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Decision Document

Parliamentary Commissioner for Standards

Steve Brine MP

Contents

	Summary	3
	Resolution letter: Steve Brine MP	5
	Written evidence	6
5	1. Letter from the complainant to the Commissioner, 9 March 2023	6
	2. Letter from the Commissioner to Mr Steve Brine MP, 15 March 2023	8
	3. Letter from Mr Steve Brine MP to the Commissioner, 27 March 2023	15
	4. Letter from the Commissioner to Mr Steve Brine MP, 5 April 2023	22
10	5. Letter from the Commissioner to the Registrar of Members' Financial Interests, 5 April 2023	24
	6. Letter from the Commissioner to the Mr David Green, Chief Executive of Remedium Partners, 5 April 2023	25
	7. Email from Mr David Green, Chief Executive of Remedium Partners, to the Commissioner, 5 April 2023	27
15	8. Email from the Registrar of Members' Financial Interests to the Commissioner, 6 April 2023	29
	9. Letter from the Commissioner to Mr Steve Brine MP, 20 April 2023	31
	10. Letter from Mr Steve Brine MP to the Commissioner, 3 May 2023	37

Summary

Following a complaint from a member of the public, I opened a formal inquiry on 15 March 2023. My inquiry reviewed an approach that Mr Brine made by WhatsApp message to Rt Hon. Michael Gove MP on 2 February 2021 on behalf of Remedium Partners. The approach was about the offer of fifty anaesthetists to the NHS from Remedium that were offered in response to the pressures faced by the NHS due to the ongoing COVID-19 pandemic. At the time of the approach Mr Gove was a Cabinet Minister and Mr Brine was being employed by Remedium as a Strategic Adviser. I was concerned whether the approach contained an adequate declaration of Mr Brine's outside interest and if the approach amounted to paid advocacy. My inquiry therefore focussed on whether paragraphs 12 and 14 of the 2019 edition of the Code of Conduct had been breached.

During my inquiry, I established that, contrary to reporting in the media, no follow-up contact had occurred between the NHS and Remedium about these fifty doctors. I also established that none of these doctors were employed by the NHS following Mr Brine's approach. I also received evidence that had these doctors been employed by the NHS, Remedium would have waived their usual fees.

During my inquiry, Mr Brine also shared an earlier approach he had made by email to Rt Hon. Matt Hancock MP on 13 January 2021 on behalf of Remedium Partners. This approach was about difficulties Remedium were having in securing offer letters for some healthcare staff that they had successfully recruited for the NHS. I was again concerned whether this approach contained an adequate declaration of Mr Brine's outside interest, and I included it in my decision-making.

Mr Brine recognised and apologised that with hindsight neither declaration was adequate, saying of his approach of 2 February 2021 to Mr Gove:

I appreciate I could have been even more explicit and apologise if I didn't get that 100% correct in the informality and urgency of a brief WhatsApp message at this most unusual time.

And saying of his approach of 13 January 2021 to Mr Hancock:

Here again, I recognise I could have been much more explicit in the declaration. I can only apologise for this which was not borne out of any desire on my part to deceive.

After taking advice from the Registrar of Members' Financial Interests, I concluded that neither approach contained an adequate declaration of Mr Brine's outside interest. This is because neither approach clearly detailed that he was in paid

employment with Remedium. I decided that these failures to properly declare both amounted to a breach of paragraph 14 of the 2019 edition of the Code.

5 One of the core components of the rule on paid advocacy is that the approach by the Member must be seeking to confer, or that the approach would have the effect of conferring, a "*financial or material benefit*" on the third party from whom the Member is receiving a reward or payment. On the evidence, I was satisfied that Mr Brine's approach to Mr Gove was not seeking such a benefit for Remedium. This is because Remedium had offered to provide the fifty anaesthetists to the NHS free of charge; a fact that Mr Brine was aware of at the time of his approach. I was therefore
10 satisfied that paragraph 12 of 2019 edition of the Code had not been breached.

I decided that the two breaches of paragraph 14 of the 2019 edition of the Code could be resolved using the rectification process under Standing Order No. 150. Mr Brine agreed to rectify his breach of the rules, and wrote to me on 3 May 2023 accepting my decision, acknowledging and apologising for the breaches. As part of
15 the rectification process, Mr Brine also undertook to ensure that all future written approaches to Ministers would be made in line with rules laid down by the House.

9 May 2023

Resolution letter: Steve Brine MP

I wrote to you on 15 March 2023 to tell you that I had begun an inquiry into your allegation that Mr Steve Brine MP had breached paragraphs 12 and 14 of the 2019 edition of the Code of Conduct for Members.

- 5 My investigation focused specifically on whether Mr Brine had breached paragraphs 12 and 14 when making an approach to Rt Hon. Michael Gove MP on 2 February 2021. The approach was about the availability of fifty anaesthetists to the NHS through a company, Remedium Partners, who were employing Mr Brine as a paid adviser. I concluded that the evidence submitted did demonstrate on the balance of
10 probabilities that a breach of paragraph 14 had occurred as Mr Brine did not adequately declare his interest. However, I concluded that a breach of paragraph 12 had not occurred as Remedium Partners did not stand to receive a financial or material benefit from Mr Brine's approach nor could his approach have conferred such a benefit. During my inquiry, I also found evidence of one further breach of
15 paragraph 14 which also concerned a separate written approach to a Minister.

I have carefully considered the nature of the breaches of paragraph 14 and the circumstances involved, and I have decided that this inquiry should be concluded through the rectification procedure that is available to me under Standing Order No. 150.

- 20 As part of the rectification process, Mr Brine has acknowledged and apologised for his breach of the rules. He has also undertaken to ensure that future approaches to Ministers are made in line with the rules laid down by the House. The full rationale for my decision will be found in my evidence pack, which will be published on my webpages shortly.
- 25 I will also report the outcome to the Committee on Standards in due course.

Thank you for bringing this matter to my attention. I confirm that the matter is now closed.

9 May 2023

Written evidence

1. Letter from the complainant to the Commissioner, 9 March 2023

5 I am writing because I am concerned that Steve Brine, MP for Winchester, has broken the Code of Conduct for Members of Parliament, and to ask you to investigate.

You will recall that Mr Brine was reported to have lobbied the Health Secretary in March 2020 on behalf of the healthcare recruitment company Remedium Partners, who paid him as a “Strategic Adviser” both before and after that period.

10 Yesterday (8th March 2023), The Telegraph published new evidence that Mr Brine broke the rules against paid advocacy or lobbying, in the form of WhatsApp messages between then-Health Secretary Matt Hancock and other people in government in early February 2021 – at which time he was employed by Remedium.

15 I therefore allege that Mr Brine has broken paragraph 12 of the Code that was in place at the time, which stated that *“No Member shall act as a paid advocate in any proceeding of the House.”* (His activity would similarly be a breach of rule 4 of the new Code in place now: *“Members must rigorously follow the rules on lobbying set out in the Guide to the Rules.”*)

Background

20 The Register of Members’ Financial Interests states that Mr Brine was employed as a “Strategic Adviser” for Remedium Partners, and was paid £1,600 a month by the company from 1st July 2020 to 31st December 2021, for *“up to 8 hrs per month”*.

25 The WhatsApp messages published by The Telegraph reveal that, on 2nd February 2021 Michael Gove (then Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster) forwarded to Mr Hancock a message he had received from Mr Brine in which he wrote:

“sorry to raise this but having tried the Dept of Health (seemed logical) and the Chief Exec of NHSE (ditto) I am at a loss.

