



HOUSE OF LORDS

Conduct Committee

4th Report of Session 2019–21

The Conduct of Lord Stone of Blackheath

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Code of Conduct for Members, Guide to the Code of Conduct and Code of Conduct for Members' Staff

The present Code of Conduct for Members of the House of Lords was agreed on 30 November 2009. Amendments to it were agreed by the House on 30 March 2010, 12 June 2014, 25 February 2016, 9 February 2017, 3 April 2017, 30 April 2019, 18 July 2019, 16 March 2020 and 8 July 2020.

The Guide to the Code of Conduct was proposed by the Committee for Privileges (2nd Report, Session 2009–10, HL Paper 81) and agreed by the House on 16 March 2010. The Guide was amended on 9 November 2011, 6 March 2014, 13 May 2014, 24 March 2015, 25 February 2016, 9 February 2017, 3 April 2017, 30 April 2019, 18 July 2019, 16 March 2020 and 8 July 2020.

The Code of Conduct for House of Lords Members' Staff was agreed on 13 May 2014. Amendments to it were agreed on 24 March 2015, 30 April 2019, 18 July 2019, 16 March 2020 and 8 July 2020.

Review

The Codes and Guide are kept under review by the Conduct Committee. Recommended changes are reported to the House and take effect when agreed by the House.

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Lord Brown of Eaton-under-Heywood
Cindy Butts (lay member)
Mark Castle (lay member)
Andrea Coomber (lay member)
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The Conduct of Lord Stone of Blackheath

Background

1. The Conduct Committee has considered a report by the House of Lords Commissioner for Standards on the conduct of Lord Stone of Blackheath (see Annex 1) alongside a written representation from one of the complainants in the case and a written representation from Lord Stone (not published).
2. The procedure in cases such as this is set out in the Guide to the Code of Conduct. Under this procedure if the Commissioner upholds a complaint against a member she may propose remedial action. In cases involving bullying, harassment or sexual misconduct any remedial action recommended by the Commissioner needs to be agreed by both the member and the complainant.
3. The attached report from the Commissioner covers two separate complaints involving Lord Stone of Blackheath and in both cases she decided to propose remedial action. One of the complainants agreed to the remedial action as did Lord Stone, the other complainant did not.
4. Where remedial action cannot be agreed between the parties, both the complainant and the respondent may make written representations to the Conduct Committee which will take the final decision on how the case should be resolved (paragraph 152 of the Guide).

Summary of the case

5. In October 2019 the Commissioner published a report on the conduct of Lord Stone of Blackheath¹ which found that Lord Stone had breached the Code of Conduct by harassing the complainants in the course of his parliamentary duties and activities. The allegations in that report were all dealt with by remedial action agreed by all parties. The remedial action was bespoke training and behaviour change coaching. Because remedial action had been agreed the Conduct Committee had no role to play in relation to that report.
6. After that report was published the Commissioner received the two further complaints dealt with in this report. Both complaints alleged conduct which occurred before the Commissioner previously reported on Lord Stone.
7. The new complaints both alleged harassment by Lord Stone while on the parliamentary estate. The Commissioner investigated and found that Lord Stone's behaviour met the criteria for harassment associated with the protected characteristics of age and sex in one case, and sex and religion in the other, and was a breach of the Code of Conduct.
8. In relation to both complaints the Commissioner proposed remedial action should be agreed. That proposal was to "continue the bespoke training and behaviour change coaching he [Lord Stone] has been attending as a result of my earlier report on his conduct and for that work to take into account the conduct described in this report."

1 House of Lords Commissioner for Standards, *The conduct of Lord Stone of Blackheath*, (23 October 2019): <https://www.parliament.uk/documents/lords-commissioner-for-standards/Report-on-Lord-Stone-of-Blackheath.pdf>

9. The Commissioner's report explains that she considered continued training to be appropriate as the conduct covered in these complaints took place before the incidents covered in the earlier report about Lord Stone and before he began the training that was the outcome of that report. She therefore considered that these further complaints did not demonstrate that the training had been ineffective and that proposing an escalation in sanction would not be appropriate.
10. Complainant GH agreed to the remedial action. Lord Stone was also content with that remedial action. The other complainant, CD, was not content with the remedial action proposed and wanted the Committee to consider restricting Lord Stone's access to services. Lord Stone and CD were both asked for written representations and both indicated they were content for the Committee to see the representations on sanction that they had already prepared for the Commissioner.

The Committee's decision

11. We considered the Commissioner's report and the submissions of the complainant and Lord Stone in some detail. We agree with the points made by CD that this is a serious incident that is part of a pattern of similar incidents, some of which have been reported to the Commissioner and some to the Clerk of the Parliaments.
12. We have carefully considered CD's request that Lord Stone should have restrictions placed on his access to parliamentary services, given that there is a clear pattern of unacceptable behaviour. We have considerable sympathy with this request. However, because Lord Stone's behaviour has not been focused in any particular office or location, it would be hard to impose targeted restrictions – the only option would be to deny him access to a full or very considerable range of services. Given that Lord Stone is engaging with the training and his representations to us do indicate that he has now begun to achieve greater insight into the objections to his past behaviour, we believe that this would be a disproportionate sanction at this stage. If Lord Stone were to continue to commit further similar breaches of the Code in the future, though, the Committee would be inclined to apply a much more severe sanction.
13. We also noted that the Commissioner was clear in paragraphs 162 and 163 of her report that had she known about these two complaints when she wrote her first report it would not have changed her original recommendation for bespoke training. At the time of the first investigation Lord Stone made it clear that the behaviour complained of reflected his usual conduct, and was not limited to the specific examples given by the complainants. The Commissioner indicated she had taken account of this wider pattern of behaviour when first proposing bespoke training and expressly confirmed in her present report that she would have arrived at the same conclusion had the present two complaints been made part of her earlier investigation.
14. **We support the Commissioner's recommendation that Lord Stone should continue to attend bespoke training and behaviour change coaching. In supporting this recommendation we have asked the Commissioner's office to communicate clearly to the training providers that the ongoing training must take account of the specific circumstances of the new complaints and must be adapted, so far as**

necessary, to ensure that the precise behaviour covered in this latest investigation is also addressed directly in the training. Further we understand that Lord Stone has not undertaken Valuing Everyone Training.² Lord Stone must attend that training within two months of the publication of this report.

² 'Valuing Everyone' is a Parliament-wide training programme designed to help ensure that everyone working at Parliament is able to recognise bullying, harassment and sexual misconduct, and feels confident taking action to tackle and prevent it.

Annex 1: Report by the House of Lords Commissioner for Standards on the Conduct of Lord Stone of Blackheath

CHAPTER 1: INTRODUCTION

1. On 30 April 2019 the House of Lords introduced changes to the Code of Conduct which, for the first time, explicitly set out that bullying, harassment and sexual misconduct were breaches of the Code of Conduct. It also introduced new procedures for dealing with complaints of bullying harassment and sexual misconduct. Further details are given in Chapter 4.
2. This report deals with two separate complaints made about Lord Stone of Blackheath under the revised Code following the publication of my earlier report into the conduct of Lord Stone on 23 October 2019.³ The incidents took place before the complaints which led to my October 2019 report.
3. Though my meetings and correspondence with Lord Stone covered both of the complaints, the details of each have been considered separately. The complainants have been unaware of each other's complaints.
4. In considering these complaints I have been supported by Sam Evans, Associate Practitioner, CMP Solutions, and James Whittle and Donna Davidson, the Clerks who assist me in my work. I wish to place on record my thanks to them for all their help, while also acknowledging that I am solely responsible for the conclusions reached and the decisions made in this investigation.
5. By its nature, any report into allegations of bullying, harassment or sexual misconduct will include content that some readers may find upsetting or offensive. My aim is to reflect fairly and fully the evidence I gather in the course of an investigation and not to censor or in any way minimise views expressed or material uncovered. I believe this transparency is essential to helping the House of Lords to be a workplace where everyone is valued and respected, and where it is clear that bullying, harassment and sexual misconduct are not tolerated. This means that reports into allegations of bullying, harassment or sexual misconduct will often make for difficult reading.
6. **The findings and discussions in this case relate to harassment associated with the protected characteristics of age, sex and religion.**

3 <https://www.parliament.uk/documents/lords-commissioner-for-standards/Report-on-Lord-Stone-of-Blackheath.pdf>

CHAPTER 2: EXECUTIVE SUMMARY

Complaint by CD⁴

7. Complainant CD reported that on 19 June 2019 she and a colleague were working at a Members' Open Day at which members of the House are able to speak to staff from a variety of member-facing teams within the House Administration to discuss the services they provide. Lord Stone stopped to speak to CD and her colleague and began to speak to them about the Parliamentary Behaviour Code, which was something being promoted at the Open Day. In the course of that conversation Lord Stone told CD that that he was a "tactile" person, and touched CD's arm. He explained that he had been spoken to by the Clerk of the Parliaments about being tactile with members of staff and that this had offended him, again touching CD's arm. Lord Stone went on to talk about CD's wearing of religious clothing and about other women's modes of dress.

