



House of Commons
Committee on Standards

Karl Turner

First Report of Session 2016–17



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*Report, together with appendices and
formal minutes relating to the report*

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The Committee on Standards

The Committee on Standards is appointed by the House of Commons to oversee the work of the Parliamentary Commissioner for Standards; to examine the arrangements proposed by the Commissioner for the compilation, maintenance and accessibility of the Register of Members' Interests and any other registers of interest established by the House; to review from time to time the form and content of those registers; to consider any specific complaints made in relation to the registering or declaring of interests referred to it by the Commissioner; to consider any matter relating to the conduct of Members, including specific complaints in relation to alleged breaches in the Code of Conduct which have been drawn to the Committee's attention by the Commissioner; and to recommend any modifications to the Code of Conduct as may from time to time appear to be necessary.

Current membership

[Kevin Barron MP](#) (*Labour, Rother Valley*) (Chair)

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Powers

The constitution and powers of the Committee are set out in Standing Order No. 149. In particular, the Committee has power to order the attendance of any Member of Parliament before the committee and to require that specific documents or records in the possession of a Member relating to its inquiries, or to the inquiries of the Commissioner, be laid before the Committee. The Committee has power to refuse to allow its public proceedings to be broadcast. The Law Officers, if they are Members of Parliament, may attend and take part in the Committee's proceedings, but may not vote.

Publication

Committee reports are published on the Committee's website at www.parliament.uk/standards and in print by Order of the House. Evidence relating to this report is published on the [publications page](#) of the Committee's website.

Committee staff

The current staff of the Committee are Dr Lynn Gardner (Clerk), Jennifer Burch (Second Clerk), and Cecilia Santi O Desanti (Committee Assistant).

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Report

Introduction

1. This Report arises from a complaint to the Parliamentary Commissioner on Standards that Karl Turner MP failed to declare a relevant interest in tabling five written questions on 29 October 2015 relating to legal representation for defendants in criminal proceedings and the legal aid duty solicitor procurement process. The complainant alleged that Mr Turner should have declared an interest in that his wife was employed as a solicitor in a firm tendering for the Humberside area contract. Following comments by Mr Turner on twitter and media coverage, the same complainant wrote again to the Commissioner on 19 November, identifying five debates on criminal law and on legal aid reform in which Mr Turner had spoken without declaring his wife's role as a solicitor as an interest and alleging that such an interest was relevant on each occasion. The Commissioner examined both complaints as one inquiry.
2. The purpose of the Committee, in this Report, is to apply the existing rules of conduct as agreed by the House in 2009 and 2015.

The Commissioner's inquiry

3. In her memorandum to this Committee, appended to our Report, the Commissioner sets out in detail the allegations against Mr Turner. These relate to:
 - a) Written questions Nos 14001-14005, Session 2015-16, tabled on 29 October 2015 for answer by the Secretary of State for Justice
 - b) Participation in a Westminster Hall debate on 4 September 2013 on criminal legal aid
 - c) Participation in a debate in the Chamber on legal aid reform on 27 June 2013
 - d) Participation in his own adjournment debate on the effect of the reductions in legal aid on legal aid providers on 15 March 2012
 - e) Participation in the debate on Second Reading of the Legal Aid, Sentencing and Punishment of Offenders Bill on 29 June 2011
 - f) Participation in a debate in the Chamber on criminal legal aid on 15 September 2010.¹

On none of these occasions did Mr Turner declare his wife's employment as an interest where the complainant considered that this would have been a relevant interest.

4. The Commissioner also sets out in her memorandum the rules of the House which applied during the time span covered by this case (2010 to 2015). Under a resolution dating from 1974 Members are required to declare in any debate or proceeding within the House "any relevant pecuniary interest or benefit of whatever nature, whether

¹ Commissioner's memorandum, para 1 and 3

direct or indirect, that he may have had, may have, or may be expecting to have”.² The test of relevance remained unaltered during the period in question as “whether those interests might reasonably be thought by others to influence his or her actions or words as a Member”.³ Indirect financial interests include “the financial interests of a spouse or partner, or another family member”.⁴ The most recent Guide to the Rules (March 2015) makes clear that relevant interests must be declared, inter alia, when speaking in debate or when tabling oral or written Questions.⁵ Where questions are concerned, the fact that the Member has declared an interest is indicated by the appearance of the symbol [R] printed next to the question when it appears on the Notice Paper or Order Paper.⁶

5. In a series of exchanges the Commissioner sought information from Mr Turner about his wife’s employment as a part-time solicitor in order to ascertain whether it represented a declarable interest. In his first written response, dated 7 December 2015, Mr Turner made clear that “Whilst I accept that no declaration was made I do not accept that this was a breach of the ‘Code of Conduct’ in relation to the requirements of the Register of Members’ Financial Interests”.⁷ He provided information about his wife’s current employer and explained why he considered his wife’s profession to be irrelevant on each occasion which was the subject of complaint. After taking advice from the Registrar, the Commissioner wrote to Mr Turner again on 29 December enclosing that advice and seeking further information which Mr Turner supplied on 15 January 2016.⁸ The Commissioner then sought clarification of some inconsistencies between his letter and information available on public websites. In response, Mr Turner telephoned the Commissioner’s office “and expressed his annoyance about [her] inquiries”.⁹ He responded formally on 2 February giving the information requested. After a further round of advice from the Registrar which raised some fresh queries and Mr Turner’s response to these on 7 March, the Commissioner concluded her inquiry.

6. The advice requested from the Registrar by the Commissioner concerned whether, under the Rules of the House in relation to the declaration of interests, the Registrar considered that Mr Turner should have declared his wife’s employment when he participated in the five debates or tabled the relevant questions. The Registrar advised that in the case of the parliamentary questions, she would have advised Mr Turner to declare an interest which was that “his wife worked for a firm which had bid unsuccessfully for a contract” [the subject matter of the questions].¹⁰ In her second advice letter, based on the additional information supplied by Mr Turner, the Registrar refined her view of what her advice would have been in each of the five debates in relation to whether Mr Turner should declare his wife’s employment as a solicitor specialising in criminal law and whether he should declare specifically the law firm for which she worked.¹¹ The Commissioner accepted the Registrar’s advice in each case and summarised her analysis in a helpful table which we reproduce here:

2 Commissioner’s memorandum, para 5
3 Commissioner’s memorandum, para 19
4 Commissioner’s memorandum, para 26
5 Commissioner’s memorandum, para 21
6 Commissioner’s memorandum, para 15 and 22
7 WE7
8 WE11, WE12
9 Commissioner’s memorandum, para 36
10 WE10
11 WE19

PARLIAMENTARY OCCASION	KEY FACTS	MRS TURNER'S PROFESSION RELEVANT AS AN INDIRECT INTEREST?	MRS TURNER'S EMPLOYER RELEVANT?
15.09.10 Debate on Criminal Bar (Public Funding)	Mrs Turner was employed as a criminal lawyer with Amber Solicitors until April 2010. From April 2010 Mrs Turner was employed by another Member.	Yes: because she had practised as a criminal lawyer within previous 12 months	No
29.06.11 Second Reading of LASPO Bill	Mrs Turner was employed by Max Gold as a criminal lawyer on this date	Yes: because she was a practising criminal lawyer	No
15.03.12 Adjournment Debate on Legal Aid	Mrs Turner was employed by Max Gold as a criminal lawyer on this date	Yes: because she was a practising criminal lawyer	Yes: because Mr Turner mentioned Max Gold in the debate
27.06.13 Debate on Legal Aid Reform	Mrs Turner was employed by Max Gold as a criminal lawyer on this date	Yes: because she was a practising criminal lawyer	No
04.09.13 Westminster Hall Debate on Criminal Legal Aid Reforms	Mrs Turner was employed by Max Gold as a criminal lawyer on this date	Yes: because she was a practising criminal lawyer	No
Questions answered on 06.11.15 about legal aid procurement	Mrs Turner was employed by Williamsons as a criminal lawyer since January 2014. Williamsons had bid unsuccessfully for a legal aid contract	Yes: because she was a practising criminal lawyer	Yes: because she worked for a firm which had bid unsuccessfully

