



HOUSE OF LORDS

Report from the Commissioner for Standards

# The conduct of Lord Chadlington

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# The conduct of Lord Chadlington

## SUMMARY OF COMPLAINT

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1. On 27 July 2023, my office received a complaint from Lord Foulkes of Cumnock about the conduct of Lord Chadlington (see Appendix 1).<sup>1</sup>
2. Lord Foulkes referred to an earlier complaint he had submitted to me in 2022, which alleged that Lord Chadlington had referred a subsidiary (SG Recruitment Ltd) of a company he had an interest in (Sumner Group Holdings Ltd) to the Government in respect of PPE contracts during the COVID-19 pandemic. I investigated this complaint and published a report on 9 June 2022.<sup>2</sup> In that report I concluded that the only involvement of Lord Chadlington in the supply of PPE equipment was providing the CEO of Sumner Group Holdings Ltd, David Sumner, with a contact email address for Lord Feldman of Elstree at the Department of Health and Social Care (DHSC). I therefore determined no breach of paragraphs 9(d) and 16 of the Code of Conduct for Members of the House of Lords (“the Code of Conduct”) had occurred and dismissed the complaint.
3. The basis of Lord Foulkes’ new complaint was that, as reported by *The Guardian* on 26 July,<sup>3</sup> a phone call between Lord Chadlington and Lord Feldman of Elstree had taken place before the DHSC email address had been provided to the company in question. Lord Foulkes observed that neither individual had disclosed this phone call to me during my first investigation, speculating that Lord Chadlington may have lobbied during the phone call for the company to supply PPE equipment and that Lord Feldman may have provided his email address in response. In conclusion, Lord Foulkes suggested that I may have (1) dismissed his original complaint based on incomplete information and (2) been misled by Lord Chadlington which, if true, would be a breach of the Code of Conduct.

### Relevant aspects of the Code of Conduct

4. I determined that the allegations regarding Lord Chadlington’s conduct potentially engaged two paragraphs of the Code of Conduct.
5. Paragraph 9(d) of the Code says that: “Members of the House must not seek to profit from membership of the House by accepting or agreeing to accept payment or other incentive or reward in return for providing parliamentary advice or services.”
6. Paragraph 16 of the Code says that: “A member must not seek by parliamentary means to confer exclusive benefit on an outside body or person (a) in which he or she has a financial interest (including by way of salary, fees, shareholding or other arrangement) or (b) in return for payment or reward.”

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1 This investigation and report was completed by Akbar Khan.

2 *The conduct of Lord Chadlington* (Commissioner Report 2022–23/2)

3 ‘Government likely to lose millions in dispute over PPE contract awarded via ‘VIP lane’’, *The Guardian*, (26 July 2023): <https://www.theguardian.com/politics/2023/jul/26/government-millions-ppe-sg-recruitment-uk-lord-chadlington> [accessed 25 September 2023]

### Summary of investigation

7. Having reviewed *The Guardian* article, which formed the basis of Lord Foulkes' complaint, as part of my preliminary assessment, I determined that an investigation was required.

### *Questions to Lord Chadlington and his response*

8. I wrote to Lord Chadlington on 2 August to provide him with a copy of the complaint and to inform him that I had launched a new investigation. In my letter, I asked Lord Chadlington to provide a written response, including responding to the following questions:

- (a) Did you have a phone call with Lord Feldman before providing his email address to David Sumner?
- (b) If the phone call did take place, on what date was it held, what was discussed, and why was this not disclosed during my earlier investigation?
- (c) Do you have any further recollections about this matter which may be relevant, and which were not disclosed to me as part of my earlier investigation?

9. Lord Chadlington responded to my letter on 15 August (see Appendix 2). He explained that in response to enquiries from *The Guardian* he had told them he had acquired Lord Feldman's email address after a phone call with Lord Feldman. However, prompted by my questions he had discovered that he had a short text exchange with Lord Feldman, which he described as an "administrative courtesy" before passing on his details. The text exchange was as follows:

Lord Chadlington: "Andrew I work with a company with PPE. D says you are helping. Shall I put you in touch? Peter"

Lord Feldman: "Yes Please. Best use my DHSC email address AndrewFeldman@dhsc.gov.uk. Thanks very much. Andrew."

