



House of Commons  
Committee on Standards

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**Matt Hancock**

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**Tenth Report of Session 2022–23**

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

*Ordered by the House of Commons  
to be printed 24 May 2023*

## 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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### Committee staff

The current staff of the Committee are Dr Robin James (Head of staff team), Su Panchanathan (Committee Operations Officer), Stuart Ramsay (Acting Clerk), Silas Scott (Senior Media Relations Officer), and Wafia Zia (Second Clerk).

### Contacts

All correspondence should be addressed to the Clerk of the Committee at the Committee's email address, [standards@parliament.uk](mailto:standards@parliament.uk). The telephone number for general enquiries is 020 7219 6615.

# Contents

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|   |           |
|---|-----------|
| <b>Report</b>   | <b>3</b>  |
| Background  | 3         |
| The Commissioner’s opinion  | 5         |
| Mr Hancock’s position   | 5         |
| Our decision  | 6         |
| Is paragraph 14 a new rule?   | 6         |
| Recommendation  | 7         |
| Advice to Members   | 8         |
| <b>Appendix 1: Parliamentary Commissioner for Standards memorandum</b>  | <b>9</b>  |
| Summary   | 9         |
| Background  | 9         |
| My inquiry  | 10        |
| My findings   | 11        |
| Evidence  | 11        |
| Analysis  | 12        |
| Conclusions   | 13        |
| Mr Hancock’s comments on the Memorandum                                 | 14        |
| Recommendation  | 14        |
| Additional matters  | 14        |
| Appendix 1: Timeline of investigation                                   | 16        |
| <b>Appendix 2: Written evidence from Matt Hancock MP</b>                | <b>17</b> |
| <b>Formal minutes</b>   | <b>18</b> |
| <b>List of Reports from the Committee during the current Parliament</b> | <b>19</b> |

# Report

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1. This report arises from an investigation opened by the Parliamentary Commissioner for Standards on his own initiative. The Commissioner investigated whether Rt Hon Matt Hancock MP had breached paragraph 14 of the Code of Conduct for Members when sending a letter in relation to an ongoing investigation to the Parliamentary Commissioner for Standards, on 28 March 2023.<sup>1</sup>
2. The Commissioner has supplied us with a memorandum relating to this matter, which we publish as an Appendix to this report.<sup>2</sup> Mr Hancock has provided further written evidence which we have also published as an Appendix to this report.<sup>3</sup> 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.

## Background

4. The Commissioner opened an investigation into Steve Brine MP on 15 March 2023. The Commissioner published the terms of the investigation on his webpages on 17 March 2023, namely, that he was investigating whether Mr Brine had breached paragraphs 12 and 14 of the 2019 Code of Conduct.<sup>4</sup>
5. The Commissioner's investigation into Mr Brine concerned a message that Mr Brine had sent to Rt Hon. Michael Gove MP in February 2021 about doctors that could be provided to the NHS through a company who was employing Mr Brine as a paid adviser.<sup>5</sup>
6. On 28 March 2023 Mr Hancock sent the Commissioner an unsolicited letter that read:

I have recently become aware of an investigation into the Chair of the Health and Social Care Select Committee, Steve Brine MP, regarding his contacting of Ministers during the COVID-19 pandemic.

As the Secretary of State for Health and Social Care at this time, I want to make it clear to you that it is my firm belief that what Mr Brine did was acting overwhelmingly in the national interest.

Mr Brine contacted Ministers after the UK Government put out a call for help to the public to fight the unprecedented and serious pandemic. Indeed, both the then-Prime Minister, Boris Johnson, and myself as Health Secretary were publicly encouraging anyone who could help in our national effort to come forward to help fight this virus - including specifically the

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1 [The Code of Conduct, together with the Guide to the Rules relating to the conduct of Members \(HC 1083\)](#)  
 2 Appendix 1  
 3 Appendix 2  
 4 Paragraph 12 of the 2019 Code of Conduct relates to paid lobbying and paragraph 14 relates to the registration and declaration of interests.  
 5 The Commissioner did not uphold the allegation that Mr Brine breached the rule against paid lobbying; the rectification decision relating to the investigation is [published online on the Commissioner's webpages](#).

recruitment of trained staff. For example, our “Your NHS Needs You” campaign, launched in March 2020, called for a mass recruitment drive to help protect the NHS.