Immediate and longer-term effect on CD

8. CD said that incident had made her feel angry "that a man I do not know thought he had the permission/right/autonomy to touch me" and that the interaction relied on an "obvious power dynamic" in which his membership of the House meant he could consider his behaviour acceptable.
9. CD also found it unacceptable that he felt it was appropriate to comment on how she dressed, saying "[w]hether I choose to [dress in a particular way] as part of my religious observations or whether another woman chooses to wear a short skirt, it isn't for any man to comment on or think over."
10. The effect of the incident had been to make CD anxious about interacting with him again:

"I feel extremely uncomfortable when I have found myself around him again, in lifts, corridors, cafeterias etc. I do worry about where he will pop up and what I will do if I see him, whether I go a different way, ignore him, or fake politeness so that he will leave me alone."
11. She also described a further incident of Lord Stone pushing in between CD and a colleague in a queue at one of the work restaurants, which she and her colleague had found "very unnerving and rude", leaving them both a little shaken.

Lord Stone's response

12. Lord Stone said he was "very sorry my comments have been giving offence to people". He explained that he had been trying to make a point about the Behaviour Code, having just been reprimanded by the Clerk of the Parliaments for being too "tactile", but accepts now that this was inappropriate.
13. He also explained the steps he had been taking since the publication of my previous report on his conduct to learn "how my behaviour can have detrimental effects on other people".

4 The initials of complainants and others used in this report bear no relationship to their names.

Finding

14. Lord Stone's behaviour met the criteria for harassment associated with the protected characteristics of sex and religion, and was a breach of the Code of Conduct.

Outcome

15. I proposed that Lord Stone continue the bespoke training and behaviour change coaching he has been attending as a result of my earlier report on his conduct and for that work to take into account the conduct described in this report. CD was not content to agree remedial action as the only outcome of this complaint, so the matter was referred to the Conduct Committee for final decision.

Complaint by GH

16. GH was a young woman who had met Lord Stone at a dinner where he offered to give her a tour of Parliament after hearing of her interest in politics. She said that during this tour, to which she brought her cousin, Lord Stone greeted her in an overfamiliar manner, kissing her on both cheeks near her mouth, and repeatedly touched her arms and her waist during the tour and while having tea in one of the House's restaurants. He also made comments about her physical appearance. He did not treat her cousin in a similar fashion.

Immediate and longer-term effect on GH

17. GH told us that she "was incredibly disturbed by what had happened and found it hard not to think what "could have" happened" if she had been alone. GH said that "this still troubles me today, over a year later."
18. She told us that she "searched for many sexual harassment support outlets following this incident" and "was always anxious that this was happening to other people but [she] was afraid to share [her] story in case it wasn't valid enough."

Lord Stone's response

19. Lord Stone told us that he had met GH at a dinner and had maintained contact, as he often did with young people he met who were interested in careers in matters where he felt he could help. He was "upset by the inference that [his] behaviour toward GH was anything other than to try and assist". He accepted that "her account is factually accurate" but insisted that "the connotations of inappropriate behaviour that she makes are wholly inaccurate and seem to me be the product of her imagination."
20. However, during the course of his interview with us, he did accept that, while it had not been his intention to make GH feel uncomfortable, his actions had had that effect and he was sorry for that.
21. Lord Stone was keen to assure us that the actions he has taken since the last report into his conduct mean that these sorts of situations would not arise again.

Finding

22. Lord Stone's behaviour met the criteria for harassment associated with the protected characteristics of age and sex, and was a breach of the Code of Conduct.

Outcome

23. I proposed that Lord Stone continue the bespoke training and behaviour change coaching he has been attending as a result of my earlier report on his conduct and for that training to take into account the conduct described in relation to GH's complaint. Lord Stone and GH agreed to this, so the matter was concluded by way of remedial action, in accordance with paragraphs 139 and 140 of the Guide to the Code of Conduct.

CHAPTER 3: PROCESS AND CHRONOLOGY

24. Following the receipt of each complaint I carried out a preliminary assessment to establish if the complaints engaged the Code of Conduct, and concluded that both did so.
25. I informed Lord Stone of both complaints, sent him the details that the complainants had provided to me, and asked for his written response. I forwarded each response to the relevant complainant.
26. CD was content to have her complaint dealt with by correspondence since the facts of the complaint were not contested, so I did not conduct an interview with her.
27. Sam Evans and I, with James Whittle supporting us, interviewed GH in January, and Lord Stone in April.
28. In accordance with paragraph 147 of the Guide to the Code, I produced separate draft reports of the facts in relation to each complaint. I sent the relevant factual reports to each complainant and sent both to Lord Stone. In relation to the complainants, I not only asked them to let me know if they disputed any of the facts in the draft report, but also if they were satisfied that I had protected their anonymity sufficiently.
29. I discussed next steps with each complainant, explaining that I considered that individually tailored training, as provided for under paragraph 140 of the Guide to the Code, was the proportionate sanction in response to each of the complaints. However, as Lord Stone was already attending such training as a result of my earlier report and the conduct complained of pre-dated that report, I considered it inappropriate to impose further training. I therefore proposed that Lord Stone continue the bespoke training and behaviour change coaching required as a result of my previous report and that training take into account the conduct described in CD and GH's complaints.
30. GH agreed with this approach (although she was aware that she could disagree). CD did not and wrote to explain her reasons.
31. On 3 July I wrote again to Lord Stone to explain my findings and the positions taken by CD and GH in relation to remedial action.
32. Lord Stone agreed to remedial action in relation to GH's complaint, so this was the outcome of her complaint.
33. Lord Stone would have agreed to remedial action in the case of CD but, that option having been declined by CD, the parts of this report dealing with CD's complaint are referred to the Conduct Committee for final decision.

CHAPTER 4: RELEVANT ASPECTS OF THE CODE

34. On 30 April 2019, the House agreed a revised Code of Conduct. This included, for the first time, explicit reference to the Parliamentary Behaviour Code. Paragraph 10 of the Code says:

“Members of the House should observe the principles set out in the Parliamentary Behaviour Code of respect, professionalism, understanding others’ perspectives, courtesy, and acceptance of responsibility. These principles will be taken into consideration when any allegation of bullying, harassment or sexual misconduct is under investigation.”

35. Paragraph 17 says that “Members are required to treat those with whom they come into contact in the course of their parliamentary duties and activities with respect and courtesy. Behaviour that amounts to bullying, harassment or sexual misconduct is a breach of this Code.”
36. The revisions to the Code also expanded its scope where complaints of behaviour amounting to bullying, harassment or sexual misconduct are concerned. For other types of conduct the Code’s remit is “the discharge of their parliamentary duties” and it does not extend to “duties unrelated to parliamentary proceedings, or to their private lives”. Paragraph 17 applies more broadly to “the standards of conduct expected of members in performing their parliamentary duties and activities whether on the Parliamentary estate or elsewhere.”

Parliamentary Behaviour Code and definitions of bullying, harassment or sexual misconduct

37. The Parliamentary Behaviour Code, included as Appendix A to the Code, sets out six principles of conduct:
- Respect and value everyone—bullying, harassment and sexual misconduct are not tolerated;
 - Recognise your power, influence or authority and don’t abuse them;
 - Think about how your behaviour affects others and strive to understand their perspective;
 - Act professionally towards others;
 - Ensure Parliament meets the highest ethical standards of integrity, courtesy and mutual respect;
 - Speak up about any unacceptable behaviour you see.
38. Appendix B of the Code defines bullying, harassment and sexual misconduct at some length drawing from definitions included in the *Independent Complaints and Grievance Scheme Delivery Report*.⁵

⁵ Independent Complaints and Grievance Scheme Delivery Report, published July 2018 (<https://www.parliament.uk/documents/news/2018/1%20ICGP%20Delivery%20Report.pdf>).