10. On reflection, and notwithstanding his response to *The Guardian*, he had realised that the phone call he had referred to must have concerned other matters. He apologised to me for mistakenly informing *The Guardian* that a phone call had taken place with Lord Feldman and for not previously drawing the text exchange with Lord Feldman to my attention, which he described as an "innocent mistake". Otherwise, he believed his submission to my first investigation remained "entirely true".

11. Lord Chadlington noted that he had not named Mr Sumner or his company in the text exchange and that this:

"confirms what I have always stated: I did not provide a "bid" to Lord Feldman; I did not refer SG Recruitment to a VIP lane for preferential treatment (nor did I know of the existence of such); I did not facilitate an introduction (I did not even name Mr Sumner or a company), and I did not seek to leverage my position as a member of the House of Lords. The extent of my involvement was to pass Lord Feldman's email address to Mr Sumner."

*Questions to Lord Feldman of Elstree and his response*

12. I also wrote to Lord Feldman on 2 August. In my letter, I noted that in response to my initial investigation he said that his only involvement in the contracting process was to forward the email he received from David Sumner to DHSC officials, and that he had no further involvement in the process. In that respect, I also drew his attention to *The Guardian* article which alleged he had had further contact with DHSC officials after forwarding the email in question.
13. As part of his response, I asked Lord Feldman to respond to the following questions:
  - (a) Did you have a phone call with Lord Chadlington before he provided your email address to David Sumner?
  - (b) If the phone call did take place, on what date was it held, what was discussed, and why was this not disclosed during my earlier investigation?
  - (c) Did you send a further email to DHSC officials, after forwarding David Sumner's email to them?
  - (d) If this further email contact with DHSC officials did take place, why you did not disclose this in your response to my earlier investigation?
  - (e) Do you have any further recollections about this matter which may be relevant, and which were not disclosed to me as part of my earlier investigation?
14. Lord Feldman emailed me his response on 7 August (Appendix 3). By way of context, he told me that he had worked for the DHSC as an unpaid adviser between March and May 2020 and that during that period his role had been to deal with an "extremely large number of emails and phone calls and then pass offers on to officials for them to assess". He ceased to have access to his DHSC laptop and email address after May 2020.
15. In response to my questions, Lord Feldman said he did not recall having a phone call with Lord Chadlington, which is why he did not disclose it during my original investigation. However, he said it was possible that a phone call did take place which he had forgotten about, due to the high volume of calls he was having at that time, and that he may have provided his email address to Lord Chadlington in response. He also did not recall sending a further email to DHSC officials but had no reason to doubt that the short email obtained by *The Guardian* had in fact been sent.

*Material provided by the Department of Health and Social Care*

16. As *The Guardian* article had referred to information it had received from the DHSC, my office contacted the DHSC to receive copies of this information, which had been obtained via a Freedom of Information request.
17. The DHSC replied to my office on 25 August to provide copies of the information it had released to *The Guardian*. The only relevant information this release contained was to confirm that, as reported, Lord Feldman had sent a further email to DHSC officials after forwarding them David Sumner's introductory email on 21 April 2020. Lord Feldman's covering message with that forwarded email said: "An interesting offer from David Sumner who was

introduced to me by Lord Chadlington.” Later the same day, in response to a reply by DHSC officials, Lord Feldman said: “He [David Sumner] seems like a decent guy—I spoke to him yesterday ...” None of the information released disclosed any evidence of direct contact between Lord Chadlington and DHSC officials.