7. The Commissioner also asked the Registrar whether Mr Turner had sought her advice. The Registrar had no record of advising Mr Turner on this matter, although she might not have recorded a straightforward request for information which could be found in the Guide to the Rules.¹²

8. In her memorandum the Commissioner points to several instances where she believes that Mr Turner has failed to understand the rules of the House correctly. She reports that “at an early stage in our correspondence it became clear that Mr Turner was confusing the requirements for **registration** of Members’ financial interests with the wider requirements for the **declaration** of interests when participating in proceedings”.¹³ Furthermore, she identifies two significant misunderstandings in Mr Turner’s letter of 7 March which states:

¹² Commissioner’s memorandum, para 40 and 42

¹³ Commissioner’s memorandum, para 58

Paragraph 74 of the Guide for Members expressly states that **the assessment of relevance is a test to be carried out by the Member** [...] As previously stated, I gave a great deal of thought to whether my wife’s profession was relevant and therefore should have been declared. Following the test as stated in paragraph 74, I concluded that it was not. No reasonable person employed in the legal sector would reasonably have believed that, as a salaried solicitor, my wife’s position would have been capable of influencing my words as a Member.¹⁴

First, the Commissioner highlights the mistaken inference here that a Member’s decision on whether or not to declare is “automatically correct and cannot be questioned”, which fails to recognise that the Guide also “makes clear that the Member must have proper regard to the rules of the House”.¹⁵ Secondly, she points out that “Mr Turner’s formulation of the test of relevance is much narrower” than that set out in the Guide which refers to the general public, rather than a “reasonable person employed within the legal sector”, as in Mr Turner’s statement.¹⁶ From this the Commissioner concludes that Mr Turner may have been guided in considering disclosure of his interests “by a mistaken understanding” of the relevant rules.¹⁷

9. The Commissioner reports that Mr Turner does not accept the advice of the Registrar nor the explanation of the rules given by the Commissioner herself. She also draws the attention of this Committee to Mr Turner’s conduct during her investigation, stating that:

I do not consider it respectful to the standards system of the House to make public comment about a complainant while an inquiry is in progress. My inquiry might have concluded considerably sooner if Mr Turner had recognised from the outset that any inconsistency with information already publicly available would require explanation and had he recognised the relevance of all the information I have now obtained about his wife’s past and present employment.¹⁸

10. The Commissioner concludes that this is a serious matter because of the number of occasions on which Mr Turner breached the rules and the period of time over which those breaches occurred.¹⁹

Mr Turner’s evidence

11. On 10 June 2016 Mr Turner submitted written evidence to this Committee.²⁰ In this Mr Turner accepts the findings of the Commissioner but offers further comment on her memorandum’s analysis and conclusions. On the matter of the parliamentary questions, Mr Turner undertakes to ensure that “in future, any staff member with this responsibility will be fully briefed on the Rules and will seek my advice before making a submission”. On the matter of declarations during debates, he argues that “I believe that the rules regarding former employment are extremely unclear and, therefore, difficult for Members of Parliament to adhere to”. He also stated that on two occasions his contribution to the

14 WE21

15 Commissioner’s memorandum, para 59

16 Commissioner’s memorandum, para 61

17 Commissioner’s memorandum, para 61

18 Commissioner’s memorandum, para 72

19 Commissioner’s memorandum, para 73

20 Appended to this Report

debate “was by way of intervention and any declaration may have caused business to be impeded”. We note that in fact Hansard clearly records both contributions as speeches, rather than interventions during the speech of another Member.²¹

12. Mr Turner also presents evidence that he assisted the Commissioner’s investigation in full and did not withhold information, going beyond what was asked on more than one occasion. He highlights his immediate compliance with the Commissioner’s request that he make no further public comment on the case. Whilst reiterating his surprise at the Commissioner’s reference to an online publically available profile of his wife’s employment history, he underlines the promptness of his response to the Commissioner’s questions.

13. In support of his assertion that the rules on this matter are ambiguous, Mr Turner cites the fact that the Commissioner sought the advice of the Registrar on clarification. We recognise that Mr Turner may not be aware that it is standard practice for the Commissioner to consult the Registrar on the application of the Rules in a particular case. This does not mean that the rules are ambiguous.

Conclusion

14. We agree with the Commissioner that Mr Turner should have declared an indirect interest in respect of his wife’s employment in speaking in these debates and in tabling the parliamentary questions. The purpose of declaration is transparency. It is not intended to prevent Members participating in proceedings but to ensure that other Members of the House and the public are fully informed at the relevant time about possible influences on Members. Mr Turner asks in his written evidence whether a colleague married to a consultant employed in the NHS should make a declaration each time she tables a question or makes an intervention regarding the NHS. As in all such cases, we would advise individual Members to seek advice from the Registrar on their specific circumstances. Declarations take moments and do not imply a particular motive on the part of the Member for making a contribution. As Mr Turner has recognised, it is also vital that the staff of Members are fully trained in the requirements for declaration.

15. We also agree with the Commissioner that this is a serious case made so by the number of occasions involved and by Mr Turner’s insistence on his own interpretation of the rules. We consider that if he had acknowledged the error at an earlier stage of the investigation, the matter could have been resolved by means of a rectification and without referral to this Committee. The Code of Conduct refers to the Nolan principles of openness and integrity which we believe to be of relevance here.

16. On a broader scale, Mr Turner’s case highlights questions about the opacity of declarations of interest in relation to parliamentary questions to which we may return. Our ongoing review of the Code of Conduct and Guide to the Rules may also provide an opportunity to look again at the guidance on declaration of indirect interests, although we note that the rules were clarified in the most recent Guide to the Rules in force from 2015, and to examine whether the distinction between registration and declaration could be made even more prominent.

²¹ [HC Debates, 15 September 2010, col 215WH](#) [HC Debates, 29 June 2011, col 1036](#)

17. The Commissioner's memorandum refers to a similar case where a Member was alleged not to have declared a relevant interest of her partner.²² In that instance the Committee emphasised the seriousness of any breach of the rules relating to declaration and concluded that the Member concerned should apologise to the House by means of writing to this Committee.

18. We recommend that Karl Turner apologise to the House in writing through this Committee for failing to declare relevant interests when tabling parliamentary questions Nos 14001-14005 in October 2015, when participating in debates on Criminal Bar (Public Funding) on 15 September 2010, on the Second Reading of the Legal Aid, Sentencing and Punishment of Offenders Bill on 29 June 2011 and on Legal Aid Reform on 27 June 2013, and when applying for and participating in Adjournment Debates on Legal Aid on 15 March 2012, and on Criminal Legal Aid reforms on 4 September 2013.

The lay members present took a full part in the consideration of this Report. None of them wished to submit an opinion.

²² [Twelfth Report from the Committee on Standards and Privileges \(Session 2010-11\), HC 840](#)

Appendix 1: Complaint against Mr Karl Turner MP

The allegations

1. On 6 November 2015 I received an allegation from Mr Gary Phillips that, when tabling five written Questions (Numbers 14001-14005) about the legal aid duty solicitor procurement process, Mr Turner had failed to declare that his wife is a solicitor. Mr Phillips said Mrs Turner was at that time employed by a firm of solicitors which had tendered, unsuccessfully, in the Humberside legal aid duty solicitor procurement exercise, and that that was a relevant financial interest which Mr Turner should have declared.¹

2. Before I initiate an inquiry, I consider whether there is sufficient evidence to justify an inquiry into whether the named Member may have breached the Code of Conduct. Each of the Written Questions listed appeared in the Questions Book for Tuesday 3 November 2015. No letter [R] (which would indicate that an interest had been registered) appeared after any of these questions. Mr Turner had not declared any relevant interest. I therefore wrote to Mr Turner on 12 November initiating an inquiry.²

3. On 19 November Mr Phillips emailed to me allegations that Mr Turner had not declared his wife's employment in five other debates, where Mr Phillips considered it would have been a relevant interest.³ He cited the following occasions:

