



House of Commons
Committee on Standards

Daniel Kawczynski

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

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Committee on Standards

The Committee on Standards is appointed by the House of Commons to oversee the work of the Parliamentary Commissioner for Standards, except in relation to the conduct of individual cases under the Independent Complaints and Grievance Scheme; to examine the arrangements proposed by the Commissioner for the compilation, maintenance and accessibility of the Register of Members' Financial Interests and any other registers of interest established by the House; to review from time to time the form and content of those registers; to consider any specific complaints made in relation to the registering or declaring of interests referred to it by the Commissioner; to consider any matter relating to the conduct of Members, including specific complaints in relation to alleged breaches in the Code of Conduct which have been drawn to the Committee's attention by the Commissioner; and to recommend any modifications to the Code of Conduct as may from time to time appear to be necessary.

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Publications

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Contents

Report	3
The IEP's report on Mr Kawczynski	4
Mr Kawczynski's apology	5
The Commissioner's memorandum	6
Possible breach of confidentiality requirements	7
Potential breach of Paragraphs 17 and 21 of the Code	8
Misrepresenting the ICGS process	8
Undermining the apology	9
Misrepresenting facts of the case	9
Approach to the Committee Chair	10
Other factors to be taken into consideration	11
The Committee's consideration of the case	11
The Committee's conclusions	15
Formal minutes	18
List of Reports from the Committee during the current Parliament	19

Report

1. This Report arises from an investigation by the Parliamentary Commissioner for Standards into the conduct of Daniel Kawczynski, Member for Shrewsbury and Atcham. The Commissioner concluded that Mr Kawczynski had not complied with a sanction imposed by the Independent Expert Panel (IEP) after the IEP had found him to have acted in breach of the Parliament’s bullying and harassment policy. The Commissioner’s investigation was prompted by a complaint she received from the Chair of the IEP.
2. The IEP was established by the House in July 2020 to hear appeals against decisions made by the Commissioner, to consider referrals from the Commissioner and to determine sanctions in cases involving an allegation against an MP of a breach of Parliament’s sexual misconduct policy or the bullying and harassment policy, under the Independent Complaints and Grievance Scheme (ICGS).
3. When the IEP came into being, the Committee on Standards ceased to have any responsibility for the conduct of individual cases under the ICGS. This was in accord with the recommendation of Dame Laura Cox, in her independent report on bullying and harassment in the House of Commons, which led to the setting up of the IEP, that “the process for determining complaints of bullying, harassment or sexual harassment brought by House staff against Members of Parliament will be an entirely independent process, in which Members of Parliament will play no part”.¹
4. At the same time the House amended the Code of Conduct for Members of Parliament to provide that “Failure to comply with a sanction imposed by a sub-panel of the Independent Expert Panel shall be treated as a breach of the Code.”.² The Committee on Standards is responsible for considering alleged breaches of the Code, when referred to it by the Commissioner, and therefore non-compliance with ICGS sanctions is a matter for the Committee.
5. This is the first occasion on which an allegation of non-compliance with an ICGS sanction has been referred to the Committee by the Commissioner. In considering this matter, we have been mindful that the original allegations of bullying and harassment made against Mr Kawczynski have been determined by the IEP and are not a matter for the Committee. This report therefore focusses solely on the issue of whether Mr Kawczynski complied with the sanction imposed by the IEP and what the appropriate sanction should be if there was such a breach of the Code.
6. In this report we have been careful not to identify the original complainants against Mr Kawczynski; we indicate where we have made redactions to quoted or summarised evidence as a consequence. Because of the need to protect the confidentiality of the ICGS process, and additionally because much of the material put before the Committee related to sensitive issues relating to Mr Kawczynski’s health, material in the case other than that directly cited in our report, or in the IEP’s original report, remains confidential.

1 Dame Laura Cox DBE, [The Bullying and Harassment of House of Commons Staff: Independent Inquiry Report](#) (October 2018), p 6

2 Votes and Proceedings, [23 June 2020](#), item 7

The IEP's report on Mr Kawczynski

7. The IEP published its report on [The Conduct of Mr Daniel Kawczynski MP](#) on 14 June 2021 (HC 326).

8. The report set out the IEP's decision on sanction following a referral from the Parliamentary Commissioner for Standards, who found that Mr Kawczynski had acted in breach of Parliament's bullying and harassment policy. The IEP report stated that:

On 27 April 2020 the Respondent had been unable to attend a virtual meeting of a Parliamentary committee as a result of technical difficulties that the two Complainants and other staff had not been able to resolve on the day. He was repeatedly rude, aggressive and impatient with the Complainants and other staff before, during and after the meeting; he made critical and untruthful comments on a WhatsApp group shared with other Committee members; he threatened formal complaint.

