



House of Commons  
Committee on Standards

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**Christopher Pincher**

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**Twelfth Report of Session 2022–23**

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

*Ordered by the House of Commons  
to be printed 4 July 2023*

## Committee on Standards

The Committee on Standards is appointed by the House of Commons to oversee the work of the Parliamentary Commissioner for Standards, except in relation to the conduct of individual cases under the Independent Complaints and Grievance Scheme; to examine the arrangements proposed by the Commissioner for the compilation, maintenance and accessibility of the Register of Members' Financial 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.

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# 1 Report

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1. This report arises from a complaint to the Parliamentary Commissioner for Standards that the Rt Hon Christopher Pincher MP had breached paragraph 17 of the 2019 Code of Conduct for Members by his conduct at the Carlton Club on 29 and 30 June 2022.
2. The Commissioner has supplied us with a memorandum relating to these matters. In accordance with our usual practice, and the Procedural Protocol approved by the House,<sup>1</sup> we invited Mr Pincher to submit written evidence to us or request to give oral evidence. Mr Pincher informed us that he did not wish to give oral evidence, but has provided further written evidence. In coming to our decision, we have reviewed this together with all the written evidence relating to the Commissioner's inquiry. In order to protect the confidentiality of those involved, and because of the sensitive and personal nature of the subject matter, we have decided to refer to and quote from this written evidence rather than publish it in full, and, exceptionally, not to publish the Commissioner's memorandum.
3. We are aware that, prior to the publication of our report, there was press coverage purporting to give details of our consideration of this case and the likely outcome. We do not know the source of these reports.
4. We would caution against speculation about the contents of a report or the outcome of an investigation, as this may cause considerable anxiety and distress to a complainant, a Member and their staff.
5. We summarise the background to this case, and the Commissioner's advice, before setting out our decision.

## The Code of Conduct and the ICGS

6. The facts of this case relate to sexual misconduct. Members of the Parliamentary community may make a complaint about bullying, harassment or sexual misconduct by other members of the Parliamentary community (where this takes place on the Parliamentary estate, or elsewhere in connection with Parliamentary activities) to the Independent Complaints and Grievance Scheme (ICGS). We note that the complainant in this case initially made a complaint of sexual misconduct to the ICGS, which did not proceed beyond initial assessment because it was deemed to be outside the remit of the ICGS.
7. The Commissioner has been clear that his investigation, initiated by his predecessor, was not a "substitute ICGS process" but rather an inquiry limited to whether Mr Pincher breached paragraph 17 of the 2019 Code. We have considered this case solely on that basis.

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1 House of Commons, *Procedural Protocol in respect of the Code of Conduct*, February 2023 (HC 1084), paragraph 65

## Background

8. Because we have decided not to publish the Commissioner’s memorandum, we recount the factual basis of the case. Mr Pincher was invited to speak at an event for the Conservative Friends of Cyprus at the Carlton Club on the evening of 29 June 2022. The Carlton Club is a private members’ club in central London, a short distance from the Parliamentary estate.

9. Mr Pincher left the Carlton Club after the event, but later the same evening decided to re-enter the Carlton Club, hoping that the reception was still continuing and the guests were still present.

10. Mr Pincher told the Commissioner that, on re-entering the Carlton Club, he went to the bar area of the Club, saw another Member of Parliament (not one of the witnesses in this investigation) and recalls “feeling hot and saying to someone ‘I’m alright’ or ‘I’ll be alright’ or some words like that”. Mr Pincher does not recall any other details about the evening or how he got home (though he recalls going to work at the normal time the next day).