30 *“Long story short, I have been trying for months to help the NHS through a company I am connected with - called “Remedium”. They have 50 anaesthetists right now who can be in the country and on the ground in the NHS if someone only said let’s us help. They just want to assist and asked me how they might.”*

A separate WhatsApp conversation between Mr Hancock and Allan Nixon (then his Special Adviser in the Department of Health and Social Care), also published yesterday by The Telegraph, shows that Mr Brine also approached Mr Nixon directly on behalf of Remedium.

5 Paid advocacy

Chapter 3, paragraph 2 of the Guide to the Rules relating to the Conduct of Members that was in force at the time states:

10 *“Taking payment in return for advocating a particular matter in the House is strictly forbidden. Members may not speak in the House, vote, or initiate parliamentary proceedings for payment in cash or kind. Nor may they make approaches to Ministers, other Members or public officials in return for such payment.”*

15 I allege that Mr Brine broke that rule by approaching the Minister for the Cabinet Office, the Chief Executive of NHS England and a Special Adviser at the Department for Health and Social Care in return for his payments from Remedium Partners.

Mr Brine was contracted to work for Remedium Partners and being paid by them at the time of these messages. His lobbying of Ministers and public officials on Remedium’s behalf was therefore paid advocacy, which is clearly prohibited under paragraph 12 of the Code.

20 Failure to declare

25 Under chapter 2 of the Guide, Mr Brine was also obliged to declare this interest when relevant *“in any communication, formal or informal, with those who are responsible for matters of public policy, public expenditure or the delivery of public services”* – including written communications with public officials (paragraph 7.e). His message to Mr Gove was clearly subject to that obligation.

However, Mr Brine did not declare his interest in Remedium Partners in his message to Mr Gove. He only obliquely stated that *“I am connected with”* the company.

I therefore allege that Mr Brine he also broke paragraph 14 of the Code, which states:

30 *“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.”*

(This would also be a breach of rule 6 of the new Code in place now.)

I therefore request that you investigate these allegations, and examine Mr Brine's conduct to determine whether he has committed any further breaches of the Code.

I look forward to hearing from you.

5 9 March 2023

2. Letter from the Commissioner to Mr Steve Brine MP, 15 March 2023

10 Following receipt of an allegation I have received from [name redacted] about your compliance with paragraphs 12 and 14 of the 2019 House of Commons Code of Conduct for Members, I have decided to open a formal inquiry. I enclose a copy of [name redacted] submission at the end of this letter as an appendix.

The scope of my inquiry

15 My inquiry will focus on whether you have acted in breach of paragraphs 12 and 14 of the 2019 House of Commons' Code of Conduct for Members when making approaches to Ministers and public officials about medical staffing offered by Remedium Partners. If the scope of my inquiry changes, I will update you in writing.

The relevant rules of the House

The overarching rules are found in the House of Commons' Code of Conduct for Members. Because the matters complained of occurred before March 2023, the relevant version of the Code for this inquiry is the 2019 edition (attached).

20 Rule 12 of that edition of the Code states:

No Member shall act as a paid advocate in any proceeding of the House

Rule 14 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.*

The 2019 Guide to the Rules relating to the Conduct of Members (also attached) contains more detail about both declaration and paid advocacy. I have extracted the relevant paragraphs and attached them as an appendix to this letter.

Next steps

- 5 I would welcome your comments on the allegation that your alleged actions amount to a breach of paragraphs 12 and 14 of the 2019 Code. I would also be grateful for your answers to the following specific questions below. It would be helpful to receive any evidence to support your responses when you reply to this letter. Any other points you wish to make to help me with this inquiry would also be welcome.
- 10 1. The complainant, relying on an article in The Telegraph of 8 March 2023, alleges that on 2 February 2021 you approached Michael Gove MP by WhatsApp (then Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster) as below:
- 15 *“sorry to raise this but having tried the Dept of Health (seemed logical) and the Chief Exec of NHSE (ditto) I am at a loss. Long story short, I have been trying for months to help the NHS through a company I am connected with - called “Remedium”. They have 50 anaesthetists right now who can be in the country and on the ground in the NHS if someone only said let’s us help. They just want to assist and asked me how they might. Despite offering this to health and to Simon Stevens I’ve had nothing despite SS telling the press conference last week this is an acute problem, despite the PM telling the Liaison Committee this is his biggest problem etc etc. How might I progress this or does the NHS just not need the help? S”*
- 20
- 25 a) Is the message above accurately quoted?
- b) Did you also speak to Mr Gove about this approach? If so, please outline the details of that conversation and when it occurred.
- 30 c) If the message above is accurate, please can you outline why didn’t you inform Mr Gove that you were under contract to Remedium Partners as a paid Strategic Adviser?
- 35 d) If the message above is accurate, please can you outline when you made your other approaches to *“health and to Simon Stevens”*. Please can you detail the form that these approaches took (sharing the correspondence or messages if the approaches were made in writing), the dates that they were made, whom you approached, and what declaration you made of your employment by Remedium Partners when making the approaches.

e) Did you also approach Mr Hancock directly about this matter? If so, please can you outline the form that this approach took, the content of the approach, the date of the approach, and what declaration you made of your employment by Remedium Partners.

5 f) Did anyone at Remedium Partners ask you to make any of the approaches to Mr Gove, Mr Stevens, or other officials at the Department? If so, who at Remedium asked you to make these approaches and when did they make this request?

10 2. The complainant, again relying on the article in The Telegraph of 8 March 2023, also highlights a separate WhatsApp conversation between Mr Hancock and Allan Nixon (one of Mr Hancock's SPADs) that reportedly occurred as a result of your approach to Mr Gove:

"I told him team were sorting it and he hasn't come back to me about it since," Mr Nixon said.

15 *The adviser then appeared to complain about the volume of requests Mr Brine had sent to the Department of Health.*

"Steve's being a nob right now and I've no idea why. Been chasing my tail trying to sort loads of stuff for him (not least his hospital) and he still acts like this."

20 *The next day, Feb 3, 2021, Mr Nixon said that "Prerana's team" had been in contact with David Green, the CEO of Remedium.*

It is thought Mr Nixon was referring to Prerana Issar, the NHS's Chief People Officer."

25 a) If not covered in your response to question 1c) above, please can you confirm whether you approached Mr Nixon directly about the potential employment of doctors through Remedium Partners, the form that this approach took, the content of the approach, the date of the approach, and what declaration you made of your employment by Remedium Partners.

30 b) Are you also able to confirm whether Prerana Issar, the NHS's Chief People Officer, or someone from her team, spoke to the Chief Executive of Remedium Partners about the potential employment of the fifty anaesthetists as alleged by the media article. Please confirm whether you were a party to this correspondence or conversation. If correspondence was exchanged between Remedium Partners and the Department about
35 this issue, please share that correspondence with me.

c) Are you able to confirm whether some, or all of, the fifty anaesthetists quoted in your original message to Mr Gove were eventually employed by the NHS?

5 3. Please can you provide me with a copy of your employment contract and job description for your role as a Strategic Adviser at Remedium Partners for the period 1 July 2020 to 31 December 2021?

