

Contents

	Mr Andrew Griffiths MP: Resolution letter	2
	Letter from the Commissioner to Mr John Anderson, 3 September 2019	2
	Reasons for my decision	3
5	Background	3
	The Code of Conduct for Members	4
	The rules on the use of House-provided ICT	4
	The Ministerial Code	5
	My inquiry	5
10	The evidence obtained during the course of my inquiry	6
	My decisions	9

Mr Andrew Griffiths MP: Resolution letter

Letter from the Commissioner to Mr John Anderson, 3 September 2019

5 I wrote to you on 19 September 2018 to say that I had begun an inquiry into your allegation that Mr Andrew Griffiths MP had acted in breach of the House of Commons' Code of Conduct for Members.

I have now completed my inquiry and I am writing to tell you that I have not upheld the allegations.

10 I have found no evidence that Mr Griffiths used House-provided resources when sending messages of a sexual nature to the two women, nor have I found evidence that Mr Griffiths engaged in such activity while also engaged in parliamentary activities.

15 Mr Griffiths' conduct has undoubtedly damaged his own reputation, as well as his health and family relationships. However damaging these events have been for Mr Griffiths personally, I am not persuaded that the texts he exchanged with the two women have caused significant damage to the reputation of the House of Commons as a whole, or of its Members generally. I do not therefore find him in breach of paragraph 16 of the Code of Conduct.

20 I explain the reasons for my decisions more fully in the document appended to this letter. Unusually, I have decided that it is neither necessary nor proportionate to publish in full the evidence I have gathered during my investigation. However, I have described it in sufficient detail to make my reasoning clear.

25 Most people expect, and are entitled to expect, that their sexual activities will remain a purely private matter between themselves and their partner(s). They trust that their partner(s) will respect their privacy. Members are no different from other people in that respect, and the Commissioner's interest in such personal matters is limited to alleged breaches of the Code of Conduct for Members. I trust you will appreciate that, in the light of my conclusions, publication of all the text messages and details of Mr Griffiths' past and continuing health would not be appropriate.

30 I will publish my decision on the Parliament website shortly. This matter is now closed.

3 September 2019

Reasons for my decision

Background

- 5 1. I began this inquiry following media reports that Mr Griffiths had been sending sexually explicit texts to two young women, previously unknown to him, and after receiving a complaint alleging that in so doing Mr Griffiths had misused parliamentary resources and "*brought Parliament into disrepute*".
2. I thought very carefully about paragraph 2 of the Code of Conduct (see paragraph 8 below) before I began the inquiry. That paragraph excludes from my remit what Members do in their purely private and personal lives.
- 10 3. Most people expect, and are entitled to expect, that their sexual activities will remain a purely private matter between themselves and their partner(s). They trust that their partner(s) will respect their privacy. Members are no different from other people in that respect, and the Commissioner's interest in such personal matters is limited to alleged breaches of the Code of Conduct for
15 Members.
4. From the material available to me at the outset, it appeared that Mr Griffiths had referred to his public duties in the messages he had sent. In one account he was quoted as having said "*Daddy has been up making speeches and running the country*". It appeared possible that Mr Griffiths might have used his status
20 as a Member of Parliament in the relationships and that at least one of the women involved was a constituent. There were reasonable questions about whether Mr Griffiths had first met her through his parliamentary duties and whether he might have abused a position of trust.
- 25 5. None of these concerns could be adequately answered without an investigation. I did not consider that the complainant could reasonably be expected to furnish more substantive evidence, given the circumstances. And, while I was mindful of the fact that neither of the women directly involved had submitted a complaint to me, one of them had released at least some of the key material to a national newspaper and disclosed her identity, thus putting a
30 hitherto private and personal matter into the public domain.
6. The evidence available when I began the investigation did not suggest that Mr Griffiths had, in his parliamentary activities, acted or spoken on matters where the relationships presented a conflict of interest between his personal interest and the public interest.
- 35 7. There was no suggestion in the media, and Mr Griffiths has not subsequently suggested, that the events were a 'media sting' or specifically contrived with the intention of disclosure.

The Code of Conduct for Members

8. Paragraph 2 of the Code says *"The Code applies to Members in all aspects of their public life. It does not seek to regulate what Members do in their purely private and personal lives."*

5 9. Paragraph 15 of the 2015 Code said

10 *Members are personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services provided from the public purse is in accordance with the rules laid down on these matters. Members shall ensure that their use of public resources is always in support of their parliamentary duties. It should not confer any undue personal or financial benefit on themselves or anyone else, or confer undue advantage on a political organisation.*

15 10. My remit does not allow me to consider whether Mr Griffiths misused resources provided by public bodies other than Parliament, for example a government department, or resources funded through the Independent Parliamentary Standards Authority.

