

Post-publication updates (up to 1/1/18) Chapter 7 – Central government

7.7.5 Individual ministerial responsibility

Private Conduct

During the autumn, the government saw three resignations from the Cabinet. The reasons for all three resignations are relatively complex, but do (at least to some extent) follow past precedents. Each resignation is discussed in turn.

Priti Patel

The resignation of Priti Patel as Secretary of State for International Development revolves around an ill-fated trip to Israel. Ostensibly on holiday, Patel arranged around fourteen meetings with Israeli politicians, businesspeople and lobbyists. This included meeting the Prime Minister of Israel, Benjamin Netanyahu. The Prime Minister did not know about this, and no government officials were present.¹ It also appeared that she lied in a statement which stated that the Foreign Office and the Foreign Secretary were aware of her activities.² Patel resigned before any formal inquiry was necessary, but in her resignation letter she accepted that her 'actions fell below the high standards that are expected of a Secretary of State'.³

Sir Michael Fallon

In the autumn of 2017, several sex scandals engulfed Westminster, affecting all the main political parties. Essentially, there were concerns that MPs were abusing their positions of power by making unwanted advances with sexual overtones towards junior parliamentary staff and journalists. Given the status of MPs within Westminster, those subject to these advances felt that they had no right of recourse.

Within this frenzied atmosphere, the journalist Jane Merrick informed Downing Street that after a lunch in 2003 with Sir Michael Fallon (who had since become the Secretary of State for Defence), he 'lunged' at her.⁴ Andrea Leadsom, Fallon's ministerial colleague, also alleged that he had made lewd remarks to her.⁵ These allegations made Fallon's

¹ Rajeev Syal and Anushka Asthana, 'Priti Patel forced to resign over unofficial meetings with Israelis' *The Guardian*, 8th November 2017 [<https://www.theguardian.com/politics/2017/nov/08/priti-patel-forced-to-resign-over-unofficial-meetings-with-israelis>].

² Gov.uk, 'Statement from International Development Secretary Priti Patel' [<https://www.gov.uk/government/news/statement-from-international-development-secretary-priti-patel>]

³ BBC News, 'Priti Patel quits cabinet over Israel meetings row' *BBC News*, 8th November 2017 [<http://www.bbc.co.uk/news/uk-politics-41923007>]

⁴ Jane Merrick, 'I won't keep my silence: Michael Fallon lunged at me after our lunch' *The Guardian*, 4th November 2017 [<https://www.theguardian.com/politics/commentisfree/2017/nov/04/michael-fallon-lunged-at-me-jane-merrick>].

⁵ Sam Coates, Francis Elliott and Deborah Haynes, 'Fallon denies lewd comment about Leadsom's cold hands' *The Times*, 3rd November 2017. [<https://www.thetimes.co.uk/article/fallon-denies-lewd-comment-about-leadsom-s-cold-hands-gkp3wnzn0>]

position untenable and he resigned, accepting 'that in the past I have fallen below the high standards that we require of the armed forces that I have the honour to represent'.⁶

Damian Green

This is arguably the most complex resignation of the three.⁷

In 2008, when in opposition, the Westminster office of the MP Damian Green was raided by the police as part of an investigation into how government information was being released to the media.⁸ Green's computer in his office at the House of Commons was seized by the police during a raid.

In June 2017, in the aftermath of the General Election, Green was appointed as First Secretary of State (essentially the Prime Minister's deputy) but in autumn of the same year, he was accused of sexual conduct by an activist for the Conservative Party. Kate Maltby wrote an article in *The Times* about a meeting she had with Green, alleging that he offered her 'career advice and in the same breath made it clear he was sexually interested'.⁹ Green denied these allegations.¹⁰

It was at this point that the 2008 raid on Green's office became significant. A police officer who had been involved in analysing the evidence acquired in the raid but had since retired made a public statement that pornography of an extreme nature was found on Green's computer. Green immediately responded by stating that these allegations were entirely false, amounted 'to little more than an unscrupulous character assassination', and said that the police had 'never suggested to me that improper material' had been found.¹¹ A few weeks later, another police officer repeated the claims, stating that thousands of pornographic images were found.¹²

