



House of Commons
Committee on Standards

Independent Complaints and Grievance Policy: Implementation

Second Report of Session 2017–19

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

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Committee on Standards

The Committee on Standards is appointed by the House of Commons to oversee the work of the Parliamentary Commissioner for Standards; 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.

Current membership

[Sir Kevin Barron MP](#) (*Labour, Rother Valley*) (Chair)

[Mrs Tammy Banks](#) (*Lay member*)

[Mrs Jane Burgess](#) (*Lay member*)

[Miss Charmaine Burton](#) (*Lay member*)

[Douglas Chapman MP](#) (*Scottish National Party, Dunfermline and West Fife*)

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[John Stevenson MP](#) (*Conservative, Carlisle*)

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Powers

The constitution and powers of the Committee are set out in Standing Order No.149. In particular, the Committee has power to order the attendance of any Member of Parliament before the Committee and to require that specific documents or records in the possession of a Member relating to its inquiries, or to the inquiries of the Commissioner, be laid before the Committee. The Committee has power to refuse to allow its public proceedings to be broadcast. The Law Officers, if they are Members of Parliament, may attend and take part in the Committee's proceedings, but may not vote.

Publications

Committee reports are published on the Committee's website at www.parliament.uk/standards and in print by Order of the House. Evidence relating to this report is published on the [publications page](#) of the Committee's website.

Committee staff

The current staff of the Committee are Robin James (Clerk), Mems Ayinla (Second Clerk) and Jim Camp (Committee Assistant).

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1 Introduction

1. A cross-party Working Group on an Independent Complaints and Grievance Policy (ICGP) was set up in November 2017 following “recent allegations and accounts in the press about inappropriate behaviour and a culture of bullying and sexual harassment at Westminster”.¹ The group was chaired by the Leader of the House (Rt Hon Andrea Leadsom MP) and contained representatives of the political parties, together with members of the House of Lords, and trade union and staff representatives. The group’s report was published on 8 February 2018.

2. On 28 February 2018 the House by resolution endorsed the recommendations of the Working Group’s report. The House also:

asks the House of Commons Commission to authorise House officials, reporting regularly to a steering group of Members and others, in consultation with the Committee on Standards and the parliamentary Commissioner for Standards, to undertake the work necessary to establish:

- (1) a Behaviour Code for Parliament that covers bullying and harassment, and sexual harassment, and applies to all persons working for or with Parliament, or who are lawfully on the parliamentary estate;
- (2) an independent complaints and grievance scheme to underpin the Code, together with associated policies, appropriate sanctions and the contractual arrangements necessary for delivering the scheme;
- (3) particular procedures to deal with reports of sexual harassment, including the provision of a specialist Independent Sexual Violence Advocate;
- (4) a system of training to support the Code;
- (5) a human resources support service for staff employed by Members of Parliament or jointly by political parties, delivered by a third-party provider, and a handbook for these staff; and to identify any amendments that may be necessary to Standing Orders and the Code of Conduct, for the approval of the House.

3. We have worked with the Steering Group set up under this Resolution, and the appropriate House officials and workstreams, to assist them in developing the details of the new policy. We have focussed on those parts of the new policy which fall directly within our remit, i.e. those relating to complaints against Members, possible changes to the Code of Conduct, and the future role of the Committee and the Parliamentary Commissioner for Standards.

4. We strongly support the extension of the House’s complaints procedures to cover allegations of bullying and harassment, and sexual harassment. We hope that the proposals we have put to the Steering Group will enable new procedures that are independent and impartial to be implemented swiftly and effectively.

1 Report of the Working Group on an Independent Complaints and Grievance Policy, February 2018, para 2

5. This Report sets out those proposals. We have worked hard to form common ground with the Steering Group and we look forward to seeing them reflected in the motions that will shortly be put before the House for its approval.

6. On 11 June the Leader of the House, in her capacity as chair of the Steering Group, wrote to us to pose three questions:

- Whether it will be sufficient to make minor alterations to the Code of Conduct to make it refer to the new Behaviour Code, or whether more extensive amendments will be required?
- How the Committee on Standards could enhance the powers and/or practices of its lay members to give them a meaningful role in Committee decision making?
- Whether the proposed new system of independent investigation and appeals to the PCS, as outlined above, will work in practice?

7. The conclusions we have arrived at in response to these questions are set out in subsequent sections of this Report.

8. There is one significant area where there may be a difference of opinion between ourselves and the Steering Group. That is whether information should be disclosed about the Commissioner's investigations into non-Behaviour Code offences before these are concluded. This would represent a change to the practice agreed to by the House in 2010. We set out the background to this in paragraphs 41 to 43 below. Our recommendation is that the House itself should be invited to take a decision on this matter.