11. Paragraph 16 said

20 *Members shall never undertake any action which would cause significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally.*

The rules on the use of House-provided ICT

25 12. On 12 March 2018 the Parliamentary Digital Service issued the Acceptable Use user responsibilities document. This document *"sets out the principal responsibilities of all users of parliamentary digital services"*. The document says that it is *"acceptable to use parliamentary systems for limited personal use (at the user's own risk) provided it does not contravene any parliamentary policies, rules or instructions...."*

30 13. The document sets out a series of instructions and prohibitions. On page 3 it says, among other things, users must

"NOT upload, download, use, retain, create, access, transmit or cause the transmission of any material which could

....

- *be threatening, defamatory, abusive, indecent, offensive, discriminatory or harassing, or intended to commit a criminal offence;*

- ...
- *put the reputation of Parliament at risk.*"

The Ministerial Code

- 5 14. At the time Mr Griffiths sent the texts he was a junior minister in the Department for Business, Energy & Industrial Strategy. Any conflict between his ministerial responsibilities and the conduct of his relationship with the two women is outside my remit; that would have been regulated through the Ministerial Code.

My inquiry

- 10 15. I have investigated whether Mr Griffiths' conduct reported in the media in August 2018 amounts to a breach of the Code of Conduct and the associated rules. In particular, I considered whether Mr Griffiths had acted in breach of paragraphs 15 and 16 of the 2015 edition of the House of Commons' Code of Conduct for Members.¹
- 15 16. There were two breaches of confidentiality during my inquiry. Such disclosures are disrespectful of the process and the decision taken by the House of Commons on 19 July 2018,² and risk prejudicing an inquiry. At an early stage, the fact of the inquiry was put into the public domain by a third party. Mr Griffiths complained to me about this breach of confidentiality. I wrote to the complainant to seek his comments and he gave me an assurance "of [his] confidentiality". Mr Griffiths subsequently gave an interview to the Sunday Times about traumatic experiences in his childhood, the impact of those on his mental health and its relevance to the issues under investigation (paragraph 25).
- 25 17. I have followed my usual procedures in conducting this inquiry. I informed Mr Griffiths that I had begun an inquiry and gave him the opportunity to comment on the allegations. After I learned of Mr Griffiths' ill-health, I took independent clinical advice about his fitness to participate in the investigation and about how his publicly acknowledged mental health conditions might have affected his behaviour and his responsibility for it.
- 30 18. The inquiry has taken far longer to complete than I would have wished. There are two main reasons for that. The first reason, confirmed by independent clinical advice, is that Mr Griffiths has been unwell for significant periods of time and has not been able to reply to my correspondence or to meet me.

¹ The code has since been updated and these paragraphs appear as paragraph 16 and 17 in the revised Code

² <https://hansard.parliament.uk/Commons/2018-07-19/debates/92FF5EA2-68E1-46B5-AC76-B3392609DA66/IndependentComplaintsAndGrievancePolicy?highlight=complaints%20grievance#contribution-5FBE418D-D712-416C-8FFC-33F9C24F1F26>

5 Those delays were unavoidable in the circumstances. The second is that Mr Griffiths has delayed providing me with copies of the messages he sent and received. He has apologised to me for that and I recognise that it has been deeply distressing, as well as a source of huge embarrassment, to have to share with me material which in other circumstances he could reasonably have expected to remain entirely private. I believe that these delays have not been in Mr Griffiths' best interests and they have, unfortunately and avoidably, delayed the conclusion of my work.

- 10 19. Mr Griffiths has accepted, from the outset, the necessity of an investigation into his conduct. Although he has been slow responding to my enquiries, I am satisfied that he has not been deliberately obstructive. I accept that his health has fluctuated, on some occasions alarmingly, over the last year. It is clear that it has been, and continues to be, difficult for him to deal with the impact these events have had on his family and friends, his health, and his own reputation.
- 15 He has, throughout, acknowledged that these were consequences of his own actions and has not sought to deflect responsibility for them. He has been remorseful about the effect of his actions on his constituents and others.

The evidence obtained during the course of my inquiry

- 20 20. At the start of my inquiry, as well as inviting Mr Griffiths to respond to the over-arching allegations, I asked him to tell me:

- How he first came to contact the two women
- Whether they had ever approached him in connection with his parliamentary role
- 25 • Whether he had used House-provided ICT (hardware, software, parliamentary accounts or the parliamentary network) in his communications with either of the two women; and
- Whether he sent messages to either of the two women while participating in parliamentary activity of any kind.