The Commissioner determined that the Respondent had acted in an intimidatory and threatening manner towards the Complainants and abused his power as a Member of Parliament by behaving in this manner and by making exaggerated and malicious claims regarding the poor performance of the Complainants.³

9. Mr Kawczynski did not appeal against the Commissioner's decision. An IEP sub-panel considered the appropriate sanction. It took into account the following aggravating factors: abuse of power; breaches of the Behaviour Code in respect of other staff on the same day; and lack of insight and contrition. It also took into consideration the following mitigating factors: genuine remorse — though with the caveat that “some concerns remain as to the sincerity of the apologies given to date”; Mr Kawczynski's attendance at Parliament's Valuing Everyone training; his undertaking emotional intelligence training — although it noted that “the impact of the steps taken is currently still quite limited”; and a high level of stress in Mr Kawczynski's personal and professional life, as well as personal trauma he experienced earlier in his life.⁴

10. The sub-panel recommended that Mr Kawczynski should make an apology on the Floor of the House by means of a personal statement, with the text of the apology to be agreed in advance by the IEP Chair. Mr Kawczynski appealed against that decision, having the benefit of legal advice, on the grounds that the sub-panel had failed to give sufficient account to matters including psychological and emotional pressure on him, the impact on his mental health of having to give an apology on the Floor of the House, and the extent of his rehabilitation. He also attempted to bring forward what he claimed was fresh evidence in the form of a psychologist's report.⁵

11. Another sub-committee of the IEP, with different membership from the first, considered Mr Kawczynski's appeal against sanction. It declined to consider the “fresh” evidence on the grounds that this could reasonably have been submitted as part of the original case, and that “[e]very party has an obligation to put forward their full case at

3 IEP report, paras 1.4–1.5

4 IEP report, paras 2.12–2.13

5 IEP report, paras 3.12–3.23

the first relevant hearing”. The sub-panel also stated that an appeal against sanction is not a rehearing from scratch, and can only succeed where it is established that the decision challenged was unreasonable or disproportionate.⁶

12. The sub-panel considered Mr Kawczynski’s arguments but concluded that the requirement to make a public apology on the floor of the House was proper and proportionate. The sub-panel commented, *inter alia*, that the complainants had felt the episode “was noteworthy by the vehemence and persistent nature of the Respondent’s actions”, that Mr Kawczynski had told them he wished he had appealed against the findings of the Commissioner, “suggesting that he still thinks what he did could not properly amount to a breach of the Policy”, and that “[w]e ourselves were left with the clear impression that he still had not fully accepted the nature and extent of what he had done”.⁷ The sub-panel also noted that “[i]t is important to keep in mind the significance of behaviour in breach of ICGS policies for the reputation of Parliament”.⁸ The sub-panel therefore rejected the appeal and upheld the original sanction, namely an apology on the floor of the House by means of a personal statement.

13. The IEP report contains further information about the background to the case, the processes followed, and the reasons for the two sub-panel’s decisions. However, in accordance with the IEP’s policy in dealing with ICGS cases, the names of the complainants, any witnesses referred to and their identifying details were redacted, and material in the case including the investigator’s report and the Commissioner’s decision and memorandum, except as referred to in the decision, remain confidential.

Mr Kawczynski’s apology

14. Mr Kawczynski made a personal statement on the floor of the House on 14 June 2021, the day of publication of the IEP report. This was as follows:

With your permission, Mr Speaker, I wish to make a personal statement to the House. The matter I am referring to occurred on 27 April 2020. I had been trying to get online to an important Committee meeting. After many attempts throughout the day, I was still not connected and had to leave the meeting. I did not swear or raise my voice, but my behaviour led to two complaints. I have reflected on my behaviour. I accept that it constituted bullying and, as such, was entirely inexcusable. The circumstances were stressful for the staff assisting the Committee and for me. I apologised to them before, and I apologise to them again, and to the House, unreservedly. I will never repeat such behaviour.⁹

6 IEP report, para 3.23

7 IEP report, paras 3.27–3.28

8 IEP report, para 3.26

9 Hansard HC Deb, [14 June 2021](#), col 21

The Commissioner's memorandum

15. On 3 December 2021 the Committee received a memorandum from the Parliamentary Commissioner for Standards relating to this case.

16. The Commissioner stated that on 17 June 2021 she had received a letter from the IEP Chair referring Mr Kawczynski to her for non-compliance with a recommendation by the IEP, specifically that he had potentially breached the confidentiality requirements and had failed to apologise unequivocally.

17. Both allegations relate to events on 14 June 2021. The IEP's report was published that day at 11.00 am; a copy was sent to Mr Kawczynski under embargo one hour earlier; and Mr Kawczynski made his personal statement in the House at 3.31 pm.

18. At 9.42 am and 10.23 am, BBC Radio Shropshire published tweets giving information about the report conclusions, identifying one of the complainants as holding a specified post within the House of Commons, and setting out Mr Kawczynski's rebuttal of the allegations, stating that "HE [emphasis in original] feels bullied by the system".