2 Proposed changes to the Code of Conduct

9. The Code of Conduct for Members of Parliament was last revised, following recommendations by our predecessor Committee, in March 2015. It is based on the Seven Principles of Public Life (the ‘Nolan Principles’) formulated by the Committee on Standards in Public Life in 1995, to which everyone holding public office is expected to adhere. It has been the practice of the Committee to review the Code once a Parliament, usually on the basis of a prior review by the Parliamentary Commissioner for Standards.

10. In the 2015–17 Parliament the then Commissioner, Kathryn Hudson, had undertaken a review of the Code and the associated Guide to the Rules. This involved two public consultations as well as taking into account oral evidence sessions and outreach events held by the Committee. The then Commissioner submitted her recommendations for changes to the Code and the Guide to the Committee shortly before the unexpected Dissolution of Parliament in May 2017.

11. The Committee on Standards was re-appointed in October 2017. We immediately resumed the work our predecessors had begun on revising the Code. Kathryn Hudson assisted us in this task until her retirement as Commissioner in December 2017, and her successor, Kathryn Stone, has further assisted us since then. We have temporarily suspended this process in order to prioritise the implementation of the ICGP, which will necessitate specific changes to the Code. We will return to our wider review of the Code shortly. That resumed review will enable us to take into account not only the previous Commissioner’s proposals, but also the recommendations for amendment of the Code by the Committee on Standards in Public Life in their recently published report on MPs’ outside interests.² We shall then report to the House our proposals for further changes to the Code of Conduct.

12. As part of our work on ICGP implementation, we have considered the draft parliamentary Behaviour Code which will shortly be put before the two Houses for approval. We do not here comment on the contents of the Behaviour Code, which has been subject to widespread consultation and decisions by the Steering Group. Our concern has been to consider how the provisions of the Behaviour Code can be made applicable to Members of Parliament, and how it will relate to the existing Code of Conduct.

13. The proposed Behaviour Code consists of seven high-level statements of principle. In this it resembles the ‘Nolan Principles’ incorporated in the existing Code as ‘General Principles of Conduct’. ***We have decided that the Behaviour Code, if approved by the House, should also be incorporated into the Code of Conduct. We propose that this should be done by inviting the House to make two modifications to the Code of Conduct:***

- ***To insert the following new paragraph in Section IV (General Principles of Conduct [which would be renamed “General Principles of Conduct and Behaviour”], following existing paragraph 8):***

2 Committee on Standards in Public Life, *MPs’ Outside Interests*, report published 3 July 2018

Parliamentary Behaviour Code

Members will also be expected to observe the principles set out in the Parliamentary Behaviour Code: respect, professionalism, understanding others' perspectives, courtesy, and acceptance of responsibility.

- ***To add a new Rule in Section V (Rules of Conduct) following existing paragraph 16:***

A Member shall treat his or her staff and all those working for or with Parliament with dignity, courtesy and respect.

14. The above wording of the suggested new Rule is based on that proposed originally by the previous Commissioner as part of her review of the Code of Conduct. The significance of adding the new Rule, in addition to incorporating the principles of the Behaviour Code, is that it will give the Commissioner explicit authority, under paragraph 18 of the existing Code, to investigate alleged breaches of the Rule. This will ensure that Members can be held fully to account under it for any instances of sexual harassment, or bullying and harassment, of their staff or of others working for or with Parliament.

3 Original Working Group/Steering Group proposals

15. The Steering Group suggested to us a process for dealing with complaints of bullying and harassment, and sexual harassment, by Members. This was based on the recommendations in the Working Group's report. This suggested process may be summarised as follows:

Stage 1 (helpline/independent investigation)

Investigation by an independent investigator concluding in a finding based on the civil standards of evidence.

Stage 2 (Parliamentary Commissioner for Standards)

Appeal to the Commissioner for Standards, who will be able to reinvestigate if necessary.

Commissioner imposes appropriate penalty OR if the conduct requires a penalty beyond her powers refers the matter to the Committee on Standards.

The new process would be conducted so far as possible in confidence, without disclosure of any information about individual cases, even in the Commons Chamber. However, where relatively less serious complaints are upheld and are resolved with a penalty imposed by the Commissioner, the details of the investigation will not be published without the victim's consent and that the identity of the victim will not be revealed without their consent.

Stage 3 (Committee on Standards)

Committee on Standards considers the initial investigation report and the Commissioner's report and recommends an appropriate sanction to the House. (It is not an appeal body.)

Stage 4 (the House)

House votes on the sanction on a motion to be taken forthwith.

16. We have given serious consideration to every stage in this suggested process, and have communicated to the Leader of the House and the Steering Group our conclusions, which include some significant revisions to the process. These conclusions are set out in the following sections of this Report.

