

Written evidence

1. Emailed complaint sent to the Commissioner, 22 January 2019

[Redacted – text about third party]

Please will you investigate the possible breach of the Parliamentary Standards by Ms Kate Osamor MP when she wrote to the presiding judge at Bournemouth Crown Court last autumn in support of her son, [name redacted] facing criminal charges.

Did Ms Osamor attempt to influence the Court's decision by using her parliamentary position?

22 January 2019

2. Letter from Ms Kate Osamor MP to the Commissioner, 22 January 2019

I understand that the current rules for the use of stationery and postage-paid envelopes are that, as an MP, I may use these for 'modest personal use' [hyperlink].

My understanding is that this also includes using Commons letterheads in court and tribunal proceedings, which I do frequently in support of my constituents' cases. I also use Commons' letterheaded stationery for character references for my staff.

I recently used House stationery to write a character reference in a court case involving my son, who is employed in my office, and seek clarification from your office that I have not breached any of the rules for using parliamentary stationery in this instance.

I look forward to hearing from you.

22 January 2019

3. Letter from the Commissioner to Ms Kate Osamor MP, 23 January 2019

Thank you for your letter of 22 January 2019. You said you were writing to "*seek clarification from [my] office that [you] have not breached any of the rules for using parliamentary stationery...*". I am not able to give any opinion on that point without first having established all the relevant facts. I also received yesterday the enclosed email, asking that I begin an inquiry into this matter.

I am writing to you now to seek your assistance with a formal inquiry.

My inquiry

I have decided to begin an inquiry into whether you have acted in breach of paragraph 17 of the House of Commons' Code of Conduct for Members and, as part of that inquiry, I will also consider whether you have acted in breach of paragraph 16 of the Code.

The Code of Conduct for Members

Part IV of the Code of Conduct contains the general principles of conduct, which are “*taken into account when considering the investigation and determination of any allegations of breaches of the rules of conduct in Part V of the Code*”. Those principles include; selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Paragraph 16 of the current Code states:

Members are personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services provided from the public purse is in accordance with the rules laid down on these matters. Members shall ensure that their use of public resources is always in support of their parliamentary duties. It should not confer any undue personal or financial benefit on themselves or anyone else, or confer undue advantage on a political organisation.

Paragraph 17 of the Code says:

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.

You have referred to the *Rules on the use of stationery and postage-paid envelopes provided by the House of Commons, and for the use of the crowned portcullis*¹ permitting “modest use” of House-provided stationery for “personal correspondence” (paragraph 5).

The over-arching principles for the use of House-provided stationery are found in paragraph 2 of those rules. That states:

The rules cannot be expected to cover every eventuality; Members should therefore always behave with probity and integrity when using House-provided stationery and postage. Members should regard themselves as personally responsible and accountable for the use of House-provided stationery and postage. They must not exploit the system for personal financial advantage, nor (by breaching the rules in paragraph 3 below) to confer an undue advantage on a political organisation.

Paragraph 3 of the rules lists examples of uses for which House-provided stationery should not be used. That list is not exhaustive.

Paragraph 9 of the rules relates specifically to the use of the crowned portcullis. It begins with the following explanation:

The principal emblem of the House is the crowned portcullis. It is a royal badge and its use by the House has been formally authorised by licence granted by Her Majesty the Queen. It should not be used where its authentication of a connection with the House is inappropriate, or where there is a risk that its use might wrongly be regarded or represented as having the authority of the House....

Next steps

I have seen copies of your letter dated 12 October 2018 reproduced in the media. However, it would be helpful to have a copy of the full text of the letter you sent to the judge. I would appreciate your comments on the following questions:

- (1) You said in your letter to me that you used “House stationery” to write a character reference in a court case involving [your] son:
- (2) did you use a House-provided postage pre-paid envelope to send the letter?
- (3) Did you take advice from the House authorities before using House-provided stationery for this purpose?
- (4) If you did, please describe the advice given and provide copies of any correspondence you exchanged with House officials on that matter.
- (5) Did you consider using other stationery, such as Labour party headed paper or your own personal notepaper?
- (6) If you did, please say why you decided against doing so.
- (7) You refer to the paragraph of the rules permitting modest use of House-provided stationery for personal correspondence (paragraph 5).
- (8) Please explain the basis for relying on that provision.
- (9) Please provide as much information as you can that might help me to understand how the media reports alleging that you had lied (by saying that you were unaware of your son’s court case) came about.
- (10) It has been widely reported that when that allegation of lying was put to you by journalists, you made threatening comments to the individuals concerned.
- (11) As far as you are aware, is the Metropolitan Police Service conducting any inquiries into this matter?
- (12) If you are not aware of any such inquiries, please describe the circumstances which gave rise to those media reports.
- (13) Have you used any other facilities provided by the House of Commons to lobby on behalf of your son in connection with his conviction?

It would be helpful to receive any supporting evidence you have at the same time as receiving your response to these questions. Any other points you may wish to make to help me with this inquiry would be most welcome.

Important information

As you will be aware, my inquiries are conducted in private. Following the decision taken by the House on 19 July 2018, I will not publish the fact that I am conducting an inquiry into an allegation into an alleged breach of the Code of Conduct. My office will

not comment on any aspect of the inquiry to third parties. They will answer direct factual questions about the processes I follow and the standards system more generally but will neither confirm nor deny that I have begun an inquiry.

Procedure

I am writing to [the complainant] to let him know that I have decided to begin an inquiry into this matter. For the avoidance of doubt, I am not sending him a copy of this letter, nor am I giving him details about the scope of my inquiry.

I enclose a copy of the Commissioner's Information Note, which sets out the procedure for inquiries. Please note that this has not yet been updated to reflect the changes flowing from the decision of 19 July 2018.

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. (I have made a similar request of the complainant.) All the relevant evidence, including our correspondence, will be published when I have concluded my work.

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.

Action

I would be grateful to have your response to this letter as soon as possible and no later than 5 February 2019.

23 January 2019

4. Letter from Ms Kate Osamor MP to the Commissioner, 5 February 2019

Thank you for your letter dated 23 January 2019. Please find below answers to your questions in that letter.

- (1) No. The character letters were hand delivered to the court at the sentencing hearing on 19 October 2018. The letter presented in court was taken into consideration by the judge when passing sentence. That legal process has now concluded.
- (2) No. I did not take formal advice from the House. I based this action on previous character references I have written for interns, constituents in prison and constituents attending court tribunals (please see enclosed)²

- (3) I did not consider using either Labour Party headed paper or my own personal notepaper because people, of all professions, use their professional headed paper—for example, lawyers in criminal proceedings use formal letterheads to demonstrate that they are who they say they are.
- (4) In my first letter, dated 22 January 2019, I wrote to you seeking clarification as to whether I had breached the rules for using parliamentary stationery when writing character letters including for interns, constituents in prison and constituents attending court tribunals (please see enclosed).
- (5) It has been widely reported in the media that my son faced charges of possession with intent to supply illegal substances at a regional music festival. The events which led to his arrest and his subsequent conviction occurred in his own time and, as such are a private matter. The facts of my son's case have been heavily misrepresented in the elements of the media. He has for example been wrongly accused of drug smuggling—accusations that are categorically untrue.

