



HOUSE OF LORDS

Conduct Committee

---

8th Report of Session 2019–21

# **The conduct of Lord Maginnis of Drumglass**

---

Ordered to be printed 2 December 2020

---

Published by the Authority of the House of Lords

HL Paper 185

### *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>Report from the Conduct Committee</b>	<b>5</b>
Introduction	5
The complaints	5
The Commissioner's investigation and findings	6
Lord Maginnis's appeal on findings	6
Sanction	7
<b>Annex A: Commissioner's main report</b>	<b>11</b>
<b>Chapter 1: Introduction</b>	<b>11</b>
<b>Chapter 2: Executive summary</b>	<b>12</b>
Complaint by Christian Bombolo	12
Immediate and longer-term effect on Mr Bombolo	12
Lord Maginnis's response	12
Finding	13
Complaint by Hannah Bardell MP	13
Immediate and longer-term effect on Ms Bardell	13
Lord Maginnis's response	13
Finding	14
Complaint by Luke Pollard MP	14
Immediate and longer-term effect on Mr Pollard	15
Lord Maginnis's response	16
Finding	16
Complaint by Toby Perkins MP	16
Immediate and longer-term effect on Mr Perkins	17
Lord Maginnis's response	17
Finding	17
Outcome	18
<b>Chapter 3: Process and chronology</b>	<b>20</b>
<b>Chapter 4: Principles relating to investigations and outcomes</b>	<b>21</b>
Natural justice and fairness	21
Proportionality	22
Remedial action	22
Sanctions imposed by the House	22
Agreed resolution	22
Openness and transparency	23
<b>Chapter 5: Information from the Clerk of the Parliaments regarding Lord Maginnis</b>	<b>25</b>
<b>Chapter 6: Complaint by Christian Bombolo: account of the key facts and evidence</b>	<b>26</b>
Christian Bombolo's complaint	26
Lord Maginnis's evidence	26
Christian Bombolo's evidence	31
Other evidence	34
Findings of fact	36
<b>Chapter 7: Complaint by Hannah Bardell MP: account of the key facts and evidence</b>	<b>37</b>

Hannah Bardell's complaint	37
Lord Maginnis's evidence	41
Ms Bardell's evidence	44
Findings of fact	46
<b>Chapter 8: Complaint by Luke Pollard MP: account of the key facts and evidence</b>	<b>47</b>
Luke Pollard's complaint	47
Lord Maginnis's email to James Gray MP	51
Lord Maginnis's evidence	54
Mr Pollard's evidence	56
Other evidence	57
Findings of fact	60
<b>Chapter 9: Complaint by Toby Perkins MP: account of the key facts and evidence</b>	<b>61</b>
Mr Perkins' complaint	61
Lord Maginnis's evidence	64
Mr Perkins' evidence	65
Other evidence	66
Findings of fact	68
<b>Chapter 10: Analysis and findings</b>	<b>69</b>
Behaviour Code	69
Respect and value everyone	69
Recognise your power, influence or authority and don't abuse them	70
Think about how your behaviour affects others and strive to understand their perspective	70
Act professionally towards others	70
Ensure Parliament meets the highest ethical standards of integrity, courtesy and mutual respect	70
Speak up about any unacceptable behaviour you see	71
Bullying, harassment and sexual misconduct	71
Christian Bombolo's complaint	71
Did Lord Maginnis's behaviour amount to bullying?	71
Conclusion	71
Hannah Bardell's complaint	71
Did Lord Maginnis's behaviour at the entrance to Parliament amount to bullying?	71
Did Lord Maginnis's behaviour subsequently amount to harassment?	72
Conclusion	72
Luke Pollard's complaint	72
Did Lord Maginnis's behaviour at the APPG dinner amount to bullying?	72
Did Lord Maginnis's behaviour subsequently amount to harassment?	72
Conclusion	73
Toby Perkins' complaint	73
Did Lord Maginnis's behaviour at the APPG breakfast amount to harassment?	73
Conclusion	73

<b>Chapter 11: Outcome</b>	<b>74</b>
<b>Consideration of sanction</b>	<b>74</b>
<b>Recommended sanction</b>	<b>76</b>
<b>Appendix 1: Chronology of events</b>	<b>78</b>
<b>Appendix 2: Lord Maginnis’s response to the factual report</b>	<b>79</b>
<b>Appendix 3: Hannah Bardell’s response to the factual report</b>	<b>80</b>
<b>Appendix 4: Lord Maginnis’s submission to the Commissioner on sanction</b>	<b>83</b>
<b>Appendix 5: Email from Hannah Bardell MP to the Commissioner for Standards, 10 February 2020</b>	<b>85</b>
<b>Annex B: appeal documents</b>	<b>91</b>
<b>Appendix 6: Lord Maginnis’s written appeal</b>	<b>91</b>
<b>Appendix 7: Second written appeal from Lord Maginnis, 24 November 2020</b>	<b>94</b>
<b>Appendix 8: Transcript of Lord Maginnis’s appeal hearing</b>	<b>96</b>



# The conduct of Lord Maginnis of Drumglass

## REPORT FROM THE CONDUCT COMMITTEE

---

### Introduction

1. The Conduct Committee has considered a report by the House of Lords Commissioner for Standards (“the Commissioner”) on four separate complaints made about Lord Maginnis of Drumglass under the provisions of the Code dealing with bullying, harassment or sexual misconduct.
2. The procedure in cases such as this is set out in the *Guide to the Code of Conduct*. Under this procedure, the Commissioner investigates allegations against members. If she finds that a member has breached the Code of Conduct, she recommends an appropriate sanction for the Conduct Committee to consider. The member may appeal to the Committee against the Commissioner’s findings and/or sanction. Lord Maginnis did appeal and the Committee has considered his written appeal against the Commissioner’s findings and heard from him orally. This report sets out our findings.
3. **This report relates to bullying, and to harassment associated with the protected characteristic of sexual orientation. The report includes language that is offensive and homophobic and may be upsetting to many readers.**

### The complaints

4. The complaints are set out in detail in the Commissioner’s report. The first two complaints relate to an incident on 7 January 2020. Christian Bombolo, a parliamentary security officer, reported that Lord Maginnis had been verbally abusive when asked to produce his parliamentary security pass in order to enter the parliamentary estate. The following day Lord Maginnis spoke to a journalist about the incident and was reported to have referred to Mr Bombolo using disrespectful and derogatory language. Hannah Bardell MP witnessed the incident with Mr Bombolo. She complained that when she attempted to intervene she was treated rudely and aggressively by Lord Maginnis. Lord Maginnis’s remarks to the media also included comments about Ms Bardell and her complaint included the fact that during that interview Lord Maginnis used homophobic and derogatory language about her.
5. The remaining two complaints relate to incidents at meetings of the All-Party Parliamentary Group for the Armed Forces. On 11 February 2020 Luke Pollard MP chaired a meeting of the APPG and reported that Lord Maginnis became agitated when he was not called to ask a question due to lack of time. After the meeting Lord Maginnis complained to Mr Pollard and made rude remarks about his chairing. Mr Pollard’s complaint stated that later the same night Lord Maginnis e-mailed James Gray MP (Chair of the APPG) and other parliamentarians using a homophobic subject line and including other remarks about Mr Pollard which centred on his sexual orientation and were homophobic.

6. On 4 March 2020, Toby Perkins MP, another member of the Armed Forces APPG, attended a breakfast meeting which Lord Maginnis also attended. He witnessed a heated conversation between Lord Maginnis and James Gray MP as chair of the APPG. Mr Perkins later approached Lord Maginnis to understand what was happening and learnt that Mr Gray had told Lord Maginnis he could not attend the event due to his previous conduct towards Luke Pollard MP. Mr Perkins reported that in describing the circumstances to him Lord Maginnis was homophobic, aggressive and disrespectful, including by making further homophobic remarks about Luke Pollard MP and Hannah Bardell MP.

### **The Commissioner's investigation and findings**

7. The Commissioner's investigation is set out in detail in her report. The Commissioner made the following findings:
- Lord Maginnis's behaviour towards Christian Bombolo met the criteria for bullying, and was therefore a breach of the Code of Conduct.
  - Lord Maginnis's behaviour towards Hannah Bardell MP, during the incident involving Mr Bombolo, met the criteria for bullying, and was therefore a breach of the Code of Conduct.
  - Lord Maginnis's comments to the media about Hannah Bardell MP met the criteria for harassment associated with the protected characteristic of sexual orientation, and were therefore a breach of the Code of Conduct.
  - Lord Maginnis's behaviour towards Luke Pollard MP met the criteria for harassment associated with the protected characteristic of sexual orientation, and was therefore a breach of the Code of Conduct.
  - Lord Maginnis's behaviour towards Toby Perkins MP met the criteria for harassment associated with the protected characteristic of sexual orientation, and was therefore a breach of the Code of Conduct.

### **Lord Maginnis's appeal on findings**

8. The grounds for appeal are limited by the *Guide to the Code of Conduct* to the following:
- the Commissioner was plainly wrong in her finding;
  - points of process;
  - the emergence of significant new evidence; or
  - the severity of the sanction.
9. Lord Maginnis disputes few of the facts contained in the Commissioner's report. However, in his appeal, he disputed the following details of the findings about the 7 January 2020 incident: (1) that Hannah Bardell MP entered after him, and (2) that he shouted or screamed during the episode at the entrance to Parliament.
10. The Commissioner, at paragraph 211 of her report, accepts that there are some aspects of Ms Bardell's account that are disputed and do not appear in other accounts. She nevertheless concludes that the essential aspects of Ms

Bardell's account are corroborated and that on the balance of probabilities, they are more likely than not to be true. Lord Maginnis provided no evidence to persuade the Committee that the Commissioner was plainly wrong in her findings about the January incident and the Committee therefore dismissed this part of the appeal.

11. Lord Maginnis raised one point of process in his appeal which was that the Commissioner did not declare an association with an organisation called Out4Marriage. The implication is that the Commissioner, due to this suggested allegiance, would not have conducted the investigation fairly.
12. The Commissioner addresses this in paragraph 352 of her report. She writes that "Out4Marriage was a campaign in favour of same-sex marriage that arranged for short videos to be recorded with a variety of people to speak in favour of same-sex marriage. In 2012, as incoming President of the Law Society of England and Wales I recorded such a video." She further writes that "My own "social and moral" views are not a relevant factor in this investigation."
13. The Committee saw no evidence that the Commissioner's investigation was affected by her apparent support for same-sex marriage and therefore dismissed this part of the appeal.
14. When he appeared before us, Lord Maginnis did not put forward any further arguments that the Commissioner was plainly wrong or that there were procedural irregularities, other than criticising the Commissioner and impugning the motives of those who complained about his behaviour.

### Sanction

15. The Commissioner recommended that Lord Maginnis be suspended from the House for a minimum of nine months; undertake bespoke behaviour change coaching and remain suspended until that is completed (if longer than nine months); and that he complete the Valuing Everyone training within one month of his return to the House. The Commissioner makes reference to a number of relevant factors in this case, including:
  - Lord Maginnis's continued use of demeaning language against the complainants and his ascribing motivations for their actions based on sexual orientation
  - The conduct complained of was not "minor"
  - The evidence suggests that "using homophobic language and expressing homophobic views is part of Lord Maginnis's normal discourse"
16. At the start of the oral appeal we made it clear to Lord Maginnis that the issue of concern was not his beliefs but his behaviour. Lord Maginnis is entitled to hold the beliefs he does and to express them freely in Parliament but in doing so he must treat others with courtesy and respect.
17. In his oral appeal Lord Maginnis showed very little insight into the impact of his behaviour on the complainants, and no remorse for the upset he had caused. To the contrary, he portrayed himself as a victim of a conspiracy by people who disapproved of his views, and insisted that all his conduct had been provoked. He also continued to refer to the complainants in a disobliging and sometimes offensive manner.

18. Against this background, the Committee was particularly keen to understand whether bespoke behaviour change coaching was likely to have any effect given the behaviour of Lord Maginnis during the course of the Commissioner's investigation. During his oral appeal we asked Lord Maginnis whether he would be willing to attend and engage with such coaching. He initially said that he would, but it became clear later on that he had envisaged a single, one-off training session rather than a course of bespoke behaviour change coaching, which he was not minded to undertake. Neither was Lord Maginnis willing to contemplate accepting a suspension from the House.
19. The Committee discussed at length whether there was any prospect of Lord Maginnis changing his behaviour so as to avoid conduct and statements in relation to others in the course of his Parliamentary activities of the unacceptable nature which the Commissioner has found. If there is no such prospect, then we believe that it would be inappropriate for him to return to the House because it would only be a matter of time before he subjected members of the parliamentary community to the type of unacceptable behaviour outlined in this report. We therefore considered whether he should be immediately expelled from the House.
20. On balance, we concluded that it would be disproportionate to recommend that Lord Maginnis be expelled. While the behaviour complained about is clearly unacceptable he should have the opportunity to engage with the coaching and improve his behaviour towards others. He will therefore be given this opportunity but we endorse the Commissioner's recommendation that he should at least be suspended from the House until he seizes it.
21. The Committee further concluded in this connection that:
  - (a) Given the lack of insight into the impact of his behaviour shown during his oral appeal and the absence of remorse, the proposed minimum suspension of nine months should be increased. We therefore propose that the term of suspension should be doubled to a minimum of 18 months.
  - (b) It will be appropriate to see evidence of insight and behaviour change before any suspension should end. At the end of the 18 month period, the Committee should therefore review whether Lord Maginnis has engaged and shown a willingness to treat people more respectfully. In doing this we will communicate with Lord Maginnis and the behaviour change training providers. We would also hope and expect that Lord Maginnis would by that time feel able and wish to write to the four complainants in a way reflecting an understanding of and regret for the upset which conduct and words of the nature found by the Commissioner causes; and we would take into account whether this had occurred. If satisfied that Lord Maginnis had gained insight into why his behaviour was unacceptable and had shown a willingness and capacity to change then we would certify that his suspension should end and the House would be notified accordingly.
22. **We therefore recommend that Lord Maginnis of Drumglass be suspended from the service of the House for a period of at least 18 months and until he has successfully completed a designated course of bespoke behaviour change training and coaching. At the end of this period the Conduct Committee will consider whether it is appropriate**

**to end the suspension. This will happen if Lord Maginnis attends and engages appropriately with the designated bespoke behaviour change training and coaching to address his behaviour and its effects on others. If his bespoke behaviour change training and coaching takes longer than 18 months, we recommend that Lord Maginnis remains suspended unless or until the Committee confirms that he has completed the training and demonstrated a capacity for change.**

- 23. Lord Maginnis has not yet completed the Valuing Everyone training that all members are required to attend, and we stipulate that he must do so at the latest within one month of his return to the House, if his suspension is lifted. If he does not do this then he will be in breach of paragraph 170 of the Guide to the Code and we will consider a further sanction.**

# Annex A: Commissioner's main report

## CHAPTER 1: INTRODUCTION

---

1. This report deals with four separate complaints made about Lord Maginnis of Drumglass under the provisions of the Code dealing with bullying, harassment or sexual misconduct.
2. Though my meetings and correspondence with Lord Maginnis covered all of the complaints, the details of each have been considered separately.
3. In considering these complaints I have been supported by Matthew Scott, Independent Investigator, Andrea Adams Consultancy, and James Whittle, one of 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.
4. 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.
5. **The findings and discussions in this case relate to bullying, and to harassment associated with the protected characteristic of sexual orientation.**
6. **The report includes language that some readers may find offensive.**

## CHAPTER 2: EXECUTIVE SUMMARY

---

### Complaint by Christian Bombolo

7. Christian Bombolo, a parliamentary security officer, reported that on 7 January 2020 he was on duty at the entrance to the parliamentary estate from Westminster tube station. At that entrance people are required to use their parliamentary passes to release the doors and enter.
8. Lord Maginnis came in from the tube station to enter the estate and asked to be let through the entrance. Mr Bombolo asked to see his pass. Lord Maginnis replied that he did not have his pass with him. Mr Bombolo informed him that he would need to get a temporary day pass from the Pass Office and that he could not grant him access at that entrance.
9. Mr Bombolo reported that Lord Maginnis then became abusive and shouted at him. Mr Bombolo called for support from his managers and they attended the scene. A police officer also came through from the tube station.
10. Lord Maginnis ultimately gained access to the estate.
11. The following day Lord Maginnis spoke to a journalist from the HuffPost about the incident in which he was reported to have referred to Mr Bombolo as “crooked”, a “little git” and a “jobsworth”.<sup>1</sup>

### *Immediate and longer-term effect on Mr Bombolo*

12. Mr Bombolo said that the incident had left him feeling “humiliated” and “worthless”. He said that he had “lost my esteem, my dignity”. He also noted that by Lord Maginnis speaking to the HuffPost, the incident had become publicised and “an international matter”.

### *Lord Maginnis’s response*

13. Lord Maginnis responded to the complaint in various emails and in an interview with us. In his emails he described Mr Bombolo’s complaint as a “remarkably one-sided version of the incident”. In writing and orally Lord Maginnis queried whether Mr Bombolo had been coached by Hannah Bardell MP in making his complaint (see below for details of Ms Bardell’s complaint).
14. Lord Maginnis said that he had been in pain due to arthritis at the time and he did not consider that he had been “intentionally rude” and that he had “[n]ot consciously” shouted but he remembered saying to Mr Bombolo “something like, “You’re being crooked” or “You’re being awkward”. If that’s shouting, yes, I shouted, but I don’t think you would call that shouting.”
15. He also said that he thought that Mr Bombolo was someone “who thinks he can make an example of me”. In his view this was because Lord Maginnis had previously had a “row” with another security officer and that Mr Bombolo had “a pre-conceived attitude” towards him and took an opportunity to take advantage of his position to be “bloodyminded”.

---

<sup>1</sup> ‘Peer Accuses MP Of Calling Out His ‘Abusive’ Behaviour Because She Is ‘Queer’, *HuffPost* (8 January 2020): [https://www.huffingtonpost.co.uk/entry/abuse-lord-maginnis-hannah-bardell\\_uk\\_5e161a09c5b6c7b859d48fbf](https://www.huffingtonpost.co.uk/entry/abuse-lord-maginnis-hannah-bardell_uk_5e161a09c5b6c7b859d48fbf) [accessed 19 October 2020]

*Finding*

16. Lord Maginnis confirmed most of the essential facts of the incident and did not contest others. His remarks to HuffPost are a matter of public record. Therefore the facts of the case have been demonstrated to an extent beyond the required standard of the Code of “on the balance of probabilities”.
17. The Code of Conduct describes bullying 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.”
18. Lord Maginnis’s behaviour met these criteria for bullying, and was therefore a breach of the Code of Conduct.

*Complaint by Hannah Bardell MP*

19. Hannah Bardell MP was present during the incident with Mr Bombolo at the entrance to the estate.
20. She complained that when she attempted to intervene during that incident she was treated rudely and aggressively by Lord Maginnis. She later raised the incident on the floor of the House of Commons as a Point of Order.<sup>2</sup> As a result of this, both she and Lord Maginnis were later approached by the press. Lord Maginnis spoke to the HuffPost and made what she considered to be “homophobic and derogatory” remarks about her, including using the phrase “Queers like her do not particularly annoy me”.
21. Ms Bardell’s complaint also included third party reports of allegations about Lord Maginnis’s conduct. These were provided to Lord Maginnis and he provided a response but they were not part of my investigation.

*Immediate and longer-term effect on Ms Bardell*

22. Ms Bardell said that during the incident she “felt really intimidated and just really scared”. After the incident at the entrance she felt very upset and “sick and shaky”. During an interview with us, Ms Bardell became visibly upset recalling how the incident had affected her.

*Lord Maginnis’s response*

23. Lord Maginnis’s response to Ms Bardell’s complaint was to complain that she had “imposed herself on me, covertly and dishonestly”. He considered that her complaint was based purely on his opposition to same-sex marriage and that Ms Bardell’s complaint was part of an organised campaign to persecute him. He said that he would not “be ‘hung-out-to-dry’ by Stonewall or its acolytes”.
24. In response to other aspects of Ms Bardell’s complaint, which were not the subject of this investigation, he described matters as “lies, damn lies, and an exaggeration beyond reality”. He suggested that the “whole lying tirade” suggested “serious mental illness and psychopathic disorder” on Ms Bardell’s part.

25. In relation to Ms Bardell becoming upset in her interview with us, Lord Maginnis responded:

“As for her informality to the Commissioner, that did surprise me as, indeed, does the official recorded observation of her interview ... that she showed emotion!!!

I must remember to bring some concentrated pollen with me when we next meet; otherwise I doubt that I could match her acting ability!!!!”

### *Finding*

26. Lord Maginnis confirmed most of the essential facts of the incident and did not contest others. His remarks to HuffPost are a matter of public record. Therefore the facts of the case have been demonstrated to an extent beyond the required standard of the Code of “on the balance of probabilities”.
27. The Code of Conduct describes bullying 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.”
28. Lord Maginnis’s behaviour towards Ms Bardell at the security entrance met these criteria for bullying, and was therefore a breach of the Code of Conduct.
29. The Code of Conduct describes harassment 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. 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.”
30. Lord Maginnis’s behaviour in his comments to the HuffPost met these criteria for harassment associated with the protected characteristic of sexual orientation, and were therefore a breach of the Code of Conduct.