Bullying

39. Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour involving an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened.
40. Power does not always mean being in a position of authority and can include both personal strength and the power to coerce through fear or intimidation.
41. Bullying can take the form of physical, verbal and non-verbal conduct.
42. Bullying behaviour may be in person, by telephone or in writing, including emails, texts or online communications such as social media.
43. It may be persistent or an isolated incident and may manifest obviously or be hidden or insidious.

Harassment

44. Harassment is defined as any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of either violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
45. It is distinct from bullying in that harassment is related to one or more of the relevant protected characteristics' which include age, sex, race, disability, religion or belief, sexual orientation and gender reassignment.
46. It may be persistent or an isolated incident and may manifest obviously or be hidden or insidious.
47. It may take place in person, by telephone in writing, including emails, texts or online communications such as social media.
48. Harassment can be intentional or unintentional. The key is that the words or behaviour are unwanted or unacceptable to the recipient.

Sexual misconduct

49. Sexual misconduct incorporates a range of behaviours including sexual assault, sexual harassment, stalking, voyeurism and any other conduct of a sexual nature that is non-consensual or has the purpose or effect of threatening, intimidating, undermining, humiliating or coercing a person.

Anonymity

50. Paragraph 126 of the Guide to the Code of Conduct says:

“Where complaints relate to bullying, harassment or sexual misconduct the identity of the complainant will be shared where necessary with those directly involved in the investigation but will not usually be made public during the investigation, or on publication of the report, unless the complainant desires otherwise. This may involve some redaction in reports. Those involved in the investigation are under an obligation to protect the identity of the complainant and a failure to do so may constitute a breach of the Code as well as a contempt of the House.”

51. Neither of the complainants in this report has waived their right to anonymity. Much of the evidence quoted is therefore redacted or summarised in order to ensure the complainants cannot be identified. Copies of letters, transcripts of meetings and other evidence gathered in these investigations have not been reproduced in this report in their entirety, or at all, as to do so would unacceptably risk the complainants' anonymity.

External investigator

52. Paragraph 131 of the Guide to the Code says:

“In cases involving bullying, harassment or sexual misconduct, the Commissioner is supported by independent investigators. The Commissioner may delegate to the investigator to the extent she considers appropriate any of her investigatory functions.”

53. As noted above, I was supported by Sam Evans of CMP Solutions.

CHAPTER 5: PRINCIPLES RELATING TO INVESTIGATIONS AND OUTCOMES

54. I have now investigated a number of complaints under the revised provisions in the Code for dealing with bullying, harassment and sexual misconduct. In each case I have applied the principles of natural justice, fairness, proportionality, openness, and transparency in reaching decisions as to the appropriate ways to proceed and sanctions to agree or recommend.

Natural justice and fairness

55. The Guide to the Code of Conduct states that:
- “In investigating and adjudicating allegations of non-compliance with this Code, the Commissioner and the Conduct Committee shall act in accordance with the principles of natural justice and fairness.”
(paragraph 129)
56. How the rules of natural justice apply to the respondent were extensively discussed in a previous investigation and may be consulted in the second report of that investigation.⁶
57. The requirement of fairness applies to both complainant and respondent, and here I set out how I interpret this principle.
58. I do not give any advantage to one or the other in the investigatory process; for both I offer the same options and conduct interviews in the same way. I seek documentary or third-party corroboration of any disputed evidence and assess the reliability of evidence using the same criteria for both parties, which does not include any assumption that status, power or reputation makes one person’s evidence inherently more reliable than that of someone of lesser status, power or reputation.
59. Where there are points in an investigation where the parties have to agree to a particular proposal, I will take particular care to ensure that agreement is freely given, and for the right reasons.
60. Paragraph 133 of the Guide to the Code says that “Members, and in cases involving bullying, harassment or sexual misconduct the complainant, are given an opportunity to review and, if they so wish, challenge the factual basis of any evidence supplied.”
61. Paragraph 147 of the Guide to the Code sets out the process for this, requiring me to “share with the member a draft of those parts of [my] report dealing with issues of fact.” The respondent then has the “opportunity to comment on it.” Though paragraph 147 does not make it clear, it is consistent with paragraph 133, and fairness requires, that the complainant should also have an opportunity to comment on the factual accuracy of my report in every case, and where agreed resolution or remedial action are under consideration should do so before reaching their views on what is under consideration.
62. Fairness also requires that where mediation is under consideration at an early stage in the investigation, any response to the complaint by the respondent will be made available to the complainant before mediation takes place, even if no report of the facts has been prepared.

6 Committee for Privileges and Conduct (3rd Report, Session 2017–19, HL Paper 252)

Proportionality

63. The next principle is that of proportionality. This is implicit in the Code and the Guide to the Code, which envisage a range of appropriate outcomes in the event of a breach. Some of these can be recommended by me but must be agreed by the Conduct Committee and imposed by the House. Others can be decided by me with the agreement of the complainant and respondent.

Remedial action

64. A sanction proposed by me and agreed to by the complainant and respondent is referred to as “remedial action”. The Guide to the Code sets out where such an outcome might be proportionate and what it might involve:

“Remedial action may be agreed if the complaint, though justified, is minor and is acknowledged by the member concerned.” (paragraph 139 of the Guide to the Code)

“In cases involving bullying, harassment or sexual misconduct any remedial action recommended at the end of an investigation will need to be agreed by both the member and the complainant and possibly negotiated through mediation. Remedial action in such cases may include the respondent apologising to the complainant or agreeing to attend appropriate training.” (paragraph 140 of the Guide to the Code)

65. “Minor”, in this context, does not mean trivial, and does not imply that the effect on the complainant has been minor. Rather, it acknowledges that in the full range of behaviours covered by the provisions, the behaviour complained of is at the lower end of the range.
66. In considering whether to agree to deal with a matter by remedial action, the consent of both complainant and respondent is required. Although this is necessary, it is not sufficient; I also have to decide that it is a proportionate response.
67. If the respondent is the subject of complaints relating to conduct similar to that previously dealt with by remedial action, I would take into account this apparent lack of modification in his or her conduct when considering whether further remedial action would be appropriate. This did not apply in this case, as the behaviour complained of pre-dated the complaints that led to the imposing of the previous sanction.

Sanctions imposed by the House

68. Some sanctions can only be imposed by the House: suspension, denial of access to services and expulsion. These are the more severe sanctions available and would be used where the behaviour complained of was at the higher end of the range.
69. It may also be necessary to resort to a sanction imposed by the House for less severe breaches if remedial action, even if considered proportionate by me, cannot be agreed by the parties or is not proportionate as it has proven to be ineffective in the past.

Agreed resolution

70. The Guide to the Code of Conduct also provides for an outcome prior to any finding by “agreed resolution”:

“At any time during an investigation involving bullying, harassment or sexual misconduct the Commissioner may reach an agreed resolution with both the complainant and the member under investigation. At the Commissioner’s discretion, such an agreed resolution can bring the investigation to an end. In this case, it is at the discretion of the Commissioner, having consulted the complainant and the member, whether a report is published on her webpages on the parliamentary website.” (paragraph 142)

71. This outcome differs from remedial action in that:
 - No finding is reached;
 - No sanction is imposed (though the parties may agree to some action as part of the agreement); and
 - A report is not necessarily published. If no report is published, the existence of the complaint and investigation will remain confidential indefinitely.
72. The Guide to the Code does not stipulate when this course of action might be suitable but I would expect it to be the exception rather than the norm, and would expect it only to apply as a result of the particular circumstances of the case.
73. Two factors to which I would anticipate paying particular attention when considering a request for an agreed resolution would be the motivation behind any such request and the need for the enforcement of the Code of Conduct to be as open and transparent as possible
74. In particular, I would want to be sure that a complainant was choosing an agreed resolution in his or her own interests, rather than those of the respondent, and that a respondent who disputed the accuracy of the complainant’s account was not agreeing to this outcome simply to avoid publicity.