Important information

10 My inquiries are conducted in private. However, in accordance with the decision of the House on 21 April 2021, I will shortly publish on my webpages the fact that I am conducting an inquiry about your alleged breach of the Code of Conduct. If contacted, my office will not comment on any aspect of this specific inquiry to third parties. They will answer direct factual questions about the processes I follow, and the standards system more generally, but will not provide any comment or details about the particulars of this inquiry.

15 This letter and any subsequent correspondence between us in connection with this inquiry is protected by parliamentary privilege. It should be kept confidential until the outcome of my inquiry is published. The same requirement extends to [name redacted].

20 The Members' Services Team (MST) can support and signpost you and/or your staff to appropriate support services. You can contact them confidentially on [contact details redacted] for a range of issues, including support with handling the impact of media attention.

Procedure

25 Please see attached the Procedural Protocol in relation to the Code of Conduct, which was approved by the House on 18 October 2022. This sets out detailed information about the House's standards procedures, including the procedure I follow.

30 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 meet with you at any stage if you would find that helpful.

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.

Information provided to me during the course of my inquiry will be retained, and disposed of, in accordance with the House of Commons' Authorised Records Disposal Policy.

Potential outcomes

- 5 Inquiries are generally concluded in one of three ways.
1. If the evidence does not substantiate the allegation, I will report that I consider there has been no breach of the Code. If the allegation is particularly serious or the investigation raises matters of wider interest or relevance, I may decide nevertheless to submit a memorandum to the Committee on Standards, which the
10 Committee will consider and then submit its own report to the House.
 2. If the evidence demonstrates a breach of the rules, I may, in limited circumstances defined by Standing Order No. 150, report that I consider there has been a breach of the Code, and conclude the inquiry using the rectification procedure, without making a referral to the Committee on Standards.
- 15 For inquiries that either result in a not upheld outcome or a rectification of the breach of the Rules, the investigation material, including our correspondence, will be published on the Parliament website, and the Committee will be notified.
3. If I consider there has been a breach of the Code, and
 - it is either unsuitable for the rectification procedure; or
 - 20 • you do not accept my opinion that there has been a breach of the Code; or
 - you do not take (or do not agree to take) the remedial action required; or
 - the investigation raises issues of wider importance,

I must make a referral to the Committee on Standards. The Committee will then decide whether there has been a breach of the Code. My memorandum to the
25 Committee will be published as an appendix to the Committee's own Report.

Regardless of the outcome of my inquiry, I must emphasise that all the relevant evidence, including our correspondence, will be published when this inquiry is concluded. I routinely redact the personal data of third parties unless it is relevant to my decisions or opinions. Please tell me if you provide sensitive material that you
30 think I should redact. I will consider carefully any such request.

Action

I would be grateful to have your response to this letter as soon as possible and no later than 29 March 2023 please.

5 If you would prefer me to communicate with you by a different email address, please give the details when you reply to this letter. It would also be helpful if you were willing to provide a telephone number through which I might contact you. I would be grateful if you could send your response electronically to standardscommissioner@parliament.uk

Thank you for your cooperation with this matter.

10 **Enclosure 1: Letter from the complainant to the Commissioner, 9 March 2023 (see item 1 above)**

Enclosure 2: Extracts from the Guide to the Rules (2019 edition)

Chapter 2: Declaration of Members' Interests

15 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. The requirement to declare an interest complements the registration requirements and applies from the time the House first sits after the Member is elected and to almost every aspect of a Member's parliamentary duties. It covers a broader range of interests than registration.

20 3. Declarations must be informative but succinct. A Member who has already registered an interest may refer to his or her Register entry. But such a reference is unlikely to suffice on its own, as the declaration must provide sufficient information to convey the nature of the interest without the listener or the reader having to have recourse to the Register or other publication.

25 Requirements for declaration

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.

30 Occasions when declaration is required

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

e) 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 agencies and public office holders). If those communications are in writing, then the declaration should be in writing too; otherwise it should be oral.

Chapter 3: Lobbying for reward or consideration

10 The rules relating to lobbying

8. The rules place the following restrictions on Members:

a) When initiating proceedings or approaches to Ministers, other Members or public officials. Subject to paragraph 10 below, Members must not engage in lobbying by initiating a proceeding or approach which seeks to confer, or would have the effect of conferring, any financial or material benefit on an identifiable person from whom or an identifiable organisation from which they, or a family member, have received, are receiving, or expect to receive outside reward or consideration, or on a registrable client of such a person or organisation;

Time limits

10. The restrictions under the lobbying rules apply for six months after the reward or consideration was received. A Member can free him or herself immediately of any restrictions due to a past benefit by repaying the full value of any benefit received from the outside person or organisation in the preceding six month period.

Definitions

13. Outside reward or consideration includes:

b) all present financial interests or material benefits which must be either registered or declared;

15. An identifiable person or organisation is a named person or organisation from whom a Member has received or is receiving outside reward or consideration, or from whom a Member has a firm and specific expectation of receiving such reward or consideration, at the time of the relevant parliamentary proceeding or approach to Ministers, Members or public officials.

17. Public officials include:

a) all those who are responsible for matters of public policy, public expenditure or the delivery of public services. The term therefore includes all staff of government departments and agencies and public office holders.

5 *15 March 2023*

3. Letter from Mr Steve Brine MP to the Commissioner, 27 March 2023

Thank you for your letter dated 15 March 2023.

10 I don't believe we have met but I wish you well in your new role and will do my utmost to respond to your questions courteously and clearly to assist you in your work.

Before I address your specific points, I did want to give a little background and context to the extraordinary period we are talking about here and the relationship I had with Remedium Partners.

15 These events took place at a time that was, of course, anything but normal. It is perhaps the case, as time passes, that perceptions of the pressures of that time fade. However, I think it is important my actions are properly viewed through the lens of the national emergency we faced.

20 This was, for me, about responding in the national interest during that unprecedented crisis. I could have ignored it all, but I was in a position to help by making a connection and I think it could have been viewed as negligent on my part to do anything else.

My judgement at the time was that the most important thing was to bring these offers of help to the attention of Ministers facing an NHS under the very real threat of being overwhelmed.

25 I was an external advisor to Remedium Partners asked to provide challenge to the Board with an outsider's view and give occasional commentary on events in the Westminster village. I would highlight articles of interest in the news, parliamentary debates they may wish to read via Hansard and observed one strategy meeting (an 'away-day' that took place during Parliamentary recess) when the team discussed
30 future plans and goals for the year ahead.

As someone who had worked in business before entering Parliament – but has been out of that for well over a decade even then – I found it really informative to see the challenges of running a successful SME.

Remedium Partners source permanent clinicians for NHS Trusts, helping them save on costly agency locum spend. This is obviously a very well-known and long-standing issue for the NHS.

5 The key point about Remedium is that they work with Trusts around the UK healthcare staffing crisis. Consequently, their business model is such that their relationships are at Trust level.

They do not work with the NHS centrally which is why, in this time of national emergency, they offered to help where only those with a national overview knew the need to be greatest.

10 To provide a relevant example; it was made clear in late January 2021 there was huge pressure on anaesthetists being diverted to care for Covid patients in intensive care units. Only a system wide view could know where exactly the additional capacity being offered could best be deployed at speed.

15 That overview could only come via Ministers and, through them, the NHS. That is why, when they offered to help, I passed that on.

I think it is important to point out, in particular with reference to Chapter 3 (paragraph 8) of the Guide to the Rules, that I know Remedium's intentions had any of these offers of help been followed up, was to do so pro-bono. To be clear, there would have been no financial or material benefit to Remedium through offering this help to the NHS and that was very much what I understood the position to be. In their words to me at the time, they wanted to help as their contribution to the 'war effort'.

