



HOUSE OF LORDS

Report from the Commissioner for Standards

The conduct of Benedict Rich

Published 19 October 2020

Commissioner for Standards

The independent Commissioner for Standards is responsible for considering any alleged breaches of the Codes of Conduct.

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Code of Conduct for Members, Guide to the Code of Conduct and Code of Conduct for Members' Staff

The present Code of Conduct for Members of the House of Lords was agreed on 30 November 2009. Amendments to it were agreed by the House on 30 March 2010, 12 June 2014, 25 February 2016, 9 February 2017, 3 April 2017, 30 April 2019, 18 July 2019, 16 March 2020 and 8 July 2020.

The Guide to the Code of Conduct was proposed by the Committee for Privileges (2nd Report, Session 2009–10, HL Paper 81) and agreed by the House on 16 March 2010. The Guide was amended on 9 November 2011, 6 March 2014, 13 May 2014, 24 March 2015, 25 February 2016, 9 February 2017, 3 April 2017, 30 April 2019, 18 July 2019, 16 March 2020 and 8 July 2020.

The Code of Conduct for House of Lords Members' Staff was agreed on 13 May 2014. Amendments to it were agreed on 24 March 2015, 30 April 2019, 18 July 2019, 16 March 2020 and 8 July 2020.

The Codes and Guide are kept under review by the Conduct Committee.

Advice

The Registrar of Lords' Interests advises members of the House and their staff on their obligations under the Codes of Conduct.

Address: Registrar of Lords' Interests, House of Lords, London SW1A 0PW

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Registers of Interests

A list of interests of members and their staff can be found online: www.parliament.uk/hlregister

Independent Complaints and Grievance Scheme Helpline

0808 168 9281 (freephone)

Support@ICGShelpline.org.uk

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The conduct of Benedict Rich

Summary of complaint and investigation

1. On 3 August 2020 I received an email from a member of the public, Dr Alex May (see Appendix 1). The email included two allegations against Mr Benedict Rich, a member of staff sponsored by Lord Lansley.¹ Dr May alleged that Mr Rich had breached the Code of Conduct for House of Lords Members' Staff in two respects:
 - that Mr Rich's entry in the Register of Interests—"self-employed consultant"—did not specify the nature of his business as required by paragraph 8 of the *Code of Conduct for House of Lords Members' Staff*; and
 - that Mr Rich may have used his position in the House of Lords for lobbying purposes, breaching the restrictions on lobbying established by paragraph 12 of the *Code of Conduct for House of Lords Members' Staff*.
2. Having confirmed that Dr May's summary of Mr Rich's entry in the Register of Interests was accurate, I wrote to Mr Rich on 10 September 2020 to inform him that I had completed my preliminary assessment (see Appendix 2). In my letter I separated the two parts of the complaint and informed Mr Rich of my intended actions for each element:
 - that an investigation would be launched into his entry in the Register of Interests because "self-employed consultant" was too uninformative to comply with paragraph 8 of the Code; and
 - that I would dismiss the lobbying allegation because Dr May had not provided evidence sufficient to establish a *prima facie* case that the Code of Conduct had been breached.
3. In concluding my letter, I asked Mr Rich to provide a written response to the allegation by 25 September 2020.

Relevant provision of the Code

4. Paragraph 8 of the *Code of Conduct for House of Lords Members' Staff* requires that when registering their employment, members' staff should provide details of "the employing organisation, the nature of its business (where this is not self-evident) and the nature of the post that they hold in that organisation."

Benedict Rich's response to the complaint

5. On 10 September 2020, Mr Rich emailed my office, providing an initial response to the complaints made against him (see Appendix 3). In his initial response, he apologised for the ambiguity of his entry in the Register and provided a brief description of his consultancy work.

¹ A member of the House may sponsor someone for a parliamentary pass and email account for the purpose of providing parliamentary secretarial or research assistance to the member. Those sponsored by members are listed on the parliamentary website and are subject to the Code of Conduct for House of Lords Members' Staff. These individuals are not employees of the House of Lords Administration.

6. On 14 September 2020, Mr Rich provided a longer response with more information about his employment other than his work for Lord Lansley (see Appendix 4).
7. In this letter, Mr Rich apologised again for the insufficiently clear description of his employment and stated that he would be “happy to amend [his] entry” in the Register of Interests. Mr Rich also provided a detailed description of his employment, including his specific roles and current employing organisations.