It is my belief that Mr Brine, like many people, did his duty and came forward to try to help the Government achieve our mission. He also made it very clear that he was a paid adviser to this company, so was not trying to conceal this information. Given the position he was in, it would have been inappropriate not to act.

I understand that nothing came from this approach in the end and that after being appropriately passed on to officials independent of Ministers, the company in question was not contracted.

It is, therefore, my firm belief that Mr Brine did nothing improper and should be cleared from any accusation given his actions were in line with his duties as a Member of Parliament and British citizen to help our country in its time of need.

Thank you for considering my thoughts on this matter.<sup>6</sup>

7. Paragraph 14 of the Code provides:

Members must not lobby a member of the Committee on Standards, the Independent Expert Panel or the Parliamentary Commissioner for Standards, or their staff, in a manner calculated or intended to influence their consideration of whether a breach of the Code of Conduct has occurred, or in relation to the imposition of a sanction.<sup>7</sup>

8. Mr Hancock did not ask the Commissioner beforehand whether his letter would be appropriate, nor check the terms of the inquiry into Mr Brine and whether this letter would assist that inquiry.

9. On 12 April 2023, the Commissioner opened an investigation into whether Mr Hancock breached paragraph 14 of the Code and published the fact of this on his webpage in the usual way. The following details concerning the inquiry were published on the webpage:

Lobbying the Commissioner in a manner calculated or intended to influence his consideration of whether a breach of the Code of Conduct has occurred.

10. On 12 April 2023 a spokesperson for Mr Hancock told the press:

Matt wrote to Mr Greenberg in good faith to offer some additional evidence that he thought was not only pertinent but helpful for an inquiry the parliamentary commissioner for standards is currently conducting.<sup>8</sup>

11. Mr Hancock told the Commissioner that his statement had been drafted “carefully to ensure it is within the terms set out in your initial letter” (that is, the standard letter sent

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6 Written evidence 1

7 [The Code of Conduct, together with the Guide to the Rules relating to the conduct of Members \(HC 1083\)](#)

8 Written evidence 5

by the Commissioner to Members when commencing an investigation) and that, in his view, releasing a statement had been “entirely reasonable to try to limit the damage from [the Commissioner’s] announcement”.<sup>9</sup>

### The Commissioner’s opinion

12. The Commissioner has given his opinion that Mr Hancock’s letter to him regarding Mr Brine’s case sought to influence his consideration of whether a breach of the Code had occurred, and therefore breached paragraph 14 of the Code.

13. The Commissioner has also stated that “I am of the view that his breach of the Code was likely to have been an inadvertent result of failing to appreciate that the House’s Rules would be engaged by this particular approach”.<sup>10</sup>

The Commissioner has also drawn our attention to his opinion that:

- a) Mr Hancock wrote to the Commissioner in the expectation that his letter would be published;
- b) The lobbying in his letter was relatively mild in terms;
- c) Mr Hancock’s letter formed part of a wider programme of letter writing that reflected a genuine concern about how actions taken during the COVID-19 crisis were now being investigated and subject to sanction. The lobbying in his letter was likely due to inattention and carelessness rather than a deliberate attempt to subvert the Commissioner’s inquiry into Mr Brine.<sup>11</sup>

14. The Commissioner’s opinion is that Mr Hancock’s press statement risked a breach of paragraph 13 of the Code, on the confidentiality of investigations; however, as the information released did not hinder the inquiry, the Commissioner was satisfied that it was not proportionate to formally extend his investigation on this occasion.

15. However, the Commissioner has recorded his concern that Mr Hancock’s unauthorised public statement “demonstrates a further lack of attention to the House’s Rules”.<sup>12</sup>

### Mr Hancock’s position

16. Mr Hancock maintains his actions were appropriate and considers that he did not breach the Code, on the basis of what he considers to be the intention behind the rule prohibiting lobbying the Commissioner. Mr Hancock told us in written evidence: “While I do not agree that the letter I write [sic] was a breach of these new rules, I do accept that the Commission [sic] has found any breach to be minor and inadvertent”.<sup>13</sup>

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9 Appendix 1, 37

10 Appendix 1, 28

11 Appendix 1, para 31

12 Appendix 1, para 38

13 Appendix 2

## Our decision

17. The Commissioner asked Mr Hancock during his investigation about the intention of his letter. Mr Hancock told him:

Because the purpose was to set out, and this goes to my wider purpose, that I thought that his actions, as with the actions of others who I've approached others about, were in the national interest and that he should not be sanctioned for them.<sup>14</sup>

18. Mr Hancock also told the Commissioner that he was providing evidence which he believed to be relevant. In the event, Mr Hancock's evidence was not relevant to the Commissioner's inquiry into Mr Brine, because it did not concern an approach from Mr Brine to Mr Hancock. We offer advice to Members who wish to contact the Commissioner about an investigation in paragraphs 29 to 32.