20

I hope this clarifies my engagement with the company early in this Parliament, the relationship we had and the work they do as well as the reason they offered help in the way they did. I trust this will be helpful and useful background, given these exchanges are published and read out of context.

25

Turning to the specific questions you ask...

With respect to the allegation my actions amount to a breach of paragraphs 12 and 14 of the 2019 House of Commons' Code of Conduct for Members:

30 I can confirm I did not act as a paid advocate in any proceeding of the House; nor would I ever do so. My understanding of such draws from section 9 under 'Definitions' in the helpful Guide to the Rules relating to the Conduct of Members.

Turning to Rule 14, I have always been transparent and honest regarding my outside interests since leaving Government (in March 2019) because I understand the importance of this to the House and our profession.

35

5 These have always been properly declared in the House of Commons' Register of Members' Financial Interests and as shown - even in a brief WhatsApp message where I quoted, in terms, my personal connection to this company - when I contacted the Minister for the Cabinet Office and the Chancellor for the Duchy of Lancaster to offer assistance on 2 February 2021.

Taking each point in turn,

Q1 (a): Yes.

Q1 (b): No; it was one WhatsApp message sent to Mr Gove on 2 February 2021.

10 Q1 (c): I stated, as the message shows, that I was at the time connected with Remedium Partners which I felt drew attention in the communication to the fact I had a relevant interest. I appreciate I could have been even more explicit and apologise if I didn't get that 100% correct in the informality and urgency of a brief WhatsApp message at this most unusual time.

15 Q1 (d): Upon seeing the 2 February 2021 WhatsApp message again (which, as evidenced, was sent over two years ago) - and having reflected further - I believe 'other approaches' refers to my asking the then NHS Chief Executive, Simon Stevens, if Prerana Issar was still the NHS's Chief People Officer.

20 I have no record of that question being asked in writing but I do know Remedium Partners met Ms Issar, virtually, on 12 November 2020. I joined the meeting for the initial greetings only.

As stated above, Remedium Partners work with NHS Trusts directly - not NHSE - so the purpose I believe was to introduce themselves and offer to help given the impact of the pandemic on NHS staffing levels in acute care and the Nightingale Hospitals at the time.

25 Secondly, I shared an email exchange [2] with Mr Hancock/Allan Nixon in January 2021 which once again concerned doctors being made available to the NHS during the national emergency.

30 As this exchange shows, the subject was doctors who already had offers through Remedium Partners to work for NHS trusts but for various reasons were not able to secure offer letters to place them in a timely manner given the urgent need. In truth, events moved on and the connection never led anywhere (see 2b) but I think it gives a good insight into Remedium's frustration at knowing they could respond to the urgent pleas for help but had no way of doing so where they were actually needed.

My intention, again, was to help in the midst of the crisis when gaps in the acute workforce had been identified and not filled even though there were doctors seemingly ready and willing to start.

5 Here again, I recognise I could have been much more explicit in the declaration. I can only apologise for this which was not borne out of any desire on my part to deceive.

Q1 (e): Mr Hancock acknowledged to me verbally – when I saw him in the Commons where he was giving a ‘Covid-19’ update – that Mr Gove had forwarded on my message about the anaesthetists. That obviously contained my declaration as per 1(c) above, notwithstanding my acceptance it could have been even more explicit.

10 Q1 (f): Not directly, no. David Green, CEO at Remedium Partners, responded to the unfolding Covid-19 pandemic – and in particular the NHS staffing crisis – by offering to help as their contribution to the national emergency. First, at the end of 2020, more generally in respect of the Nightingale Hospitals. Then, in January 2021, when they had doctors unable to start and, shortly thereafter, when the specific concern
15 about the huge pressure on anaesthetists became clear. [1]

I have given this detail for completeness but also because I hope it explains the reference “for months” and to “health and Simon Stevens” in my WhatsApp message of 2 February 2021 to Mr Gove.

Q2 ...

20 The reported WhatsApp conversation between Mr Hancock and Allan Nixon (one of Mr Hancock’s SPADs) surprised me in its tone if I am honest but, again, I understand these were extremely difficult times and Ministers/their staff were working under extreme pressure.

25 It is true I had contact with Mr Nixon but that was largely about my local NHS Trust (Hampshire Hospitals NHS Foundation Trust) which, as widely reported, was approaching some crunch moments in a possible reconfiguration given the ‘40 new hospitals’ election pledge and the impact of a new build hospital between Winchester and Basingstoke on the Royal Hampshire County Hospital in my constituency. It is still very much a live issue locally.

30 In short, I and many of my constituents want to retain acute services, specifically obstetric-led maternity care and consultant-led A&E, in Winchester. Mr Nixon referenced such (“not least his hospital”) in that exchange with Mr Hancock.

Q2 (a): see 1 (d) above.

35 Q2 (b): I read, as you have, Mr Nixon’s message which said “Prerana’s team” had been in contact with David Green, the CEO of Remedium. I checked with Mr Green

before responding to you and he assures me that did not happen in respect of the potential employment of the fifty anaesthetists. Their brief virtual meeting several months previously was their only contact as outlined at 1 (d).

5 Q2 (c): As above, Mr Green confirms none of the fifty anaesthetists quoted in my original message to Michael Gove were eventually employed by the NHS.

Q3: attached and I would highlight 3.2, with respect to 'further remuneration or compensation', as a possibly important section. [3]

10 To conclude, I take the high standards MPs are rightly held to extremely seriously and despite the challenges of the pandemic, I always did my utmost to meet those obligations.

15 My hope is that people will remember MPs are human beings and we're capable of making mistakes, however unwittingly, and I've been honest about mine here. How we learn from them, and whether Parliament (as the NHS aspires to) develops a learning culture to protect its' reputation, is I believe central to how we develop both personally and professionally.

It is therefore hugely important to me that I act as a person of good character and positive motivation to always try and do what's right.

Accordingly, I hope my actions at this extraordinary time for our country were reasonable, understandable and proportionate.

20 Thank you for your attention to this matter and whilst I appreciate this may not be possible at this stage, I would be grateful if you were able to give any indication as to the timescales we are working towards with regards to your investigation.

Enclosure 1: BBC news article of 26 January 2021

25 When coronavirus infections are high and hospitals fill up, it has a major knock-on effect on patients who need care for other conditions, including cancer.

Head of NHS England, Sir Simon Stevens, has told MPs he is particularly worried about patients who need cancer surgery.

There have been some reports of cancellations of urgent surgeries, which doctors have decided need to be carried out within a month – although this is not common.

30 Sir Stevens says: *"The area we are most concerned about is cancer surgery. Chemotherapy and radiotherapy, I think, are continuing and for the most part in an uninterrupted fashion."*

The health service is doing *“everything possible”* to keep these services going, he says.

But this is a challenge when three-quarters of intensive care beds are being used by Covid patients, and a quarter of all hospital beds, he says.

- 5 While more space and beds can be found, particularly in the private sector, Sir Stevens says the availability of staff is one of the biggest blocks.

In particular there is *“huge pressure on anaesthetists at the moment”*, being diverted to care for Covid patients in intensive care units, Sir Simon says.

- 10 And the surgeons and anaesthetics working in the private sector are *“generally the same people who are working for NHS”*.

