to poor reception.⁵⁵

35) Ms Ferrier states that to the best of her recollection, she provided information to the NHS Scotland Test and Protect team about her whereabouts over the weekend and including 48 hours prior to taking the test. Ms Ferrier is vague about what information she gave about her time in London but confirmed that she did tell the call handler that she had visited London.⁵⁶

36) Ms Ferrier gave incorrect information to Mr Grady when she spoke to him on Wednesday 30 September 2020, as she says she *“felt unable to confide in him”* due to a *“difficulty she had engaging with him.”*⁵⁷

37) Ms Ferrier advises that she was contacted by John Owen on 30 September 2020. During their conversation, she disclosed information about her movements while on the parliamentary estate on 28 September 2020 and with whom she had been in contact. Ms Ferrier says that her recollection is that she told him she had undertaken a test on Saturday 26 September 2020.⁵⁸

38) Ms Ferrier is not clear about her understanding of the guidance and rules in relation to COVID-19 at the time of the breach, due to the passage of time. However, she confirms she was aware that she needed to self-isolate if experiencing COVID-19 symptoms or having received a positive test result. She could not recall what the guidance was at that

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time for a person experiencing no symptoms but awaiting a test result. In relation to guidance around attending the House and parliamentary estate, Ms Ferrier mostly recalls the recommendations of mask wearing and social distancing only.⁵⁹

39) Ms Ferrier accepts that she needed to self-isolate once she received the positive test results. However, she had not considered that her decision to travel to London whilst waiting for her test results was wrong at the time. This was because she was experiencing no symptoms.⁶⁰

40) Ms Ferrier accepts that her *“conduct exposed people to an unnecessary risk of contracting COVID-19 and was in breach of the published guidelines in place at the time.”*⁶¹

41) When asked if Ms Ferrier believed she had breached paragraphs 11 and/or 17 of the Code of Conduct she responds as follows:

Rule 11

*“Whilst I made an error in judgment, I do not believe that I placed my personal interest above the public interest during the period in question. However, I did make a series of poor decisions that flowed from my original error which compounded the situation. This I accept could be construed as placing personal interest above the public interest and I can only set out what my honestly held beliefs and motivations for my actions were at the time.”*⁶²

*“There was not a moment where I was consciously aware of a conflict between personal and public interest and made a decision to prioritise my own. I had put the COVID-19 test out of my mind and only focused attention on my routines and my work responsibilities. Given my understanding of the meaning and intention of paragraph 11, I do not believe my actions were in breach of this Paragraph.”*⁶³

*“My decision to make the journey home once I had discovered I had tested positive for COVID-19 was made whilst in a state of shock and anxiety, even panic.”*⁶⁴

*“I did not at any time believe that I was acting in my own self-interest but believed I was taking the safest step in the unfortunate set of circumstances that I had myself created when I made the decision to travel to London, a poor decision which I now bitterly regret.”*⁶⁵

Rule 17

*“With regard to Paragraph 17, I accept that my conduct and actions would constitute a breach.”*⁶⁶

*“I also self-referred to the Parliamentary Standards Commissioner. This I believe is an open acceptance and acknowledgement of the damage my acts/omissions may have caused to the reputation and integrity of the House of Commons and/or its members generally and is an indication of my remorse.”*⁶⁷

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Other evidence

42) Although by September 2020 there had been a gradual reduction of restrictions, due to a sudden escalation in COVID-19 cases and deaths, on 28 September 2020 The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 came into force.⁶⁸ These imposed a legal requirement on anyone in England who had tested positive for coronavirus pursuant to a test after 28 September 2020, to self-isolate for a period of ten days.⁶⁹ This requirement remained guidance only, rather than law, in Scotland.

43) On 26 September 2020, Scotland's National Clinical Director Jason Leitch said the COVID-19 pandemic was "*accelerating*" after a further 700 cases were confirmed over the previous 24 hours.⁷⁰

44) In September 2020, the guidance in place at the time in both England⁷¹ and Scotland⁷² was that those people either experiencing COVID-19 symptoms or who had tested positive for COVID-19 needed to self-isolate for a period of 10 days.

