

**SUMMARY OF THE DECISION OF THE DIVISIONAL COURT IN
THE QUEEN (ON THE APPLICATION OF FDA) V THE PRIME MINISTER AND
MINISTER OF THE CIVIL SERVICE.**

1. This case concerns the interpretation of paragraph 1.2 of the Ministerial Code, that is, the Code issued by the Prime Minister setting the standards expected of ministers. The background is allegations about the conduct of the Home Secretary towards officials in her department. The Court is not asked to make any judgment about any action on the part of the Home Secretary. The Court has not been provided with the details of the allegations. We, therefore, make no comment on, and express no views about, any of the allegations that have been made.

2. The issue in the case concerns the meaning of the phrase “harassing, bullying or other inappropriate or discriminating behaviour wherever it takes place is not consistent with the Ministerial Code and will not be tolerated” in paragraph 1.2 of the Ministerial Code. First, we find that the proper interpretation of that phrase is a justiciable issue, that is, it is an issue capable of being the subject of judicial determination. Secondly, conduct which is offensive, intimidating, malicious or insulting can fall within the scope of “bullying” in paragraph 1.2 of the Ministerial Code whether or not the person concerned is aware of, or intends to cause, offence or harm. The real question in this case is whether or not the Prime Minister properly interpreted the word “bullying” when dealing with the allegations.

3. The decision on the allegations is contained in a government statement. It is important to read the government statement in full and in context. We have considered the government statement carefully. We have concluded that, read in

full and in context, the statement does not demonstrate that paragraph 1.2 of the Ministerial Code was misinterpreted in the way suggested by the claimant. For that reason, this claim is dismissed.

NOTE

This summary is provided to assist in understanding the Court's decision. It does not form part of the reasons for the decision. The full judgment of the Court is the only authoritative document. Judgments are public documents and are publicly available. *A copy of the judgment in final form as handed down can be made available after 10.30 on 6 December 2021 on request by email to the administrativecourtoffice.listoffice@hmcts.x.gsi.gov.uk*