19. Mr Kawczynski did a live interview on BBC Radio Shropshire at 11.15 am and spoke to a journalist at the Daily Mirror also on 14 June, with an article appearing online. The Commissioner set out some of the comments made by Mr Kawczynski in his radio interview, and comments attributed to him in the Daily Mirror.

20. During the Radio Shropshire interview Mr Kawczynski said:

Now that has resulted in a fifteen month investigation into me by the House of Commons because if you send a message on the communal WhatsApp group, which is critical of [redacted: House of Commons staff position identified] that can be perceived as a form of bullying here in the House of Commons. What really concerns me is that the House of Commons then paid, using taxpayers' money, for an HR report, an independent HR expert to be brought into the House of Commons to interview both me and [redacted: House of Commons staff position identified] and his report says, and it's all a matter of public record, we have all of this documented, my lawyer has all of this documented, he says bearing in mind the set of circumstances that these two people found themselves in on the 27th April 2020, and what was exchanged between the two of them, my strong recommendation is that this case is immediately dropped and that no further action is taken. Now the House of Commons has chosen to ignore that report and is demanding that I apologise on the floor of the House.

Well, because if the House of Commons ... this is the problem we have, the House of Commons has decided that it will not be responsible in any way for internal discipline within the House of Commons. Following the allegations of bullying against John Bercow, the House of Commons has done what it always does, which is we have to throw the baby out with the bathwater. We have to be seen to be doing something and we have to create something new to control these MPs. They've created something called the independent expert panel of outside ... of people who've been brought in to assess and judge the conduct of members of parliament. The problem

that we have is they have a difference of opinion to the independent HR expert who was brought in, who actually spent time, this is the irony because the only person who actually spent time talking to both myself and [redacted: House of Commons staff position identified] was the HR expert whose advice was overturned. But I have no alternative but to apologise. I must apologise because if I don't apologise then I risk the option of being sanctioned further, namely, being suspended from the House of Commons or expelled from the House of Commons.

21. The Commissioner cited the following extract from the Daily Mirror:

But Mr Kawczynski said he was “extremely concerned” that a separate Human Resources investigation into the incident - which he said had suggested no further action be taken - had been “overturned” by the panel, suggesting there was an agenda being pushed by the House of Commons that went over and above the rules of behaviour in a normal workplace.

And he suggested the House of Commons authorities had behaved “illegally” in sending the complaint to an IEP.

“Are we looking at all the illegal practices of what has happened? Yes we are. And are we potentially going to be exposing them and exposing what the House of Commons is doing, yes we are.”

22. The comments made by Mr Kawczynski in the radio interview are taken from the transcript of that interview provided to the Commissioner by BBC Radio Shropshire, and are not disputed by him. However, the Daily Mirror declined the Commissioner's request to supply her with a transcript of its interview, and Mr Kawczynski has disputed the accuracy of their article, claiming that he was misinterpreted. The Commissioner concluded that the two sources - the transcript of the radio broadcast and the newspaper article - should not be taken as having the same evidential value.

Possible breach of confidentiality requirements

23. The Commissioner considered whether Mr Kawczynski had breached the confidentiality requirements of the ICGS/IEP process. She first considered whether Mr Kawczynski provided a copy of the report to the media before the official publication at 11.00 am on 14 June. Mr Kawczynski alleged that the report had been leaked by “someone connected to the IEP panel”, but he provided no evidence to substantiate this allegation. The IEP carried out a leak investigation and accepted that “the evidence shows some information about the case had been shared with the media prior to the official publication of the report, but not specifically by someone connected to the IEP”. The IEP were unable to find the source.

24. The Commissioner found there was no evidence that Mr Kawczynski had provided a copy of the report to the media before the official publication.

25. The Commissioner then considered whether Mr Kawczynski had disclosed confidential details about the complainants who initiated the ICGS investigation. She noted that in the radio interview both the name of the select committee in question and the role of the two complainants had been identified. Mr Kawczynski had begun the interview by saying “I was on the [redacted: select committee identified]”, and had used the job titles of the complainants nine times during the interview.

26. The Commissioner noted that Mr Kawczynski had been advised by the IEP about the requirement of confidentiality on numerous occasions and had been specifically told by the Secretary to the IEP that in providing any statements to the media he should not refer to the complainants as anything other than committee staff and he should not provide the name of the select committee.

27. Mr Kawczynski stated that he spoke to a journalist from Radio Shropshire at 8.03 am on the morning of 14 June.

28. The Commissioner found that on the balance of probabilities, Mr Kawczynski provided information about the job titles of the complainants to Radio Shropshire during this conversation, and that he told the journalist that he never raised his voice or used inappropriate language and that he felt bullied by the system, as reported in the Radio Shropshire tweet at 9.42 am.

29. She also found that Mr Kawczynski disclosed both the name of the select committee and the job roles of the complainants during his radio interview.

