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Summary

I began an inquiry on my own initiative into whether the Member had breached the registration rules through the late registration of remuneration from employment, in the Register of Members' Financial Interests.

- 5 I found that the Member had on a number of occasions acted in breach of paragraph 14 of the House of Common's Code of Conduct for Members, by failing to register remuneration received in respect of articles written for various media outlets, within the 28-day deadline the House has set.

- 10 The Member immediately acknowledged and apologised for his breach of the rules and provided an explanation for how this had happened. He also notified me of two further payments, which should have been registered sooner, and one payment that had been registered with an incorrect date. The Member has described the steps he has taken to avoid a recurrence of these errors, and he has assured me that his register entry is now complete and up to date.

- 15 I asked the Registrar to arrange for the relevant entries in the Register of Members' Financial Interests to be placed in bold italics, so that it would be clear they had been the subject of an inquiry.

I consider this to be a suitable outcome and concluded the matter by way of the rectification procedure, which is open to me under Standing Order No 150.

Sir Iain Duncan Smith MP: Resolution letter

Letter from the Commissioner to Sir Iain Duncan Smith MP, 9 October 2020

Thank you for your email of 29 September 2020, in which you agree to my proposal to conclude my inquiry by way of the rectification procedure.

- 5 Further to my request for more details on steps you have taken to avoid future late registrations, you explain that you have, “...*instituted the requirement that a confirmatory email is sent to me once my employee dispatches the notification*”. Following these steps should prevent any recurrence of these errors.

- 10 Thank you also for your comments regarding the written evidence pack. I have considered carefully your points regarding redactions to the written evidence, and I enclose an updated copy of the pack for your records. Please note the addition of footnote 2 on page 9 of the pack. This pack will be published on my webpages shortly; <https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/parliamentary-commissioner-for-standards/complaints-and-investigations/allegations-the-commissioner-has-rectified/rectifications-latest/>
- 15

I will ask the Registrar to italicise your late entries in the next published edition of the Register, and I will inform the Committee on Standards of the outcome of my inquiry in due course.

- 20 Thank you for your co-operation with this inquiry and your prompt replies to my letters. I confirm that the matter is now closed.

9 October 2020

Written evidence

1. Letter from the Commissioner to Sir Iain Duncan Smith MP, 9 September 2020

5 I am writing to you to seek your assistance with a formal inquiry I am commencing. I would welcome your help with information that I have received from the Registrar of Members' Financial Interests concerning the late registration of several of your financial interests. I have reproduced the interests in question as an enclosure to this letter.

My inquiry

10 I should first say that I am beginning this inquiry on my own initiative, in accordance with the authority given to me through Standing Order No 150. The concerns I raise below first came to my attention on 30 July 2020, when the Assistant Registrar forwarded to me his email exchange with your Chief of Staff; a copy of which I enclose.

15 My inquiry will focus on concerns that your actions regarding the registration of financial interests have put you in breach of paragraph 14 of the Code of Conduct for Members.

The Code of Conduct

20 In relation to the declaration of interests, paragraph 14 of the 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"*

Further to the Code, the Guide to the Rules relating to the Conduct of Members states the following at Chapter 1:

Requirements of the House

30 *2. The House requires new Members, within one month of their election, to register all their current financial interests, and any registrable benefits (other than earnings) received in the 12 months before their election. After that, Members are required to register within 28 days any change in those registrable interests. Such a change includes both*
35 *the acquisition of a new interest and the ceasing of any registered*

interest, for example because an employment has ceased or because a holding has reduced in value or been sold.

...

Category 1: Employment and earnings

5 Threshold for registration

10 6. Members must register, subject to the paragraphs below, individual payments of more than £100 which they receive for any employment outside the House. They must also register individual payments of £100 or less once they have received a total of over £300 in payments of whatever size from the same source in a calendar year.

Next steps

In addition, please can you address the following specific questions:

- 15 1. Please can you outline the circumstances that caused these interests to be registered late?
2. Are you now satisfied that your register entry is complete and accurate?
3. What steps have you taken to avoid further late registrations?

20 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.

Outcomes

There are three possible outcomes to my inquiry:

- 25 1. I decide that my concerns regarding your conduct are not upheld and no further action is needed.
- 30 2. I decide to uphold my concerns regarding 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 number 150.
3. I decide to uphold some or all of my concerns regarding 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.