11. The complainant in this case was an employee in the House of Lords at the time of the incident. He had never met or spoken to Mr Pincher before, but knew some of Mr Pincher’s previous staff members, and recognised Mr Pincher. He told the Commissioner that at around midnight on the evening in question:

- a) Mr Pincher approached him in the bar area of the Carlton Club and grabbed his forearm, holding it for longer than necessary—which made him feel uncomfortable, leading him to remove Mr Pincher’s arm;
- b) Mr Pincher went on to stroke his neck, and that he again removed Mr Pincher’s hand;
- c) After a short interval during which Mr Pincher moved to a different part of the bar area, Mr Pincher returned and squeezed the complainant’s bottom.<sup>2</sup>

12. The complainant describes the incident as having been traumatic and having impacted his wellbeing.

13. A further witness in the Commissioner’s investigation (Witness 3) is a civil servant and a member of the Carlton Club who was present that evening to socialise with his former employer. He had not met Mr Pincher before. He told the Commissioner that:

- a) He was introduced to Mr Pincher, and spoke to him and others in a group, for whom Mr Pincher purchased a round of drinks;
- b) Following a break in the conversation, Mr Pincher moved away from the group, then returned and touched the witness’s bottom before moving his hand to touch and squeeze the witness’s testicles, which lasted for a few seconds;
- c) This was witnessed by other users of the Club;

- d) He immediately texted a friend about Mr Pincher’s behaviour (and provided a copy of the message to the Commissioner).

14. The witness told the Commissioner that this incident affected his health and wellbeing and caused him concern for his future work prospects.

### ***Additional witnesses: Witness 1 and Witness 2***

15. The Commissioner interviewed two further witnesses as part of his investigation (Witness 1 and Witness 2). Witness 1 is a serving Member of Parliament, who had invited the complainant to attend the Carlton Club that evening as his guest. Witness 1 described Mr Pincher as “smashed” on the evening in question. He told the Commissioner he did not see Mr Pincher’s interactions with the complainant, but that at around 11.00 pm, he spoke to another MP who said that someone else present that evening (not the complainant) had reported that they had been groped by Mr Pincher. Witness 1 states that he alerted the Chief Whip’s office to this allegation, and participated in efforts to get Mr Pincher to leave the Carlton Club, describing Mr Pincher as being reluctant to do so. In the early hours of 30 June, he spoke to the complainant, and learnt of Mr Pincher’s alleged conduct towards him. Witness 1 then updated the Chief Whip about this additional allegation. Witness 1 also accompanied the complainant to a meeting with the Government Chief Whip later that same day.

16. Witness 2 is a serving Member of Parliament, who is a member of the Carlton Club and was present that evening to have dinner with a friend. He told the Commissioner that he encountered Mr Pincher that evening and described him as “obviously very drunk”. Witness 2 told the Commissioner that sometime after midnight, he saw Mr Pincher approach a group in the bar area and grope Witness 3. He told the Commissioner he had a clear view of this incident and that it lasted a few seconds. Witness 2 approached Witness 3, whom he recognised as an acquaintance, and offered to raise the matter with the Chief Whip, which he did the following day.

17. The scope of 2019 Code of Conduct for Members is as follows:

The Code applies to Members in all aspects of their public life. It does not seek to regulate what Members do in their purely private and personal lives.

18. Paragraph 17 of the 2019 Code of Conduct for Members states that:

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

### **The Commissioner’s opinion**

19. The Commissioner has stated that he is “satisfied that all the parties interviewed as part of this investigation gave their evidence truthfully and without embellishment”.<sup>3</sup>

20. The Commissioner was unable to interview Mr Pincher but has stated that he is satisfied that he has had a fair opportunity to contribute to the investigation and respond fully to the allegations against him.<sup>4</sup>

21. Mr Pincher claimed in his final submission to the Commissioner that he has not had the opportunity to respond to the allegations made by Witness 3. The Commissioner has noted that the allegations made by Witness 3 relate to the same substantive allegation, namely whether Mr Pincher breached paragraph 17 of the 2019 Code; that Mr Pincher has had access to the statement of Witness 3 since January 2023; and the Commissioner's draft memorandum made clear how he intended to treat the evidence of Witness 3.

