

Matt Hancock - Written Evidence

1. Letter from Rt Hon. Matt Hancock MP to the Commissioner, 28 March 2023

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.

28 March 2023

2. Letter from the Commissioner to Rt Hon. Matt Hancock MP, 11 April 2023

Following your letter of 28 March 2023, reproduced at appendix 1 below, about my inquiry into Mr Steve Brine MP, I have decided to open a formal inquiry into your conduct on my own initiative using the authority given to me by Standing Order No. 150. I have decided to open this inquiry because I am concerned that your letter could be an improper attempt to influence my inquiry and eventual decision-making about Mr Brine.

The scope of my inquiry and relevant rules

My inquiry will focus on whether your letter is a breach of rule 14 of the House of Commons’ Code of Conduct for Members, copy attached, which states:

E - Rules relating to upholding the Code

...

14. 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.

As you will be aware, paragraph 15 of the House's Procedural Protocol in respect of the Code of Conduct, also attached, confirms that investigations can be opened into potential breaches of the rules relating to upholding to the Code:

15. The Commissioner can investigate alleged breaches of the rules of conduct, and the associated rules which are set out in the Guide to the Rules, and alleged breaches of the rules relating to upholding the Code.

Next steps

I would welcome your comments on the allegation that your alleged actions have amounted to a breach of rule 14 of the Code of Conduct for Members. It would be helpful to receive any evidence to support your responses when you reply to this letter. Any other points you wish to make to help me with this inquiry would also be welcome. I would also be grateful for your answers to the following specific questions:

1. Did Mr Brine approach you about my inquiry into his conduct? If so, please confirm when and how this approach took place, and what details Mr Brine shared with you. If Mr Brine approached you in writing, or by text message, please share that correspondence with me.
2. Did Mr Brine ask you to write and submit your letter of 28 March 2023? If so, please confirm when and how he made this request. If Mr Brine made the request in writing, or by text message, please share that correspondence with me.
3. Please outline what you hoped your letter of 28 March 2023 would achieve.

Important information

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.

The Members' Services Team (MST) can support and signpost you and/or your staff to appropriate support services. You can contact them confidentially on [details redacted] for a range of issues, including support with handling the impact of media attention.

Procedure

The Procedural Protocol in relation to the Code of Conduct, which was approved by the House on 18 October 2022. This sets out detailed information about the House's standards procedures, including the procedure I follow.

While I do not, at this stage, know whether it will be necessary to interview you about this matter, it would be open to you to be accompanied at any such interview. I am, of course, very happy to meet with you at any stage if you would find that helpful.

I should say now, as a matter of courtesy, that I may seek the advice of the House authorities and others as part of this inquiry. If I do so, I will share that correspondence with you.

Information provided to me during the course of my inquiry will be retained, and disposed of, in accordance with the House of Commons' Authorised Records Disposal Policy.

Potential outcomes

Inquiries are generally concluded in one of three ways:

1. If the evidence does not substantiate the allegation, I will report that I consider there has been no breach of the Code. If the allegation is particularly serious or the investigation raises matters of wider interest or relevance, I may decide nevertheless to submit a memorandum to the Committee on Standards, which the Committee will consider and then submit its own report to the House.

2. If the evidence demonstrates a breach of the rules, I may, in limited circumstances defined by Standing Order No. 150, report that I consider there has been a breach of the Code, and conclude the inquiry using the rectification procedure, without making a referral to the Committee on Standards.

For inquiries that either result in a not upheld outcome or a rectification of the breach of the Rules, the investigation material, including our correspondence, will be published on the Parliament website, and the Committee will be notified.

3. If I consider there has been a breach of the Code, and

- it is either unsuitable for the rectification procedure; or
- you do not accept my opinion that there has been a breach of the Code; or
- you do not take (or do not agree to take) any remedial action required; or
- the investigation raises issues of wider importance

I must make a referral to the Committee on Standards. The Committee will then decide whether there has been a breach of the Code. My memorandum to the Committee will be published as an appendix to the Committee's own Report.