### **Complaint by Luke Pollard MP**

31. On 11 February 2020, Luke Pollard MP chaired a meeting of the Armed Forces APPG<sup>3</sup> which Lord Maginnis attended.
32. The meeting was a dinner with a guest speaker followed by questions. Mr Pollard chaired a question and answer session with the guest. He said that he made it clear at the start of the session that he would prioritise new members of the group when calling questions and that time was strictly limited.
33. During the question and answer session he saw that Lord Maginnis wished to speak and he noted his name. As the session continued and he was not reached, Lord Maginnis began speaking loudly to complain and saying that Mr Pollard was the “worst chairman he has ever seen”.
34. When the time ran out for questions, Lord Maginnis had not been called. After the event, Lord Maginnis approached Mr Pollard to complain that he

---

3 All-Party Parliamentary Group are groupings of members of both Houses on matters of mutual interest.

ought to have been called and, according to Mr Pollard, “kept staring at me and making similar remarks”. In response to this, Mr Pollard said “There’s no need to stare at me. I already have a boyfriend but have a good evening.”

35. Later in the evening Lord Maginnis sent an email to James Gray MP (the Chair of the APPG), copied to a number of other parliamentarians and to my office, with the subject heading “Discrimination by Homos”. In these emails he complained to Mr Gray that Luke Pollard had “deliberately not called” him despite acknowledging his indication of wishing to ask a question. He described his exchange with Mr Pollard after the meeting as one in which Mr Pollard had “threatened me with his ‘boyfriend’”. He continued:

“I have no contention whatsoever with people’s personal life but am well known as someone who has opposed to Cameron’s gay marriage legislation. I have, in the past, been nominated by “Stonewall” as ‘bigot of the year’ but lost out to a R.C. priest from Glasgow ... a bit of a ‘come-down’ for an Ulster Unionist!!!!

But, joking apart, I’m not prepared to be victimised by “queers” - not least by those like Pollard and that ‘lady’ Hannah Bardell, the Scots Nat. who recently sought to embarrass me.

Please note that if that chap appears again in the Chair of our group I will challenge his credentials. I’m neither someone to be bullied or intimidated.”

36. Mr Gray replied describing Lord Maginnis’s conduct at the meeting and the content of his email as “completely and utterly unacceptable”. He requested that Lord Maginnis withdraw his remarks and apologise, without which he would not be welcome at any future APPG events.
37. Lord Maginnis replied that Mr Pollard was “obviously part of the ongoing campaign against me because of MY views on the matter relating to the Cameron initiative [same-sex marriage]” and that he was “getting somewhat irked by being discriminated against so, as for any apology, forget it!”
38. Mr Pollard was made aware of these emails, which he considered to be homophobic and therefore contrary to the Code of Conduct.

*Immediate and longer-term effect on Mr Pollard*

39. Mr Pollard’s reaction to these incidents was that he was “shocked and surprised that this type of behaviour would happen within Westminster”. While he did not consider Lord Maginnis’s behaviour during the dinner to be acceptable, it was his remarks in the later email chain he had found most offensive. He said those emails made him feel like a “victim of abuse”. He had chaired the meeting and, while Lord Maginnis may have been dissatisfied with that, it was not “a justification for the language that he used subsequently about the motivation that he assigned to me.”
40. He noted that within Parliament the number of people who take a serious interest in defence matters was relatively small. He was now uncomfortable that that community of colleagues were aware of Lord Maginnis’s behaviour and comments. He said he had had numerous conversations about these matters which he found “kind of embarrassing because that group should be talking about defence policy”, not discussing equalities matters. He said “this

is a group of people who come together from very, very different political views and political backgrounds to talk about defence and it has been ... embarrassing that his behaviour towards me has become a distraction from that.”

#### *Lord Maginnis's response*

41. Lord Maginnis responded to Mr Pollard's complaint by email and during interview.
42. In an email he described the incident saying he and Mr Pollard had had a “normal disagreement before I even knew who or what he was - that he was ‘queer’. He stepped-up our minor disagreement by threatening to sort it out on the Terrace and that ‘my boyfriend is out there’.”
43. Because of the reference to his boyfriend, Lord Maginnis concluded that Mr Pollard's behaviour was influenced by his remarks about Hannah Bardell MP.
44. Lord Maginnis contested some aspects of Mr Pollard's account and accepted that some elements of the disagreement may have arisen from his misunderstandings. However, he still considered that Mr Pollard's reference to his boyfriend was “aggressive” and that Mr Pollard was victimising him because of his views on what he described as Mr Pollard's “behavioural inclinations”.
45. Lord Maginnis gave no comment on the email chain with James Gray and others.

#### *Finding*

46. Lord Maginnis confirmed most of the essential facts of the incident and others were corroborated by other witnesses. The content of the email chain is not disputed as it was copied to my office by Lord Maginnis when he initially wrote it. Therefore, the facts of the case have been demonstrated to an extent beyond the required standard of the Code of “on the balance of probabilities”.
47. The Code of Conduct describes harassment 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. 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.”
48. Lord Maginnis's behaviour met these criteria for harassment associated with the protected characteristic of sexual orientation, and was therefore a breach of the Code of Conduct.

#### **Complaint by Toby Perkins MP**

49. Toby Perkins MP is a member of the Armed Forces APPG. On 4 March 2020 he attended a breakfast meeting of the group which Lord Maginnis also attended.
50. Before the meeting began, he saw Lord Maginnis in conversation with James Gray MP. He later understood that Mr Gray had told Lord Maginnis he

could not attend the event due to his previous conduct towards Luke Pollard. According to Mr Perkins, Lord Maginnis “quickly responded aggressively refusing to leave and implying that the Chair would have to physically remove him”. He overheard Lord Maginnis saying “I am not going to be bullied by queers”.

51. When this exchange with James Gray had ended, Mr Perkins asked Lord Maginnis what it had been about. According to Mr Perkins, Lord Maginnis had said “he was being ‘bullied because he was against gay marriage’ and that he ‘wouldn’t be barred by a deviant’ which he made clear was his description of Luke Pollard, a gay MP with whom he had engaged in a run in at a previous dinner.” He also “referred to ‘a lesbian’ that he had previously had problems with over a pass”, which Mr Perkins understood to be a reference to Hannah Bardell MP.
52. Mr Perkins said that Lord Maginnis’s “entire tone was unapologetically homophobic, aggressive and disrespectful”.

*Immediate and longer-term effect on Mr Perkins*

53. Mr Perkins said that at the time the conversation had made it “a very unpleasant environment”. He said he had found Lord Maginnis’s remarks “offensive” and added:

“It made me feel that it was not a safe environment for—I mean, particularly for people who were gay, but I think there is a sense to which we are all conditioned and harassed by the sense that we’re not all free to be at an event like that. So both the sort of the tone of the remarks and the content of them, I think, was upsetting.”

*Lord Maginnis’s response*

54. Lord Maginnis provided his response to the complaint in an interview. He described his conversation with James Gray and maintained that he had not been informed that he could not attend the meeting.
55. We explained that Mr Perkins had described his conversation as “unapologetically homophobic, aggressive and disrespectful”. Lord Maginnis responded, “That sounds fairly accurate.” His response to Mr Perkins having made a complaint was: “Well, that’s — guys — mutual support. I would do the same for somebody in my party”.

*Finding*

56. Lord Maginnis confirmed the essential facts of the incident. Therefore the facts of the case have been demonstrated to an extent beyond the required standard of the Code of “on the balance of probabilities”.
57. The Code of Conduct describes harassment 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. 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.”

58. The Code also provides 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.”
59. Lord Maginnis’s conversation with Mr Perkins met these criteria for harassment associated with the protected characteristic of sexual orientation, and was therefore a breach of the Code of Conduct.

### Outcome

60. Lord Maginnis did not acknowledge that his behaviour was unacceptable in relation to any of the complaints. At times during the investigations he was dismissive of the incidents and the impact they had on the complainants, and continued to use disrespectful language in relation to Ms Bardell and Mr Pollard and was also disrespectful of Mr Bombolo by insisting he had not made an autonomous complaint but had acted under the direction of Ms Bardell. He has presented all four complaints as part of a campaign in which he was the victim due to his views about people’s sexual orientation. Not only does the evidence not support such a narrative, it fails to deal with the fact that each complaint was instigated by his own conduct: conduct which he either confirmed or which was demonstrated by corroborative evidence.
61. As the behaviour was neither minor nor acknowledged, this case is not appropriate for remedial action. Therefore, I make this report to the Conduct Committee. In such cases I must make a recommended sanction.
62. In considering my sanction I have taken into account the number of complaints covered in this report and the fact that Lord Maginnis’s response to each of these complaints lacked any acknowledgement that his conduct was unacceptable or recognition of the impact his behaviour had had on any of the complainants.
63. For the same reasons that make remedial action inappropriate, I do not consider any of the sanctions the Conduct Committee is able to impose on its own authority are suitable.<sup>4</sup>
64. The remaining sanctions set out in the Guide to the Code of Conduct are:
- Denial of access to services and facilities or financial support;
  - Suspension from the House for a specified amount of time; and
  - Expulsion from the House.
65. While the breaches of the Code of Conduct are serious, they do not, in my view, warrant expulsion.
66. Denial of access to services, facilities or financial support would not prevent Lord Maginnis from continuing to work in Parliament and would not, therefore, prevent other members of the parliamentary community from being the focus of his behaviour.
67. **I recommend that:**

---

<sup>4</sup> In brief, the sanctions the Conduct Committee may impose without reference to the House are training, an apology to the complainants or a personal statement in the House.

- **Lord Maginnis be suspended from the House for a minimum of nine months;**
  - **He undertake bespoke training and behaviour change coaching to address his behaviour and its effects on others.**
68. **If his bespoke training and behaviour change coaching takes longer than nine months, I recommend that Lord Maginnis remains suspended until that training is complete.**
69. **If Lord Maginnis has not yet completed the Valuing Everyone training all members are required to attend, he must do so within one month of his return to the House at the latest.**
70. In proposing this sanction, I have been mindful of the current COVID-19 pandemic. Though the bespoke training and behaviour change coaching would usually be provided face-to-face, this will not be possible in this instance. I am assured that the training can be provided remotely via video-conferencing.

### CHAPTER 3: PROCESS AND CHRONOLOGY

---

71. Following the receipt of each complaint I carried out a preliminary investigation to establish if the complaint engaged the Code of Conduct, and concluded that both did so. Before reaching those conclusions in the cases of Hannah Bardell, Toby Perkins and Luke Pollard, I first interviewed them. Christian Bombolo's written complaint was sufficient in its own right to pass preliminary assessment.
72. I informed Lord Maginnis of each complaint, sent him the details that the complainants had provided to me, and asked for his written response. Lord Maginnis's responses were fragmented across several email chains and two interviews. Where possible, I provided the complainants with summaries of his responses.
73. Matthew Scott and I, with James Whittle supporting us, interviewed:
  - Christian Bombolo in May 2020;
  - Luke Pollard, Toby Perkins and Hannah Bardell in March and July 2020 (each was interviewed twice); and
  - Lord Maginnis in March and May 2020.
74. We also took evidence from other witnesses.
75. In accordance with paragraph 155 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 all four to Lord Maginnis. Ms Bardell also received the draft factual reports for all four complaints as she was referred to extensively in each. Lord Maginnis's response is included at Appendix 2. Ms Bardell's response is included at Appendix 3.
76. Having reached my findings, I wrote again to Lord Maginnis to summarise my findings and to invite him to present any material he would wish me to take into account when considering my recommended sanction.
77. In the light of Lord Maginnis's response (included at Appendix 4), I completed my report.
78. Due to the combination of multiple reports, recesses and the COVID-19 pandemic, these investigations have taken longer than I would have wished. I am grateful to all involved for their patience and engagement.
79. A chronology of the events described in this report is at Appendix 1.

## CHAPTER 4: PRINCIPLES RELATING TO INVESTIGATIONS AND OUTCOMES

---

80. 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

81. 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 137)
82. 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.<sup>5</sup>
83. The requirement of fairness applies to both complainant and respondent, and here I set out how I interpret this principle.
84. 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.
85. 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.
86. Paragraph 141 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.”
87. Paragraph 155 of the Guide to the Code sets out the process for this, requiring me to “share with the member a summary of the evidence she has obtained upon which her findings will be founded, so that the member has an opportunity to comment on it. In cases involving bullying, harassment or sexual misconduct, the Commissioner will provide the complainant with the same opportunities to challenge or comment on the evidence.
88. 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.

---

5 Committee for Privileges and Conduct, [Further report on the conduct of Lord Lester of Herne Hill](#) (3rd Report, Session 2017–19, HL Paper 252)

### **Proportionality**

89. 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*

90. 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 146 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 148 of the Guide to the Code)

91. “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.
92. 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.
93. 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.

### *Sanctions imposed by the House*

94. 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.
95. 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*

96. 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 151)

97. 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.
98. 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.
99. 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.
100. 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**

101. The principle of openness and transparency may be relevant when considering proportionality.
102. If I, or the Conduct Committee, uphold a complaint, the Code requires that a report is published, naming the respondent.
103. 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.
104. 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 5: INFORMATION FROM THE CLERK OF THE PARLIAMENTS REGARDING LORD MAGINNIS

---

105. In the course of my investigations, I was made aware that Lord Maginnis had been the subject of complaints made previously, not to me or my office but through informal routes within the Administration recorded in the Clerk of the Parliaments' office. I considered it relevant to obtain some information about these previous complaints.
106. I therefore wrote to the Clerk of the Parliaments, Ed Ollard, to discuss what it would be proper for him to provide to me. We agreed that he would not give me any information that could identify those who had raised concerns and complaints via these informal routes, but he could give me some information about the complaints.
107. I was not writing with a view to persuading previous complainants to make a complaint to me, but to understand what contact officials in the House of Lords had had with Lord Maginnis regarding complaints about his behaviour, and what his response had been to complaints being raised with him. I considered this to be important contextual information that would assist me in my investigation. This information was not shared with the complainants during the investigation, though a draft of this chapter was shared with them at the end of my investigation along with the other parts of the report dealing with issues of fact.
108. On 23 March 2020, Mr Ollard wrote to me. He reported that he had been made aware of the incident involving Christian Bombolo and Hannah Bardell and that the Director of Parliamentary Security, Eric Hepburn, had spoken to Lord Maginnis about it. He also said that both he and Mr Hepburn had had meetings with Hannah Bardell. He provided copies of the notes from those meetings. He also provided me with a copy of the security office report of the incident on 7 January 2020.
109. He also reported that he held information on two other incidents in 2018 of Lord Maginnis using abusive language to staff when asked to show his pass at an entrance to the parliamentary estate. Both cases were reported to Black Rod and Lord Maginnis subsequently wrote a letter of apology to Black Rod.

## **CHAPTER 6: COMPLAINT BY CHRISTIAN BOMBOLLO: ACCOUNT OF THE KEY FACTS AND EVIDENCE**

---

### **Christian Bombolo's complaint**

110. On 20 January, Christian Bombolo wrote to me to complain about the conduct of Lord Maginnis during an incident on 7 January at an entrance to the parliamentary estate when Mr Bombolo was on duty as the security officer at that post.
111. Mr Bombolo wrote that Lord Maginnis arrived at the entrance and “vehemently asked me to let him in”. Lord Maginnis informed him that he did not have his parliamentary pass with him. In accordance with procedures, Mr Bombolo therefore explained that Lord Maginnis would need to go to the Pass Office to be issued with a temporary pass before entering the estate.
112. At this point Lord Maginnis became “very aggressive and began to utter threats”, saying “You have to open this entrance now, I’m late, you don’t know whom I am? I’ve been working here for 46 years, you have to let me in now.”
113. Mr Bombolo described remaining calm and professional but continuing to explain that Lord Maginnis would need to get a day pass from the Pass Office before he could be allowed onto the estate. Lord Maginnis then became “even more aggressive and started literally by insulting me using the word crooked and shouting, abusing and intimidating me”.
114. At this point Hannah Bardell MP also intervened to talk to Lord Maginnis. This is described further in Chapter 7.
115. Mr Bombolo called for the support of his superiors who came to the entrance, as did another police officer on duty.
116. Following Ms Bardell’s Point of Order in the Commons Chamber about this incident, both she and Lord Maginnis were approached by the press. Lord Maginnis was reported by the HuffPost to have called Mr Bombolo “a ‘little git’ who was being a ‘jobsworth’.”
117. Mr Bombolo concluded his complaint by saying:
 

“For doing my job I am being treated this way this is unacceptable and such treatment comes from a legislator and person with authority.

I feel humiliated, worthless. I lost my esteem, my dignity and above all this is an international matter now as all the media talks about it.

I strongly consider that all the elements of bullying and harassment in the work are established in this case I therefore asking for justice.”

### **Lord Maginnis's evidence**

118. Mr Scott and I carried out a preliminary assessment and concluded that it would be appropriate to investigate whether Lord Maginnis’s conduct constituted a breach of the Code of Conduct. I wrote to Mr Bombolo with information about my next steps. I also wrote to Lord Maginnis on 24 January 2020, enclosing the complaint from Mr Bombolo and explaining

that, as a result of my preliminary assessment I had concluded that there was sufficient evidence to establish there was a *prima facie* case to be investigated.

119. I asked Lord Maginnis to send me a full and accurate account of the matter in question.
120. Lord Maginnis replied, "I begin to wonder how and more significantly WHY so much official time is being spent over the selfish and malicious allegations made by this strange woman Bardell!"
121. He also provided a copy of an email exchange he had had with the Lord Speaker about the incident that had led to Mr Bombolo's complaint.
122. In his email to the Lord Speaker he said he was "somewhat surprised at the lengths to which officers and officials are going to augment the lies, half-truths and gross exaggerations of a certain Scots Nationalist." He referred to ongoing medical conditions and his background in Parliament and the military.
123. He said:

"I have already spoken to the leader in the Commons who, while not condoning my admittedly bad temper on that occasion, tells me that he does not wear his pass nor expect to be frustrated by security personnel. He acknowledged that he did know who I was. Neither does it appear in the security guards report that both [two other parliamentarians] intervened on my behalf and were blatantly ignored.

Neither has it been acknowledged that because of my leg/feet problem I am unable to balance to bend over to extract anything from my case - there is neither chair nor table in the little lobby to assist one in that task.

The partial complaint by the security chap - assisted, I suspect, by Ms Bardell - included the same error she made when she sought to publicise herself by her statement in the Commons that I had claimed to have been in Parliament for '46 years'! If I'd referred to such a fact it would have been 'over 36 years'. I may be somewhat infirm but this ex-school principal can still count!"

124. Complaints about bullying, harassment or sexual misconduct remain confidential until any report is published. Any letter from the Lord Speaker was therefore unrelated to my investigation.
125. I wrote again to Lord Maginnis to ask for his formal response to Mr Bombolo's complaint. Lord Maginnis replied to say that he had "nothing further to add, although I would be interested to learn whether the security officer's remarkably one-sided version of the incident was made subsequent to that out-of-order 'performance' in the Commons by Ms Bardell."
126. Mr Scott and I interviewed Lord Maginnis on 3 March, with Mr Whittle attending.

127. In our discussion about Mr Bombolo's complaint, Lord Maginnis began by saying "I have a bad temper. Yes, I have." He went on to explain his recollection of the incident:

"I came from Northern Ireland, flew across to London City, got the tube, come into Westminster and then had to walk from the tube up to where I enter the security area. When I arrive at the outside door I always ring the bell because I'm not good at going through the tight [doors]—especially when I'm tired. Perhaps I should say I have had a hip replacement. They want me to have the other hip done; I haven't made a decision on that yet because my real problem comes from displaced bones in my lower back. I have had three spinal decompressions: one when I was 42, one when I was 60 and one when I was 65, so I have been in considerable pain for a fair number of years. I'm now 82.

I arrived, pressed the bell and noticed this lady had been pressing the bell and hadn't been able to get in, so I pressed the bell. Eventually the door opened and I ushered her in. I said, 'You first', and she said—I didn't know who she was—she said, 'No, you go on'. So I went in, walked across to the other door which they open. It's a very confined—I'm sure you know—but it's a fairly confined space. He said, 'Have you got your pass?' I [said] 'Oh, sorry, I haven't. It's in my case', or words to that effect. 'Well, I need to see it'. At that stage—I don't remember verbatim what actually happened, but at that stage I would have probably said, 'Do you not recognise me?', but I remember him at some stage saying, 'Yes, I know you, but I need to see your pass'. I said, 'Well, it's in my case and I can't get it out of my case'. I didn't at that time explain why I couldn't get it out of the case.

This is the second time this has happened to me, by the way, at that particular entrance. There was no complaint, that I'm aware of, on the last occasion where somebody—I don't know his name, he was [security officer number] on his shoulder—did much the same thing and insisted. I said to him, 'Look, I can't bend over. I've got no balance'. You will hear [demonstration made by hitting leg]. I'm dependent on leg and foot braces on both legs because I'm diabetic, have been since I was 49. I'm insulin dependent, but gradually I have lost the feeling in my feet and legs, with the result that I can't balance. I don't need a stick for walking—well, I do but I can walk without a stick, but I need a stick for balancing because with no sensation where your feet are you will understand how difficult it is.