22. The Commissioner has stated that "Mr Pincher first attended the Club to speak as a Member of Parliament at a public event, he later returned to the Club in the same capacity in the hope that the reception was continuing and that the event's guests were still in the Club", and has therefore given his opinion that Mr Pincher's conduct was not part of his "purely private and personal life" and was therefore within the scope of the Code of Conduct.

23. The Commissioner has given his opinion as to matters of fact as follows:<sup>5</sup>

- a) The bar area of the Carlton Club that evening was occupied by a mix of Club members and guests including Members of Parliament, individuals working in Parliament, and members of the public.
- b) During the course of his second visit to the Club on 29 and 30 June 2022, Mr Pincher groped two individuals. Mr Pincher touched the first individual (the complainant) on his arm and neck, before groping his bottom. Mr Pincher groped the second person on his bottom and then groped his testicles (Witness 3).
- c) His physical contact with those individuals was unwanted, upsetting, and deeply inappropriate.
- d) Mr Pincher was intoxicated at the time of these events.
- e) His behaviour was witnessed by at least one other user of the Club and likely witnessed by others.

24. As to whether Mr Pincher's behaviour has breached the Code, the Commissioner concluded that "Mr Pincher's conduct on 29 and 30 June 2022 was deeply inappropriate and shameful".<sup>6</sup>

25. The Commissioner further concluded that, in respect of paragraph 17 of the Code:

The damage that has been caused to the reputation and integrity of the House and its Members cannot be described as trivial, unnoteworthy, or not important to address. The damage is significant. It involves behaviour that by any standards was shocking, deeply inappropriate, and adversely impacted two unsuspecting individuals who had no expectation that they

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4 Parliamentary Commissioner for Standards memorandum (not published)

5 Parliamentary Commissioner for Standards memorandum (not published)

6 Parliamentary Commissioner for Standards memorandum (not published)



would be subjected to such behaviour. Further, it was conduct that risks advancing a misplaced public perception that Members of Parliament do not have to abide by normal standards of behaviour and can commit acts of misconduct with impunity.<sup>7</sup>

26. The Commissioner has therefore given his opinion that “the serious and public nature of [Mr Pincher’s] misconduct means that his conduct has caused significant and lasting damage to the reputation and integrity of the House”, breaching paragraph 17 of the 2019 Code.<sup>8</sup>

### Mr Pincher’s position

27. In respect of the facts of the case, Mr Pincher told the Commissioner that he is unable to recall the events in question.<sup>9</sup> In his written submission to us, Mr Pincher also apologised to the parties involved:

I’m conscious of the effect the evening and the coverage must have had on all the parties involved, as well as on my own family. I’m very sorry and apologise to them all, as I did the day I resigned from the Government.<sup>10</sup>

28. Mr Pincher denies, however, that his conduct breached paragraph 17 of the 2019 Code of Conduct for Members. Firstly, Mr Pincher maintains that he was speaking at the Carlton Club event in his capacity as a former Minister, rather than as a Member of Parliament. Mr Pincher also told the Commissioner, but did not repeat in his evidence to us, that he returned to the Carlton Club later in the evening only in his personal capacity (with the implication that his conduct therefore falls outside the scope of the Code).<sup>11</sup>

29. Secondly, Mr Pincher accepts that his conduct has damaged his own reputation and that of the Government. He denies, however, that it has caused significant damage to the reputation of the House, or of its Members generally.<sup>12</sup>

30. Lastly, in his correspondence with the Commissioner and written submission to us, Mr Pincher drew attention to what he describes as “inconsistencies, anomalies and gaps in the evidence” which he argues “don’t present a complete picture”.<sup>13</sup>

## Our decision

### *The facts*

31. By prior agreement with the Parliamentary Commissioner for Standards, we have not been provided with the identities of the four witnesses in this investigation, as their names were redacted in the written evidence bundle provided to us by the Commissioner. We consider that the identities of the individuals in question are not relevant to the credibility of their evidence.

