



Independent Adviser on Ministers' Interests  
Sir Laurie Magnus CBE

The Prime Minister  
10 Downing Street

4 April 2023

Dear Prime Minister,

## Introduction

1. In February 2022, the then Prime Minister, the Rt Hon Boris Johnson MP, asked my predecessor, Lord Geidt, to establish the facts surrounding conversations between Nusrat Ghani MP and members of the Whips' Office - including the then Chief Whip, the Rt Hon Mark Spencer - following Ms Ghani's departure from government in February 2020. Mr Johnson's request followed allegations, made in a statement by Ms Ghani on 22 January 2022 and reported in the *Sunday Times* the following day.<sup>1</sup> Ms Ghani alleged she had been told that, during a government reshuffle in February 2020, her faith had been raised in negative and discriminatory terms and that this was part of the reason for her losing her ministerial position. The investigation was started by Lord Geidt, but was subsequently delayed following his resignation as Independent Adviser in June 2022.
2. The investigation has been conducted under the Ministerial Code which, in January 2022, stated that, where there is an allegation about a breach of the Ministerial Code, and the Prime Minister, having consulted the Cabinet Secretary, feels that it warrants further investigation, he may refer the matter to the Independent Adviser on Ministers' Interests (paragraph 1.4).<sup>2</sup> Paragraph 1.2 of the Ministerial Code requires Ministers to "be professional in all their dealings and to treat all those with whom they come into contact with consideration and respect. Working relationships, including with civil servants, ministerial and parliamentary colleagues and parliamentary staff should be proper and appropriate. Harassing, bullying, or other inappropriate behaviour wherever it takes place is not consistent with the Ministerial Code and will not be tolerated."

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<sup>1</sup> Ms Ghani's statement of 22 January 2022 said: "I was told that at the reshuffle meeting in Downing Street that 'Muslimness' was raised as an 'issue', that my 'Muslim women minister' status was making colleagues uncomfortable and that there were concerns 'that I wasn't loyal to the party as I didn't do enough to defend the party against Islamophobia allegations'."

<sup>2</sup> In May 2022, an updated version of the Ministerial Code was published which included, among other things, revisions to paragraph 1.4 to explain the role of the Independent Adviser and the circumstances under which the Independent Adviser could initiate investigations themselves. These changes had no bearing on the investigation which at that stage was already underway.

3. I am grateful to Ms Ghani, Mr Spencer and a number of other interviewees, including parliamentarians and individuals working at the time in No.10, the Whips' Office and the Cabinet Office, for their cooperation in this investigation. I am also grateful to my predecessor for the extensive inquiries he conducted.

### **Scope of work**

4. The Independent Adviser's work is concerned with the actions of serving Ministers, within government, and assessing these against the standards expected of Ministers as set out in the Ministerial Code. This may include instances where a Minister has changed role but continues to hold ministerial office, or where they now serve under a different Prime Minister. The Independent Adviser's remit does not include party political matters, nor does it include the Prime Minister's decisions about membership of the government, as this is a prerogative solely for the Prime Minister.
5. The aim of this investigation has been to establish the facts and assess any relevant actions against the principles and provisions of the Ministerial Code. It has looked at three areas in particular:
  - a) The substance of the discussions between Ms Ghani and Mr Spencer, the then Chief Whip, in two meetings in March 2020 and, specifically, Ms Ghani's claims that during these meetings, Mr Spencer reported that her faith had been raised in negative and discriminatory terms during the government reshuffle in February 2020 and this was in part the reason for her losing her ministerial position;
  - b) The evidence to support the suggestion that Ms Ghani's faith was raised in negative and discriminatory terms in the context of discussions about the reshuffle; and
  - c) How, when Ms Ghani subsequently raised concerns about what she understood to have been said in March 2020, these were handled by Ministers.

### **Substance of the two discussions between Ms Ghani and Mr Spencer in March 2020**

6. Despite a review of considerable evidence, it has not been possible to draw a clear picture of what was discussed between Mr Spencer and Ms Ghani during two meetings which both agree took place on 4th and 23rd March 2020. These discussions are central to the allegations made. Ms Ghani and Mr Spencer have differing accounts of these meetings, with different recollections of what was said. Each has provided evidence (including some contemporaneous notes) to support their respective accounts, but given the differing evidence presented to me, I am not able to conclude with sufficient confidence what was or was not said at these two meetings.