- in Westminster Hall on 4 September 2013 when speaking on criminal legal aid.⁴
- in a debate on Legal Aid Reform on 27 June 2013 where Mr Turner disclosed the interest arising from his own practice but not that of his wife.⁵
- in his own adjournment debate on 15 March 2012 on “the effect of the reductions in legal aid on legal aid providers”.⁶
- when speaking during the second reading of the Legal Aid, Sentencing and Punishment of Offenders Bill on 29 June 2011.⁷
- in the Chamber on 15 September 2010 in a debate on criminal legal aid.⁸

4. I notified Mr Turner that I had extended the scope of my inquiry on 23 November.⁹

1 WE 1

2 WE2

3 WE3

4 <http://hansard.parliament.uk/Commons/2013-09-04/debates/13090425000001/CriminalLegalAidReforms#contribution-130904250000400>

5 <http://hansard.parliament.uk/Commons/2013-06-27/debates/13062761000001/LegalAidReform#contribution-13062761000662>

6 <https://hansard.parliament.uk/Commons/2012-03-15/debates/12031556000003/LegalAid#contribution-12031556000978>

7 <http://hansard.parliament.uk/Commons/2011-06-29/debates/11062965000002/LegalAidSentencingAndPunishmentOfOffendersBill#contribution-11062965000732>

8 [http://hansard.parliament.uk/Commons/2010-09-15/debates/10091519000001/CriminalBar\(PublicFunding\)#contribution-10091519000055](http://hansard.parliament.uk/Commons/2010-09-15/debates/10091519000001/CriminalBar(PublicFunding)#contribution-10091519000055)

9 WE5

Relevant rules of the House

5. On 22 May 1974 the House resolved:

“In any debate or proceeding of the House or its Committees or transactions or communications which a Member may have with other Members or with Ministers or servants of the Crown, he shall disclose any relevant pecuniary interest or benefit of whatever nature, whether direct or indirect, that he may have had, may have, or may be expecting to have.”

The relevant Codes of Conduct

6. The 2009 Code of Conduct said at paragraph 12:

“In any activities with, or on behalf of, an organisation with which a Member has a financial relationship, including activities which may not be a matter of public record such as informal meetings and functions, he or she must always bear in mind the need to be open and frank with Ministers, Members and officials.”

7. The Code of Conduct was amended in 2012 and this paragraph was replaced by a more specific requirement set out in paragraph 13:

“Members shall fulfil conscientiously the requirements of the House in respect of 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 of its Committees, and in any communications with Ministers, Members, public officials or public office holders.”

8. The Code of Conduct was amended again in 2015, without change to this paragraph.

The Guides to the Rules relating to the conduct of Members

The Guides accompanying the 2009 and 2012 Codes of Conduct

9. In the introduction to the Guide to the Rules relating to the conduct of Members which accompanied the 2009 and 2012 Codes of Conduct, paragraph 8 explained the purpose of declaration. It said:

“The main purpose of declaration of interest is to ensure that Members of the House and the public are made aware, at the appropriate time when a Member is making a speech in the House or in Committee or participating in any other proceedings of the House, of any past, present or expected future financial interest, direct or indirect, which might reasonably be thought by others to be relevant to those proceedings.”

10. Paragraph 72 of the Guide to the Rules said:

“In 1974 the House replaced a long standing convention with a rule that any relevant financial interest or benefit of whatever nature, whether direct or indirect, should be declared in debate, or other proceeding...”

11. Paragraph 73 said:

“...Members are also required to declare relevant indirect interests, for instance those of a spouse or partner....”

12. Paragraph 74 said:

“It is the responsibility of the Member, having regard to the rules of the House, to judge whether a financial interest is sufficiently relevant to a particular debate, proceeding, meeting or other activity to require a declaration. The basic test of relevance should be the same for declaration as it is for registration of an interest; namely, that a financial interest should be declared if it might reasonably be thought by others to influence the speech, representation or communication in question. A declaration should be brief but should make specific reference to the nature of the Member’s interest.”

13. Paragraph 76 said:

“The House has endorsed the following advice on occasions when such a declaration of interest should be made: ‘no difficulty should arise in any proceeding of the House or its Committees in which the Member has an opportunity to speak. Such proceedings, in addition to debates in the House, include debates in Standing Committees, the presentation of a Public Petition, and meetings of Select Committees at which evidence is heard. On all such occasions the Member will declare his interest at the beginning of his remarks....”

14. Paragraph 77 stated:

“In a debate in the House the Member should declare an interest briefly, usually at the beginning of his or her speech. If the House is dealing with the Committee or Consideration stages of a Bill it will normally be sufficient for the Member to declare a relevant interest when speaking for the first time.”

15. Paragraphs 78 and 79 of the Guide said:

“Under the Resolution of 19 July 1995, Members are required to declare relevant interests on the Order Paper (or Notice Paper) when tabling any written notice initiating a parliamentary proceeding....”

“Whenever such an interest is declared, the symbol “[R]” is printed after the Member’s name on the Notice Paper or Order Paper. The Office accepting the written notice (...) assumes that no interest is declarable unless the notice clearly indicates a declaration: this should be done by inserting “[R]” after the Member’s name on the Motion or Amendment, as the case may be, or filling in the appropriate box which appears on the form for parliamentary Questions.”

16. Paragraph 80 explained that

““Relevant interests” which should be declared include any interest which the Member is required to register in the Register of Members’ Financial Interests, or which the Member should declare in debate....”

17. Paragraph 87 of the Guide said:

“In its application of the 1974 Resolution the House has always recognised that there are certain proceedings where declaration of interest is impracticable; e.g. during oral Questions or when asking a question in response to ministerial statement on a matter of public policy or supplementary to an Urgent Question.... However, Members are advised to declare any relevant interest when such a declaration does not unduly impede the business of the House, for example, in relation to a request for a debate made in response to a Business Question or statement.”

The Guide accompanying the 2015 Code of Conduct

18. In May 2015, a new Guide to the Rules relating to the conduct of Members came into effect. Paragraph 2 of Chapter 2 of the Guide restates the purpose of declaration.

“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 a Member is elected and to almost every aspect of a Member’s parliamentary duties. It includes a broader range of interests than registration.”

19. The specific circumstances in which Members are required to declare any financial interests are set out in paragraphs 4-7 of chapter 2 of the new Guide. As before, Members must declare those interests which satisfy the test of relevance, including past financial interests and indirect financial interests. The test of relevance is, as it was throughout the 2010 Parliament, *“whether those interests might reasonably be thought by others to influence his or her actions or words as a Member.”*

20. Paragraph 6 of the 2015 Guide sets out the circumstances when Members are not required to declare an interest:

“(a) if to do so would unduly impede the business of the House: for example, during oral Questions, when asking supplementary Questions, or when responding to a Ministerial statement; or

(b) when voting, either in the House or in Committee. But a Member who has a relevant registrable interest which has not yet been registered should seek to register it before the vote; or if this is not possible, as soon as possible afterwards: or

(c) if that interest is a benefit available to all Members, such as the parliamentary salary, or expenses met from parliamentary sources or from a scheme for parliamentary expenses; or

(d) if it is a benefit provided by the Member’s own party (unless it is registrable under Category 2: Donations and other support for activities as a Member of Parliament.”

21. Paragraph 7 says:

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

- (a) *in the chamber and in general committees:*
 - (i) when speaking in a debate;
 - (ii) *in the Committee or consideration stage of a Bill...*”
- (b) ...
- (c) ...
- (d) *When tabling any written notice:*
 - ...
 - (ii) *when tabling oral or written Questions.* Members must indicate a relevant interest on the question form....”

22. When a Member tables a written Question and declares an interest, the symbol [R] is normally printed on the relevant Notice Paper or Order Paper.