19. Whatever else Mr Hancock included in his letter, the penultimate paragraph included the following line:

It is, therefore, my firm belief that Mr Brine did nothing improper and should be cleared from any accusation [...] <sup>15</sup>

This was a clear attempt to influence the Commissioner's investigation. We therefore agree with the Commissioner that Mr Hancock sought to "lobby [...] the Parliamentary Commissioner for Standards [...] in a manner calculated or intended to influence their consideration of whether a breach of the Code of Conduct has occurred".<sup>16</sup>

### *Is paragraph 14 a new rule?*

20. In written evidence to us, Mr Hancock referred to "a breach of these new rules".<sup>17</sup> Mr Hancock also implied that the prohibition on lobbying the Commissioner was a new rule in his correspondence with the Commissioner.<sup>18</sup>

21. Mr Hancock is not correct to say this is a new rule. The prohibition on lobbying the Commissioner or Committee has been in place since 2009. Chapter 4 of the 2009 Guide to the Rules states:

It is a requirement of the Code of Conduct that Members cooperate at all stages with any inquiry by the Committee on Standards and Privileges or the Commissioner into their conduct. It is also a requirement that Members do not lobby members of the Committee on Standards and Privileges or the Commissioner in a manner calculated to influence their consideration of complaints.<sup>19</sup>

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14 Written evidence 6

15 Written evidence 1

16 [The Code of Conduct, together with the Guide to the Rules relating to the conduct of Members](#)

17 Appendix 2

18 Written evidence 7

19 [The Code of Conduct, together with the Guide to the Rules relating to the conduct of Members, HC 735, 2009](#)

22. When the House agreed the Procedural Protocol in October 2022 to replace Chapter 4 of the Guide, it amended the Code of Conduct at the same time to put this rule on the face of the Code and extend it to the Independent Expert Panel.<sup>20</sup> The substance of the rule has remained the same.

**23. We therefore agree with the Commissioner that Mr Hancock breached paragraph 14 of the Code of Conduct for Members, which concerns lobbying the Commissioner, when sending an unsolicited letter to the Commissioner on 28 March. However, we consider this to be a minor breach of the Code.**

## Recommendation

24. In accordance with our usual practice, we have considered whether there are any aggravating or mitigating factors in relation to this breach.

25. We consider the following to be aggravating factors:

- a) Mr Hancock has evidenced a lack of attention to the rules.
- b) Mr Hancock is a former Cabinet Minister and has been an MP for over ten years. It is concerning that a Member with this experience has not taken account of these provisions of the Code.
- c) Mr Hancock made a statement to the press on the investigation which showed a lack of attention to the rules on confidentiality.

26. We consider the following to be mitigating factors:

- a) Mr Hancock did not set out to breach the rules.
- b) Mr Hancock had no prospect of personal gain through writing his letter to the Commissioner.
- c) Mr Hancock did not act with malice.

***27. This was a minor breach of the Code; however, Mr Hancock has still not acknowledged his mistake. We recommend that he should apologise to the House and to the Commissioner by means of a personal statement, the terms of which should be agreed in advance by Mr Speaker and the Chair of the Committee. We also recommend that Mr Hancock attends a briefing on his obligations under the Code with the Commissioner.***

***28. This case underlines that respect for the Code and the processes for investigating potential breaches of the Code, which were voted for by the House, is an important and necessary part of the Code. We expect Mr Hancock to reflect his understanding of this in his apology.***



### **Advice to Members**

29. The prohibition on lobbying is not a prohibition on all unsolicited communication with the Commissioner about an individual case. We appreciate that there will be circumstances where Members feel they ought to draw information they have to the attention of the Commissioner or may be in a position to assist with an investigation.

30. Any Member who wishes to submit evidence regarding a case is encouraged to contact the Commissioner's office in the first instance to seek further guidance. The Commissioner can then establish whether the information the Member has is likely to be relevant and agree the best method of collecting that evidence (for example, by interview that informs an agreed witness statement).