4 The role of the Commissioner

17. We first considered the initial stages of the new system in relation to the role of the Parliamentary Commissioner for Standards. *We believe that, in order to ensure that investigation processes are robust and consistent, the Commissioner should be involved in oversight of all investigations into Members' conduct under the ICGP, as well as being involved in drawing up the protocols that will govern how those investigations are carried out.*

18. Specifically, we propose that the Commissioner's office would call upon the services of an investigator from the same pool provided for in the overall House contract; investigations would be run along the same lines for Members as for anyone else (the Commissioner having had input into the relevant protocol—see above); there would be an initial assessment and evidence-gathering phase, followed by a full investigation if the Commissioner considered it warranted; and the Commissioner might give instructions to follow particular lines of inquiry. The investigator would update the Commissioner periodically.

19. The Commissioner would be given the power to facilitate an agreed outcome to the complaint if this is possible. Options open to her would include 'rectifications' similar to those she can require under the existing complaints system, but extended to include, for instance, a requirement that a Member undergo training.

20. We believe that the Commissioner's involvement throughout the investigatory process would build upon her existing role in relation to complaints against Members which has been developed over many years, and would draw upon the accumulated expertise of her office. It would avoid the pitfalls and unnecessary duplication that would arise from having two separate investigatory processes, one conducted by contracted investigators without involvement by the Commissioner, and the second by the Commissioner herself in a subsequent 'appeal' role. It would ensure consistency of approach and effective quality control of the process.

21. It will be essential for the public credibility of the new system for the Commissioner both to be independent and be seen to be independent. Independence has always been a requirement of the post, safeguarded by protections such the requirement in Standing Order No. 150 (13) that the Commissioner may only be dismissed following a resolution of the House. The Committee has never sought to direct the Commissioner's decision-making or to instruct her on whether to begin a particular investigation (save as required by existing protocols).

22. The Commissioner is recruited on merit through open and fair competition. The present post-holder, Kathryn Stone, has considerable expertise relevant to the proposed extension of her responsibilities, including a background in child protection and social care, and she has shown independent-mindedness in previous posts including the particularly sensitive posts of Commissioner for Victims and Survivors in Northern Ireland, Commissioner at the Independent Police Complaints Commission, and Chief Legal Ombudsman for England and Wales. She also ran a charity for victims of crime, including sexual offences, for 11 years.

23. We are considering ways in which the Commissioner's operational independence may be strengthened. In particular, we are considering proposals set out in the Commissioner's most recent annual report that two existing provisions which might be held to qualify that independence should be reconsidered. These are the requirements for the Commissioner to consult the Committee before referring a matter to the Metropolitan Police, and before investigating allegations concerning events which occurred more than seven years earlier.³

24. In the Commissioner's annual report she sets out her desire to improve knowledge and awareness of her role, and to raise awareness of the House's standards system more generally.⁴ We are strongly supportive of this aim and will work with the Commissioner to achieve it.

25. We deal with issues relating to anonymity and confidentiality at the initial investigation stage in a separate section below.

³ Parliamentary Commissioner for Standards, *Annual Report 2017–18* (HC 1256), published 26 June 2018, para 56

⁴ *Ibid.*, p 4

5 The role of the Committee

26. *It is desirable, on grounds of fairness and natural justice, for the new system to include provision for ‘appeal’ by each party (the complainant and the subject of complaint). If the Commissioner, as we propose, has oversight of investigations into Members, it follows that she will not be appropriately placed to carry out an ‘appeal’ function. It would be logical for this function to be carried out by the Committee, as it is in relation to existing complaints of breaches of the Code of Conduct.* Cases would be referred by the Commissioner to the Committee only if she was not able to bring them to resolution herself, if they were sufficiently serious to require sanctions which only the Committee or the House could impose, or if either party sought to appeal against her determination of the case.

27. A possible objection to the Committee having an appeal function is that it might be perceived as “MPs marking their own homework”. We understand the force of this objection but consider that it is rebutted by the crucial involvement of independent lay members in the work and decision-making of the Committee. We do not think that the lay members’ role is sufficiently understood. It has developed significantly in recent years and is continuing to develop. We wish to draw attention to the following key points:

- There are now equal numbers of lay and elected members on the Committee, seven in each category. (This is a recent development: prior to 2016 there were 11 elected and only three lay members.)
- The quorum requirement is that at least three lay members as well as three elected members have to be present for the Committee to meet.
- The lay members are recruited through open and fair competition, they come from diverse backgrounds, with good gender balance (four women, three men), and they possess significant external regulatory expertise (having been involved, for instance, in regulating the conduct of the medical profession) as well as other relevant knowledge (e.g. working to prevent sexual harm). Biographical details of the current lay members are set out in an annex to this Report.

Power of lay members

28. Given the significant role of lay members in the work of the Committee, and the crucial importance that their independence will bring to the new complaints and grievance system, not least to public perceptions of the system, we have given consideration to how that role may be strengthened.