Openness and transparency

75. The principle of openness and transparency may be relevant when considering proportionality.
76. If I, or the Conduct Committee, uphold a complaint, the Code requires that a report is published, naming the respondent.
77. Publication is not a sanction, but the effect of publication is, in my view, a matter that I can take into account when considering the proportionality of any sanction I may impose, as publicity may itself be a very effective catalyst for change in the respondent’s behaviour.
78. The educative benefits of openness and transparency require me in most, if not all, cases to publish in my report significant details of the respondent’s agreed and alleged behaviour, and its effects on the complainant. This is the case even though the respondent may be deeply embarrassed at the descriptions of the behaviour, and the effects of the behaviour on the complainant, being made public. Publishing the details allows readers to assess whether their own behaviour requires modification to avoid the possibility of a complaint being made and upheld, and allows readers who may have been affected

by similar or equivalent behaviour to recognise that they have a remedy. Both these effects, over time, should improve the working environment of the House of Lords.

CHAPTER 6: COMPLAINT BY CD: ACCOUNT OF THE KEY FACTS AND EVIDENCE

79. On 24 October 2019 CD wrote to me to make a complaint:

“At the Members’ Open Day on 19 June I was stood at [one of the stalls] with my manager [JK]. We were approached by Lord Stone of Blackheath. The conversation below is not exactly verbatim but it is our best recollection of what happened.

Lord Stone [approached the stall at which CD was stationed]. Initially we thought it was simply to [discuss the Open Day]. As I was stood closest to him, not entirely behind the desk, he began asking me about the Behaviour Code poster which was stuck on a whiteboard [nearby]. I began explaining what it was, saying that it was bicameral and for everyone in the parliamentary community to read and follow.

He then began saying that he was a tactile and ‘friendly’ person. That he wasn’t political and that his career was in business, where he was a ‘people person’. As he said this opening statement, he simultaneously touched my left arm, before my elbow, and under my shoulder area. His hand lingered for a few seconds before he let go and continued his point. I immediately felt uncomfortable. I later realised that this was him demonstrating his point. He later mentioned this himself.

As he continued, he said that the Clerk of the Parliaments had pulled him up to his office because a member of staff had complained about him touching her. By this point he was quite agitated and said he was offended by this, that the complainant was wrong, it was fine for him to be tactile towards people, ‘men, women, whoever’. As he said these points, he then touched my upper arm again as an example. By this point I was uncomfortable and now irritated, so I stopped giving him eye contact, repositioned myself so I was no longer facing him, making it very clear that I was uncomfortable by this conversation. I am also naturally expressive on my face, so I was no longer smiling or engaging in conversation and I clearly looked unamused. I tried to remain composed and looked over at [JK] who looked extremely uncomfortable.

Not reading our expressions, body language or lack of engagement, he continued for about 3–4 minutes, further emphasising his points.

[JK] tried to say that whilst he might not have meant anything by it (touching the complainant), it is possible for people to feel how they feel and that’s okay. He wasn’t interested in what [JK] had to say and he started to talk over her. He turned his attention back to me and pointed at my [religious garment] and said “It’s like you being made to wear that... I know you’re not trying to be sexy or whatever”. My facial expression changed at this point, conveying complete bewilderment and shock but he continued, rather obliviously, that he was offended by women wearing short skirts and lipstick. He said, ‘what do they expect when they wear short skirts and lipstick, of course we’re (men) going to be friendly’. He went on to say that he has to put up with women in lipstick and short skirts even though that offended him, so why should he have to put up with people being upset with and offended by him.

He also mentioned that the Behaviour Code as being an example of the sort of thing that ‘starts a war between the sexes.’

By now [JK] and I were both mortified and whilst we both tried to remain relatively composed and calm, it was very clear that we were uncomfortable. He knew we wouldn’t reassure him or express agreement, so he started saying ‘I know it’s not your poster or you both, but people are upset about all this (him) and I’m upset that they’re upset’. As he knew he wasn’t going to get much of a response from us, he eventually changed the subject and I offered him a Members Open Day feedback form. He said it was a good event and left.

Impact:

This made me feel angry that a man I do not know thought he had the permission/right/autonomy to touch me, and that he proceeded to do this twice to prove his point, as though he had any claim to my body or my personal space. I was angered by the fact that there was an obvious power dynamic here, him being a Member of the House of Lords, and that perhaps this made him think this was acceptable. I was also frustrated by the fact that as an employee of the House of Lords I didn’t know how I could respond. The way I would have handled this situation as a member of the public and as an empowered woman, vs how I handled it as a staff member, I know are two very different things and this is one of the reasons I have been upset about this whole incident.

Another grievance being that he thought his opinion on how a woman dresses was any of his business. Whether I choose to [dress in a certain way] as part of my religious observations or whether another woman chooses to wear a short skirt, it isn’t for any man to comment on or think over. What’s more, a woman shouldn’t expect anything from anyone except basic human decency and respect, regardless of what they’re wearing or not wearing.

The initial incident was in June and we are now approaching November and the anxiety of possibly running into him hasn’t worn off. Long term impacts have been that I feel extremely uncomfortable when I have found myself around him again, in lifts, corridors, cafeterias etc. I do worry about where he will pop up and what I will do if I see him, whether I go a different way, ignore him, or fake politeness so that he will leave me alone.

Ironically, he has again come into my personal space in these interactions, on one occasion squeezing between me and a female colleague in the line at a restaurant to reach some confectionary. He didn’t say excuse me, but just out of nowhere lunged between us, making us jump back and gasp back in shock. He didn’t apologise, he just picked up his confectionary and then slammed a pound down on the counter before walking off. We both found it very unnerving and rude, and were a little shaken.”

80. In accordance with the requirements of the Code, I carried out a preliminary assessment and concluded that there was sufficient evidence to establish there was a *prima facie* case to be investigated.

81. I wrote to Lord Stone on 31 October 2019, enclosing a copy of CD's complaint, informing him of the outcome of my preliminary assessment, and requesting his written response to the complaint.
82. Lord Stone replied to ask, in the light of his experience during my previous investigations, what assistance might be available to support him during this investigation. With Mr Whittle in attendance, I spoke on the phone to Lord Stone on 6 November 2019 to explain that respondents to complaints may be assisted and may be accompanied to any interviews, as set out in paragraph 132 of the *Guide to the Code of Conduct*:
- “Members are expected to co-operate with any investigation into their conduct ... They may be accompanied to any meeting by a colleague, friend or legal adviser”.
83. In previous investigations, respondents had been assisted by other members of the House or external support.
84. Lord Stone requested additional time to reflect on the session he had had as part of his behaviour change coaching before composing his formal written response. I agreed and on 14 January, following some correspondence between us, Lord Stone emailed my office with his considered written response to both complaints. The parts relating to CD were as follows:

“Thank you for your email. I am sorry that I was not sufficiently clear about my acceptance of the complaints, please let me say now unambiguously that I do accept the complaints and I apologise unreservedly for the effects of my behaviour. I have addressed each in turn below.

[...]

Whilst, as I have stated above, I do accept that my behaviour has been inappropriate, what I tried to emphasise in my previous email, albeit clumsily, was that my intentions were always entirely honourable. I did not approach the people whom I upset with any desire to embarrass them.

[...]

I now realise that many of my actions and interactions with staff and people who do not know me well may be construed as invading of peoples' 'personal space'. I accept that it is my responsibility in future to ensure that I am not inappropriately tactile.

I understand how some references and comments that I have made have been misconstrued as derogatory or inappropriate when they were tactless and clumsy (as in the case of [CD]) and the result of my difficulty in expressing myself. I will try to be mindful of this in future and will not assume that other people understand that references that I make. I will also not try to be humorous, as I can see that I can sometimes be tactless and often this can be misinterpreted. I have already begun to change this behaviour.

[...]

I would now like to address the particular nature of the two complaints.

Complaint by [CD]

[CD] chose to complain after an incident in the restaurant when she and a colleague were in the queue at lunchtime. I was rushing in to get some throat pastels and I squeezed in and picked up the sweets and put the £1 down to pay. I accept that my behaviour was discourteous and apologise for this.