On 30 November 2018, the judge presiding over the case ruled that the Associated Newspaper Limited could be informed by the court of the relationship to Mr Osamor of the authors of his character reference letters. One was from Mr Osamor, one was from myself and one was from his partner. There were two other character references, but the judge did not disclose the authors of these.

The court further directed that Associated Newspaper Limited be informed that the letters spoke of Mr Osamor's remorse for his offending, and his character (aside from his offending) both in the workplace and socially. The letters were written by people who have known Mr Osamor for a long time. They gave a personal view of his character and situation. On the same evening, 30 November, having arrived home from a long day in my constituency, I was door-stepped by a journalist from The Times who wanted to answer questions, specifically when I knew my son was a drug dealer.

I asked the journalist to leave. The journalist refused. I called the police to assist me. My temper was frayed. I am a mother first and my motherly instincts went into overdrive. I have since apologised for my emotional outburst towards the journalist. You will have noted that I stepped down from the front bench the following day—Saturday 1 December 2018.

- (6) I am not aware of the Metropolitan Police Service conducting any related inquiry.
- (7) No. I have not used any of the other facilities provided by the House of Commons to lobby on behalf of my son in connection with his conviction.

I hope this answers your question.

5 February 2019

Enclosure: Letter from Ms Osamor MP to the Courts of Justice, Bournemouth, 8 October 2018

MP case ref [number]

I am writing on behalf of [my son] who is standing before you today.

I would like to introduce myself as Kate Osamor, Member of Parliament for Edmonton and Shadow Secretary of State for International Development. It's not my intent to argue the facts of his case, instead I will do the best I can to communicate to you my son's real character.

I regret the fact that this letter is necessary. I am shaken by how difficult this letter is for me to write. I wish there was an ideal place to begin. But where does one start when your son has come into this position. What keeps me believing in him and loving him is the fact that he is a good person that came from a good home. I wish more than anything that you, the man who decides his fate, could know him like I do.

[My son] is well-regarded among our community as a person of high integrity and honesty. And as a result was recently elected as a councillor in the London Borough of Haringey. I'm proud to acknowledge [my son] is becoming a vital pillar in our local community, speaking up for young black men and women as a councillor.

In recent years [he] has worked in my office, proving to be an integral part of my team. It is hard to overstate the benefits, however [he] has displayed his range of attributes necessary for leading a successful office through times of political turmoil. And without his help and loyalty my role as Shadow Secretary of State for International Development would have been unhermetic.

Your honour, I understand the charge against [my son] needs to be taken seriously but the thought of you taking my son into custody feels like a bereavement, he is such a positive force in my life and I cannot recognise life without him. I hope there are options available to help [him] atone for his mistake without tearing my family apart.

This case has rocked my son. I have never witnessed such a shift in his behaviour, at times it has deflated his self-esteem and purpose. After speaking with [him] I am without ambiguity that he is incredibly remorseful and willing to make reparation. But, to do that, he needs you to give him an opportunity to have a second chance.

I implore you to recognise the power you yield with regard to the future of my beautiful son and make a fair decision.

8 October 2018

5. Letter from the Commissioner to Ms Kate Osamor MP, 19 February 2019

Thank you for your letter of 5 February 2019. I am sorry it has taken a little longer than usual for me to reply.

Your letter is helpful, and I now understand better the circumstances of your letter of 8 October 2018 to the Courts of Justice, Bournemouth. However, I do not yet have all the information I need to reach a decision on whether you have acted in breach of House of Commons' rules. Rather than continue to exchange letters, I think we might conclude this matter more rapidly if we were to meet. I would, therefore, be grateful if you would contact my PA, [name redacted], as soon as possible to arrange an appointment with me, in my office at [redacted]. Her contact details are at the bottom of this letter.

As outlined in the Commissioner's Information Note (paragraph 30), which I sent with my letter of 23 January, you may be accompanied by an adviser or friend at this interview. If you wish to be accompanied, please let [my PA] know that when you contact her to arrange a date and time.

The purpose of the interview will be to explore further the information you have provided so far and, in particular, to help me to understand:

- the comparison you draw between your letter of 8 October and other letters enclosed with your reply of 5 February;
- the analogy you draw between writing a character reference on behalf of your son on House-provided paper and a lawyer using a professional letterhead during criminal proceedings;
- when you first knew about your son having been charged with a criminal offence; and
- your response to a perception that you attempted to use your status as an MP and as a shadow cabinet member to influence the outcome of the criminal justice process for your son.

I do appreciate that your son's arrest and conviction were family matters, which were personally distressing for you both. However, it is the boundary between personal matters and your parliamentary activity that lie at the heart of this inquiry.

19 February 2019

6. Letter from the Commissioner to Ms Kate Osamor MP, 19 March 2019

Thank you for meeting me last week. As promised, I enclose a draft meeting note for you to check for factual accuracy. I would be happy to receive any suggested amendments by 27 March 2019.

If there are any points you would like to add or to clarify, please let me know when you reply to this letter. I would find it particularly helpful if you would confirm whether I have understood correctly your explanation of how the media came to report that you had lied about your knowledge of your son's court case. As I understand our conversation, you were asked to comment on your son being convicted of dealing in, rather than possession of, drugs; you denied knowledge of him being convicted as a dealer because you knew the charge related to possession. It would be helpful to have:

- a clear timeline, as agreed at the end of the interview on 11 March; and
- any supporting evidence you have relating to this incident.

I have considered carefully your explanation of the allegedly threatening behaviour toward a journalist. I have concluded that, before I make a finding, I should ask the Metropolitan Police Service whether they hold any relevant material. I understand that the incident giving rise to the media reports occurred on 30 November 2018. It would be helpful to know:

- (1) whether that date is correct;
- (2) the address at which the incident occurred; and
- (3) if you have the details, the names of the police officer(s) who attended.

Once I have that information, I will write to the Metropolitan Police Service. I will give you an opportunity to comment on any evidence I receive before I reach any findings.

19 March 2019

7. Letter from Ms Kate Osamor MP to the Commissioner, 27 March 2019

Thank you for your letter of 19 March regarding the notes taken from the meeting on 11 March.

There is one point that needs alteration in the minutes. The minutes state that [my son] was found guilty, but this is not correct. [He] pled guilty and consequently there was no trial and no jury.

The basis of [my son's] plea (which you will find in my previously submitted documents) predetermined the legal procedure the police, CPS and the court would use to establish sentencing.

