

Rishi Sunak - Written Evidence

1. Excerpts relating to confidentiality in the letter from the Commissioner to The Rt Hon. Rishi Sunak MP, 13 April 2023 and the Procedural Protocol

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 same requirement extends to [complainant].

...

Procedure

Please see 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

...

Procedural Protocol (excerpts relating to confidentiality)

Confidentiality and privilege

Parliamentary privilege and the Commissioner

103. Communications between a member of the public and the Commissioner are not covered by parliamentary privilege unless and until the Commissioner has accepted the matter for investigation.

104. Once the Commissioner has accepted a matter for investigation, the evidence given to that investigation and any related correspondence, including any electronic communication, is covered by parliamentary privilege.

105. A person making an allegation is not protected from legal action (for example, for defamation of character) unless and until the Commissioner decides to begin an investigation. Even then, parliamentary privilege will protect only the material given to the Commissioner. It will not protect anything said to others.

106. Evidence given to the Commissioner and correspondence about the investigation should generally not be made available to anyone other than the Commissioner. If any

related material were to be published or disclosed to anyone else without the Commissioner's agreement, that may be treated as a contempt of the House. Any other material made public may not be covered by parliamentary privilege.

107. Any person asked to give or provide evidence by the Commissioner should cooperate fully and frankly with the Commissioner in the public interest and in the interests of justice. Any attempts to obstruct an investigation may be treated as a contempt of the House of Commons.

...

Confidentiality during a Code of Conduct case

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

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

118. These conditions apply until the outcome is published, whether by the Commissioner or the Committee. The conditions apply again during the period of an appeal, until the final outcome is published by the Panel.

119. The conditions also apply during the period of a reconsideration by the Committee, in the event that the Panel remit a case following an appeal, until the new outcome is published by the Committee.

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

121. Evidence given to the Commissioner during an investigation, any related correspondence, and any evidence given to the Committee or Panel during their consideration of the case, remains confidential unless and until it is published by the Commissioner, the Committee or the Panel.

122. Individuals who have made allegations of misconduct should also respect the confidentiality of the investigation and should not share information with the media while an investigation is ongoing.

13 April 2023

2. Letter from the Commissioner to The Rt Hon. Rishi Sunak MP, 20 April 2023

On 13 April 2023, I wrote to you outlining my decision to start an investigation into whether, by failing to declare your wife's interest in Koru Kids Ltd. when giving evidence to the Liaison Committee on 28 March 2023, you had breached paragraph 6 of the House of Commons Code of Conduct for Members ("the Code"). In my letter I stated that:

"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."

I have since been informed that, on 17 April 2023, contrary to the Code and the Procedural Protocol, the following details of my inquiry were disclosed to the media:

"The inquiry opened by parliament's standards watchdog relates to the shares Akshata Murty holds in Koru Kids, a No 10 confirmed." (The Independent 17 April 2023)

"While Downing Street has promised to cooperate with the investigation, Sunak plans to rely on a defence that he acted openly over his wife's stake in Koru Kids by declaring it to a register of ministers' interests that has not been updated for nearly a year." (The Guardian 17 April 2023)

"A Downing Street spokesperson said: "We are happy to assist the commissioner to clarify how this has been transparently declared as a ministerial interest." (BBC News 18 April 2023)

In view of this, I have decided to extend the scope of my inquiry using the authority given to me by Standing Order No. 150.

The scope of my inquiry

In addition to the inquiry into your declaration of interest at the Select Committee on 28 March 2023, I will consider this alleged breach of confidentiality.

If the scope of my inquiry changes, I will update you in writing.

The relevant rules of the House

The overarching rules are found in the Code.

Rule 13 of the Code states:

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

The [Procedural Protocol](#) in respect of the Code of Conduct also states:

104. Once the Commissioner has accepted a matter for investigation, the evidence given to that investigation and any related correspondence, including any electronic communication, is covered by parliamentary privilege.