Important information

5 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 into a possible breach of the Code of Conduct. My office will not 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.

10 Procedure

I enclose a copy of the *Commissioner's Information Note*,¹ which sets out the procedure for inquiries. Please note that this has not yet been updated to reflect the changes flowing from the decision of 19 July 2018.

15 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 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.

20 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.

25 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

30 I would be grateful to receive your response to this letter as soon as possible and no later than 22 September 2020. Due to the current health crisis, my team are working from home only, so I would be grateful if you could send your response electronically to; standardscommissioner@parliament.uk. Thank you for your assistance with this matter.

9 September 2020

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

Enclosure; Late Registrations 10 August 2020 edition of the Register of Members' Financial Interests**Duncan Smith, Sir Iain (Chingford and Woodford Green)**

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1. Employment and earnings

a) Payments for articles in the Sun Newspaper, from News UK and Ireland, 1 London Bridge Street, London SE1 9GF:

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- i. 25 March 2020, received £500 for an article published on 8 March 2020. Hours: 4 hrs. (Registered 30 July 2020).
- ii. 10 June 2020, received £800 for two articles (£400 each), published on 19 April 2020 and 18 May 2020. Hours: 8 hrs in total (4 hrs per article). (Registered 30 July 2020).

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b) Payments for articles in the Daily and Sunday Mail, 2 Derry Street, London W8 5TT:

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- i. 18 June 2020, received £1,350 for two articles, published on 29 March 2020 (£900) and 12 April 2020 (£450). Hours: 8 hrs in total (4 hrs per article). (Registered 28 July 2020).

c) Payments for articles in the Daily Telegraph and Sunday Telegraph, 111 Buckingham Palace Rd, London SW1W 0DT:

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- i. 21 April 2020, received £125 for an article published on 1 April 2020. Hours: 4 hrs. (Registered 28 July 2020).
- ii. 4 June 2020, received £270 for an article published on 25 April 2020. Hours: 4 hrs. (Registered 28 July 2020).
- iii. 15 June 2020, received £200 for an article published on 3 March 2020. Hours: 4 hrs. (Registered 28 July 2020).
- iv. 15 June 2020, received £200 for an article published on 4 May 2020. Hours: 4 hrs. (Registered 28 July 2020).
- v. 15 June 2020, received £200 for an article published on 22 May 2020. Hours: 4 hrs. (Registered 28 July 2020).

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*10 August 2020***2. Letter from Sir Iain Duncan Smith MP to the Commissioner, 16 September 2020**

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You asked me to explain a failure on my part to register some financial interests within the time allotted. You asked three questions which I have answered.

1) I have to admit that the circumstances concerning the late registration of articles written by me and commissioned and published in the Newspapers is an unusual

one. The arrival of your email was a surprise as I had been confident that my interests had all been properly registered and on time. However I immediately checked. As you will see, all of these late registrations happened during the Covid 19 lockdown.

5 As you will know we all left the Palace of Westminster and went to our homes, just before the UK locked down and all my staff worked from home for the rest of the lockdown. There was a dramatic increase in work during this period. Hundreds of emails and telephone calls meant our days and often weekends were constantly
10 dealing with cases and chasing central government, public bodies and local government for answers to people's genuine concerns. All my office mucked in and we were just able to cope, I am sure it was little different for all MP's. However there were a couple of complications which I hadn't foreseen.

The system I employ which has worked so far well, is that when the payments come in they are checked and then the payment details are emailed to my assistant [name
15 redacted]. My assistant is very well versed in the way these things operate and transcribes these onto the relevant form which I check and sign, these are then despatched to the registrar. However, during the lockdown this system faltered.

The reason it went wrong was partly as a result of my assistant going to hospital with Covid 19 resulting in longer lasting detrimental effects and other health
20 complications and just the sheer weight of work we were all engaged in. The outcome was that these interests had not been registered in the normal way. However, the first I was aware of this was when I received your email and I acted immediately to see if there were any others outstanding.

2) I have checked all payments and have found that there are still 2 outstanding
25 which should have been registered and another where the date payment was received was incorrectly registered. I am certain that these are the last of the registrations which have been delayed during Covid 19, in line with my remarks in paragraph 1) above. I have today signed the registration documents which are now in the post. These have been scanned and attached to this email. Furthermore, I also
30 draw your attention to the incorrect date on one of the previous declarations, as follows: The Telegraph - £270.00 - Article published on 25th April 2020. The Payment rec'd should have read - 4th May, NOT 4th June 2020. With those corrections, I believe my register entry is complete.