Regardless of the outcome of my inquiry, I must emphasise that all the relevant evidence, including our correspondence, will be published when this inquiry is concluded. I routinely redact the personal data of third parties unless it is relevant to my decision. Please tell me if you provide sensitive material that you think I should redact. I will consider carefully any such request.

Action

I would be grateful to have your response to this letter as soon as possible and no later than 25 April 2023 please.

If you would prefer me to communicate with you by a different email address, please give the details when you reply to this letter. It would also be helpful if you were willing to provide a telephone number through which I might contact you. I would be grateful if you could please send your response electronically to standardscommissioner@parliament.uk

Thank you for your cooperation with this matter.

11 April 2023

3. Email from Rt Hon. Matt Hancock MP to the Commissioner, 14 April 2023

I was surprised and rather shocked to read your letter dated 11th April 2023. I am very keen to engage fully with your investigation in order to resolve this matter as soon as possible, which I think has come about from a misunderstanding.

To be completely clear, I wrote to you on the 28th March in good faith, 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.

There is absolutely no question of any lobbying in any way, nor any inappropriate behaviour of any kind. I have absolutely no personal interest in this matter. In fact, by the very surprising manner of your response and attached negative publicity, it appears it would have been in my personal interest not to have said anything at all.

In answer to your specific questions, Mr Brine did not ask me to write to you. I wrote to you independently as the former Secretary of State, after you had published your intention to hold an inquiry into Mr Brine. I wrote in entirely reasonable terms, in a formal manner and with full transparency, knowing my letter may well be published, properly, and in the normal way. Again out of courtesy, I informed Mr Brine of my intention to write to you, but I have not shared with him the content of the letter. This is entirely proper.

My motives for writing were also entirely reasonable and quite simple: First, to present to you the evidence that only I could give - as the Secretary of State at the time, and as recipient of the communications under investigation, it was my view that the messages were sent in the public interest. This is not the case in all instances of communications I received as Secretary of State, but very much was here. I believe that to be a material consideration.

Second, I wrote because there are important wider matters of national interest at stake here, that may not have been immediately obvious.

The matter of national interest is this: in a national crisis, when Ministers - including the Prime Minister - have asked for support for clear national objectives (in this case hiring more people into the NHS), 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.

My letter to you emphatically did not unduly try to ‘influence your consideration of whether a breach of the Code of Conduct had occurred’, as Rule 14 states, but instead, my letter was giving you my evidence, in the position of the Health Secretary during this time, that in my judgement as the recipient of the messages, Mr Brine acted in the national interest. I drew the natural conclusions from that evidence. I did not refer to any sanction.

The rule about not “lobbying” you on your inquiries is new, as is your power to investigate of your own accord. I hope you will agree, now that I’ve had the chance to explain my reasoning, that this case is not what these two rules were intended for, and that a formal inquiry is entirely unnecessary. When these rules were being debated last year and drawn up, it’s clear there was absolutely no intention to stop courteous provision of evidence or exchange of sensible correspondence. Their intention was to stop a campaign from those without a direct link to the case.

Anyone reading my letter will see it was entirely reasonable and sensible. There is no question of any undue influence. I did it off my own bat because I think the evidence I gave was of some value. As explained, I have no interest in this case but the national interest. I was not lobbying in any way. My intention was to bring to light important considerations that might not be immediately obvious.

Given what I’ve outlined above, I hope you can understand why I was so shocked to receive your letter. I have great respect for you and your office. I am not one of those who sound off or try to undermine important institutions like yours. As you know, I take the Parliamentary rules very seriously. Why on earth would I seek to break them in the way implied in your letter? Of course, I wouldn’t. It seems sometimes that never does a good deed go unpunished.

I would be very keen to meet with you as a matter of urgency after the Parliamentary recess to discuss this in person and cooperate with your inquiry fully.