31. We fully endorse the advice set out in paragraph 22 of the Commissioner's memorandum:

Members, when writing to me, must take care not to offer an opinion on whether their colleague has breached the rules, or what the appropriate sanction should be, particularly as they are unlikely to be in the full possession of all the facts. Nor must they attempt to direct or influence my decision-making. To do any of these things, could be perceived as an attempt to compromise my independence and as undermining the system of standards put in place by the House.<sup>21</sup>

32. We also draw Members' attention to paragraph 13 of the Code which places a prohibition on Members from publicly sharing the details of an inquiry conducted by the Commissioner:<sup>22</sup>

Members must not disclose details in relation to: (i) any investigation by the Parliamentary Commissioner for Standards except when required by law to do so, or authorised by the Commissioner; nor (ii) the proceedings of the Committee on Standards or the Independent Expert Panel in relation to a complaint unless required by law to do so, or authorised by the Committee or the Panel respectively.

Members' adherence to this rule is crucial to protecting the integrity of the Commissioner's investigations, which are conducted in private.

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21 Appendix 1, para 22

22 Members may wish to note that paragraph 117 of the [Procedural Protocol agreed by the House](#) sets out with whom Members can share details of an investigation.

# Appendix 1: Parliamentary Commissioner for Standards memorandum

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## Summary

This memorandum reports on the inquiry that I commenced on 11 April 2023. I began an investigation on my own initiative following receipt of a letter on 28 March 2023 from Rt Hon. Matt Hancock MP that was about a Code of Conduct inquiry I was conducting into Mr Steve Brine MP.

My investigation into Mr Hancock sought to establish whether his letter had breached paragraph 14 of the Rules of Conduct for Members of Parliament set out in the 2023 Code of Conduct for MPs. My inquiry focused on the following:

- a) Had Mr Hancock lobbied me? And
- b) Was that lobbying undertaken in a manner calculated or intended to influence my consideration of whether Mr Brine had breached the Code of Conduct?

During my investigation, I met with Mr Hancock and received a written submission from him.

Having considered the evidence, I am of the view that Mr Hancock committed a minor breach of paragraph 14 of the Code when writing to me on 28 March 2023. As a breach of paragraph 14 of the Code cannot be concluded by rectification, I am referring this memorandum to the Committee on Standards.

**Daniel Greenberg CB**

**Parliamentary Commissioner for Standards**

**2 May 2023**

## Background

1. Following a complaint from a member of the public, I opened an inquiry into the conduct of Steve Brine MP on 15 March 2023. I published that I had started this inquiry on my webpages on 17 March 2023. In accordance with my usual practice, I published only that I was investigating whether Mr Brine had breached paragraphs 12 and 14 of the 2019 edition of the Code of Conduct for Members of Parliament.

2. My inquiry into Mr Brine was concerned with a message that Mr Brine had sent to Rt Hon. Michael Gove MP in February 2021 about doctors that could be provided to the NHS through a company who was employing Mr Brine as a paid adviser. This information was not in the public domain. There was, however, widespread speculation in the media that this was the basis for my inquiry into Mr Brine.<sup>23</sup>

3. On 28 March 2023 Mr Hancock sent an unsolicited letter to me that reads:

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23 <https://news.sky.com/story/amp/senior-tory-mp-steve-brine-under-investigation-over-lobbying-claims-12836089>

*I have recently become aware of an investigation into the Chair of the Health and Social Care Select Committee, Steve Brine MP, regarding his contacting of Ministers during the COVID-19 pandemic.*

*As the Secretary of State for Health and Social Care at this time, I want to make it clear to you that it is my firm belief that what Mr Brine did was acting overwhelmingly in the national interest.*

*Mr Brine contacted Ministers after the UK Government put out a call for help to the public to fight the unprecedented and serious pandemic. Indeed, both the then-Prime Minister, Boris Johnson, and myself as Health Secretary were publicly encouraging anyone who could help in our national effort to come forward to help fight this virus - including specifically the recruitment of trained staff. For example, our “Your NHS Needs You” campaign, launched in March 2020, called for a mass recruitment drive to help protect the NHS.*

*It is my belief that Mr Brine, like many people, did his duty and came forward to try to help the Government achieve our mission. He also made it very clear that he was a paid adviser to this company, so was not trying to conceal this information. Given the position he was in, it would have been inappropriate not to act.*

*I understand that nothing came from this approach in the end and that after being appropriately passed on to officials independent of Ministers, the company in question was not contracted.*

*It is, therefore, my firm belief that Mr Brine did nothing improper and should be cleared from any accusation given his actions were in line with his duties as a Member of Parliament and British citizen to help our country in its time of need.*

*Thank you for considering my thoughts on this matter.*

4. Mr Hancock did not contact me in advance to check the terms of my inquiry into Mr Brine, nor establish whether I would find a submission from him to be helpful or what details were needed from him to usefully assist my inquiry.