Your letter also asks to provide you with a timeline and any supporting evidence relating to this incident, which I will outline below.

I have previously sent you the character reference, which is dated as postmarked.

On the morning of 26 October a Daily Mail reporter called at my home and accused my son of being a drug dealer, seeking to intimidate me into providing a comment on this accusation. He left when I refused to engage with his coercive approach.

On the evening of 26 October the Daily Mail began a campaign of misreporting on my son's case. What ensued can only be described as a barrage of articles from The Sun, The Daily Mail and The Times over several months which were extremely inaccurate. At no time was I offered the opportunity to tell my side of the story.

The Metropolitan Police attended my address [details redacted] on 30 November 2018 at approximately 7.30pm. The police again attended my home on 1 December 2018.

As previously stated, whilst I am a devoted public servant to my constituents in Edmonton, I am first and foremost a mother and I vehemently dispute that my son is a drug dealer. This assertion is based on the findings of a British court and judge.

I bring to your attention just three examples from many of the malicious inaccuracies in the reporting of my son's case. [hyperlink provided].

In the above: the drugs were not "smuggled in"; the references to "lethal drugs" is inflammatory; there was and has been no "row" with regard to [my son's] selection as a candidate to be a Haringey councillor; it is simply untrue that the selection process was anything other than fair, open and democratic and abided by all party rules.

[hyperlink provided]

With respect to the above article, again, the mention of smuggling is untrue.

{hyperlink provided}

With respect to the above article, the reference to my son being a “drug dealer” is untrue.

I hope that in providing the answers to the questions you have raised with me. Do please let me know if there is anything I can assist you with.

27 March 2019

8. Evidence provided by the Metropolitan Police Service on 23 May 2019

On 23 May 2019 the Metropolitan Police Service provided copies of incident reports recorded on their computer system and a copy of the footage recorded on the body-worn video-camera of one of the officers attending Ms Osamor’s address on the evening of 30 December 2019.

The following extracts are relevant to my inquiry.

30 November 2018: *“Kate Osamor was told this is being recorded on body-worn [video-camera]. During discussion whilst police were at the scene, Kate Osamor has said the following to the journalist in front of both officers on scene “Don’t knock my fucking door. I should have come down here with a fucking bat and smashed your face open”. This was captured on body-worn video [camera].”*³

30 November 2018: Kate Osamor speaking: *“... This guy is a journalist. I’m a Member of Parliament. He’s been stalking me. He’s trying to get informaiton about my family. I told him to leave me alone [...] He’s still here. [...] He thinks he’s got a right to be here.”*

1 December 2018: *“Police then went and spoke to Ms Osamor inside her [home address]. Her son was not present and she admitted there was an incident the night before where she lost her cool, and said things she regretted and threw a cup of water at someone.”*

9. Letter from the Commissioner to Ms Kate Osamor MP, 4 June 2019

When I wrote to you on 19 March I said that I had decided to ask the Metropolitan Police Service (MPS) whether they held any material relevant to my inquiry. I wrote to them on 4 April and I have recently received copies of print-outs of the relevant incident reports, as well as footage from one of the officer’s bodyworn video, recorded on 30 November 2018. I enclose a copy of the printed material for your information.

I also enclose a copy of the letter I have today sent to the Director of Customer Service & Service Delivery, asking how he would have advised you had you sought his advice about the propriety of using House-provided stationery to write to the court as a character witness for [your son]. I will share his response with you in due course.

Please let me know by 11 June 2019 whether you wish to view the video-clip. If you do, please call [my Complaints Manager], so that she can arrange a suitable time. If you do not, please confirm that in writing by the same date and provide any comments you wish to make on the material now enclosed.

4 June 2019

10. Letter from the Commissioner to the Director of Customer Service & Service Delivery, 4 June 2019

I am writing to seek your advice with a formal inquiry I am undertaking into the conduct of Ms Kate Osamor MP.

I would be grateful if you would tell me how you would have advised Ms Osamor if she had sought your advice about using House-provided stationery to write to the court as a character witness for her son before sentencing for a drug-related offence, for which he had entered a guilty plea. I enclose a copy of the letter as sent.

I should add that Ms Osamor has told me that:

- her son was not one of her constituents
- she was writing to the court as her son's employer and mother
- she used House-provided paper because "*people of all professions use their professional headed paper—for example, lawyers in criminal proceedings use formal letterheads to demonstrate that they are who they say they are*"

I appreciate that the published guidance regarding the use of stationery cannot cover every eventuality, and it would be helpful to have your observations on the factors you have taken into account in reaching a view in this instance.

You will be aware that my inquiries are conducted in private and that this correspondence should be kept confidential. If necessary, I am content for you to share the content of this letter with the Clerk of the Journals, should it be necessary to seek his advice specifically on the use of the crowned portcullis.

It would be very helpful to have your response to this letter by 11 June 2019. Thank you for your assistance.

4 June 2019

11. Email from the Director to the Commissioner, 25 June 2019

Thank you for your letter of 4 June.

You asked me to let you know what advice I would have given Ms Kate Osamor MP if she had sought my advice about using House-provided stationery to write to the court as a character witness for her son. You also asked for my observations on the factors I would have taken into account in reaching a view in this instance. I apologise for the delay in responding but I did not receive your letter until last week.

I can confirm that my team were not consulted by Ms Osamor, though I would note there is not a requirement for Members to do so.

The House provides the stationery budget to assist Members in performing their parliamentary duties but, as you noted in your email, the rules cannot be expected to cover every eventuality. You will be aware that while my team and I can provide guidance on usage, ultimately Members should always behave with probity and integrity when using House-provided stationery and postage, and should regard themselves as personally responsible and accountable for the use of it. If a complaint is made, whatever guidance we might have provided cannot bind your ability to come to a different conclusion.

If I had been asked, I would have advised that the letter falls outside the rules. The rules state that *'House-provided stationery and pre-paid envelopes are provided only for the performance of a Member's parliamentary functions'*; writing a letter providing a character witness for a family member does not, in my opinion, fit within this definition.

In your letter you mention that Ms Osamor told you that she used House-provided paper because *"people of all professions use their professional headed paper - for example, lawyers in criminal proceedings use formal letterheads to demonstrate that they are who they say they are"*. I would note that her use of House-provided paper must conform to the rules explained above, and that Ms Osamor, as a Member of Parliament, would have been able to refer to her position without using House-provided stationery or postage to do so.

As you suggested, I have also asked the Clerk of the Journals for his opinion. His view is as follows. *"My advice would have been that this is an inappropriate use of the crowned portcullis since it risks implying a parliamentary connection or even authority what is a purely personal communication. That said, I would consider it at the milder end of inappropriate because the text of the letter itself is clearly in a personal capacity and does not pretend to any parliamentary authority."*

I am of course happy to answer any further questions you may have.