So I said to him, 'Look, you have no table to sit. You have no table or chair that I can set this case on', words to that effect. 'You will have to do without it', or words to that effect. He was quite stubborn. I can't remember verbatim what he said or what I said, but at one stage I remember saying to him, 'So you are just being awkward'. I was getting—I was in some discomfort and fairly cross.

With that, [two other parliamentarians] appeared. Now, I can't remember whether they were going in or out. I didn't think I would be accounting for this a couple of months later. They came in and they said, 'He's okay, he belongs to our House. He's okay'. The chap ignored them, which didn't make me any happier.

“I would never be noted for my good temper or—I’m not bad-tempered normally, but when the old temper goes I—you know, I’ve got my chin on the front row of the scrum. In the time I served in Northern Ireland—on top of that I don’t like being embarrassed by somebody, for the sake of being bloody-minded, who thinks he can make an example of me. At this stage the lady intervened a couple of times. I didn’t pay any attention to her at all, didn’t know who she was from Adam. I just had no idea who she was.

Eventually, somebody came in and spoke to me and—I don’t remember, I can’t remember—and I said—at this time I was leaning against—because, as I explained, when I’m static I have to lean against something. Eventually—I don’t know what he said, I couldn’t quite pick it up with all the hubbub and people were waiting to get through—he opened the door and let me through.”

128. We asked Lord Maginnis whether he considered that he had been rude or aggressive to Mr Bombolo:

**Lord Maginnis:** “Well, I wouldn’t be intentionally rude. I suppose it’s my I’m an old village schoolmaster: I tend to say things that I want to be understood and that I want other people to understand. If that appears I think I speak fairly clearly, so if that appears to be aggressive I do apologise, but it’s the nature of the beast.

**Mr Scott:** Did you shout during the exchange?

**Lord Maginnis:** I don’t need to shout, with my voice. As you can hear, I don’t need to shout. I am fairly good at I always spoke to the back seat in the classroom.”

129. He recalled saying something along the lines of “You’re being crooked” and “You’re being awkward” and said “If that’s shouting, yes, I shouted, but I don’t think you would call that shouting.”
130. He clarified that by “crooked” he meant “Somebody who is ... frustrating in their attitude.”
131. We asked how the incident progressed and whether he recalled getting increasingly angry:
- “I don’t think you need to ask that. The answer is yes, of course I was. ... I was particularly irate when Mr Bombolo ignored [other parliamentarian] was very annoyed. [Other parliamentarian] came to me afterwards and said, ‘Look, if there are any problems I’m here to help you’. He would show his emotions more than [another parliamentarian]. [Another parliamentarian] would try to dive into obscurity, but the two of them were there and they were ignored.”
132. Lord Maginnis also explained that he considered Mr Bombolo’s actions to have been influenced by a “row” Lord Maginnis had had with another member of staff previously in which he was “rude to him” and “used an expression to describe him to himself that I rather regret”.
133. He said that he did not think that Mr Bombolo was simply following procedures by refusing him entry to the estate, but thought he was being

“bloody-minded”. He said that there had been “the odd occasion” where he had forgotten his pass. In those previous occasions he said:

“I come and I will say to somebody, ‘Would you let me get up in the lift’, and they come and they use their pass. They never say, ‘Where’s your pass, Ken?’ When I came here today, nobody asked me for my pass. I’m not here—it is maybe a year since I was in this building. I come in, ‘How are you doing, chaps?’ There I was, I came to the front door and until I sat down here nobody asked me for my pass. ... So there is no consistency”.

134. We asked Lord Maginnis to clarify whether he had his pass with him, or whether it was just in his case and inaccessible at that time. Lord Maginnis confirmed that the pass had been in his “little wheelie case”. He would usually have worn it “underneath my tie or tucked into the buttons on my shirt” but had forgotten to put it on that day.
135. We asked whether there may have been any misunderstanding between him and Mr Bombolo about whether he had his pass at all, or simply did not have access to it there and then as it was in his case. Lord Maginnis said:
- “no, I doubt it, because I told him I can’t bend down to my case. As I said—not that he would have known what I meant, but I would have said, ‘and you still haven’t a table there’, because the last time I went through it was exactly the same thing as with [member of staff he had previously had a row with].”
136. Lord Maginnis spoke at length about his medical condition and the fact that he is frequently in pain. He said, “I’m as mentally alert as I was 40 years ago, but I’m physically a bit of a wreck” and that being in pain made him liable to becoming frustrated in the face of difficulties.
137. He also noted that when there was background noise he could not hear well and that “vanity does not allow me to wear my hearing aid”. Because of this, he was not certain what had been said to him by other staff who attended the incident. However, when one member of staff had arrived he had opened one of the doors and Lord Maginnis entered the estate.
138. We asked Lord Maginnis to confirm whether reports of his having referred to Mr Bombolo as a “jobsworth” and “little git” to HuffPost were accurately reported. He said, “I wouldn’t have a clue. It sounds like me”, describing the terms as “this old village schoolmaster’s everyday language.” However, he agreed that such terms were “[a]bsolutely not” appropriate language for a member of the House to use to describe a member of staff.
139. We discussed how his conduct during this incident related to the Behaviour Code and the power relationship between him as a member of the House and Mr Bombolo as a member of staff. Lord Maginnis said that he had always seen himself as “having responsibility rather than having power” and that there had not been a disparity of power in his favour during that incident. Rather, Lord Maginnis contended, Mr Bombolo had been in a more powerful position than him because “he was the person who was able, when I was in pain—he was the person who was able to frustrate me”. He argued that Mr Bombolo could have let him through without his pass, as had been his experience before, but that Mr Bombolo chose not to and that therefore it was Mr Bombolo that had bullied him.

140. He said he had “no war” with Mr Bombolo and that “I don’t have that much of a guilty conscience about anything that has happened.” He said:

“I’m sorry Bombolo and I had a confrontation. I think it was unnecessary. My experience is, again and again and again and again over the years, that it was unnecessary but, you know, I’m not going to I went to the Lord Speaker and said I have no intention of apologising to anybody. If that chap wants to exchange apologies then I could rise to that, but I was the one who was made an idiot of and I resent that having happened.”

141. Lord Maginnis was dismissive of the Behaviour Code and indicated that he had not read it but that “I know what good behaviour is ... I have survived in this life for 82 years and I was brought up to respect people and so on. I was also probably brought up not to let my bone go with the dog.”<sup>6</sup>

142. At several points in my investigation, Lord Maginnis queried whether Mr Bombolo had been supported or encouraged in writing his complaint. In our interview on 3 March he said:

“Who actually scripted this for him, or who prompted him, or how did we come to get this rather formal language from him? It wasn’t spontaneous, obviously.”

143. He said “I would love to know who helped dictate his statement” because both Mr Bombolo’s complaint and Hannah Bardell’s complaint included a reference to him having said he had been in Parliament for 46 years, though he only became an MP in 1983 and had therefore been in Parliament for 36 years.

144. In an email of 17 May, he wrote “One thing I’d like to know - did Bardell approach the security chap, prompt his complaint and assist him to write it. He may have had some grounds for complaint but his report is inaccurate, which makes me suspicious.”

### Christian Bombolo’s evidence

145. We interviewed Mr Bombolo in May. We asked him to set out his account of the incident on 7 January:

“I was posted in Subway and then, you know, people was coming in as normal. They were coming from Subway. People normally use the pass and then the PIN number to get into the Estate. So that day, you know, I saw a gentleman turn up, you know, and then he asked me to open the gate for him, I mean, the glass door for him. I say, ‘According to our policy, sir, I can’t open the door for you. Can you just use your pass, please?’ And then he say, ‘Please open the door. I have to go in’. I say, ‘Oh, I appreciate’. I said, ‘Just let me know why you cannot use your pass then’. He say, ‘Oh, I don’t have my pass. I don’t have my pass with me. I don’t have my pass. Please let me in. I have to go’. And then he said, you know, ‘D’you know who I am?’ I say, ‘Whoa. I don’t know specifically who you are but —’, and he say, ‘I’m a Lord’. And then he introduced himself. I say, ‘That’s fair enough. That’s no problem, sir. No worries, you can come in but you can’t, you know, use this entrance. The best thing you can do is to go to [the Pass Office] and then there

---

6 We understood this phrase to mean not to let others take advantage.

they're going to issue, you know, a daily pass and then you can enter the premises, no issue at all'.

He say, 'No! Please open the door. I don't want you — You know, you don't know who I am, you know? What you doing now?' And then he was, you know, getting a big aggressive, you know? It was a bit aggressive. And then behind that gentleman was a lady. And then a lady was there. And then that lady said it to him, 'Why don't you just observe what the Officer telling you because, you know, he's here to protect us? So why are you not —'. And then he turned to that lady and then ... he said, 'No! Who are you to tell me that? Is this man here to let me in because I have to —?' And then he was even ballistic towards that woman. And then the lady say, 'Oh, no, you're just — you know, we're here — he's here to do his job. Why you being like that to him?' And then all of a sudden this police officer turn up as well. And then because it was, you know, getting a little bit hot in that area.

And then the police turn up. And I explained the situation to the police officer. I say, 'Okay, this gentleman he want to get in but I'm not prepared to let him in because he doesn't have his pass. I advised him to go to the [Pass Office]. He refused to go. And then he was shouting at me and then he was telling me a lot more stuff', you know? If you want to get more detail on that, just go back to my report. And then I've decided to phone my supervisors, you know, the managers. And then I've called my managers. Two managers turn up on the site — on the scene and they were speaking to him. And then they asked me to open the door for him and I opened the door. And then that was the end of the story.

But he was shouting at me. He was very aggressive, abusive. He was telling me a lot of thing. And then I — and after a few time I just noticed that the lady in question, it was an MP. I think it was Hannah [Bardell]. And then they raised the issue in the Chamber. She wasn't happy about what happened in the situation and all that. Then after that, you know, again, they went again into media, you know, telling me I'm a 'Jobsworth' who was just — why I didn't allow him in, you know, and then all that kind of thing."

146. Mr Bombolo said that Lord Maginnis was angry from the beginning of their exchange. He said, "he was already in a very bad, bad — very bad mood, you know. Because when he entered the thing was telling me, "I don't have my pass with me. Open this door for me. Open it"."
147. Mr Bombolo said that the incident lasted for around ten minutes. He decided to call his supervisor after Lord Maginnis "went ballistic" towards Hannah Bardell and the police officer who also attended the scene.
148. We asked Mr Bombolo if he had known who Lord Maginnis was when the incident occurred. Mr Bombolo said that he "recognised him as someone I know by face" but did not know he was a member of the House.
149. We spoke about whether Mr Bombolo had the discretion to let people onto the estate without their passes. Mr Bombolo said the main priority of his role was to "protect the Estate and the people". He explained that earlier that week he and his colleagues had received an email from the Parliamentary Security Director urging staff to be vigilant about access to the estate and at

that time senior managers were also on duty on the estate to ensure security measures were being properly implemented. These matters were therefore fresh in his mind.

150. He explained that it was not particularly unusual for someone to arrive without their pass and that on occasion people have become frustrated or upset, but not to the extent he experienced with Lord Maginnis:

“The normal reaction for that person is, ‘Oh, goodness me. What shall I do now?’ And you know, he’s really upset, but not very angry or aggressive. But when you explain the situation to the person they say, ‘No, don’t worry’, You know, ‘You want to get in, no issue, but not from here. Go in [the pass office]. They are going to give you a pass’. And most of the time people are happy to do that, to [to the pass office] and enter without any issue.

But some people they are a little bit upset, not aggressive, no, not aggressive, not telling you, ‘Do you know who I am?’ and all that kind of — I never come across that attitude before, someone telling me, ‘Do you know who I am? I been here such-and-such a long time’. No. You know, normally, as human beings you’re going to be a little bit upset about, oh, someone preventing you to get in; fair enough. But it’s never escalated to that point that people being, you know, people coming in to intervene, police officer, managers. I never come across that before, no.”

151. As Lord Maginnis had said in his interview with us that he had had his pass in his case, we asked Mr Bombolo if he had known that Lord Maginnis had his pass but was simply not able to access it:

“No. He didn’t make that known to me at all. ... Because if he made that known to me at that point, it would be very, very easy, you know, because I would trust him and I would call my Manager just to clarify that ‘I’ve got a Lord in here. You know, he’s telling me, he’s stating that he has his pass in his bag’. So that would be absolutely easy to, you know, to look after him. And then if he went to me in a very calm manner, in a very polite manner, considering that what we’re doing is vital for everyone, the matter would be very easy to, you know, to diffuse, to, you know, solve.”

152. We asked Mr Bombolo what the impact of the incident had been on him. He said he had been “treated like ... less than nothing, very humiliated, very anxious about what happened.”

153. He said the way the incident had been escalated by Lord Maginnis’s comments in the press had had a particular impact:

“after the incident happened Lord Maginnis, instead of just, you know, finishing there because the situation escalated in the Chamber and then all that kind of thing, everyone was talking about that. And then he went on again on public media to call me names, ‘Jobsworth’, for instance. And then people was calling me all over the country. Then one of my colleagues, for instance, he was in Ireland, and then his dad call him from Ireland telling him, ‘What happened in the Houses of Parliament then? Why your, you know, Lords, you know, conducting themselves in that manner?’ So from Ireland and then people was talking about the incident.”

154. The incident and the comments in the press had left him feeling exposed, unprotected and uncertain at work. He considered taking time off work because of it. He said he felt “very humiliated”.
155. In the longer term, he had found himself second guessing himself at work, because he doesn’t know “what kind of reaction I’m going to get from people.” He had been left feeling apprehensive about other interactions with people, saying that if a similar situation arose again “that would destroy me completely ... if it happen again, it’s going to be very destructive towards my health”.
156. He also said:

“I’m a well educated person, you know. I have a Masters’ degree in Criminology. So I value my job. It’s not because I’m a Security Officer, you know. I like what I’m doing because it’s a very high-ranked area, you know, place to work. You know, you’re meeting with decision-makers and all that. So I value my job. I love what I’m doing.

So having this kind of a situation with Lord Maginnis, it was a bit putting me off about, ‘Shall I continue or not?’, or ‘What shall I do now? Why I’m no, you know, valued? Why’s all this situation happened?’ So, you know, I asked myself a lot of questions, Lucy, to be very frank to you and very honest.”

### Other evidence

157. Following our interviews with Mr Bombolo and Lord Maginnis, we spoke to one of the other parliamentarians Lord Maginnis said had been at the incident (we were not able to speak to the other parliamentarian). However, he did not believe he had seen the incident in question. He said:
- “I really knew very little about what had happened. All I can remember was he could not get through. He, I suppose, was taking offence that he had been a Member of the House-- I am just trying to remember when, but I suppose he came in, in the Commons perhaps in the ’80s, I think probably around that time, so he had been a Member of the House for nearly 40 years. I am not sure what the exact-- you would know that better than me. I think he felt he ought to be recognised and did not fancy the suggestion that he was being invited to go right round to the Pass Office if he had not got his pass with him to get something that would bring him through the gate. ... I may have made some throwaway line, but I think that was about the end of it. I think then I moved on.”
158. In his interview Mr Bombolo had referred to instructions he and his colleagues receive. We asked the security department for a copy of these. The Head of Security Operations provided documentation and summarised his expectations of procedures to be followed by security officers as:
- “To maintain the security and safety of the Parliamentary Estate those attending who are passholders should have with them their current and in date Parliamentary Pass. Those visiting who are not in possession of a pass will on every occasion be searched in line with our Search and Screening protocols and issued with a visitor pass and allowed to enter only public areas.

- If a passholder forgets their pass but presents themselves to Security, they will be treated as a visitor (whether identity is known or not) and redirected to one of the two pass issuing offices in order to obtain a full day pass on confirmation as their status as a passholder. This direction will be via external areas, access to the pass issuing office should not be granted through internal areas. Prior to entering the pass issuing office ... they will be treated as a visitor and searched.
- The security officer will complete a dynamic risk assessment and under certain circumstances for e.g. an elderly or person with access needs, may decide to take a different approach. In this scenario a deployable officer could be asked to attend the entry point and escort the person to the nearest pass issuing office.”

159. We spoke to Hannah Bardell MP about her complaint (see fuller details in the next chapter). This interview also included a description of the events at the entrance to Parliament. She said:

“it was my, you know, first day back in Parliament after Christmas; as I have said in my statement, I came you know, I was behind Lord Maginnis. I wasn’t aware of who he was at the time; I had never encountered this individual, didn’t know who he was, and, you know, the aggression that came from him almost straightaway when he was challenged by the security guard, you know, caused me to first of all physically step back because he was his physical presence was such that, you know, he is quite a small person but quite a broad person, he was waving his arms, he was sort of gesticulating and just really raising his voice and being very aggressive. And for anybody who uses that entrance, you will know it is a very small space.

As it escalated, you know, he got more and more aggressive and when I stepped in, I was fearful I was scared to step in, I was scared to challenge him but I felt I had to because, you know, he didn’t know who I was, I didn’t know who he was but none the less I have a position of privilege and power in my place of work and I felt it was appropriate for me to use that, although I wasn’t actually using that, I was just, as far as he was concerned, a bystander, a person coming in behind him.”

160. We attempted to speak to the other parliamentarian and the other member of staff Lord Maginnis referred to but, despite several attempts, were unable to make contact and arrange interviews. These attempts took place during the COVID-19 lockdown.
161. As Ms Bardell was referenced in each of the complaints made, not only her own, I provided her with the factual reports of each complaint. In her response to the factual report relating to Mr Bombolo’s complaint she said that Lord Maginnis’s suspicion that she had coached Mr Bombolo was “wholly untrue and completely inaccurate”. She said that she “did not know the name of the security guard or have any contact with him until after he had given his evidence to the Commissioner”. She said that the only contact she had had with him after the incident was a chance encounter on the parliamentary estate. She said Lord Maginnis’s suggestion was “completely ridiculous”.

*Findings of fact*

162. Christian Bombolo's account is corroborated by other evidence gathered, not least by Lord Maginnis's written and oral evidence.
163. Lord Maginnis's comments to the HuffPost are a matter of public record.
164. **I therefore find that Christian Bombolo's account is more likely than not to be accurate.**

## **CHAPTER 7: COMPLAINT BY HANNAH BARDELL MP: ACCOUNT OF THE KEY FACTS AND EVIDENCE**

---

### **Hannah Bardell's complaint**

165. On 10 February, Hannah Bardell MP wrote to me to complain about the conduct of Lord Maginnis during the same incident at the entrance to Parliament on 7 January and about Lord Maginnis's subsequent comments to the press. The bulk of her complaint was a copy of the statement she had also made to the police about the incident.

166. She wrote:

“I write to you in your role as Lords Commissioner and in reference to an incident that has been reported in the media relating to the conduct of Lord Ken Maginnis and his abuse of both staff and myself on Tuesday 7th of January and subsequent homophobic comments made to the press”.

167. She described the incident at the entrance to Parliament:

“On Tuesday 7th January 2020 I travelled to London for parliamentary duties and made my way to the Palace of Westminster. It was my first day back in Parliament following the Christmas break and I had several meetings scheduled for that day.

Everyone working in Parliament has to undergo security checks, everyone should be aware that in order to gain access into Parliament and the estate and we are all required to display a valid Parliamentary ID badge for obvious security reasons.

Not least because on the day of the terrorist attack in 2017 a police officer PC Keith Palmer lost his life protecting us and following the attack the estate was in lockdown for many hours as police and security services searched for a potential additional assailant.

On this particular day I approached the subway entrance into the Palace of Westminster. To find there was an elderly male with his suitcase, directly in front of me. At that time I didn't know who the male was, but I now know him to be Lord Maginnis, a peer within the House of Lords.

It became apparent that Lord Maginnis had forgotten his Parliamentary pass, but nevertheless he was still demanding that the security staff grant him entry.

Lord Maginnis began to raise his voice and shout repeatedly stating that the security staff should know who he was and that they were ‘crooked’ for not allowing him access.

I offered my assistance to Lord Maginnis because I noticed that he had a prosthetic leg. I think I suggested that he search himself online in order to verify his credentials. I do not recall exactly his response to this but I do recall that he looked intently at my ID badge that was clearly attached to my rainbow lanyard, I assume that he was trying to view my name. Then a female uniformed police officer approached, she also attempted

to defuse the situation by asking whether there was any other way we could resolve this situation but she failed to calm Lord Maginnis.

I was shocked by Lord Maginnis aggressive demeanour and sympathize with the security staff who were simply trying to do their job, trying to keep Parliament safe within this challenging climate.

Lord Maginnis continued to make a scene, he would not listen to reason despite the fact there was a large queue forming behind him. At one point I recall he actually attempted to physical [*sic*] force his way into the building. After a passage of time, I was able to display my ID badge and I was granted entry into Parliament while Lord Maginnis was held behind. I am unaware what happened to Lord Maginnis next.