## **Evidence to support the suggestion that Ms Ghani's faith was raised by individuals in No.10 during the reshuffle of February 2020**

7. Following the General Election of December 2019, in early 2020 the then Prime Minister considered making changes to his ministerial team. The planning and implementation of a reshuffle is a matter for the Prime Minister, supported by his or her closest political advisers, including the Chief Whip. Closer to the point of making appointments, a small number of civil servants, working for the Cabinet Secretary, also provide support, for example to provide advice on the statutory limits on minister numbers and salaries.
8. My predecessor, Lord Geidt, reviewed diary records and spoke to a number of those involved in planning ministerial appointments in this period. The evidence of the relevant civil servants was that they did not hear any discussion regarding Ms Ghani's faith.
9. Lord Geidt also interviewed a number of the then Prime Minister's political advisers to identify whether there were other meetings to discuss potential changes - either with or without the Prime Minister present - at which the alleged comments were made. All those who were interviewed were clear that they had heard no such comments.

## **Handling of Ms Ghani's concerns**

10. Ms Ghani came away from the two meetings she had with Mr Spencer in March 2020 with serious concerns that negative and discriminatory comments about her faith had been made during conversations around the reshuffle of February 2020. Over the subsequent weeks, Ms Ghani raised her concerns with colleagues and representatives of No.10 and expressed her desire to meet the Prime Minister to discuss the matter. A meeting was arranged for 1st July 2020, with Sir Graham Brady assisting Ms Ghani to secure an appointment with the then Prime Minister. Before this went ahead, Ms Ghani was asked, in the first instance, to meet with the Deputy Chief Whip and the Prime Minister's Parliamentary Private Secretary. This meeting took place on 23rd June 2020.
11. Ahead of the meeting with the then Prime Minister on 1st July 2020, Mr Spencer provided a written briefing to Mr Johnson; he also met with Mr Johnson immediately before the meeting. The information supplied to the then Prime Minister by Mr Spencer at this point omitted to mention the first meeting between Mr Spencer and Ms Ghani on 4th March 2020. As a result, Mr Johnson went into his meeting with Ms Ghani under the impression that the meeting of 4th March 2020 - of which Ms Ghani and Mr Spencer had differing recollections and which was central to the matter under discussion - had not taken place. This was not helpful. Had Mr Spencer's briefing given a clearer picture of the sequence of events in March, the meeting with Mr Johnson could have been better directed towards addressing the substance of Ms Ghani's concerns. Instead, because incomplete information had been provided, Ms Ghani's account was initially questioned and she had to make efforts to demonstrate to the then Prime Minister that the meeting had in fact occurred. This added further difficulty to what Ms Ghani already found to be a stressful meeting as she tried, in

limited time, to explain - to her most senior colleague - her concerns that the views she believed had been relayed to her by Mr Spencer had traction at the centre of government. Mr Spencer has indicated that the omission was an oversight and that he should have taken more care with the information he supplied to Mr Johnson.

12. At the end of the meeting on 1st July 2020, Mr Johnson undertook to look into the matter further. He subsequently wrote to Ms Ghani, expressing his concern at the seriousness of the issues she had raised and advising that, given that seriousness and the fact that the events were disputed, Ms Ghani should raise a complaint via the Conservative Party's complaints procedures. He went on to suggest that, if Ms Ghani chose not to make a complaint, he would nonetheless encourage her to contribute to the investigation into the Party's handling of complaints of alleged discrimination being conducted at that time by Professor Swaran Singh. Ms Ghani responded by letter that she did not consider either process to be appropriate routes to address the matter she had raised.
13. After July 2020, the concerns raised by Ms Ghani remained unresolved. In January 2022, prompted by questions from the media, Ms Ghani released her statement which was reported in the *Sunday Times* on 23rd January 2022. In response to the coverage, Mr Spencer posted a series of tweets during the evening of 22nd January 2022, all at 22.42. The first tweet identified Mr Spencer as the person to whom Ms Ghani was referring in her statement. The second and third tweets made reference to the investigation by Professor Singh (published in May 2021) and stated that his investigation had "concluded that there was no credible basis for the claims" [tweet 2] and "Pto [sic] to be included in the report ..." [tweet 3]. The report published by the Singh Investigation includes no mention of Ms Ghani and Mr Spencer and does not address the concerns covered in this report. Accordingly, the latter two tweets issued by Mr Spencer implied without evidence that the Singh Investigation had considered and dismissed Ms Ghani's concerns.

## **Findings**

### *Finding on the substance of the conversations between Ms Ghani and Mr Spencer*

14. The concerns raised by Ms Ghani - about the way in which she felt her faith had been discussed and the bearing that may have had on her prospects as a Minister - are very serious. I consider it important to place on record that Ms Ghani has been consistent in her conviction that Mr Spencer told her that her faith had been raised in negative and discriminatory terms in the context of discussions about the reshuffle in February 2020.
15. Mr Spencer has shared with me his sense of anguish at the allegation made by Ms Ghani that he relayed remarks to her that were discriminatory. Whilst accepting that he should have asked a witness to attend the meeting with Ms Ghani on 4th March 2020, Mr Spencer has consistently been adamant that he made no comments to Ms Ghani that could have been inferred in this way.