45) Evidence provided by Mark Jenner (Head of Internal Communications Operations) demonstrates that the parliamentary Communications Team circulated COVID-19 related information to the parliamentary community using the following:

- Emailed COVID-19 bulletins;
- Signage on the estate;
- Information on a COVID-19 intranet hub. This hub included a set of COVID FAQs which were updated regularly as the guidance around COVID-19 changed.⁷³

46) Mr Owen advised that information for Members was also reinforced through "*communications with political parties and direct communications with whips.*"⁷⁴

47) During his interview, Mr Owen was clear that all arrangements applied equally to Members and other staff and contractors. Mr Owen was clear that the guidance in place on 28 September 2020 was that "*anyone who was experiencing COVID symptoms should not be on the estate and they should not travel to the estate if they have symptoms, if they were awaiting results of a COVID-19 test, again they should not travel until they receive the results of that test.*"⁷⁵ However, I was unable to locate any guidance which specifically advised anyone awaiting results of a COVID-19 test but not experiencing any symptoms not to attend the estate.

68 The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 (revoked) (legislation.gov.uk)

69 The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 (legislation.gov.uk)

70 Timeline of the COVID-19 pandemic in Scotland (2020) - Wikipedia

71 Stay at home: guidance for households with possible or confirmed coronavirus (COVID-19) infection - GOV.UK (archive.org)

72 Coronavirus (COVID-19): Test and Protect - gov.scot (archive.org)

73 Page 21 of Evidence Bundle

74 Page 3 of John Owen interview

75 Page 2 of John Owen interview

48) Mr Owen was clear that the guidance referred to in the previous paragraph was not a legal requirement in England but was in line with the health guidance that was in force for England at that point in time.⁷⁶

49) Mr Owen confirmed that 2841 people were on the estate on 28 September 2020⁷⁷ and that this included a number of whom were extremely clinically vulnerable and at particular risk.⁷⁸

Allegation 1 - Rule 11

50) What I must consider is the following:

- a) Was there a conflict between the personal and public interest?
- b) If yes, did Ms Ferrier resolve this conflict in favour of her own personal interest?

Material facts

- Ms Ferrier was not experiencing any symptoms of COVID-19 when she travelled to London by train from Glasgow and attended the House of Commons.⁷⁹
- Ms Ferrier breached the guidance in place in both England and Scotland when she failed to isolate upon receiving a positive test result and travelled home to Glasgow on public transport.⁸⁰
- Once she was made aware that she had tested positive Ms Ferrier failed to inform Mr Grady or contact the parliamentary test and trace team as required by the House. Ms Ferrier did not disclose her test results to Mr Grady but instead sought permission to go home and attend virtually for reasons which were untrue.⁸¹
- Whilst on the train Ms Ferrier chose not to pick up calls when contacted by the NHS Scotland Test and Protect team.⁸²

Analysis

Was there a conflict between the personal and public interest?

51) During the pandemic, which includes the period when Ms Ferrier had tested positive to COVID-19, the public interest was protecting members of the public, colleagues and staff members at risk from possible transmission of the virus. At the time, the COVID-19 pandemic was a significant challenge to public health that led to a substantial loss of life. In response to the pandemic and in an attempt to limit the loss of lives, guidance was introduced requiring those who either experienced symptoms of COVID-19 or had tested positive to isolate. The reasoning behind this was to reduce the risk of transmission of

76 Page 29 of Evidence Bundle

77 Page 27 of Evidence Bundle

78 Page 6 of John Owen interview

79 Page 5 of Evidence Bundle

80 Stay at home: guidance for households with possible or confirmed coronavirus (COVID-19) infection - GOV.UK (archive.org) and Coronavirus (COVID-19): Test and Protect - gov.scot (archive.org)

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the virus to others. This was especially important to protect those who were vulnerable. Therefore, I consider there was a strong public interest in being protected from possible and reasonably avoidable transmission of the virus and possible detriment to health or life.