On reflection, I felt that Lord Maginnis's behaviour to the security staff and the police was wholly unacceptable. I was really shocked by what had just taken place. Lord Maginnis was screaming at the security staff and accusing them of being crooks and jobsworths.

Also I remember as I passed him to enter into Parliament he was up in my face saying 'you're useless as well'.

To which I replied 'Look pal I'm just trying to help you, there's no need to be so rude'.

I found the whole incident very intimidating. I also felt no one should be subjected to abusive behaviour of this kind."

168. The following day, Ms Bardell raised this incident in the House of Commons as a Point of Order:

"On a Point of Order, Mr Speaker. I seek your advice. Yesterday, on re-entering the building for the first time after Christmas, I witnessed one of the worst cases of abuse of security staff that I have seen in my time here. One of the Members of the other place, who I will name so as not to incriminate anybody else—Lord Ken Maginnis—had forgotten his pass, something we have all been guilty of. However, instead of taking the advice of the security staff, who as we all know are here for our security and safety, he proceeded to verbally abuse and shout at the member of staff, calling them 'crooked' and saying did they not know who he was, he had been here for 46 years, and refusing to take the advice and assistance of myself, the security staff and the police who then attended.

I have reported this incident to the authorities, but I seek your advice. The Member is not elected, so I am interested to know to whom he is accountable, and what can be done to make sure that no member of staff on the estate is ever treated in that way, or abused in the manner that I and others witnessed yesterday."<sup>7</sup>

169. Later that day she was contacted by a journalist for the HuffPost who had spoken to Lord Maginnis. The HuffPost article, published later that evening, reported:

“A peer who shouted abuse at parliamentary security staff has accused the MP who highlighted his behaviour of attempting to “settle a score” because she is “queer” and he is opposed to gay marriage. ...

The peer did not deny Bardell’s allegations, but instead accused her of seeking “cheap publicity” and trying to “score a few points” because he is opposed to gay marriage. ...

The peer told HuffPost UK: “[It] would probably all have blown over except this Bardell woman decided to get herself a bit of publicity.

“She and I are known to be on other sides—I am opposed to abortion, I am opposed to gay people like her seeking to change marriage.

“You might say I’m old fashioned, or you could say I’m conservative in Biblical terms—I mean, I’m not a preacher or anything.

“She obviously, being what she is and wanting to make changes, decided she would score a few points for herself.

“With no disrespect, I have had a lot of experience before politics. [ ... ]

“I was a major for 12 years in the Ulster Defence Regiment in Northern Ireland—I survived 10 assassination attempts—so I’m not altogether a softie, if you know what I mean by that.

“Queers like Ms Bardell don’t particularly annoy me.

“Okay, she’s got her cheap publicity out of it.””

170. As well as including quotes in the article for HuffPost, the journalist also put a recording of his conversation with Lord Maginnis online.<sup>8</sup>

171. In her complaint, Ms Bardell described the impact of the incident on her:

“You will see from my statement and account of events the nature of his behaviour and the impact it has had on me both personally and professionally. For your awareness I have received one legitimate and credible death threat, a number of abusive comments on social media and 2 separate items of abusive and threatening handwritten letters that the police are investigating in addition. This incident has had a profound impact on me and my mental health. One of the reasons that I have taken so long [*sic*] to get in touch directly is that I have needed time to process the events and deal with both the impact of the events and the inevitable media interest. That is something I am still in the process of doing and am additionally seeking counselling.

Further, I am genuinely fearful of encountering Lord Maginnis in my place of work, especially after the further information I have uncovered relating his persistently abusive behaviour towards other staff and members. I encountered him last week and managed to duck into a lift

---

8 Arj Singh, ‘Lord Maginnis speaking to HuffPost UK’, *Soundcloud* (9 January 2020) <https://soundcloud.com/arj-singh-159748606/lord-maginnis> [accessed 19 October 2020]

to avoid a confrontation but I am angry and frustrated that I should be put in that position, it has had a seriously detrimental impact on my mental health.

I do not currently feel safe in my Westminster place of work because of this man and I would like to know what can be done about this. I am fearful not just for me but for the staff who work on the estate.”

172. Before completing my preliminary assessment, I also interviewed Ms Bardell. In that interview she expanded on the details in her written complaint.
173. She said that during the incident a police officer came in:
- “she came in and said, ‘Look, is there some way that we can resolve this?’ She heard him say — repeat again, because he kept repeating over and over — that he had a disability, that he couldn’t walk anywhere and I had said, ‘Well, I am sure we can get a seat while we get this sorted out’, but nobody really got a chance to offer support because he was being so aggressive and shouting. ... and then what happened was the police officer, from my memory, sort of physically got him to stand to one side and she held him, not physically but just sort of stood between him and the entrance and said, ‘Look, you know, you can’t gain access at the moment; we will need to get this sorted out’.”
174. She also said that at one point Lord Maginnis tried “to force access”:
- “So just before the police officer appeared, he walked through the revolving gate and started to push and was shaking physically, and the whole glass frontage was shaking.”
175. She described the effect of the incident on her:
- “I was scared that something physical was going to happen and I was the only person, up until the police officer came ... Every time there was an exchange between us, you know, I felt myself physically standing back and was scared. When he started to rattle the physically grab the revolving door and rattle that, I think that was what triggered the police officer coming around. So I felt much safer”
176. She said that she was “scared that, you know, potentially, he was going to push me or shout in my face, which he then did just before I entered the building.” She said “he said to me, ‘You! You are worse than useless!’, and he was right up in my face pointing at me and no more than a couple of inches away. I could smell his breath, I could, you know there was spittle on me from how close he was.”
177. As she described how she felt immediately after the incident—“I felt sick I actually felt sick and shaky and I was really upset”—Ms Bardell became visibly upset to the extent that we paused the interview.
178. Ms Bardell’s complaint also included details of further allegations about Lord Maginnis’s behaviour towards members and staff in Parliament. These details were put to Lord Maginnis with the rest of Ms Bardell’s complaint. However, as the Code of Conduct only allows complaints from those directly affected by the behaviour complained of, these allegations fell outside the scope of the Code and have not been considered in my investigation.

### Lord Maginnis's evidence

179. Mr Scott and I carried out a preliminary assessment and concluded that it would be appropriate to investigate whether Lord Maginnis's conduct constituted a breach of the Code of Conduct. I wrote to Ms Bardell with information about my next steps. I also wrote to Lord Maginnis on 28 February 2020, enclosing the complaint from Ms Bardell and explaining that, as a result of my preliminary assessment I had concluded that there was sufficient evidence to establish there was a *prima facie* case to be investigated.

180. I asked Lord Maginnis to send me a full and accurate account of the matter in question.

181. Initially Lord Maginnis replied to my office by email saying:

“I find it difficult to accept that this Bardell woman who imposed herself on me, covertly and dishonestly, is now being added to this ongoing persecution by what I'll call ‘The System’. The amount of connected correspondence has become utterly ridiculous.

I'm disgusted that ‘The System’ seems to be loaded against my rights to have an opinion of my own - not that I even knew who that interfering woman was, nor would I recognise her if she walked into my office now!! (But I have since had the experience of another, like [*sic*]

She has been so unbelievably self-imposing that I do hope her behaviour is being questioned by the Commissioner - if not, then I must assume that ‘The System’ is somehow prejudiced but I'm not the sort who has ever allowed himself to be bullied or [*sic*] intimidated.”

182. He attached to this email a letter to the Lord Speaker in which he said:

“I'm sick and tired of having been bombarded by various departments and individuals simply in order to try to humiliate me in favour of malicious homosexuals like Hannah Bardell MP who ‘hyped’ this minor incident improperly in the Commons and later (dishonestly) with the Met. I am actively pursuing the latter issue on the grounds that she was ‘deliberately wasting police time’

One cannot be in any doubt that this entire episode dates back to my open criticism of ex-PM Cameron's usurpation of the churches Christian practice concerning the sacred rights of marriage ... need I say between women and men. I can see that this persecution seeks to take advantage of my 82 years and, as you will have observed, my physically indifferent health due to arthritis, a serious spinal injury and numbness in my feet and lower legs arising from diabetes.

I suggest that those who are anxious to persecute me further speak to [two other parliamentarians], both of whom sought to help me. Let me initially assert that I have nothing for which to apologise nor do I intend to do so.

Let me spell out my life: I've been working since I was eight years old; I taught for 23 years - 17 as a school principal; I served for 7 years in the USC<sup>9</sup> followed by 12 in the UDR<sup>10</sup> where I held the rank of Major; then

9 The Ulster Special Constabulary.

10 The Ulster Defence Regiment.

18 years as an MP for Fermanagh & South Tyrone during which time I helped negotiate the Belfast Agreement. I put more IRA terrorists in prison than any other soldier while ensuring that I never lost a single soldier directly under my command. Police records will confirm that I personally survived 10 assassination attempts between 1972 and 1994.

While the Leader in the Commons formally spoke to me about this incident, he assured me that he never wore or was asked for his pass - that recognition understandably served him adequately - as indeed in [sic] does me.

The reason I, having initially forgotten to take my pass out of my case, didn't do so was simply because I had nothing on which to place my case and don't have the ability to bend over without over-balancing when my case is on the ground. The young man said he knew who I was and, as previously indicated, had had that confirmed by [other parliamentarians referred to above].

I've had three operations to my spine, plus a new hip and a major shoulder repair and now await a series of steroid injections so you may just understand I'm not the most patient when I find myself exploited by a petty 'jobs-worthy' who's being 'egged-on' by the likes of Bardell but who is deaf to the likes of [other parliamentarians referred to above]."

183. Following further correspondence, we met with Lord Maginnis on 3 March.
184. We began by discussing Ms Bardell's complaint, to which Lord Maginnis's initial response was, "If I was being blunt, allowing me to give you the background to it, I want to have nothing to do with Ms. Bardell or assisting her in her publicity-seeking efforts on behalf of nationalists or, whatever you call it, same sex marriage and so on."
185. He described his views on same sex marriage and comments he had made at the time of the relevant legislation being passed through Parliament.
186. We discussed his comments to HuffPost. He explained that he had used the term "queer" in response to a leading question from the journalist. He said:
- "the Huffington Post said that I described her as a 'queer'. It's not a term that I would use. ... I think if there is a leading question the only reason I can 'have you got' I'm making it up now. 'Have you got an antagonism to Ms. Bardell because she is queer?' I didn't know Ms. Bardell. If she is a queer, that perhaps explains her attitude."
187. He also referred to Ms Bardell's Twitter bio including the phrase "a queer who does not annoy".
188. We spoke about the incident at the entrance to Parliament. He described Ms Bardell's description of the incident as "inaccurate". He said he did not particularly recall her during the incident, though he did speak to her:
- "I recall her speaking, but beyond that I wasn't I didn't know her. I wasn't interested in her ... I do remember an interjection, but in terms of where it came from or anything like that, I would be totally vague. ... If she had been interjecting, as I vaguely remember, I may have said,

‘Don’t interfere’, or I have no idea. I have no idea. She wasn’t I wasn’t preoccupied by her presence.”

189. We asked if he recalled attempting to force access to the estate. He replied “Totally dishonest. I didn’t try to force my way through that.”

190. We asked if he recalled saying to her “you’re useless as well”. He said, “I might well have thought that! I don’t recall saying anything or addressing her. She was a bystander, as far as I was concerned.”

191. We asked whether he understood why Ms Bardell might have found the incident intimidating. He said, “No. No, certainly not.” He argued that Ms Bardell was not intimidated by the incident:

“somebody who stands up in the Commons and invites me back into — invites me to take notice of her yet again. That’s not somebody who has been intimidated. That’s somebody who has a score to settle.”

192. In his view, Ms Bardell had a “score to settle” because of his views on people’s sexual orientation. This was his “deduction, but it’s also been suggested by a lot of other people” as “I haven’t a reputation of abusing anybody ... I would be the exact opposite.”

193. With regard to the third-party allegations included in Ms Bardell’s complaint, Lord Maginnis described them as “lies, damn lies, and an exaggeration beyond reality”.

194. Following our interview, Lord Maginnis also provided an annotated version of Ms Bardell’s complaints with comments made to various aspects of it. He added as a summary of his response to it:

“Besides being poorly written and the overuse of certain terms and of alleged ‘facts’, the one outstanding element that emerges above is the concentration, by Ms Bardell, on her ‘Mental Health’.

That prompts the obvious question, ‘What led to her whole lying tirade, and who would assume the role of ‘Grand Inquisitor’ arising from a comparatively minor incident?’ Does this not suggest serious mental illness and psychopathic disorder? As for her informality to the Commissioner, that did surprise me as, indeed, does the official recorded observation of her interview ... that she showed emotion!!!

I must remember to bring some concentrated pollen with me when we next meet; otherwise I doubt that I could match her acting ability!!!!”

195. In his response to the factual report,<sup>11</sup> Lord Maginnis reiterated some of the points he had made during the investigation. He said:

“I have had nothing but abuse since the Scots Nat ‘lady’ stirred this whole business up, not just by interfering, but by tutoring the security chap with whom I had a minor disagreement, by initially going to the Press and the Met. police and by stirring up ‘hate-mail’”.

---

11 See Appendix 2

**Ms Bardell's evidence**

196. We spoke again to Ms Bardell after having provided her with a summary of Lord Maginnis's response to her complaint.
197. She began by saying how surprised she was by the nature of Lord Maginnis's response to the complaint and the motivations he ascribed to her:
- “I have to say, I am really, really quite shocked and taken aback by his account of himself and his attitude. I think it is really incredible that he is, you know, that he's suggesting that in terms of my behaviour in the tunnel particularly, that there was any kind of ulterior motive or motivation other than to try and resolve the situation and diffuse it. And you know, he, from what I can see and from what he is saying, feels under attack somewhat, when actually, you know, it remains my view that he behaved very, very badly, and he's obviously confirmed his behaviour. But I find it quite shocking that he is trying to suggest that, you know, there's a maliciousness on my part in any way given the behaviour that he has himself admitted. As I say, I find myself really quite incredulous at the response that he has given.”
198. As she had mentioned in her complaint that Lord Maginnis had stared at her parliamentary pass on a rainbow lanyard when she sought to intervene during the incident with Mr Bombolo, we asked if she considered any of Lord Maginnis's behaviour at that point to be influenced by her sexual orientation. Although she found his behaviour “very aggressive and intimidating”, she did not think her sexual orientation was relevant to that incident as she did not know who he was at the time and she doubted he knew who she was.
199. We discussed her use of the phrase “a queer who does not annoy” in her Twitter biography. She clarified that she had added this after Lord Maginnis had said to BuzzFeed, “Queers like Ms Bardell don't particularly annoy me.” She explained that adding this phrase to her profile was a way of “taking ownership of the homophobic slur that he made”, such an approach being “a long held tradition in activism—particularly in LGBT activism—of taking ownership of things that have been used as abusive terms”.
200. Ms Bardell explained the effect Lord Maginnis's behaviour had had on her around Parliament. She said:
- “I do have a fear that I am going to bump into him and that I am going to see him and how is that going to be, and that's in my place of work. I didn't feel safe that day in my place of work. I felt under threat when the initial incident happened. That was then compounded by the way he behaved and the things he said, and has been further compounded by what I have read in the report.”
201. She had come across him on the parliamentary estate once since making the complaint. He had come out of a lift she had been waiting for. There had been no interaction—she assumed Lord Maginnis had not recognised her—but it had left her feeling “sick”.
202. She continued to feel anxious about further interactions with him because “given what's happened, given what he's said, that he wouldn't just start saying or doing things, you know, without any because it doesn't seem to me that there is any remorse. It doesn't seem to me that there is any regret or

even any remote inclination that he might reflect, because it's just escalating, and, as I say, doubling down."

203. Ms Bardell explained some of the longer-term effects of her interactions with Lord Maginnis, at the entrance to Parliament and afterwards. She said she had received abusive correspondence, including death threats, some of which had explicitly referred to the exchanges with Lord Maginnis.<sup>12</sup> She said these had had "very profound impact on me". She said:

"it has changed the way I view my job and my safety in some regards and has made me reflect on what it means to stand up and speak out on issues. Because that has been the reality for me to then receive a number of emails but also a handwritten note that was sent to my office, and the death threat. That has had really quite a huge impact on my mental health and for my family as well."

204. She recognised that the incident at the entrance to the estate had become public knowledge because of her Point of Order in the Commons. However, she said that when she had spoken in the Chamber it was because she "had witnessed an incident of what I felt was bullying and grossly inappropriate behaviour". It had not been related in any way to their opposing views on people's sexual orientation. That had only become an issue because Lord Maginnis had put her "in a position where I felt I had been attacked and a homophobic slur had been used against me, and I had to address that" and that Lord Maginnis had used "who I am as a reason to attack me and belittle the challenge that I have made about his bad behaviour".

205. Not only that but she commented that he had continued with this approach throughout the investigation. She said:

"at every step of the way, it has escalated. So he's gone from being challenged on his behaviour to then making comments to a journalist, to then making comments that are worse to, on camera, and then, the stuff that he is now saying about me that has been said to you ... is taking it to a very new level, in my view, and is even more abusive and offensive."

206. In her response to the factual report relating to her complaint, Ms Bardell challenged a number of aspects of Lord Maginnis's evidence.

207. She said that Lord Maginnis's account that in intervening during the incident at the entrance to the parliamentary estate she had "imposed" herself "covertly and dishonestly" was "a completely accurate statement". She said that she had intervened in the incident involving Mr Bombolo because she happened to be there as it was happening. She said her intervention was "designed to both help him with his situation and diffuse the situation and stop the abuse of a member of Parliamentary security staff."

208. In relation to Lord Maginnis's broader argument that her interventions were based on his opposition to same-sex marriage and were part of a wider campaign she said:

"Lord Maginnis's assertion that my complaint was based on his opposition to same sex marriage is also completely untrue. For a start I had no idea who the man was when I challenged him at the time of the incident—I had to google him subsequently to find out who he was

---

12 Ms Bardell later provided copies of some of the threats she had received and reported to the Police.

and once I'd clarified that I raised my Point of Order. That Point of Order was quite simply, to do with the fact that he had been abusive to a member of security staff. It strikes me that Lord Maginnis has intentionally referred to my sexuality and his opposition to same sex marriage as a way of antagonising me and trying to evade facing up to his own bad behaviour and inappropriate conduct. I find it deeply troubling that instead of confronting his own poor behaviour he is diverting from the issue by suggesting that my sexuality and his views has something to do with my raising genuine concerns about his behaviour, it amounts to, in my view, an attempt to silence me."

209. She described Lord Maginnis's suggestion that her complaint and the manner in which she gave evidence to me demonstrated a "serious mental illness and psychopathic disorder" as being "shocking and offensive". She reiterated the impact the events had had on her, including the receipt of death threats, but said:

"I have neither a serious mental illness nor a psychopathic disorder and to suggest I do and that is the reason I have stood up to his bad behaviour, is demeaning, offensive and grossly inappropriate. To my mind it constitutes a further breach of the members code and I'm really taken aback by his assertion."

210. In response to Lord Maginnis's referring to needing to "match her acting ability" she said his comments were "similarly insulting and derogatory":

"Lord Maginnis's whole response is lacking in humanity or any kind of understanding about what appropriate or professional conduct is or should be. It's very clear from the testimony of others, particularly the security guard who was verbally abused, that Lord Maginnis's behaviour and conduct has had a profound impact on many others not just me."

### *Findings of fact*

211. Some aspects of Ms Bardell's account—such as Lord Maginnis shaking the glass doors—did not appear in others' accounts. However, the essential aspects of her account and of Lord Maginnis's behaviour towards her are corroborated.
212. **On the balance of probabilities, I find that Ms Bardell's account of the incident in the entrance to the estate is more likely than not to be true.**
213. Lord Maginnis's comments to the HuffPost are matters of public record.

## CHAPTER 8: COMPLAINT BY LUKE POLLARD MP: ACCOUNT OF THE KEY FACTS AND EVIDENCE

---

### Luke Pollard's complaint

214. On 6 March, Mr Pollard wrote to me to complain about Lord Maginnis's conduct during a dinner hosted by the APPG on the Armed Forces—which included a talk by a senior member of the Royal Navy followed by questions and answers chaired by Mr Pollard—and in emails sent by Lord Maginnis to the Chair of the APPG, James Gray MP, and others.

215. He wrote:

“I am writing to submit a complaint against Lord Ken Maginnis for his repeated homophobic attacks on me.

I was chairing a dinner on 11 February 2020 for the All Party Armed Forces Group where I am the Vice-Chairman with responsibility for the Royal Navy. The dinner was very well attended and the guest speaker, Vice Admiral Blount, was answering questions. I had signalled at the start of the dinner that as this was the first Royal Navy dinner since the election I would be giving preference towards new members and those existing members would have to excuse this new priority as they may not be called as it was a busy dinner.

During the dinner I noted down names of those who wished to ask a question. I did not see Lord Maginnis indicate he wanted to ask a question until approximately two thirds through the dinner at which point the list of names was considerable. I noted his name on the list. I had been given a hard stop deadline of 9.30pm for the dinner to end and warned participants that I would not be able to fit everyone who had indicated to me in and asked for questions and answers to be kept short.