29. Since the first proposal that lay members be involved in the parliamentary standards process, there has been a debate about whether they should have full voting rights. At the moment, they do not. One obstacle to conferring full voting rights is a concern that this might open the work of the Committee to challenge in the courts on the grounds that it was not a properly constituted select committee entitled to the protection of Article IX of the Bill of Rights. Without such protection, some argue, there might be a chilling effect on free speech in the Committee even in the absence of actual court proceedings (for instance, if the committee members were to fear that published criticism of the conduct of a Member were to be subject to defamation proceedings). There is disagreement about how real this

risk would be; some commentators have thought it exaggerated. Nonetheless, there would be a risk, and for that reason it has been argued that full voting rights should only be conferred if primary legislation was passed to put the privileged status of Committee on Standards proceedings beyond doubt.⁵

30. The Joint Committee on Parliamentary Privilege considered this matter in its report published in 2013. It did not recommend legislation, arguing that there was no need to extend full voting rights to lay members because of the existing provision, under Standing Order No. 149(8), that any lay member has the right to append a written opinion to a committee report. This, the joint committee argued, showed that “there are procedural rules in place to ensure lay members can play a full part in the House of Commons Committee on Standards”.⁶

31. There the issue of voting rights has rested. As with other select committees—perhaps even more so than with most—the vast majority of decisions taken by the Committee on Standards are made on a basis of consensus following discussion involving all members, and the question of holding formal divisions does not normally arise. However, the events in the Committee on 15 May 2018, when for only the second time in the Committee’s history formal divisions took place, involving elected but not lay members, have strengthened the arguments for the Committee urgently to review the role of the lay members.⁷

32. Our review has identified a weakness in the existing arrangements, viz. that the safeguard in Standing Order No. 149(8), the right to append an opinion, only operates in respect of committee reports. Most formal decision-making in the Committee relate to reports, as these are the vehicle by which it announces its conclusions on individual cases. We assume that when the Standing Order was drafted, no thought was given to the very rare cases of the Committee considering motions on controversial matters which did not relate to a report.

33. We have adopted an interim proposal aimed at remedying this weakness. On 12 June 2018 we passed the following resolution, which came into force with immediate effect:

That before dividing on any motion not related to a draft Report, the Committee should hold an indicative vote of lay and elected members to ascertain the views on the motion of the Committee as a whole and of each member present; that such a vote should be conducted as if it were a formal division; that, as in a formal division, the Chair should not take part in the initial vote but should have a casting vote in the event of a tie; that after holding such a vote the results should be recorded in the Committee’s formal minutes, without question put; and that after holding such a vote the Committee may or may not proceed to a formal division.

34. An ‘indicative vote’ will be conducted in the same way as a formal division; it will enable each lay member to put his or her vote on the record; and there is a requirement to publish the results in the Committee’s formal minutes alongside the results of the formal

5 The arguments are set out in greater detail in Procedure Committee, Sixth Report of Session 2010–12, *Lay membership of the Committee on Standards and Privileges* (HC 1606), paras 38–50.

6 Joint Committee on Parliamentary Privilege, Report of Session 2013–14, *Parliamentary Privilege* (HL Paper 30 / HC 100), para 111

7 The full background to this issue is set out in the statement by the Chair of the Committee published on 16 May 2018 on the Committee’s website.

division. This mechanism will flush out immediately whether the lay members have a different opinion from the elected members, it will inform elected members of the lay members' views, and arguably act as a disincentive in those circumstances to proceeding to a formal division. (Though we wish to emphasise that in our experience the lay and elected members do not operate as separate 'blocs' within the Committee, but very much as a single body of members within which, of course, individual differences of opinion may from time to time arise.)

35. We recommend that the Standing Orders of the House be amended to entrench 'indicative votes' in the rules of the House.

36. We are conscious that this is only an interim measure. A majority of members of the Committee wish to see full voting rights given to lay members. That would put beyond question that the Committee is independent of what might be called the 'parliamentary establishment'. ***We therefore recommend that the Government bring forward primary legislation to guarantee that free speech in the Committee is protected by parliamentary privilege in order to allow the extension of full voting rights to lay members.***

6 The overall process

37. We fully recognise and support the wish of the Steering Group to have one process for all individuals covered by these policies. We believe that what we are recommending reflects this. The starting point for any individual would be the helpline and support mechanisms being put in place. The Parliamentary Commissioner would oversee the investigation of any complaints against Members. The investigation procedures for Members would follow the same protocols as the investigations of other people under the ICGP. The Parliamentary Commissioner would then have full oversight of all complaints against Members ensuring consistency of approach which we believe is important. All parties involved would continue to have access to the support services. The Committee on Standards would then provide an appeal process, in the same way that an employer would be expected to provide an appeal process in relation to such complaints from an employee. This maintains equivalence of treatment for all parties and builds upon the tried and tested role of the Committee on Standards.