- 30 21. Mr Griffiths' legal representative replied to my initial letter on 24 September 2018. He said that Mr Griffiths did not deny sending, over a period of three weeks in June and July 2018, the messages giving rise to the media reports in August 2018. He said that the messages had been sent when Mr Griffiths was undergoing a "severe mental breakdown". Mr Griffiths had subsequently been admitted to hospital and, at that time, remained under the supervision of a psychiatrist. Mr Griffiths' representative also said that "Given the complainant is not the person to whom the messages were sent and conversations took place with, and that they are of a personal and private nature, we feel it would be
- 35 *inappropriate for those messages to be publicised by the Commissioner.*"

22. On 6 October 2018 Mr Griffiths wrote to me. He told me that before contacting the two women, and without knowing it, he had been suffering from an undiagnosed mental health condition which had escalated rapidly. Mr Griffiths enclosed a report from the Consultant Psychiatrist treating him. Among other points, Mr Griffiths highlighted the consultant's observation that "..."*the huge volume of text messages over such a short period of time [over 2,000 in a period of 21 days] indicated the compulsive nature of his actions and this together with the fanciful nature of the text messages amply demonstrated his temporarily disturbed mental state.*" Mr Griffiths told me that he had also been advised that his diagnosis "*would suggest a time-limited condition, usually 3-6 months, within which a full resolution is achieved....*"
23. Mr Griffiths assured me of his willingness to comply with my inquiry and provided the following information.
- He had initially contacted one of the women through his personal and private Facebook account. He said that although he did have an 'MP Facebook page' "*at no stage did [he] use this to contact her, nor did she use it to contact [him]*". The first woman had introduced the second woman into the conversations. Mr Griffiths emphasised that the second woman had not spoken publicly nor had she made a complaint, and he did not therefore feel it was appropriate for him to identify her.
 - As far as Mr Griffiths was aware, neither had ever contacted him or his staff in connection with his parliamentary duties. He said that at no point had he deliberately or consciously use the parliamentary network to send the messages.
 - He said they had communicated via his personal *Snapchat* account and other social media platforms. He said the text messages were exchanged via his personal mobile phone.
 - Mr Griffiths said the messages he had exchanged with the women, which he described as "*consensual*", were received and sent in a purely personal capacity and related solely to his private life. He said he had not discussed parliamentary business with the women.
24. Mr Griffiths said that to his knowledge there was no evidence of harm to the reputation of the House of Commons by the exchange of these messages. He submitted that "*the type of activity anticipated by [paragraph 16] would be considerably more damaging than that with which we are concerned in this instance.*" Mr Griffiths said the subject matter and tone of the messages was led by the other participants.
25. On 4 November 2018 the Sunday Times published an article based on an interview they had conducted with Mr Griffiths. Among other things, Mr Griffiths told the reporter that he did not "*for one second*" try to excuse what

5 he had done. He said the content had been "*horrible*" and that he was "*ashamed and embarrassed*". He was quoted as saying "*Only now do I feel well enough to talk publicly about the events that led to me being admitted to hospital on the verge of suicide. I feel I owe it to my constituents and all those people who have put their faith in me to explain. While the texts were wrong and the result of my mental breakdown, my battle with my own mental health has been ongoing for decades.*"

10 26. The newspaper article summarised Mr Griffiths' psychiatrist's report, including this diagnosis; "*The patient had depressive symptoms, as well as anxiety-related symptoms, in the context of adjustment disorder with mixed anxiety and depressive reaction.*" Having obtained Mr Griffiths' consent, I subsequently commissioned independent psychiatric advice. I asked for advice about Mr Griffiths' mental health and how it might have affected his conduct, and about whether Mr Griffiths was well enough to participate in my inquiry.

15 27. On 20 November 2018 Mr Griffiths sent me a copy of the decision letter he had received following an internal Conservative Party disciplinary hearing. The panel had concluded that his conduct "*may have breached*" the party's code of conduct. In light of his mental health, they had decided it would not be appropriate to take any further disciplinary action against Mr Griffiths. The letter told Mr Griffiths that "*it would be a cause of grave concern*" if similar events were ever to recur regardless of their cause.

20 28. On 10 December 2018 I received the report of the independent psychiatrist I had commissioned to report on Mr Griffiths' health.³ It is neither necessary nor proportionate to reproduce that report in full here. However, the psychiatrist told me that, in his opinion:

- 25 • At the time Mr Griffiths was emailing the two women his mental state warranted a diagnosis of post-traumatic stress disorder (PTSD);
- 30 • Mr Griffiths' behaviour was likely to have been driven by his strong wish to distract himself from distressing thoughts and flashbacks;
- 35 • Had Mr Griffiths not been experiencing symptoms of PTSD at the time, he would have been expected to recognise the risks of the behaviour he was embarking on and would need to take full responsibility for his actions. The psychiatrist said it was impossible to quantify the extent of Mr Griffiths' responsibility but the combined factors "*had led to his responsibility being diminished*"; and

³ The consultant is an Emeritus Professor of Psychological Medicine at a London University, and a Consultant Psychiatrist in the NHS

- my investigation was likely to be very stressful for Mr Griffiths because of the uncertainty about his future. For that reason, the consultant advised that there was no advantage in postponing the investigation, provided I was willing to pause my work if Mr Griffiths' treating clinicians advised doing so.