Lord Maginnis then began saying loudly that I was the ‘worst chairman he has ever seen’ and saying disparaging remarks. I ignored the first few comments as I felt he was drunk and I didn’t want to draw attention to him. When he continued in this vein I said to him that was ‘enough’. I concluded the dinner with 15 questions being taken which is considerably more than usual. Sadly, I was unable to take a number of questions including from James Gray, the Chairman of the group who traditionally asks the last question. Lord Maginnis was not called partly because we ran out of time and partly because he was not a new member.

After the dinner he walked up to me while I was speaking to guests and remarked that he should have been called, that he felt I was a terrible chair and that he was very unhappy with the evening. The dinner was a great success and so I thanked him for his views and wished him a good evening. He kept staring at me and making similar remarks, to which I turned to him and said: Thanks for comments. There’s no need to stare at me. I already have a boyfriend but have a good evening. At this point I left and took the guests to Strangers’ Bar where the chair traditionally buys the speaker a beer before they retire. I recall Lord Maginnis speaking to the Admiral in the bar but I could not hear his comments

about me as the bar was loud and frankly, I wasn't very interested in what he had to say.

The next day James Gray MP, the chair of the group, copied me into an email titled 'discrimination by homos' which Lord Maginnis had sent to James. In the email, Lord Maginnis made a series of accusations about me including that I threatened to set my boyfriend on him and that he was waiting on the Terrace. [My boyfriend], is a lovely lad, doesn't really like getting involved in politics and was at the time away filming an advert for his work and not on the terrace. At no point did I threaten the Lord with my boyfriend nor say that he was on the Terrace.

James Gray has repeatedly asked Lord Maginnis to apologise for his homophobic attacks on me if he wanted to be part of the APPG and attend future events and Lord Maginnis has replied with new homophobic remarks towards me.

I believe there is no place for homophobia in our politics. Having had my office attacked with homophobic slurs during the General Election I have publicly called out those who promote homophobia. I have no strong feelings towards Lord Maginnis and feel sorry for him as he is clearly struggling with understanding how to behave in the 21st century.

I know there have been subsequent incidents involving Lord Maginnis and he has been citing my sexuality as a reason to attack me and make accusations about me to my colleagues. I understand that complaints have been made about Lord Maginnis by my colleagues and having reflected on his behaviour and concluded he has no regret for his remarks I feel compelled to submit a formal complaint myself.

I would be grateful if you could process this email as a formal complaint against Lord Maginnis for his homophobia. I understand that you were copied into emails from Lord Maginnis with homophoc [*sic*] attacks on me and so I am not forwarding them to you again now. If you require them, please let me know.

I believe Lord Maginnis's behaviour is in breach of the Lords behaviour code. If you require any further information to log this complaint please can you let me know. My phone number is [redacted]. I know there are a number of colleagues who witnessed the event and I am certain that James Gray MP will also be able to provide supporting testimony should that be required. Please let me know if you need anything else."

216. Before completing my preliminary assessment, I also interviewed Mr Pollard. In that interview he expanded on the details in his written complaint.

217. He gave an account of the dinner:

"It was a very well-attended dinner. We had a lot of new Members of Parliament attending and so in my opening remarks I welcomed everyone but also said, with apologies to Members who had been part of the group for a long time, that I would be prioritising new Members for asking questions and so after, or during the Admiral's speech, 'If you could try to catch my eye, I will take a note of your names'.

It was we had been given a hard stop for the evening of 9.30 and it started at 7.30, so by the time we got to questions, I guess usually it was about half eight time, and my job is to welcome, introduce, chair the session and chair the questions session at the end. So during the event people were catching my eye, and I have got a way of we basically have a table plan where I put the little preferences on of who has indicated they would like to speak and we had a lot of questions, a lot of people indicating. So after the Admiral had made his remarks, I started chairing the questions and started inviting particular Members to make their speech. So what you do at this point is you look around the table and try to see people who are indicating. It is as unscientific as that in terms of getting people's attention, but I had asked for the new Members beforehand to prewarn them that I would be looking at them in particular to see whether they wanted to ask questions and we had a lot of people, more people than we had time for getting their questions in.

During the question and answer session as we were getting towards, I guess, probably coming up to 9 o'clock now, Lord Maginnis started gesturing that he had been ignored in the questions and said that he had been gesturing for some time and that I was purposely ignoring him. If I am honest, I didn't see him indicate that he wanted to speak until about two thirds of the way through the questions session, at which point I wrote his name down on the list. What we normally try to do is get a good split of Members of the House of Commons and the House of Lords and then end with a question from James Gray, who is the group's chairman. It was getting to the point where there was not a lot of time left at this point and I was calling Members and, as I was doing that, he started saying that, 'I should have been called. I have been indicating from the start,' and started saying, 'This is the worst chairman that we have ever had' quite loudly. I ignored those remarks at first and then, when they continued, I went to him and said, 'Enough', and then indicated that he should not carry on doing that.

We only normally get rowdy behaviour from people who are quite drunk at those events. They normally start off with a drinks reception first, but to be honest it is a very well-behaved affair normally and we would not normally get any barracking except like a comedy barracking that sometimes gets people's involvement, but nothing offensive normally.

Then that continued throughout the remainder of the period. I couldn't hear some of the things that he was saying, but I could hear other bits and he was loudly complaining that he had not been chosen. At this point, I removed his name from the list of people to choose simply because that is not the way to be called but also because we were running out of time.

So there were a number of individuals at the end of the session who we did not have time for so I indicated to James Gray, for instance, to ask a very, very short question towards the end and he said, 'No, don't worry about me. I will leave it to someone else to ask', so we removed James from the list. So we got 15 questions in by the time that the 9.30 hard stop arrived. At that point he was still saying that he had not asked a question and he was very unhappy with me in the role of chair and that he would ensure that I would not be chairing it again. At that point I turned to an SNP Member to ask for the vote of thanks and she presented a vote of thanks. In fact, she was quite happy to be the first SNP ever asked

to do a vote of thanks. It is a bit of a thing in the defence group that the SNP tend not to get much of a voice, so I wanted to address that in the dinner. Then I thanked everyone for attending, thanked the Members and the Admiral for his words, and then drew the evening to a close.

What normally happens here is that the chair then takes the guest speaker to the Strangers' for a beer and then they politely scuttle off from the rest of the evening. It was after the dinner had been drawn to a close that Lord Maginnis came over to I was on one side of a very long table in the middle and he had sat, I guess if I was sat at the table, he was, I guess, on my like nine or ten o'clock at the other end of the table, and he then walked along the table so he was opposite me. Then, as I was speaking to the Admiral afterwards, he started staring at me and complaining loudly that he had not been called. I ignored that conversation at first because I wanted to complete the conversation with the Admiral and then he kept talking about it. He then said, you know, 'You are the worst chairman we have ever had. You should have called me. I was gesturing from the start. You were purposely ignoring me', and he expressed his displeasure at that, at which point he kept staring at me and I think I said to him, 'I realise you keep staring at me. There is no need to do that'. Then I think it was a phrase something like, 'There's no need to carry on staring at me; I've got a boyfriend already, I don't need another one, thank you', to try to dissolve the thing with a bit of humour.

Then I took people to the Strangers' for a drink and during that Lord Maginnis came over to the Admiral and spoke to him. At that point, I wasn't in earshot of the conversation and then at the very end he I went over to the Admiral to check he was okay, because it is normally the job of the chair to ensure that he does not get grabbed by too many parliamentarians. There were not that many people in uniform in the bar at the time, and he [Lord Maginnis] said, 'I see what was going on tonight', and expressed his displeasure."

218. He said that he didn't hear Lord Maginnis make any remarks he considered to be homophobic that evening, "although he was, you know, loudly protesting about the way that I chaired the meeting and the fact that he wasn't called during the meeting."
219. The following morning Mr Pollard saw the email that Lord Maginnis had sent to James Gray and others. He described the email:

"The email itself started with the subject heading 'Discrimination by a homo' and then went through a series of accusations about me using homophobic language and suggesting that I had in some way threatened him with my boyfriend, which did not happen. ... Then he went on to make more homophobic remarks in the email. James clarified that his behaviour was not acceptable, in a subsequent reply, which I was copied into, and then Lord Maginnis said that he had done research on me and pulled out elements of my Wikipedia page which says that I live with my boyfriend, which I do, and then said this is the reason why it is, you know — he alleged that we were discriminating against him because of his views on homosexuality and his wellknown antiequality views in particular towards the LGBT community."

220. We asked Mr Pollard to describe the effect of the incident and the emails on him. He said:

“If I am honest, I am quite shocked and surprised that this type of behaviour would happen within Westminster. I am still a relatively new Member because I have only been here for two and a half years, even though we have had an election during that period, so I still find myself being surprised by some of the, quite frankly, unprofessional behaviours that I see on a day-to-day basis, such as behaviours in Chamber, but this surprised me.”

221. He described how the incident and emails had meant that conversations he had with colleagues about defence matters were now distracted by conversations about Lord Maginnis’s conduct:

“there are frankly not a lot of people that do defence in Westminster. We all care about the armed forces, but when you get into the nitty-gritty of defence policy, there are not that many of us and, you know, everyone that I do defence, naval stuff with as the MP for Devonport, I do a lot of naval stuff — having all of them, you know, witness his behaviour and then be, you know, more than aware of his behaviour and the words that he may have said, and I have had lots of conversations subsequently, it was kind of embarrassing because that group should be talking about defence policy; it certainly should not be talking about — in my mind, everyone should behave to a decent standard so that we can get on with the issues at hand. It should not be, you know in my mind, it is not an opportunity for equalities campaigning; this is a group of people who come together from very, very different political views and political backgrounds to talk about defence and it has been — you know, it felt embarrassing that his behaviour towards me has become a distraction from that.”

222. Not only had it become a point of distraction from policy matters, the incident and email had had a long lasting effect on Mr Pollard’s experience of Parliament as a workplace:

“I still meet colleagues on a day-to-day basis round the building who talk about the evening with me and ask whether he has spoken to me again, whether anything else has happened to me, so, you know, his behaviour has kind of attached an experience to my colleagues’ impression of me since then. Normally people only bang on about how many times I talk about frigates in those dinners; now they are talking about whether it is okay for people to have a go at me based on my sexuality. So there has been a longlasting effect of that.”

223. He said that those conversations had been supportive but said “my interaction with those individuals is not based on an equality campaign and I do not want their interaction with me to be based on, you know, whether I have a boyfriend or a girlfriend. That has been a distraction and an annoyance.”

*Lord Maginnis’s email to James Gray MP*

224. The emails Mr Pollard referred to were copied, by Lord Maginnis, to my office (along with three other parliamentarians: W, X and Lord Taylor

of Holbeach).<sup>13</sup> I therefore had sight of them before Mr Pollard made his complaint. The email chain was started by Lord Maginnis with the subject heading “Discrimination by Homos”.

*Email from Lord Maginnis to James Gray and others, 11:46pm, 11 February 2020*

At the Def. & Sec. dinner this evening I indicated early in the proceedings that I wished to ask a question and had a “nodding acknowledgement” from the Chairman, Luke Poallard [*sic*], that my request had been noted.

I was deliberately not called and following an interchange at the end of the meeting we had words, at which time Pollard threatened me with his “boyfriend”. Purely on that basis I have researched him.

My research indicates [reference to Mr Pollard’s boyfriend]. Pollard is Plymouth’s first openly gay Member of Parliament.

I have no contention whatsoever with people’s personal life but am well known as someone who has opposed to Cameron’s gay marriage legislation. I have, in the past, been nominated by “Stonewall” as ‘bigot of the year’ but lost out to a R.C. priest from Glasgow ... a bit of a ‘come-down’ for an Ulster Unionist!!!!

But, joking apart, I’m not prepared to be victimised by “queers” - not least by those like Pollard and that ‘lady’ Hannah Bardell, the Scots Nat. who recently sought to embarrass me.

Please note that if that chap appears again in the Chair of our group I will challenge his credentials. I’m neither someone to be bullied or intimidated.

*Email from James Gray MP, 9.42am, 12 February 2020*

Dear Ken,

You and I have known each other for many years, so I want to be absolutely frank with you.

I fear that this email, and I suspect some of the things you may have said or done last evening, are completely and utterly unacceptable. Whether you agreed with it or not, same sex marriage is part of the law, and is now a wholly normal part of life. It is simply totally and utterly wrong for you to speak in this way, or to criticise the duly elected Chairman of the RN group in the way you have. Luke will indeed be chairing future RN events whether or not you like it.

I fear that as Chairman of the APPG I must take a very decisive line on this wholly unacceptable email. Please withdraw it and apologise for it. If you do not do so, you will not be welcome at any future APPG Armed Forces Event.

You owe Luke Pollard a fulsome apology.

---

<sup>13</sup> I have not interviewed W or X in the course of my investigation and therefore consider that they have a right to anonymity. I spoke to Lord Taylor and he agreed to be identified.

*Email from W, 10.01am, 12 February 2020*

Ken, I was surprised at the content of your email about events at last night's dinner. A chairman of any meeting or ormanisstion [sic] must be totally impartial and at no time allow his personal opinions to influence his decisions. If Luke Pollard, has earlier acknowledged that you wished to ask a question, and then failed to call you, he clearly had failed to comply with the normal impartial standards of chairmanship. However failure not to call you may have been due to lack of time and not discrimination based upon his personal views (none of which I was aware). I will discuss it further with you today.

*Email from Lord Maginnis in response to James Gray's email, 12.09pm, 12 February 2020*

Let me make one thing clear - I had no idea of the 'inclinations' of Luke Pollard until he boasted that "my boyfriend is on the Terrace and will deal with you".

He is obviously part of the ongoing campaign against me because of MY views on the matter relating to the Cameron initiative.

I'm getting somewhat irked by being discriminated against so, as for any apology, forget it!

*Email from W, 12.31pm, 12 February 2020*

Ken, Let it cool down! There was only discrimination against you if the chairman acknowledged early on in the evening that you wished to ask a question! James appears to believe that you only intimated your desire late on in the proceedings and that therefore there was no time left for you to ask a question and thus no discrimination. If, after the meeting, the Chairman threatened you by suggesting another person would become involved on his behalf, then there is a serious question about impartial chairmanship! Tories are known for their loyalty to each other and now and again that loyalty overcomes facts!!

*Email from Lord Taylor of Holbeach, 1.46pm, 12 February 2020*

As I said last night, please let it rest.

[W] is right to take it as water of the duck's back.

*Email from James Gray MP, 3.26pm, 12 February 2020*

Let me be clear about this. The Chairman is perfectly entitled to call whoever he wishes to ask questions. We try to balance it politically, even geographically down the room. There is no obligation to call anyone, no matter how soon they caught the Chairman's eye. It is absurd to suggest that Luke Pollard did not call you because of some perception of homophobia which is what you seem to be implying. We asked Luke to wrap it up by 9.30PM, which meant, for example, that I too was not called.

At all events, your email was simply unacceptable. I do now require you to withdraw it and apologise for it. If you do not do so you will no longer be a member of the APPG for the Armed Forces and will most certainly not be welcome at our events. I cannot let this one rest. Your email was

unacceptable, and breaches the rules of the House of Commons. You must now withdraw it.

### Lord Maginnis's evidence

225. Mr Scott and I carried out a preliminary assessment and concluded that it would be appropriate to investigate whether Lord Maginnis's conduct constituted a breach of the Code of Conduct. I wrote to Mr Pollard with information about my next steps. I also wrote to Lord Maginnis on 29 April 2020, enclosing the complaint from Mr Pollard and explaining that, as a result of my preliminary assessment I had concluded that there was sufficient evidence to establish there was a *prima facie* case to be investigated.
226. I asked Lord Maginnis to send me a full and accurate account of the matter in question.
227. Lord Maginnis responded briefly to Mr Pollard's complaint in two emails which also covered aspects of the other complaints under investigation.
228. In an email of 29 April he explained that he could not access the PDF version of my letter but assumed that the further complaint was from Mr Pollard, "with whom I had a normal disagreement before I even knew who or what he was - that he was 'queer'. He stepped-up our minor disagreement by threatening to sort it out on the Terrace and that 'my boyfriend is out there'."
229. In an email of 6 May in which he asked for an update on the other cases under investigation, he said "As far as the well-orchestrated Luke Pollard case is concerned all I can say is that Stonewall members still seem to 'hunt in packs'!"
230. We interviewed Lord Maginnis by video link on 22 May. We began by asking him to describe his recollection of the dinner and his exchanges with Mr Pollard:

"There was not a great deal happened. When I went in, I was in in good time. I tend not to go to The Terrace before the meeting because I cannot stand and my balance is not good enough. I am all right when I am moving, but I am not good when I have to stand in a static position. So I went in and sat down. As soon as the people assemble — there was the Admiral coming to speak to us — I indicated to the Chairman (whom I did not know; I had not seen him before) that I wanted to ask a question. He nodded recognition and so on. At several times during the meeting he still had not called me. I think it was John Taylor, the Lord Taylor, I think I indicated through him (who was sitting on the left hand of the Chairman) that I had not been called. He drew his attention. The chap looked up and continued to ignore me.

When the whole thing was over, I went up and I said, probably in an offhand way, 'Well, thank you very much for ignoring me', or words to that effect. I would not remember what I said. He probably became, not aggressive in a physical way, but he became aggressive in a dismissive way. I said— I cannot — I do not remember the conversation thereafter but what I do remember, and what sticks with me, is that he said, 'Okay, we'll settle this out on The Terrace and my boyfriend's out there'. Now what the heck his boyfriend had to do with that I do not know. I think it probably occurred to me, 'Ah, so that is a continuation of the Bardell

problem’, and that was it. I did not see him again for the rest of the evening. We did not have any exchange when we went out on to The Terrace.”

231. After the event Lord Maginnis decided to “drop a note to James Gray, who is the Chairman of the APPG”, which he considered a “private letter”, copied to others “as much out of resentment that here was, on top of all the hassle coming from this woman Bardell, here was somebody obviously as I thought setting out to annoy me”.
232. We asked Lord Maginnis whether he might have been mistaken that Mr Pollard had acknowledged at the start of the question and answer session his indication of his wish to speak. He said that he did not believe he could have been mistaken and that Mr Pollard’s account was untruthful.
233. He said that as he was not being called by Mr Pollard, he had indicated to Lord Taylor, who was at the dinner and sat nearer to the Chair, that he had not been called and “asked him to indicate to — I forget his name — Pollard that I wanted to ask a question.”
234. We asked Lord Maginnis if he had heard Mr Pollard say that newer members of the APPG would be given priority in the question and answer session. Lord Maginnis said that he had not heard that but “I cannot say he did not say it ... I was not aware of it.”
235. We asked Lord Maginnis whether he recalled saying loudly during the dinner that Mr Pollard was the worst chairman he had ever encountered. Lord Maginnis replied:
- “I do not know what it is about some people, but they have great imaginations. No, I do not. ... I do remember looking across the table and saying to John Taylor, to Lord Taylor, ‘Would you remind him in other words that I am one of the first on the speakers’ list?’”
236. We asked Lord Maginnis whether he thought that Mr Pollard had excluded him from the question and answer session on purpose. He replied:
- “It was very obvious from just his attitude, his unwillingness to look down to my part of the table. I mean, he — it was seen by me as something that was deliberate. Remember at this time I did not know who the Chairman was. I did not know him from Adam. He had not-- there was no way in which I knew that he was going to boast about his boyfriend and so on.”
237. We put Mr Pollard’s explanation of his reference to his boyfriend—that it was an attempt to diffuse a tense situation—to Lord Maginnis. He accepted that he may have misunderstood what Mr Pollard had said, explaining that he frequently did not wear his hearing aids which meant that he needed to look directly at people in order to hear them when there was background noise.
238. We spoke about the email he sent to James Gray after the event. He said he sent it “because of the background and everything that was going on, I was offended that suddenly here was this gay individual wading in to embarrass me”.

239. Though he accepted that he may have misunderstood Mr Pollard's reference to his boyfriend, he still considered that Mr Pollard had treated him poorly because of his views on people's sexual orientation. Even if he had misunderstood Mr Pollard "threatening" him with his boyfriend, he said "you pick up a lot from tone and attitude. I thought his attitude was quite aggressive":

"he, out of the blue, introduced his boyfriend into the conversation I thought, 'Ah. So that is what and who you are', and I now understand with all the agitation that that bloody Bardell woman was creating."

240. Even allowing for a misunderstanding, Lord Maginnis said Mr Pollard's behaviour towards him was associated with Mr Pollard's "behavioural inclinations" and that there was "no need for him to highlight the fact that he was gay, and, under the circumstances, I felt it was, you know, part of the campaign."

241. We asked Lord Maginnis to comment on the content of his email and James Gray's description of it as "unacceptable". His response was "I could not even comment."

242. Having used the word "deviant" at times in interviews with us in reference to Mr Pollard, we asked him whether he considered Mr Pollard to be a deviant. He replied, "He is in my book, yes. ... Of course".