30. The Commissioner therefore concluded that Mr Kawczynski failed to comply with the requirements of confidentiality established by the IEP in its guidance and in specific instructions given to him.

Potential breach of Paragraphs 17 and 21 of the Code

31. The Commissioner considered whether Mr Kawczynski breached the Code of Conduct by making statements which were an attempt to undermine the House’s ICGS system.

32. Paragraph 17 of the Code states that “Members shall never undertake any action which would cause significant damage to the reputation and integrity of the House as a whole, or of its Members generally”.

33. Paragraph 21 of the Code states that “Failure to comply with a sanction imposed by a subpanel of the Independent Expert Panel shall be treated as a breach of the Code”.

Misrepresenting the ICGS process

34. One specific issue the Commissioner considers is whether Mr Kawczynski misled the radio interview as to the ICGS process concerning himself. He referred to “an independent HR expert” having interviewed him and says that the expert concluded “my strong recommendation is that this case is immediately dropped and that no further action is taken”. Mr Kawczynski went on to say “Now the House of Commons has chosen to ignore that report and is demanding that I apologise on the floor of the House”.

35. The reference is to the independent ICGS investigator who initially considered the case. The investigator's conclusion had been "On balance, I am provisionally of the view that [Mr Kawczynski's] conduct towards [the two complainants] in relation to their respective complaints just falls short of bullying and harassment". He went on, "[i]n what is a finely balanced judgement, I recommend that the complaints are not upheld"; though he added that "the type of behaviour displayed by [Mr Kawczynski] is not acceptable under the Behaviour Code" and noted that "more than one of the people whom I spoke with suggested that [Mr Kawczynski] has a history of such conduct".

36. The Commissioner has a responsibility to review the initial investigation, which is carried out under her oversight. In this case, when she did so, she had concluded that there had in fact been a breach of the bullying policy. She pointed out that Mr Kawczynski's statement on the radio that the investigator had made a "strong recommendation [...] that this case is immediately dropped" misrepresented what was actually "a finely balanced judgement" in which the investigator had been "on balance" and "provisionally" of the view that Mr Kawczynski's behaviour had "just fall[en] short" of being bullying.

Undermining the apology

37. The Commissioner noted that Mr Kawczynski had told the radio interviewer, "I have no alternative but to apologise because if I don't apologise then I risk the option of being sanctioned further".

38. The Daily Mirror reported that Mr Kawczynski had told them "I intend to apologise on the floor of the House, in the script that has been handed to me by the panel", adding that the apology was "something I'm going to have to do", but "he insisted that this did not mean the apology was 'with his fingers crossed behind my back'".

39. When asked whether these various statements undermined the sincerity of the apology given in the House, Mr Kawczynski's lawyers responded on his behalf: "No, as no apology had yet been made, the apology was made after any media statements and it was not undermined. The Member's apology was in any event sincere and was not undermined by anything he did or said before or after."

Misrepresenting facts of the case

40. The Commissioner raised a discrepancy between statements by Mr Kawczynski about the amount of alcohol he had consumed on the day to which the original complaint referred. The Daily Mirror reported him as saying he had only consumed one large glass of wine, whereas he had told the ICGS investigator "I think by that stage I had had half a bottle of scotch and I didn't give a monkey's, quite frankly". In his written evidence, Mr Kawczynski stated that the Daily Mirror had incorrectly reported that he had been "drinking alcohol when this disagreement between me and a member of the House of Commons [staff] took place" and that "[s]o provocative was this comment I felt compelled to correct this and stated that I had consumed alcohol later that evening".

41. In his final comments on the Commissioner’s memorandum, Mr Kawczynski stated “I can’t remember exactly what I drank at 9pm on the day but I remember as I said I did not consume what has been reported or excessive”. Mr Kawczynski has not provided an explanation as to why the Daily Mirror reported that he had said he had only consumed a “large glass of wine”, and whether his comments to the Daily Mirror are consistent with his statement to the ICGS investigator that he had consumed “half a bottle of scotch”.

42. Mr Kawczynski also said in the radio interview that he had recounted the story to many people who were amazed that the behaviour was found to constitute bullying.

43. Mr Kawczynski was reported in the Daily Mirror as alleging that the Commissioner’s actions were “illegal”, but he maintains that this was a misunderstanding and that he was referring to leaks of the IEP report as “illegal”.

44. The Commissioner considered that “[i]t is likely that Mr Kawczynski’s actions will have a detrimental affect not only on those who may be considering making a complaint but also those who have been through the system or are currently going through it”.

45. The Commissioner’s overall conclusion was that “Mr Kawczynski has undermined the ICGS through the numerous statements he made to the media on the 14 June 2021”. In addition to the matters set out in previous paragraphs, she listed other instances where she considered Mr Kawczynski’s public statements were misleading.

