

RECTIFICATION

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Summary

I began an inquiry on my own initiative that a Member had breached paragraph 14 of the Code of Conduct through the late registration of employment in the Register of Members' Financial Interests.

- 5 During my inquiry, I established that the Member had failed to register, within 28 days, employment as a Senior Fellow at the Policy Exchange (think tank) between 1 April 2019 and 30 April 2020. The registration was made almost 12 months after the commencement of the post.

- 10 I found that the Member had acted in breach of the rules. He has acknowledged the breach, apologised and taken steps to prevent a recurrence.

I concluded the inquiry using the rectification procedure available to me under Standing Order no 150.

Written evidence

1. Letter from the Commissioner to Mr Khalid Mahmood MP, 4 June 2020

5 You wrote to me on 29 April 2020, inviting me to consider investigating your compliance with the House of Commons' Code of Conduct for Members in connection with the registration of your employment as a senior fellow at Policy Exchange. I have decided to begin a formal inquiry.

Background

10 On the 29 April 2020 you notified the Registrar that you had not registered your employment as a Senior Fellow at the Policy Exchange (think tank) between 1 April 2019 and 30 April 2020.

My inquiry

Late Registration

15 It is clear, from the information you have already provided, that you registered your employment at the Policy Exchange outside the House's 28-day deadline. However, I need to understand more about the surrounding circumstances.

Declaration

20 You held the post of the Shadow Minister of State for Europe from the 6 October 2016 to the 9 April 2020. I will be investigating whether the rules of the House required you to make declarations in respect of your role for the Policy Exchange during parliamentary work or other proceedings and, if so, whether any declarations were made.

The Code of Conduct

The Code of Conduct for Members

Paragraph 14 of the current Code of Conduct for Members states:

25 *"Members shall fulfil conscientiously the requirements of the House in respect of the registration of interests in the Register of Members' Financial Interests. They shall always be open and frank in drawing attention to any relevant interest in any proceeding of the House or its Committees, and in any communications with Ministers, Members, public officials or public office holders."*

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The Guide to the Rules relating to the conduct of Members (the Guide)

Paragraph 5 of the Guide states:

5 *“The overall aim of both registration and declaration is to provide information about any financial interest which might reasonably be thought by others to influence a Member’s actions, speeches or votes in Parliament, or actions taken in his or her capacity as a Member of Parliament.”*

After the publication of the first Register of a Parliament, it is the responsibility of Members to notify changes in their registrable interests within 28 days of each change occurring.

10 Chapter 2 of the Guide states:

“2. The declaration of interests ensures that Members, the public and others are made aware at the appropriate time, in proceedings of the House and on other occasions, of any interest relevant to those proceedings or to the actions or words of a Member. ...

15 *4. Members are required, subject to the paragraphs below, to declare any financial interests which satisfy the test of relevance...*

5. The test of relevance is whether those interests might reasonably be thought by others to influence his or her actions or words as a Member....

7. Subject to paragraphs 1 to 6 of this chapter, Members must declare a relevant interest:

20 *When approaching others: Members must declare a relevant interest in any communication, formal or informal, with those who are responsible for matters of public policy, public expenditure or the delivery of public services. That includes communications with Ministers, either alone or as part of a delegation: with other Members; with public officials (including the staff of government departments or*
25 *agencies and public office holders). If those communications are in writing, then the declaration should be in writing too; otherwise it should be oral.”*

Next steps

In order to assist me with progressing this inquiry please can you address the following questions:

- 30 1. What prompted you to register your role as a Senior Fellow on 20 April 2020?
2. Please explain why did you not register that role sooner?

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3. What were your specific role and duties at The Policy Exchange between April 2019 and April 2020?
4. Please can you provide a copy of your Employment Contract as a Senior Fellow for the Policy Exchange including the Job Description.
- 5 5. Which specific projects were you involved in during your tenure as a Senior Fellow for the Policy Exchange?
6. Were you aware of paragraph 14 of the Code, which concerns the declaration of interests, and the accompanying guidance at Chapter 2 of the Guide?
- 10 7. Did you declare your post as a Senior Fellow at any time in writing or vocally in any proceeding of the House or its Committees, and in any communications with Ministers, Members, public officials or public office holders?
8. Having read the rules now, are there any occasions when you didn't declare your post but ought to have done?
- 15 9. Did you seek advice from the House authorities on any occasion about whether declaration of such interests might be necessary and, if so, when and what advice did you receive?

It would be helpful to receive any supporting evidence you have at the same time as receiving your response to these questions. Any other points you may wish to make to help me with this inquiry would also be most welcome.

20 **Outcomes**

There are three possible outcomes to my inquiry:

1. I decide not to uphold a breach of the Code and no further action is needed.
- 25 2. I decide to uphold some or all the allegations concerning your conduct, I decide that your acts amount to a breach of the Code, and I am satisfied that the matter is suitable for rectification using the powers available to me under Standing Order 150.
3. I decide to uphold some or all the allegations concerning your conduct, I decide that your acts amount to a breach of the Code, and I am satisfied that the matter cannot be rectified and must be put before the Committee on Standards.