14 April 2023

4. Letter from the Commissioner to Rt. Hon Matt Hancock MP, 14 April 2023

I wrote to you on 11 April to inform you that I was opening an investigation into whether your letter to me of 28 March about Steve Brine MP amounted to a breach of paragraph 14 of the House of Commons Code of Conduct.

The Guardian Newspaper of 12 April records you as having made comments through a spokesperson, denying any wrongdoing, claiming surprise at the investigation, explaining that your conduct had not been lobbying but was offering evidence, and characterising my investigation as a misunderstanding which you look forward to clearing up. Other media outlets have reported you to similar effect.

You will have seen that my letter to you stated that it and subsequent correspondence should be kept confidential until the outcome of the inquiry. This is in accordance with paragraph 13 of Section E of the Code of Conduct which prohibits Members from disclosing details in relation to any investigation by me except when required by law or authorised by me. The Procedural Protocol in respect of the Code of Conduct approved by the House on 18 October 2022 includes further detail about the confidentiality of investigations at Chapter 7: paragraph 117 refers in particular, and lists the people with whom Members may share details of an investigation. The list does not include the media.

We are now due to meet to discuss the inquiry. When we meet I will be grateful for an account of precisely what your spokesperson said to which media outlets, and an explanation of why you thought it appropriate to authorise those statements, having regard to Section E of the Code and to the Protocol.

14 April 2023

5. Email from Rt Hon. Matt Hancock MP to the Commissioner, 14 April 2023

Of course. I put out the following comment in response to the enquiries about your announcement. Neither I nor my spokesman made any further comment.

Statement:

A spokesperson for Matt Hancock said: "Mr Hancock is shocked and surprised by the investigation. Far from lobbying the commissioner, 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. It's clearly a misunderstanding and Matt looks forward to fully engaging with the Commissioner to clear this up."

Background:

For background, it was evidence that Matt was uniquely placed to give. Ultimately, it's a misunderstanding

On follow-up questions:

I don't want to be difficult, but you need to speak to the commissioner - it would be inappropriate for us to comment any further on an open investigation.

I've released a spokes because I needed to. I've said enough to make it clear it's a misunderstanding but will let the commissioner investigate fully. I do apologise.

--ENDS--

As you can see, we drafted the statement carefully to ensure it is within the terms set out in your initial letter.

I'm sure you will agree, again, that this was entirely reasonable to try to limit the damage from your announcement

I look forward to meeting with you and engaging fully with your inquiry.

14 April 2023

6. Transcript of meeting between the Commissioner and Rt Hon. Matt Hancock MP, 19 April 2023

Also present: [name redacted], Senior Researcher for Mr Hancock, and [name redacted], Investigations and Complaints Manager, OPCS.

Matt Hancock

So, the reason I wanted to see you in person was to have a discussion around the context of your opening an inquiry into my having written you a letter. [content redacted]

[content redacted] And I was trying to help you. I think that writing to you as the former Secretary of State with consequential material, what I thought of, and obviously you can take a different view, but I genuinely thought of as a consequential piece of evidence, which is what I understood when Steve Brine contacted me. Firstly, it was totally proper my behaviour, it's completely impossible to say that I haven't behaved in a completely reasonable way.

[content redacted]

Daniel Greenberg

That's very clear and I've noted it all and I think I've understood it all and I don't think there's anything in it that I need to ask for clarification of.

[content redacted]

Matt Hancock

In this new process of your power to start an investigation, there has to be some way of you having a consideration as to that without automatically going public because you have to recognize that going public, even with the fact of an inquiry, has a damaging impact on Members of Parliament.

This comes to my second point, because we're all feeling our way through a new regime, this comes to the second point which I didn't make in my first letter, but I did in my second letter, which is that there's a reason, there's a motive, and it is not a personal interest at all.