An inquiry led by the Cabinet Office was set up to look into both of these issues. A summary of its report found that Green's response to the allegations, in which he stated that he was not aware of that pornographic material was found on his computer, was 'inaccurate and misleading' because the Metropolitan Police had informed him of their findings on two occasions.¹³ As regards the Kate Maltby allegation, the inquiry found that

⁶ BBC News, 'Sir Michael Fallon resigns, saying his conduct "fell short"' *BBC News*, 1 November 2017 [<http://www.bbc.co.uk/news/uk-politics-41838682>]

⁷ A detailed timeline of events can be found here, Haroon Siddique and Patrick Greenfield, 'Damian Green: the timeline of a how a leak lead to a downfall' *The Guardian*, 20th December 2017 [<https://www.theguardian.com/politics/2017/dec/20/damian-green-and-the-history-of-a-pornography-scandal>]

⁸ The circumstances of the initial raid raised questions about parliamentary privilege. This is discussed in the discussion of parliamentary privilege available in the Online Resources Centre.

⁹ Kate Maltby, 'Damian Green probably has no idea how awkward I felt' *The Times*, 1st November 2007 [<https://www.thetimes.co.uk/article/kate-maltby-damian-green-you-probably-have-no-idea-how-awkward-i-felt-j2kk88frj>].

¹⁰ Henry Zeffman, 'Deputy PM denies sleaze claim as investigation begins' *The Times*, 2nd November 2007 [<https://www.thetimes.co.uk/article/deputy-pm-denies-sleaze-claim-as-investigation-begins-sq50xmdc6>]

¹¹ Damian Green, Statement Released on Twitter (4th November 2007: 10:59pm) [<https://twitter.com/DamianGreen/status/926932035079491584>].

¹² Danny Shaw, 'Damian Green computer porn claims: "Thousands" of images viewed' *BBC News*, 1 December 2007 [<http://www.bbc.co.uk/news/uk-politics-42151148>].

¹³ 'Summary of the Cabinet Secretary's Report on Allegations about Damian Green's Conduct' https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/670198/SUMMARY_OF_THE

although no definitive conclusion can be reached, Maltby's account was 'plausible'.¹⁴ When the report was published, Green was 'asked to resign'.

Ultimately, Green resigned because of his initial response to the pornography allegation. Green's response was such that he did not meet the requirements of the Seven Principles of Public Life, which are incorporated into the *Ministerial Code*. By making false statements in particular, Green failed to meet the need for honesty, which requires that 'holders of public office should be truthful'.¹⁵

Discussion

It is clear that the *Ministerial Code* has become a key test for whether a minister should resign. If a breach of the *Code* can be identified (or, in the case of Patel, is likely to be), then it is difficult to see how a minister can remain in office. An interesting aspect of the Damian Green resignation is the conduct of the investigation. Paragraph 1.3 of the *Code* states the following:

1.3 It is not the role of the Cabinet Secretary or other officials to enforce the Code. If there is an allegation about a breach of the Code, and the Prime Minister, having consulted the Cabinet Secretary feels that it warrants further investigation, he will refer the matter to the independent adviser on Ministers' interests.

With Green, this did not happen. It was the Cabinet Office rather than the independent adviser on ministerial interests (Sir Alex Allen) who conducted the investigation. Simply put, the procedure outlined in the *Code* for dealing with allegations about breaches of the *Code* was not followed. This builds upon questions regarding the office of independent adviser, given that since its creation in 2006, Prime Ministers have been extremely reluctant to refer matters to the person in post.¹⁶

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¹⁴ *ibid.*

¹⁵ *Ministerial Code*, The Seven Principles of Public Life, Annex A.

¹⁶ Michael Everett and Ed Faulkner, 'The Ministerial Code and the Independent Adviser on Ministers' Interests' (House of Commons Library Briefing Paper, No 03750, 12 January 2017) <http://researchbriefings.files.parliament.uk/documents/SN03750/SN03750.pdf>