Enclosure 2: Emails between David Green, Chief Executive of Remedium Partners, Mr Steve Brine MP, Rt Hon. Matt Hancock MP, and Allan Nixon, Department of Health and Social Care, January 2021

a. Email from Allan Nixon to Mr Brine, 20 January 2021

- 15 Hi Steve,

Matt asked me to follow up with you (my fault for the delay in responding – apologies).

- 20 Totally agree, we absolutely need to ensure that in the places that additional medical staff are urgently required then the processes to enable their recruitment are fast and proportionate.

Are you able to provide more detail on the doctors and the relevant employers then I’ll get the Chief People Officer’s team in NHSEI to follow this up as a matter of urgency.

Thanks

- 25 **b. Email from Mr Brine to Mr Hancock, 13 January 2021**

Earlier at the Liaison Committee the PM said *“we need more doctors”*. He is obviously right.

See below from friends of mine who I KNOW can help. They clearly have doctors right here and now who can help but they need your help.

Can you help?

Let me know,

c. Email from David Green to Mr Brine, 13 January 2021

Thanks for texting BJ and passing it on to Matt.

- 5 The reasons range from financial sign-off which we know they have otherwise they wouldn't be interviewing in the first place, procurement needing to sign it off (again this should have been done as they know they have the gaps) to the worst one being *"do you not watch the news, we are in the middle of a pandemic"* you cannot tell me medical staffing/HR are being redeployed to ICU units.
- 10 There are too many people at that level who do not understand urgency. Again we could fill 200 vacancies tomorrow if Matt wanted and even do all the admin and offer letters ourselves if we knew the salary and had their template offer letter.

Just so you are aware the NHS has pay-scales so all that it takes to do an Offer letter is to add in the following:

15 Name

Date

Position

Salary

- 20 Literally the above is all they need as there is a template. We have a saying *"time kills deals"*. The longer it goes on the chances of excuses and cold feet increases.

Specialties covered include:

ED - 10

Radiology - 4

Medicine - 6

25 ICU - 4

Thanks in advance and best wishes

d. Email from Mr Brine to David Green, 13 January 2021

Thank you for this. Can you tell me why they haven't received their offer letters? Also, can you tell me which specialisms these doctors cover?

e. Email from David Green to Mr Brine, 13 January 2021

5 I hope you are well.

I have just been listening to the liaison committee's questioning of Boris regarding the handling of Covid-19 by the government.

One question centred around workforce to which the PM responded stating the greater need for more doctors and nurses.

10 Right now I have a predicament where since returning to the office (virtually) on January the 4th, we have had 21 doctors be offered positions in the NHS but not one has received their offer letter which needs to be signed before all the pre-employment checks can commence. The knock-on effect of this is huge as one extra week is one more week until they can start, it also leaves time for a clinician to
15 change their mind or find an excuse (doesn't happen often but we like to mitigate this risk).

Is there anything that can be done especially with such a pressing need for clinicians?

Thanks in advance and best wishes

20 **Enclosure 3: Mr Brine's contract with Remedium Partners [not reproduced here as not relevant to the decision]**

4. Letter from the Commissioner to Mr Steve Brine MP, 5 April 2023

Thank you for your letter dated 27 March 2023 and for the information you provided.

25 You have told me that your WhatsApp message of 2 February 2021 was your only approach to Rt Hon. Michael Gove MP about the availability of fifty anaesthetists for the NHS through Remedium Partners. In relation to the part of your message that reads "*despite offering this to health and to Simon Stevens I've had nothing...*", you have told me that you "*...believe 'other approaches' refers to my asking the then NHS*
30 *Chief Executive, Simon Stevens, if Prerana Issar was still the NHS's Chief People Officer*". You have also shared with me an earlier approach that you made to Rt Hon. Matt Hancock MP on 13 January 2021 about a delay in employing doctors placed by Remedium Partners.

You have also confirmed that you did not separately approach Mr Hancock, or his adviser, Mr Allan Nixon, about the placement of the fifty anaesthetists and that Remedium Partners did not ask you to make the approach to Mr Gove. You have also told me that no follow-up occurred between NHS England and Remedium Partners about the potential placement of the fifty anaesthetists, which Remedium Partners were offering to the NHS on a pro bono basis.

You also outlined the unique circumstances of the period and the extreme staffing pressures in the NHS, which I recognise and accept.

To progress my inquiry, I have now written seeking the advice of the Registrar of Members' Financial Members on the declarations you made in your approaches of 13 January 2021 and 2 February 2021 (copy enclosed).

I am also going to write to Mr David Green at Remedium Partners as I believe he has information that will assist my inquiry.

I would also be grateful if you could please address these follow-up points by 19 April 2023:

1. You have told me that you did not approach Mr Hancock or Mr Nixon about the placement of the fifty anaesthetists. However, [name redacted], has shared with me messages obtained under the FOI Act, attached, which show contact between you and Mr Hancock on 3 and 5 February 2021. Please can you undertake a detailed review of your records, correspondence, and diaries, and confirm if you had any other contact with Mr Hancock, or any of his staff, about the placement of the fifty anaesthetists.
2. You have also told me that *"I believe 'other approaches' refers to my asking the then NHS Chief Executive, Simon Stevens, if Prerana Issar was still the NHS's Chief People Officer"*. However, your message to Mr Gove states that you had been actively making approaches to NHS officials for several months. You will understand that I require a more detailed and confident answer about your earlier approaches. As above, please can you undertake a detailed review of your records, correspondence, and diaries, and confirm the approaches you made to NHS officials before you reached out to Mr Gove on 2 February 2021. I need to know the dates of these approaches, the form the approaches took, and the declaration you made of your interest in Remedium Partners.
3. Please can you confirm how and when you became aware that Remedium Partners had fifty anaesthetists available to offer to the NHS. Please also confirm how and when you became aware that these doctors would be available without a cost to the NHS. If you hold relevant documentary evidence on these two points, please share it with me.

Once I have received a response from the Registrar and Mr Green, I will write to you again regarding the next steps. In the meantime, this matter remains protected by Parliamentary Privilege and should continue to be kept confidential.

5 **Enclosure 1: WhatsApp messages between Mr Brine and Rt Hon. Matt Hancock MP, February 2021**

a. Message from Mr Hancock to Mr Brine, 3 February at 15:18

I think we've made progress on Remedium. Should have material movement this week.

b. Message from Mr Brine to Mr Hancock, 3 February 2021 at 15:19

10 Thank you Matt

c. Message from Mr Brine to Mr Hancock, 5 February 2021 at 10:56

Hi Matt...did you get anywhere with this? Chasing you and only you as requested.

d. Messages from Mr Hancock to Mr Brine, 5 February at 11:08

!

15 I was told I'd have an answer today

e. Message from Mr Brine to Mr Hancock, 5 February 2021 at 14:10

That would be super. This has rather dragged as you know. Wish I'd never offered!

Enclosure 2: Letter from the Commissioner to the Registrar of Members' Financial Interests, 5 April 2023 (see item 5 below)

20 *5 April 2023*

5. Letter from the Commissioner to the Registrar of Members' Financial Interests, 5 April 2023

25 I would like to ask your advice on an inquiry I have recently started about Mr Steve Brine MP. Part of my inquiry is seeking to establish whether Mr Brine made an adequate declaration of his role as a Strategic Adviser to Remedium Partners when approaching Ministers. Mr Brine's role at Remedium Partners was recorded in the Register of Members' Financial Interests as:

Until 31 December 2021, Strategic Adviser to Remedium Partners (permanent healthcare recruitment), 20 Northdown Street, London N1 9BG. From 1 July 2020, I received £1,600 a month. Hours: up to 8 hrs per month. I consulted ACoBA about this appointment.