As I've said repeatedly, I don't have a personal interest in this. It was not lobbying in that sense. The reason is that I genuinely feel that in a much broader way we have a problem of MPs ability to respond in extraordinary circumstances.

But it's not just about MPs. If we had COVID again and we tried to hire in the dozen or so external, very impressive leaders who we had, [names redacted], there were about a dozen of them that we brought in, who ran different bits of the regime, [name redacted], I think almost none of them would answer the call now, and that would be significantly to the nation's detriment. And the reason is the amount of public attack, totally unreasonably, they have had. This is just another example of it.

So, I'm really protective of the people who actually stepped up to the plate and in Steve Brine's case, you can come to whichever view you like, I wanted to put to you the wider context that when the Prime Minister himself asks people to come forward, then it is reasonable for people to come forward. This is a subject that I've spoken to the Public Accounts Committee about, I've seen the Controller and Auditor General on this point, you know, because there's a whole series of audit bodies, of which you are a sort, not an audit body, but that type of body going through things afterwards, where I just have to reiterate this point, that is, remember what it was like at the time, the Prime Minister was asking everybody to help. A lot of people came and helped.

I genuinely think that there was no corruption. I know for a fact I saw no corruption. Everybody now knows that I was not involved in any because all of my WhatsApps have been leaked and if there was any corruption in them, they sure as hell would have been there on the front page of the newspapers and the public inquiry will find that.

Did we get all decisions right? No, that's not the point. You never do in a crisis. Anyway, so my letter to you, just for your context, was not a lone letter; I've written a similar letter to a number of different bodies. The Lord's Commissioner did an investigation into some of these elements from Members of the House of Lords. [content redacted] So, anyway, so my letter to you was not completely out of the blue. It didn't come from Steve phoning me up and saying "oh, my God, I'm in trouble. Can you come and help me out?". It was that I have approached a series of different authorities to try to make this broader point that, yes, we have to investigate this stuff, but we also have to be cognisant of the fact that when people step up when they're asked to do by their Prime Minister, we shouldn't then dump on them afterwards.

Daniel Greenberg

Again, that is all very clear. Thank you. I don't need to ask for clarification of any of that, Keith, is there anything you wanted to ask by way of clarification before I put my questions?

Investigation and Complaints Manager

No, thank you. No.

Daniel Greenberg

Well, let me put my questions, but obviously if there's anything else you want to add after then is this is your opportunity to say everything that you think needs to be said. So, the first question that I have is, you've said very clearly that the purpose of your letter in your mind was provide evidence.

Matt Hancock

Yes.

Daniel Greenberg

So, can I put it like this? And I don't know if you've got your letter?

Matt Hancock

My original letter?

Daniel Greenberg

The original letter. Can you identify what was the evidence you were providing? Tell me what evidence you were providing.

Matt Hancock

Two things; firstly, the first piece of evidence is publicly available. The second is unique and uniquely available from me. The first is the third paragraph, which is that he was responding to the call that was put out, so far, so good. You could know that from reading the newspaper. The second is that this was a communication to me as Secretary of State. The way in which I received that information is a material consideration. [content redacted]. I felt when I received the message from Steve Brine that it was entirely appropriate, and I passed it on to the appropriate authorities and through private office to the NHS. In the end, the NHS did not take forward this proposal, or this offer, but I felt that it was an appropriate and a very helpful response to the national crisis. It was, "oh, let's see if this can help". So that is the evidence that nobody else could give you – in what manner did I receive the correspondence from Steve Brine at the time.

Daniel Greenberg

Where is that in the letter?

Matt Hancock

It is my belief that Mr Brine, like many people, did his duty and came forward to help to try to help the government achieve our mission.

Daniel Greenberg

It is my belief. But what you said just now, your aim was to give evidence about the way that it was received at the time.

Matt Hancock

Yes

Daniel Greenberg

I'm not trying to be difficult. I'm not. So not trying to catch you out or anything. But I want us to be very clear because just reading the fourth paragraph of your letter; "it is my belief that Mr Brine like many people did his duty". As I read it now, that's an observation. I don't read that as a description of what you say is the way you received it at the time.