46. The IEP had required Mr Kawczynski to apologise “unequivocally”. This requirement was set out in an email from the IEP to Mr Kawczynski sent on 7 June 2021. The relevant sentence reads, in bold type: “The points which are to be included in the apology must be included unequivocally. They must not be undermined or qualified by anything else expressed.” The Commissioner concluded that “[b]y undermining the sincerity of the apology I find that Mr Kawczynski has in effect failed to comply with the sanction imposed by the IEP”. She further stated that “[i]n his interview with me, Mr Kawczynski accepts that his statements to the media have undermined the ICGS and that it was wrong to make those statements”.

47. The Commissioner found that Mr Kawczynski’s actions on 14 June 2021 “[send] a message to the complainants that the apology he gave is insincere” which “has a damning effect on the [ICGS] and is likely will deter other people from making a complaint who may have been considering it”. She therefore concluded that Mr Kawczynski’s actions caused significant damage to the reputation and integrity of the House of Commons as a whole, and consequently were in breach of Paragraph 17 of the Code.

Approach to the Committee Chair

48. The Commissioner noted that the Chair of the Committee on Standards had reported to her an approach to him by Mr Kawczynski in which the latter appeared to wish to discuss his case. The Commissioner considered whether this was in breach of Rule 19 of the Code which maintains that “No Member shall lobby a member of the Committee in a manner calculated or intended to influence its consideration of an alleged breach of this Code”.

49. The Commissioner pursued this matter with Mr Kawczynski during her investigation. In the light of his response, she concluded that it was not clear what Mr Kawczynski wanted specifically to discuss on this occasion, and she therefore did not find that there was a breach of the Code.

Other factors to be taken into consideration

50. In her memorandum, the Commissioner listed factors in the case which she suggested the Committee might wish to take into account.

51. These were that, in her view, on the one hand Mr Kawczynski had failed to consider how his actions may have personally affected the two original complainants, had shown no understanding of the effect his statements could potentially have on the effectiveness of and confidence in the ICGS, and had lacked insight into the damage his actions may have caused to the House.

52. The Commissioner added that, on the other hand, Mr Kawczynski claimed he was “ambushed” by the journalist from Radio Shropshire and made his statements under an emotional state, had accepted the statements he made were wrong and had apologised for this, and had fully co-operated with the Commissioner’s new inquiry.

The Committee’s consideration of the case

53. Following receipt of the Commissioner’s memorandum on 3 December 2021, we, following our usual practice, offered Mr Kawczynski a full opportunity to comment and make representations on the Commissioner’s findings.

54. Mr Kawczynski submitted written evidence to us, and gave oral evidence in private on 14 December. He subsequently submitted a further nine items of written evidence. In addition, we sought information from the IEP on one aspect of its procedures.

55. We note that Mr Kawczynski does not challenge the Commissioner’s findings, and that his representations to us are therefore effectively a plea in mitigation. His initial written evidence to us was as follows:

I welcome the opportunity of being able to explain the circumstances regarding the mistake I made of speaking to the media on 14th June 2021.

On the day in question, I was in a distracted and anxious state getting ready to make what was to be the first statement of this kind I had experienced in my 16 year parliamentary career. Whilst walking in St James’ Park, I was disturbed to get an unexpected call from my local radio station, outlining details of my case that had been leaked. Since I had been instructed for over a year that I was not to discuss the case with anybody, I was deeply disturbed that somebody involved in the process could have leaked the information. I have subsequently asked for an investigation to be carried out within the independent expert panel as to how this information was all over the internet from 7am in the morning on the day in question. The consternation I felt subsequently influenced me to go against my better

judgement in doing the interview. Speaking out in the way that I did was due to vulnerability and emotion rather than a deliberate and calculated attempt to undermine the disciplinary system.

Later that day I was contacted by a Daily Mirror journalist, who in attempting to distort and amplify the situation, suggested that I had been drinking alcohol when this disagreement between me and a member of the House of Commons took place. So provocative was this comment I felt compelled to correct this and stated that I had consumed alcohol later that evening, some three hours at least following my connection with the member of staff.

I deeply regret my interactions with the media and I have refused any further public comments apart from those two interviews on the day in question, and I do not intend to ever speak to the media about House of Commons procedures again. I also urge other MPs to heed the dangers I have experienced going through this process, and not to accept any calls from the media or to try and justify yourself in any way.

The extraordinary kindness and professional support of the Health and Wellbeing team in the House of Commons with whom I have met a great deal from 2019 to the present time has been of enormous benefit in getting me back on track emotionally. Many people in my local association and in the constituency have also supported me in putting this this difficult period of my life behind me and in returning to normality.

56. In oral evidence we explored with Mr Kawczynski some matters arising from the Commissioner's memorandum and his written evidence.

57. Mr Kawczynski clarified that when in his written evidence he had stated "I do not intend to ever speak to the media about House of Commons procedures again", he was referring to procedures in relation to the ICGS and disciplinary matters.