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7 Parliamentary Commissioner for Standards memorandum (not published)

8 Parliamentary Commissioner for Standards memorandum (not published)

9 Parliamentary Commissioner for Standards memorandum (not published)

10 Evidence not reported

11 Evidence not reported

12 Evidence not reported

13 Evidence not reported

## 32. The central part of the complainant's account is as follows:

I don't remember the exact timings but, shortly after entering the bar, maybe around five or ten minutes, Mr Pincher approached me and grabbed my forearm. As Mr Pincher was, in my opinion, clearly incapacitated and had had too much to drink, I assumed he had stumbled and used my arm to catch himself. However, he held my arm longer than I felt was necessary and it felt slightly uncomfortable, so I decided that I needed to remove his hand from my arm. Mr Pincher did not say anything to me either as he approached me or as he held my arm. [ ... ]

After removing his hand from my arm, Mr Pincher went on to stroke the back of my neck. I was shocked by this conduct and quickly removed Mr Pincher's hand from my neck. Because I reacted quickly, I would say that Mr Pincher stroked my neck for no longer than a few seconds. Because I was in an in-depth discussion with [a friend], I tried to ignore Mr Pincher and I also gave him the benefit of doubt because of his drunkenness. I was also conscious of Mr Pincher's position in government, so I did not want to escalate matters further.

Mr Pincher did not say anything to me as he stroked my neck. Neither [a friend] nor I said anything to Mr Pincher at this point. I had never spoken to Mr Pincher before and so there was no reason for him to stroke my neck. This, and his later conduct, led me to believe that his conduct was sexual in nature.

After I removed his hand from my neck, Mr Pincher briefly moved a short distance away; [ ... ] Mr Pincher then returned after a few minutes and, from behind, touched one of my buttocks with his hand. I was facing slightly away from him and felt someone caress or grope my buttock. I turned in shock to see Mr Pincher stood there. I did not know how to react, I just moved away from Mr Pincher to stand in a different part of the bar because I was so shocked at what had just happened. I would describe the touching as lasting a couple of seconds, it was not very hard, it was a gentle squeeze.

[ ... ]

After I left the club, and as we were waiting for taxis, I overheard the end of a conversation between [Witness 1] and [Witness 2] about a different incident involving Mr Pincher. Having caught the end of that conversation, I decided to share with them my interactions with Mr Pincher.<sup>14</sup>

## 33. The complainant also told the Commissioner:

I found the incidents with Mr Pincher to be traumatic and the incidents continue to significantly affect my sleep whenever I have to recount Mr Pincher's behaviour.<sup>15</sup>

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14 Evidence not reported

15 Evidence not reported

34. The central part of Witness 3's account (taken from the transcript of his interview with an ICGS investigator, subsequently provided to the Commissioner) is as follows:

[ICGS investigator]: I appreciate it's not the most pleasant thing to recall, but I just need to understand exactly what it was that he did next. So he's stood with his right shoulder to your left shoulder?

[Witness 3]: Yeah, so if I'm here, [redacted] is directly here. He's sort of here sideways on (indicates where the parties were stood)

[ICGS investigator]: Forming a triangle almost?

[Witness 3]: Yeah, but almost like a flat triangular, with the three of us like that. And at that point he then kind of touches my backside, before moving his hands around, and then he kind of grabbed me at the front of my groin.

[ICGS investigator]: With what hand did he grab you?

[Witness 3]: This is with his right hand.

[ICGS investigator]: So he's around the back of you there, and he's on your buttocks. Is he touching them, squeezing them, describe what he did.

[Witness 3]: He squeezed my arse and then he moved his hand around to the front, then he's moved his hand up. And then that's when it finished.

[ ... ]

[ICGS investigator]: Now, so there's no confusion over what the groin area means, can you just tell me exactly where he touches you?