52) Paragraph 2 of the Code states, “*The Code applies to Members in all aspects of their public life. It does not seek to regulate what Members do in their purely private and personal lives.*” My view is that decisions made over the weekend of Saturday 26 September 2020 to Sunday 27 September 2020, were made within the parameters of Ms Ferrier’s private life. Therefore, I will not consider this period when applying Rule 11.

53) Ms Ferrier chose to travel to London on Monday 28 September 2020. I have considered whether Ms Ferrier was prioritising the public interest at this point as she was undertaking her duties as an MP, for her constituents. This is supported by Ms Ferrier’s evidence that participation in the debate was an important issue for her constituents. Consequently, I am not persuaded that there was a conflict between a personal and public interest. In addition, I also note that Ms Ferrier was not experiencing any COVID-19 symptoms.

54) However, once Ms Ferrier received a positive test result for the virus, it is evident that she did not wish to self-isolate at the hotel and her preference was to self-isolate at home. It is my opinion that this is the point at which there arose a clear conflict between the personal and public interest, while Ms Ferrier was still on a journey which she was undertaking in her public capacity as an MP.

55) Ms Ferrier has told me she was not aware whether the hotel would accommodate her in those circumstances. She did not, however, attempt to find out, because she was concealing the fact that she had tested positive for COVID-19. As it happens, if Ms Ferrier had followed the guidance and informed Mr Grady and the parliamentary test and trace team, she would have been advised that provisions had been made for Members to self-isolate at the hotel Ms Ferrier was already staying at and this would be funded by IPSA or the House.

If yes, did Ms Ferrier resolve this conflict in favour of her own personal interest?

56) Ms Ferrier had concerns that she only had medication for two days for an underlying health issue. Her evidence states how difficult it had proved in the past for this medication to be made available in London. Ms Ferrier accepts she did not consider making arrangements for the medicine to be sent to London. Given the guidance on self-isolation was clear and that any breach of the guidance would inevitably have posed a risk for all those who came into contact with Ms Ferrier, my view is that more effort should have been made to find an alternative.

57) Ms Ferrier misled Mr Grady, failed to follow parliamentary guidance by not contacting the parliamentary test and trace team and avoided the calls from NHS Scotland Test and Protect Team, in order to get home to her preferred self-isolation location.

58) By making the journey home from London while positive with COVID-19, Ms Ferrier’s actions placed members of the public, parliamentary staff and colleagues at risk of contracting COVID-19.

59) By considering the material facts above and in line with my reasoning, my view is that Ms Ferrier resolved the conflict in favour of her own personal interest.

Allegation 2

60) What I must consider is the following:

- a) Did Ms Ferrier undertake actions which would cause significant damage to the reputation and integrity of the House of Commons as a whole or to Members generally, or only to the Member?

Material Facts

- Ms Ferrier was not experiencing any symptoms of COVID-19 when she travelled to London by train from Glasgow and attended the House of Commons.⁸³
- Ms Ferrier breached the guidance in place in both England and Scotland when she failed to isolate upon receiving a positive test result and travelled home to Glasgow.⁸⁴
- Once she was made aware that she had tested positive Ms Ferrier failed to inform Mr Grady or contact the parliamentary test and trace team as required by the House. Ms Ferrier did not disclose her test results to Mr Grady but instead sought permission to go home and attend virtually for reasons which were untrue.⁸⁵
- Whilst on the train Ms Ferrier chose not to pick up calls when contacted by the NHS Scotland Test and Protect team.⁸⁶
- When Ms Ferrier made contact with Mr Grady on 30 September 2020, she intentionally failed to disclose when she had undertaken the COVID-19 test or when she had received her result.⁸⁷

Analysis

61) Ms Ferrier does not recall the exact guidance in place at the time of the breaches but accepts she should have self-isolated once she received a positive test result. For public safety reasons, that self-isolation should have commenced immediately.