25 June 2019

12. Letter from the Commissioner to Ms Kate Osamor MP, 22 July 2019

We spoke on 12 June and I sent a copy of my letter to the Director of Customer Service and Service Delivery to you.

In the meantime, while waiting for your response to the question in my letter of 4 June to you about whether you would like to view the material I had obtained from the body-worn camera of one of the officers attending your property on 30 November 2018, I have received a reply from the Director. A copy of that advice is enclosed.

I would be grateful if you would let me know by next Tuesday, 6 August, where or not you would like to view the material recorded on the body-worn camera. By the same date, please let me have any comments you wish to make on the Director's advice.

Once I have your response, I expect to be able to make a decision on the allegation I am investigating. Assuming that I do not need to make any further enquiries, I would then

begin drafting my decision. I would expect to be able to share a copy of it with you during summer recess. It would, therefore, be helpful if you would provide, when you reply to this letter, details of the address at which I might most reliably contact you during recess.

22 July 2019

13. Letter from the Commissioner to Ms Kate Osamor MP, 30 October 2019

When I last wrote to you, on 22 July 2019, I asked you to let me know whether you wished to view the video-recording made on the police officer's body-worn camera on the evening of 30 November 2018. I also asked you to let me have any comments you wished to make on the advice I had received from the Director of Customer Service and Service Delivery. I had written to you about that advice on 4 June and sent a duplicate on 12 June. I have not received a reply.

I am sorry that I have not written to you sooner to pursue this matter. However, when I last wrote, I said that I expected to be able to make a decision on the allegations under investigation once I had your responses. Given you have not replied, I have now drafted a Memorandum based on the evidence I have. I enclose a copy of the draft to give you a final opportunity to provide any additional evidence. I would also welcome your comments on the factual accuracy of the Memorandum as drafted.

I will consider carefully any other comments you wish to make, and I may amend the Memorandum to reflect any fresh evidence you submit. However, I should emphasise that the content of the Memorandum is a matter for me alone.

There is one factual point which it would be helpful if you would answer when you reply to this letter. Please can you tell me who, other than you, was present at your home address on 30 November when the journalist was knocking at your door?

Please acknowledge receipt of this letter by return and provide a full reply as soon as possible. Although I may not finalise a referral to the Committee on Standards during Dissolution, I would expect to return to this matter in the new Parliament.

30 October 2019

14. Letter from Ms Kate Osamor to the Commissioner, 15 November 2019

Thank you for your letter dated 30 October 2019.

First, please accept my sincere apologies for the delay in responding in full to your enquiries over recent months, and in particular to your letters sent to me in June and July 2019. Over the past six months, I have had a significant number of staffing vacancies and absences, with the key staff positions in both my constituency and parliamentary offices remaining unfilled for an extended period of time. During what has been a very challenging time for me personally, I have ended up filling these gaps myself to make sure important parliamentary and constituency work does not fall through the cracks.

Although we have spoken during this time, and although I have now also reviewed the footage in question in early November, I am truly sorry for failing to respond to you in writing during this time.

Please be assured that I treat the work of the Committee and yourself, and by extension the House's standards system, with the utmost respect. I fully appreciate the gravity of the enquiries you are making.

After initially referring myself to you on 22 January 2019, I am pleased now to respond to your remaining queries in full.

In your letter dated 30 October 2019, you outlined a number of factual questions. I outline my response to each:

- (1) In the main letter, you asked whether any one else was present at my home address on 30 November 2019. I can confirm that no-one else was present.
- (2) In your draft memorandum, under Next steps, point (2) asks whether I used a House-provided postage pre-paid envelope to send the letter. I can confirm that I did not, and that the document was handed to the judge rather than posted.
- (3) In point (3) you ask whether I took advice from the House authorities before using House-provided stationery and in point (4), you ask about advice given. I can confirm that I did not seek advice as I did not believe I was doing anything wrong.
- (4) In point (5), you ask whether I considered using other Labour Party or personal stationery. I can confirm that I did not consider using other stationery as I believed at the time that it was correct and acceptable to use House stationery for the purpose of providing a reference.
- (5) In points (7) and (8), you ask why I believed that the rules permitting modest use of House-provided stationery for personal correspondence applied in this situation. At the time, I believed I was providing a reference for an employee, even though that employee was also my son. I do appreciate and accept, based on your analysis and with the benefit of hindsight, that my use of stationery did indeed fall within a grey area that is open to interpretation. I could, therefore, have sought advice from the House authorities, even though I was not required to.
- (6) In points (9) and (10), you ask for any additional information regarding how the media came to report that I had lied. Throughout this case, I have strongly denied any allegations that my son is a "drug dealer", as this was not the recorded outcome of the court hearing. I have been asked numerous times to confirm or deny specific facts, but at no point have I been given the full right of reply by outlining in full what actually took place.
- (7) In points (11) and (12) you ask if the MPS is conducting any enquiries. I can confirm that I am not aware of any.
- (8) In point (13), you ask whether I have used any other House of Commons' facilities to lobby on behalf of my son. I do not agree that I have at any stage lobbied on

behalf of my son, for reasons I set out below. However, I am happy to confirm that I have not used any other House facilities for the purposes of providing a character reference to the judge.

Comment on draft memorandum and additional supporting evidence

I am grateful for the opportunity to comment on the draft memorandum and to provide additional supporting evidence to your inquiry.

Additional evidence: judgment

I would like to submit to you as additional evidence the judge's ruling (enclosed) regarding the release of information about the character witness statements and their authors. I believe this ruling makes clear that, in contrast to the media reports implying I had intervened improperly, the judicial process was in fact followed in an entirely proper and normal way. It also suggests that information about my character witness statement would have been made available publicly on request had the media been present in the court process and requested it at the time.

On the former point, for example, the judge notes in point 45 that it is "commonplace for judges to indicate that they have received letters of reference and equally commonplace for judges to indicate who the authors are". On the latter point, for example, the judge states in point 43 that his decision to release the information "would have been the same had this application been received on the day of the sentencing hearing".

In the draft memorandum, I do not believe it comes across clearly that it was proper and fully in line with the judicial process for me to be able to provide a character witness reference, whether in the capacity of a mother, of an employer, or both. Indeed, in one place my conduct is characterised as "lobbying on behalf of my son", which I do not believe is accurate or fair. I believe this characterisation of my intervention as improper shapes and influences certain findings that follow, including for example my use of House stationery.

I would like to reiterate that there has been no suggestion or allegation that any point I sought to influence or exert political pressure on the judge outside of the correct judicial process. I am sure you share my full confidence in the judiciary to weigh up the merits of character witness and make independent decisions. In the judgment ruling, which I have attached as new supporting evidence, the judge makes clear that the character witness statement did not affect the outcome disproportionately or more than it should have. I do hope that the fact that the judicial process was followed entirely correctly will be considered. I would also not want any subsequent action by the Committee towards me to discourage future public figures or politicians from providing character witness statements in court cases (a factor the judge also highlights as a consideration in point 56).