[Witness 3]: So he brings his hand round, and then he kind of grabs where my testicles are and then kind of squeezed at that point.

[ICGS investigator]: Right. So he's touched your testicles and you felt him squeeze?

[Witness 3]: Yeah.

[ICGS investigator]: How long did that last?

[Witness 3]: A few seconds.

35. Witness 3 also provided the Commissioner with a text message he sent that evening to a friend:<sup>16</sup>

[Witness 3] at 00:39: omg pincher just groped me

[redacted] at 00:39: Oh god horrible

Don't except it

[Witness 3] at 08:01: [Three sad face emojis]

[redacted] at 08:04: You ok?

[Witness 3] at 09:35: Was full on gripe

Im

Okay

36. Witness 3 has stated that:

The incident with Mr Pincher has significantly impacted me. I have become increasingly anxious as a result of the incident, and I am now taking medication to manage my anxiety. I am also fearful about whether this incident will impact my job and future career plans. After the incident, I stopped exercising, which has resulted in my gaining a lot of weight. I have also been subject to rumours about the incident and speculation about my involvement.<sup>17</sup>

37. Witness 2 also claims to have seen the incident that Witness 3 describes. The pertinent parts of Witness 2's account are as follows:

[ ... ] towards the end of the evening, after midnight, I was in the bar, with my back to a window, and I was looking out across the bar area. I stood speaking to two other people, I don't remember who, facing another group of people. That group of people was approximately 9 to 10 feet away from me. Mr Pincher was stood behind that group. I then saw Mr Pincher move forwards and grope one of the members of that group. I saw Mr Pincher's hand move round the person's waist to the very top of his thigh and towards that person's groin. Mr Pincher's hand then remained at the top of that person's thigh for a few seconds. I didn't see where Mr Pincher's other hand was during this incident.

I had a clear line of sight of this incident and my view was unimpeded. By this stage of the evening, I had consumed a couple of glasses of wine with dinner as well as a couple of gin and tonics, however, I would not have said that I was drunk or even tipsy.

I could see that the person touched by Mr Pincher was frozen and I think he was shocked by what had happened. I was also surprised by what I had witnessed. I didn't see what Mr Pincher did, or where he went, after he touched the person, and I didn't see Mr Pincher again that evening. [ ... ]<sup>18</sup>

### ***Analysis of the witness evidence***

38. We have considered, as the Commissioner has, Mr Pincher's representations that there are inconsistencies within the witness accounts about the specific timings (for example, whether the events in question took place around midnight or earlier), and how drunk Mr Pincher was at points in the evening. We agree with the Commissioner that it is possible that Mr Pincher's drunkenness may have varied throughout the evening,

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17 Evidence not reported

18 Evidence not reported

and that, at any rate, the degree of intoxication is not the main point at issue. We would add that individuals' perceptions of others' drunkenness could legitimately vary. We also agree with the Commissioner that the exact timings of the evening are a secondary issue, on which eyewitnesses should not necessarily be expected to be precise, particularly given the passage of time.

39. In relation to other matters that Mr Pincher raises, namely, whether Witness 3 contacted the media (contrary to an assurance given to the ICGS investigator); and whether the complainant has given a different account of events to the Conservative Party, the Commissioner has stated that Mr Pincher has not supplied evidence in support of these claims, but even taken at their highest, they would not affect his conclusions as to whether Mr Pincher's conduct breached paragraph 17 of the Code. We note simply that Mr Pincher has not provided any evidence for these claims, and we therefore cannot take them into account.

40. Mr Pincher has argued that Witness 1's evidence should be discounted as he did not claim to see any of the events in question. The Commissioner has described it as "helpful corroborative hearsay evidence", and stated that even if the account of Witness 1 was discounted, this would not affect his conclusions as to whether Mr Pincher's conduct breached paragraph 17 of the Code.<sup>19</sup>

41. Witness 1 has provided the Commissioner with a copy of the message he sent to the then Government Chief Whip. The relevant excerpts are as follows:

[ ... ] The deputy was beyond drunk; [another MP] initially tried to encourage him to go home (which I supported). Following that, I took the deputy outside and asked him to go home, because I thought he was embarrassing himself. He refused.