5

29. On 12 December 2018 I wrote to Mr Griffiths to request again copies of the messages he had exchanged with the two women and a copy of his diary over the relevant period of time. The next day, Mr Griffiths acknowledged receipt of my letter, telling me that he was unwell and would reply as soon as he was able.

10

30. Over the next six months I contacted Mr Griffiths periodically to prompt a substantive response. In June 2019, he hand-delivered over 300 pages of material, containing the text of messages he had exchanged with the two women. That material included the dates and times on which the messages were sent and received. Although there was evidence that images and videos had been exchanged, those were not included.⁴ It is neither necessary nor proportionate to append the messages to this report.

15

31. On 26 June 2019 Mr Griffiths provided an extract from his ministerial diary for the relevant period. That material provided details of his scheduled appointments. As one would expect, it did not provide evidence of whether, or precisely when and where, the scheduled appointments had taken place.

20

My decisions

Paragraph 15 of the 2015 Code

32. The original allegation was that Mr Griffiths might have used House-provided resources to exchange messages with the two women. The material I have received does not show that Mr Griffiths used House-provided resources when sending those messages.

25

33. Mr Griffiths has given me an assurance that he used his personal mobile phone and did not knowingly use the parliamentary network when communicating with the women. In any event, the House of Commons does not provide Members with mobile phones.

30

34. If I were to commission a forensic investigation there is no guarantee that it would be able to establish whether the messages were transmitted and received via House-provided communication networks. There is, similarly, no guarantee that it would be possible to retrieve any images that he sent. I have decided it would not be proportionate to commission such an investigation.

35

⁴ Material exchanged on, for example, *Snapchat*, would no longer be available

35. The material Mr Griffiths provided included the dates and times of the messages he exchanged with the two women. Generally, the sexually explicit messages were exchanged during the evenings, late at night, in the early hours and at weekends. Some were sent during 'office hours'. Having reviewed all the material Mr Griffiths provided, I have not identified sexually explicit material sent or received at times when I can be sure Mr Griffiths would have been engaged in parliamentary activities.⁵

36. In the absence of evidence of a breach of paragraph 15, I do not uphold this allegation.

10 Paragraph 16 of the 2015 Code

37. Mr Griffiths has assured me that as far as he was aware neither of the women had ever contacted him or his staff in connection with his parliamentary duties. I have not seen any evidence which would undermine that assurance.

15 38. Although some of the messages were exchanged on social media platforms, the conversations were not conducted in public at the time.

20 39. It is evident from the material already in the public domain that the content of the messages was based on dominant/submissive sexual relationships. The women sought, and received, presents from Mr Griffiths and, having read the 300-plus pages of messages, I think Mr Griffiths' description of his relationship with the women as 'consensual' is reasonable.

25 40. References to Mr Griffiths' role as a Member of Parliament could not reasonably be construed as a significant element of the exchanges. I have not seen any evidence that Mr Griffiths referred to other Members in any context which might be regarded as damaging to the reputation and integrity of the House as a whole, or of its Members generally.

30 41. Mr Griffiths has given me an assurance that he did not send images of a sexual nature to the two women. He has also given me an assurance that he did not send images from the parliamentary estate. Although it is clear from the text of the messages that Mr Griffiths received images of a sexual nature from the women, I have not seen any evidence to undermine Mr Griffiths' assurances that he did not send compromising images of himself.

42. The messages, all of which I have read, do not reveal a conflict between Mr Griffiths' personal interest and the public interest.

35 43. In other circumstances, Mr Griffiths' personal sexual preferences would never have been in the public domain. I have seen evidence, from an independent clinician, that Mr Griffiths was unwell at the time and that he would not have

⁵ Ministerial conduct is regulated through the Ministerial Code and is outside my remit

been fully responsible for his actions. It is undoubtedly the case that through his actions Mr Griffiths has severely damaged his own reputation; his health; and his family relationships.

- 5 44. For a breach of paragraph 16 of the Code to occur, the damage needs to impact more widely. However damaging these events have been for Mr Griffiths personally, I am not persuaded that the texts he exchanged with the two women have caused significant damage to the reputation and integrity of the House as a whole, or of its Members generally. I do not therefore uphold the allegation that he acted in breach of paragraph 16 of the Code of Conduct.