Finding

8. **Mr Benedict Rich breached paragraph 8 of the Code of Conduct for House of Lords Members’ Staff by failing to register adequately the details of his employment.**

9. However, I do not believe that Mr Rich deliberately omitted details of his employment in order to withhold information from the Register of Interests. I consider that this breach of the Code was minor and inadvertent. Furthermore, it was clearly and promptly acknowledged by Mr Rich when the matter was brought to his attention.

10. Therefore, I proposed that the case be resolved by remedial action. Remedial action usually involves “putting the record straight”, for example by amending the Register of Interests.

11. On 24 September 2020, I wrote to Mr Rich to inform him that I considered remedial action—namely through him amending his entry in the Register—to be a suitable resolution of the matter (see Appendix 5).

12. Mr Rich promptly contacted the Registrar of Lords’ Interests to amend his entry in the Register. He provided a detailed description of his various roles and employing organisations (see Appendix 6). His entry now reads:

“Self-employed strategic communications and media relations consultant providing advice to various clients, currently Woolf Institute (charity working to improve relations between religion and society through education) and Radix as Chief Executive (think-tank and educational charity concerned with improving public policy making).”

13. The case was therefore resolved by remedial action. I thank Benedict Rich for his speedy response in this matter.

14. I take this opportunity to remind those sponsored by Members of the House that the advice of the Registrar of Lords’ Interests is available and that the Code provides that “[a]nyone who acts on the advice of the Registrar in registering or not registering an interest satisfies fully the requirements of the Code of Conduct for Members’ Staff in that regard.”

Lucy Scott-Moncrieff, CBE

Commissioner for Standards

APPENDIX 1: EMAIL FROM DR ALEX MAY, 3 AUGUST 2020

I'm writing to you to complain about the conduct of Benedict ("Ben") Rich.

Disclosure: I write a blog at dralexmay.wordpress.com.

Mr Rich is Lord Lansley's sole member of staff at the House of Lords, according to the register of interests of lords members' staff.

Mr Rich appears to have breached the Code of Conduct for House of Lords members' staff, para 8.

His first registered interest is unsatisfactorily vague: "self-employed consultant". Please see "Hidden public affairs practitioner works for Lord Lansley at House of Lords": <https://dralexmay.wordpress.com/2020/07/29/hidden-public-affairs-practitioner-works-for-lord-lansley-at-house-of-lords/>.

Mr Rich may also have breached para 12 of the code. As I show, he's a public affairs practitioner – but omits to disclose the fact on the register of interests of lords members' staff. Mr Rich's non-disclosure invites reasonable suspicion.

Another reason for reasonable suspicion on lobbying is the lack of clarity and transparency around the activities of the company paying Mr Rich as Lord Lansley's staffer, Low Associates Ltd. For details, please see the blog post to which I refer above.

For the avoidance of doubt, both Lord Lansley and Mr Rich didn't respond to requests for comment.

APPENDIX 2: LETTER FROM THE COMMISSIONER FOR STANDARDS TO BENEDICT RICH, 10 SEPTEMBER 2020

I am writing because I have received a complaint from Dr Alex May alleging that you have breached the Code of Conduct for House of Lords Members' Staff.

The complaint relates to one of your entries in the Register of Members' Staff Interests: specifically the interest "self-employed consultant". Dr May alleges that this "unsatisfactorily vague" and may be in breach of the Code of Conduct for House of Lords Members' Staff. A copy of the complaint is enclosed.

I have carried out a preliminary assessment of the complaint. I have decided that there is sufficient prima facie evidence to investigate whether the Code of Conduct for House of Lords Members' Staff may have been breached. In particular, I intend to investigate whether the following provisions of the Code of Conduct have been breached:

"When registering employment, members' staff should state the employing organisation, the nature of its business (where this is not self-evident) and the nature of the post that they hold in the organisation."
(paragraph 8)

The complainant also alleges that you use your position for lobbying purposes, thereby breaching paragraph 12 of the Code of Conduct for House of Lords Members' Staff:

"Members' staff shall not make use of their access to the member who sponsors their pass, to other members (of either House), to the parliamentary email network or to the parliamentary estate to further the interests of an outside person or body from whom they have received or expect to receive payment or other incentive or reward."
(paragraph 12)

I have dismissed this part of the complaint due to lack of evidence.