In the account I think they have mis-interpreted what I said about [religious garments]. I was trying to make the point (clumsily) that if there is mistrust between men and women so that any friendly response from a man- like touching an arm between the wrist and shoulder is seen as sexual harassment, then I could see a possible reaction might be that the ‘authorities’ (which are usually male) might then be to require that women wear [religious garments]. Although my comment was certainly not intended to offend I can see now that it was not appropriate to make light of this issue and that wearing a [religious garment] is entirely a personal matter and should not attract comments from others.”

85. Lord Stone sent a further response on 10 April in which he summarised matters he had been reflecting on as a result of his behaviour change coaching. He said that as a result of that coaching and “much internal reflection and mindful, meditation, in solitude and in retreats”, he had accepted that:

“my behaviour to others must change.

It has been a long difficult internal battle that I have had to win—but I feel I have.

A large part of me was saying

- ‘it’s unfair’
- ‘They weren’t crimes’
- ‘My intention was good’.

However I now know that my words and actions WERE upsetting to others and in each case—these persons—who don’t know me—were sufficiently disturbed to take the action they did.

I now realise that those who know me well have been ‘tolerating’ my bad behaviour all my life and giving me leeway as they know I behave in an unusual way—but they know that my intentions are good and that they say ‘that’s just the way Andrew is’.

I know now that that is not good enough and am determined to change.

There are three ways I will do this

I list them in an order of how swiftly, I believe, they will become effective over time.

- (1) When contact is necessary with people who do not know me—I will give greater consideration to the words and actions I use and will approach people with more formality and without invading their personal space . This will start straight away.

- (2) For the longer term and more deeply, I am undergoing a course of mindfulness and meditation and learning from ‘spiritual’ teachers, to connect to a higher consciousness that will perhaps rid me of most of my egocentric behaviours and enable me to approach people with more sensitivity and compassion.
- (3) Even post ‘lock-down’ I will reduce contact with people I don’t know—I have moved out of London and am coming into the Lords far less frequently and am reducing my involvements in the various projects and charities I was connected to. So also immediately—less contact.”

86. Lord Stone’s responses were sent to CD.
87. On my behalf, Mr Whittle spoke to CD to discuss next steps. As Lord Stone had not contested her description of events or his conduct she agreed that she had nothing further to add to her complaint.
88. Sam Evans and I interviewed Lord Stone on 27 April, with Mr Whittle in attendance.
89. We started by asking him whether he accepted the facts of CD’s complaint and he confirmed that he did, although he had a different recollection of his comments about “short skirts and lipstick”:

“COMMISSIONER FOR STANDARDS: Okay, but just on this thing of short skirts and lipstick, she was very specific in her complaint that that was a topic of conversation and you said that you found it offensive; you are making a comparison between people being offended by your touching, and you were saying, “Well, I find this offensive”. Do you remember that?

LORD STONE OF BLACKHEATH: No, I don’t find it offensive.

COMMISSIONER FOR STANDARDS: I was going to ask you if you found it offensive, but you might have just been making a point.

LORD STONE OF BLACKHEATH: I was making a point but not in the way that she has interpreted it.

COMMISSIONER FOR STANDARDS: We can come on to that later. Let us try to nail down the facts. Did you raise short skirts and lipstick?

LORD STONE OF BLACKHEATH: Yes.”

90. When we asked about his reasons for touching CD’s arm, Lord Stone told us:

“I was trying to make a point, yes, I was trying to show that what I was doing was not—harassment, bullying or sexual misconduct. I was trying to show that all I was doing was holding an arm. It shows what my thought was at that time about touching people’s arm, that it was not sexual misconduct. I mean, surely that is obvious, that if I am standing in a room with a hundred other people in a room under a poster which says “sexual harassment”, or whatever, and that there is somebody in a [religious garment] and I touch her arm and say, “Look, that is all I was doing”, then, yes, my intention was to make the point that this is

not sexual harassment; this is just me being human. But obviously I am wrong—I am totally wrong”.

91. When questioned about why he had not recognised his touching of CD’s arm was making her uncomfortable, he explained:

“A lot of my friends over the past year or so started off by saying “these people should understand that is Andrew”, you know, and they know my intent is to help people, to be kind, you know, to be good to all beings at all times, and my entire life has been to try to make people happy and be a servant. And my friends have said, “That’s Andrew”, and I thought they were saying, “They should understand that Andrew is really nice and how he behaves is good”, when what they are actually saying is, “We know Andrew is sometimes intolerable; he does these things; he breaks boundaries; he does not understand that you should not do these things”, and they tolerate it.”

92. Lord Stone explained further the reasons behind his comments about the [religious garment]:

“Remembering everything I have said about my point of view at that time and that I thought the sets of rules about whether you could touch or send a kiss or whatever was some set of fine rules which should not exist, I felt that what was happening was that we were in danger of going back to behaviours where, you know, in novels, like *Pride and Prejudice* of those eras, where, as I say, you wore crinoline, you were not allowed to say anything and you had to have a chaperone, and all of a sudden there would be a set of rules. And I said what would be awful is if those sets of rules were set up by the men who think that they think are running the society, in which case women would be made to wear this, behave like that, even to the point of making people wear [religious garments]. I realise that that was wrong thing to say.”

93. Lord Stone finished the interview by talking about some of the ways he has changed since beginning his bespoke training and behaviour change coaching. Those comments are included at the end of the next chapter.

CHAPTER 7: COMPLAINT BY GH: ACCOUNT OF THE KEY FACTS AND EVIDENCE

94. On 6 November 2019 GH wrote to me to make a complaint:

“Below is a written complaint against Lord Andrew Stone of Blackheath, whom which I believe acted in an inappropriate manner with me in July [redacted] of 2018. After reading through the Code of Conduct forms I believe that these actions violated this code, as “behaviour that amounts to bullying, harassment or sexual misconduct constitutes a breach of the Code.” I will write as much as I can down and hope this is useful in preventing cases such as this one in the future.

In April of 2018 I met Lord Stone at a mutual friend’s dinner in [city where GH lives] and after some conversation my Mum and myself were invited by Lord Stone for tea at the House of Lords if we found ourselves in London. As a 20 year old working in [GH’s professional background] at the time, I was quite intrigued by learning more about British politics and knew that I’d be in the UK that following July, and wanted to visit. After coordinating through email when the visit would take place, my Mum wasn’t able to fly with me and so on the day, just for extra precaution, I asked to bring my cousin with me instead. At the time of coordinating this visit, Lord Stone also asked that he have supper with me during his visit in [city where GH lives]. This did not happen. Lord Stone also signed off a few emails with kisses.

On the day that we visited the House of Lords, [date in July] 2018, Lord Stone met my cousin and I right where we had our security check, and when greeting me hello, gave me two kisses on either cheek that was in very close proximity to my mouth. I was very uncomfortable from this but I didn’t want to overthink it as we were just beginning our tour. Lord Stone did not greet my cousin this way. My cousin and I discussed this afterwards and were both uncomfortable by this gesture. Throughout the tour, especially looking back on it now, I was touched too much for my own comfort. I was confused by the generosity of taking the time to give us a free tour alongside the arm stroking or waist touching or comments on my appearance, such as being something along the lines of “young and beautiful”. When we finished the tour, we sat at tables by a balcony and the over familiar touching of my arms continued. At this time I definitely felt uncomfortable and confused and I was worried that I had allowed myself into a naïve situation. I’m very glad that I brought my cousin and she also voiced her concerns to me after we had left. I do not believe that these actions are appropriate from a 70+ year old man towards a 20 year old girl.

[The complainant told us about two further examples of Lord Stone’s behaviour that worried her and which contributed to the impact described below, but which were not covered by the Code of Conduct and which I was not able to investigate (see paragraph 96 below).]

I was incredibly disturbed by what had happened and found it hard not to think what “could have” happened if I had been alone, and this still troubles me today, over a year later. I searched for many sexual harassment support outlets following this incident. I was always anxious that this was happening to other people but I was afraid to share my

story in case it wasn't valid enough. I constantly searched to see if anyone else had complained about Lord Stone, and even a year later, I was still searching when I came across the recent report detailing the other sexual harassment claims against him. After reading the other stories I felt validated enough to come forward.

