



HOUSE OF LORDS

Conduct Committee

---

5th Report of Session 2019–21

**Valuing Everyone  
training**

**ICGS investigations:  
former MPs**

---

Ordered to be printed 26 October 2020

---

Published by the Authority of the House of Lords

HL Paper 158

### *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.

The members of the Conduct Committee are:

Baroness Anelay of St Johns  
Lord Brown of Eaton-under-Heywood  
Cindy Butts (lay member)  
Mark Castle (lay member)  
Andrea Coomber (lay member)  
Dr Vanessa Davies (lay member)  
Baroness Donaghy  
Baroness Hussein-Ece  
Lord Mance (Chairman)

### *Advice*

The Registrar of Lords' Interests advises members of the House and their staff on their obligations under the Codes of Conduct.

Address: Registrar of Lords' Interests, House of Lords, London SW1A 0PW  
Email: [lordsregistrar@parliament.uk](mailto:lordsregistrar@parliament.uk)  
Telephone: 020 7219 3112/3120

### *Registers of Interests*

A list of interests of members and their staff can be found online:  
[www.parliament.uk/hlregister](http://www.parliament.uk/hlregister)

### *Commissioner for Standards*

The independent Commissioner for Standards is responsible for considering any alleged breaches of the Codes of Conduct.

Address: The Commissioner for Standards, House of Lords, London SW1A 0PW  
Email: [lordsstandards@parliament.uk](mailto:lordsstandards@parliament.uk)  
Telephone: 020 7219 7152  
Website: [www.parliament.uk/hl-standards](http://www.parliament.uk/hl-standards)

### *Independent Complaints and Grievance Scheme Helpline*

0808 168 9281 (freephone)  
[Support@ICGShelpline.org.uk](mailto:Support@ICGShelpline.org.uk)

## CONTENTS

---

	<i>Page</i>
<b>Introduction</b>	<b>3</b>
<b>Chapter 1: Valuing Everyone training</b>	<b>4</b>
<b>Chapter 2: Investigations of members relating to their time as an MP</b>	<b>7</b>
<b>Proposed scheme</b>	<b>7</b>
<b>Bullying, harassment and sexual misconduct investigations into former members of the other House</b>	<b>7</b>
<b>Former MPs in the House of Lords</b>	<b>8</b>
<b>Former Lords members in the House of Commons</b>	<b>8</b>



# Fifth Report

## INTRODUCTION

---

1. This report is in two parts. The first part proposes making it a breach of the Code of Conduct for members not to attend the Valuing Everyone training course which was introduced as part of the drive to address bullying, harassment and sexual misconduct in Parliament. The second part proposes a scheme to enable investigation of members of this House who were formerly members of the House of Commons for alleged bullying, harassment or sexual misconduct during their time in the House of Commons.
2. **We invite the House to agree the changes to the Code of Conduct and Guide to the Code set out in paragraphs 7, 8 and 18 below.**

## CHAPTER 1: VALUING EVERYONE TRAINING

---

3. In our first report of this session,<sup>1</sup> agreed by the House in March this year,<sup>2</sup> we made clear our expectation that all members of the House should attend the Valuing Everyone training course. Valuing Everyone is the 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. It was a key recommendation of the report of Naomi Ellenbogen QC that all members of the House should attend this course.
4. In our report we set a target that at least 50 per cent of members of the House should have attended the training by summer recess 2020. We also stated that we would review progress against the target and if necessary consider making non-attendance a breach of the Code of Conduct or attaching other sanctions. Since then we have received regular updates on attendance rates, and have noted possible reasons for increases and decreases in attendances over the last few months. We have also noted the move to online training sessions earlier this year, which means that all members of the House should be able to attend the training notwithstanding the pandemic. We take this opportunity to remind the House that the names of those members who have attended the training are published.<sup>3</sup>
5. The House nearly met our target of 50 per cent attendance by the summer recess. At the end of the summer recess 366 or 47.8 per cent of members had attended. In deciding what steps to take next we have taken on board the views of the Steering Group for Change which is the group of members and staff who are keeping under review the progress towards implementing the recommendations of the Ellenbogen review. It is the view of that Group and of the Conduct Committee that we need to move more quickly towards all members of the House having undertaken the training. To that end we recommend that the House should make it a breach of the Code not to have undertaken Valuing Everyone training by 1 April 2021.
6. The period between now and 1 April provides sufficient time for all members to attend a course voluntarily, or at the least to sign up to attend a course on a specific date, and we hope all members will.
7. We recommend that the following new paragraph be inserted after paragraph 17 of the Code:

**Members must attend the mandatory training established by the House to raise awareness of, and to prevent, bullying, harassment and sexual misconduct. Failure to attend the training by 1 April 2021 constitutes a breach of this Code for all members who joined the House before 1 January 2021 and are not on Leave of Absence or otherwise disqualified from attending the House. For new members and those returning from Leave of Absence/disqualification it is a breach not to attend the training within**

---

1 Progress report and amendments to the rules of conduct, 5 March 2020 (HL Paper 34)

2 HL Deb, 16 March 2020, cols 1280-1281

3 <https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/house-of-lords-commissioner-for-standards-/members-of-the-house-of-lords-attendance-at-valuing-everyone-training/>

**three months of introduction or return from Leave of Absence/  
disqualification.**

8. We also recommend that the new words in bold are added to paragraph 114 of the Guide:

Members of the House are required to treat those with whom they come into contact in the course of their parliamentary duties and activities with respect and courtesy **and members are required to attend the mandatory training established by the House to raise awareness of, and to prevent, bullying, harassment and sexual misconduct.** Paragraph 17 of the Code states that behaviour that amounts to bullying, harassment or sexual misconduct constitutes a breach of the Code. The definitions of these behaviours were set out in detail in the Independent Complaints and Grievance Scheme Delivery Report published in July 2018 (see Appendix B for full definitions).

9. The Lords ICGS Implementation Lead, who holds records on which members have taken part in the training, will send monthly reminders between now and 1 April to those members who had not yet completed the training. After 1 April any members who have still not completed the training or signed up to a specific training date will be referred by the ICGS Implementation Lead to the Commissioner for Standards.
10. The Commissioner will open an inquiry into the members referred to her, though she shall be empowered to excuse particular members from investigation due to exceptional circumstances such as ongoing serious health problems.
11. The Commissioner will write to those members under investigation, seeking an explanation. Unless there are extenuating circumstances, she will consider restricting their access to certain services until training is complete and seek to agree that they attend the training as remedial action. The Commissioner will be able to do this in relation to Valuing Everyone training using the powers she already has at paragraphs 20 and 21 of the Code:

20. A House of Lords Commissioner for Standards is appointed to investigate alleged breaches of this Code, or of the rules governing members' financial support or use of parliamentary facilities. Any such investigation is conducted in accordance with procedures set out in the Guide to the Code of Conduct, and during the investigation the member must adhere to any restrictions on their access to the facilities and services of the House which the Commissioner may impose. The Commissioner may also inform the complainant and the relevant senior managers of any such restrictions.

21. After investigation the Commissioner makes a report of her findings. If the member is found not to have breached the Code, or if the member and the Commissioner have agreed remedial action, the report is normally published only on the Commissioner's webpages. The Commissioner may make it a condition of any agreement on remedial action which includes training that the member must adhere to specific restrictions on their access to the facilities and services of the House until the training is complete, and the member must adhere to any such restrictions so agreed.

12. The Commissioner will publish one report covering all members with whom she agrees remedial action. Any members with whom she does not agree remedial action, or any member who ignored the restriction on access to services, will be liable to a recommendation for further sanctions.

## CHAPTER 2: INVESTIGATIONS OF MEMBERS RELATING TO THEIR TIME AS AN MP

---

13. The Independent Complaints and Grievance Scheme (ICGS) provides that former members of either House can be investigated for alleged bullying, harassment or sexual misconduct during their time as a member. The only exceptions are former MPs who are now in the House of Lords and former Lords who become MPs, who cannot currently be investigated if a complaint concerns their conduct while in the first House.
14. This report invites the House to close this loophole by approving a scheme which has been agreed between the Conduct Committee and the House of Commons Standards Committee. We understand that the Standards Committee will shortly be seeking the agreement of the House of Commons in similar terms.