62) My view is that Ms Ferrier's decisions upon receiving the positive test result demonstrate a disregard for the rules and guidance. Ms Ferrier accepts that she exposed people to the risk of contracting COVID-19 and her actions were in breach of published guidance in place. These actions would cause significant damage to the reputation and integrity of the House of Commons and its Members generally.

63) Ms Ferrier was convicted by the Glasgow Sheriff Court for "*culpable and reckless conduct*". Paragraph 5 of the Code states "*Members have a duty to uphold the law ...*".

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84 Stay at home: guidance for households with possible or confirmed coronavirus (COVID-19) infection - GOV.UK (archive.org) and Coronavirus (COVID-19): Test and Protect - gov.scot (archive.org)

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This breach of the law itself inevitably, in my view, would cause significant damage to the reputation and integrity of the House and its Members generally, by contributing to a general feeling on the part of the public that MPs do not consider themselves bound by the rules that they make or approve for others.

64) By delaying providing important information to Mr Grady and the parliamentary test and trace team, Ms Ferrier demonstrated a disregard for the integrity, selflessness and leadership values expected from Members generally and placed the health of staff members and colleagues at risk.

65) Ms Ferrier states that her self-referral demonstrates an acceptance and acknowledgment of the damage her behaviour may have caused to the reputation and integrity of the House and its Members generally.

66) In so far as the behaviour set out in paragraphs 12 to 26 of the Established facts was a criminal offence of culpable and reckless conduct, of which Ms Ferrier was convicted by the Sheriff Court in Scotland on 13 September 2022, I consider that it amounts to a breach of paragraph 17 of the Code. Although some of the conduct occurred at a time when Ms Ferrier was not conducting any particular public business in her capacity as an MP, unlawful behaviour does not fall within the exclusion from the scope of the Code relating to Members' *"purely private and personal lives"* set out in paragraph 2 of the Code. As the Committee on Standards said in its First Report of Session 2019–20 (Keith Vaz):

"... any allegation of disregard or disrespect for the law cannot be 'purely private and personal'. ... The exclusion in the Code does not cover disregard for the law ...".⁸⁸

67) Conduct amounting to a criminal offence is conduct that would cause significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally, there being an inevitable risk of a damaging perception on the part of members of the public that MPs consider themselves not obliged to keep the rules that they make for others.

68) The fact that Ms Ferrier's behaviour has been sanctioned by a criminal court does not mean that the behaviour does not also require to be addressed as a breach of the Code.

Conclusion

69) As part of my investigation, I have also considered the principles of conduct for Members and my view is that the breaches of the Code which I identify above were significant breaches, demonstrating failure to apply the following of the Nolan principles which underpin the Code:

- Selflessness - Members should take decision solely in terms of the public interest. By choosing not to self-isolate at the earliest opportunity and in London, Ms Ferrier has demonstrated a wilful disregard of this principle.
- Accountability - When contacting Mr Grady on 30 September 2020, Ms Ferrier was not honest about the actual situation.

- Openness - Ms Ferrier did not immediately inform anyone that she had taken a COVID-19 test and was awaiting the results. She was also not open about testing positive to COVID-19.
- Honesty - Ms Ferrier was openly dishonest when giving information to Mr Grady.
- Leadership - it is expected that Members should lead by example and Ms Ferrier's actions failed to promote this principle or adhere to it.

70) I have also considered the following factors which the Committee may wish to take into account by way of mitigation:

- Ms Ferrier has already been convicted and sentenced by the criminal court in Scotland.
- Ms Ferrier made a self-referral for the Commissioner's consideration at a very early stage.
- Ms Ferrier has expressed regret for her actions.

71) In accordance with paragraph 43 of the Procedural Protocol, I consider that Ms Ferrier breached Rule 11 of the Code, by placing her own personal interest of not wishing to self-isolate immediately or in London over the public interest of avoiding possible risk of harm to health and life for people she came into contact with once she had received a positive COVID-19 test result.

