



Independent Adviser on Ministers' Interests  
The Rt Hon Lord Geidt

William Wragg MP  
Chair, Public Administration and Constitutional Affairs Committee  
House of Commons  
London  
SW1A 0AA

6 January 2022

Dear W Wragg,

Thank you for your letter of 14 December 2021.

Your letter raised a number of points following the publication by the Electoral Commission of its investigation report on 9 December. You will also by now have seen my published exchange of letters with the Prime Minister, which took place shortly before Christmas.

As set out in my concluding letter, I have welcomed the Prime Minister's apology for the shortcomings in process which led to these circumstances. More importantly, the Prime Minister proposed some immediate measures to better support the office of Independent Adviser in the near term. As I wrote in my letter, the episode shook my confidence precisely because potential and real failures of process occurred in more than one part of the apparatus of government. These failures were not, in my view, due to a lack of investigatory powers, but rather they showed insufficient care for the role of Independent Adviser. I have welcomed the Prime Minister's confirmation that the Independent Adviser will be afforded the highest standards of openness, including full and prompt responses to requests for information from Ministers, Special Advisers and officials, and that there will be an opportunity now to consider how best to give effect to that requirement.

Turning to your second and fourth points, as set out in the exchange of letters with the Prime Minister. I will also consider other aspects, both of the remit of the appointment and of the Ministerial Code itself, as recommended in various recent reports - including the report to which you refer, by the Committee on Standards in Public Life. As I wrote in my letter of 23 December, I would expect by the time of my next Annual Report in April to be able to describe the role of Independent Adviser in terms of considerably greater authority, independence and effect, consistent with the ambitions for the office that the Prime Minister has set out.

Lastly, your letter asked about my contact with the Prime Minister under the updated Terms of Reference. Those same Terms of Reference rightly establish that details of such discussions with the Prime Minister should remain confidential, save for circumstances in which I offer formal advice on a matter that has been referred to me. In such cases, I may require that my advice to the Prime Minister is published in a timely manner, as has happened in this case. While it would be inappropriate for me to comment on the nature of such discussions, as I say in my letter, the steps I have taken to enhance the role of the Independent Adviser have had the Prime Minister's active support and encouragement. I have also recorded the fact that, in the context of my latest advice, the Prime Minister's office has, including on his behalf, provided thorough, courteous and timely responses to every question I have raised.

I hope that this assists the Committee.

Your sincerely,

Amir Khurshid

**The Rt Hon Lord Geidt**

Independent Adviser on Ministers' Interests

# PACAC (Public Administration and Constitutional Affairs Committee)

House of Commons · London SW1A 0AA

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Rt Hon Lord Geidt  
Independent Adviser on Ministers' Interests  
C/O Cabinet Office  
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London, SW1A 2AS

14 December 2021

Dear Rt Hon Lord Geidt,

## **Follow up to PACAC Evidence Session and Queries Around Scope of Role**

Further to the evidence you gave to the Committee on 13<sup>th</sup> May this year, I wanted to follow up on some of the points that you made in that session, and to ask for your reflections on several points given the events of the last few weeks:

1. The Electoral Commission's investigation into the refurbishment of the Prime Minister's Downing Street residence appears to have had access to information you did not when your own investigation found that Ministerial Code had not been broken. What investigatory powers do you have available to you? Are you satisfied that they are adequate and, if so, how do you explain the discrepancy between your findings and those of the Electoral Commission? What steps are open to you if you feel that, in the course of an investigation, you may have been misled?
2. The CSPL recommends that the Independent Adviser be given the authority to initiate inquiries without the need for the Prime Minister's instruction. The Prime Minister has rejected this. Given you have now been in post for over six months, are you of the opinion that Independent Advisers should be able to initiate their own inquiries?
3. In lieu of the power to initiate your own inquiries, you noted in your oral evidence to us that under your Terms of Reference you have a 'right of audience' to advise the Prime Minister in confidence that an investigation is needed. Since taking office, how many times have you exercised that 'right' and have you been satisfied by the outcome? Have you used that 'right' in relation to the Electoral Commission's investigation? How satisfied are you that the processes you have followed are sufficient to maintain public confidence that ethical standards are complied with?
4. At your appearance, you indicated that you wanted an opportunity to work with the recently revised Terms of Reference before advising the Prime Minister on the need for further changes. In the light of your experience of the office and of events of

recent weeks, have you now, or will you be, advising the Prime Minister that the role of the Independent Adviser needs strengthening and, if so, in what ways?

I look forward to hearing back from you on the points raised in this letter, and to having you appear before the Committee again at an appropriate juncture. I am placing a copy of this letter, and your response, in the public domain.

Yours sincerely,  
William Wragg MP

**William Wragg MP**  
**Chair, Public Administration and Constitutional Affairs Committee**