106. Evidence given to the Commissioner and correspondence about the investigation should generally not be made available to anyone other than the Commissioner. If any related material were to be published or disclosed to anyone else without the Commissioner's agreement, that may be treated as a contempt of the House. Any other material made public may not be covered by parliamentary privilege.

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

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

118. These conditions apply until the outcome is published, whether by the Commissioner or the Committee. The conditions apply again during the period of an appeal, until the final outcome is published by the Panel.

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

121. Evidence given to the Commissioner during an investigation, any related correspondence, and any evidence given to the Committee or Panel during their consideration of the case, remains confidential unless and until it is published by the Commissioner, the Committee or the Panel

Next steps

In addition to the questions in my letter of 13 April 2023, I would welcome your additional comments on the allegation that your alleged actions have amounted to a breach of rule 13 of the Code of Conduct for Members. I would also be grateful for your answers to the following specific questions:

- (1) Please provide full details of any information you have disclosed to the media, including a copy of any briefing to the media about this matter.
- (2) Please provide a full explanation as to why disclosed details of the investigation to the media.

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.

Action

I would be grateful to have your response to the additional questions in this letter by 24 April 2023. Please let me know before that date if you require more time to respond.

I would be grateful if you could send your response electronically to: standardscommissioner@parliament.uk

Thank you for your cooperation with this matter.

20 April 2023

3. Letter from The Rt Hon. Rishi Sunak MP to the Commissioner, 27 April 2023

I refer to your supplemental letter of Thursday 20 April 2023.

There is a distinction between the disclosure of details of a Commissioner's investigation, and the mere confirmation, in the response to questions of information already in the public domain. It is a crucial distinction. The former is captured by Rule 13 of the Code,¹ the latter is not.

Matters in the public domain

Since on or before 17 April 2023, the following information has been published in the public domain:

- a) My wife's shareholding in Koru Kids Limited (since 6 March 2019).² It has been reported in the press since at least October 2022.³
- b) The questions Ms McKinnell MP asked me at the Liaison Committee hearing on 28 March 2023 including (i) what conversation there had been with the six childcare agencies included on the Government website; (ii) the rationale for the policy; and (iii) whether I had any interest to declare.
- c) My responses to Ms McKinnell MP's questions on 28 March 2023, including confirmation that I had declared all my interests in the usual way.

1 Rule 13 of the Code of Conduct

2 <https://find-and-update.company-information.service.gov.uk/company/10047637/filing-history>

3 <https://www.standard.co.uk/insider.akshata-murty-rishi-sunak-wife-daughters-indian-no-10-downing-street-b992974.html>

- d) Media reporting in respect of Ms McKinnell’s questions, including extracts from a letter Wendy Chamberlain MP sent to Sir Laurie Magnus requesting and investigation into the declaration.⁴
- e) Media reporting on 29 March 2023 suggesting (which is denied) that the House of Commons Code of Conduct had been breached in relation to my wife’s shareholding, and that any potential conflict would already have been addressed and mitigated under the ministerial declaration process.⁵
- f) Ms McKinnell MP’s multiple tweets, both before and after she made her complaint to you, referencing the question of my disclosure of my wife’s shareholding, including retweets of media articles suggesting (falsely) a breach of the House of Commons Code of Conduct.⁶
- g) The fact of the Commissioner’s investigation (as published on the UK Parliament website).⁷
- h) The fact that the Commissioner’s investigation was opened on 13 April 2023 and related to (i) Rule 6 of the Code; and (ii) the declaration of an interest.

From at least 12.33pm on 17 April 2023, the media has been reporting on the Commissioner investigation. At 12.33pm that day, Mr Henry Zeffman of *the Times*, published on Twitter as follows (with a link to the UK Parliament website) before any comment from or on behalf of my office:

“Breaking: Parliament’s standards commissioner has opened an investigation into whether Rishi Sunak failed to properly declare an interest.

Comes over questions about whether a childcare business his wife has shares in might benefit from the budget.”⁸

Furthermore, on 18 April 2023, my letter to the Liaison Committee dated 4 April 2023 was published on the UK Parliament website.