58. Mr Kawczynski spoke to us about his experience of childhood trauma and more recent sources of emotional stress. He said that the process of the ICGS and standards complaint had "been the most painful experience of my life". He acknowledged that:

I wriggled against the system to begin with and refused to accept it. Being one of the first Members of Parliament to be caught up in this new system is very difficult, but now I appreciate what [the Commissioner] has done, and it has made me a much better person.

59. During oral evidence, we asked Mr Kawczynski in some detail about the events of 14 June 2021. He maintained that he was "completely thrown off guard and discombobulated" by discovering that information about the IEP's conclusions in the case was circulating on the internet in advance of the IEP report's publication. He added:

[t]his was not a deliberate ongoing attempt to undermine the system or the process [...]. Having been going through this system for nearly two years, I respect it, I understand why it is in place and I support its ongoing work and deliberations. I made a terrible mistake predicated on my very vulnerable state of mind at the time.

And that:

I was trying, naively, to justify myself to my electorate, but all I did was to make myself look and sound ridiculous, extending the agony.

60. Mr Kawczynski laid heavy emphasis on what he called “the psychological turmoil that was going through my mind”:

Over the past year of being investigated, my husband will tell you that I have not been sleeping, I have been very stressed and it has been very, very painful. This was the fulcrum—this was the day that it was all going to finish, after a whole year’s investigation, and the huge amount of energy, time and stress that I had been through. This was the day. I remember waking up and thinking, “Right, go to St. James’s Park, clear your head, get yourself ready, make the apology and move on.” I was very pent up. To all of a sudden receive a call from the local journalist, saying, “What’s this about you bullying [redacted: House of Commons staff position identified]?”—I felt very betrayed and frustrated, really let down and hurt. Somebody within the House of Commons—and we all subscribe to creating the most optimal, transparent, professional approach—somebody, somewhere out there re-leaked that information, and I felt very betrayed by that. I am a Catholic and I will swear to God that it was not me. That is what tipped me over the edge.

61. Mr Kawczynski added that anticipating having to make an apology on the floor of the House had been traumatic for him:

When you make an apology on the Floor of the House of Commons, it is like opening a can of worms—everyone in your constituency and your association, everybody, suddenly knows and realises that you have been accused and convicted of bullying a [redacted: House of Commons staff position identified]. That is a very painful thing to countenance.

62. However, Mr Kawczynski also told us that, having dreaded having to make the apology, in the event he felt that it had helped him to move forward:

It was amazing how much better I felt standing there on the Floor of the House of Commons, and I can say with all sincerity that making that apology was a very cathartic thing, and I did feel much better afterwards. [...]

If you look at the apology on YouTube, you will see the expression on my face and the sincerity of the words that I was using. It was finally starting to sink in. The process of standing up on the Floor of the House of Commons, on live television, and making a statement of that kind suddenly makes it all sink in. Of course I regretted making the earlier statement on local radio, and I have lost some close friends, who felt that what I did at 11.15 was stupid and irresponsible.

63. Mr Kawczynski repeatedly told us that he felt he had been on a “journey” towards better self-knowledge and an understanding of why his conduct had fallen short. He said that he had contacted the original complainant in writing, to “apologise unreservedly for doing anything that may have put [that person] in a vulnerable position and/or [...] affected other people who are potentially looking to call out inappropriate behaviour”. He repeated that “I did not do it with deliberate malice or as a deliberate attempt to undermine the process. I did it purely on that one day, when I was in a very vulnerable and agitated state of mind”. He added: “I wasn’t thinking straight”.

64. Mr Kawczynski also expressed willingness to assist others in a similar position: “I am very happy to talk, to give presentations to new generations of MPs - talk to them about my experience”.

65. Mr Kawczynski concluded by reiterating his apology. Referring to the IEP, he said:

These are impartial people, experts, and the punishment that they gave me—to apologise on the Floor of the House of Commons—was a completely sensible and commensurate punishment. I can only genuinely and sincerely apologise for that inappropriate statement, which, again, was made in a highly agitated state. I would never make that statement in the normal course of day, and I would urge other parliamentarians not to make the same mistake.

66. During the oral evidence session, Mr Kawczynski was asked to supply any evidence that would corroborate his assertion that information about the contents of the IEP report was circulating on the internet in advance of its publication, and in advance of his speaking to the media. He subsequently sent us a print-out from the political blog POLITICO which referred to the report and indicated that it was expected to require an apology. This was dated 7.30 am; Mr Kawczynski’s first contact with the media was at 8.03 am.

67. Mr Kawczynski was also asked to send us any reports that might corroborate his comments about his mental health during the events in question. He subsequently sent us several documents, including a psychological assessment and letters from a counsellor, which we have taken into account in reaching our conclusions. We quote, with Mr Kawczynski’s consent, from one of these:

It is [...] possible that Daniel may often be, on a subconscious level, emotionally hypervigilant which, in turn, may lead to his primeval fight or flight instincts being easily triggered. The consequences of which are the [...] behaviours which are harming him both on a personal and professional level.