72) In accordance with paragraph 43 of the Procedural Protocol, I consider that Ms Ferrier has breached Rule 17 of the Code as her actions commencing from when she first took a COVID-19 test to when she finally begins self-isolation have caused significant damage to the reputation and integrity of the House of Commons as a whole, and of its Members generally.

Daniel Greenberg CB

Parliamentary Commissioner for Standards

8 March 2023

Appendix 1: Timeline of investigation

Date	Event	# working days since previous action		
		89	90	91
12/10/22	Initiation letter sent to Ms Ferrier, with a deadline set for 26 October 2022.	n/a	n/a	1
02/11/22	PCS writes to the Head of Internal Communications requesting all comms for pandemic period. The PCS received a reply that same day.	14	1	
03/11/22	PCS writes to the Head of Internal Communications requesting a copy of specific guidance applicable for Members on 20 September 2020. The deadline is 16 November 2022.		1	
16/11/22	Response from Head of Internal Communications is received.	9		
21/11/22	PCS writes to the Director of Business Strategic Resilience requesting information. The deadline for a reply is 30 November 2022.	2	1	
06/12/22	PCS writes to Ms Ferrier for responses to initiation questions and an indication of timescales sought.	10	1	
21/12/22	Meeting with the Director of Business Strategic Resilience and PCS team.	10	1	
03/01/23	Transcript of meeting sent to the Director of Business Strategic Resilience for agreement and further questions.		6	
05/01/23	Director of Business Strategic Resilience responds to further questions.	2		
11/01/23	Further questions sent to Director of Business Strategic Resilience.		4	
12/01/23	PCS writes to Ms Ferrier asking for further information.		1	
03/02/23	Further information received from Ms Ferrier.	16		
01/03/23	Draft memorandum sent to Ms Ferrier for fact checking.			17
07/03/23	Response from Member	6		
08/03/23	Memorandum referred to Committee			1
Total number of PCS working days spent on investigation when not awaiting responses		19		

89 Awaiting response from member/witness

90 PCS progressing investigation and awaiting responses from Member/witnesses

91 PCS progressing investigation

Appendix 2: Pandemic background

- 1) The first official cases of COVID-19 were recorded on 31 December 2019. A few weeks later the World Health Organisation declared the COVID-19 outbreak as a Public Health Emergency of International Concern.⁹²
- 2) The Prime Minister⁹³ announced the first lockdown in the United Kingdom on 23 March 2020. This meant people could only leave their houses for essential reasons such as buying food or exercising once a day. On 26 March 2020, lockdown measures legally came into force with the Coronavirus Act 2020.
- 3) The virus that causes COVID-19 is a virus which had never been seen in humans prior to the pandemic, so natural immunity had not developed. The virus once caught can make the person seriously unwell or cause death in certain cases. For some people the risk of death once infected by the disease is much higher. These include people with underlying health problems, those aged 60 or over or if a person is pregnant.
- 4) The virus spreads between people who are at a conversational distance from each other. The virus can spread from an infected person when they cough, sneeze, speak, sing or breathe. The virus can also spread in poorly ventilated and crowded indoor settings.⁹⁴ Even if a person is not experiencing any symptoms of COVID-19 but are infected they will infect people they come into contact with. Some research suggests that a person is more likely to get COVID-19 from someone without symptoms than from someone who is experiencing symptoms.⁹⁵
- 5) By 18 January 2023, the recorded cases in the United Kingdom of coronavirus totalled 24,243,393 with 202,157 deaths.⁹⁶
- 6) On 28 May 2020, the Prime Minister publicly announced that from 1 June 2020 in England groups of up to six people would be able to meet outdoors in gardens and outdoor private spaces.
- 7) On 30 May 2020, the Prime Minister announced that from 1 June 2020, 2.2 million people who had been ‘shielding’⁹⁷ at home would be allowed outdoors with members of their household and if they lived alone can meet one other person outside.
- 8) On 14 September 2020, after an initial relaxing of restrictions the ‘Rule of Six’ was introduced banning all indoor and outdoor social gatherings in England of more than six people, apart from a set of limited exemptions including work and education.⁹⁸
- 9) Due to a rise in COVID-19 cases and recorded deaths, on 22 September 2020 the Prime Minister announced new restrictions in England including a return to working from home and a 10pm curfew for the hospitality sector.