7 Anonymity and confidentiality

38. The experience of victims' groups, backed up by academic research, has shown that a lack of confidentiality—or the fear of a loss of confidentiality—deters many people who have experienced bullying, harassment or sexual harassment from coming forward. We agree that this is a powerful argument, and that the new procedures, particularly regarding sexual harassment, will certainly require a greater degree of confidentiality, to protect victims, than exists for complaints relating to financial misbehaviour or abuse of House facilities. However, the Committee does not consider it is feasible to wrap the whole of the new processes in confidentiality from start to finish, both for practical reasons and on grounds of natural justice/possible human rights challenge. Some thoughts on both these subjects are contained in papers submitted to us, which are published with this Report, from the Registrar of Members' Financial Interests and from the Counsel for Domestic Legislation in the Office of Speaker's Counsel.

39. We agree with the comment by the Registrar that:

The real question [...] is not whether information about allegations of harassment, bullying and sexual harassment should be published; but how best to balance the public interest in disclosing some information about such cases with the need, which will vary in each case, to protect sensitive personal information about complainants and victims, who may be vulnerable, and about witnesses and the subjects of complaint.

40. *We wish to see the following provisions apply in respect of confidentiality:*

- *Not every case accepted for investigation will reach the level where a remedy is required; in those cases there will not be any announcement of the investigation.*
- *Even where an investigation takes place and the Commissioner is involved in resolving it, the investigation will not be announced until its conclusion.*
- *At that stage a summary of the facts and findings will be published; in deciding on the contents of this, the Commissioner will pay careful attention to the sensitivities and wishes of the complainant.*
- *In truly exceptional circumstances, the Commissioner may disclose some information before the case has been concluded, either to other agencies, if this is needed in order to protect the interests of vulnerable people, or more generally, if she suspects that a Member is a serial harasser or bully.*
- *We do not believe that the party whips should be supplied with any confidential information relating to an upheld complaint; they will have access to any published information, and should not have privileged access to information that other third parties do not see.*
- *Where cases are serious enough to be referred to the Committee, or if they go to the Committee on appeal, the Committee will publish a report to the House, with the complainant anonymized and subject to any redactions the Committee considers necessary to protect the complainant's privacy.*

41. **We have considered the Steering Group’s proposal that the current practice of publishing on the Commissioner’s website details of all ongoing investigations (i.e. into complaints of breaches of the existing Code of Conduct) should be reconsidered.**

42. **We are not persuaded that a change in practice would be desirable.** The Commissioner’s existing practice was explicitly approved by the House in 2010.⁸ We believe it strikes a good balance between confidentiality and openness, for reasons that were set out in detail in a previous Committee report.⁹ We note that the House’s Resolution of 28 February does not authorize the extension of confidentiality to complaints of breaches of the existing Code of Practice, and that explicit authorisation by the House would therefore be needed to implement this proposal. We do not believe that any gains from extending confidentiality to allegations of matters quite unrelated to bullying, harassment and sexual harassment, matters such as alleged financial misconduct or misuse of House stationery, will outweigh the reputational damage to the House from what would undoubtedly be presented in the media as an attempt by MPs to roll back a key element of openness in the existing system. It was suggested to us that the mere fact of such publication runs the risk of causing irreparable damage to a Member’s reputation or career. Past experience shows, in our view, that this is not necessarily the case, particularly where a complaint is not upheld, or is upheld but categorized as a relatively minor infringement of the rules.

43. Our experience is also that knowledge of complaints often reaches the media through the actions of the complainant or their agents, or through the actions of journalists who have uncovered the wrongdoing, rather than from the Commissioner’s office. The Commissioner announces the start of any investigation on her website; but it is rare for this in itself to arouse significant media interest if the complaint itself had not previously received media coverage.

44. **We do not regard the proposal that the Committee should put before the House motions calling for the expulsion or suspension of a Member, without any supporting detail and without opportunity for debate, as being compatible with natural justice, or likely to command the support of the House. For similar reasons we reject the proposal that the power to impose severe sanctions, such as suspension or expulsion of a Member, should be delegated to the Committee, with no further reference to the House, and with the Committee’s decision and the reasons for it remaining confidential. It is the strong and unanimous view of the Committee that these proposals are unacceptable because they would undermine public confidence in the new system by giving the impression that decisions were being taken by Members in secret, “dodgy deals” were being struck or a Member being judged by a “kangaroo court”. We understand the laudable motives behind these proposals – to protect complainants and ensure the independence of the system – but do not believe they are workable or fair. They would indeed raise a significant prospect of a successful challenge to the House’s procedures at the European Court of Human Rights in Strasbourg.**

45. *We hope, therefore, as an alternative to these original proposals from the Steering Group, that the House will be invited to approve a new system based on the proposals we set out in paragraphs 26, 27, 37 and 40 above, i.e. with the Committee providing the element of appeal in relation to complaints against Members, and the ultimate decision*

8 Votes and Proceedings, 2 December 2010

9 Committee on Standards and Privileges, Sixth Report of Session 2010–12, *Publication of information about complaints against Members* (HC 577), published 4 November 2010

on sanctions in serious cases being taken by the House itself on the basis of a report on the case from the Committee, with the complainant anonymized and subject to any redactions the Committee considers necessary to protect the complainant.