I draw your attention to the seven general principles of conduct identified by the Committee on Standards in Public Life and incorporated into the Code of Conduct.

I invite you to respond in writing with a full and accurate account of the matters in question; this response may be by email or letter and to whatever length you feel necessary. A response by 25th September 2020 would greatly assist me in investigating this matter in a timely fashion. Without limiting what you may wish to include in your response to the complaint, it would be useful if you could include details of the nature of your consultancy work.

I would also wish to draw your attention to paragraph 144 of The Guide to the Code of Conduct:

"From the point that the Commissioner decides to undertake an investigation all evidence and correspondence relating directly to the inquiry is covered by parliamentary privilege. It must remain confidential unless and until it is published. If such evidence or correspondence were to be published or disclosed to anyone else without the agreement of the Conduct Committee or the Commissioner, this would be a contempt of the House. An attempt to obstruct an investigation is a contempt of the House."
(paragraph 144)

In accordance with paragraph 133 of the Guide to the Code of Conduct a webpage on the parliamentary website will include basic information about the case.

APPENDIX 3: EMAIL FROM BENEDICT RICH TO THE COMMISSIONER FOR STANDARDS, 10 SEPTEMBER 2020

I am disappointed to receive this notice of complaint but will do my very best to respond accurately and in full.

I apologise if the description of my role is insufficiently precise. I can assure you that there is no intention to deceive or to obscure what I do. I do not and have not engaged in lobbying, let alone used my pass for this purpose and I appreciate that you have dismissed this element of the complaint.

My consultancy work is ad hoc and largely involves advising charitable and not for profit organisations on strategic communications and policy development. The clients for whom I have undertaken work in 2020 are:

- Radix (listed separately) a think tank and registered charity, for whom I act as Chief Executive—this accounts for the bulk of my work
- West London Synagogue—media crisis management (Jan–Feb 2020)
- Woolf Institute—developing a media plan for the release of a report on religious diversity in November 2020.

The cover letter says that the complaint is enclosed but it was not attached. Please can you send this and let me know what further information if any, you might need.

As my consultancy work is not related to my work for Lord Lansley and, because the tasks I have undertaken since working for him do not involve lobbying, I didn't think it was appropriate to list my individual clients, but am happy to correct this.

Your letter also refers to a deadline date but none is given in the letter. Again it would be useful if you could provide this.

APPENDIX 4: LETTER FROM BENEDICT RICH TO THE COMMISSIONER FOR STANDARDS, 14 SEPTEMBER 2020

First, contrary to his claim in para 21, neither Lord Lansley nor I are aware of any attempt made by him to contact us related to these allegations. Given the basic nature of his misunderstanding of my role and the extent of the inaccuracies in his blog, I am afraid I can only conclude that the complaint is malicious and he has no interest in the facts.

As far as I can see Dr May's complaint amounts to a failure on my behalf to be sufficiently clear as to what I mean by "self-employed consultant". I apologise to the Commissioner for this, although it is factually accurate, and am of course happy to amend the entry as the Commissioner advises.

The reason I don't currently provide further clarification is that the nature of the consultancy I provide varies from client to client, and none of it relates to my role with Lord Lansley or as a Parliamentary passholder (see below).

I hope the following information addressing any remaining concerns you might have:

- (1) I know Lord Lansley through the think tank, Radix, of which he is a Director and I am CEO. This is listed in my register of interests.
- (2) I receive no remuneration from him or any other organisation with which he is associated other than Radix. He and I share a common interest in public, and particularly health, policy and it is in this capacity that I provide him with occasional unpaid support.
- (3) I worked from 1995 to 2007 as a partner at Public Relations firm Luther Pendragon, where my work did include public affairs. Since setting up on my own in 2007 I have undertaken a wide range of different strategic consultancy work, which occasionally, but not recently - and certainly not since working with Lord Lansley - has included some public affairs element.
- (4) Presently, three days a week of my freelance consultancy work has been with Radix. This is a strategic, administrative and policy role and, to reiterate, is declared on the register of interests. Radix is a registered charity engaged in the non-partisan advancement of education in the economic and social and political sciences and their effect on public policy.
- (5) My other 2020 freelance consultancy work has been for just two clients: the Woolf Institute (and educational research centre focussed on the role of religion) and the West London Synagogue. Both are charities and I have provided them with strategic, crisis management and media relations advice.
- (6) The screenshot of my LinkedIn page provided by Alex May accurately describes my experience, although none of my recent work has involved public affairs. I am not registered with the PRCA, of which I was once a member, quite simply because I am not doing any public affairs work.