### Proposed scheme

15. The Committees have agreed that complaints of bullying, harassment or sexual misconduct against ex-MPs in the Lords relating to their time in the Commons should be investigated under Commons procedures, so that all former MPs can be investigated in the same way. Similarly, any appeals against the findings of the Parliamentary Commissioner for Standards (PCS) would be made to the Independent Expert Panel established by the House of Commons.
16. Where the PCS finds that there has been a breach, but has not been able to deal with it through House of Commons rectification procedures, it will be necessary to impose a sanction. The two Houses have distinct approaches to sanctions, particularly at the more serious end of the scale where there are separate legal provisions about what sanctions are available, and there may also be different thresholds for serious sanctions. Accordingly, we propose that any sanction on a member of this House relating to their historic behaviour as an MP should be proposed by the House of Lords Commissioner for Standards, as she does for any other Lords member in breach of the Code. Any appeal against the sanction would be heard by this House's Conduct Committee in the usual way.
17. Although it is rare for a member to move from the Lords to the Commons, it is proposed that this scheme would apply in reverse as necessary. Therefore, the Lords Commissioner would investigate complaints of bullying, harassment or sexual misconduct against MPs relating to their time in the Lords, and the Independent Expert Panel in the Commons would propose the appropriate sanction.
18. **The full proposed scheme is set out below, and we recommend that the following text should be added as a new section of the Guide to the Code after paragraph 158.**

### *Bullying, harassment and sexual misconduct investigations into former members of the other House*

158A. Where complaints of bullying, harassment or sexual misconduct are made against a member of one House relating to their time in the other House, the following procedures apply. The Parliamentary Commissioner for Standards (PCS) and the House of Lords

Commissioner for Standards may share information on a confidential basis in such cases, to ensure that they are both aware of any pattern of behaviour.

*Former MPs in the House of Lords*

158B. Complaints against a member of the House relating to their time in the House of Commons are dealt with under House of Commons procedures for setting up an ICGS investigation and reporting that investigation to the House of Commons Parliamentary Commissioner for Standards (PCS). In line with House of Commons rules, only complaints by current or former members of the parliamentary community are accepted. Complaints must be made to the Independent Complaints and Grievance Scheme helpline.<sup>4</sup>

158C. During an investigation under House of Commons procedures, the House of Lords Commissioner may restrict access to facilities and services of the House for the member in question as she can with her own investigations.

158D. If a member of the House retires during an investigation under these provisions, then the case may be concluded in the House of Commons as with former MPs who are not members of the House of Lords.

158E. Where the PCS concludes that there has been no breach of the rules, or that there has been a breach that can be rectified, she writes to the Conduct Committee to inform them before publishing her report.

158F. The House of Commons Independent Expert Panel (IEP) hears any appeal from either party against the PCS's conclusions.

158G. Members of the House are to cooperate with the PCS and the IEP in any investigation. A failure to cooperate is a breach of this Code.

158H. If the conclusion of the process in the House of Commons is that bullying, harassment or sexual misconduct has occurred and that it cannot be dealt with through rectification, the PCS or the IEP (as appropriate) send their report in confidence to the House of Lords Commissioner for Standards. The Commissioner then recommends a sanction to the Conduct Committee. She does not re-open any aspect of the investigation.

158I. The Conduct Committee receives the recommendation on sanction as set out in paragraphs 161 to 164 below, and hears any appeal, limited only to the severity of the sanction.

158J. If the sanction is a personal statement of apology to the House, the member makes the statement in the House of Lords.

*Former Lords members in the House of Commons*

158K. Complaints of bullying, harassment and sexual misconduct against an MP relating to their time in this House are dealt with under House of Lords procedures. Such complaints, which may be submitted

---

<sup>4</sup> The Independent Complaints and Grievance Scheme Helpline can be contacted on 0808 168 9281 (freephone) or at support@ICGShelpline.org.uk.

by anybody who has been directly affected by the alleged behaviour, should be addressed to the House of Lords Commissioner for Standards or the Independent Complaints and Grievance Scheme helpline.

158L. Where the Commissioner concludes that there has been no breach of the rules, or that there has been a breach that can be dealt with through remedial action, she writes to the relevant Commons authorities to inform them.

158M. The Conduct Committee hears any appeal by either party against the Commissioner's conclusions.

158N. If the conclusion of the process in the House of Lords is that bullying, harassment or sexual misconduct has occurred and that it cannot be dealt with through remedial action, the Commissioner or Conduct Committee (depending on whether there has been an appeal) send their report in confidence to the PCS. The member is then sanctioned in line with House of Commons processes.

158O. If the sanction is a personal statement of apology to the House, the member makes the statement in the House of Commons.