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Mr Stephen Doughty MP: Resolution letter

Letter from the Commissioner to the complainant, 20 October 2021

5 I wrote to you on 12 July 2021 to say that I had begun an inquiry into your allegation that Mr Stephen Doughty MP had acted in breach of the House of Commons' Code of Conduct for Members.

I have now completed my inquiry and I am writing to tell you that I have not upheld the allegations.

10 I explain the reasons for my decision in the document appended to this letter. Given the subject matter of this investigation, I have decided it is neither necessary nor proportionate to publish in full the evidence I have gathered. However, I have described it in sufficient detail to make my reasoning clear.

I will publish my decision on the Parliament website, and I will report the outcome to the Committee on Standards in due course.

15 Thank you for bringing this matter to my attention. I confirm that the matter is now closed.

Reasons for my decision

Background

I began this inquiry following a complaint from a member of the public that Mr Doughty had asked him for and obtained the Class C drug diazepam¹. The complainant provided text messages reflecting that Mr Doughty had asked the complainant to supply him with diazepam, and alleged that Mr Doughty had asked him for diazepam on several further occasions. The complainant alleged that Mr Doughty had deliberately "mixed" his casework with requests for diazepam. The complainant further stated he was vulnerable, that Mr Doughty had known this and had groomed him in order to obtain the diazepam.

Based on the information provided by the complainant, it appeared that the complainant had met Mr Doughty in the course of his role as a Member. It also appeared possible that Mr Doughty might have used his status as a Member to obtain the diazepam from the complainant.

15 The Code of Conduct for Members

Paragraph 2 of the Code says,

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.

20 Paragraph 11 of the Code says,

Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

25 Paragraph 17 of the Code says,

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.

¹ Diazepam is described by the NHS as a sleeping tablet prescribed to treat anxiety, insomnia and a variety of other conditions. Diazepam is controlled as a Class C drug under the Misuse of Drugs Act 1971.

My inquiry

I have investigated whether Mr Doughty's conduct amounts to a breach of paragraphs 11 and 17 of the Code of Conduct.

5 I have followed my usual procedures in conducting this inquiry. I informed Mr Doughty that I had begun an inquiry and gave him an opportunity to comment on the allegations. I conducted separate interviews with both Mr Doughty and the complainant and gave them the opportunity to provide me with any evidence they considered relevant to the allegations under investigation.

The evidence obtained during the course of my inquiry

10 The following facts are uncontested:

1. Mr Doughty met the complainant in 2012/13 via the local Labour Party, and they developed a close personal friendship.
2. The complainant subsequently raised a number of constituency issues with Mr Doughty.
- 15 3. Mr Doughty and the complainant met regularly between 2012/13 and early 2020 and corresponded regularly by text message; both socially and in regard to constituency matters.
- 20 4. Mr Doughty asked the complainant to provide him with diazepam on 19 July 2019. Text messages I have seen recorded Mr Doughty asking the complainant if he wanted to come to his house to meet his pet cat. The complainant responded that he would love to. Mr Doughty replied, "*Great :) look forward to introduce her finally x ps (sic) do you have any spare diazepam by any chance? I haven't been able to get to GP and need some for flying next week! x*". The complainant responded, "*Of course 7 ok 5 mg*". To which Mr Doughty replied, "*That would be brill but only if they are spares!!*" It is likely Mr Doughty received the diazepam from the complainant the next day.
- 25 5. The friendship between the complainant and Mr Doughty broke down in 2020.
6. The complainant was cautioned in June 2021, for the supply of class C drugs to Mr Doughty. The police took no action against Mr Doughty, recording there was only evidence to support Mr Doughty receiving diazepam on a single occasion.
- 30

In line with paragraph 2 of the Code, I must assess whether this matter relates to Mr Doughty's "*purely private and personal*" life. I have applied the guidance from the Committee that, "*any allegation of disregard or disrespect for the law cannot be*"
 35 "*purely private and personal*". As is spelled out in the Code of Conduct, Members are

5 *under a duty to uphold the laws made by Parliament.*"² By obtaining diazepam from the complainant, Mr Doughty was complicit in a criminal offence, for which the complainant was later issued a criminal caution. Therefore, I do not consider that Mr Doughty was acting in a purely personal and private capacity when interacting with the complainant.