92 History of COVID-19 (news-medical.net)

93 Mr Boris Johnson

94 Coronavirus disease (COVID-19): How is it transmitted? (who.int)

95 Most COVID-19 cases are spread by people without symptoms - Harvard Health

96 United Kingdom COVID - Coronavirus Statistics - Worldometer (worldometers.info)

97 People in high-risk categories needed to stay at home

98 Rule of six comes into effect to tackle coronavirus - GOV.UK (www.gov.uk)

10) From the beginning of lockdown in March 2020, the guidance in the United Kingdom required anyone who had any of the symptoms of COVID-19 to self-isolate immediately and book a test. If you received a positive test you needed to self-isolate for a period of 10 days starting from the day on which you took your test.⁹⁹

11) On 28 September 2020, The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 came into force.¹⁰⁰ This imposed a legal requirement on anyone in England who had tested positive for coronavirus pursuant to a test after 28 September 2020, to self-isolate for a period of 10 days.¹⁰¹ This requirement remained guidance in Scotland.

12) On 31 October 2020, the Prime Minister announces a second lockdown in England to prevent a “*medical and moral disaster*” for the NHS.

13) The Scottish Government announces a second lockdown in mainland Scotland from 5 January 2021.

99 Coronavirus (COVID-19) update: First Minister’s speech 2 October 2020 - gov.scot (www.gov.scot)

100 The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 6) Regulations 2021 (legislation.gov.uk)

101 The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 (legislation.gov.uk)

Formal minutes

Tuesday 28 March 2023

Members present:

Sir Chris Bryant, in the Chair

Tammy Banks

Andy Carter

Alberto Costa

Allan Dorans

Yvonne Fovargue

Sir Francis Habgood

Sir Bernard Jenkin

Dr Michael Maguire

Mehmuda Mian

Victoria Smith

Paul Thorogood

Sir Charles Walker

Draft report (*Margaret Ferrier*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 26 read and agreed to.

Paragraph 27 read, amended and agreed to.

Paragraphs 28 to 36 read and agreed to.

Paragraph 37 read and postponed.

Paragraphs 38 and 39 read and agreed to.

Paragraph 40 read.

Amendment proposed, in line 2, to leave out from “for” to end, and insert “9 sitting days; that her salary is suspended for a further 30 days; and that she apologises to the House by means of a personal statement, the terms of which should be agreed in advance by Mr Speaker and the Chair of the Committee.”.—(*Alberto Costa*.)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 4	Noes, 8
Alberto Costa	Tammy Banks
Allan Dorans	Andy Carter
Sir Bernard Jenkin	Yvonne Fovargue
Sir Charles Walker	Sir Francis Habgood
	Dr Michael Maguire
	Mehmuda Mian
	Victoria Smith
	Paul Thorogood

Question accordingly negatived.

Question put, That the paragraph stand part of the Report.

The Committee divided.

Ayes, 8	Noes, 4
Tammy Banks	Alberto Costa
Andy Carter	Allan Dorans
Yvonne Fovargue	Sir Bernard Jenkin
Sir Francis Habgood	Sir Charles Walker
Dr Michael Maguire	
Mehmuda Mian	
Victoria Smith	
Paul Thorogood	

Paragraph accordingly agreed to.

Postponed paragraph 37 again read.