8 Conclusion

46. We believe that we have set out in this Report a pragmatic and robust contribution to creating an independent, fair, trusted and effective system for tackling bullying and harassment, and sexual harassment, by Members of Parliament. We know that further work is under way by the Steering Group and its associated workstreams to work out in more detail how the proposals will be implemented. We have not yet seen the motions which the Leader of the House will shortly be putting before the House relating to the ICGP. However, we believe that there is only one significant area where our view differs from that of the Steering Group, that of publication arrangements in the case of breaches of the existing Code of Conduct (see paragraphs 38 to 43 above). On that issue we hope that a means will be found for the House to be given the opportunity to take a final decision on a motion clearly and explicitly setting out the proposed change to existing practice. Whatever the House's decision, on that and on other matters of ICGP implementation, we will use our best efforts to carry out the will of the House. We very much welcome the vigorous action which has been taken by the Working Group and its successor the Steering Group to ensure that the high standards of personal conduct which we, and we believe the vast majority of our colleagues, expect of all Members of Parliament are demonstrated and supported by an effective framework of guidance, and where necessary investigation and sanction, so that we are each and every one of us held fully accountable for any lapse from those standards. We look forward to helping to implement the new system.

Conclusions and recommendations

Proposed changes to the Code of Conduct

1. *We have decided that the Behaviour Code, if approved by the House, should also be incorporated into the Code of Conduct. We propose that this should be done by inviting the House to make two modifications to the Code of Conduct:*

- *To insert the following new paragraph in Section IV (General Principles of Conduct [which would be renamed “General Principles of Conduct and Behaviour”], following existing paragraph 8):*

Parliamentary Behaviour Code

Members will also be expected to observe the principles set out in the Parliamentary Behaviour Code: respect, professionalism, understanding others’ perspectives, courtesy, and acceptance of responsibility.

- *To add a new Rule in Section V (Rules of Conduct) following existing paragraph 16:*

A Member shall treat his or her staff and all those working for or with Parliament with dignity, courtesy and respect. (Paragraph 13)

The role of the Commissioner

2. *We believe that, in order to ensure that investigation processes are robust and consistent, the Commissioner should be involved in oversight of all investigations into Members’ conduct under the ICGP, as well as being involved in drawing up the protocols that will govern how those investigations are carried out. (Paragraph 17)*

The role of the Committee

3. *It is desirable, on grounds of fairness and natural justice, for the new system to include provision for ‘appeal’ by each party (the complainant and the subject of complaint). If the Commissioner, as we propose, has oversight of investigations into Members, it follows that she will not be appropriately placed to carry out an ‘appeal’ function. It would be logical for this function to be carried out by the Committee, as it is in relation to existing complaints of breaches of the Code of Conduct. (Paragraph 26)*
4. *We recommend that the Standing Orders of the House be amended to entrench ‘indicative votes’ in the rules of the House. (Paragraph 35)*
5. *We recommend that the Government bring forward primary legislation to guarantee that free speech in the Committee is protected by parliamentary privilege in order to allow the extension of full voting rights to lay members. (Paragraph 36)*