Use of House-provided stationery

I accept your finding that my use of House-provided stationery was inappropriate. As I have explained to you verbally previously and in writing above, I believed at the time that my use of stationery fell well within the guidelines, and I used it in good faith that it was appropriate to do so. Nevertheless, I accept with the benefit of hindsight that it did fall

within the grey area that is open to interpretation, and that I could therefore have sought additional advice from the House authorities. I have taken on board this important lesson, and apologise for getting it wrong.

Conduct on the evening of 30 November 2018

I fully accept that my behaviour on the evening of 30 November 2018 was not acceptable for a Member of the House. I apologise sincerely to the public, to the House, and again to the journalist concerned. As I have said previously, my emotional outburst was a result of frayed tempers. After a month of what I felt to be media harassment of myself and my family and neighbours, I finally snapped. But, as a public figure, I know that was not acceptable. Again, I got it wrong. I made a mistake.

It does not excuse that I lost my cool, but I would like to set out some of the background and context leading up to the events of the night. It may help you and the Committee to understand my state of mind at the time.

Media targetting of my family: In the month leading up to the events, I felt the media coverage and harassment went far beyond what was reasonable or acceptable in the interests of public scrutiny. I felt that a particular section of the press, strongly opposed to my politics, had deliberately and repeatedly misrepresented and mischaracterised event. You will be aware of the scale and nature of the coverage across this significant section of the press. I felt that I was the target of a witch-hunt, and that race and class were factors. Most of all, I was deeply upset and angry about the targetting of my son. Although as a councillor he was a minor public figure, he stepped down early on during the harassment and there is little doubt in my mind that he would not have been targetted in the same way were it not for my own position on the Labour front bench. I do think that there are important grounds for the media also to reflect on their own behaviour and ethics during this case.

Invasion of privacy: Journalists first knocked on my house door in October. Throughout October and November, journalists and photographers were camped permanently outside my home, including hiding in the bushes. I was forced to run to and from my house. My son was photographed, against his will, on his way to and from our house, with pictures published in the national press. Journalists doorstepped my 80-year old mother at her house, ringing the doorbell repeatedly and causing serious stress and anxiety. I was eventually forced to move out of my own home a week after the events in question, and had to stay with friends and family.

Personal safety: Pictures of my house were published in the national press, making me a clear and easily identifiable target. The targetting and press coverage had the effect, whether deliberate or accidental, of whipping up torrents of abuse and hatred on social media towards me. The Committee may feel that aspects of this were deserved. But it made me fear for my personal safety. It is true that on the night of the events, once I had identified that it was a journalist, I was angry rather than immediately scared. But the harassment throughout October and November came in the context of serious death threats that my office had received previously in the months leading up to the events. We had one incident of a physically abusive man who had intimidated staff in my constituency office: the police and the courts became involved, we were forced to cancel walk-in surgeries without appointments for constituents, and we were advised to fit panic alarms and additional

security. The police have had to provide escorts to my staff since. You note that in the current climate of hostility towards MPs and after the murder of Jo Cox, there are real grounds to feel unsafe. But I would stress that it hard to explain or overstate this daily fear, unless you have actually experienced it first-hand.

Stress anxiety and my mental health: The sustained national media storm felt like a a campaign of harassment, and a persecution that was targetted, invasive and potentially dangerous. As politicians, we expect and deserve to face public scrutiny. We try not to show weakness or human vulnerability. But the media campaign devastated me on a personal level. I stopped eating properly or sometimes at all. I became scared and sick to the stomach with anxiety every time the doorbell rang, and every time I had to leave the house. I barely slept. I was afraid that if I went to the doctor, the national press would find out and write more stories about how weak I was. Neither the Huose of Commons nor the Labour Party offered my any psychosocial support as events unfolded, other than to give me the generic number of a welfare helpline to call for advice. I wasn't offered any extra security, or alternative safe accommodation. I am still a relatively new MP, first elected in 2015, and am not afraid to admit that I am still learning to navigate different situations for the first time - especially as I haven't had the same privileged upbringing or careers that some other Members have had. But I had no training or guidance on how to survive being targeted by a right wing national media storm, or how to cope with seeing yourself and your son on the front page of the tabloids day after day.

I do not seek to make excuses for finally snapping. I eventually reached my breaking point, and I behaved unacceptably for a Member of this House. Journalists and the media played a crucial role, and must always be able to operate freely. I have championed that principle in my former role as Shadow International Development Secretary, and will continue to do so. But I hope the facts I have set out provide important context and background as to my state of mind at the time, and I hope that you and the Committee will be able to take them into consideration as you reach your conclusions.

I hope that you are assured that I have learned valuable lessons from the events of the past year, that these breaches of the Code of Conduct will not be repeated, and that I am fully aware of the consequences of doing so. I have stepped down from a front bench role in the Labour Party, and have also paid a significant personal price for the events and case in question. I would like to reiterate too that I fully accept your findings.

Thank you again for your hard work and for your thorough inquiries into this case, and please do not hesitate to let me know if you have any further questions.

15 November 2019

Enclosure: Judgement of His Honour Judge Stephen Climie, 30 November 2019

Introduction

1. This is an application made on behalf of Associated Newspapers Limited (ANL) and News UK which are respectively the publishers of the Daily Mail (ANL) and the Times and the Sun (News UK). The application can be found in a letter dated 15 November 2018 from [name redacted] (Group Legal Advisor at ANL).

2. The application is made for access to information which had been provided to the court during mitigation advance on behalf of [Mr] Osamor. The information applied for is details of the testimonial letters which I read during the sentencing hearing.

3. The Applicants have requested:

- a) the names/details of those providing the letters; and
- b) copies of the letters.

4. At the outset I should make it clear that I invited those representing Mr Osamor to make submissions in response to the application.

5. Those submissions are set out in the letter dated 23 November 2019 from [the] solicitors instructed by Mr Osamor.

6. The submissions include reference to the Criminal Practice Direction (amended in April 2018 – [2018] EWCA Crim 516) and the requirement for any request to be addressed in the first instance to the party which had provided the documents to the court (see CPD 5B.6).

7. In their letter [Mr Osamor's solicitors] have noted that no request has been made of Mr Osamor, nor of those who represent him. The letter adds that any such request would have been refused.

8. In judgment albeit there is a failure on the part of the Applicants to follow this part of the procedure there is no adverse impact on either party in light of the clear statement that any such request would have been refused.

9. Therefore, I will deal with the application on its merits, taking account of the submissions on behalf of Mr Osamor.

10. Further to those submissions, I have today (30 November 2018) received an additional letter from [ANL's representative] which I have taken into account in my decision-making. I have incorporated some comments on this letter with my decision which I had been due to send to the parties earlier in the day.