16. Having carefully reviewed the information submitted to this investigation, it is clear that both Ms Ghani and Mr Spencer have firm but very different recollections of their two meetings during March 2020 and both have offered evidence to support their respective accounts. I have concluded, in the light of this conflicting evidence, that it is not possible to determine what transpired in the two meetings, particularly the first meeting on 4th March 2020 which was not independently witnessed.

*Finding on evidence of comments made during reshuffle discussions*

17. I have found no evidence to suggest that negative comments about Ms Ghani's faith were either made or had any resonance in the actual discussions that took place in the lead up to and during the government reshuffle in February 2020. It is not possible to conclude absolutely that such comments were not made, but I have found no evidence of comments of the nature described by Ms Ghani being attributed in her case.

*Finding on the handling of Ms Ghani's concerns by Ministers*

18. I have found that Ms Ghani's concerns were considered at a most senior level in July 2020 when Mr Johnson met her, in his capacity as Leader of the Conservative Party, following which he wrote advising her to make a formal complaint using the Conservative Party's complaints process. However, it took a significant period for Ms Ghani to reach this point. Before this occurred, there was no clear route for Ms Ghani to raise her concerns or to seek pastoral support in drawing attention to such a highly sensitive issue. This situation arose partly because the usual route for recourse and support for an MP experiencing an issue concerning another member of the parliamentary party would be through the Whips' Office. Understandably, Ms Ghani felt that this route was not open to her given the involvement of Mr Spencer, as the Chief Whip, in the concerns she was raising. Ms Ghani has expressed to me how the delay, uncertainty and absence of support in this period left her feeling isolated and powerless.

19. The internal processes of political parties are not a matter for me to consider, but I make the general observation that where issues arise between colleagues, prompt action can be key to achieving early resolution and avoiding the distress caused by protracted disputes. In this case, it is important to note that the matter raised by Ms Ghani coincided with the early period of the pandemic and this may have had a bearing on timing.

20. I consider that there were some shortcomings in the way in which Mr Spencer responded to the concerns raised by Ms Ghani. Mr Spencer acknowledges that his briefing of the Prime Minister ahead of his meeting with Ms Ghani on 1st July 2020 was inaccurate. I have described above, in paragraph 11, the impact of this omission. Given his influential position as the then Chief Whip, and the centrality of the information he had to supply, Mr Spencer should have taken more care when briefing the then Prime Minister. I also consider that Mr Spencer should have taken more care with the statements made on Twitter on 22nd January

2022 which, as set out in paragraph 13, implied without evidence that the Singh Investigation had dismissed Ms Ghani's concerns.

## **Conclusion**

21. The appointment and dismissal of Ministers is a matter solely for the Prime Minister, but others are involved in discussing the consequences of changes in government with the individuals affected. It is inevitably a time of considerable anxiety and stress, with particular disappointment for any who are removed from ministerial office with immediate effect. The first meeting between Ms Ghani and Mr Spencer in March 2020 was, in effect, an informal version of an "exit interview". It was clearly an unsatisfactory experience for Ms Ghani, with the substance of the meeting subsequently disputed by both parties and with no independently witnessed record available. This unhappy outcome, which has resulted in this investigation, might have been unnecessary if this meeting had been more formally structured, with a witness present and with more time allowed.
22. My overall conclusion from this investigation is that what should have been an open and trusting conversation between colleagues instead became a significant disagreement which was escalated to the then Prime Minister and, 18 months later, reported in the media. I do not believe, when considered with the inconclusive evidence from the first two parts of this investigation, that the shortcomings identified in Mr Spencer's response to Ms Ghani's concerns amount to a clear failure to meet the standards set out in the Ministerial Code. However, there are procedural and pastoral lessons to be drawn from this investigation which should be considered by those engaged in handling ministerial appointments and dismissals in future. It is important that all those involved are sensitive to the impact of what they say, consider carefully the content of their messaging, including the manner in which it is delivered, and respond promptly and sympathetically to queries or concerns.
23. You have written in your foreword to the Ministerial Code that your government "will uphold the Principles of Public Life, ensuring integrity, professionalism and accountability at every level". This commitment clearly applies to all those who serve in your government, reflecting your expectation that they should "pull together in the finest tradition of public service". Three years have now elapsed since the meetings which triggered the commissioning of this investigation. Both Ms Ghani and Mr Spencer consider each other to be mistaken in their recollections and both remain aggrieved and personally affected by the impact of this public disagreement. I would hope that, as dedicated public servants and Ministers of the Crown, they will now find a way to move on from these events.

Yours sincerely,



**Sir Laurie Magnus CBE**