3) I have now initiated a system of checks, confirmatory emails once such
35 registrations are despatched and regular reports to ensure nothing slips through the net. [Personal details redacted] I want to emphasise to you that I take full responsibility for this and apologise unreservedly for this set of late registrations in my name. My remarks above are by way of explanation.

I take full responsibility for this error and apologise unreservedly.²

16 September 2020

3. Letter from the Commissioner to Sir Iain Duncan Smith MP, 25 September 2020

5 Thank you for your email of 16 September 2020, and the information you have provided. I now have sufficient information to make a decision.

My decision

10 As a result of the details you have provided and taking all the relevant facts into account, I find that in not registering a number of payments received within the required 28-day deadline the House has set, you breached paragraph 14 of the Code of Conduct for Members.

15 In your reply you explained the steps your office previously followed to register your financial interests, and the unfortunate circumstances that led to this system to fail. I hope that [name redacted] has now fully recovered from her fall and from contracting Covid-19.

20 My initiation letter identified eight payments, under Category 1. Employment and Earnings, which had been registered outside of the 28-day deadline. In your email of 16 September 2020, you identified two further payments, received from the Sun Newspaper and Independent Digital News & Media Limited, which had not – to date – been registered. You also said that an error had been made regarding the date of a registered payment previously reported to the Registrar, received from the Telegraph Newspaper, which should have read 4 May and not 4 June 2020.

25 Thank you for bringing these further matters to my attention and for your assurance that, by including these additional items, your register entry is now complete. Although not part of the original inquiry, I will make reference to these late registrations when I conclude the inquiry.

Next steps

30 Standing Order No 150 makes provision for me to conclude an inquiry without making a referral to the Committee on Standards in certain circumstances. The Committee would generally expect the Member to have acknowledged and apologised for their breach of the rules, and to have taken the necessary steps to rectify their breach. You have already taken the first two of these three steps, and you have explained that you have “...initiated a [new] system of checks and regular

² Additional correspondence not reproduced here as it contains sensitive personal details.

reports to ensure nothing slips through the net.” I am pleased to hear that, and it would be helpful to have a little more detail about what you plan to do differently.

5 I consider this breach to be at the less serious end of the spectrum. If you accept my decision, I would be willing to conclude this matter by way of the rectification procedure, which is open to me under Standing Order No 150.

10 When a formal inquiry into late registration is concluded, it is customary for me to ask the Registrar to italicise late entries in the next published edition of the Register. This step indicates to the reader that the matter has been the subject of an inquiry and resolved by way of the rectification procedure. Assuming you are content to conclude this matter by way of the rectification procedure, and I have received your agreement to this proposal and some further details regarding your new system of checks, I will ask the Registrar to update the Register of Members' Financial Interests.

15 At the end of my investigation I would publish the enclosed written evidence pack on my webpages, and I would report the outcome to the Committee on Standards in due course. Most of the material in the pack will be familiar to you. The only new item is the summary at the beginning. You will see that I have made some redactions to respect the privacy of the staff involved. If you think any further redactions are required, please let me know. Although I cannot guarantee that items will be redacted, I will consider carefully any areas of correspondence you bring to my attention.

I would be grateful if you would let me know by **2 October 2020**, whether you are content to proceed as outlined above, and whether you have any comments on the factual accuracy of my letter to the complainant and the draft written evidence.

25 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.

25 September 2020

4. Email from Sir Iain Duncan Smith MP to the Commissioner, 29 September 2020

30 I have read your email and whilst I accept your findings, I have a couple of comments which I believe are relevant.

[Personal details redacted]

As you can see, I make it clear that I take full responsibility, apologise unreservedly and explain the change made to ensure it cannot happen again.

35 Finally, you asked for more detail on what I have done to rectify the process going forward. Whilst much of this is rectified by being in the House of Commons and

returning the process to a signed copy of the notification, I have nonetheless instituted the requirement that a confirmatory email is sent to me once my employee dispatches the notification. This will be particularly helpful should we be forced to leave the HoC's again and rely on emails only.

5 *29 September 2020*