### **Mr Pollard's evidence**

243. We spoke again to Mr Pollard after having provided him with a summary of Lord Maginnis's response to his complaint.

244. He noted some inaccuracies in Lord Maginnis's account of events compared to his own recollection; for example, Mr Pollard said he did not see Lord Maginnis indicate his wish to ask a question until partway through the question and answer session, and he did not "threaten" Lord Maginnis with his boyfriend.

245. Mr Pollard noted that Lord Maginnis's response to his complaint was informed largely by his views on Mr Pollard's sexual orientation:

"a bit concerning in relation to the starting point for any interaction on a professional basis, that he thinks I'm a deviant because of my sexuality, which is disappointing but again not surprising given the fact that I have seen his emails and how he described me in those emails."

246. As he had done in our earlier interview, Mr Pollard rejected Lord Maginnis's implication that the interactions between them were motivated by their opposing views on gay rights:

"the key concern that I have in relation to his use of homophobic language and then the application of kind of like underhand motives on my behalf because of his position on equality matters".

247. He agreed that by the time of the dinner he was probably aware of Lord Maginnis's views, not least following the publicity surrounding Hannah Bardell's Point of Order in the Commons. However, he said:

“I have to interact with an awful lot of people that I disagree with in politics, and my job at that dinner was to call people and to chair a dinner; it was not to campaign on equality matters ... I’m quite aware that the cohort of parliamentarians in both Houses that campaign on defence issues is relatively small, and as a result you have to frequently interact and campaign alongside many people whose views you would not necessarily agree with or have political perspectives that you don’t agree with. By nature, most of our campaigns are informally crossparty on issues, and so I think I was aware of that bit, but that wouldn’t have stopped me calling him. Indeed, once I had realised that he had indicated, which I only became aware of half or twothirds of the way through the question session, I wrote his name on the list of people to be called. It was only removed when he started barracking me in the dinner, so, you know, despite those views, he was on my list that I had added of people to call.”

248. We asked again about the impact of the incidents on him. His description of the impact was similar to what he had described in our earlier interview:

“In the period immediately after when this took place I had a number of colleagues approach me on a cross party basis to talk about what happened in the dinner, rather than to talk about the content of defence campaigns as we normally would, and that includes both parliamentarians but also some of the commercial sponsors that were at the dinner that I subsequently came across. The defence family in Westminster is not very big, and so the people who genuinely campaign on the detail of defence issues rather than the general spirit of supporting our armed forces is a much smaller cohort than the larger ‘we back our armed forces’ number. For that period immediately after, when the dinner took place, that had his behaviour became more of a topic to talk about rather than talking about frigates or amphibious assault ships, which is what I would normally talk to people about in relation to that.”

249. He said that it was the content of the emails that had particularly affected him:

“I think the bit that I became frustrated by in the sense that, actually, in being at the receiving end of his or being the subject of his emails. I was less fussed about having an angry man shout at me during a dinner; that is, to a certain extent, something you prepare yourself for when you are hosting a dinner where wine is served. It was more the nature of his subsequent emails that particularly became that made it personal. It was frustrating and unprofessional on the night, but it was the personal sense of where he has got to.”

### Other evidence

250. We also spoke to James Gray MP about the dinner and subsequent emails.
251. He began by briefly describing the dinner. His account included details that had been included in Mr Pollard’s account: that the meeting had to end by 9.30pm and that he had been on the list of those to ask a question but as time ran out he had not been called.
252. He couldn’t recall whether Mr Pollard had said that he would give priority to new members but said, “I would not be in the least bit surprised ... I would

have endorsed that. Had he said that, I would certainly have endorsed it, but I cannot remember it off hand.”

253. He had not been aware of any disruption at the meeting or conversations in the bar afterwards.

254. He became aware of Lord Maginnis’s conduct that particular evening only when he received Lord Maginnis’s email, which he considered to be unacceptable. He said:

“I took the view as chairman of the overall group that that was not acceptable. He copied it quite widely, to me and to [another MP], and I think to you actually and to various other people. I wrote back and said, in perfectly nice terms, ‘I am afraid that is not right. You cannot circulate an email using those terms and, therefore, please withdraw it’. He did not do so.”

255. He said that Lord Maginnis then replied with “this very weird email” about Mr Pollard’s personal life. He said:

“I wrote back in a relatively sort of peaceful way, I think I hope I was trying to be reasonably polite and I said, ‘You and I have known each for many years. That simply will not do’. I think I actually said at one stage or another that I myself had voted against gay marriage but that, frankly, neither his nor my view on gay marriage was of any significance at all in the context of the All Party Parliamentary Group. He then came back and said, ‘Let me make one thing clear. I knew nothing about it until he said, ‘My boyfriend is on the terrace and will deal with you’. He is obviously part of an ongoing campaign against me. I get somewhat irked by being discriminated against ... As for any apology, forget it.’

Anyhow, that I thought was all there was to it. I had said that that was unacceptable and please withdraw and apologise. I copied Luke Pollard into that so that Luke Pollard knew that I had said that. In so far as I was concerned, that was it; I had no reply from Lord Maginnis after that.”

256. Mr Gray also provided us with the seating plan for that evening’s dinner so we were able to identify the parliamentarian who was sat beside him. We spoke to that parliamentarian, Y, about Lord Maginnis’s behaviour during the dinner.

257. Y described Lord Maginnis’s efforts to be called to ask a question:

“I was sat next to Lord Maginnis. He had not been called for a question and he did not take kindly to that and was, kind of, saying that he had put his hand up. But when other people were talking and while we were trying to get on with the questions, he was directing his remarks at the Chair to indicate that he felt he should have been picked and had not been; and when that continued to be the case, that he was not picked, Lord Maginnis made some remarks about him being the worst Chair he has ever had at an event.”

258. He said that although he couldn’t say whether others around the table would have heard every remark from Lord Maginnis, the remarks were not made quietly:

“he was saying it without any care. He was not intending for everybody to hear. It was not said in that way. It was not said out to the room. It was more he was saying it at sufficient volume that people would have heard and he did not care. I do not think he was seeking to say that to people; he was just muttering without any consideration to the fact that, actually, that is not an appropriate thing to say out loud ... For example, he did not wait for a pause in the conversation; he was just carrying on irrespective of what everyone else was doing and people would have heard it. But I would not say it was a clear — he was not deliberately trying to get everybody to hear what he was saying. He just did not care less.”

259. He also recalled that Mr Pollard had begun the question and answer session by explaining the new members would be given priority.

260. As Lord Maginnis had mentioned Lord Taylor having been at the dinner and as he had been one of the recipients of Lord Maginnis’s emails after the dinner, we also spoke to Lord Taylor.

261. Lord Taylor began by describing his relationship with Lord Maginnis:

“Ken Maginnis is known to me very well. He is a Member of the House and comes from South Tyrone. He is very Northern Irish. He is very Ulster Unionist. He is an Independent Ulster Unionist because he has had difficulty reconciling himself with the Ulster Unionist Party. He no longer receives a whip from the Conservative Party which he would have done when he was an Ulster Unionist. He has frequently sought me out to complain that I took him off the whip and all the rest of it. They were not whipped directly but they were whipped through our Party Whips. He is no longer so. This goes back some time. So I know him very well.”

262. He confirmed that he was aware that Lord Maginnis had been keen to ask a question during the dinner:

“I do know that Ken Maginnis was trying to ask a question ... He was down the bottom end of the table and making it quite clear he wanted to ask a question ... When the answer to a previous questioner was taken, he would have his hand up or be making a noise to make it clear that he wanted to ask if possible.”

263. However, although he “came away from the dinner feeling that he definitely wanted to ask a question and he had not been able to do”, he did not recall Lord Maginnis catching his eye in order to pass on to Mr Pollard his desire to ask a question.

264. He said he had not been aware of Lord Maginnis making particularly loud remarks during the dinner but said that he may have “chuntered”. Because of this, he assumed that during the meeting Lord Maginnis was “irritable and irascible, as he frequently can be”. He went on to describe Lord Maginnis’s behaviour at events more generally:

“if you want Lord Maginnis to be at these functions, you have to take him as he is. It is important to remember the background from which he comes and the difficulty that he had during the Troubles. I have always tried to be understanding of his manner and behaviour, but he is a one-off and perhaps that is as well.”

265. We asked Lord Taylor what he had thought of the emails sent by Lord Maginnis:

“I do not think it is a very good thing if you want to try and get on with somebody to fall out with him in the way that he did, fall out with the Chairman of the meeting as he did, let alone the business of same-sex marriage and the implications of homosexuality which turned up in the heading of the second email. I do not think the first had it. The second email which he sent - I thought it was most uncalled for and quite unnecessary, and he should have apologised to the Chairman for his behaviour, in my view, but that is by the way.”

266. Lord Taylor also saw Lord Maginnis’s behaviour that evening and in the emails as evidence of an increasing bad tempered approach. He said that over the time of their association “[h]e has got worse” and that he “alienates himself by his manner”:

“And then, of course, he finds himself without the social reinforcement. In some ways, I mean, you do not have to be a sophisticated psychologist to realise that he is a soul that has alienated himself and is finding it difficult to connect with other people. Sometimes it is almost as if he is drawing attention to himself by his behaviour.”

*Findings of fact*

267. Aspects of Mr Pollard’s and Lord Maginnis’s accounts diverge. However, Lord Maginnis’s behaviour during the dinner is corroborated by the parliamentarian sat beside him at the time. Lord Maginnis’s emails to James Gray and others were sent to my office and are not disputed.

268. **I therefore find Mr Pollard’s account of the dinner more likely than not to be accurate and the content of the emails are shown beyond doubt.**

## CHAPTER 9: COMPLAINT BY TOBY PERKINS MP: ACCOUNT OF THE KEY FACTS AND EVIDENCE

---

### Mr Perkins' complaint

269. On 4 March, Toby Perkins MP wrote to me to complain about the conduct of Lord Maginnis at a breakfast meeting hosted by the APPG on the Armed Forces. He wrote:

“I would like to make a complaint about the conduct of a member of the House of Lords, Lord Maginnis of Drumglass.

The complaint primarily concerns his conduct at a breakfast of the All Party Parliamentary group on the Armed Forces held this morning, but I believe is part of a pattern of recent homophobic incidents.

As I understand it, Lord Maginnis had been informed that he was no longer invited to attend meetings, breakfasts and dinners of the APPG following two different homophobic incidents that had occurred there, and a homophobic email that he had sent to a member previously, but not withstanding that, he attended the breakfast this morning. I was unaware of all this history when I witnessed the exchanges this morning that I am primarily complaining about. Lord Maginnis was approached by the Chair of the APPG James Gray MP and informed that he wasn't invited and would have to leave, he quickly responded aggressively refusing to leave and implying that the Chair would have to physically remove him. He said 'I am not going to be bullied by queers'. I was confused by this comment because the person who he was discussing it with (James Gray) wasn't gay, but I subsequently discovered it referred to a previous incident with a gay MP, Luke Pollard.

In his continued tirade he was disparaging about the history of the Chair of the APPG himself 'I won't take this from someone with your history', and of the role of reservists 'I served in the British Army, I was not a reservist' which is entirely against the ethos of the APPG which recognises and respects the role of all those who serve in our Armed Forces.

After he had finally refused to leave and James Gray had walked away, I asked him what it had all been about, and he said that he was being 'bullied because he was against gay marriage' and that he 'wouldn't be barred by a deviant' which he made clear was his description of Luke Pollard, a gay MP with whom he had engaged in a run in at a previous dinner.

He referred to 'a lesbian' that he had previously had problems with over a pass ( I understand this is Hannah Bardell MP). He went on to say that he had been married for 60 years and that when he confronted Luke Pollard, Luke had referred to 'his boyfriend outside'. His entire tone was unapologetically homophobic, aggressive and disrespectful, and I suspect that if it had been witnessed by the Police, may well have led to criminal charges. His behaviour in my view undoubtedly brought the Houses of Parliament and the APPG into disrepute.

I would ask you to investigate the issues I refer to and the previous incident at the dinner with Luke Pollard, the exchange with Hannah Bardell, and the email that he sent to officers of the APPG and I believe he may himself have copied to the Lords Commissioner for Standards, which he has been asked by the APPG to apologise for, and consider what would be a suitable sanction to ensure that members and visitors to the house can go about their business without being assailed by this sort of conduct.”

270. Mr Perkins attached to his email to me an email of complaint he had also sent to James Gray as Chairman of the APPG:

“Further to our meeting this morning, I am getting in touch to complain about the conduct and homophobia of Lord Maginnis of Drumglass at this morning’s breakfast.

I was sat across the table from where Lord Maginnis was sat when you approached him. I didn’t hear much of what you said, but understood that he was attending the breakfast without invitation. I clearly heard him say ‘I am not being bullied by queers’ and threatening to make a scene. It was clear that he was rather aggressively asserting that he was intending to stay at the breakfast despite not having an invitation and that he wanted to know who had caused him to be banned from the list. I heard him refer disparagingly towards ‘your history’ and speak disrespectfully of reservists in comparison to regular soldiers also.

After you walked away I asked him what had happened and he recounted a previous dinner at which he claimed he had been snubbed by Luke Pollard from asking a question and said that he ‘wouldn’t be barred by a deviant’ and made it clear that he disapproved of Luke’s sexuality. He referred disparagingly towards Luke’s ‘boyfriend’. And went on to refer to having been married for 60 years and that he was being ‘bullied because he was against gay marriage’. The tone of his remarks were deeply homophobic and were uncalled for. He had not been asked for an opinion on homosexuality but seemed keen to broadcast his views nonetheless.

I don’t see how it is possible for him to remain a member of the APPG when he is so willing to use offensive and discriminatory remarks towards other members and conduct himself in a way that is likely to bring the house into disrepute.

I am happy for my comments to be used in any investigations that the APPG should conduct and will also be forwarding them to the House of Lords authorities.”

271. Before completing my preliminary assessment, I also interviewed Mr Perkins. In that interview he expanded on the details in his written complaint.
272. Mr Perkins described having arrived at the breakfast meeting and sat at the table with Lord Maginnis around three seats away on the opposite side:

“James Gray approached him. I couldn’t really hear what James was saying but I could hear he was getting very aggressive. I heard James say, ‘That’s not very reasonable. I don’t think that’s a very sensible approach’, but mainly he was saying, ‘I will not be bullied by queers. I will’—I think

he actually referred to other—he made other homophobic remarks two or three times, but I don't recall of them. I was talking to other people, so I wasn't purely watching this exchange, but it was eye-catching, so I was kind of half watching it and it was before the breakfast had started. There weren't that many other people there. So there wasn't a great deal else to do and it was reasonably quiet.

So he said, 'I won't be bullied by queers', and then he went on about, you know, 'You're going to have to move me'. So James said, 'I'm afraid you can't stay'. He said, 'Well, you'll have to move me then. In fact I'd like to see that'. He was clearly kind of saying, 'Come on then. You move me if you think I'm not going to be here'. He was saying, 'I will make a scene. I will stand up and I will be heard by this meeting'. So I didn't entirely know—I didn't have any idea at that time what it was about, but I, obviously, got a strong sense of his anger and desire to have a confrontation. Eventually, James sort of just kind of walked away and he was obviously angry and upset."

273. He asked Lord Maginnis what the exchange had been about. He had heard the phrase, "'I will not be bullied by queers', but I wasn't sure whether he was really aggressive or whether it was a kind of a bit of a joke or if it was a different way of using the word 'queers' or whatever. I didn't really know at that stage."

274. He said Lord Maginnis had replied:

"'Oh I've had problems before. They're trying to bully me because I was against gay marriage. There was a Luke Pollard who—he refused to take my question when I was at a dinner, and when I asked him why, he said, 'Oh I've got my boyfriend outside'. He threatened me with his boyfriend', and he said, you know, what was the phrase—I wrote it down at the time—'I'll not be barred from this place by a deviant'. So then he said, you know, well, 'No, I'm totally against gay marriage. I've been married 60 years to a woman, you know'. I said, 'Well, that's by the by, but you just need to be a bit careful because the'—I can't remember exactly what I said, but I just sort of said, you know, 'You can have your views, but what you're saying is it's not going to be taken well by people', or something along those lines. So I kind of ended the conversation there."

275. Mr Perkins said that Lord Maginnis had also made a reference to "an exchange with a lesbian", which Mr Perkins later understood to be a reference to Hannah Bardell.

276. We asked Mr Perkins what the impact of this conversation had had on him. He said he had found Lord Maginnis's remarks offensive:

"it made me feel that it was a very unpleasant environment. It made me feel that it was not a safe environment for—I mean, particularly for people who were gay, but I think there is a sense to which we are all conditioned and harassed by the sense that we're not all free to be at an event like that. So both the sort of the tone of the remarks and the content of them, I think, was upsetting. I think it was—I think he was homophobic and I think it was—would definitely be considered, you

know, I did consider it intimidating as an environment for myself and my colleagues to be in”.

### Lord Maginnis’s evidence

277. Mr Scott and I carried out a preliminary assessment and concluded that it would be appropriate to investigate whether Lord Maginnis’s conduct constituted a breach of the Code of Conduct. I wrote to Mr Perkins with information about my next steps. I also wrote to Lord Maginnis on 29 April 2020, enclosing the complaint from Mr Perkins and explaining that, as a result of my preliminary assessment I had concluded that there was sufficient evidence to establish there was a *prima facie* case to be investigated.
278. I asked Lord Maginnis to send me a full and accurate account of the matter in question.
279. Lord Maginnis did not provide a written response so we addressed the complaint in our interview.
280. He began by saying that he had not been told he could not attend APPG events and therefore had objected to Mr Gray telling him he could not be there:
- “Just to make it very clear, I did not receive any formal indication that I could not come to the breakfast. And when I came, as I do, I go in and sit down at the table before other people because — I went in, looked for my place, could not find it and he came in and said, ‘There’s no place for you’. I did not take — I am not the sort of person who takes that type of dictatorial attitude in my stride, let me put it that way. I’m too old to be dictated to.”
281. He considered that Mr Gray had acted “in an arbitrary fashion, had decided that he was going to stop me coming to the breakfast meeting without doing it formally and in a way which was accountable.”
282. He said he had previously applied to attend the breakfast and he did not consider it was the usual routine to be sent an email confirming that he would have a place.
283. With regard to Mr Perkins’ description of Lord Maginnis’s comments being “unapologetically homophobic, aggressive and disrespectful”, Lord Maginnis’s response was “[t]hat sounds fairly accurate.” He took the view that Mr Perkins’ complaint was triggered by party solidarity:
- “When I saw his complaint I thought to myself, ‘Well, that’s — guys — mutual support. I would do the same for somebody in my party’.”
284. We asked Lord Maginnis whether he considered it appropriate to express his views on such personal matters to Mr Perkins in the way he did and whether he would have accepted Mr Perkins expressing views Lord Maginnis might find offensive. Lord Maginnis replied:
- “Absolutely. He would not be the first one who would have done that, as far as I am concerned. No, absolutely. I mean, I do not know, I think of him — I have not even considered what his attitude is to the issue of homosexuality. But he is entitled — if he had an opinion, I was not

aware of it. I am afraid he did not make any — I did not remember having a conversation with him.”

### Mr Perkins’ evidence

285. We spoke again to Mr Perkins after having provided him with a summary of Lord Maginnis’s response to his complaint.
286. He noted that Lord Maginnis had said that he hadn’t been told he could not attend the breakfast meeting. Mr Perkins pointed out that the email from Mr Gray made it clear that he would not be welcome at APPG events without withdrawing his comments and apologising to Mr Pollard. In his view, Lord Maginnis “very deliberately turned up early knowing that he wasn’t expected to be there”.
287. He noted that Lord Maginnis made “no apology for using phrases like “deviancy” to do with Luke Pollard’s entirely legal sexuality.” He said:
- “I think he makes it quite clear that whatever the rule — whatever the law of the land and whatever the rules of Parliament are, that they don’t — that he pays no heed to that and that he considered making very personal comments legitimate”.
288. He considered the fact that Lord Maginnis said he didn’t remember the conversation with him “makes it pretty clear that what I would consider to be homophobia is the way that he acts on an everyday basis and he sees no reason to alter his way of operating.”
289. Therefore, Mr Perkins thought it likely that similar situations could arise again.
290. Given that Lord Maginnis’s response to the complaint was unapologetic, Mr Perkins said that interacting with him again or being at events with him would cause him some anxiety. He said:

“it then puts other people in the position of having to uphold what I would consider to be fairly basic courtesies, and prevent people being discriminated against. It’s clear from the conversations that I’m aware of him having that I’ve witnessed and that I’ve had with him and that I’ve now read about, that he considers his homophobia to be not only an entirely legitimate and, kind of, fairly central part of his personality and his values, he actually considers it to be a part of his values but that he’s insistent that he should share that opinion with other people regardless of whether they show any desire or interest to have a discussion of that sort. ...

It seems very difficult to tell that he can be trusted to operate in the House of Lords and how his continued sitting in the House of Lords and attending events in the House of Lords can be legitimate. I mean, how are we supposed to invite people external to the House of Lords into meetings with him? How are we supposed to have people who are staff members or whatever be brought into conflict or into contact with him if he’s entirely unable to prevent himself operating in this way and recognises any reason — any way in which this might be considered unacceptable?”