- 5 I enclose a copy of the two approaches made by Mr Brine; the first to Rt Hon. Matt Hancock MP on 13 January 2021 (attached) by email and the second to Rt Hon. Michael Gove MP by WhatsApp message on 2 February 2021 (see below). It would be helpful to know whether Mr Brine approached you or your team for advice about making a declaration and, if he did, to know what advice he was given. If he did not,
10 it would be helpful to know how you would have advised Mr Brine had he sought advice from you or your team before making his approaches. It would also be helpful to understand the factors you took into account or would have taken into account when giving that advice.

It would be very helpful to have your reply by 19 April 2023 please.

- 15 Thank you for your assistance.

Enclosure 1: Emails between Mr Brine and Rt Hon. Matt Hancock MP, January 2021 (see enclosure 2 of item 3 above)

Enclosure 2: WhatsApp messages between Mr Brine and Rt Hon. Matt Hancock MP, February 2021 (see enclosure 1 of item 4 above)

- 20 *5 April 2023*

6. Letter from the Commissioner to the Mr David Green, Chief Executive of Remedium Partners, 5 April 2023

- 25 As you may be aware, I have recently opened an inquiry under the House of Commons' Code of Conduct for Members of Parliament into the conduct of Mr Steve Brine MP. My inquiry concerns an approach made by Mr Brine to Rt Hon. Michael Gove MP on 2 February 2021 about the availability to the NHS of fifty anaesthetists through Remedium Partners.

I believe that you may hold relevant information that will assist my inquiry. I would be grateful if you would co-operate with my inquiry as a witness.

- 30 Since I am seeking your help as a witness in this inquiry, please see attached the Procedural Protocol in relation to the Code of Conduct, which was approved by the House on 18 October 2022. This sets out detailed information about the House's standards procedures, including the investigation process that I follow.

I should also explain that correspondence with my office, including this letter, is now part of the evidence for my inquiry and is protected by parliamentary privilege. This means you must not disclose this letter, or your response, to others except insofar as it is necessary for you to do so in order to respond to my request. Should that be necessary those with whom it is shared will be similarly bound and you should ensure that they understand these confidentiality provisions.

I would be grateful if you could please provide responses to the following questions by 19 April 2023:

1. Please can you outline how and when Mr Brine became involved in the discussions about availability and potential placement of these fifty anaesthetists. If you have any documentary evidence on this point, I would be grateful to receive it.
2. Mr Brine has told me that had these fifty anaesthetists been employed, there would have been no charge to the NHS. Please can you:
 - a) Confirm if this information is accurate;
 - b) Confirm how and when Mr Brine became aware of this information (if you have any documentary evidence on this point, I would be grateful to receive it); and
 - c) Outline in brief how the Remedium Partners business model operates and whether the anaesthetists, had they been employed by the NHS, would have personally paid any fees to Remedium Partners.
3. Mr Brine has also confirmed that following his approach to Mr Gove none of the fifty anaesthetists were eventually placed in the NHS. Please can you confirm if this information is accurate. As before, if you have any documentary evidence on this point, I would be grateful to receive it.
4. Lastly, Mr Brine has also told that me that after his approach to Mr Gove, no conversations occurred between Remedium Partners and NHS England about the potential placement of these anaesthetists. However, other information in the public domain suggests that “Prerana’s team” from NHS England did contact your company on or around 3 February 2021. Please can you confirm the correct position. As before, if you have any documentary evidence on this point, I would be grateful to receive it.

The material you provide will be confidential to my inquiry, but I plan to share your responses with Mr Brine as part of my investigation process. Your response is also likely to be published once my inquiry is concluded. Depending on the outcome of

the inquiry, it will either be published on my own webpages or as part of an appendix to a report by the Committee on Standards.

5 I do not routinely publish the details of third parties, except where their identities are material to the decisions I reach or where such information is already in the public domain. The content of any report which I might publish at the end of an inquiry would be a matter for me alone, but I would be willing to consider representations about the redaction of any personal/identifying details if that were relevant. Depending on the outcome of my investigation, it is possible that your submission may be referenced in a report by the Committee on Standards. If this
10 occurs, we can ask the Committee to redact personal data where I consider this appropriate.

If you have any questions about this request or need more time to provide a substantive response, please contact my Complaints Manager, [name redacted], in the first instance. He can be reached on [phone number redacted] and via
15 standardscommissioner@parliament.uk.

It may be helpful to repeat that my investigation is concerned solely with whether Mr Brine has acted in breach of the Code of Conduct for Members.

5 April 2023

20 **7. Email from Mr David Green, Chief Executive of Remedium Partners, to the Commissioner, 5 April 2023**

I wanted to respond to you at the earliest possible opportunity to ensure that you have all the correct information going into the Easter holidays.

To give context, all of this occurred at a time when there was a national call to action to help the “war effort”. As specialists focusing on the recruitment of permanent
25 clinicians from overseas, we felt it our duty to help in any way we could especially as we had expertise in an area being workforce shortages that was regularly discussed.

In answer to the questions posed by Mr Greenberg, please see my responses below.

30 **1. Please can you outline how and when Mr Brine became involved in the discussions about availability and potential placement of these fifty anaesthetists. If you have any documentary evidence on this point, I would be grateful to receive it.**

35 When Lord Stevens released a BBC article to the nation and mentioned the urgent need for anaesthetists specifically for cancer treatment, I then picked up the phone to Steve Brine noting the urgency. It was during this phone

5 conversation in which I mentioned that Remedium had 50 anaesthetists from overseas who could be mobilised for the NHS. I made it clear this was pro bono except for the normal costs of a visa and subsequent salaries of the Dr's that the NHS would normally pay should they recruit these candidates. Remedium did not want any fee like we normally receive per candidate as we saw this as our duty at a time of national emergency. I followed up the phone call with a copy of the article for reference.

2. **Mr Brine has told me that had these fifty anaesthetists been employed, there would have been no charge to the NHS. Please can you:**

10 a) **Confirm if this information is accurate;**

Yes, this is correct there was NO fee for any NHS Trust to pay us if they had recruited them. We made it clear that as mentioned above except for the regular costs of the candidate's visa and any subsequent salary if recruited, no fee would be paid and certainly nothing at any stage to Remedium.

15 b) **Confirm how and when Mr Brine became aware of this information (if you have any documentary evidence on this point, I would be grateful to receive it);**

20 and As mentioned above it was a phone call after seeing the article. We made it explicitly clear as it was and always has been our intention to help the nation any time we are needed.

c) **Outline in brief how the Remedium Partners business model operates and whether the anaesthetists, had they been employed by the NHS, would have personally paid any fees to Remedium Partners.**

25 Our business model is very simple. We normally charge either a fixed-fee or a % of a candidate first year salary to the NHS Trust as a one-off at the start of a candidate's employment with the Trust. We are on all government approved frameworks and are therefore compliant with their way of working. We are also on the NHS Employers code of practice for ethical recruitment meaning not only can we not recruit from certain "red-list" countries, but under no
30 circumstances can we charge any candidate a fee for our services. Our business is directly with an NHS Trust and NOT the candidate.