Anonymity and confidentiality

6. *We wish to see the following provisions apply in respect of confidentiality:*
 - *Not every case accepted for investigation will reach the level where a remedy is required; in those cases there will not be any announcement of the investigation.*
 - *Even where an investigation takes place and the Commissioner is involved in resolving it, the investigation will not be announced until its conclusion.*
 - *At that stage a summary of the facts and findings will be published; in deciding on the contents of this, the Commissioner will pay careful attention to the sensitivities and wishes of the complainant.*
 - *In truly exceptional circumstances, the Commissioner may disclose some information before the case has been concluded, either to other agencies, if this is needed in order to protect the interests of vulnerable people, or more generally, if she suspects that a Member is a serial harasser or bully.*
 - *We do not believe that the party whips should be supplied with any confidential information relating to an upheld complaint; they will have access to any published information, and should not have privileged access to information that other third parties do not see.*
 - *Where cases are serious enough to be referred to the Committee, or if they go to the Committee on appeal, the Committee will publish a report to the House, with the complainant anonymized and subject to any redactions the Committee considers necessary to protect the complainant's privacy. (Paragraph 40)*
7. We have considered the Steering Group's proposal that the current practice of publishing on the Commissioner's website details of all ongoing investigations (i.e. into complaints of breaches of the existing Code of Conduct) should be reconsidered. (Paragraph 41)
8. We are not persuaded that a change in practice would be desirable. (Paragraph 42)
9. We do not regard the proposal that the Committee should put before the House motions calling for the expulsion or suspension of a Member, without any supporting detail and without opportunity for debate, as being compatible with natural justice, or likely to command the support of the House. For similar reasons we reject the proposal that the power to impose severe sanctions, such as suspension or expulsion of a Member, should be delegated to the Committee, with no further reference to the House, and with the Committee's decision and the reasons for it remaining confidential. It is the strong and unanimous view of the Committee that these proposals are unacceptable because they would undermine public confidence in the new system by giving the impression that decisions were being taken by Members in secret, "dodgy deals" were being struck or a Member being judged by a "kangaroo court". We understand the laudable motives behind these proposals – to protect complainants and ensure the independence of the system – but do not believe they are workable or fair. They would indeed raise a significant prospect of a successful challenge to the House's procedures at the European Court of Human Rights in Strasbourg. (Paragraph 44)

10. *We hope, therefore, as an alternative to these original proposals from the Steering Group, that the House will be invited to approve a new system based on the proposals we set out in paragraphs 26, 27, 37 and 40 above, i.e. with the Committee providing the element of appeal in relation to complaints against Members, and the ultimate decision on sanctions in serious cases being taken by the House itself on the basis of a report on the case from the Committee, with the complainant anonymized and subject to any redactions the Committee considers necessary to protect the complainant. (Paragraph 45)*

Conclusion

11. We believe that we have set out in this Report a pragmatic and robust contribution to creating an independent, fair, trusted and effective system for tackling bullying and harassment, and sexual harassment, by Members of Parliament. We know that further work is under way by the Steering Group and its associated workstreams to work out in more detail how the proposals will be implemented. We have not yet seen the motions which the Leader of the House will shortly be putting before the House relating to the ICGP. However, we believe that there is only one significant area where our view differs from that of the Steering Group, that of publication arrangements in the case of breaches of the existing Code of Conduct (see paragraphs 38 to 43 above). On that issue we hope that a means will be found for the House to be given the opportunity to take a final decision on a motion clearly and explicitly setting out the proposed change to existing practice. Whatever the House's decision, on that and on other matters of ICGP implementation, we will use our best efforts to carry out the will of the House. We very much welcome the vigorous action which has been taken by the Working Group and its successor the Steering Group to ensure that the high standards of personal conduct which we, and we believe the vast majority of our colleagues, expect of all Members of Parliament are demonstrated and supported by an effective framework of guidance, and where necessary investigation and sanction, so that we are each and every one of us held fully accountable for any lapse from those standards. We look forward to helping to implement the new system. (Paragraph 46)

Annex: Committee on Standards Lay Members 2018

<p>Mrs Tammy Banks</p> 	<p>Tammy Banks is currently CEO of Re:shape and Director of Taye Training.</p> <p>Re:shape is a sexual harm awareness, prevention and education charity. Re:shape delivers a variety of community-led interventions to prevent sexual harm. Championing the importance of true awareness, recognition, rehabilitation and zero tolerance. Re:shape also offers tailored support to organisations to respond ethically & effectively to sexual misconduct and harassment www.re-shape.org.uk</p> <p>Taye training is a specialist training company. Taye offers a tailored approach to all aspects of safeguarding. Specialising in culture change and emotional learning. www.tayetraining.org.uk</p> <p>Tammy has long history of studying and working with complex groups. Tammy's previous roles include Committee Member of the National Institute of Clinical Excellence; Regional Safeguarding Manager at Children England/NSPCC and Homeless Services Manager, Local Authority.</p> <p>Academically, Tammy holds a BSc (hons) Psychology, and an MSc in Leadership and Management.</p> <p>Tammy's personal history, academic achievements and work experience have driven her to champion the importance of effective, achievable solutions to prevent abuse.</p>
<p>Mrs Jane Burgess</p> 	<p>Jane Burgess is a Commissioner for the Civil Service Commission, safeguarding and providing assurance that recruitment to senior Civil Service roles is on merit on the basis of fair and open competition. She is also an ordinary member of the Competition Appeal Tribunal, being a panel member in appeals that hear and decide cases involving competition or economic regulatory issues.</p> <p>Her executive career has been predominately with the John Lewis Partnership from which she retired in May 2018. Her last position was Partners' Counsellor, which was a main Board appointment. Acting as an internal independent director, her key responsibilities were to ensure the Partnership was true to its principles and treated Partners (the description of employees as co-owners of their business) with humanity.</p>