- (7) I do not and have never worked for, nor received any remuneration from, Low Associates nor any of its clients. Indeed, until receiving this complaint I don't think I had ever heard of them.
- (8) I would like to make it absolutely clear that I have never used my pass to access Lord Lansley or any other members of either House to lobby on behalf of any client. The headline of Dr May's blog "Hidden Public Affairs practitioner works for Lord Lansley at the House of Lords" clearly seeks to imply otherwise and is defamatory. I am considering whether it is worth taking any action in relation to this.

I am happy to answer any other questions you might have or provide any further clarifications. I am extremely upset by this complainant which has no foundation and I hope you will deal with it as a matter of urgency so I can put this behind me. If you could give me some indication of the timescale for investigating this complaint it would be appreciated.

APPENDIX 5: LETTER FROM THE COMMISSIONER FOR STANDARDS TO BENEDICT RICH, 24 SEPTEMBER 2020

On the 8 August 2020 a member of the public, Dr Alex May, made a complaint against you. I included a copy of the original complaint in my first letter.²

As set out in my first letter, I dismissed aspects of Dr May's complaint but launched an investigation into his allegation that your entry in the Register of "self-employed consultant" was "unsatisfactorily vague", thereby breaching paragraph 8 of the Code of Conduct for House of Lords Members' Staff.

I have now read the information you provided in your response to Dr May's complaint against you. I would like to thank you for being prompt and providing a good level of detail in your response.

The overall purpose of the Code of Conduct is to ensure openness and transparency about the interests of members and their staff. It is for this reason that paragraph 8 of the Code of Conduct for Members' Staff requires entries to explain the nature of the business where it is not self-evident.

I do not believe that you deliberately provided incomplete information in the Register of Interests, but I do consider your entry falls below the standard required by the Code.

On the basis of the evidence you have so far provided, my view is that your entry in the Register is insufficiently detailed and therefore breaches the Code. However, as I believe this to be a minor and inadvertent breach, I propose it can be rectified by a remedial action, namely consulting the Registrar of Lords' Interests and updating your entry to include a brief description of the nature of your work.

The Registrar of Lords' Interests, Tom Wilson, can be contacted at lordsregistrar@parliament.uk.

Once you have consulted the Registrar and your entry has been satisfactorily amended, I will write a short report to conclude this investigation. If your entry has been amended with more detail, as advised by the Registrar, I will state that you have already taken action to resolve the breach. The report will be published on my website only.

At this point, Dr Alex May will be informed that the complaint has been resolved through minor remedial action.

Thank you again for your prompt response to my request for further information and your cooperation in this investigation.

² As stated earlier in this report, the complaint was received on 3 August 2020. The letter to Benedict Rich provided the incorrect date, 8 August 2020, but the error has been included here to ensure that the evidence is entirely accurate.

APPENDIX 6: EMAIL FROM BENEDICT RICH THE REGISTRAR OF LORDS' INTERESTS, 24 SEPTEMBER 2020

A complaint has been made to the Lords Commissioner that my entry in the Lords register of interests is unsatisfactorily vague. The Commissioner has accepted that this is inadvertent on my behalf but I would like to update my entry asap to avoid any further misunderstanding.

It currently reads:

Self-employed Consultant; Chief Executive, Radix (think-tank); Trustee, Religion Media Centre (unremunerated)

Please can you update this to read:

Self-employed strategic communications and media relations consultant providing advice to various clients, currently, (i) The Woolf Institute (a charity working to improve relations between religion and society through education); (ii) Radix as the Chief Executive (an think tank and educational charity concerned with improving public policy making); Trustee, Religion Media Centre (unremunerated); Trustee, York Liberal Jewish Community (unremunerated)

Thanks for your understanding. Please let me know when this has been updated.