3. **Mr Brine has also confirmed that following his approach to Mr Gove none of the fifty anaesthetists were eventually placed in the NHS. Please can you confirm if this information is accurate. As before, if you have any
35 documentary evidence on this point, I would be grateful to receive it.**

I can confirm that as this never went anywhere, none of these anaesthetists were ever employed as a direct result of this conversation. After this point we carried on our business as usual so over the last 2+ these candidates could well have been placed into the NHS but not as a result of our initial offer and with no assistance in any way.

- 5
4. **Lastly, Mr Brine has also told that me that after his approach to Mr Gove, no conversations occurred between Remedium Partners and NHS England about the potential placement of these anaesthetists. However, other information in the public domain suggests that “Prerana’s team” from NHS England did contact your company on or around 3 February 2021. Please can you confirm the correct position. As before, if you have any documentary evidence on this point, I would be grateful to receive it.**
- 10

I can confirm we never heard from NHS England not only regarding these anaesthetists but about anything else on the dates in question or any other time around then.

15

I hope I have been able to provide the information you need, and I want to stress that at Remedium one of our values is integrity. We take all of these matters extremely seriously and never have any intention of doing anything that is or could be perceived to be unprofessional or simply wrong. I want to place on record that since working with Steve in the middle of 2020 to the end of 2021, he has always been extremely professional, meticulous, and conscious of ensuring that his constituents were put first before any outside work. He was employed as a strategic advisor and we all simply got caught up in the war effort. He would always ensure that any meetings had to be during recess to make it clear that constituents needs came first and always acted in good faith. This is why it is really sad and disappointing to see how this has been portrayed. I really respect your work Mr Greenberg and remain on hand to answer any further questions should they arise.

20

25

5 April 2023

30 **8. Email from the Registrar of Members' Financial Interests to the Commissioner, 6 April 2023**

Thank you for your letter dated 5 April 2023, regarding your inquiry into Mr Steve Brine.

I cannot find any record of Mr Brine approaching the Registry Office for advice on the rules on Declaration in relation to Remedium Partners.

35 The advice we would have given, had Mr Brine sought it, is set out below. The advice is based on the 2015 Code of Conduct and Guide to the Rules because those are the rules that applied at the time of the emails and WhatsApp message.

Relevant paragraphs of the Code of Conduct and Guide to the Rules

Chapter 2 of the Code of Conduct and Guide to the Rules sets out the rules in relation to Declaration of Interests.

Paragraph 1 of that chapter restates Paragraph 14 of the Code of Conduct:

5 *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,*
 10 *public officials or public office holders.*

This paragraph makes clear that declaration applies not only to proceedings but also to “any communications with Ministers, Members, public officials or public office holders.” Therefore, the rules would apply to the correspondence between Mr Brine and Ministers you have provided.

15 Paragraph 3 of that Chapter states:

3. Declarations must be informative but succinct. A Member who has already registered an interest may refer to his or her Register entry. But such a reference is unlikely to suffice on its own, as the declaration must provide sufficient information to convey the nature of the interest without the listener or the reader having to have recourse to the Register or other publication.
 20

That paragraph explains that the declaration must be “informative but succinct” and that it should include “sufficient information to convey the nature of the interest without the listener or the reader having to have recourse to the Register or other publication”. Therefore, sufficient information needs to be provided in the declaration to make clear what the financial interest is.
 25

Advice

Had Mr Brine contacted the Registry Office in advance, I would have advised because he had a financial interest in Remedium Partners, he would be required to make a declaration at the start of any correspondence he had with Ministers.
 30

In accordance with paragraph 3 of the Code of Conduct and Guide to the Rules (above), I would have advised that the declaration should state that he held a paid position as Strategic Adviser to Remedium Partners and that this was in the Register of Members' Financial Interests.

Please contact me if you need any further information.

6 April 2023

9. Letter from the Commissioner to Mr Steve Brine MP, 20 April 2023

5 Thank you for your email of 12 April 2023, and the additional information you have provided. In the meantime, I received responses from [name redacted], the Registrar of Members' Financial Interests, and David Green, the Chief Executive Officer of Remedium Partners, which I have enclosed for your information.

10 Having considered the evidence carefully, I now have sufficient information to decide whether your actions amount to a breach of the 2019 edition of the Code of Conduct.

My decision

15 I have considered our correspondence, the advice from the Registrar, the information provided by Mr Green, the published rules and accompanying guidance. Based on the available evidence, it is my conclusion that there have been two breaches of paragraph 14 of the Code but no breaches of paragraph 12 of the Code. However, for the reasons outlined below, I do not intend to refer this matter to the Standards Committee for consideration. Instead, I have decided to conclude this matter using the rectification process provided by Standing Order No. 150.

Background

20 From 1 July 2020 to 31 December 2021, you were employed as a Strategic Adviser to Remedium Partners, a firm involved in the recruitment of overseas healthcare staff. This role entailed 16 hours work per month for a set payment of £1,600 per month.

25 Following an article in The Telegraph newspaper, I received a complaint from a member of the public on 9 March 2023 about a WhatsApp message that you sent to Rt. Hon Michael Gove MP (who at the time of the message was a Cabinet Minister). The message was sent on 2 February 2021 and says:

30 *"sorry to raise this but having tried the Dept of Health (seemed logical) and the Chief Exec of NHSE (ditto) I am at a loss. Long story short, I have been trying for months to help the NHS through a company I am connected with - called "Remedium". They have 50 anaesthetists right now who can be in the country and on the ground in the NHS if someone only said let's us help. They just want to assist and asked me how they might. Despite offering this to health and to Simon Stevens I've had*
35 *nothing despite SS telling the press conference last week this is an acute*

problem, despite the PM telling the Liaison Committee this is his biggest problem etc etc. How might I progress this or does the NHS just not need the help? S”

5 The complainant also highlighted a further section of article in The Telegraph that reported your message to Mr Gove had been forwarded to Rt Hon. Matt Hancock MP (at the time, the Secretary of State for Health and Social Care) and processed by his team. That section of the article reads as:

“I told him team were sorting it and he hasn’t come back to me about it since,” Mr Nixon said.

10 *The adviser then appeared to complain about the volume of requests Mr Brine had sent to the Department of Health.*

“Steve’s being a nob right now and I’ve no idea why. Been chasing my tail trying to sort loads of stuff for him (not least his hospital) and he still acts like this.”

15 *The next day, Feb 3, 2021, Mr Nixon said that “Prerana’s team” had been in contact with David Green, the CEO of Remedium.*

It is thought Mr Nixon was referring to Prerana Issar, the NHS’s Chief People Officer.”

20 You have told me that you first became involved in Remedium’s offer of fifty anaesthetists for the NHS when Mr Green contacted you following a BBC news article that highlighted a shortage of such doctors. Mr Green has confirmed this is how you became involved with the issue.

25 You have confirmed that your message to Mr Gove was accurately quoted by The Telegraph. You have also confirmed that you had no further contact with Mr Gove about the offer of fifty anaesthetists to the NHS. You have also told me that you did not make any separate approaches to Mr Hancock or Mr Nixon about this issue, but that Mr Hancock verbally acknowledged receipt of your message when you later saw him in the House. As you know, I also received from a different source copies of further WhatsApp messages exchanged between you and Mr Hancock on 3 and 5
30 February 2021 that are short follow-up messages about the offer of the fifty anaesthetists. You have told me that aside from these messages you had no further contact with Mr Hancock or his staff about this issue.