### Other evidence

291. We spoke to James Gray about the breakfast meeting. As set out at paragraph 255, Mr Gray considered that his response to Lord Maginnis's email made it clear that Lord Maginnis would not be able to attend APPG events unless he withdrew his comment about Luke Pollard and apologised.
292. When his secretary told him that Lord Maginnis had arrived at the breakfast meeting, Mr Gray immediately went to the room:

“I went in and there were three or four MPs and Peers, scattered around the table. It was quite a bit before maybe 10 minutes before the breakfast was due to start and I went across to Ken Maginnis and just said, ‘Look, I’m very sorry about this, but, unfortunately, you are not on the list of those attending and you are not on the seating plan and we do not have any spare spaces. So I am terribly sorry about it, but I am afraid, sir, that you cannot stay’. He then launched into a tirade, apart from anything else, about me I thought rather unfairly, because I had done nothing to deserve it. I said, ‘Well, look, please do not behave like this. We do not have a space for you. You are currently sitting in a chair that belongs to BAE Systems. Let’s not make a scene about it, but please, if you would not mind you are not invited, you are not welcome just leave, I would be most grateful to you’, at which stage he called me a ‘queer’, and I thought ‘that’s one thing I am not’. Then he alleged that I was a reservist, which is perfectly true, although why being a reservist necessarily would be a term of abuse I am not certain.

Anyhow, at this stage I thought ‘this is going to become ugly’ and embarrass everybody more than it already has done, so I said, ‘Look, Ken, I think you are behaving disgracefully and not at all in a gentlemanly sort of way’, and I just turned and walked away with a tirade of abuse following my back as I walked down the room. As it happened there were one or two people who did not turn up. The very nice person from BAE Systems said, ‘Don’t worry, I’ll go and sit over there’, and there was a spare space and we managed it. So he remained for the breakfast. But it could easily have been awkward. Had everyone turned up there could have been awkwardness. He did not then ask a question or do anything else at the breakfast, I am glad to say, and disappeared duly after it and I had no further discussions with him.”

293. Following his exchange with Lord Maginnis at the breakfast, Mr Gray convened a meeting of the officers of the APPG. He considered that this more formal step was necessary as “if the group did not sort of do something slightly formally, then it might be thought that we were complicit with the homophobia which Lord Maginnis was quite obviously demonstrating”. They agreed unanimously to send Lord Maginnis a letter which set out the incidents at the dinner and later breakfast and concluded:

“In all of this your behaviour has been an insult to Luke Pollard, an embarrassment to the APPG, a breach of the code of conduct in both Houses, embarrassing to our sponsors and fellow members alike, and in every way simply unacceptable. The duly elected officers of the APPG have therefore decided unanimously to remove your name from the list of members, and to make it clear to you that you are not welcome at any of our events in the future.”

294. On receipt of this letter, Lord Maginnis sent Mr Gray a letter, a copy of which Mr Gray provided to us. In the letter Lord Maginnis referred to the letter as “pompous and dictatorial”. Lord Maginnis also quoted from the Wikipedia article about Mr Gray detailing his personal life and allegations made during the 2009 expenses scandal. He rejected Mr Gray’s description of there having been an incident with Mr Pollard but restated his view that Mr Pollard had threatened him with his boyfriend. He said that he considered the whole matter to be “motivated by the long ongoing campaign against me by ‘Stonewall’ following my strenuous opposition to the Cameron same-sex marriage legislation”. He also said that he was being “pursued publicly by a Hannah Bardell: a Scots Nat. MP who had improperly tried to embarrass me”. He considered Mr Gray’s actions to be “arbitrary (behind backs) decision making”; questioned whether complaints made to the APPG had been made independently or were motivated by party loyalty; and rejected aspects of the account of the breakfast.
295. Mr Gray acknowledged that he had known Lord Maginnis for some years and in that time he thought that his behaviour had changed for the worse:
- “Lord Maginnis has developed in recent times is a tendency to make very loud, very rude remarks during these dinners. It would not surprise me in the slightest had he said that [remarks about Mr Pollard during the dinner]. He was very much inclined to make very rude, very loud off the cuff remarks. I am concerned about him, to be honest with you. It would not surprise me in the slightest had he said that, but, no, I cannot claim to have heard it.”
296. Mr Gray said that whereas previously he would have described Lord Maginnis as “a distinguished old soldier, who used to turn up and sit in the corner and ask pleasant questions, and he always used to take the speaker out on to the terrace and buy him a brandy afterwards and so on’, he had in more recent years ‘just become increasingly aggressive’, such that chairs of the APPG’s meetings would ‘all say, ‘Oh, no, here comes Ken Maginnis. He is going to ask an awful question’.”
297. Mr Gray also said that “the way in which he has asked questions” has changed. Mr Gray said Lord Maginnis was:
- “incapable of asking a question lasting less than five, sometimes 10 minutes. No matter what the chairman says, he will not stop talking intensely rambling and intensively aggressive questions. Very often, and let us say, for example, it is an Admiral speaking at a dinner, I would not in the least bit put it past him to ask a question about the Ulster Defence Regiment, to which the admiral would say, ‘That is really not a matter I have any knowledge of’. He had become, in my view, increasingly irrational in his line of questioning.”
298. Mr Gray said that a number of other parliamentarians who were at the breakfast raised Lord Maginnis’s behaviour with him. Two, including Toby Perkins, emailed him. We spoke to the other parliamentarian who had emailed Mr Gray, Z.

299. Z also described have seen the exchange between Lord Maginnis and Mr Gray:

“James Gray MP approached Lord Maginnis and explained to him that he was not on the list of attendees. I have to say that my first thought was, was this a bit of jocularly? But it was abundantly clear that it was not a humorous matter, it was a serious exchange and that James Gray insisted that Lord Maginnis was not a confirmed attendee; was not on the list; the places were all ascribed to individuals; he was taking somebody else’s place; and that he should vacate. Lord Maginnis was absolutely resolute that he was not going to move and the exchanges flowed from there ... James Gray insisted that Lord Maginnis leave. Lord Maginnis continued to challenge and resist and invited James Gray to have him thrown out. At that point James Gray said that he would be doing no such thing and accused Lord Maginnis of being rather unpleasant.

Sadly, that then descended into Lord Maginnis shouting in quite an aggressive voice that he would “not be bullied by queers”, which was a pretty shocking thing to hear. At that, I think that really brought the conversation to an end because James Gray was not going to push it any further given Lord Maginnis’s behaviour.”

*Findings of fact*

300. **Mr Perkins’ account is not contested by Lord Maginnis. I therefore find his account more likely than not to be accurate.**

## CHAPTER 10: ANALYSIS AND FINDINGS

---

### Behaviour Code

301. The complainants allege that Lord Maginnis 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.”

302. Paragraph 17 of the Code provides that “Behaviour that amounts to bullying, harassment or sexual misconduct is a breach of this Code”.

303. Although failure to abide by the Behaviour Code may not necessarily constitute a breach of the Code of Conduct, I start this section by considering Lord Maginnis’s behaviour against the principles in the Behaviour Code.

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

“whether 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”

### *Respect and value everyone*

305. In each case covered in this report, Lord Maginnis’s conduct towards the complainants has demonstrated a lack of respect of them.

306. With regard to Christian Bombolo, Lord Maginnis failed to respect and value the role Mr Bombolo was performing. Lord Maginnis’s demeaning language towards and about Mr Bombolo during the incident and to the press afterwards demonstrated that lack of respect.

307. In the cases of Ms Bardell and Mr Pollard, Lord Maginnis’s language and attribution of motives to them based on their sexual orientations also demonstrates a lack of respect.

308. In the case of Mr Perkins, Lord Maginnis's disregard for how Mr Perkins would react to his language and description of Mr Pollard similarly shows a lack of respect.

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

309. It is clear that in the case of Christian Bombolo, Lord Maginnis—a member of the House—failed to recognise his authority in relation to Mr Bombolo—a member of staff. Lord Maginnis's views expressed in interview that Mr Bombolo had power over him, to the extent that Mr Bombolo could be said to have been bullying him, are not tenable and demonstrate a continued refusal to recognise his position and his abuse of it during the incident.
310. Matters are less clear cut in relation to Ms Bardell, Mr Pollard and Mr Perkins as within the parliamentary context each may be said to have comparable power, influence and authority as parliamentarians. Ms Bardell's raising of the incident with Mr Bombolo as a Point of Order in the House of Commons perhaps shows this.

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

311. None of the evidence I have gathered suggests that Lord Maginnis considered the effect of his actions on any of the complainants. His evidence to my investigation also showed a disregard for the impact of his actions and words.
312. In the cases of Ms Bardell, Mr Pollard and Mr Perkins, Lord Maginnis consistently ascribed motivations to their actions and reactions based on either questions of sexual orientation or party loyalty. In responding in this way, Lord Maginnis has shown that he has not made, and appears unwilling to make, any attempt to understand matters from their perspective.

*Act professionally towards others*

313. Lord Maginnis's conduct towards Mr Bombolo at the time of the incident was not professional—it is a reasonable professional expectation, particularly in a workplace like Parliament, that people wear their security passes. His comments to the press about Mr Bombolo were also unprofessional.
314. Similarly, Lord Maginnis's conduct towards Ms Bardell at the time of the incident and later in the press were unprofessional.
315. The conduct described by witnesses during the APPG meeting chaired by Mr Pollard was not professional, nor was Lord Maginnis's series of emails to James Gray MP and others afterwards.
316. Lord Maginnis's account to Mr Perkins about the APPG meeting and Mr Pollard were similarly unprofessional.

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

317. Comments above relate to this principle: Lord Maginnis's conduct in each case was neither courteous nor respectful.

*Speak up about any unacceptable behaviour you see*

318. This principle does not apply to Lord Maginnis's conduct. However, I would highlight Ms Bardell's efforts to speak up about unacceptable behaviour, particularly during the incident involving Mr Bombolo as an example of acting in accordance with this principle. Mr Gray's response to Lord Maginnis's emails also accords with this principle.

**Bullying, harassment and sexual misconduct****Christian Bombolo's complaint***Did Lord Maginnis's behaviour amount to bullying?*

319. 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.
320. 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.
321. Bullying can take the form of physical, verbal and non-verbal conduct.
322. Bullying behaviour may be in person, by telephone or in writing, including emails, texts or online communications such as social media.
323. It may be persistent or an isolated incident and may manifest obviously or be hidden or insidious.
324. Lord Maginnis's behaviour towards Mr Bombolo during the incident at the entrance to Parliament and comments to the press later were offensive, intimidating and insulting. They had the effect of upsetting, undermining and humiliating Mr Bombolo.
325. Despite his suggestion that Mr Bombolo was in a position of power over him during the incident, Lord Maginnis, as a member of the House, was in a position of authority.

*Conclusion*

326. **I find that Lord Maginnis bullied Christian Bombolo.**
327. **I therefore find that Lord Maginnis breached the Code of Conduct.**

**Hannah Bardell's complaint***Did Lord Maginnis's behaviour at the entrance to Parliament amount to bullying?*

328. Lord Maginnis's behaviour towards Ms Bardell during the incident at the entrance to Parliament and comments to the press later were offensive, intimidating and insulting. They had the effect of upsetting, undermining and humiliating Ms Bardell.
329. While both Lord Maginnis and Hannah Bardell might be considered to hold comparable positions of authority, each as a parliamentarian, Ms Bardell's evidence describes her feeling physically intimidated by Lord Maginnis.

*Did Lord Maginnis's behaviour subsequently amount to harassment?**Was Lord Maginnis's behaviour unwanted physical, verbal or non-verbal conduct?*

330. Lord Maginnis's comments to the press were unwanted verbal conduct.

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

331. Lord Maginnis's comments to the press violated Ms Bardell's dignity and created a hostile and offensive environment for her.

*Was the behaviour associated with one or more protected characteristic?*

332. Lord Maginnis's comments were related to the protected characteristic of sexual orientation.

*Conclusion*

333. **I find that Lord Maginnis's:**

- **conduct towards Ms Bardell during the incident at the entrance to Parliament constituted bullying; and**
- **comments to the press afterwards constituted harassment related to the protected characteristic of sexual orientation.**

334. **I therefore find that Lord Maginnis breached the Code of Conduct.**

**Luke Pollard's complaint***Did Lord Maginnis's behaviour at the APPG dinner amount to bullying?*

335. On balance, I do not consider that Lord Maginnis's behaviour during the APPG dinner amounted to bullying. While I consider it to have been disrespectful, discourteous and unprofessional—and therefore contrary to the Behaviour Code—Mr Pollard's evidence does not suggest that it made him feel vulnerable, upset, undermined, humiliated, denigrated or threatened such that the behaviour could be considered bullying. I do not consider that there was an abuse or misuse of power on Lord Maginnis's part during the dinner.

*Did Lord Maginnis's behaviour subsequently amount to harassment?**Was Lord Maginnis's behaviour unwanted physical, verbal or non-verbal conduct?*

336. Lord Maginnis's behaviour was unwanted verbal conduct.

*Did it have the purpose or effect of either violating Mr Pollard's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for him?*

337. Lord Maginnis's emails to Mr Gray and others had the effect of violating Mr Pollard's dignity and creating a hostile and offensive environment for him.

*Was the behaviour associated with one or more protected characteristic?*

338. Lord Maginnis's comments were related to the protected characteristic of sexual orientation.

*Conclusion*

339. **I find that Lord Maginnis’s emails to Mr Gray and others following the APPG dinner constituted harassment related to the protected characteristic of sexual orientation.**

340. **I therefore find that Lord Maginnis breached the Code of Conduct.**

**Toby Perkins’ complaint**

*Did Lord Maginnis’s behaviour at the APPG breakfast amount to harassment?*

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

341. Lord Maginnis’s behaviour was unwanted verbal conduct.

*Did it have the purpose or effect of either violating Mr Perkins’ dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for him?*

342. Lord Maginnis’s comments to Mr Perkins created an offensive environment for him.

*Was the behaviour associated with one or more protected characteristic?*

343. Lord Maginnis’s comments were related to the protected characteristic of sexual orientation.

344. It should be noted that under the provisions of the Code of Conduct, “[a] person may 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.”

*Conclusion*

345. **I find that Lord Maginnis’s comments to Mr Perkins constituted harassment related to the protected characteristic of sexual orientation.**

346. **I therefore find that Lord Maginnis breached the Code of Conduct.**

## CHAPTER 11: OUTCOME

---

347. Under the Code of Conduct, when I uphold a complaints 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.
348. Three possibilities follow:
- if the conduct complained of, though justified, is towards the lower end of the scale of seriousness, is acknowledged by the member concerned, and is agreed by both the complainant and the member, the matter can be dealt with by remedial action;
  - if remedial action is proposed, but either the complainant or the member does not agree to it, my report and recommended sanction go to the Conduct Committee for resolution;
  - if remedial action is inappropriate, my report and recommended sanction also go to the Conduct Committee.
349. If my report goes to the Conduct Committee, any of my findings of breaches can be appealed by the complainant and the respondent. The respondent can also appeal my recommended sanction. Nothing will be published until the outcome of any appeal, at which point the Conduct Committee will publish its own report, to which my report will be annexed.
350. In these cases I do not consider remedial action to be appropriate.

### Consideration of sanction

351. In accordance with paragraph 157 of the Guide to the Code, I wrote to Lord Maginnis to inform him of the breaches I had found and inviting him to present any material he wished to be taken into account when considering my recommended sanction. Lord Maginnis's response is included in Appendix 4.
352. In his response, Lord Maginnis made a number of points which related broadly to the complaints and my investigation which it may be useful to respond to here:
- Lord Maginnis said that he could not allow himself to be “intimidated by the threat of “contempt”.
  - The Code of Conduct provides that during an investigation matters must remain confidential and disclosure without permission from the Commissioner or Conduct Committee would constitute contempt of the House. This provision applies to both respondent and complainant.
  - Lord Maginnis asked “whether your strenuous initiation of the “Out 4 Marriage” movement (I’ve seen your verbal presentation of this movement with which I’d be in conflict) could be a factor in your championing of those who staged the rather unpleasant interludes in which I was involved. You haven’t, understandably, so indicated your involvement with that body.”

“Out 4 Marriage” was a campaign in favour of same-sex marriage that arranged for short videos to be recorded with a variety of people to speak in favour of same-sex marriage. In 2012, as incoming President of the Law Society of England and Wales I recorded such a video.

- Lord Maginnis set out aspects of the account by Ms Bardell which he described as lies:
  - that Ms Bardell had followed him into the entrance; and
  - that he had screamed at Ms Bardell—“I have a naturally strong voice and never have to shout (scream)”.

In his earlier evidence Lord Maginnis had described Ms Bardell’s account as “inaccurate”. The sequence of who arrived at the entrance first is not material to the investigation. That Lord Maginnis spoke angrily to Ms Bardell is evidenced by Ms Bardell and Mr Bombolo’s accounts.

- Lord Maginnis said that he could find no reference to two other parliamentarians identifying him to Mr Bombolo.

This aspect of Lord Maginnis’s account is included at paragraph 125 above and we spoke to one of the parliamentarians but were unable to speak to the second, as set out in paragraph 155 above.

- Lord Maginnis noted Ms Bardell’s use of the phrase “A queer who doesn’t annoy” in her Twitter bio.

As set out in paragraph 197 above, Ms Bardell used this phrase after Lord Maginnis had spoken to HuffPost.

- Lord Maginnis said “I really can’t appreciate why you haven’t mentioned the fundamental ‘social and moral’ differences that obviously exists between us”.

My own “social and moral” views are not a relevant factor in this investigation. The task delegated to me by the House of Lords has been to consider in each case whether, on the balance of probabilities, the evidence demonstrated that Lord Maginnis breached the Code of Conduct. Based on the evidence gathered, I have found that he did.

353. While Lord Maginnis has not disputed many of the essential facts of the complaints against him, he has not acknowledged that his behaviour was unacceptable and contrary to the Code of Conduct. Rather, he has continued to use demeaning language about the complainants, ascribed motivations for their actions based on questions of sexual orientation, and attempted to claim his own victimisation by them for which there is no evidence.
354. In addition, I do not consider that the conduct complained of in any of these cases has been “minor”.
355. Furthermore the evidence suggests that the incidents described in this report are not one-offs or out of character. In his evidence on Mr Bombolo’s complaint, Lord Maginnis himself explained that he had previously treated another security officer in a similar fashion. The complaints from Ms Bardell, Mr Pollard and Mr Perkins, along with the emails from Lord Maginnis

to James Gray and the content of Lord Maginnis's evidence to us also demonstrate that using homophobic language and expressing homophobic views is part of Lord Maginnis's normal discourse.

356. As remedial action is not an appropriate outcome, my role is to recommend a suitable sanction to the Conduct Committee.
357. Given the lack of acknowledgement or remorse, I do not consider that either an apology or training would be sufficient or likely to result in a change of behaviour, at least as stand-alone sanctions.
358. Furthermore, given that Lord Maginnis's conduct has not been focussed on any particular facility or service of the House, I do not consider that only restricting his access to these would be effective.
359. I do not believe that denying Lord Maginnis access to the system of financial support would necessarily prevent Lord Maginnis from interacting with members of the parliamentary community and therefore would not be effective.
360. Removing a member from the House is the most serious sanction available and should only be used in relation to the most serious breaches of the Code or where lower sanctions are found to be ineffective in ensuring the member abide by the Code. In my view, expulsion would, at this stage, be an excessive sanction.

#### **Recommended sanction**

361. In making the following recommendation, I have borne in mind this is a sanction imposed due to the severity of the conduct and Lord Maginnis's lack of acknowledgement or contrition. I am also conscious of the right of staff and members to work in the House of Lords without the risk of being subjected or exposed to the conduct Lord Maginnis has displayed in these complaints and in my investigation.
362. It is, of course, beyond the scope of the Code of Conduct to seek to change a Member's mind on what some people may consider to be matters of conscience. However, I believe that, this being the first report into Lord Maginnis's conduct, it is right that he be offered the opportunity to alter his behaviour in Parliament so that his personal beliefs do not lead to further allegations of bullying or harassment.
363. I therefore recommend a combination of measures to provide a sanction, support Lord Maginnis to amend his conduct to prevent future breaches, and minimise the exposure of staff and members to similar conduct from Lord Maginnis. Should this combination of measure prove ineffective in prompting Lord Maginnis to alter his behaviour and should there be any future conduct that breaches the Code, a more severe sanction would need to be applied.
364. **I recommend that:**
  - **Lord Maginnis be suspended from the House for a minimum of nine months;**
  - **He undertake bespoke training and behaviour change coaching to address his behaviour and its effects on others.**

365. **If his bespoke training and behaviour change coaching takes longer than nine months, I recommend that Lord Maginnis remains suspended until that training is complete.**
366. **If Lord Maginnis has not yet completed the Valuing Everyone training all members are required to attend, he must do so within one month of his return to the House at the latest.**
367. In proposing this sanction, I have been mindful of the current COVID-19 pandemic. Though the bespoke training and behaviour change coaching would usually be provided face-to-face, this will not be possible in this instance. I am assured that the training can be provided remotely via video-conferencing.