Looking forward I know that Daniel is genuinely and passionately invested in gaining a greater understanding and awareness of these subconscious triggers, and the self-harming reactions which often ensue.

68. Mr Kawczynski has informed us of further steps he has taken to address the roots of his misconduct and to assist others: these include working as a volunteer for Shropshire Mental Health Services.

The Committee's conclusions

69. Mr Kawczynski has not challenged the Commissioner's findings. These were that:
- a) He failed to comply with the requirements of confidentiality established by the IEP in its guidance and in specific instructions given to him.
 - b) It is likely that Mr Kawczynski's actions will have a detrimental affect not only on those who may be considering making a complaint under the ICGS but also those who have been through the system or are currently going through it.
 - c) Mr Kawczynski has undermined the ICGS through the numerous statements he made to the media on the 14 June 2021.
 - d) By undermining the apology Mr Kawczynski has in effect failed to comply with the sanction imposed by the IEP.
 - e) Mr Kawczynski's actions caused significant damage to the reputation and integrity of the House of Commons as a whole, and consequently were in breach of Paragraph 17 of the Code.

70. We agree with the Commissioner that Mr Kawczynski breached paragraph 17 of the Code, in failing to comply unequivocally with the sanction imposed by the IEP. The IEP required him to apologise 'unequivocally', and although he says he was sincere by the time he made the apology to the House, he had that morning effectively undermined the sincerity of that apology by broadcasting the fact that he was making it because he was required to do so and he disagreed with the way the case had been conducted. He thereby rendered his own apology equivocal. The IEP also placed two confidentiality requirements on him: that he keep the findings of the report confidential until the publication time of 11.00 am; and that he not divulge the identity of the complainants. Yet he spoke to the journalist at Radio Shropshire about the content of the report before it was published and he identified the complainants' job descriptions on nine occasions in his radio interview. He thereby breached both confidentiality requirements.

71. In considering an appropriate sanction we have followed our usual practice and taken into account any aggravating and mitigating factors.¹⁰

72. We consider the following to be an aggravating factor: that Mr Kawczynski has been slow to develop insight into how his remarks to the media on 14 June 2021 would have impacted personally on the two original complainants. We were also concerned that in his evidence to us and in evidence supplied by Mr Kawczynski's counsellor (who will presumably have been informed by the information provided to him by Mr Kawczynski) he repeatedly referred to "the complainant" rather than acknowledge there were two complainants - and others who did not pursue a formal complaint. This raises concern that he has still not fully grasped the essentials of the matter. We note that even in his most recent comments to the Committee, Mr Kawczynski has focussed very much on his own personal "journey" rather than on the damage he may have caused to others. We feel that he has an intellectual understanding that he has damaged the ICGS system, but is

¹⁰ For our policy on aggravating and mitigating factors, and on the imposition of sanctions in general, see Committee on Standards, Seventh Report of Session 2019–21, [Sanctions in respect of the conduct of Members](#) (HC 241), published 21 July 2020, especially para 80, Table 1.

still struggling with a capacity for genuine empathy with others, and as a result still has a tendency, which he may not fully realise, to see himself rather than others as the “victim” in what has happened.

73. We consider the following to be mitigating factors:

- Mr Kawczynski has co-operated fully with the Commissioner’s investigation and with our inquiry.
- Mr Kawczynski has apologised unreservedly for his conduct on 14 June 2021.
- It is not possible to establish exactly what happened by way of a leak of sensitive information from an unknown source prior to Mr Kawczynski’s contacts, but he has supplied us with evidence of one item that appeared on the internet before his first conversation with the media that morning and a second that appeared later that same morning. We accept that this may have played a part in “triggering” his comments.
- We are persuaded that Mr Kawczynski has been making a sincere attempt to arrive at a better understanding of the roots of his poor behaviour and is genuinely committed to this personal “journey” and to assisting others who may find themselves in the same situation as himself.

74. There is one further consideration. Serious concerns about a culture of bullying and sexual harassment in Parliament led the House to make a series of decisions between 2017 and 2020, endorsing a new Behaviour Code, amending the Code of Conduct and the Standing Orders, setting up the Independent Complaints and Grievance Scheme and establishing the Independent Expert Panel. The House’s declared intention has been to change the working culture so that Parliament is a safe place for Members, their staff, the staff of the House, others who work in Parliament and all visitors. A great deal of work went into creating the ICGS and developing the twin policies on bullying and harassment and sexual misconduct and it would be a mistake to believe that a Member can flout the rules or undermine the ICGS with impunity. Moreover, the key elements of the scheme are its independence, its guarantee of anonymity for complainants and its confidential conduct of cases. We are fully committed to the promise contained in the Behaviour Code that “Unacceptable behaviour will be dealt with seriously, independently and with effective sanctions”.