## **My inquiry**

5. I was concerned that Mr Hancock’s letter and, in particular, the penultimate paragraph of his letter, below, could be an attempt to unduly influence my decision in respect of Mr Brine:

*It is, therefore, my firm belief that Mr Brine did nothing improper and should be cleared from any accusation given his actions were in line with his duties as a Member of Parliament and British citizen to help our country in its time of need.*

6. I therefore opened an inquiry on 11 April 2023 to consider whether Mr Hancock’s letter had breached paragraph 14 of the Code of Conduct which states:

*Members must not lobby a member of the Committee on Standards, the Independent Expert Panel or the Parliamentary Commissioner for Standards, or their staff, in a manner calculated or intended to influence their consideration of whether a breach of the Code of Conduct has occurred, or in relation to the imposition of a sanction.*

7. The standard of proof I have applied in reaching my conclusions below is the balance of probabilities.
8. During my inquiry, in response to questions from me, I received a written submission from Mr Hancock on 14 April 2023. I also met with Mr Hancock on 19 April 2023 at his request. At that meeting, I put two further questions to Mr Hancock.
9. A timeline of my investigation is attached at Appendix 1.
10. In order to make a recommendation as to whether Mr Hancock has breached paragraph 14 of the Code of Conduct, I need to establish:
  - a) Did Mr Hancock lobby me? And
  - b) Was that lobbying undertaken in a manner calculated or intended to influence my consideration of whether Mr Brine had breached the Code of Conduct?

## My findings

### Evidence

11. On 28 March 2023 Mr Hancock wrote to me about my ongoing inquiry into Mr Steve Brine MP; the text of that letter is reproduced at paragraph 3 above.
12. I wrote to Mr Hancock on 11 April 2023 with three questions about his letter. I sought to confirm whether Mr Brine had asked Mr Hancock to write the letter and what Mr Hancock's sought to achieve by writing to me.
13. On 14 April 2023 Mr Hancock responded to my initial letter and questions stating that he had written to me about my inquiry into Mr Brine "*in good faith*" and had done so:

*to offer you additional evidence that I thought was not only pertinent but helpful for the inquiry you had announced you are conducting. As the former Secretary of State for Health and Social Care at the relevant time, I was in a unique position to help provide this evidence to your inquiry - context that could not be obtained from anyone else. In short, I was sincerely trying to help your investigation.*

14. Mr Hancock went on to assure me that his letter of 28 March 2023 had not lobbied me "*in any way*" and that there had been no "*inappropriate behaviour of any kind*". Mr Hancock also highlighted that given the negative publicity that followed the start of my inquiry it would have been in his "*personal interest not to have said anything at all*". Mr Hancock also pointed out that he had written to me formally on the understanding that his letter of 28 March 2023 would eventually be published.

15. Mr Hancock also confirmed that Mr Brine had not asked him to send his letter of 28 March 2023 but confirmed that Mr Brine was aware of his intention to write to me.

16. Mr Hancock then repeated some of the content of his letter of 28 March 2023, again telling me that Mr Brine had acted in the public interest when contacting Mr Gove and that:

*...it is very important that we do not punish people, after the fact, for the action they take in response to that clear national interest. I have a grave fear that in future crises it will be much harder to motivate people to help in this way because of how people have been treated for sincerely trying to assist. Your investigation does not take place in a vacuum. It is easy enough now to forget the urgent need to save lives at the time. I think it is important this is taken into consideration in this instance, because otherwise people may well be reluctant to come forward to offer much needed help in future. That would be a travesty.*

17. I then met with Mr Hancock at his request on 19 April 2023. I decided to take the opportunity of meeting with Mr Hancock to ask him two further questions; firstly, what was the evidence he was providing in his letter, and, secondly, what was the purpose of the final paragraph of his letter.