The facts

11. [Mr] Osamor was indicted with four offences:

Possession with

- i) intent to supply cocaine (Class A);
- ii) Possession with intent to supply MDMA (ecstasy) (Class A);
- iii) Possession with intent to supply ketamine (Class B); and
- iv) Possession with intent to supply cannabis (Class B).

12. The drugs were valued at between £1,690 and £2,500 (as those providing values in such cases will allow for cost/sale prices to vary depending on the circumstances).

13. Mr Osamor had been found in possession of the drugs at the music festival called “The Bestival” at Lulworth in September 2017.

14. Mr Osamor pleaded Not Guilty to all counts on [7] June 2018 when the case first came before the Crown Court at Bournemouth (listed for Plea and Trial Preparation Hearing).

15. The case had been adjourned for trial. However, Mr Osamor appeared before the court again on 18 September 2018. He was re-arraigned and pleaded Guilty to each of the four counts.

16. On that occasion the Defence indicated that a Basis of Plea document had been uploaded to the digital system. This Basis of Plea was accepted by the Prosecution.

17. I am confident that both the Applicants and Mr Osamor understand the process which attaches to a Basis of Plea.

18. Nonetheless in the event of this judgment being considered by others it may be of some assistance to detail the procedure.

19. Any Defendant who pleads Guilty to a criminal offence is entitled to explain his level of culpability through a Basis of Plea document.

20. If the Basis of Plea is accepted by the Prosecution then, save in exceptional circumstances, the court must proceed to sentence on the basis outlined by the Defendant—as in the present case. I note [ANL’s representative] expresses a degree of surprise at the decision of the Prosecution to accept the basis of plea in Mr Osamor’s case. In my judgment there was no rationale for the court to intervene in this decision. Prosecutors will often have more information which is not available to the judge on which to base their approach to any attempt by a Defendant to limit his culpability in the basis of plea.

21. If the Prosecution refuses to accept the Basis of Plea, then the court is required to consider whether the differences between the Prosecution’s case and that advanced by the Defendant warrants a trial of issue between the parties. This is often referred to by the legal profession as a “Newton hearing”, following the procedure adopted in *R v Newton* (1983) 77 Cr. App. R. 13.

22. Following the Guilty pleas on 18 September 2018 sentencing was adjourned for the preparation of a Pre-Sentence Report from the Probation Service.

23. The sentencing hearing took place on 19 October 2018.

24. During the mitigation I was invited to read, and did read, five letters which included one from Mr Osamor himself. The fact of these letters will be apparent from the transcript of the hearing.

25. Such mitigation is commonplace as family and friends will often wish the court to be aware of a Defendant’s character, remorse and any impact/behaviour following arrest and charge.

The law

26. An application must be in writing, and ‘must explain for what purpose the information is required’. A clear, detailed application, specifying the name and contact

details of the applicant, whether or not he or she represents a media organisation, and setting out reasons for the application and to what use the information will be put, is regarded as being of most assistance to the court. Applicants should state if they have requested the information under a protocol and include any reasons given for the refusal. Before considering such an application, the court will expect the applicant to have given notice of the request to the parties.

27. Despite the absence of any initial notice to Mr Osamor I am satisfied that the application is otherwise compliant with the Practice Direction. I can add that [ANL's representative's] letter was extremely helpful in enabling the court to fully understand the nature and basis of the application. As Mr Osamor is now on notice, (and has made representations) as I indicated above, I am satisfied that it is appropriate to determine the application as there is no injustice to his position.

28. Under paragraph 58.9 the court will consider each application on its own merits. The burden of justifying a request for access rests on the applicant. Considerations to be taken into account will include:

- whether or not the request is for the purpose of contemporaneous reporting; a request after the conclusion of the proceedings will require careful scrutiny by the court;
- the nature of the information or documents being sought;
- the purpose for which they are required;
- the stage of the proceedings at the time when the application is made;
- the value of the documents in advancing the open justice principle, including enabling the media to discharge its role, which has been described as a 'public watchdog', by reporting the proceedings effectively;
- any risk of harm which access to them may cause to the legitimate interests of others; and
- any reasons given by the parties for refusing to provide the material requested and other representations received from the parties.

29. Further, all of the principles are subject to any specific restrictions in the case. Courts should be aware that the risk of providing a document may reduce after a particular point in the proceedings, and when the material requested may be made available.

30. In addition when considering any such application the court should be mindful of the need for there to be open justice.

31. For the purposes of considering this application I have also reminded myself of the principles set out in *R (Guardian News and Media Limited) v City of Westminster Magistrates' Court* [2012] EWCA Civ 420 and the additional representations made by [ANL's representative] on the law in his letter.

Submissions

32. The Applicants submit that information should be provided not only in respect of the identities of those providing character references but also the content of the same in the form of copies.

33. It is submitted that the references appear to have been central to the court's decision on sentence.

34. In his letter [ANL's representative] suggests that copies of the references would enable the public to understand the basis upon which the court reached its sentence. He submits that as these documents were referred to in my sentencing remarks then copies should be provided.

35. Finally, [ANL's representative] submits that a failure to provide the details and copies of the references may undermine public confidence in the administration of justice.

36. In response [Mr Osamor's representative] refer[s] to the delay which has taken place since the sentencing process.

37. They go on to make the observation that the purpose of the application is not to report these proceedings accurately but to use the information to undermine the status of either Mr Osamor or the authors of the reference letters.

38. It is known to all concerned that Mr Osamor's mother is a Member of Parliament, who I understand currently holds a position in the Shadow Cabinet.

39. [ANL's representative] has responded to this particular submission in his most recent letter in which he suggests it becomes the more important for copies to be provided to enable the public to fully appreciate the role of this correspondence in the sentencing exercise.

Decision

40. My starting point has been to consider the matters referred to in the Practice Direction.

41. First this is an application which post-dates the sentencing hearing by several weeks. There has been extensive coverage of the case having regard to Mr Osamor's current employment as well as that of his mother.

42. The Practice Direction makes it clear that an application in such circumstances will require careful scrutiny.

43. In my judgment the delay in the application is not significant and I fully appreciate the matters detailed by [ANL's representative] in his most recent letter which outlines some of the practical difficulties in reporting court proceedings. I make it clear that my decision would have been the same had this application been received on the day of the sentencing hearing.

44. The nature of the information sought is twofold. In addition to the details of those who provided the character references, the Applicants seek copies of the letters of reference.

45. In considering this aspect of the Practice Direction it seems clear to me that it is commonplace for judges to indicate that they have received letters of reference and equally commonplace for judges to indicate who the authors are.

46. For example, I have regularly told Defence counsel that “I have read the character references from the Defendant’s family and from his/her employer”.