Summary of events

23. On 12 November 2015 I accepted for inquiry an allegation from Mr Phillips that Mr Turner had failed to declare a relevant interest on 29 October, when tabling a series of written questions relating to legal representation for defendants in criminal proceedings and the legal aid duty solicitor procurement process.¹⁰ The allegation was that Mr Turner’s wife was at that time employed as a solicitor in a firm tendering for the Humberside area contract and Mr Turner should have declared this.¹¹

24. On 17 November Mr Turner commented on Twitter that I had received a complaint from a disgruntled solicitor because he “*didn’t tick interest mention @LeanneTurner on PQ*”. Mr Phillips wrote again to me on 19 November.¹² He referred to media coverage of this matter and reports that Mr Turner’s wife had responded to that tweet, saying; “*If they paid any interest in what you do they would know that you have declared me in every debate and PQ you have done.*” Mr Phillips identified five debates on criminal law and on legal aid reform in which Mr Turner had spoken without declaring his wife’s role as a solicitor. On 23 November I wrote to Mr Turner extending the scope of my investigation to include these instances.¹³

25. Mr Turner telephoned me on 24 November.¹⁴ (He had not at that time received my second letter.) He said that the written questions had been tabled by a member of his staff who had logged onto his (Mr Turner’s) parliamentary account to do this and had omitted

10 WE2

11 WE1

12 WE3

13 WE5

14 WE6

to tick the relevant boxes. He asked whether it was correct that he did not need to register his wife's employment. I agreed that this was correct, but said he did need to *declare* his wife's employment on occasions when it was relevant.

26. The House requires Members to disclose interests in two ways. Members often refer to both as declaration, but the Guide to the Rules makes a distinction between *registration*, which involves placing financial interests on the permanent record, and *declaration*, which involves a much wider range of interests. Members are required to declare any financial interests which satisfy the test of relevance, including past financial interests, indirect financial interests and expected financial interests. Indirect financial interests include "*the financial interests of a spouse or partner, or another family member*" and the relevance test is "*whether those interests might reasonably be thought by others to influence his or her actions or words as a Member.*"

27. On 7 December Mr Turner wrote to me asserting that he was not in breach of the Code of Conduct.¹⁵ I set out his evidence in the section below together with the advice I have received from the Registrar.

Evidence

28. In his letter of 7 December Mr Turner addresses the allegations. He says that:

"Whilst I accept that no declaration was made I do not accept that this was a breach of the 'Code of Conduct' in relation to the requirements of the Register of Members' Financial Interests.

The House's requirements of Members in respect of the declaration of their relevant financial interests are set out in Chapter 2 of the Guide. Paragraph 2 of the Guide explains that

"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 Member is required to declare any interest which satisfies the test of relevance. Paragraph 74 of the Guide goes on to expressly state that the assessment of relevance is a test to be carried out by the Member.

"It is the responsibility of the Member, having regard to the rules of the House, to judge whether a financial interest is sufficiently relevant to a particular debate."

Background

Having accepted the position of Shadow Solicitor General (3 December 2014), and subsequently Shadow Minister for Legal Aid, Courts and Civil Justice (21 September 2015), I gave some thought to whether my wife's employment as a part-time solicitor was relevant and therefore required declaring in the Register of Members' Financial Interests. I concluded that it was not.

My wife is a salaried part time employee of a general practice firm of solicitors; she is not a director or a partner in the firm and does not participate in any political lobbying. I maintain that it does not require formal registration in the same manner as my own previous employment as a solicitor or a self-employed barrister.

In addition to this, when I reviewed the available categories under which Members are required to register their financial interests, there was no clear category under which it appeared relevant to register my wife's part time employment as a financial interest. I considered category 8, 'Miscellaneous', as a possibility. However, having discussed this with the Office of the Registrar I considered my wife's employment did not meet the test of relevance, and did not believe the House would require it, so consequently no declaration was made. This advice was reiterated to me again, subsequent to this instant complaint and is produced at Annex A.

No reasonable person would reasonably believe that, as a salaried part time solicitor, her position would be capable of influencing my words or actions as a Member. Indeed, this has been confirmed to me by Members of the House across political divides including Government Ministers"

29. Mr Turner told me that his wife was a part-time solicitor and a fee paid judge, and that whether her employer's firm was successful in the tender process would not impact upon her employment. He also said:

"You may recall that I called your office on Friday 27 November to discuss the instant complaint. When we spoke, I mentioned to you that it was in fact my staff member that had electronically tabled the five written Questions on my behalf. I accept that ultimately it is the Member that is responsible but my staff member had failed to check with me whether it was necessary to 'tick the box' to declare an interest.

Had my staff Member consulted me I may have instructed him to 'tick the box' as I had nothing to hide but I firmly believe that as no declaration had been made to the Register of Members' Financial Interests it would have been unnecessary."

30. Mr Turner considered each of the contributions to debates saying that his wife's profession was on each occasion irrelevant.

31. On 14 December I wrote to the Registrar enclosing Mr Turner's letter to seek her advice.¹⁶ She responded to me on 21 December.¹⁷ In summary, she explained that:

"The House requires Members to disclose their interests in two ways. They must register certain interests in the Register of Members' Financial Interests. And they must declare relevant interests by disclosing them at the appropriate time in the course of their duties as an MP. Registration always involves placing an interest on the permanent written record, whereas declaration may be oral or in writing, depending on the MP's actions at the time.

¹⁶ WE9

¹⁷ WE10

A Member may need to declare an interest which does not need to be registered. For example, paragraph 73 of the 2009 Guide to the Rules says “Members are ... required to declare relevant indirect interests, for instance those of a spouse or partner...” Members are not however required to register their spouse’s occupation (unless he/she is employed by the Member or by a lobbying firm). Indeed there is nowhere in the Register of Members’ Financial Interests to record this information.

To help a Member to decide whether he or she needs to declare a particular interest, the 2009 Guide to the Rules sets out in paragraph 74 the test of relevance to apply. The test is whether the interest “might reasonably be thought by others to influence the speech, representation or communication in question”. If it might be so considered, the Member should declare the interest, unless an exemption applies. Declaration itself does not imply any wrongdoing, and the requirement to declare is not limited to occasions when a Member has in fact been influenced.”

32. I have set out the details of the Registrar’s response in paragraphs 41-47 below. In summary, the Registrar considered each of the allegations of failure to declare, explaining that if Mr Turner had sought her advice at the relevant times she would have needed to discuss Mr Turner’s wife’s employment with him to ensure she had understood the issues. She said that without that discussion it was hard to say definitively what advice she would have given.

33. In respect of the Questions tabled in Mr Turner’s name, she said “*Assuming that Mrs Turner works for Williamsons, I consider that a member of the public seeing the wording of these questions and the detail requested might reasonably consider Mr Turner to be influenced by his wife’s employment when he drafted them and arranged to table them. And I would therefore have advised Mr Turner, when tabling these questions, to declare an indirect interest in accordance with paragraphs 4(b) and 7(d)(ii) of Chapter 2 of the Guide to the Rules.*” The Registrar made clear that she “*would not wish in any way to suggest that Mr Turner was in fact influenced or prompted to table their questions; as he says, that would be a serious matter.*”

34. The Registrar said that she would probably have advised Mr Turner to declare his wife’s employment or profession during four of the five debates cited, and to have made a more specific declaration about her employment on three of those occasions.

35. On 29 December I wrote to Mr Turner enclosing the Registrar’s response and requesting some further information.¹⁸ He responded to me on 15 January 2016 giving further information concerning the questions I had raised and concluded, “*The decision as to whether to declare a matter as a direct or indirect interest is an objective test of relevance. I gave a great deal of thought to whether my wife’s profession was relevant and concluded that it was not for the reasons as stated in my correspondence of 3 December 2015.*”¹⁹

36. I wrote again to Mr Turner on 28 January 2016, asking for clarification of some inconsistencies between his letter and publicly available information concerning his wife’s employment.²⁰ He telephoned my office on 1 February and expressed his annoyance about my inquiries. He responded formally on 2 February, objecting to my use of information

18 WE11

19 WE12

20 WE13

from *Linked-In* but giving further information about Mrs Turner’s employment history and enclosing documents relating to Mrs Turner’s employment.²¹ In the light of the additional information he gave, I consulted the Registrar for a second time on 4 February, since some of her advice had turned on facts about which I now had more information.²² I also wrote to Mr Turner to tell him this and explain the importance of having “*a clear and as far as possible agreed set of facts on which to base my decision.*”²³ I said that “*This is also important if others are to have confidence in my final report*” and that “*unresolved discrepancies or anomalies have the potential to expose Members to unfair criticism.*” I offered him the opportunity to come and talk to me if he wished to do so.