What I didn't see, and where I am entirely reliant on other people's testimony, is the deputy's actions whilst I was there. He groped more than one person. [Another MP] saw him grope a civil servant from the office. This is backed up by [Witness 2], who saw the same.

He also groped [the complainant], [redacted] and is willing to speak to you if required.

It was a completely separate incident to the one described previously. But it was still very inappropriate sexual contact.

[ ... ]<sup>20</sup>

42. Despite the contemporaneous evidential material, there appears to be a minor inconsistency between Witness 1's message to the Chief Whip and his statement to the Commissioner. In the message to the Chief Whip, Witness 1 says that he spoke to another MP who saw Mr Pincher grope an individual; in his statement to the Commissioner he says that he was told by another MP that somebody else present had "reported to her that he had been groped by Mr Pincher" (Witness 3 claims, in line with Witness 1's message to the Chief Whip, that this MP confirmed to him that she saw the incident in question).

19 Parliamentary Commissioner for Standards memorandum (not published)

20 Evidence not reported

The Commissioner chose not to seek to interview the MP who is said to have reported this to Witness 1. Without this additional testimony, we place little weight on Witness 1's statement in relation to the allegations made by Witness 3. However, more importantly, Witness 1's evidence supports the credibility of the evidence of the main complainant.

43. We consider that Witness 2's account strongly corroborates Witness 3's account of the second incident.

44. The Commissioner has stated that "all the parties were careful to identify where their recollection was weak or uncertain, either due to the passage of time or, for example, because their view of events was obstructed" and also that "all the parties were careful to distinguish between information that they gathered as hearsay and incidents that they directly observed".<sup>21</sup> We agree.

45. We also note, as the Commissioner does, that Mr Pincher does not recall most of the evening in question, and has not sought to contest the facts in this case, beyond drawing our (and the Commissioner's) attention to apparent inconsistencies in the witness testimony. In essence, Mr Pincher does not deny that the events took place.

**46. Having reviewed all the evidence, including the witness statements and accompanying exhibits (including contemporaneous messages), we conclude that this manifestly meets the evidential test of the balance of probabilities, and that Mr Pincher, whilst present at the Carlton Club on 29 and 30 June, groped the complainant and Witness 3 in the way they have described; and that this behaviour was unwanted, upsetting, and inappropriate.**

### *Scope of the Code*

47. The 2019 Code sets out its scope as follows:

The Code applies to Members in all aspects of their public life. It does not seek to regulate what Members do in their purely private and personal lives.

48. Given this scope, in our view it is irrelevant whether Mr Pincher was invited to speak at the Carlton Club in his capacity as a current member of the Government, a former Minister, or a serving MP. Any of these would form a part of Mr Pincher's "public life", and therefore fall within the scope of the Code.

49. Whether a Member's behaviour falls within the scope of the Code is not, in our view, primarily determined by whether they are in a public or private space at the time, though this may sometimes be relevant. What matters is whether the Member is acting in a public or a purely private capacity.

50. In this case, therefore, the question is whether, when Mr Pincher re-entered the Carlton Club on his way home, he did so in a "purely private and personal" capacity. Mr Pincher told the Commissioner that when he went past the Carlton Club:

[ ... ] on impulse I went in, thinking I could pop back in to see if any of the earlier group were still around. I believe I first went to the room on the ground floor where the earlier reception had taken place to see if it was still going on [ ... ]<sup>22</sup>