### Findings

18. It is regrettable that the text exchange between Lord Chadlington and Lord Feldman was not disclosed during my original investigation, as the fact that it occurred prior to Lord Chadlington providing David Sumner with Lord Feldman’s email address is relevant, as it facilitated their subsequent contact. However, having considered the content of the text exchange, in which Lord Chadlington does not name the company in question nor make any kind of ‘bid’ on its behalf, I do not consider this alters the substantive finding of my original investigation—that Lord Chadlington had no involvement in the bidding for contracts and there is no evidence to suggest that the fact that Lord Chadlington provided Mr Sumner with the email address played any part in the decision to award the Government contracts to SG Recruitment UK. This is also supported by the DHSC material that I received for this investigation.
19. With respect to the confusion that arose about whether a phone call took place between Lord Chadlington and Lord Feldman, in connection with and prior to David Sumner emailing Lord Feldman, I accept Lord Chadlington’s account of this aspect of the matter under scrutiny. Lord Chadlington recalled that a telephone call did occur but did not have anything to do with the matter under consideration. Lord Feldman had no firm recollection of any telephone call occurring but could not rule it out. I find that there is insufficient evidence to conclude that the telephone call concerned PPE contracts.
20. As none of Lord Chadlington’s alleged actions concerned parliamentary proceedings, I did not consider that paragraph 16 of the Code of Conduct was engaged in any way.

### *Confidentiality of the complaints process*

21. On 2 August, I confirmed on my website that an investigation into this matter had commenced. Prior to this announcement, the fact that I had received a complaint should have been confidential, as per paragraph 134 of the Guide to the Code of Conduct, which says that “In the interests of natural justice, the specific allegation made to the Commissioner ... should be made in private and not publicised until the complaint has been finally determined.”
22. However, during my preliminary assessment of the complaint I noted that *The Guardian* published a further article about this matter on 31 July, which included reference to Lord Foulkes having invited me to “reopen” my investigation into this matter.<sup>4</sup> On 2 August, I also wrote to Lord Foulkes to remind him of his obligations under paragraph 134 of the Guide to the Code of Conduct.

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<sup>4</sup> ‘Call for watchdog to reinvestigate Tory peer over possible PPE lobbying breach’, *The Guardian* (31 July 2023): <https://www.theguardian.com/politics/2023/jul/31/call-for-watchdog-to-reinvestigate-tory-peer-lord-chadlington-over-possible-ppe-lobbying-breach-peter-gummer> [accessed 25 September 2023]



23. **My conclusion is that, on the balance of probabilities, there is insufficient evidence to suggest that Lord Chadlington provided parliamentary advice or services, and no evidence that he breached the exclusive benefit rule. Accordingly, I conclude that Lord Chadlington is not in breach of paragraphs 9(d) and 16 of the Code of Conduct and therefore dismiss the complaint.**
24. **I wish to take this opportunity to remind complainants—in particular members of the House of Lords who are subject to the Code of Conduct—about their obligation to maintain the confidentiality of their complaint and not make statements to the media. Soliciting media coverage of a complaint submitted to the Commissioner for Standards before an investigation has either commenced or been completed undermines the fairness of the complaints process.**
25. **I also wish to remind members of the importance of being candid in response to enquiries from the Commissioners for Standards when they are investigating complaints, including taking care to disclose all relevant information. While I ultimately dismissed this complaint, as it drew my attention to new information that had not been disclosed to me during my earlier investigation, I considered it necessary to revisit this matter in the interests of thoroughness and transparency. Had all the relevant information been provided to me from the outset, the opening of a second investigation would have been avoided. However—that being said—I do not consider that there was any attempt to deliberately mislead me during my original investigation.**
26. I am grateful to Lord Chadlington for his cooperation in this matter and for his prompt and thorough responses, and to Lord Feldman of Elstree and Department of Health and Social Care officials for their assistance with my enquiries.

**APPENDIX 1: EMAIL FROM LORD FOULKES OF CUMNOCK TO  
THE COMMISSIONER FOR STANDARDS, 27 JULY 2023**

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Dear Akbar,

I am writing to ask you to consider reopening your investigation into Lord Chadlington in [the] light of new information contained in this report in The Guardian.

In paragraph 18 of your Report following my initial complaint you concluded that the only involvement of Lord Chadlington in the supply of PPE equipment by the company in which he had an interest was providing it with the email address of the Department.

However, in this latest Guardian report Lord Chadlington's lawyers reveal that there was a conversation between Lord Chadlington and Lord Feldman which was not disclosed by either of them to you during your inquiry.

This makes sense since the question would arise otherwise how did he get Feldman's departmental email address.

It would appear that [Lord] Chadlington suggested that this company might be a potential candidate to supply PPE equipment and [Lord] Feldman suggested he get Sumner to email him at his Departmental email address.