37. The Registrar responded to me in detail on 11 February (see evidence below).²⁴ She said she had “*considered both whether I would have advised Mr Turner to declare his wife’s employment as a solicitor specialising in criminal law, and whether I would have advised him to disclose specifically that she worked for Williamsons Solicitors.*” In the light of the additional information, she was more definite in her view that she would have advised Mr Turner to declare an interest on the majority, but not all of the occasions under consideration. Her response raised two further queries about Mrs Turner’s employment. I wrote to Mr Turner on 22 February enclosing the Registrar’s advice and seeking the additional information.²⁵

38. Mr Turner responded to me on 7 March clarifying the remaining issues and challenging an assumption in relation to Mrs Turner’s employment with Amber Solicitors.²⁶ He concluded his letter by saying:

“I have given consideration to the Registrar’s advice dated 11 February 2016. Whilst I appreciate her opinion on this matter I must refer you to my letter of 3 December 2016.

*The House’s requirement of Members to declare any interest which, in their **subjective opinion**, satisfied the **test of relevance**. Paragraph 74 of the Guide for Members expressly state that “**the assessment of relevance is a test to be carried out by the Member**”:* [Mr Turner’s emphasis]

“it is the responsibility of the Member, having regard to the rules of the House, to judge whether a financial interest is sufficiently relevant to a particular debate.”

As previously stated, I gave a great deal of thought to whether my wife’s profession was relevant and therefore should have been declared. Following the test as stated in paragraph 74, I concluded that it was not. No reasonable person employed within the legal sector would reasonably have believed that as a salaried solicitor, my wife’s position would have been capable of influencing my work as a Member. Therefore, whilst acknowledging the Registrar’s advice given on the basis of hindsight, I do not concede that a declaration was necessary.

21 WE14, WE15 & WE16

22 WE18

23 WE17

24 WE19

25 WE20

26 WE21

I trust that this is sufficient to conclude your inquiry. However, should you wish to contact me to discuss the matter further please do not hesitate to do so.”

39. I wrote to Mr Turner on 22 March to say that in the light of his letter I would prepare a Memorandum for the Committee on Standards and would share a draft with him before it was submitted.²⁷

Advice from the Registrar

40. I sought advice from the Registrar on two occasions and she responded to me on 21 December 2015 and on 11 February 2016. In my first letter I asked her advice on whether under the Rules of the House in relation to the declaration of interests she considered that Mr Turner should have declared his wife’s employment when he participated in the relevant proceedings and whether he had sought advice from her or her team before those occasions.

41. On 21 December 2015, the Registrar set out the rules of the House (paragraph 31 above).

42. The Registrar told me that she had no record of advising Mr Turner on this matter but added that she might not have recorded a straightforward request for information, when she would merely have referred him to the Guide to the Rules.

43. The Registrar considered each of the allegations, giving reasons for her advice.

44. With regard to the Questions answered on **6 November 2015** she said; *“I consider that a member of the public seeing the wording of these questions and the detail which was requested might reasonably consider Mr Turner to be influenced by his wife’s employment when he drafted them and arranged to table them. I would therefore have advised Mr Turner, when tabling these questions, to declare an indirect interest in accordance with paragraphs 4(b) and 7 (d)(ii) of Chapter 2 of the 2015 Guide to the Rules. His indirect interest was that his wife worked for a firm which had bid unsuccessfully for a contract.”*

45. In relation to the debates of **15 September 2010, 27 June 2013, and 4 September 2013**, she said, *“Mr Turner quotes Mr Waddington of Williamsons If Mrs Turner at that point was employed or retained by Williamsons, or expected to be employed or retained in future, I would have advised Mr Turner to declare her connection with Williamsons and Mr Waddington, either when he first spoke or when he mentioned Mr Waddington. That is because in my view someone else might reasonably have considered it to influence Mr Turner”.*

“For similar reasons, and assuming that Mrs Turner at the time was employed or retained by Williamsons, or expected to be employed or retained in future, I would have advised Mr Turner to declare his wife’s connection with Williamsons and Mr Waddington when he mentioned Mr Waddington as Chair of the Criminal Law Solicitors’ Association in the debate on Legal Aid Reform on 27 June 2013 (Col 522), and in his Westminster Hall debate on Criminal Legal Aid Reforms on 4 September 2013 (Col 78 WH). These declarations could have been made either when he first began to speak or when mentioning Mr Waddington.”

46. The Registrar considered that she would probably have advised Mr Turner to declare his wife's wider interests as a criminal law solicitor on occasions when legal aid was discussed. This advice covers the debate on the **Criminal Bar (Public Funding) on 15 September 2010, the adjournment debate on Legal Aid on 15 March 2012, the debate on Legal Aid Reform on 27 June 2013 and the Westminster Hall debate on Criminal Legal Aid Reform on 4 September 2013.**

47. However, the Registrar considered that she would probably not have advised Mr Turner to declare an interest during the **Second Reading of the Legal Aid, Sentencing and Punishment of Offenders Bill on 29 June 2011.** This was a wider ranging debate. She would have advised declaration if Mr Turner's wife's employer had been one of the solicitors who had contacted him to express concerns.

48. On 4 February, I wrote to the Registrar to ask whether the new information in Mr Turner's letter of 2 February altered her previous advice. She responded on 11 February. The additional information enabled her to be more definite about when she would have advised declaration. She amended her earlier advice as follows:

In relation to the **debates of 15 September 2010, 27 June 2013 and 4 September 2013** she said "*If a Member intends to mention a partner's manager or employer by name in debate, I would normally advise him or her to declare an indirect interest. However, Mrs Turner was not employed by Williamson at any of these times. I therefore consider it unlikely that I would have advised Mr Turner to disclose his wife's connection with the firm.*" Her letter then sets out the reasoning in detail.

49. In the relation to the **Legal Aid Debate of 15 March 2012** she commented that she would, if asked, have advised Mr Turner to declare by way of indirect interest that his wife worked for Max Gold LLP, when he referred to that partnership during his speech.

Statement of facts

50. During my inquiry, I have obtained the following information from Mr Turner.

- Mr Turner is a non-practising barrister.
- Mr Turner's wife, Leanne Turner, was employed as a solicitor practising criminal law by Williamsons until March 2009.
- In eleven of the twelve months prior to Mr Turner's election to the House in May 2010, Mr Turner's wife, Leanne Turner, was employed as a solicitor practising criminal law by Amber Solicitors in Hull. (She left their employment in April 2010.)
- After Mr Turner's election to the House, Mrs Turner took a 'career break'. During that time, she was employed by another Member. During her career break, Mrs Turner's practising certificate was lodged with Max Gold LLP, with whom she had an agreement that she might act as a (criminal law) duty solicitor if needed. (In the event, she was not required to represent clients and received no remuneration from Max Gold LLP.)
- Between June 2011 and October 2013 Mrs Turner was employed by Max Gold LLP on a part-time basis. Initially, she was employed as a criminal defence lawyer.

- Mrs Turner took on the additional role of Head of Compliance when the criminal practice of Max Gold LLP was transferred to Ingrams Solicitors in 2012. (It continued to trade under the brand of Max Gold LLP.)
- Mrs Turner left Ingrams/Max Gold LLP in October 2013.
- Mrs Turner was offered a contract as a solicitor practising in criminal law with Williamsons in late October 2013. She took up that appointment on 6 January 2014 and has continued to practise there since that time.

51. When Mr Turner wrote to me on 7 December 2015 he told me that he had “*never hidden or attempted to hide the fact that [his] wife is a criminal solicitor*” and he provided evidence in the form of social media post to support this. He explained his wife’s judicial role (she is a part-time judge), which he had declared during a Westminster Hall debate on 1 December 2015, and told me about his wife’s current employment (Williamsons). On 15 January 2016 Mr Turner told me that:

- his wife had not been employed by Williamsons in June 2011;
- after his election, his wife had taken a career break and she had not returned to Williamsons until January 2014; and
- between June 2011 and October 2013 she had been Head of Compliance at Max Gold LLP.

52. On 2 February 2016, in response to further questions, Mr Turner told me about the arrangement Mrs Turner had made with Max Gold during her career break. He also explained more about her permanent position at Max Gold LLP. He said that in June 2011 she had taken up a permanent position with Max Gold as “*a criminal defence solicitor and Head of Compliance as I have previously stated.*” With this letter, Mr Turner enclosed a letter from Mr Max Gold, which said Mrs Turner had practised as a criminal defence solicitor with his firm and, after the transfer of the criminal department to Ingrams in 2012, Mrs Turner was given “*the additional role of Head of Compliance*”.