<p>Miss Charmaine Burton</p> 	<p>Charmaine Burton is passionate about her home city of Birmingham with its culturally rich and diverse communities. She is an advocate for encouraging citizens to engage with their local and national institutions. She is a social entrepreneur with her own Consultancy Positive Partnerships Live, a communications specialist and a political broadcaster.</p> <p>Charmaine is the executive producer and presenter of her own political, social, economic and cultural affairs radio show DifferentAnglez on Birmingham’s first black licensed African Caribbean community radio station.</p> <p>Charmaine has worked with West Midlands Police and Crime Commissioner’s office, Birmingham South Central Clinical Commissioning group, Aston University, Mayfield School, and for young people with disabilities, to name a few.</p> <p>She has a degree in BSc Society and Government from Aston University, in addition to being trained as a Parliamentary outreach programme facilitator, and a high-risk mediator working with gang members.</p> <p>Charmaine has accumulated a range of experience that has raised awareness on local, national and international political issues and presents this directly to her community in the West Midlands and Birmingham region.</p>
<p>Mrs Rita Dexter</p> 	<p>Rita Dexter worked at Chief Executive and Deputy Chief Executive level in local and regional government. Until 2015 she was the first non-operational Deputy Commissioner of London Fire Brigade.</p> <p>She has been a board member of the Society of Local Authority Chief Executives and of its associated commercial and charitable companies.</p> <p>In the early and mid-1990s Rita was Chair of the West Midlands Committee of The Prince’s Trust and for three years a member of the Board nationally.</p> <p>Rita was also instrumental in Government work to establish Holocaust Memorial Day and in the organisation of the first national and local ceremonies.</p> <p>Rita was awarded the OBE in 2013 for services to local government and the fire brigade.</p>

<p>Dr Arun Midha</p> 	<p>Arun Midha has built a portfolio of non-executive and lay member roles in the fields of regulation, professional conduct, standards and governance. He has been a lay member, General Medical Council and a lay Screener assessing complaints against Doctors. He is currently a lay member of the professional conduct committee, Bar Standard Board and a case examiner assessing conduct matters for the Royal College of Veterinary Surgeons. He is chair of retrospective continuing healthcare reviews in Wales; a lay member of the General Pharmaceutical Council; and a member of Qualifications Wales.</p>
<p>Sir Peter Rubin</p> 	<p>Sir Peter Rubin is a doctor and was Chair of the General Medical Council from 2009 to 2014, during which time the GMC introduced revalidation, the process by which all doctors show that they are up to date and fit to practise. He has chaired, or been a member of, several high-profile organisations, made numerous appearances before Parliamentary committees (Health; Banking; Standards; Europe) and engaged with Ministers in all parts of the UK. He was Professor of Therapeutics at the University of Nottingham and Dean of the Nottingham Medical School.</p> <p>He has had a major involvement in medical education and chaired the GMC Education Committee and the Postgraduate Medical Education and Training Board, overseeing major reviews and modernisation of undergraduate and postgraduate education and training.</p> <p>Apart from the Committee, Peter is also Chair of the Board for Academic Medicine in Scotland.</p>

<p>Mr Paul Thorogood</p> 	<p>Chief Executive Officer, The Football Foundation, since 2006</p> <p>Trustee, The Chartered Institute of Procurement and Supply Foundation, since 2013</p> <p>Fellow, The Chartered Institute of Procurement and Supply, since 2013</p> <p>Judging Panel Member – The Football Business Awards, since 2012</p> <p>Previous roles include:</p> <p>Royal Air Force (Group Captain) - 1975–2006</p> <p>Trustee, Global Board of The Chartered Institute of Procurement and Supply - 2013–2016</p> <p>Director, The Sport and Recreation Alliance - 2012–2014</p>
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Formal Minutes

Tuesday 10 July 2018

Members present:

Sir Kevin Barron, in the Chair

Tammy Banks	Arun Midha
Jane Burgess	Bridget Phillipson
Charmaine Burton	Sir Peter Rubin
Douglas Chapman	John Stevenson
Rita Dexter	Gary Streeter
Kate Green	Paul Thorogood

Draft Report (*Independent Complaints and Grievance Policy: Implementation*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 46 read and agreed to.

Annex agreed to.

Resolved, That the Report be the Second 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.

Ordered, That embargoed copies of the Report be made available (Standing Order No. 134).

[The Committee adjourned.]

Published written evidence

The following written evidence was received and can be viewed on the [publications page](#) of the Committee's website.

- 1 Registrar of Members' Financial Interests, Office of the Parliamentary Commissioner for Standards
- 2 Counsel for Domestic Legislation, Office of Speaker's Counsel

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2017–19

First Report

Dame Margaret Hodge

HC 591