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Important information

As you will be aware, my inquiries are conducted in private. Following the decision taken by the House on 19 July 2018, I will not publish the fact that I am conducting an inquiry concerning compliance with the Code of Conduct. My office will not
5 comment to third parties on any aspect of the inquiry. They will answer direct factual questions about the processes I follow and the standards system more generally but will neither confirm nor deny that I have begun an inquiry.

Procedure

I attach a copy of the Commissioner's Information Note¹, which sets out the
10 procedure for inquiries. Please note that this has not yet been updated to reflect the changes flowing from the decision of 19 July 2018.

This letter and any subsequent correspondence between us in connection with this inquiry is protected by parliamentary privilege. Until such time as a final report is published, I must ask that you respect that confidentiality and do not disclose the
15 contents of our correspondence to any third party. My decision and all the relevant evidence, including our correspondence, will be published at the end of the inquiry.

I should say now, as a matter of courtesy, that I may seek the advice of the House authorities and others as part of this inquiry. If I do so, I will share that correspondence with you.

20 While I do not, at this stage, know whether it will be necessary to interview you about this matter, it would be open to you to be accompanied at any such interview. I am, of course, very happy to speak with you at any stage if you would find that helpful.

Action

25 I am aware that these are difficult times, but I would be grateful to have your response to this letter as soon as possible and no later than 18 June 2020 please. If you require more time to respond, then please contact me or a member of my team. Due to the current health crisis, my team are working remotely, so I would be grateful if you could please send your response electronically to
30 standardscommissioner@parliament.uk.

Thank you for your assistance with this matter.

4 June 2020

¹ <http://www.parliament.uk/documents/pcfs/New%20Website%20Documents/PCS-Information-Note.pdf>

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2. Letter from Mr Khalid Mahmood MP to the Commissioner, 17 June 2020

In order to assist me with progressing this inquiry please can you address the following questions:

1. What prompted you to register your role as a Senior Fellow on 20 April 2020?

5 I was under the impression that my role as a Senior Fellow was already registered with the Members' Financial Interests. However, as soon as I found out it wasn't, I wanted to set the record straight and contacted the Registrar.

2. Please explain why did you not register that role sooner?

10 I thought I have already registered but due to an error in office I found I was not and when I found out, I contacted the Assistant Registrar of Members' Financial Interests urgently to make it right.

3. What were your specific role and duties at The Policy Exchange between April 2019 and April 2020?

15 I was working as a Senior Fellow Consultant at The Policy Exchange and my main role included advising and consulting on several issues including advice on extremism, social cohesion and apprenticeships/vocational Training.

4. Please can you provide a copy of your Employment Contract as a Senior Fellow for the Policy Exchange including the Job Description.

20 Please find the copy of the Employment contract attached within the email. It also includes the 'duties section' describing the job role.

5. Which specific projects were you involved in during your tenure as a Senior Fellow for the Policy Exchange?

25 During my tenure at The Policy Exchange, I was involved in the following publications. Please find my publications/contributions below with Policy Exchange (Think Tank) in chronological order.

- On Islamophobia (2019)
- The Trial: the strange case of Trevor Phillips (2020)
- Keeping Britain Safe after Brexit (Guest Speaker)

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As for the last publication, it was written on the 5th March and published on 6th March before the suspension of Trevor Phillips from the Labour Party on 9th March 2020.

5 6. Were you aware of paragraph 14 of the Code, which concerns the declaration of interests, and the accompanying guidance at Chapter 2 of the Guide?

Yes, I was aware of it.

7. Did you declare your post as a Senior Fellow at any time in writing or vocally in any proceeding of the House or its Committees, and in any communications with Ministers, Members, public officials or public office holders?

10 No, I did not.

8. Having read the rules now, are there any occasions when you didn't declare your post but ought to have done?

No, there are no such occasions.

15 9. Did you seek advice from the House authorities on any occasion about whether declaration of such interests might be necessary and, if so, when and what advice did you receive?

No, I did not seek any advice.

17 June 2020

3. Letter from the Commissioner to Mr Khalid Mahmood MP, 5 August 2020

20 I hope you are well and thank you for your responses.

For completeness, I would be grateful if you would confirm if you have worked for The Policy Exchange prior to 1 April 2019. If you have please provide the following information:

1. Dates of employment;
- 25 2. Role and duties; and
3. Details of all specific projects you were involved in during these periods.

I am aware that these are difficult times, but I would be grateful to have your response to this letter as soon as possible and no later than 12 August 2020 please. If you require more time to respond, then please contact me or a member of my

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team. Due to the current health crisis, my team are working remotely, so I would be grateful if you could please send your response electronically to standardscommissioner@parliament.uk.

Thank you for your assistance with this matter.

5 *5 August 2020*

4. Email from Mr Khalid Mahmood MP to the Commissioner, 10 August 2020

Many thanks for your letter on the 5th of August 2020.

I wish to confirm I have not undertaken any other paid work for Policy Exchange other than what I have declared.