51. **We reassert that the Code does ‘not seek to regulate what Members do in their purely private and personal lives’ but Mr Pincher’s participation in the Conservative Friends of Cyprus event was undoubtedly part of his public life. He had been invited to speak as a member of the Government and as a former minister in the Foreign Office. He re-entered the Carlton Club in the hope that he could re-join this same event, or at least interact with the attendees, including other Members of Parliament, parliamentary staff and civil servants. He attended the Carlton Club on the second occasion in that same public—not private and personal—capacity. His conduct therefore falls within the scope of the Code.**

### **Paragraph 17**

52. Paragraph 17 of the 2019 Code of Conduct for Members states that:

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

53. We have found above that Mr Pincher groped the complainant and Witness 3 whilst present at the Carlton Club on the evening in question, and that this was unwanted, inappropriate, and upsetting.

54. Mr Pincher accepts that these events have damaged his own reputation, and that of the Government of which he was a member at the time the events took place. The question for us is whether Mr Pincher’s behaviour caused (or “would cause”—that is, that it is apt to cause) “significant damage to the reputation and integrity” of the House or its Members generally.

55. We have stated previously that the bar for breaching paragraph 17 of the Code is a high one, but we believe that it has been met for four reasons.

56. Firstly, we agree that Mr Pincher’s conduct caused significant damage to the reputation of the Government and to the Prime Minister who appointed him. But this was also an egregious case of sexual misconduct in the presence of several other MPs, two of whom thought the events represented so significant a breach of acceptable behaviour that they raised the matter immediately with the Chief Whip and provided witness statements. It is therefore self-evident that Mr Pincher’s conduct, which led to extensive public commentary in the media regarding the reputation and integrity of all MPs, had a significant negative impact on the reputation of the whole House.

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22 Evidence not reported



57. Secondly, Mr Pincher’s conduct was deeply inappropriate and had a significant impact on the individuals involved. Witness 3 states that “the incident has significantly impacted me. I have become increasingly anxious as a result of the incident”.<sup>23</sup> Witness 2 also stated “I could see the person touched by Mr Pincher was frozen and I think he was shocked by what happened”.<sup>24</sup>

58. A third aspect of Mr Pincher’s conduct is especially grave, however. Sexual misconduct of this nature, by a serving senior Member of the House in such a situation, also involves an abuse of power. Mr Pincher was the Government Deputy Chief Whip at the time and therefore in a position of significant power and authority. We note that Witness 3 states that he was “fearful” about whether the incident would affect his “job and future career plans”.<sup>25</sup> This point was also made by Witness 1 who stated, “I was conscious that this was an unusual situation as although there was a clear right and wrong, there was also a hierarchy in place, and I knew that Mr Pincher was well connected”.<sup>26</sup> Whether Mr Pincher intended to abuse that position of power is immaterial. Objectively, he did.

59. Fourthly, the Commissioner states that Mr Pincher’s conduct would cause damage to the reputation of Members generally, because it “risks advancing a misplaced public perception that Members of Parliament do not have to abide by normal standards of behaviour and can commit acts of misconduct with impunity”.<sup>27</sup> We agree.

**60. Mr Pincher’s conduct was completely inappropriate, profoundly damaging to the individuals concerned, and represented an abuse of power. We therefore agree with the Commissioner that Mr Pincher’s conduct on 29 and 30 June 2022 breached paragraph 17 of the 2019 Code.**

## Recommendation

61. In accordance with our usual practice, we have considered if there are any aggravating or mitigating factors in relation to this breach.

62. We consider the following to be aggravating factors:

- a) Mr Pincher is an experienced Member of the House and was a senior Government Minister and Privy Councillor. As Government Deputy Chief Whip he had responsibility for enforcing party discipline and upholding standards.
- b) Mr Pincher’s behaviour has had a significant impact on the two individuals concerned.
- c) There was more than one instance of this behaviour on the evening in question.
- d) Mr Pincher was, by his own admission, heavily intoxicated at the time the conduct took place.
- e) Mr Pincher’s behaviour represented an abuse of power, as he was in a position of authority.