47. It is, however, rare, and I cannot recall any occasion, for the contents of such references to be read out in full or at all, save for passing references when a specific aspect is highlighted in the course of a Defendant’s mitigation by his/her counsel.

48. Nonetheless, it may be apparent from judicial comment that the contents of the references refer to specific matters such as remorse, positive aspects of an individual’s character including employment, and steps taken to address his/her offending behaviour (such as attendance at voluntary drug groups).

49. The next issue is the purpose for which the information is required. I am satisfied, despite the objection from [Mr Osamor’s representative], that the Applicants seek the information for legitimate journalistic purposes. I appreciate that any reporting of information, provided by virtue of this ruling, will not be contemporaneous.

50. Nonetheless there is a fair and reasonable concern from the public’s perspective (especially when a Defendant holds employment within public service) to understand how they have offended and how the criminal justice system has dealt with the offending.

51. I do not accept what appears to be criticism of the Applicants by [Mr Osamor’s representative] in respect of the reporting of Mr Osamor’s case to date.

52. The value of the information from the perspective of “open justice” and the media’s role as a public watchdog is an important consideration. I accept that the public are entitled to understand the reasoning for a sentence being passed. I shall return to this later when I refer to the Sentencing Guidelines.

53. The reasoning is always required to be set out by the judge in his/her sentencing remarks. A transcript of my remarks in the present case is available on application to the court.

54. Any risk of harm to the legitimate interests of others is another factor to be considered. It appears to me that there is a significant risk of harm to the criminal justice system as a whole if copies of character references were provided to the media whenever they are referred to by a judge.

55. Those risks include possible reference to sensitive personal information, including ill health, which can and should properly be taken into account by a judge but which an author is entitled to expect will not be divulged simply by virtue of his/her letter being referred to the court.

56. In addition, there is a real risk, that by setting a precedent which would effectively permit publication of all character references provided in criminal proceedings, people may be deterred from providing the court with helpful information about offenders which could result in inappropriate sentences being passed in some cases.

57. Having taken all these matters into account I have come to the conclusion that the application should succeed to a limited extent.

58. I am satisfied that the Applicants should be informed that the I received character letters from:

- a) Mr Osamor himself;
- b) his mother;
- c) his partner; and
- d) two close friends who he had known for some years.

59. I do not regard it as appropriate to name either of the two friends, save to comment that neither appears to be in public office nor likely to be known to the public generally.

60. In addition, I am satisfied that the Applicants should be informed that the letters spoke of Mr Osamor's remorse for his offending, and his character (aside from his offending) both in the workplace and socially.

61. I should add that having read these letters they were, of course, taken into account when passing sentence. It is not appropriate for me to comment further on the reasoning for my sentence which is dealt with in the course of my sentencing remarks.

62. However, the level of importance of the correspondence has been described as "crucial" by [ANL's representative]. I do not regard this to be an appropriate term. The expression that I believe I used in my sentencing remarks was "significant". This is primarily because it is the sort of material which the Sentencing Council anticipates may be taken into account during the sentencing process. There are specific details of the factors to be taken into account which will reduce the level of seriousness of the offending within the guidelines. These include a lack of previous convictions, good character (other than no previous convictions) and remorse.

63. Turning to the sentencing process itself, it is probably clear from almost any sentencing remarks that the starting point for any offence is based on the Sentencing Guideline, provided by the Sentencing Council, together with the basis of plea (where there is one and as there was from Mr Osamor). Judges are required, by law, to consider any guideline which covers the type of offence being dealt with.

64. It is not clear from [ANL's representative's] letter whether the Applicant has been provided with a copy of the basis of plea document. If not, subject to any objection from Mr Osamor, I am satisfied that a copy of this document should be provided to the Applicant.

65. The basis of plea (which the Prosecution accepted) made it clear that there was no intention to supply for profit, and the Defendant was a custodian of the drug which had been purchased by a collective group of friends at the Festival. This places the offending in the lowest category of possession with intent to supply, with the Defendant being entitled to be sentenced as having a "lesser role" within the Sentencing Guideline. Guidelines,

which include the factors/reasoning required to be adopted when passing sentence in such cases, can be found on the Sentencing Council's website: <http://www.sentencingcouncil.org.uk>.

30 November 2018

His Honour Judge Stephen Climie

15. Letter from the Commissioner to Ms Kate Osamor MP, 18 December 2019

Thank you for your letter of 15 November 2019, acknowledging your breach of the rules on the use of House-provided stationery, and that your behaviour on 30 November 2018 was not acceptable. Thank you too for your apologies for these breaches of the rules and for your commitment not to repeat them.

I am sorry I have not been able to reply sooner but, as you know, I could not take any action during Dissolution. I have today sent my Memorandum to the Clerk on the Committee of Standards, Dr Robin James. This brings my part in the process to an end. It will be for the Committee on Standards, when appointed, to bring this matter to a conclusion. Dr James will send you a copy of the full Memorandum and let you know the next stage in this process in due course.

- In the meantime, I thought it would be helpful to tell you that I have: added the text of your letter of 15 November (including the enclosure you sent with it) and text of this letter to the written evidence pack accompanying the memorandum;
- amended the Memorandum to reflect the fact that you have now seen the audio-visual recording made on 30 November 2018; and
- I have made several small amendments to the draft document that you saw. I have:
 - Inserted text in paragraphs 4, 30 and 41 of the draft Memorandum to make clear that you were alone at home on 30 November 2018.
 - Included text to record your acceptance of, and apologies for, your breaches of the rules of conduct.
 - Inserted a new paragraph 7 and amended paragraph 38 of the draft Memorandum to underline the fact that the submission of character references is commonplace in criminal cases.
 - Added to my first finding of fact that your son's basis for plea – that he had “no intention to supply for profit” – was accepted by the prosecution.
 - Added to item 8 of the written evidence one more quote from the video-recording to include all evidence referenced in paragraph 32 of the Memorandum

I have made some other minor typographical changes to the text and I have added words to paragraph 33 to make clear that the incident on 30 November 2018 took place outside your house. It may also be helpful to explain why I have not made more extensive amendments.

In your letter, you apologised for your failure to reply to the letters I sent to you in June and July and said that your office had had vacancies for key staff. I appreciate that this meant the pressure on your time was greater than usual. However, you telephoned me on 12 June about my letter of 4 June (in which I had asked for a reply by 11 June), saying the enclosure had been omitted. You were clearly aware that I was expecting you to reply. I repeated the question, as well as inviting you to comment on the advice from the Director of Customer Services, in my letter of 22 July. You did not respond until I sent you the draft Memorandum in October.

Your recent letter has not provided any relevant new evidence in respect of the questions posed in my letter of 23 January, which you had answered in your letter of 5 February 2019.

You said that you hoped that “the fact that the judicial process was followed correctly will be considered”. I had not, at any point, suggested that judicial procedure was not followed. This inquiry is concerned only with your conduct and, in paragraph 40 of the draft Memorandum, I said explicitly that “There was nothing inherently wrong in Ms Osamor writing a character reference for her son.”