Responding to media enquiries

My office has been approached repeatedly with requests for comment since the announcement of the investigation. **Only in response**, has my office confirmed matters already in the public domain, including my previous statements - during the Liaison Committee hearing, in my letter to the Liaison Committee Chair and in response to prior media articles - that I have declared my interests in the normal way. Reference was also made to my letter to the Chair of the Liaison Committee, again, in the public domain.

4 <https://www.mirror.co.uk/news/politics/rishi-sunaks-wife-part-owns-29583268>

5 Firm at centre of Sunak conflict of interest row attended Downing Street event | Rishi Sunak | The Guardian

6 <https://twitter.com/CatMcKinnell/status/1641125673421926400>; <https://twitter.com/CatMcKinnell/status/1641504959773433888>; <https://twitter.com/PippaCrerar/status/164148695441917349?cxt=HHwWgsC92YTs3cctAAAA>

7 <https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/parliamentary-commissioner-for-standards/complaints-and-investigations/allegations-currently-under-investigation-by-the-commissioner/>

8 <https://twitter.com/hzeffman/status/1647926299002916866?cxt=HHwWhMC-wZyPzt4tAAAA>

My office has confirmed that “*We are happy to assist the Commissioner to clarify how this has been transparently declared as a Ministerial interest*”, and **made expressly clear that commenting beyond that would be inappropriate.**

The confirmations provided do not refer to privileged and confidential correspondence which form part of the investigation, nor evidence in respect of it, nor any detail of the investigation.⁹

As to the three quotations included in your letter, I clarify as follows:

- (1) The first statement refers to information already in the public domain.¹⁰
- (2) The second statement is supposition by a journalist, not a direct quote from an official Number 10 spokesperson.¹¹
- (3) This official response from a Number 10 Spokesperson, referred to in the third quotation provides no information beyond that provided to the Liaison Committee within my letter of 4 April 2023 or that featured already in media reports.¹²

My office has (i) not proactively briefed any media about the investigation; (ii) only confirmed information already in the public domain in response to questions; and (iii) affirmed that commenting beyond that (i.e. providing detail) would be inappropriate. Accordingly, there has been no breach of Rule 13 of the Code.

I trust this answers your questions, although please do let me know if you require further information.

27 April 2023

4. Excerpts relating to confidentiality in the letter from The Rt Hon. Rishi Sunak MP to the Commissioner, 5 July 2023

As we discussed at our meeting, I now understand that my letter to Sir Bernard was not sufficiently expansive regarding declaration (as distinct from registration). That letter referred to media coverage of my wife’s minority shareholding and pointed to my (correct) registration of that interest under the Ministerial Code. On reflection, I accept your opinion that I should have used the letter to declare the interest explicitly. With hindsight, I would also have informed my office not to confirm the subject matter of the inquiry in response to questioning.

I apologise for these inadvertent errors and confirm acceptance of your proposal for rectification.

9 In accordance with the Procedural Protocol in respect of the Code of Conduct (specifically 104,106, 117, 118, 120 and 121 referred to in your letter of 20 April 2023).

10 “*The inquiry opened by parliament’s standards watchdog relates to the shares Akshata Murty holds in Koru Kids, a No 10 [source] confirmed*” (The Independent 17 April 2023)

11 “*While Downing Street has promised to cooperate with the investigation, Sunak plans to rely on a defence that he acted openly over his wife’s stake in Koru Kids by declaring it to a register of minister’s interests that has not been updated for nearly a year*” (The Guardian 17 April 2023)

12 “*A Downing Street spokesperson said ‘We are happy to assist the commissioner to clarify how this has been transparently declared as a ministerial interest’*” (BBC News 18 April 2023)

5 July 2023

5. Letter from the Commissioner to The Rt Hon. Rishi Sunak MP, 24 July 2023

In the first paragraph of my letter to you of 22 May 2023, I undertook to write about the part of my inquiry that considers whether you breached paragraph 13 of the Code of Conduct (confidentiality of inquiries). That is the purpose of this letter, which I am sending now that the substantive issue in the inquiry appears to be approaching resolution by way of rectification.

