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The Rt Hon Rishi Sunak
Prime Minister
10 Downing Street
London SW1A 2AA

07 February 2023

Dear Prime Minister,

As you entered Downing St for the first time, you said you wanted to lead a government of “integrity, professionalism and accountability at every level”. You chose those words carefully, taking them from the seven principles of public life and many civil servants, given their experience over the previous three years, will have been heartened to hear you set those priorities for your government.

As Prime Minister and Minister for the Civil Service, your leadership on integrity and accountability is vital. The test of that is when difficult decisions need to be made. You have made clear that one of those decisions was instigating an investigation, under the Ministerial Code, into the allegations of bullying that have been made against the Deputy Prime Minister, Lord Chancellor and Secretary of State for Justice, Dominic Raab.

That investigation by Adam Tolley KC was announced prior to the appointment of your Independent Adviser on Ministers’ Interests, Sir Laurie Magnus. As such, the Terms of Reference make clear that Adam Tolley KC is being asked to establish the facts around the complaints but you alone will determine the outcome of the investigation.

I fully recognise that it is for you alone to determine whether there has been a breach of the Ministerial Code and the consequences for a minister. However, the role of the Independent Adviser in determining on those facts and advising you in relation to the allegations and the Ministerial Code is critical in providing confidence to civil servants and the public when it comes to matters of integrity and propriety. It is, after all, why the Adviser is deemed to be independent.

As we witnessed with the investigation into the former Home Secretary Priti Patel, the ability of the Independent Adviser to make that determination and advise the Prime Minister was critical. Whilst then Prime Minister Boris Johnson was free to ignore that advice, which he ultimately did, the politically independent adviser was able to determine on the facts and make public those conclusions.

As the Terms of Reference currently stand, there is no role for the Independent Adviser. You alone, without his advice, will determine the outcome of the complaint. In any circumstances, that would undermine the integrity of a process which already, as we have seen in the investigation into the former Home Secretary Priti Patel, can be subject to overt politicisation.

from the General Secretary
DAVE PENMAN

The lack of oversight from an Independent Adviser is not, however, simply a theoretical concern. Over the last few months you have deliberately chosen not to answer a direct question on whether you were aware of concerns over the conduct of the Deputy Prime Minister when you appointed him. You have also repeatedly relied on the lack of a formal complaint as an evasion tactic over this issue.

Not only does that raise doubts as to your knowledge about his conduct but you are doing so knowing full well that the formal complaints process was fatally undermined by the decision of the then Prime Minister Boris Johnson to ignore the findings of bullying against Priti Patel. It can therefore come as no surprise to any interested party that civil servants had no confidence in the process of raising formal complaints under the Ministerial Code.

I hope you would recognise that whatever your stated intentions, the result of those choices can only be to undermine confidence in the independence of this process. I want to make clear, we are not in any way raising a concern as to the integrity or conduct of Adam Tolley KC. – quite the opposite. It is the lack of any independent input in to the decision making following his investigation that is concerning us. This is an issue that can easily and quickly be resolved by asking the Independent Adviser to play the role he would in any other investigation, including the one just completed into the former Conservative Party Chairman Nadhim Zahawi.

I hope you will recognise how important it is for the civil servants who have made the tremendously difficult decision to make a formal complaint to have confidence in the outcome of this investigation. Conflicts of interest, whether real or perceived, only serve to undermine that confidence and that, after all, is why the independent adviser role exists.

I look forward to receiving your reply.

Yours sincerely