Similarly, it is not appropriate for me to say more about the media coverage of these events. If you feel that you have grounds for complaint about your family’s treatment by journalists, you might take that up through the relevant regulatory body.

I have, in the conclusion to my Memorandum, drawn the attention of the Committee to your last letter in particular. It would be for the Committee to consider mitigation, if they agree with my findings.

Until such time as the Committee publishes its Report, this matter remains confidential and protected by parliamentary privilege. This means you should not discuss the fact of the inquiry, nor the contents of our correspondence, with any third party.

18 December 2019

2 Oral Evidence

1. Note of meeting on Monday 11 March 2019

Present

Kathryn Stone (KS)

Kate Osamor MP (KP)

Friend of KO

Complaints Manager (CM)

KS Having made the introductions, KS opened the meeting by explaining that her role is to assess independently and impartially allegations of breaches of the rules of conduct. KS reminded KO of the complaint made by another Member about KO's continued employment of her son, after his conviction for a drug related offence. KS said that that was a matter between KO, her son and the parliamentary authorities. However, she (KS) did have to consider whether KO's conduct in other respects had reflected on the House as a whole or on its Members generally. She asked KO why she considered her letter to the court of 8 October 2018 to be parliamentary activity rather than a family matter.

KO Explained the background - she said that after a defendant is found guilty, it is usual for the parties to the case to put together their reports. This is a standard procedure in criminal cases. The defendant has the opportunity to bring character witnesses. She said that it was a misunderstanding if anyone thought that this process was an attempt to influence the outcome; by this stage the defendant had been found guilty. She was not, therefore, attempting to influence the outcome. KO said she had written to the court as an employer and as a mother. Her letter was not about guilt or innocence but about how her son contributed to the work of her office as a whole.

KS Said KO might have used her own personal stationery to write to the court. Why had she not done that?

KO Replied that her letter was not an attempt to get favourable treatment for her son because of her position as an MP.

KS Said she recognised that the letter was written from KO's perspective as a mother and asked KO why she had introduced herself in the letter as an MP and as a member of the Shadow Cabinet. KS said that this might be viewed as using KO's parliamentary status, rather making a character witness statement as a mother.

KO Said that it would appear that way only to someone who did not understand the criminal justice system. She emphasised that she could not use her parliamentary status to sway the court's decision about guilt or innocence. Her reference to her parliamentary and political roles were about establishing her identity, and she noted that there was nothing in her letter that suggested her son's sentence should be longer or shorter. KO said that the media had sought to create the impression that her son had been treated more favourably than he would otherwise because of her position.

KS Explained that she was concerned that the use of House-provided stationery and references to KO's parliamentary role had created the impression that KO had sought to use her status for her son's benefit. KS referred to the other letters that KO had sent as examples of similar interventions made on behalf of other constituents. She said it was helpful to have these letters and that she saw a qualitative difference between them and the one KO had written on behalf of a family member and constituent.

KO Said that her son was not one of her constituents.

KS Observed that the judge had decided that it was in the public interest for the names of some, but not all, of the character witnesses for KO's son to be published.

KO Said this was because the journalists had not been in court for sentencing. If they had been, they would have been given the information at the time. The judge had decided it was in the public interest because the letters would have been released if they had attended the sentencing.

KS Asked KO about the media reports that she had threatened a journalist. Did KO think that her action might be regarded as damaging to the reputation of Parliament?

KO Said that "tempers had been frayed". She said that it might have been damaging if it had been the first time that the journalists had knocked on her door, but it was late at night, after a string of articles had been published and she had been provoked. She said her response had been uncharacteristic, and that she had been "harassed, cornered and vulnerable". She said she had called the police; they had been trying to calm her down. It was nearly 8.00pm and the police had asked the journalist to leave. KO said she had later apologised to the journalist because that is what she does if she offends someone. KO said that the media were welcome to contact her, but not at eight o'clock at night. KO said the police were not taking action against her in connection with the incident.

KS Thanked KO for that information and said she wanted to go back to the issue of whether using parliamentary stationery to write to the court about her son might reasonably be perceived by others as an attempt to use her parliamentary status, not to influence the verdict, but to influence sentencing. She asked KO why she would have written if she didn't think it might influence that?

KO Said that most of the public think politicians are corrupt and that they believed that "pre-IPSA" politicians could "get away with it". KO added that someone from her background would "defend my own and that that could get me into trouble". If approaching the court was wrong, it would imply the judge is up for corruption; but it's part of the process to submit character witness evidence, and an MP should not have a higher status in the process than someone else, for instance, someone who doesn't have a job.

KS Asked if KO would do things differently if the same situation were to arise again?

KO Said "yes, of course. Would I write a character reference for someone I know? Yes. Would I use House of Commons paper? I wouldn't. It's much more layered than that...." KO added that if her son had a list of convictions, it would be different. She said the parliamentary authorities had considered his case and concluded that his having a parliamentary pass did not represent a risk.

KS Asked KO to confirm whether she had understood her correctly – was KO saying that, if similar circumstances arose in the future, she would not use House-provided stationery to write on behalf of her son? Was she saying that that was a mistake from which she had learned, and wouldn't do it again?

KO Said she wouldn't do it again – it was the reason she was sitting in the Commissioner's office today. KO said that she was "new to this" and it had been an horrific time for her and her family. How could this be worked out?

KS Said that she was impressed by the speed with which KO had acknowledged his mistake in relation to another matter. It was unfortunate that there had been cause for investigation into two separate matters at the same time. She asked KO if she accepted now that there was a difference between writing to a court on behalf of a constituent and writing on behalf of her own son?

KO Said she would not want anyone to think she was trying to get favourable treatment for her son in a legal matter.

KS Said that there was one further matter to discuss. Could KO throw any light on the reports that she had told the Labour Party that she didn't know about her son's case after she had written to the judge?

KO Said that when the journalist first knocked he asked if she had any comment on her son "being a drug-dealer". That was not what her son had pled guilty to⁴ and the conversation she had was based on that. KO said that she should have been more specific, she should have said what he had been charged with. Once the story was running, she couldn't pull it back, and "it got to a place where it became 'she's lying about when she knew'." KO said "I was saying he's not a drug dealer. They bought drugs in the festival." What they're saying is "he's a dealer". "I didn't say I didn't know, I said he's not a dealer. A lot has gone on since then."

KS Asked CM if there was anything she had forgotten.

CM Said there wasn't. She suggested that it might be helpful for KO, when commenting on the accuracy of the meeting note, to clarify the sequence of events in terms of what she knew about her son's case and when she had spoken to the journalist.

KS Thanked KO for meeting her and explained that the next step would be to share a meeting note. KO could then add to or clarify any points that she wished.

END