10 *10 August 2020*

5. Letter from the Commissioner to Mr Khalid Mahmood MP, 25 September 2020

Thank you for your email of 10 August 2020, confirming that you have not held any other paid posts at the Policy Exchange.

15 **My decision**

I have considered the content of our correspondence, the published Rules and guidance concerning the registration of interests before coming to a decision. I have decided that your failure to register your post as a senior fellow at the Policy Exchange, under category 1 of the Register within the 28-day deadline, is a breach of paragraph 14 of the Code of Conduct for Members of Parliament (“the Code”):

25 *Members shall fulfil conscientiously the requirements of the House in respect of the registration of interests in the Register of Members’ Financial Interests. They shall always be open and frank in drawing attention to any relevant interest in any proceeding of the House or its Committees, and in any communications with Ministers, Members, public officials or public office holders.*

30 Based on the evidence currently available to me and given your assurance that you have checked that you have not omitted to make any necessary declarations in relation to this interest, I do not think it is appropriate to pursue that aspect any further.

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Rationale

You told me you commenced your post at the Policy Exchange on the 1 April 2019 and the post concluded on the 30 April 2020. You registered the post on the 29 April 2020 and on the same date invited me to investigate the circumstances.

5 The post was registered approximately 12 months after the 28-day deadline set by the House. You explained to me that you were under the impression that your role as a senior fellow had already been registered and as soon as you found out it wasn't, you contacted the Registrar. The background information you have provided is helpful, however, compliance with the rules is a personal responsibility of the
10 Member. I note that the Registration Team sent you an amendment in relation to a visit to Macedonia to check before publication on the 8 October 2019. Following the General Election, the Registrar also asked you to confirm your existing register entry on 13 December 2019 and 23 December 2019. You replied on 4 January 2020 to let the Registrar know about three donations, before submitting the forms with the full
15 details on 6 January 2020. I am not clear why you did not notice at any of these stages that your post as a senior fellow had not been registered. I am concerned that you did not check whether the registration had been made for over 12 months. I will be requiring an assurance from you that you have now put procedures in place which will avoid a breach occurring in the future.

20 You advised me that as a senior fellow consultant at the Policy Exchange, your role included advising and consulting on several issues including advice on extremism, social cohesion and apprenticeships/vocational Training. During your tenure at the Policy Exchange, you were involved in publications on Islamophobia, the case of Trevor Phillips and Keeping Britain Safe after Brexit. I am content with your
25 assurance that there were no occasions when you didn't declare your financial interest arising from your relationship with the Policy Exchange but should have done.

Next steps

30 As you may be aware, having decided that a breach of the Rules has occurred, I can, with the co-operation of the Member concerned, rectify less serious breaches using the powers available to me under Standing Order number 150.

I have decided that a referral to the Standards Committee is not necessary and that I can resolve this breach of the rules through rectification. To do so, the Committee would generally expect the Member to have accepted my decision, acknowledged
35 and apologised for their breach of the rules, and to have taken any steps necessary to rectify their breach. In cases concerning the registration of interests, I would usually ask the Registrar to arrange for the relevant entry to be italicised in the

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Register of Members' Financial Interests to indicate that entry has been the subject of a rectification.²

In order to progress this through rectification, I will require the following from you:

5 Confirmation that you have accepted my decision, acknowledged and apologised for your breach of the rules.

Information about what steps you will take to ensure that in future you will be able to update the Register accurately and on time.

An assurance that your register is now accurate and up to date.

10 If you are content for me to conclude the inquiry in this way, please write to me with the above information by 5 October 2020.

15 If you agree to my proposal, I will share my written evidence pack with you, so that you can check its factual accuracy before publication. I will also report the outcome to the Committee on Standards in due course as a matter of routine. I will ask the Registrar to arrange to annotate the relevant information in the Register. You are, of course, entitled to decline my proposed rectification, in which case I will refer this matter to the Committee on Standards for their review.

In the meantime, our correspondence remains protected by parliamentary privilege and I must ask that you continue to maintain the strict confidentiality of the inquiry.

20 As you know, due to the current health crisis, my team are currently working from home only, so I would be grateful if you could please send your response electronically to standardscommissioner@parliament.uk.

25 September 2020

6. Email from Mr Khalid Mahmood MP to the Commissioner, 1 October 2020

Many thanks for your letter regarding my declaration on the members register.

25 I have reviewed your response and accept your decision.

I apologise and acknowledge this breach of the rules and have taken the relevant steps necessary to rectify the breach. I have put in the necessary systems in place to prevent any further breaches in registration of my interests.

² During the course of the inquiry, another late entry was identified (a visit to Pakistan from 24.8.19 to 1.9.19). This will also be italicised in the Register.

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I appreciate and accept it is my responsibility to check the registration and declaration is completed within the specified time allocated.

5 I shall personally take responsibility to ensure the correct relevant information is posted on the register at the earliest opportunity ensuring that it is in line with the guidelines in Paragraph 14 for the Code of Conduct for Members of Parliament (The Code).

I can confirm and assure you that my register is now accurate and up to date.

1 October 2020