53. Mr Turner tabled five questions about the Legal Aid Duty Solicitor procurement process on 3 November 2015 without making a declaration of interest.

54. Mr Turner did not declare either his wife’s profession or her employment as a solicitor practising criminal law, when he applied for the adjournment debate of 15 March 2012 nor when he applied for a Westminster Hall debate of September 2013. He did not declare either as an indirect interest when participating in the debates listed below:

- a) Criminal Bar (Public Funding) on 15 September 2010;²⁸
- b) Second Reading of the Legal Aid, Sentencing and Punishment of Offenders Bill on 29 June 2011;²⁹

28 <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm100915/halltext/100915h0001.htm#10091519000389>

29 <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110629/debtext/110629-0003.htm#11062965001261>

- c) Adjournment debate on Legal Aid on 15 March 2012;³⁰
- d) Debate on Legal Aid Reform on 27 June 2013;³¹ and
- e) Westminster Hall debate on Criminal Legal Aid Reforms on 4 September 2013.³²

Analysis

55. The Rules relating to registration and declaration of interests are intended to ensure that Members of the House and the public are provided with full information relevant to the Member's participation in proceedings. (Standards and Privileges Committee, 12th Report of 2010–11 Session).³³

56. The House expects Members to register their own financial interests in accordance with the requirements of the Rules and to declare any such interests when they are relevant to proceedings. However, the House's expectations do not end there. Members are also expected to declare past and future interests and also indirect interests, which may include their partner's professional interests or employment status. Any such interests should be declared if relevant when tabling a written notice initiating a parliamentary proceeding and at the beginning of a contribution to House proceedings except in certain specific circumstances.

57. In his first letter to me Mr Turner told me that he had considered registering his wife's employment as a part-time solicitor but could not find a suitable category in the Register of Members' Financial Interests in which to do so. He had then been advised that he did not need to register it. That advice was correct since his wife's employment is not a direct financial interest of his. However, that did not mean that he would never need to declare as an indirect interest either her professional status as a criminal lawyer or her employment with a particular firm of solicitors.

58. At an early stage in our correspondence it became clear that Mr Turner was confusing the requirements for **registration** of Members' financial interests with the wider requirements for the **declaration** of interests when participating in proceedings. For declaration purposes, those interests might well include matters such as his wife's professional status as a criminal lawyer, or her employment with a particular firm.

59. As Mr Turner points out, in his letter of 7 March, each Member must decide whether their interests require declaration on any particular occasion. He says: "*The House's requirement of Members to declare any interest which, in their **subjective opinion**, satisfies the **test of relevance**. Paragraph 74 of the Guide for Members expressly states that **the assessment of relevance is a test to be carried out by the Member.***" Mr Turner is correct in his understanding of the first part of the paragraph. The Guide to the Rules says that "It is the responsibility of the Member, having regard to the rules of the House, to judge whether a financial interest is sufficiently relevant to a particular debate, proceeding,

30 <http://www.publications.parliament.uk/pa/cm201212/cmhansrd/cm120315/debtext/120315-0004.htm#12031556001641>

31 <http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm130627/debtext/130627-0002.htm#13062761001508>

32 <http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm130904/halltext/130904h0001.htm#13090425000264>

33 <http://www.publications.parliament.uk/pa/cm201011/cmselect/cmstnprv/840/84002.htm>

meeting or other activity to require a declaration”.³⁴ But that has never been taken to mean if a Member decides not to declare an interest, that decision is automatically correct and cannot be questioned. The Guide makes clear that the Member must have proper regard to the rules of the House.

60. Mr Turner also does not go on to use the test of relevance set out in the same paragraph, which says: “*The basic test of relevance should be the same for declaration as it is for registration of an interest; namely, that a financial interest should be declared if it might reasonably be thought by others to influence the speech, representation or communication in question.*” Instead, Mr Turner has substituted his own test of relevance which he expresses in his letter as follows:

“... I gave a great deal of thought to whether my wife’s profession was relevant and therefore should have been declared. Following the test stated in paragraph 74 I concluded that it was not. No reasonable person **employed within the legal sector** [my emphasis added] would reasonable have believed that as a salaried solicitor, my wife’s position would have been capable of influencing my words as a Member. Therefore whilst acknowledging the Registrar’s advice given on the basis of hindsight, I do not concede that a declaration was necessary.”

61. The purpose of declaration is specifically to ensure that other Members and the general public are fully informed at the relevant time about possible influences on Members.³⁵ Mr Turner’s formulation of the test of relevance is much narrower and would mean that he would need to declare his interests on fewer occasions. This is a clear misinterpretation. Because of this misinterpretation Mr Turner may not have been clear in his own mind about what the rules of the House required. As a result, when considering disclosure of his interests, he may have been guided not by the rules as formulated by the Committee on Standards and Privileges and as approved by the House, but by a mistaken understanding of those rules.

62. This is not the first time that the House’s requirement for Members to declare indirect financial interests has been considered by the Committee. In their 12th report of 2010–11³⁶ the Committee on Privileges and Standards considered a complaint against Ms Alison Seabeck who was alleged not to have declared a relevant interest of her partner’s. The Committee said then that the obligation to declare was “*clear and unequivocal*”. It emphasised the seriousness of any breach of the rules relating to declaration, which are intended to ensure that Members of the House and the public are provided with full information relevant to a Member’s participation in proceedings. The Committee also expressed the view that failure to observe the rules in this situation risked bringing the House and its Members generally into disrepute.

63. I turn now to a consideration, in the light of the Registrar’s advice of each of the occasions on which Mr Turner is alleged to have failed to declare a relevant interest.

64. **The tabling of 5 written questions (Numbers 14001–14005) in November 2015** about the legal aid duty solicitor procurement process. The relevant boxes were not annotated to show that Mr Turner wished to declare an interest (paragraph 7, chapter 2 of the 2015 Guide to the Rules). His wife was at that time a solicitor specialising in criminal

34 Guide to the Rules relating to the Conduct of Members, 2009, HC 735, paragraph 74

35 Paragraph 8, Introduction to the Guide to the Rules relating to the conduct of Members 2009

36 <http://www.publications.parliament.uk/pa/cm201011/cmselect/cmstnprv/840/84002.htm>

law. Mr Turner initially told me by telephone that the questions had been tabled by a member of his staff who had logged on to Mr Turner's account and that he (Mr Turner) realised this should not have happened. He later withdrew the acknowledgement that he should have declared an interest.

65. I accept the Registrar's advice that Mr Turner should have declared an interest when tabling those questions. Mr Turner sought information about the procurement process to allocate contracts for legal aid solicitors. Mrs Turner was employed by a firm which had bid unsuccessfully for such a contract.

66. **Debates on the Criminal Bar (Public Funding) 15 September 2010** The Registrar has advised that she believes Mr Turner should have declared that his wife was a solicitor specialising in criminal law or that she had been. In light of the information Mr Turner provided on 7 March 2016, it is clear that Mrs Turner had been a practising criminal lawyer within the preceding 12-month period, whether or not she intended at that time to return to a legal post. I believe that someone listening to that debate might reasonably think Mr Turner to be influenced by Mrs Turner's recent employment in the criminal law. In reaching that conclusion I do not suggest that Mr Turner was, in fact, influenced; only that others might reasonably think so and that a declaration was therefore necessary.

67. **Second Reading of the Legal Aid, Sentencing and Punishment of Offenders Bill on 29 June 2011.**³⁷ The Registrar has advised that she would have recommended Mr Turner to declare his wife's role as a solicitor specialising in criminal law during this debate, in which he referred to publicly funded lawyers. I agree with her advice.