75. We are also conscious that when Alison Stanley completed her 18-month review of the ICGS which was published on 22 February 2021, she stated in her executive summary, “while there has been much progress, it has become plain that several aspects of how the ICGS is operating are impacting on the success of the Scheme and the confidence in it. Its operation and processes have become over complex and there is a perception amongst the parliamentary community that it is a stressful, isolated and lengthy process. This has been the experience of many of the contributors to the review, in particular during an investigation. Some groups are less likely to use the Scheme for confidential support and advice or to make a claim.” Mr Kawczynski’s actions have ensured that this case has continued far longer than was necessary and we are concerned about the impact this will have on perceptions of the ICGS.

76. We agree with the then Leader of the House, Andrea Leadsom, who told the House when proposing the setting up of the ICGS in July 2018, that “we have always been clear that the confidentiality at the heart of this policy must be observed so that a complainant will have the confidence to come forward.”¹¹ Confidentiality must be at the very heart of the scheme if it is to be respected and retain the confidence of Members, the public and potential complainants. It is more than highly regrettable that the complainants in this case were publicly identified, including by Mr Kawczynski on nine occasions.

77. **In this context, Mr Kawczynski’s misconduct in speaking to the media as he did on 14 June 2021 was particularly serious, as it risked undermining the credibility of the ICGS and the IEP, both of which are still relatively new. It risked causing further harm to the complainants and discouraging legitimate potential complainants, who might be concerned that their confidentiality would be compromised. Mr Kawczynski has demonstrated to us that he is contrite. He knows that he was foolish and wrong to speak to the journalists as he did. But his contrition does not detract from the fact that his actions caused significant damage to the reputation and integrity of the House of Commons as a whole.**

78. **Normally such conduct would merit suspension from the service of the House for a substantial period. We are mindful also that one of the purposes of the ICGS is to change the culture of the House of Commons, but in recommending an appropriate sanction, we have had particular regard to the mitigating circumstances adduced by Mr Kawczynski. We acknowledge that he has committed to undertake further work on his attitude and behaviour. *We consequently recommend that he be suspended from the service of the House for a single sitting day (which should not be a Friday).* We wish to make clear to the House that in any future breach of any requirement in an ICGS case, by any Member, that falls to be adjudicated by this Committee, we would expect normally to recommend a significant period of suspension, since damaging the credibility of the ICGS and disrespecting complainants undermines the very purpose of the ICGS.**

79. ***We also recommend that Mr Kawczynski should make a further apology to the House by way of a personal statement, the terms of which should be agreed in advance by Mr Speaker and the Chair of the Committee. We recommend that it should contain the following specific elements:***

- ***a personal apology to the original complainants (without identifying them), the Commissioner, and the Chair of the IEP for his conduct, together with an undertaking to send written apologies to those individuals;***
- ***recognition that his conduct would, taken by itself, have merited suspension from the service of the House for a longer period;***
- ***acknowledgement of how his conduct will have impacted the complainants, and damaged the House’s bullying and harassment policy and therefore also its wider reputation; and***
- ***a commitment to an improved attitude and behaviour and an invitation to other Members to learn from his experience.***

Formal minutes

Tuesday 11 January 2022

Members present:

Chris Bryant, in the Chair

Tammy Banks

Jane Burgess

Andy Carter

Alberto Costa

Rita Dexter

Allan Dorans

Mark Fletcher

Yvonne Fovargue

Sir Bernard Jenkin

Dr Michael Maguire

Paul Thorogood

Draft report (*Daniel Kawczynski*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 79 read and agreed to.

Resolved, That the Report be the Fifth Report of the Committee to the House.

None of the lay members present wished to submit an opinion on the Report (Standing Order No. 149 (8)).

Ordered, That the Chair make the Report to the House.

The Committee adjourned.

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

Session 2021–22

Number	Title	Reference
1st	Boris Johnson	HC 549
2nd	Mrs Natalie Elphicke, Sir Roger Gale, Adam Holloway, Bob Stewart, Theresa Villiers	HC 582
3rd	Mr Owen Paterson	HC 797
4th	Review of the Code of Conduct: proposals for consultation	HC 270

Session 2019–21

Number	Title	Reference
1st	Kate Osamor	HC 210
2nd	Stephen Pound	HC 209
3rd	Greg Hands	HC 211
4th	Conor Burns	HC 212
5th	Mr Marcus Fysh	HC 213
6th	Confidentiality in the House's standards system	HC 474
7th	Sanctions in respect of the conduct of Members	HC 241
8th	David Morris	HC 771
9th	Dr Rosena Allin-Khan	HC 904
10th	The House of Commons and the criminal law: protocols between the police and the Parliamentary Commissioner for Standards and the Committee on Standards	HC 883
11th	ICGS investigations: Commons-Lords agreement	HC 988
12th	Sanctions and confidentiality in the House's standards system: revised proposals	HC 1340