Mr Doughty has accepted that he asked the complainant for and obtained diazepam on one occasion. The complainant made further allegations which I have tested in order to come to my decision.

10 The complainant alleged that he regularly supplied Mr Doughty with diazepam, at Mr Doughty's request. I have seen no evidence to support this allegation. Mr Doughty denied that he had requested or obtained diazepam from the complainant on any other occasion, which is reflected in the evidence I have seen. I therefore find that Mr Doughty only requested and obtained diazepam from the complainant on one occasion.

15 The complainant has alleged that Mr Doughty built up a friendship with him in order to groom³ him and procure diazepam from him. Mr Doughty denied this allegation.

20 Mr Doughty was aware that the complainant was a vulnerable individual. Whilst Mr Doughty was also going through a very difficult period and was himself suffering from mental health issues at the time of the conduct, he failed to recognise or properly consider the impact his role as a Member had on the dynamic between him and the complainant.

25 I have considered whether Mr Doughty exploited his knowledge of the complainant's vulnerability to obtain the diazepam. The evidence reflects a severe failure of judgement on the part of Mr Doughty, rather than any attempt to deliberately exploit the complainant. Mr Doughty did not demonstrate an appreciation that, by asking the complainant to provide him with diazepam, he was asking him to commit a criminal offence. I have seen nothing to suggest Mr Doughty attempted to exert control on or exploit the complainant. The evidence reflects that Mr Doughty asked the complainant to provide him with diazepam when he was suffering from a period of mental ill-health and nervous about an upcoming long-haul flight. Mr Doughty was concerned he did not have time to get diazepam, which he had been prescribed previously and has been prescribed since, through his GP. Mr Doughty was so distressed that he ended up cancelling the flight and did not need the diazepam.

35 I have found that Mr Doughty asked for and obtained diazepam from the complainant on one occasion under a specific set of circumstances. I do not consider it likely that Mr Doughty would have struck up a six-year friendship with the

² [Keith Vaz - Committee on Standards - House of Commons \(parliament.uk\)](https://www.parliament.uk/committees/standards/committees/keith-vaz)

³ Grooming has a sexual connotation, but nothing in the complainant's account suggested there was any sexual element to his complaint.

complainant in order to procure diazepam (for which he has had regular prescriptions) from the complainant.

I therefore find Mr Doughty did not build up a friendship with the complainant to groom him, or to procure diazepam from him.

- 5 It is clear that Mr Doughty and the complainant had a close personal friendship, and I have considered whether this personal interest was in conflict with the public interest dealing with the complainant's constituency work. The evidence reflects that Mr Doughty, and his office took a great deal of time responding to and dealing with the issues raised by the complainant; and that the complainant's constituency
10 issues were dealt with formally, predominantly by Mr Doughty's office staff.

My decision

I have investigated whether Mr Doughty has breached paragraphs 11 and 17 of the Code of Conduct for Members.

- 15 I have seen no evidence which reveals a conflict between Mr Doughty's personal interest and the public interest. I therefore do not find Mr Doughty has breached paragraph 11.

- I have found that Mr Doughty asked the complainant to supply him with diazepam on one occasion. Mr Doughty has accepted that his actions fell well below the
20 standard of behaviour expected from Members and has apologised profusely for his behaviour (Mr Doughty issued a public statement apologising for his behaviour in May 2021, which I have seen). Mr Doughty has also experienced serious consequences as a result of his actions, including the damage to his reputation that has arisen.

- 25 For a breach of paragraph 17 to occur, the damage needs to impact more widely than solely the Member involved. However damaging these events have been for Mr Doughty personally, I am not persuaded that his actions have caused significant damage to the reputation and integrity of the House as a whole, or of its Members generally. Mr Doughty has learned a very difficult lesson, but his naivety and ill-
30 advised behaviour does not reflect more widely on other Members. I do not therefore uphold the allegation that he acted in breach of paragraph 17 of the Code of Conduct.