



10 DOWNING STREET
LONDON SW1A 2AA

THE PRIME MINISTER

21 December 2021

Dear Lord Seidl,

Thank you for your letter of 17 December and for the time you have invested in this matter.

I am reassured that you have concluded that this issue has not changed your original assessment in relation to the Ministerial Code: namely that no conflict, or reasonably perceived conflict, arose as a result of the interests created by the support of Lord Brownlow.

However, you make clear that had you been aware of the exchange of messages, you may have asked further questions and potentially amended some of your conclusions. You also identify a number of processes and other issues which would have helped avoid this situation. I am sorry that the Office of Independent Adviser has been put in this position and can only repeat the humble and sincere apology I gave when we discussed this matter earlier today. While my office has already provided detailed explanations, I offer further my personal thoughts on the specific points below, as you have invited, and have set out concrete steps to ensure that this does not happen in the future.

You appreciate the security issues faced at the time meant that I did not have access to my previous device and did not recall the message exchange. A fuller explanation of the circumstances should have been provided at the time of your investigation. I am sorry we did not do so. You are now, however, in possession of the exchange.

As you note in your letter, Lord Brownlow offered to share with the Cabinet Office the material he was providing to the Electoral Commission. The Cabinet Office considered that it would not be appropriate to receive that material because the Electoral Commission was engaged in a statutory investigation into possible offences under the Political Parties, Elections and Referendums Act 2000, in which the Cabinet Office and Lord Brownlow were both interested parties. It is unacceptable that the Cabinet Office did not at the very least inform you of the position they had taken.

As you know, the Electoral Commission investigation was a formal statutory process, independent of Government, with strict confidentiality restrictions and criminal sanctions for obstruction or non-compliance. The Electoral Commission's Initial Notice to the Conservative and Unionist Party setting out the preliminary conclusions of the investigation, which included a short reference to the exchange, included such confidentiality restrictions. I was briefed in general terms on the overall outcome as Leader of the Party but was not made aware of the detail, and certainly not of the specific point in issue.

There was a short discussion of this Initial Notice to the Conservative and Unionist Party involving a small number of political staff who support me and Conservative Campaign Headquarters. Ideally, they would have explored how best to ensure that you were consulted in some way. This would not have been straightforward given the confidentiality restrictions.

The Government had limited notice of when the report would be published and did not have access to an advance copy. It was therefore difficult to identify this issue quickly on the day. With advance warning and sight of the document, we would have ensured you were briefed immediately the report becoming public.

I very much value your work as my Independent Adviser. The role is critical for the effective government of this country. I want to propose two specific steps that should be put in place immediately to draw a line under these events and to strengthen your Office. First, I have directed the Cabinet Office to provide you with more dedicated support from officials as part of your secretariat. Second, you and your Office should be afforded the highest standards of support and attention when pursuing your work. This will include access to all information you consider necessary and prompt, full answers. Officials will provide a specific proposal in January for you to consider. I would welcome your advice about the best means to effect that, whether by way of Instruction to Ministers, Ministerial Code or clearer legal instrument. I want to have put this in place to your satisfaction by the end of March at the latest.

Finally, there have been a number of reports recommending changes to the wider remit of the Independent Adviser and to the Ministerial Code. I am carefully considering these and would welcome your thoughts on these matters. I suggest that we meet early in the New Year to discuss.

A handwritten signature in blue ink, appearing to be 'The Lord Geidt', written in a cursive style.