68. **Adjournment debate on Legal Aid on 15 March 2012;**³⁸ **Debate on Legal Aid Reform on 27 June 2013;**³⁹ **and Westminster Hall debate on Criminal Legal Aid Reforms on 4 September 2013.**⁴⁰ On the information available to the Registrar she was slightly less certain about the advice she might have given if Mr Turner had sought advice beforehand, but she would have advised Mr Turner to consider declaration. With the knowledge now of exactly what Mr Turner said in that debate, she thinks that he would have been right to declare. Again I agree with this advice. In light of that, I also consider that Mr Turner should have made declarations when applying for his adjournment debate and the Westminster Hall debate.

69. I also asked the Registrar whether Mr Turner should, in addition to declaring his wife's role as a solicitor specialising in criminal law, have declared that she worked for Williamson's solicitors when he mentioned Mr Waddington in debates on 15 June 2010, 27 June 2013 and/or 4 September 2013. Having now established that Mrs Turner was not employed by Williamson's at any of these times, the Registrar would not have advised declaration. She would, however, have advised Mr Turner to declare that his wife was employed by Max Gold LLP when he mentioned Mr Gold in the Legal Aid debate on March 2012. I accept her advice on this.

37 <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110629/debtext/110629-0003.htm#11062965001261>

38 <http://www.publications.parliament.uk/pa/cm201212/cmhansrd/cm120315/debtext/120315-0004.htm#12031556001641>

39 <http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm130627/debtext/130627-0002.htm#13062761001508>

40 <http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm130904/halltext/130904h0001.htm#13090425000264>

70. For ease of reference, I have summarised this analysis in a table below:

PARLIAMENTARY OCCASION	KEY FACTS	MRS TURNER'S PROFESSION RELEVANT AS AN INDIRECT INTEREST?	MRS TURNER'S EMPLOYER RELEVANT?
15.09.10 Debate on Criminal Bar (Public Funding)	Mrs Turner was employed as a criminal lawyer with Amber Solicitors until April 2010. From April 2010 Mrs Turner was employed by another Member.	Yes: because she had practised as a criminal lawyer within previous 12 months	No
29.06.11 Second Reading of LASPO Bill	Mrs Turner was employed by Max Gold as a criminal lawyer on this date	Yes: because she was a practising criminal lawyer	No
15.03.12 Adjournment Debate on Legal Aid	Mrs Turner was employed by Max Gold as a criminal lawyer on this date	Yes: because she was a practising criminal lawyer	Yes: because Mr Turner mentioned Max Gold in the debate
27.06.13 Debate on Legal Aid Reform	Mrs Turner was employed by Max Gold as a criminal lawyer on this date	Yes: because she was a practising criminal lawyer	No
04.09.13 Westminster Hall Debate on Criminal Legal Aid Reforms	Mrs Turner was employed by Max Gold as a criminal lawyer on this date	Yes: because she was a practising criminal lawyer	No
Questions answered on 06.11.15 about legal aid procurement	Mrs Turner was employed by Williamsons as a criminal lawyer since January 2014. Williamsons had bid unsuccessfully for a legal aid contract	Yes: because she was a practising criminal lawyer	Yes: because she worked for a firm which had bid unsuccessfully

In addition to making declarations during the above debates, the rules also required Mr Turner to make declarations when applying for the adjournment debate and the Westminster Hall debate.

Conclusion

71. The number of occasions (six in total) when Mr Turner failed to declare either his wife's profession as a criminal lawyer or her specific employment, and the gradual clarification of his wife's employment history, has made this a complex matter to set out. The evidence shows that Mr Turner has repeatedly failed to declare his wife's profession and/or her employer on occasions when those indirect interests might reasonably be thought by others to influence his actions or words as a Member, in breach of the rules of the House. It is still not entirely clear whether Mr Turner failed on some or all occasions to consider the relevance of his wife's professional status and her employer to the proceedings in question or whether he actively decided not to make a declaration based on an incorrect formulation of the test of relevance. He does not accept the advice of the Registrar nor my explanations of the Rules and it is for this reason that this Memorandum is before the Committee.

72. I do not consider it respectful to the standards system of the House to make public comment about a complainant while an inquiry is in progress. My inquiry might have been concluded considerably sooner if Mr Turner had recognised from the outset that any inconsistency with information already publicly available would require explanation and had he recognised the relevance of all the information I have now obtained about his wife's past and present employment.

73. In my assessment, the number of occasions Mr Turner has breached the rules and the period of time over which those breaches have occurred is a serious matter.

31 May 2016

Kathryn Hudson

Annex 1: Written Questions 14001, 14002, 14003, 14004 and 14005

Written Question Number 14001: To ask the Secretary of State for Justice, how many temporary agency staff were recruited by the Legal Aid Agency to work on the procurement process for crime duty provider contracts; and what proportion of staff assessing the bids for such contracts were external staff.

Written Question Number 14002: To ask the Secretary of State for Justice, what proportion of staff assigned to work on the procurement process for crime duty provider contracts had no previous experience of working on public sector procurement.

Written Question Number 14003: To ask the Secretary of State for Justice, what weighting was given to the (a) disciplinary records of and (b) number of signatures of ongoing complaints against bidders in the procurement process for legal aid duty solicitor contracts.

Written Question Number 14004: To ask the Secretary of State for Justice, what training was provided to the people who assessed bids for legal aid duty solicitor contracts in administering and assessing such contracts.

Written Question Number 14005: To ask the Secretary of State for Justice, what assessment he has made of the efficacy of the procurement process for legal aid duty solicitor contracts; and if he will make a statement.

Appendix 2: Evidence submitted by Karl Turner MP



Karl Turner MP
Member of Parliament for Hull East
House of Commons
London
SW1A 0AA

Ms Lynn Gardner
Clerk of the Committee
Committee on Standards
House of Commons
London
SW1A 0AA

 June 2016

Dear Committee on Standards,

Reference: Committee on Standards, 14th June 2016

I am writing with regards to the case before the Committee on Standards at its meeting on 14th June 2016. I have considered the contents of the Parliamentary Commissioner's memorandum and would be most grateful if this correspondence is submitted to the Committee as written evidence ahead of the meeting.

I have considered the memorandum and reviewed the guidance contained within the Guide to the Rules. Whilst I accept the findings of the Commissioner I would, respectfully, like to comment on the memorandum's analysis and conclusions.

Paragraph 64 at page 18 – Tabling of 5 written questions

On 29th October 2015, in my absence, my Parliamentary Assistant in my Westminster office tabled five questions on my behalf. On this occasion the relevant boxes were not annotated to show a declaration of an interest. However, in light of the Commissioner's memorandum I accept that this should have happened. At that time it was my understanding that the boxes should only have been ticked if there was a related financial interest which had been registered. In future, any staff member with this responsibility will be fully briefed on the Rules and will seek my advice before making a submission.

Paragraph 66 at page 18 – Debates on the Criminal Bar (Public Funding) 15 September 2010

The Commissioner has detailed that, although my wife was not practising law at the time, her employment ought to have been declared as she had held a legal position within the preceding 12-month period. Whilst I accept the Commissioner's finding that my wife's former career ought to have been declared, I believe that the rules regarding former employment are extremely unclear and, therefore, difficult for Members of Parliament to adhere to. In addition to this, my



Paragraph 67 at page 19 – Second Reading of the Legal Aid, Sentencing and Punishment of Offenders Bill, 29 June 2011

Again, whilst I do not dispute the findings of the Commissioner, this question was also by way of an intervention and I believe it to fall under the exception to declaration under Paragraph 6 of the Guide.

Paragraph 71 at page 20 – Conclusion

The Commissioner has found that the complexity of this investigation was exaggerated, in part, due to the 'gradual clarification' of my wife's employment history. I would respectfully disagree that my clarification was gradual in any way. Indeed, I would contend that I assisted the Commissioner's investigation in full and did not withhold information. On each occasion I supplied the history as required. Any confusion or incomplete information was only a result of uncertainty regarding what dates and periods of employment were relevant.

Furthermore, I would like to draw to the Committee's attention the fact that I have, on more than one occasion, assisted the inquiry beyond that which was being asked. On 1st February I arranged for my wife's previous two employers to confirm her employment details in writing. On receipt of the correspondence dated December 2015 I realised that the Commissioner's office had left comments and notes on the letter in error (annex 1). I immediately contacted the Commissioner's office by telephone to bring this to their attention to ensure that the inquiry maintained its transparency and integrity.