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23 Evidence not reported

24 Evidence not reported

25 See paragraph 36 above.

26 Evidence not reported

27 Parliamentary Commissioner for Standards memorandum (not published)



63. We consider the following to be mitigating factors:
- a) Mr Pincher has expressed genuine contrition, and in his submission to this Committee has offered an apology to those affected.
  - b) Mr Pincher promptly resigned as a Government Minister and, in doing so, took responsibility for his actions.
  - c) Mr Pincher has cooperated with the Commissioner's investigation.
64. *The breach we are considering is solely whether Mr Pincher has caused significant damage to the reputation and integrity of the House as a whole, or of its Members generally. The perception that MPs can engage in such conduct with impunity does significantly impact public perception of the House and its Members. We therefore recommend that Mr Pincher be suspended from the service of the House for 8 weeks.*

# Formal minutes

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**Tuesday 4 July 2023**

## **Members present**

Sir Chris Bryant, in the Chair

Andy Carter

Alberto Costa

Allan Dorans

Yvonne Fovargue

Sir Francis Habgood

Sir Bernard Jenkin

Dr Michael Maguire

Mehmuda Mian

Dr Rose Marie Parr

Victoria Smith

Dr David Stirling

Sir Charles Walker

Victoria Smith declared that she would take no further part in the inquiry.

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Draft report (*Christopher Pincher*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 64 read and agreed to.

*Resolved*, That the Report be the Twelfth Report of the Committee to the House.

None of the lay members present wished to submit an opinion on the Report (Standing Order No. 149(8)).

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

## **Adjournment**

The Committee adjourned.

# List of Reports from the Committee during the current Parliament

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All publications from the Committee are available on the publications page of the Committee's website.

## Session 2022–23

Number	Title	Reference
1st	New Code of Conduct and Guide to the Rules: promoting appropriate values, attitudes and behaviour in Parliament	HC 227
2nd	Code of Conduct: Procedural Protocol	HC 378
3rd	New Guide to the Rules: final proposals	HC 544
4th	Andrew Bridgen	HC 855
5th	Precautionary exclusion: response to the House of Commons Commission's consultation	HC 1049
6th	Alex Davies-Jones	HC 1048
7th	Rules for the use of House of Commons stationery	HC 1263
8th	All-Party Parliamentary Groups: final proposals	HC 228
9th	Margaret Ferrier	HC 1276
10th	Matt Hancock	HC 1417
11th	Jess Phillips	HC 1439
1st Special	Government Response to the Committee's First, Second and Third Reports	HC 709

## Session 2021–22

Number	Title	Reference
1st	Boris Johnson	HC 549
2nd	Mrs Natalie Elphicke, Sir Roger Gale, Adam Holloway, Bob Stewart, Theresa Villiers	HC 582
3rd	Mr Owen Paterson	HC 797
4th	Review of the Code of Conduct: proposals for consultation	HC 270
5th	Daniel Kawczynski	HC 1036
6th	Review of fairness and natural justice in the House's standards system	HC 1183
7th	All-Party Parliamentary Groups: improving governance and regulation	HC 717

**Session 2019–21**

<b>Number</b>	<b>Title</b>	<b>Reference</b>
1st	Kate Osamor	HC 210
2nd	Stephen Pound	HC 209
3rd	Greg Hands	HC 211
4th	Conor Burns	HC 212
5th	Mr Marcus Fysh	HC 213
6th	Confidentiality in the House's standards system	HC 474
7th	Sanctions in respect of the conduct of Members	HC 241
8th	David Morris	HC 771
9th	Dr Rosena Allin-Khan	HC 904
10th	The House of Commons and the criminal law: protocols between the police and the Parliamentary Commissioner for Standards and the Committee on Standards	HC 883
11th	ICGS investigations: Commons-Lords agreement	HC 988
12th	Sanctions and confidentiality in the House's standards system: revised proposals	HC 1340