Amendment proposed, in line 1, after “mitigating factors:” to insert “a) Ms Ferrier was a woman on her own in London, not her home city. There were no family or close friends to assist her. Her actions were not designed to enrich her or give her any form of benefit in kind. Her behaviour and judgement was directly affected by her distress and panic in her health condition and loneliness;”.—(*Alberto Costa.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 5	Noes, 7
Andy Carter	Tammy Banks
Alberto Costa	Yvonne Fovargue
Allan Dorans	Sir Francis Habgood
Sir Bernard Jenkin	Dr Michael Maguire
Sir Charles Walker	Mehmuda Mian
	Victoria Smith
	Paul Thorogood

Question accordingly negatived.

Paragraph agreed to.

Paragraph—(*Sir Bernard Jenkin*)—brought up and read, as follows:

In arriving at the decision on sanction, the Committee has had to take account of the effect of the Recall of MPs Act 2015. The recommended sanction, if approved by the House, will trigger the possibility of recall. We believe the operation of the Act requires review.

Question put, That the paragraph be read a second time.

The Committee divided.

Ayes, 8	Noes, 4
Andy Carter	Tammy Banks
Alberto Costa	Dr Michael Maguire
Allan Dorans	Mehmuda Mian
Yvonne Fovargue	Victoria Smith
Sir Francis Habgood	
Sir Bernard Jenkin	
Paul Thorogood	
Sir Charles Walker	

Question accordingly agreed to.

Paragraph (now paragraph 41) inserted.

A paper was appended to the Report as Appendix 1.

Motion made and Question put, That the Report, as amended, be the Ninth Report of the Committee to the House.—(*The Chair.*)

The Committee divided.

Ayes, 8	Noes, 4
Tammy Banks	Alberto Costa
Andy Carter	Allan Dorans
Yvonne Fovargue	Sir Bernard Jenkin
Sir Francis Habgood	Sir Charles Walker
Dr Michael Maguire	
Mehmuda Mian	
Victoria Smith	
Paul Thorogood	

Question accordingly agreed to.

None of the lay members present wished to submit an opinion on the Report (Standing Order No. 149(8)).

Ordered, That the Chair make the Report to the House.

The following written evidence was ordered to be reported to the House for publication:

Written evidence bundle from the Parliamentary Commissioner for Standards

Adjournment

The Committee adjourned.

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the publications page of the Committee's website.

Session 2022–23

Number	Title	Reference
1st	New Code of Conduct and Guide to the Rules: promoting appropriate values, attitudes and behaviour in Parliament	HC 227
2nd	Code of Conduct: Procedural Protocol	HC 378
3rd	New Guide to the Rules: final proposals	HC 544
4th	Andrew Bridgen	HC 855
5th	Precautionary exclusion: response to the House of Commons Commission's consultation	HC 1049
6th	Alex Davies-Jones	HC 1048
1st Special	Government Response to the Committee's First, Second and Third Reports	HC 709

Session 2021–22

Number	Title	Reference
1st	Boris Johnson	HC 549
2nd	Mrs Natalie Elphicke, Sir Roger Gale, Adam Holloway, Bob Stewart, Theresa Villiers	HC 582
3rd	Mr Owen Paterson	HC 797
4th	Review of the Code of Conduct: proposals for consultation	HC 270
5th	Daniel Kawczynski	HC 1036
6th	Review of fairness and natural justice in the House's standards system	HC 1183
7th	All-Party Parliamentary Groups: improving governance and regulation	HC 717

Session 2019–21

Number	Title	Reference
1st	Kate Osamor	HC 210
2nd	Stephen Pound	HC 209
3rd	Greg Hands	HC 211
4th	Conor Burns	HC 212
5th	Mr Marcus Fysh	HC 213

Number	Title	Reference
6th	Confidentiality in the House's standards system	HC 474
7th	Sanctions in respect of the conduct of Members	HC 241
8th	David Morris	HC 771
9th	Dr Rosena Allin-Khan	HC 904
10th	The House of Commons and the criminal law: protocols between the police and the Parliamentary Commissioner for Standards and the Committee on Standards	HC 883
11th	ICGS investigations: Commons-Lords agreement	HC 988
12th	Sanctions and confidentiality in the House's standards system: revised proposals	HC 1340