Paragraph 72 at page 20 – Conclusion (continued)

The Commissioner has, quite correctly, stated that it was not respectful to the standards system to make public comment about a case while an inquiry is in progress. The Commissioner is referring to a Twitter comment as detailed at paragraph 24 on page 8. Whilst I accept the Commissioner's concerns, I would like to highlight that I immediately accepted her comments in my letter dated 7th December 2015 and made an undertaking not to make further comment.

The Commissioner goes on to intimate that I was slow to recognise that publically available information would require explanation and that this resulted in a delay in concluding the investigation. In the Commissioner's letter of 28th January 2016 she highlighted inconsistencies between the information I had previously provided and that which was published on my wife's Linked-In profile. Whilst I understood that this information would require clarification I was somewhat surprised by the reliance on an out-of-date social media profile that I did not know existed. Nevertheless, I replied immediately, on 2nd February 2016 and did not cause any unnecessary delay. I would also add that the information did not prove to be inconsistent and my wife's employment history was explained in full.

The ambiguous nature of the Rules is clearly highlighted by this case and the fact that the Parliamentary Commissioner has also been obliged to seek the advice of the Registrar of Members' Financial Interests for clarification. At no point have I intentionally attempted to mislead my colleagues or members of the public. Following the commencement of the investigation I spoke with my colleagues Mr Robert Buckland QC MP and Mr Shailesh Vara MP who both



acknowledged that my wife's profession was not a secret. Indeed, this can be compared to the situation of my colleague who is married to a consultant employed within the NHS. Should she have to make a declaration each time she tables a question or interjects regarding the NHS? Having said this, I accept that there is a wider concern regarding public perception and, as such, I accept the findings of the investigation.

May I take this opportunity to thank the Committee for their consideration of this written submission. I look forward to receiving notification of your conclusions in due course.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Karl Turner', written over a horizontal line.

Karl Turner MP
MP for Kingston upon Hull East

Restricted Access: Parliamentary Commissioner for Standards

Mr Karl Turner MP
House of Commons
London
SW1A 0AA

Our ref: PCS 354

December 2015

COMPLAINT FROM MR GARY PHILIPS

When I wrote to you on 9 December, I said that I would be seeking the advice of the Registrar of Members' Financial Interests and that I would send you a copy of her response in due course.

A copy of my letter to the Registrar is enclosed. (She had sight of your letter to me as well as other relevant documents before giving her advice.) This letter is to show you the Registrar's response and to request some more information from you before I reach a view on each of the allegations.

As you can see, the Registrar has told me that she would have advised you, had you sought her advice, to declare your wife's employment as a solicitor, if she was working for Williamsons, when tabling the five Written Questions cited by Mr Philips in his letter of 6 November 2015. (I note that Williamsons' website suggests she has been employed by Williamsons since 2006.)

The Registrar has also told me that she would have advised you to declare your wife's connection with Williamsons on 15 September 2010 and 27 June 2013. She would have advised you to declare your wife's wider interests as a criminal law solicitor when legal aid was discussed: on 15 September 2010; 15 March 2012; 27 June 2013; and 4 September 2013.

The Registrar would also have advised you to declare your wife's employment as an indirect interest when seeking debates. This applies to the adjournment debate on Legal Aid on 15 March 2012 and to the Westminster Hall debate on Criminal Legal Aid Reforms on 4 September 2013. I enclose a copy of Chapter 2 of the 2009 Guide to the the Rules which applied until the 2015 General Election.

The Registrar considers on the basis of the information currently available to her, that the position would have been more finely balanced if you had sought her advice on declaration before the **Second Reading of the Legal Aid, Sentencing and Punishment of Offenders Bill** on 29 June 2011. She would have sought more information from you about that.

Before I consider this further, would you please tell me:

- who drafted the Written Questions cited (numbers 14001- 14005) for your member of staff to submit to the table office;
- whether the person drafting those Written Questions had drawn on evidence and/or suggestions for the questions to be raised from anyone other than yourself, and if so, who that person was/persons were;
- whether or not Williamsons were among those whom you cited on 29 June 2011, as making representations to you, either directly or indirectly;
- whether you declared an interest when applying for the debate on legal aid which took place on 15 March 2012, and when applying for the debate on criminal legal aid reforms which took place on 4 September 2013, and if so in what terms.

Commented [HGJ1]: In these two questions I'm trying to understand the rationale for the questions, which we thought might be geared towards a challenge to the particular procurement exercise

Commented [HGJ2]: Picks up Heather's point

I hope that the answers to the questions above will be sufficient for me to reach a view on how I might resolve this inquiry. I would normally ask for a response within two weeks. I would be grateful if you could provide the information requested by 15 January. If that deadline is difficult, please contact my office as soon as possible.

Kathryn Hudson
Parliamentary Commissioner for Standards

- Enc. My letter to the Registrar of 14 December 2015 (minus enclosures which you have already seen)
The Registrar's letter of 21 December 2015
Copy of chapter 2 on declaration of interests from the 2009 Guide to the Rules

Formal Minutes

Tuesday 28 June 2016

Members present:

Tom Blenkinsop, in the Chair

Sir Paul Beresford	Peter Jinman
Charmaine Burton	Arun Midha
Mr Christopher Chope	Walter Rader
Sharon Darcy	Sir Peter Rubin
Mr Dominic Grieve	Tommy Sheppard

Draft Report (*Karl Turner*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 18 read and agreed to.

The Commissioner's memorandum and written evidence submitted by Karl Turner were appended to the Report.

Resolved, That the Report be the First Report of the Committee to the House.

Written evidence received by the Parliamentary Commissioner for Standards was ordered to be reported to the House for publishing with the Report.

None of the lay members present wished to submit an opinion on the Report (Standing Order No. 149 (9)).

Ordered, That the Chair make the Report to the House.

[Adjourned till Tuesday 19 July at 9.30am]

Published written evidence

The following written evidence was received and can be viewed on the [publications page](#) of the Committee's website.

- 1 Letter from Mr Gary Phillips to the Commissioner, 6 November 2015
- 2 Letter from the Commissioner to Mr Karl Turner MP, 12 November 2015
- 3 Email from Mr Phillips to the Commissioner, 19 November 2015
- 4 Attachment to Mr Phillips' email: Text of a Daily Telegraph article, published on 18 November 2015
- 5 Letter from the Commissioner to Mr Karl Turner MP, 23 November 2015
- 6 Note of Telephone Call from Mr Karl Turner MP to the Commissioner, 24 November 2015
- 7 Letter from Mr Karl Turner MP to the Commissioner, 7 December 2015
- 8 Enclosure A, with letter of 7 December 2015: text of an email from the Registrar of Members' Financial Interests to Mr Karl Turner MP dated 17 November 2015
- 9 Letter from the Commissioner to the Registrar of Members' Financial Interests, 14 December 2015
- 10 Letter from the Registrar of Members' Financial Interests to the Commissioner, 21 December 2015
- 11 Letter from the Commissioner to Mr Karl Turner MP, 29 December 2015
- 12 Letter from Mr Karl Turner MP to the Commissioner, 15 January 2016
- 13 Letter from the Commissioner to Mr Karl Turner MP, 28 January 2016
- 14 Letter from Mr Karl Turner MP to the Commissioner, 2 February 2016
- 15 Enclosure 1 with letter of 2 February 2016: Letter from Mr Gold to the Commissioner, 1 February 2016
- 16 Enclosure 2 with letter of 2 February 2016: Letter from Human Resources Manager, Williamsons, to the Commissioner, 2 February 2016
- 17 Letter from the Commissioner to Mr Karl Turner MP, 4 February 2016
- 18 Letter from the Commissioner to the Registrar, 4 February 2016
- 19 Letter from the Registrar to the Commissioner, 11 February 2016
- 20 Letter from the Commissioner to Mr Karl Turner MP, 22 February 2016
- 21 Letter from Mr Karl Turner MP to the Commissioner, 7 March 2016
- 22 Letter from the Commissioner to Mr Karl Turner MP, 22 March 2016

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

Session 2015–16

First Report	Sir Malcolm Rifkind and Mr Jack Straw	HC 472
Second Report	Mr Geoffrey Cox	HC 803