I know that if I was so easily invited into the House of Lords and placed in uncomfortable situation, that there may be a chance that other people share a similar story to mine and that in sharing this I can also help other people find the confidence just as I did when reading the report."

95. In accordance with the requirements of the Code, I carried out a preliminary assessment and concluded that there was sufficient evidence to establish there was a *prima facie* case to be investigated.
96. As noted above, GH's complaint also included details of other interactions with Lord Stone. However, as these had not occurred in the course of Lord Stone's parliamentary duties or activities they fell outside the remit of the Code. As part of my investigation, I put these complaints to Lord Stone who acknowledged the events as reported and expressed remorse for the impact on the complainant, although he was clear that his intentions had not been untoward.
97. I wrote to Lord Stone on 27 November, enclosing a copy of GH's complaint, informing him of the outcome of my preliminary assessment, and requesting his written response to the complaint.
98. On 14 January, following some correspondence between us, Lord Stone emailed my office with his considered written response to both complaints. The parts relating to GH were as follows:

"Thank you for your email. I am sorry that I was not sufficiently clear about my acceptance of the complaints, please let me say now unambiguously that I do accept the complaints and I apologise unreservedly for the effects of my behaviour. I have addressed each in turn below.

[...]

Whilst, as I have stated above, I do accept that my behaviour has been inappropriate, what I tried to emphasise in my previous email, albeit clumsily, was that my intentions were always entirely honourable. I did not approach the people whom I upset with any desire to embarrass them. In my previous email I was trying to express this and to underline that, in the case of [GH], my motivation was simply to help someone who had expressed an interest in international politics.

I now realise that many of my actions and interactions with staff and people who do not know me well may be construed as invading of peoples' 'personal space'. I accept that it is my responsibility in future to ensure that I am not inappropriately tactile.

I understand how some references and comments that I have made have been misconstrued as derogatory or inappropriate when they were tactless and clumsy (as in the case of [CD]) and the result of my difficulty in expressing myself. I will try to be mindful of this in future and will not assume that other people understand that references that I make. I

will also not try to be humorous, as I can see that I can sometimes be tactless and often this can be misinterpreted. I have already begun to change this behaviour.

[...]

I would now like to address the particular nature of the two complaints.

[...]

Complaint by [GH]

I am upset by the inference that my behaviour toward [GH] was anything other than to try and assist a friend of a friend who wanted to be helped to enter the world of international politics. I originally met [GH] in [city where GH lives] where I was asked by a friend and colleague to attend a dinner at his house to meet some young men and women who were starting their careers and could benefit from my help and advice. My friend and his wife do this often and as he knows that I myself had a difficult start to life and was greatly helped by kind mentors.

I arranged to meet [GH] at the House with her mother. In the event her mother was unable to accompany her so she brought her cousin. When I greeted her I kissed her as is customary and normal between people who have already met socially. I did not kiss her cousin because I had not met him before.⁷

I then, as she says, took them on a long tour of the Palace of Westminster and for tea on the terrace, which people enjoy. So her account is factually accurate but the connotations of inappropriate behaviour that she makes are wholly inaccurate and seem to me be the product of her imagination. I was simply trying to be kind and to help her but her account distorts the intent.

[...]

As I said above I accept that sometimes I fail to read social cues and with [GH] I may have been somewhat over friendly. This was never with inappropriate intentions. To reiterate: I acknowledge the behaviour as reported but NOT her interpretation of the intent

Although my meeting with [GH] took place before the original complaint against me the complaint she made was after the published report about my behaviour and I think that [GH] reviewed her experience in the light of the published complaint.”

99. Lord Stone’s response was sent to GH.
100. Sam Evans and I interviewed GH by telephone on 31 January, with Mr Whittle in attendance.
101. We asked her how she felt about Lord Stone’s response. She told us:

“at the beginning it is worded sort of like “I do understand and I took responsibility”, but then kind of reading that it is kind of like my

7 Lord Stone referred to GH’s cousin as “him” in his written response but in interview confirmed that this was an error: GH’s cousin was female.

imagination and everything that he was doing was solely to help me, and, like, I didn't find everything to be 100% factual from what he has said, so it was definitely, you know—I just wasn't expecting it to be worded like that, especially at the end when he says that—I think he said that—I only decided to come and say something and review what had happened because I saw that people had complained about him, which is not the case at all. So I hope—at least for me—that it is clear that I would never do something like this without thinking about it very, very carefully and understanding the weight of the situation, and, like, to not say, like, the truth of what happened because—I mean, everything that I said I feel is correct”.

102. We asked GH why she mentioned taking her cousin “as a precaution” in her original complaint and she said:

“So, when we had gone to the dinner where I had originally met him, after he had left, the person that is a mutual friend told me, “This is a great opportunity for you but just be careful”, so I said—I was, like, why, why should I be careful? He said, “No, you just don't want anything to be, like, overfriendly”. So after he had said that, I understood that my mum could have come, I thought, okay, it is probably going to be nothing but I might as well not go and meet someone I don't really know in a country that is not the one I live in on my own. It was kind of just for that extra little, like, just to have somebody there that you know.”

103. We asked her about Lord Stone's greeting, where he kissed her on both cheeks, and what it was about that interaction that made her uncomfortable. She explained that “it was really close to my mouth” and “I wasn't expecting—I just wasn't expecting it; it was just a shock.” She said that her cousin had also commented that “she was also uncomfortable [about this interaction] and it hadn't even been towards her”.

104. She told us that Lord Stone's arm-stroking and waist-touching had made her “uncomfortable” during the tour and that this “overfamiliarity” continued during their lunch on the Terrace:

“Well, it was kind of like when he was talking to me, he would like reach over the table, and it wasn't even in the context of what we were discussing, it wasn't like he was comforting me or something; he would just kind of be like talking and then reach over or something and maybe like touch my arm or touch my shoulder”.

105. GH was aware from reading the previous report on the conduct of Lord Stone that he was in the process of completing behaviour change training. I explained to GH that, if I upheld her complaint, one option would be to recommend that Lord Stone continue with the training and that the trainers be provided with excerpts from the interview transcript in order to inform this. She told us, “I am totally fine with that. I think one of the reasons why I wanted to say something was specifically for reasons like that. I think that—yes, if it can be helpful, then absolutely.”

106. Lord Stone sent a further response on 10 April in which he summarised matters he had been reflecting on as a result of his behaviour change coaching (see paragraph 10).

107. Sam Evans and I interviewed Lord Stone by video conference on 27 April, with Mr Whittle in attendance.

108. We began by talking through the elements of GH's complaint and asking if he remembered the events as described. Lord Stone explained the manner in which he greeted her:

"I then greeted her as I used to do with all my guests that I know but I am not going to do any more—by kissing her, yes, on both cheeks, and you notice that, because I didn't know her cousin, I didn't kiss her. So those people that I am with, that I am helping, that I am saying, "Come and visit me", and that I feel that I am part of their circle, I will give them a kiss on both sides. But with somebody who I have never met, I wouldn't do that. I think that is a validation of where I was coming from."

109. When asked whether he remembered stroking GH's arm or touching her waist, Lord Stone told us:

"Okay, one of the things that I do, whether it is a man or woman, is I take them to the Queen's robing room [...] So I am walking the complainant through as if she were queen. I was acting the part, which I often do, to tell people what the procedure is every year that the Queen comes through, sits on that throne, the MPs from the Commons are called, we, as Lords, are sitting in our ermine, they, the MPs, are standing, and The Queen then makes the Queen's Speech. So it was a bit of acting, yes, of what we do—giving her the atmosphere of being The Queen and I was guiding her through the acting, but nothing more."

110. When I asked whether he had called GH "young and beautiful", he replied, "Probably, but I think that might have been in relation to Queen Victoria, who was this, you know, beautiful woman who was going to be standing in front of all these men and having to make the speech and be scared."

111. I asked him if he agreed "that there was a certain amount of touching" during the tea on the Terrace and he replied:

"Yes, I certainly do and, having now spoken to friends, had the [behaviour change coaching] and thought about it, I realise that all my life I have been tactile. You know, if I was sitting with you, I might reach over and say, "I am really sorry", and touch you on the outside of the arm between the wrist and the shoulder. I had no idea until all this had happened that this is something which is offensive to people."