In your Report you conclude there was no lobbying by [Lord] Chadlington but this was because the phone call between [Lord] Chadlington and [Lord] Feldman was not disclosed to you by either of them and has only now been revealed by [Lord] Chadlington's lawyers to the Guardian.

Assuming that the lawyers are correct this would now confirm that lobbying on behalf of the company by Lord Chadlington did take place.

It would therefore appear you cleared him on the basis of incomplete information, and I hope you will consider reopening your inquiry in light of this and also that you appear to have been misled which, if true, would in itself be a breach of the Code.

I apologise for troubling you during the recess and look forward to hearing from you.

Every good wish

George

Lord Foulkes of Cumnock

## APPENDIX 2: LETTER FROM LORD CHADLINGTON TO THE COMMISSIONER FOR STANDARDS, 15 AUGUST 2023

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Dear Mr Khan,

Thank you for your letter of 2 August 2023 following a further complaint from Lord Foulkes alleging that I have breached the House of Lords Code of Conduct (the “Code of Conduct”). I am grateful to you for giving me the opportunity to reply.

### Background

In my evidence to the investigation you initiated in June 2022, I made it pellucid that, to the best of my knowledge, I had not broken the Code of Conduct either in spirit or letter. In your response dismissing the complaint, you concluded that I was “*not in breach of paragraphs 9(d) and 16 of the Code of Conduct*”. You sought advice from the Cabinet Office and from Lord Feldman and you asserted that my account was “*supported by strong corroborative evidence*”.

I wish to reiterate that I did not breach the Code of Conduct which I have endeavoured to uphold throughout nearly 27 years in the House of Lords.

During my working life, I have inevitably established my own code of conduct for my business dealings (complementary to the Code of Conduct) - including simple courtesies such as not passing on the email addresses or other contact details of friends without their permission.

### Approach to Lord Feldman

Notwithstanding the conclusions of your previous investigation, I have continued to face relentless questioning by *The Guardian* on matters relating to Mr Sumner. This has included six emails from the journalist, raising approximately forty comments and questions.

One discrete aspect of the questioning was in relation to how I obtained Lord Feldman’s departmental email address. As I explained in my last submission to you, I had known Lord Feldman for a number of years before he joined the House of Lords. When asked by *The Guardian*, I responded that, following my normal business practice, I had gained Lord Feldman’s permission to pass his details to Mr Sumner. I had thought this was via a telephone call. Therefore, in my responses to *The Guardian* I referred to a call and stated that the name of SG Recruitment Limited was mentioned, although I made clear that I could not recollect anything else being discussed.

However, in researching your questions about my contact with Lord Feldman, I can now see that in fact I had a short text exchange with Lord Feldman on 19 April 2020. The full exchange is as follows (which is also enclosed) -

Lord Chadlington: “Andrew I work with a company with PPE. D says you are helping. Shall I put you in touch? Peter”

Lord Feldman: “Yes Please. Best use my DHSC email address AndrewFeldman@dhsc.gov.uk. Thanks very much. Andrew.”

I note now that in seeking Lord Feldman’s permission as a courtesy to pass on his contact details, I did not name Mr Sumner or his company, i.e. I said even less to Lord Feldman that I had mistakenly recollected when responding to *The Guardian*.

Notwithstanding my mistaken recollection of the mode of communication with Lord Feldman, the text exchange is entirely consistent with what I have always maintained: that my involvement in the relevant matter was limited to providing Mr Sumner with Lord Feldman’s email address. While I recall having a telephone conversation—over three years ago—with Lord Feldman, I now realise that this must have been on other matters.

The text exchange had simply slipped my mind when responding to *The Guardian*, no doubt caused by the passage of time. I apologise for this innocent mistake, not least because the text exchange provides a full answer to the allegation that I in some way lobbied Lord Feldman or provided a bid to him. I did not. At the conclusion of your investigations, I have asked my lawyers to clarify with *The Guardian* my mode of correspondence with Lord Feldman.