Standing Order No. 150(4) does not give me the option of rectification in respect of alleged breaches of Part E of the Code, and I am therefore required to submit a memorandum to the Committee on Standards.

I enclose a copy of the draft of my Memorandum to the Committee on my inquiry into the confidentiality issue, along with the written evidence on which I have relied. This is in accordance with the arrangements agreed with the Committee on Standards and outlined in the Procedural Protocol in relation to the Code of Conduct, agreed by the House on 18 October 2022.

Although I am unable to deal with Part E matters by way of rectification, I have noted and am grateful for that part of your letter of 5 July in which you accept that with hindsight you would have taken steps to avoid publicly confirming the subject matter of the declaration and apologise for the error. You will see that the draft memorandum draws your acceptance and apology to the attention of the Committee (in the expectation that they will consider them as potential mitigating factors).

There are three things I should explain about the draft memorandum. The first is, as I am sure you are aware, that the content of my memorandum is a matter for me alone. However, I would welcome your comments on its factual accuracy.

Secondly, while I have included my draft analysis, I should emphasise that this might change in the light of any comments you make on the factual accuracy of the memorandum.

Thirdly, you will note that the draft memorandum makes recommendations only to the Committee and the decision in this matter lies with the Committee. The Committee will offer you an opportunity to submit further evidence or make representations before they reach a decision. This is in line with the Committee's procedural protocol.

If you think I should consider redacting any material, please identify the material and explain why you think it should be redacted. I will consider carefully any such request. I would be grateful to have your comments as soon as possible and by no later than 7 August 2023. If, however you require additional time to respond, please let me know and I will consider your request.

On receipt of your response I will be aiming to send this to the Committee as soon as possible.

The Clerk to the Committee will then let you know when a date has been arranged for the Committee to consider the memorandum and he will send you a copy of the final text shortly before the Committee meeting.

In the meantime, our correspondence about this inquiry remains protected by parliamentary privilege and you should continue to keep this matter strictly confidential.

24 July 2023

6. Excerpts relating to confidentiality in the letter from The Rt Hon. Rishi Sunak MP to the Commissioner, 27 July 2023

Thank you for your two letters of 24 July 2023 and the proposed enclosures, together with your invitation for me to provide comments on the same.

...

Rectification procedure for an inadvertent breach of Rule 13

You have raised a new point at paragraphs 10 and 11 of the draft memorandum, noting that on 17 April 2023 (one hour after you published the decision to open your inquiry into me), Mr Harry Cole, a journalist at *The Sun*, tweeted a copy of my letter to Sir Bernard. This was one day before it was published on the Parliament.UK website. I confirm that my letter to Sir Bernard was deposited into the House of Commons Library at 11.24am on 14 April 2023 (three days before its publication on the Parliament.UK website), was thereafter accessible to all Members, and considered to be in the public domain.¹³ No one in my office provided a copy of this letter to Mr Cole, nor has my office provide a copy of this letter to any other journalist. Accordingly, there is no basis to link Mr Coles's publication of the letter with the confidentiality restrictions of your inquiry. I would therefore be grateful if paragraphs 10, 11 and the final bullet point of your paragraph 16 could be amended to reflect that the letter to Sir Bernard was available in the House of Commons Library from 14 April 2023.

I note your findings regarding my office's responses to questions from the media. Your conclusion states that the breach of Rule 13 falls at the less serious end of the spectrum because most of the information about the matter was already in the public domain, you have no reason to believe this was not inadvertent, and in any event, it did not materially affect the inquiry.¹⁴ This is further supported by my comments above in relation to my letter to Sir Bernard.

You have stated there is no option of rectification in matters of alleged breaches of Part E of the Code, and it is on that basis you have prepared the Memorandum. However, I believe that rectification is a possible - and the appropriate - outcome on the confidentiality element of your inquiry, for the following reasons:

13 The Rules for Rules for (*sic*) depositing papers in the Libraries of the House of Commons and the House of Lords (April 2019) Page 3, "*The basic principle is that deposited papers are in the public domain and cannot be withdrawn*".