112. We questioned Lord Stone about his email of 14 January, in particular his comments about GH's "imagination":

SAM EVANS: My next question relates to a comment you made in your email of 14 January where you said that you thought her connotations of inappropriate behaviour seemed to be the product of her imagination and distorted your intention. What did you mean by that? Do you think she was being unfair or malicious or oversensitive? What did you mean?

LORD STONE OF BLACKHEATH: Yes. What I meant was—and actually when I wrote that I was quite annoyed, and I now am calmer — that she herself has spoken about the amount of time, the generosity; the number of things that I did was extraordinary to her. And she thought

that I was going to those lengths to be able, as has been said, to touch her on the arm and kiss her on both cheeks—nothing more, whatever. I was offended by the fact that in fact what I was doing was helping a friend who knows—you know, that says, “Oh, once Andrew has picked up one of these people he is going to do something which will change their lives”. And therefore having given—you know, you can imagine how busy I am, to take them to a tour of the House of Lords, to take them to tea on the terrace, to put them in the Chamber [...]

SAM EVANS: Okay. Do you think she was being malicious? Why are you suggesting that she has turned that round to demonstrate a different intent?

LORD STONE OF BLACKHEATH: Maybe not malicious, but mistaken, yes.

SAM EVANS: Okay. So if she was mistaken, you know, so even if her perception or her concern about what might happen was not accurate, do you accept that her concerns of a possible ulterior motive was reasonable?

[...]

LORD STONE OF BLACKHEATH: Yes, I understand that from her perspective and what I now know about touching, sending things with kisses and kissing on both cheeks, it was not unreasonable for her to be worried by the subsequent manifestation that might happen, and therefore, yes, it is reasonable.”

113. Having accepted the main facts of GH’s account, we asked Lord Stone about his understanding of how his actions had made her feel:

“SAM EVANS: Can I ask, do you accept that the complainant becoming anxious and uncomfortable at being kissed and touched by you was reasonable in the circumstances?

LORD STONE OF BLACKHEATH: I now fully understand. A lot of people have been explaining to me that because I am a white, male Peer, then there is a power dynamic which does not allow the other person to express their disapproval. I never realised this.”

114. He went on to say:

“From what I understand now, young women who experience from a man—older and at a higher level of “power”—an invasion of their personal space, either physically by touching them or by kissing them on the cheek or by sending them a message with a kiss and feel that they are unable to complain or show distaste to that person’s power play, become upset, frustrated and annoyed, and the whole point of this Commission is to even that up and allow people to have a channel by which they can say, “This person is doing that and they should be stopped”.

Having understood that, I have now changed my behaviour by [attending the behaviour change coaching sessions], by meditation and by speaking to friends, which has enabled me to see that that behaviour is not acceptable; although there was a lot of it when I was young—I lived through the 60s—times are different and it was probably not acceptable

then and it is even less acceptable now because I have this position where it could be abused.”

115. Lord Stone ended our interview by explaining in more detail how he thought he had begun to change since he had started his behaviour change coaching:

“What I would say to you now is that there were misdemeanours, there was a misconception of how I made people feel, there was an arrogance and an egotistic mindset that felt that I could get away with behaving in a way which was inappropriate—I do this—I speak out of turn and that, while that might have served me well in a lowerplace existence of self-preservation, because of my history, I now realise that that is not good.”

CHAPTER 8: ANALYSIS AND FINDINGS

Behaviour Code

116. The complainants both allege that Lord Stone breached the Code of Conduct by his behaviour towards them. Paragraph 10 of the Code provides that:

“Members of the House should observe the principles set out in the Parliamentary Behaviour Code of respect, professionalism, understanding others’ perspectives, courtesy, and acceptance of responsibility. These principles will be taken into consideration when any allegation of bullying, harassment or sexual misconduct is under investigation.”

117. The Behaviour Code is at Appendix A of the Code, and states:

“[W]hether you are a visitor or working in Parliament at Westminster or elsewhere, there are clear guidelines in place on how you should be treated, and how you should treat others:

- Respect and value everyone—bullying, harassment and sexual misconduct are not tolerated
- Recognise your power, influence or authority and don’t abuse them
- Think about how your behaviour affects others and strive to understand their perspective
- Act professionally towards others
- Ensure Parliament meets the highest ethical standards of integrity, courtesy and mutual respect
- Speak up about any unacceptable behaviour you see”

118. I start this section by considering Lord Stone’s behaviour against the principles in the Behaviour Code.

Respect and value everyone

119. Lord Stone’s attitude towards the Clerk of the Parliaments and, by implication, the staff member who had complained to the Clerk of the Parliaments as described in CD’s complaint suggests he failed to live up to this principle. CD’s complaint also suggests that he did not respect or value the opinion of CD or her colleague when talking to them at the Members’ Open Day.

Recognise your power, influence or authority and don’t abuse them

120. CD is clear that Lord Stone’s behaviour rested on an underlying assumption that as a member of the House he could speak and act with impunity.
121. GH felt that Lord Stone acted inappropriately towards her because of the relative power he had as a result of his age and status.

Think about how your behaviour affects others and strive to understand their perspective

122. CD's complaint shows that Lord Stone did not consider how his behaviour at the Open Day or later in the restaurant affected CD or her colleagues. This is something Lord Stone recognised in his response to the complaint.
123. Lord Stone did not consider how his actions towards GH might make her feel uncomfortable, but has since recognised that they did.

Act professionally towards others

124. Lord Stone's response to his discussion with the Clerk of the Parliaments—namely, criticising it to House staff—was not a professional approach.

Ensure Parliament meets the highest ethical standards of integrity, courtesy and mutual respect

125. Some of the comments on previous requirements also apply here.

Speak up about any unacceptable behaviour you see

126. This does not apply to Lord Stone in these complaints.

Bullying, harassment and sexual misconduct

127. At the preliminary assessment stage I concluded, with the assistance of Ms Evans, that in both cases the behaviour complained of could amount to bullying, harassment or sexual misconduct, if proved on the balance of probabilities.
128. In both complaints Lord Stone acknowledged the behaviour alleged in the complaint, thereby proving the alleged behaviour more conclusively than on the balance of probabilities.
129. The criteria for bullying and harassment largely overlap, such that a finding of harassment will often automatically provide good evidence of bullying. However, as a matter of fairness, where behaviour meets both definitions, I have only made a finding on one of the definitions. No-one reading the report should be left with the impression that Lord Stone has been found to have breached the Code twice on separate matters arising out of a single incident.
130. I consider that where there is evidence that particular behaviour may meet the criteria for bullying and harassment, harassment is the more serious breach of the Code. The unwanted conduct relates to a protected characteristic and necessarily involves elements of targeting or discrimination based on a protected characteristic, which is, in my view, an attack on personal identity. Therefore, when Lord Stone's behaviour appeared to meet both sets of criteria, which in both cases it did, my formal finding has been that he has harassed the complainant.
131. On each of the definitions, a crucial element is the perception of the conduct by, and the effect that the behaviour has on, the person on the receiving end of it, who is the only person allowed to make a complaint.
132. Harassment is defined as:

“[A]ny unwanted physical, verbal or non-verbal conduct that has the purpose or effect of either violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Under the Equality Act 2010, harassment is related to one or more of the relevant ‘protected characteristics’ which include age, sex, race, disability, religion or belief, sexual orientation and gender reassignment.”

133. A further provision within the UK Parliament policy (supported by the ACAS guidance on bullying and harassment at work) is that:

“A person may also be harassed even if they were not the intended ‘target’ of harassment. For example, a person may be harassed by jokes about a religious group that they do not belong to, if these jokes create an offensive environment for them.”

The complaints in this report were of harassment, not bullying, although a finding of harassment will often meet the criteria for bullying as well.

134. Sexual misconduct is described in the Guide to the Code as incorporating “a range of behaviours including sexual assault, sexual harassment, stalking, voyeurism and any other conduct of a sexual nature that is non-consensual or has the purpose or effect of threatening, intimidating, undermining, humiliating or coercing a person.”
135. Behaviour that can constitute sexual misconduct includes “sexual remarks including those about appearance or clothing ... verbal advances ... touching, groping ... Uncalled-for physical contact ... Unwelcome and inappropriate touching ... grabbing” where such behaviour occurs “inappropriately or without explicit full and freely given consent.”