18. At our meeting on 19 April 2023, Mr Hancock told me:

- His letter of 28 March 2023 contained consequential and unique evidence about how he, as the then Secretary of State, received Mr Brine's approach.
- His letter of 28 March 2023 did not reflect a personal interest in my inquiry about Mr Brine but reflected a wider concern that Members, and other public figures, should not be retrospectively punished when they have responded to a Government call for assistance. Mr Hancock also confirmed that he had written to a number of other bodies on this point.
- He had relied on newspaper reports to establish the substance of my inquiry into Mr Brine.
- His letter of 28 March 2023 sought to outline that Mr Brine's actions were in the national interest and "*he should not be sanctioned for them*".

## **Analysis**

19. When a Code of Conduct inquiry is underway about a colleague, Members are free to contact me if they think that they have information or evidence that is relevant to my inquiry. If that information or evidence is provided in neutral and objective terms, it is unlikely that it would fall foul of paragraph 14.

20. However, Members need to take care on two points; firstly, because the specific details of my inquiries are never in the public domain other than the headline paragraph under consideration, their submission may well be irrelevant or based on speculation and assumption. This was the case on this occasion as Mr Hancock's submission of 28 March 2023 was not relevant for my inquiry into Mr Brine and was not used.

21. To address this issue, Members who are considering writing to me about an inquiry into a colleague are free to contact me in advance to establish whether the information they have is likely to be relevant and to agree the best method of collecting that evidence (for example, by interview that informs an agreed witness statement). Mr Hancock did not take that step before writing to me on 28 March 2023.

22. Secondly, Members, when writing to me, must take care not to offer an opinion on whether their colleague has breached the rules, or what the appropriate sanction should be, particularly as they are unlikely to be in the full possession of all the facts. Nor must they attempt to direct or influence my decision-making. To do any of these things, could be perceived as an attempt to compromise my independence and as undermining the system of standards put in place by the House.

23. My usual practice when conducting an inquiry, is to make my own independent decisions about the evidence that I need, whom to approach for that evidence, and when to make that approach. I take a proportionate and focused approach to evidence gathering: opinions and character evidence are usually not relevant. For my inquiry into Mr Brine, evidence from Mr Hancock was not needed as the inquiry did not turn on a direct approach from Mr Brine to Mr Hancock. As a result, as I have highlighted above, Mr Hancock's letter to me was not used to inform the outcome of the inquiry into Mr Brine.

24. As well as evidence, Mr Hancock's letter of 28 March 2023 included the opinion that Mr Brine "*did nothing improper and should be cleared from any accusation*". On a plain interpretation of these words, Mr Hancock was telling me what my decision should be and what the outcome of my independent inquiry should be. Mr Hancock confirmed that was the intention of his letter when we met in-person, telling me that the final paragraph of his letter outlined his belief that Mr Brine "*should not be sanctioned for them [his actions]*".

## Conclusions

25. I am satisfied on the evidence that Mr Hancock's unsolicited letter lobbied me on my consideration of Mr Brine's inquiry, and I am also satisfied that this lobbying was "*calculated or intended to influence my consideration of whether Mr Brine had breached the Code of Conduct*". This should not have happened and constitutes a breach of paragraph 14 of the Code.

26. The impression I have gained from my inquiry is that Mr Hancock has not applied his mind to the important distinction between evidence and opinion. Nor has he carefully considered how his opinion about the correct outcome for my inquiry into Mr Brine might put him on the wrong side of the Rules laid down by the House.

27. I have been mindful that Mr Hancock's position is that those Members acting in the national interest, or in response to a Government call for action, should not face retrospective investigation or punishment for their actions. I accept that his concern about this issue is genuine. That does not alter the fact that writing to me about a specific inquiry into a fellow Member in a way that was intended to influence my decision-making was a breach of the Rules, but the Committee may wish to consider it a mitigating factor.

28. I accept that Mr Hancock's letter was one of many he has written about this issue to a number of people, and I am of the view that his breach of the Code was likely to have been an inadvertent result of failing to appreciate that the House's Rules would be engaged by this particular approach.

### **Mr Hancock's comments on the Memorandum**

29. On 26 April 2023 I sent a draft copy of this memorandum to Mr Hancock to allow him the opportunity to comment. Mr Hancock responded on 28 April 2023. Mr Hancock maintained his actions were appropriate and proper and did not consider my recommendations to be in line with the intention of the new rule. Mr Hancock was of the view that what I have considered 'opinion' was in fact an important consideration in the wider point he was making.

### **Recommendation**

30. It is my recommendation to the Committee that they should find that Mr Hancock's letter of 28 March 2023 amounts to a minor breach of paragraph 14 of the Code of Conduct.