Am I making sense? No, I'm not.

Matt Hancock

You are. You are. I would say that you're dancing on the head of a pin. Paragraph two also has it in the past tense; "what Mr. Brine did was acting overwhelmingly in the national interest" but it also my firm belief that is what he was doing.

Daniel Greenberg

I hear that.

Investigation and Complaints Manager

Could I ask, which of Mr. Brine's approaches to you, are you actually writing about in this letter?

Matt Hancock

I'm writing about the one that...I wrote this letter because I read in public that you'd opened an inquiry into his offer to the government, which declared at the top that he worked into a company that hired staff for the NHS, of 50 staff.

Investigation and Complaints Manager

And how did you verify that was accurate? That that is actually what we are investigating.

Matt Hancock

I didn't verify it. Maybe I shouldn't believe what I read in the newspapers.

Investigation and Complaints Manager

Thank you.

Daniel Greenberg

OK. Anything else?

Investigation and Complaints Manager

No, nothing.

Matt Hancock

I don't know how this stuff gets in the newspaper. I know that you're very cautious about what you put out.

Investigation and Complaints Manager

Very.

Daniel Greenberg

I think I've understood your answer to me to that question. My second question is, I think it is worth asking this as we haven't covered it fully. Could I just ask us to look at the final paragraph of the letter?

Matt Hancock

Yes

Daniel Greenberg

So, "it is therefore my firm belief...". Could I just ask you say what the purpose of that paragraph is.

Matt Hancock

Well, this is a natural conclusion from my view that his actions were in the national interest. 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.

Now, you may say, well, in that case, according to the technicalities of these rules, there's a question of the sanction. I'm not coming to you saying you know it shouldn't be, the sanction shouldn't be two weeks or one month. I'm not getting involved in the question of the sanction. My point is he was acting in the national interest and I drew a what I thought was a totally reasonable, logical conclusion from the statement I was making with the [inaudible] and that's what I'm trying to describe.

Investigation and Complaints Manager

Is that evidence or an opinion?

Matt Hancock

This is a conclusion from evidence.

Investigation and Complaints Manager

Okay. Thank you.

Daniel Greenberg

Okay

Matt Hancock

[content redacted]

Daniel Greenberg

Okay. Again, that's all very clear. I think I've understood everything. The transcript has been working okay as far as we can see.

Investigation and Complaints Manager

I hope so. Yes.

Daniel Greenberg

Okay. Good. Fine, that's all. I don't think there's anything I wanted to come back to. Thank you very much and I'm not going to discuss the wider issues now. I think we can all understand, as I said, we've got a process and we have to follow the process very, very carefully. I don't think it would be, appropriate to have a sort of general discussion about some of the broader issues that you've raised now.

Matt Hancock

Yes.

Daniel Greenberg

[content redacted]

Matt Hancock

[content redacted]

Daniel Greenberg

[content redacted]

Matt Hancock

But better to separate that from today. I totally understand that. And as I say I rather admire your way of working, which I've seen before in terms of the preciseness with which you will ask these questions and come to a conclusion.

Daniel Greenberg

Good. Anything else? Anybody. No?

Investigation and Complaints Manager

[content redacted]

Matt Hancock

[content redacted]

Daniel Greenberg

We're obviously not going to say anything about the outcome. What I can say is that what we can and should do is try and give you the advantage of speed, and we will get on with this as quickly as possible.

19 April 2023

7. Email from Mr Hancock's office, 28 April 2023

Thank you for sharing your draft. Matt is grateful for your engagement and bringing this to a swift conclusion. He maintains that his actions were appropriate and proper, and does not consider this was the intention of the new changed rule. He thinks that what you have considered "opinion" is in fact an important consideration in the wider point he was making.

He has no further comments.

28 April 2023