35 You have also told me that the earlier approaches referenced in your message to Mr Gove amount to a single approach to the then NHS Chief Executive, Simon Stevens, to ask *“if Prerana Issar was still the NHS’s Chief People Officer”*. You have also said

that your “*somewhat casual reference to ‘months’ in that Michael Gove WhatsApp message was used in an informal manner*”.

5 You and Mr Green have both confirmed that Remedium’s offer of the fifty anaesthetists to the NHS was on a pro bono basis and that Remedium would not have benefited financially from the placement of these doctors. Mr Green has verified that you were made aware from the outset that the offer of these doctors was free of charge to the NHS. You have also both confirmed that, in any event, NHS England did not follow-up on this offer, and contrary to the message quoted in The Telegraph, there was no contact between Remedium and NHS England on this
10 matter, and none of the fifty anaesthetists were employed by the NHS.

During my inquiry, you also shared with me an earlier approach you made to Mr Hancock on 13 January 2021 about difficulties Remedium were having in securing offers letters for some healthcare staff that they had successfully recruited for the NHS. Your email to Mr Hancock reads as:

15 *Earlier at the Liaison Committee the PM said “we need more doctors”.
He is obviously right.*

See below from friends of mine who I KNOW can help.

They clearly have doctors right here and now who can help but they need your help.

20 *Can you help?*

Let me know

Rationale – declaration of interests

As you know, paragraph 14 of the 2019 Code of Conduct 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.*

30 Chapter 2 of the 2019 Guide to the Rules, which deals with the declaration of interests, states:

3. *Declarations must be informative but succinct. A Member who has already registered an interest may refer to his or her Register entry. But such a reference is unlikely to suffice on its own, as the declaration must provide sufficient information to convey the nature of the interest without the listener or the reader having to have recourse to the Register or other publication.*

5

Requirements for declaration

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

10

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.*

Occasions when declaration is required

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

15

e) 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 agencies and public office holders). If those communications are in writing, then the declaration should be in writing too; otherwise it should be oral.

20

Your message to Mr Gove on 2 February 2021 contains a basic attempt at a declaration “a company I am connected with - called “Remedium”. You have recognised and apologised that with hindsight this declaration was not adequate, saying:

25

I appreciate I could have been even more explicit and apologise if I didn't get that 100% correct in the informality and urgency of a brief WhatsApp message at this most unusual time.

30

The advice of the Registrar on this point is clear; a declaration was needed because of your financial interest in Remedium Partners and because you were approaching a Minister, and the declaration needed to make clear that you “held a paid position as Strategic Adviser to Remedium Partners”. Your declaration to Mr Gove falls short and, in my opinion, does not meet the requirements of paragraph 14 or the guidance

35

in the Guide to the Rules. I am not satisfied that the informality of WhatsApp, or the unique challenges that the NHS faced at the time, in any way prohibited you from inserting the wording recommended by the Registrar, or similar words, especially as your message to Mr Gove was otherwise detailed. I am therefore satisfied that paragraph 14 of the Code was breached on this occasion.

Your email of 13 January 2021 to Mr Hancock contains an acknowledgement of your relationship with Remedium, "*friends of mine*", but has no details about the nature of that relationship. You have recognised and apologised that with hindsight this declaration was not adequate, saying:

10 *Here again, I recognise I could have been much more explicit in the declaration. I can only apologise for this which was not borne out of any desire on my part to deceive.*

As above, I accept the advice of the Registrar that a declaration was necessary and should have made clear that you were employed as a paid adviser to Remedium. I am therefore satisfied that paragraph 14 of the Code was also breached on this occasion.

Rationale – paid advocacy

As you are aware, paragraph 12 of 2019 edition of the Code states:

No Member shall act as a paid advocate in any proceeding of the House

20 Chapter 3 of the 2019 Guide to the Rules, which deals with the paid advocacy, states:

8. The rules place the following restrictions on Members:

25 *a) When initiating proceedings or approaches to Ministers, other Members or public officials. Subject to paragraph 10 below, Members must not engage in lobbying by initiating a proceeding or approach which seeks to confer, or would have the effect of conferring, any financial or material benefit on an identifiable person from whom or an identifiable organisation from which they, or a family member, have received, are receiving, or expect to receive outside reward or consideration, or on a registrable client of such a person or*
30 *organisation;*

On this occasion you initiated an approach to a Minister, Mr Gove, on 2 February 2021 on behalf of Remedium Partners from whom you were receiving an outside reward at the time of the approach. However, on the evidence provided, that approach cannot be said to have been seeking, or would have had the effect of conferring, a financial or material benefit on Remedium. This is because had some

or all of the fifty anaesthetists offered by Remedium been employed in the NHS, Remedium would not have benefitted financially from that arrangement; a fact that on the evidence I am satisfied you were aware of at the time of your approach to Mr Gove. I am therefore satisfied that paragraph 12 has not been breached.

5 Other matters

I am grateful that you were able to access and share the approach you made to Mr Hancock on 13 January 2021. However, it is disappointing that you have not been able to provide me with a detailed breakdown of the earlier approaches that you made to Ministers and NHS officials, which you reference in your message to Mr Gove. Members working on behalf of an external employer are well advised to keep detailed records on such matters, not least so that they can be in a position to robustly defend their actions if challenged.

Next Steps

As I explained above, Standing Order No. 150 makes provision for me to conclude an inquiry using the rectification process, rather than by making a referral to the Committee on Standards. The Committee would generally expect the Member to have acknowledged and apologised for their breach of the rules, and to have taken any steps necessary to rectify their breach.

The rectification process is optional; if you are content to resolve this breach of the rules through rectification, please can you write to me by 4 May 2023 with:

- Confirmation you have accepted my opinion;
- A clear acknowledgement that you breached the rule on declaration on 13 January and 2 February 2021;
- An apology for those breaches; and
- An undertaking that you will ensure future written approaches to Ministers are made in line with the rules laid down by the House.

If you agree to my rectification 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.

If you do not accept my opinion and decision, you should tell me the reasons for that by reply. After which, I will prepare a memorandum to the Committee on Standards, so that they may consider the matter. I would give you the opportunity to see and

comment on a draft of the memorandum, but the content of it would, in the final analysis, be for me alone.

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.

- 5 I would be grateful if you could please send your response electronically to standardscommissioner@parliament.uk

Enclosure 1: Email from Mr David Green, Chief Executive of Remedium Partners, to the Commissioner, 5 April 2023 (see item 7 above)

- 10 **Enclosure 2: Email from the Registrar of Members' Financial Interests to the Commissioner, 6 April 2023 (see item 8 above)**

20 April 2023

10. Letter from Mr Steve Brine MP to the Commissioner, 3 May 2023

Thank you for your final decision letter of 20 April 2023.

- 15 In reply to your four points under the rectification proposal, I confirm I have accepted your opinion in this matter.

I acknowledge that I breached the rule on declaration on 13 January and 2 February 2021. And I am happy to unreservedly apologise again, as I did in my letters to you on 27 March and 12 April 2023, for such.

- 20 Finally, I no longer have any outside commercial interests and haven't in some time. In the extremely unlikely event that changed, I can assure you any future written approaches to Ministers would be made in line with the rules laid down by the House.

I thank you for the efficient and courteous way you have conducted our correspondence and wish you well in your new role.

- 25 *3 May 2023*