31. In reaching this conclusion I suggest that Mr Hancock's lobbying of me was at the less serious end of the spectrum of lobbying on the basis that:

- a) Mr Hancock wrote to me in the expectation that his letter would be published.
- b) The lobbying in his letter was relatively mild in terms.
- c) Mr Hancock's letter formed part of a wider programme of letter writing that reflected a genuine concern about how actions taken during the COVID-19 crisis were now being investigated and subject to sanction. The lobbying in his letter was likely due to inattention and carelessness rather than a deliberate attempt to subvert my inquiry into Mr Brine.

### **Additional matters**

32. In my initial letter of 11 April 2023, I stated:

*My inquiries are conducted in private. However, following the decision taken by the House on 21 April 2021, I will shortly publish on my webpages the fact that I am conducting an inquiry about your alleged breach of the Code of Conduct. If contacted, my office will not comment on any aspect of this specific inquiry to third parties. They will answer direct factual questions about the processes I follow, and the standards system more generally, but will not provide any comment or details about the particulars of this inquiry.*

*This letter and any subsequent correspondence between us in connection with this inquiry is protected by parliamentary privilege. It should be kept confidential until the outcome of my inquiry is published.*

33. This reflects paragraph 13 of the Rules of Conduct, which places a prohibition on Members from sharing the details of an inquiry conducted by me:

*Members must not disclose details in relation to: (i) any investigation by the Parliamentary Commissioner for Standards except when required by law to do so, or authorised by the Commissioner; nor (ii) the proceedings of the Committee on Standards or the Independent Expert Panel in relation to a complaint unless required by law to do so, or authorised by the Committee or the Panel respectively.*

34. The House's Procedural Protocol that governs the process for investigating and considering alleged breaches of the Code of Conduct also states:

*117. From the point that the Commissioner opens an investigation, the Member may only share details of the investigation with:*

- a) a very limited number of friends or family members; and/or*
- b) a specific whip who can advise and support them during an investigation; and/ or*
- c) a legal or medical adviser; and/or*
- d) a Member's own staff*

...

*120. The Member should ensure that anyone with whom they share information about the investigation or consideration of the case is also aware that the matter remains confidential, and they should not discuss the matter with anyone else.*

35. On 12 April 2023, I confirmed that I had opened an inquiry into Mr Hancock by adding his name to my webpages and publishing that the inquiry concerned:

*Lobbying the Commissioner in a manner calculated or intended to influence his consideration of whether a breach of the Code of Conduct has occurred*

I did not share any further information or details of how the lobbying occurred.

36. On 12 April 2023 a spokesperson for Mr Hancock told the press:<sup>24</sup>

*A spokesperson for Hancock denied any wrongdoing and claimed he was "surprised" by the move. They said: "Far from lobbying the commissioner, Matt wrote to Greenberg in good faith to offer some additional evidence that he thought was not only pertinent but helpful for an inquiry the parliamentary commissioner for standards is currently conducting.*

*"It's clearly a misunderstanding and Matt looks forward to fully engaging with the commissioner to clear this up."*

*The letter sent by Hancock contained evidence that he was said to have been uniquely placed to give.*

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24 <https://www.theguardian.com/politics/2023/apr/12/matt-hancock-among-three-mps-being-investigated-by-standards-watchdog>



37. In advance of our meeting, Mr Hancock shared with me his full press release. Mr Hancock also told me that his statement had been drafted “*carefully to ensure it is within the terms set out in your initial letter*” and that releasing a statement had been “*entirely reasonable to try to limit the damage from your announcement*” (i.e. the information on my webpage that I had opened an inquiry into Mr Hancock).

38. The information released by Mr Hancock contained greater details than those which I had put into the public domain on 12 April. In my opinion, Mr Hancock’s press statement risked a breach of paragraph 13 of the Code of Conduct. However, as the information he released neither hindered my inquiry nor contained specific details about my inquiry, I am satisfied that formal action in extending the inquiry to investigate a potential breach of paragraph 13 would not be proportionate. However, I am concerned that Mr Hancock’s conduct demonstrates a further lack of attention to the House’s Rules, and the Committee may wish to consider it in that light.