CD’s complaint

136. CD complained that Lord Stone touched her several times while talking to her and made remarks about her dress that were unwelcome and inappropriate. This intrusion made her angry and anxious about future interactions with him.

Did Lord Stone’s behaviour amount to harassment?

Was Lord Stone’s behaviour unwanted physical, verbal or non-verbal conduct?

137. Yes, it was verbal and physical conduct, and unwanted.

Did it have the purpose or effect of either violating CD’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for her?

138. Yes. CD described immediate and longer-term effects including feelings of anger, frustration, upset, an obvious power dynamic and anxiety about possible future contact with Lord Stone.

Was the behaviour associated with one or more protected characteristic?

139. Lord Stone’s conversation with CD, particularly where he discussed her [religious garment] and the clothing of other women, was clearly associated with her sex and religion.

140. **On the basis of the evidence, I consider it more likely than not that Lord Stone’s behaviour was associated with CD’s sex and religion. I find therefore that his conduct amounted to harassment related to sex and religion.**

Did Lord Stone’s behaviour meet the criteria for sexual harassment amounting to sexual misconduct?

Was his conduct of a sexual nature?

141. CD does not allege this and there is no indication that there was a sexual motivation.
142. **I do not consider that Lord Stone’s behaviour met the criteria for sexual harassment and there is no evidence to support a finding of sexual misconduct.**

Did Lord Stone’s behaviour meet the criteria for bullying?

143. I have explained above why I do not intend to make two findings on the same facts, and therefore, although it is likely that Lord Stone’s behaviour towards CD also meets the criteria for bullying, I have not carried out an analysis to establish whether this is the case.

Conclusion

144. **Harassment is a breach of the Behaviour Code and the Code of Conduct. I therefore uphold CD’s complaint that Lord Stone’s behaviour breached the Code of Conduct.**

GH’s complaint

145. GH complained that Lord Stone repeatedly touched her arm and her waist, greeted her with kisses too close to her mouth, and made comments about her physical appearance that were unwelcome and inappropriate. These actions made her uncomfortable.

Did Lord Stone’s behaviour amount to harassment?

Was Lord Stone’s behaviour unwanted physical, verbal or non-verbal conduct?

146. Yes, it was verbal and physical conduct, and unwanted.

Did it have the purpose or effect of either violating GH’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for her?

147. Yes. GH described her discomfort, confusion and concern at the time about Lord Stone’s over-familiar, unnecessary and repeated physical contact throughout her visit to the House. Her complaint also made clear that her discomfort with Lord Stone’s behaviour stayed with her for some months afterwards.

Was the behaviour associated with one or more protected characteristic?

148. Lord Stone made references to GH being “young and beautiful” which, although he said were made in the context of talking about Queen Victoria, I consider related to the complainant’s age and sex.
149. **On the basis of the evidence, I consider it more likely than not that Lord Stone’s behaviour was associated with GH’s age and sex. I find**

therefore that his conduct amounted to harassment related to age and sex.

Did Lord Stone's behaviour meet the criteria for sexual harassment amounting to sexual misconduct?

Was his conduct of a sexual nature?

150. GH felt that Lord Stone's behaviour towards her was sexually motivated and described finding it hard "not to think what "could have" happened if [she] had been alone". She described how she "searched for many sexual harassment support outlets following this incident".
151. Lord Stone insisted that he had no sexual motivation, but simply wanted to put her at ease and that his comments were in the context of giving her a tour and speaking about a young Queen Victoria.
152. The sexual misconduct definition, as with the other definitions, looks at the "purpose or effect" of behaviour in deciding whether sexual misconduct has occurred. So, if GH felt threatened, intimidated, undermined, humiliated or coerced, this would meet the relevant criterion, even if Lord Stone had not intended to have this effect.
153. However, the requirement that the conduct has to be of a sexual nature does not have this subjective element. It is necessary to establish whether, objectively, the behaviour was more likely than not to be of a sexual nature.
154. It was perfectly reasonable and understandable for GH to consider that Lord Stone's behaviour towards her during her visit to Parliament was sexually motivated.
155. However, Lord Stone denied this, and gave a 'non-sexual' explanation that is plausible, although, as he now admits, inappropriate.
156. In considering the plausibility of Lord Stone's explanation, I bear in mind his previous response to other complaints, and his previous views about physical contact between people who are not friends, or even known to each other. I have therefore concluded that his behaviour, although crass, upsetting and wrong, cannot be shown, on the balance of probabilities, to have been sexual on this occasion.
157. **Lord Stone's behaviour did not meet the necessary criteria for sexual misconduct, so there is no finding that he engaged in sexual misconduct.**

Did Lord Stone's behaviour meet the criteria for bullying?

158. I have explained above why I do not intend to make two findings on the same facts, and therefore, although it is likely that Lord Stone's behaviour towards GH also meets the criteria for bullying, I have not carried out an analysis to establish whether this is the case.

Conclusion

159. **Harassment is a breach of the Behaviour Code and the Code of Conduct. I therefore uphold GH's complaint that Lord Stone's behaviour breached the Code of Conduct.**

CHAPTER 9: OUTCOME

160. Under the Code of Conduct, when I uphold a complaint of bullying, harassment or sexual misconduct, I must produce a report for publication and identify an appropriate outcome, which can range from no action to expulsion from the House.
161. In this case these complaints were made after my report of October 2019 following similar complaints by other complainants. However, the behaviour that triggered the complaints took place before the earlier complaints were made.
162. In considering an appropriate sanction, I first considered whether, if these complaints had been made as part of my earlier investigation, I would have reached a different conclusion on appropriate sanction in that investigation.
163. I concluded that I would not have done: Lord Stone made it clear that the behaviour complained of in the first investigation reflected his usual conduct, and was not limited to the specific examples given by the complainants, and the behaviour complained of in this investigation was very much on a par with the earlier behaviour complained of.
164. The Code of Conduct requires that, where complaints are made of bullying harassment or sexual misconduct, the fact of the complaints and of my investigation has to be kept confidential until any report is published.
165. This meant that the complainants in this investigation had no way of knowing that complaints had been made and were being investigated until my report was published in October 2019.
166. It follows that they cannot be criticised in any way for not complaining before my report was published. On the other hand, Lord Stone should not be disadvantaged by the fact that the earlier investigation was confidential, and has resulted in two investigations, and two reports, relating to conduct that all occurred before the first complaints were made.
167. During the course of this investigation I established that Lord Stone was still receiving behaviour change training, and I know he has made the trainer aware of these complaints.
168. GH and Lord Stone have agreed that Lord Stone continuing his training and for the conduct described in GH's complaint to be incorporated into that training is the appropriate outcome.
169. CD wrote to me on 29 June to say that she was not content to agree to remedial action and wanted the matter to go to the Conduct Committee, which could decide on a different sanction. CD explained:
- “Whilst I appreciate his apology, his reflections and changes in lifestyle as a consequence, I cannot agree to remedial action as the **only** solution to this incident. This is due to the gravity of the incident I have reported, coupled with the numerous other incidents that were reported formally to the Commissioner, those reported to the Clerk of the Parliaments (as Lord Stone told me himself) and the possibility of unreported incidents.”

170. She told us that she would not feel at ease if she did not “push for restrictions to Parliamentary services. Allowing members to have access to these privileges condones wrong and damaging behaviour.”
171. I informed Lord Stone of CD’s decision. He responded to say that he regretted the impact of his previous behaviour on others, that the training he was undergoing was helping him to gain a better understanding of his behaviour and how to change it, and that as result of the findings against him he was coming to the House of Lords less frequently.
172. Each complainant was seen separately, and neither was aware of what the other had agreed.
173. **As GH and Lord Stone agreed that Lord Stone would continue to undertake bespoke training to address his behaviour and its effects on others, this is the outcome to the complaint made by GH.**
174. **As CD did not agree to remedial action, her complaint is referred to the Conduct Committee for final decision.**
175. Neither of these complainants wishes to be identified. As is apparent from the report, one is a member of the public and one works in Parliament. In my previous reports, I asked that no attempt be made, in or out of Parliament, to identify the complainants and I hope very much that the same restraint and courtesy will be shown to these complainants.