### Your questions

Turning to your questions, I am pleased to confirm as follows:

1. I did have a phone call with Lord Feldman, but this was not to obtain Lord Feldman’s email address or to discuss anything related to Mr Sumner or his companies.
2. I do not know the date of that phone conversation. I now understand that I obtained Lord Feldman’s email address via a text message on 19 April 2020 (and not during a telephone call). I did not disclose the text exchange during the original investigation, because as noted above, I viewed it as an administrative business process which I always follow. I apologise if you view this to be an omission.
3. I have set out above the full text exchange with Lord Feldman, which confirms what I have always stated: I did not provide a “bid” to Lord Feldman; I did not refer SG Recruitment to a VIP lane for preferential treatment (nor did I know of the existence of such); I did not facilitate an introduction (I did not even name Mr Sumner or a company), and I did not seek to leverage my position as a member of the House of Lords. The extent of my involvement was to pass Lord Feldman’s email address to Mr Sumner.

As reported in your initial rejection of Lord Foulkes’ complaint, my record of events is supported not just by the Cabinet Office but also by Lord Feldman who stated to your earlier enquiry that “I did not provide any bid”. Since then Lord Feldman has publicly stated that “[t]he full extent of the introduction from Peter Chadlington was that he provided David Sumner with my DHSC email address”. I also note your previous finding that, “there is no evidence to suggest that the fact that Lord Chadlington provided Mr Sumner with the email address played any part in the decision to award the two contracts to SG Recruitment UK” and that Lord Feldman’s email address would “doubtless have been obtainable from other sources”.

### Conclusions

My submission to you last year was—and remains—entirely true. I do however apologise unreservedly for my incorrect response to *The Guardian* that I had a telephone call with Lord Feldman to obtain his email address, rather than recalling that this administrative courtesy was carried out by text message.

However, I wish to re-iterate my position on the underlying issue: I regard my membership of the House of Lords as a considerable privilege and responsibility. I am extremely careful to follow the spirit and rules of the Code in everything I do.

I trust that in considering this response to your enquiries you will agree with that contention.

If I can be of further help please let me know.

Yours sincerely,

Lord Chadlington

**APPENDIX 3: EMAIL FROM LORD FELDMAN OF ELSTREE TO THE COMMISSIONER FOR STANDARDS, 7 AUGUST 2023**

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Dear Mr. Khan,

Thank you for your letter of 2nd August.

Before addressing your specific questions, I would like to provide some context about my role at DHSC during the pandemic.

I was an unpaid advisor working for two months between March and May 2020. I was asked by the DHSC to support them at a time of national crisis. My role was to help the Government source urgently needed healthcare supplies and equipment. The assessment of the suitability of potential suppliers and the decision to award contracts were taken by officials and not by me. My time was spent dealing with an extremely large number of emails and phone calls and then passing offers on to officials for them to assess.

I was provided with a DHSC lap top and email address for this purpose. I returned the lap top at the end of my volunteering period in May 2020, and I have not, since then, had access to my DHSC email account.

Addressing your questions:

1. Did you have a phone call with Lord Chadlington before he provided your email address to David Sumner?

I do not recall having a phone call with Lord Chadlington before he provided my DHSC email address to Davis Sumner. However, given the volume of calls I was handling in that period, it is perfectly possible that I did have a phone call with Lord Chadlington and that I provided him with my DHSC email address for Mr. Sumner.

2. If the phone call did take place; on what date was it held, what was discussed, and why was this not disclosed during my earlier investigation?

I am not able to assist with this further as I do not have a recollection of the phone call. This is the reason that it was not disclosed during your earlier investigation.

3. Did you send a further email to DHSC officials, after forwarding David Sumner's email to them?

As I have explained, I have not had access to my DHSC emails since May 2020. The Guardian appear to have obtained a further email by an FOI request. I did not recall sending this further email, but I have no reason to doubt that the email was sent. I have been sent by the Guardian what purports to be the one line text of that email.

4. If this further email contact with DHSC officials did take place, why you did not disclose this in your response to my earlier investigation.

I did not at the time recall sending a further email and I did not have access to my DHSC account to check whether any further emails were sent.

5. Do you have any further recollections about this matter which may be relevant, and which were not disclosed to me as part of my earlier investigation.

I do not.

Please let me know if I can be of any further assistance.

Thanks and kind regards,

Andrew