**Daniel Greenberg CB**

**Parliamentary Commissioner for Standards**

**2 May 2023**

## **Appendix 1: Timeline of investigation**

| <b>Date</b>   | <b>Action</b>   |
|---------------|---|
| 17 March 2023 | I publish that I have started an inquiry into Steve Brine MP, giving only details of the Rules of Conduct engaged by my inquiry |
| 28 March 2023 | Mr Hancock writes to me about my inquiry into Steve Brine MP  |
| 11 April 2023 | I open my inquiry into Mr Hancock’s conduct   |
| 14 April 2023 | Mr Hancock responds to my initial questions   |
| 14 April 2023 | I wrote to Mr Hancock about the media coverage of my inquiry  |
| 14 April 2023 | Mr Hancock shares his press release   |
| 19 April 2023 | Meeting with Mr Hancock   |
| 26 April 2023 | Mr Hancock is sent a draft copy of my memorandum to the Committee for his comments  |
| 2 May 2023    | I receive Mr Hancock’s comments on my draft memorandum  |
| 2 May 2023    | I conclude my memorandum and pass it to the Committee for their decision-making   |

## Appendix 2: Written evidence from Matt Hancock MP

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### Written evidence from Matt Hancock MP

Thank you for your email dated 2nd May 2023, and for the opportunity once more to set out my position in this matter.

I should stress that my letter to the Standards Commissioner, for which I am under investigation, was sent in good faith, was entirely reasonable, and written for no purpose other than to give him what I thought was context useful for his investigation. I always expected it to be published, I have contacted other authorities on a similar basis, and did not stand to gain in any way whatsoever. I was not applying or intending to apply unreasonable or undue pressure, was respectful, reasonable, and perfectly straightforward. I respect both the person of, and the office of, the commissioner, and did not in any way behave improperly. I gave evidence and drew logical conclusions from it. The distinction between fact and opinion is arguable, nuanced, and pretty technical. In my view, even to have been investigated for such a sensible and straightforward letter is a travesty.

I wrote to the Commissioner off my own bat and without being asked by Mr Brine. I felt it was my duty to make the case that if we punish individuals for answering a call to arms by Governments at moments of national crisis, we will get fewer experts coming forward to help in future crises. Indeed, I have been in touch not only with the Standards Commissioner, but other organisations too, about this concern.

I believe writing to the Commissioner to give extra context and evidence as the recipient of the communication from Mr Brine would be helpful. I stand by this was totally proper behaviour and reasonable.

I entirely understand that the intention of the new rule was to prevent a pile-on, with attacks and undue pressure on the Commissioner, as we have unfortunately seen in the recent past, where there have been seemingly orchestrated attempts to lobby the Commissioner by multiple MPs. That is very different from the former Secretary of State contacting the Commissioner without having been asked by the subject of the investigation to do so. I did not intend, attempt, nor in fact subvert the inquiry - which is what the new rules are intended to prevent.

Therefore, I do not see my letter as trying to “influence [the Standards Commissioner’s] consideration of whether a breach of the Code of Conduct had occurred”, but instead, as trying to help the Commissioner by giving him important evidence that he otherwise would not have had. While I do not agree that the letter I write was a breach of these new rules, I do accept that the Commission has found any breach to be minor and inadvertent.

If you want any further evidence from me, or an oral evidence session, I would be more than happy to help your investigation as I have throughout this process thus far.

You can see why I feel hard done by to have been caught up in this whole affair. Do we really want to say MPs should be punished for this sort of behaviour? I don’t think that was anyone’s intention when these latest rules were being developed.

I thank you for your consideration of my thoughts on this matter.

# Formal minutes

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**Wednesday 24 May 2023**

Members present:

Sir Chris Bryant, in the Chair

Allan Dorans

Andy Carter

Yvonne Fovargue

Sir Francis Habgood

Sir Bernard Jenkin

Victoria Smith

David Stirling

Sir Charles Walker

Carys Williams

Draft report (*Matt Hancock*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 32 read and agreed to.

A paper was appended to the Report.

*Resolved*, That the Report be the Tenth Report of the Committee to the House.

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

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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   |
| 7th         | Rules for the use of House of Commons stationery  | HC 1263   |
| 8th         | All-Party Parliamentary Groups: final proposals   | HC 228    |
| 9th         | Margaret Ferrier  | HC 1276   |
| 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    |

| <b>Number</b> | <b>Title</b>  | <b>Reference</b> |
|---------------|---|------------------|
| 3rd           | Greg Hands  | HC 211           |
| 4th           | Conor Burns   | HC 212           |
| 5th           | Mr Marcus Fysh  | HC 213           |
| 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          |