14 Page 8, Lines 24 to 28 Draft Memorandum

- (4) This is an extension of the existing inquiry in respect of the declaration of an interest; it has never been a separate inquiry, and therefore it is within the remit of Standing Order 150(4)(a) and Paragraph 48 of the Procedural Protocol.
- (5) Given that the substantive issue in the inquiry is being resolved by rectification, this subordinate procedural issue can and should be resolved as part of the overall determination.

I hope the above assists, and that a swift resolution of this matter can be achieved. Please note that once I have received your response to this letter, I will be in a position to provide any requests for redactions and final amendments to the documents.

27 July 2023

7. Letter from the Commissioner to The Rt Hon. Rishi Sunak MP, 7 August 2023

Thank you for your letter of 27 July 2023. I will address the points that you have raised regarding my inquiry into a breach of paragraph 6 in a separate letter.

As requested, I have added a sentence to the memorandum stating that your letter to Sir Bernard Jenkin of 4 April 2023 was deposited with the House of Commons Library on 14 April 2023. I have also included our recent correspondence within the evidence pack attached to the memorandum.

I have enclosed a copy of the amended memorandum. If you think I should consider redacting any material, please identify the material and explain why you think it should be redacted. I will consider carefully any such request. I would be grateful if you could respond, even if you have no further comments, as soon as possible and by no later than 14 August 2023. If, however you require additional time to respond, please let me know and I will consider your request.

Finally, I note your request that this matter is resolved under the rectification process. Standing Order No.150(4) empowers me to rectify complaints, however, it is prescriptive as to when those powers of rectification can be used. The Standing Order states that rectification can be undertaken:

“(a)in any case where the Member concerned has agreed that he has failed to register or declare an interest, if it is the Commissioner’s opinion that the interest involved is minor, or the failure was inadvertent[. . .]

(b)in any case involving parliamentary allowances, or the use of facilities or services[. . .]”

Matters relating to breaches of confidentiality are not included and therefore cannot be rectified.

In view of this, on receipt of your response, I will be aiming to send my memorandum to the Committee as soon as possible.

The Clerk to the Committee will then let you know when a date has been arranged for the Committee to consider the memorandum and he will send you a copy of the final text shortly before the Committee meeting.

In the meantime, our correspondence about this inquiry remains protected by parliamentary privilege and you should continue to keep this matter strictly confidential.

7 August 2023

8. Letter from The Rt Hon. Rishi Sunak MP to the Commissioner, 18 August 2023

I refer to your letter of 7 August 2023 enclosing the amended draft Memorandum.

I am pleased that your inquiry on declaration has now formally been concluded by way of rectification. The remaining issue is that of a minor, inadvertent breach of confidentiality rules that did not materially affect your inquiry on declaration.

I accept that we disagree on the interpretation of the rules relating to rectification. My position remains that the investigation into confidentiality is a subordinate aspect of your (now concluded) declaration inquiry, which should similarly be capable of resolution by way of rectification. Given your position that rectification is not available for confidentiality issues, it is now for the Committee on Standards to reach its decision, and I will of course fully cooperate with its process.

As to factual accuracy in your draft Memorandum to the Committee, I would be grateful if the following could be made clear:

- (1) In paragraph 11 of your Report, you have now made clear that my letter to Sir Bernard was deposited into the House of Commons Library on 14 April 2023. While you have stated that thereafter it was available to Members of the House, given the issues under consideration, I believe it is important also to note that the document was “*in the public domain*” from that date. I refer you to Page 8 of the Rules for Depositing Papers in the Libraries of the House of Commons.
- (2) The last bullet point of paragraph 16 appears to be incomplete. Without wishing to suggest my own wording in your Report, it seems that the following underlined words may be missing in error: “*The letter from Mr Sunak to the Committee dated 4 April 2023 was available in the House of Commons library from 14 April 2023 and published on the UK Parliament website on 18 April 2023.*”

I would be grateful for your confirmation of the above amendments to the draft Memorandum before this is placed before the Committee on Standards for consideration.

18 August 2023