## APPENDIX 1: CHRONOLOGY OF EVENTS

---

7 January 2020	Incident at the entrance to Parliament involving Lord Maginnis, Christian Bombolo and Hannah Bardell.
8 January 2020	Ms Bardell makes a Point of Order about incident in the House of Commons.  HuffPost publishes story, <i>Peer Accuses MP Of Calling Out His 'Abusive' Behaviour Because She Is 'Queer'</i> , including quotes from both Lord Maginnis and Hannah Bardell.
20 January 2020	Complaint from Christian Bombolo received.
10 February 2020	Complaint from Hannah Bardell received.
11 February 2020	Armed Forces APPG dinner, chaired by Luke Pollard.
11–12 February 2020	Email exchange between Lord Maginnis, James Gray and others headed <i>Discrimination by Homos</i> by Lord Maginnis.
4 March 2020	Armed Forces APPG breakfast meeting.  Complaint from Toby Perkins received.
6 March 2020	Complaint from Luke Pollard received.
11 March 2020	Letter from James Gray sent to Lord Maginnis on the behalf of the Armed Forces APPG explaining he was no longer welcome at APPG events.
19 April 2020	Letter from Lord Maginnis to James Gray in response to the APPG letter of 11 March and concerning James Gray's personal life.

## APPENDIX 2: LORD MAGINNIS'S RESPONSE TO THE FACTUAL REPORT

---

### Email from Lord Maginnis dated 8 October 2020

I cannot understand why I should continue to give credence to this process insofar as:

- (a) I have had nothing but abuse since the Scots Nat 'lady' stirred this whole business up, not just by interfering, but by tutoring the security chap with whom I had a minor disagreement, by initially going to the Press and the Met. police and by stirring up 'hate-mail' ... attached at the end of this page is a current sample.
- (b) I was not advised, though I complained to the Commissioner about the behaviour of the lying, snooping and publicity seeking Ms Bardell, that she was subject to a different Commissioner in the Commons and that I could counter her "vicious imagination" via an alternative channel.
- (c) How does it come that I was consistently advised of the constraints applying to me but that these did not appear to have consequences for others?
- (d) Basically, I have from the start been misled to the point that I now have to consider why I must adhere to conditions that apply only to me.
- (e) I have a similar complaint above the Lord Speaker's committee which considered and came to conclusions without even giving me a hearing ... the Lord Speaker has refused to meet me or clarify his actions.
- (f) The single change I have to be grateful for is that the Security folk at that particular entrance now go out of their way to be courteous to me - I've never known otherwise elsewhere in the Lords - though there is still no table of chair available if someone like me needs to be delayed at that entrance.
- (g) I am obliged to point out that if the 'Stonewall' conspiracy of which this whole business was a well-orchestrated element is given validity by our process, I will, contempt or otherwise, nor [*sic*] be bound by invalid or unjust constraints. I didn't serve as a Major for 12 years in Northern Ireland; survive 10 PIRA<sup>14</sup> assassination attempts; put 7 terrorists in prison and win and hold for 18 years a Parliamentary seat that had traditionally been Sinn Fein and has so reverted since I retired from the Commons, in order to be intimidated.

### Email included with Lord Maginnis's response

Dear Mr Maginnis,

I saw the press reports of your gross rudeness. I'm hoping you apologised to the member of staff.

I see you gave an excuse of being in pain. If you weren't so obese you would not be suffering from nerve damage, also your arthritis would be better. Luckily I'm not in too much pain as otherwise I'd be insulting.

---

14 The Provisional Irish Republican Army.

I would strongly suggest you resign for medical reasons because of your pain. This would also save the public purse, something you seem to have become far too attached to over the years.

### APPENDIX 3: HANNAH BARDELL'S RESPONSE TO THE FACTUAL REPORT

---

On page 2, point 7<sup>[15]</sup> the report states *'In writing and orally Lord Maginnis queried whether [Christian Bombolo] had been coached by Hannah Bardell MP in making his complaint'*

There are also numerous other references in Lord Maginnis's evidence to suggest I coached [Christian Bombolo].

That statement is wholly untrue and completely inaccurate, I did not know the name of the security guard or have any contact with him until after he had given his evidence to the Commissioner. The only time I have had any contact with him following the incident was a chance meeting some time afterwards when I was walking through the Lords to an event and he stopped me to thank me for raising the issue and to tell me how humiliated and upset he had been by the way Lord Maginnis had spoken to him. He advised me then that he had given his evidence to the Commissioner. So the suggestion that I could have coached him is completely ridiculous.

*On page 4 point 14—the report states, 'Lord Maginnis's response to Ms Bardell's complaint was to complain that she had "imposed herself on me, covertly and dishonestly". He considered that her complaint was based purely on his opposition to same-sex marriage and that Ms Bardell's complaint was part of an organised campaign to persecute him. He said that he would not "be 'hung-out-to-dry' by Stonewall or its acolytes".'*

This is also a completely inaccurate statement. As per my evidence I did not impose myself on anyone, I had the sad misfortune to be simply entering the building at the same time as Lord Maginnis and had no choice but to be in the same small entrance space as him in the day in question so as to enter the building. There was nothing covert or dishonest about my approach to Lord Maginnis in fact my intervention was designed to both help him with his situation and diffuse the situation and stop the abuse of a member of Parliamentary security staff.

Lord Maginnis's assertion that my complaint was based on his opposition to same sex marriage is also completely untrue. For a start I had no idea who the man was when I challenged him at the time of the incident—I had to google him subsequently to find out who he was and once I'd clarified that I raised my Point of Order. That Point of Order was quite simply, to do with the fact that he had been abusive to a member of security staff. It strikes me that Lord Maginnis has intentionally referred to my sexuality and his opposition to same sex marriage as a way of antagonising me and trying to evade facing up to his own bad behaviour and inappropriate conduct. I find it deeply troubling that instead of confronting his own poor behaviour he is diverting from the issue by suggesting that my sexuality and his views has something to do with my raising genuine concerns about his behaviour, it amounts to, in my view, an attempt to silence me.

Further to these points Lord Maginnis makes ... .He suggests in the report that *"whole lying tirade" suggested "serious mental illness and psychopathic disorder" on Ms Bardell's part.*

*In relation to Ms Bardell becoming upset in her interview with us, Lord Maginnis responded:*

---

15 Page and point references relate to the draft Ms Bardell saw, not this final report.

*“As for her informality to the Commissioner, that did surprise me as, indeed, does the official recorded observation of her interview ... that she showed emotion!!!*

*“I must remember to bring some concentrated pollen with me when we next meet; otherwise I doubt that I could match her acting ability!!!!”*

The suggestion that I have a “*serious mental illness and psychopathic disorder*” simply because I have made a complaint against a member of the House of Lords for bad behaviour is something that I find both shocking and offensive. Whilst I have stated in my subsequent interviews that this whole episode has had a profound impact on my mental health and personal life (not least because I have received death threats as a result of speaking publicly) I have neither a serious mental illness nor a psychopathic disorder and to suggest I do and that is the reason I have stood up to his bad behaviour, is demeaning, offensive and grossly inappropriate. To my mind it constitutes a further breach of the members code and I’m really taken aback by his assertion.

The further comments about my showing emotion and the suggestion that I was somehow acting are similarly insulting and derogatory. Lord Maginnis’s whole response is lacking in humanity or any kind of understanding about what appropriate or professional conduct is or should be. It’s very clear from the testimony of others, particularly the security guard who was verbally abused, that Lord Maginnis’s behaviour and conduct has had a profound impact on many others not just me.

On the further complaints which I have only become aware of on reading this report I would make the following observation.

Firstly, until recently I felt very alone and isolated in this process. The Commissioners office have been excellent and hugely professional, but nonetheless, until reading the full details had no idea that so many others had come forward to make similar complaints.

Until reading these broader complaints, where I am named as some kind of co-conspirator or ring leader (also completely wrong and ridiculous) I was unaware of the scale of Lord Maginnis’s behaviour in recent times. As the Lords Commissioner identifies in her report, I was aware and felt I had a duty to raise complaints from other staff members who had advised me of previous historic behaviour they had witnessed by Lord Maginnis. I accept that they are outside the scope of this investigation however I was unaware of the severity of other behaviour and how my name had been used in relation to recent incidents, until now. I am grateful to the Commissioner’s office for sharing these with me now before full publication.

I am profoundly shocked by what I’ve read in this report. That a Member of the House of Lords has been conducting himself in such a manner and using the fact that I raised a complaint about his behaviour towards staff as the reason why other elected members have rightly challenged Lord Maginnis’s further homophobic and inappropriate behaviour is a source of deep concern and worry to me.

As elected members, legislators and public servants we are rightly expected to uphold an oath of office to behave in a decent and lawful manner in line with the standards of both the House of Commons and the House of Lords. It strikes me that the behaviour that I and others have witnessed and been subject to by Lord Maginnis falls way short of that. It would therefore be remarkable for him to be allowed to continue as a legislator and member of the House of Lords. To allow him to remain in post risks the wellbeing and safety of other members,

staff and potentially members of the public—particularly those from the LGBTQ+ community and that absolutely cannot be allowed. Everyone employed on the estate has a right to do their job and go about their business free from discrimination and intimidation and as things stand, with what I have experienced and read, Lord Maginnis poses a significant threat to that principle.

## APPENDIX 4: LORD MAGINNIS'S SUBMISSION TO THE COMMISSIONER ON SANCTION

---

While I have indicated that I'm uninterested in the Defence Security dinner incident which I'm content was an orchestrated incident among colleagues, I am writing to you about your finding regarding the Security Officer [S.O.] incident which I am clear was orchestrated by Hannah Bardell. I have already indicated to you that I cannot allow myself to be intimidated by the threat of "contempt" ... I would be much more impressed if I'd heard the word "justice" in our discussions.

In reality, your process appears to be a contradiction of Justice due to the manner in which I have, till now, been constrained. Like the Lord Speaker's secret verdict and warning letter I will not allow myself to be subjected to some sort of Iranian or Chinese-type procedure. I have now, "In Strict Confidence", lodged all the relevant papers with my lawyer.

But let me begin by querying whether your strenuous initiation of the "Out 4 Marriage" movement (I've seen your verbal presentation of this movement with which I'd be in conflict) could be a factor in your championing of those who staged the rather unpleasant interludes in which I was involved. You haven't, understandably, so indicated your involvement with that body.

Let me begin with my arrival at the House entrance from the tube station: Hannah Bardell says she followed me to the entrance – (a) that was her first lie insofar as she was already at the entrance when I arrived and appeared to be pressing the bell for entry. She moved to the side when I arrived; I pressed the bell and the door was opened; I stood aside to let her enter first; she declined and followed me in.

I think you know I'm also arthritic and without feeling in my legs and feet due to my diabetes. Hence, I was unable balance in order to get into my case on the ground; nor was there a table on which I could place it. However, I was identified to the S.O. by [two other members of the House of Lords]. The latter, as I indicated, later came to me to volunteer his support re your enquiry, but I see no reference to this in your report or consideration of that fact. Neither has there been any reasoning as to why the S.O. should have blatantly ignored their interventions.

Bardell's second lie regarding my "screaming" at the S.O. was something that I think you could observe when we met – I have a naturally strong voice and never have to shout (scream). What ensued in Bardell's dramatic account thereafter was like reading the proverbial 'sixpenny novel' with allegations of my drunkenness (third lie); her allegedly having to dodge into a lift to avoid violence from me (real drama) since we work in different ends of the building and I've never laid eyes on her since the alleged incident at the entrance. As for my having punched a policeman (fourth lie) need I even comment other than to point out that I was a reserve policeman 1958–1965 as well as having been an army Major 1970–1982.

I find it difficult to believe that one could ignore Bardell's role in the S.O.'s complaint though I note you have dismissed that as "his entitlement" to seek help – from the inveterate liar Bardell ??

As for her going to the Press and denouncing me in the Commons without any indication she intended to do so doing, and that being, in your own words, O.K. since that was done before she became part of your investigation!! Did you consider that made her a "reliable witness" when she obviously had to justify herself?

Bardell had spoken to the Huffington Post who interviewed me sometime later, when they indicated to me that she was “a queer” and actually advertised herself as such i.e. “A queer who doesn’t annoy” ... my experience would suggest this to be the biggest lie of all !! I think I actually provided you with a photocopy of that.

Enough said. You’ll understand why I am unable to observe the imposed confidentiality when your report infringes my Human Rights to the extent you have imposed. I haven’t gone into the attempted persecution that I’ve had to endure from Stonewall over the years since the perverse Cameron era, but I really can’t appreciate why you haven’t mentioned the fundamental ‘social and moral’ differences that obviously exists between us.

## APPENDIX 5: EMAIL FROM HANNAH BARDELL MP TO THE COMMISSIONER FOR STANDARDS, 10 FEBRUARY 2020

---

Dear Lucy,

I write to you in your role as Lords Commissioner and in reference to an incident that has been reported in the media relating to the conduct of Lord Ken Maginnis and his abuse of both staff and myself on Tuesday 7th of January and subsequent homophobic comments made to the press which are being investigated as a hate crime by the metropolitan police.

For reference and accuracy, I supply below the full statement now given to Metropolitan Police.

Please see below my statement further detail of my complaint relating to this issue.

### Futher detail

I am the above named person, I work and live at the addresses provided to Police.

I am currently the Member of Parliament for Livingston in West Lothian, Scotland. I have been a Member of Parliament since the 2015 general election, routinely attending the House of Parliament during that period.

This statement relates to an incident that took place on Tuesday 7th January 2020 when I entered the House of Parliament and the Commons building. I witnessed an exchange between Lord Ken Maginnis and security staff which I reported.

Thereafter on Wednesday 8th January, I was made aware of what I would describe as being homophobic and derogatory reported comments directed towards me by Lord Maginnis in the press.

On Tuesday 7th January 2020 I travelled to London for parliamentary duties and made my way to the Palace of Westminster. It was my first day back in Parliament following the Christmas break and I had several meetings scheduled for that day.

Everyone working in Parliament has to undergo security checks, everyone should be aware that in order to gain access into Parliament and the estate and we are all required to display a valid Parliamentary ID badge for obvious security reasons.

Not least because on the day of the terrorist attack in 2017 a police officer PC Keith Palmer lost his life protecting us and following the attack the estate was in lockdown for many hours as police and security services searched for a potential additional assailant.

On this particular day I approached the subway entrance into the Palace of Westminster. To find there was an elderly male with his suitcase, directly in front of me. At that time I didn't know who the male was, but I now know him to be Lord Maginnis, a peer within the House of Lords.

It became apparent that Lord Maginnis had forgotten his Parliamentary pass, but nevertheless he was still demanding that the security staff grant him entry.

Lord Maginnis began to raise his voice and shout repeatedly stating that the security staff should know who he was and that they were 'crooked' for not allowing him access.

I offered my assistance to Lord Maginnis because I noticed that he had a prosthetic leg. I think I suggested that he search himself online in order to verify his credentials. I do not recall exactly his response to this but I do recall that looked intently at my ID badge that was clearly attached to my rainbow lanyard, I assume that he was trying to view my name. Then a female uniformed police officer approached, she also attempted to defuse the situation by asking whether there was any other way we could resolve this situation but she failed to calm Lord Maginnis.

I was shocked by Lord Maginnis aggressive demeanour and sympathize with the security staff who were simply trying to do their job, trying to keep Parliament safe within this challenging climate.

Lord Maginnis continued to make a scene, he would not listen to reason despite the fact there was a large queue forming behind him. At one point I recall he actually attempted to physical force his way into the building. After a passage of time, I was able to display my ID badge and I was granted entry into Parliament while Lord Maginnis was held behind. I am unaware what happened to Lord Maginnis next.

On reflection, I felt that Lord Maginnis' behaviour to the security staff and the police was wholly unacceptable. I was really shocked by what had just taken place. Lord Maginnis was screaming at the security staff and accusing them of being crooks and jobsworths.

Also I remember as I passed him to enter into Parliament he was up in my face saying "you're useless as well".

To which I replied "Look pal I'm just trying to help you, there's no need to be so rude".

I found the whole incident very intimidating. I also felt no one should be subjected to abusive behaviour of this kind.

So on my way to dropping my belongings in the cloakroom, I approached an armed police officer that was stationed close to the subway entrance of parliament to report the matter and Lord Maginnis abusive behaviour.

On Wednesday 8th January 2020 following another meeting in Parliament, I then entered the chambers of House of Commons for Prime Minister's Questions. I felt it was necessary to raise the matter as a point of order.<sup>16</sup> I took this opportunity to highlight the behaviour of Lord Maginnis towards security staff and the police.

After leaving the chamber, I briefly had lunch before returning to my office and my parliamentary duties. But then at approximately 17:53 hours that evening I received a message from a journalist called Mr Arj Singh. He informed me that he had recorded Lord Maginnis retaliation to what I had said in the House of Commons (point of order).<sup>17</sup>

I was shocked and appalled by the content of Lord Maginnis's response, and I told this to Arj Singh. We continued to discuss the content of Lord Maginnis response,

---

16 HC Deb, 8 March 2020, [col 387](#); available to view at <https://parliamentlive.tv/event/index/ef7f7e44-21f0-43cb-a814-832eab44091f?in=12:33:00>

17 'Peer Accuses MP Of Calling Out His 'Abusive' Behaviour Because She Is 'Queer'', *HuffPost* (8 January 2020): [https://www.huffingtonpost.co.uk/entry/abuse-lord-maginnis-hannah-bardell\\_uk\\_5e161a09c5b6c7b859d48fbf](https://www.huffingtonpost.co.uk/entry/abuse-lord-maginnis-hannah-bardell_uk_5e161a09c5b6c7b859d48fbf) [accessed 27 November 2020]

and Arj Singh stated that he was struggling with what he had just heard from Lord Maginnis. Arj Singh said “In some ways I don’t want to write this story” but we were both aware that he had to. The story went live onto the Huffington Post that evening.

After being forwarded the link to the story, I tweeted ‘I didn’t think this man’s behaviour could get any worse’.

On Thursday the 9th January 2020, I returned to Parliament and attempted to return to my Parliamentary duties. I recall that the Speaker of the House phoned me in the morning to discuss Lord Maginnis comments, he was in agreement that the comments made by Lord Maginnis constituted a hate crime.

That afternoon I had a meeting with a Detective from the Metropolitan Police Services Parliamentary Liaison and Investigation Team in my office, we discussed the incident that occurred at the subway entrance to Parliament and the comments made by Lord Maginnis directed towards me. I was informed that the police would be creating a crime report based on the information presented.

That evening I was then required to complete an interview with BBC Scotland about everything that had taken place.<sup>18</sup>

Within my media interviews I have been very transparent, explaining to BBC Scotland that, on re-entering the Commons building for the first time after Christmas break, I witnessed one of the worst cases of verbal abuse directed towards security staff that I have seen in my time in Parliament. Lord Maginnis had forgotten his pass, however, instead of taking the advice of the security staff. Who are only here for our security and our safety, he proceeded to verbally abuse and shout at the security staff, calling them “crooked”, saying “did they not know who he was, as he’d been here in Parliament for several years”. I felt this behaviour was totally unacceptable and in my opinion has no place in Parliament, which is why I felt the need to raise the issue within the House of Commons.

Lord Maginnis response shocked me further. He personally attacked me with homophobic remarks in the press, while the suggestion that I stood up in the chamber because we potentially shared differing political views or because of my sexual orientation I find this insulting.

I highlighted Lord Maginnis’ behaviour because he acted appalling to the security staff, and for no other reason. Also reviewing the content of the reported comments made by Lord Maginnis to the Huffington Post I believe them to be homophobic in nature and grossly offensive. There is no need to refer to me as a “queer” and the use of the word queer, coupled with other similar words are used within derogatory tone.

I am a lesbian and I identify as being part of a queer community however that does not give Lord Maginnis the right to use the term as one of offence against me. When I read the comments initially I was deeply shocked and really taken aback. I was within the parliamentary estate and took a few minutes to digest them, I sent them to my partner and mother as well as a few friends, in some ways just to check that it wasn’t just me who was shocked. Similarly I shared them with a few colleagues many of whom physically inhaled and gasped when reading them. In terms of how I felt, after the shock was a disbelief that someone who is in a

---

<sup>18</sup> Hannah Bardell MP was interviewed on The Nine, BBC Scotland on 9 January 2020. The episode is not available online, but a clip appears at [@BBCScotNine](https://twitter.com/bbcscotnine/status/1215387039270653954), Tweet on 9 January 2020: <https://twitter.com/bbcscotnine/status/1215387039270653954> [accessed 27 November 2020].

position of such privilege and power and is also by definition as colleague in my workplace could say something so offensive. I felt sick and still do.

It's fair to say the events of that day and the comments made railroaded me somewhat. I was totally knocked off course and distracted. In the days that have followed these events and his comments I've found my work has been significantly affected not least because I've been having to deal with abuse over posts on social media, abusive and threatening mail and threatening emails.

I would like to add that although I feel all the remarks allegedly attributed to Lord Maginnis are wholly unacceptable, but particularly this quote

'Queers like Ms Bardell don't particularly annoy me. OK, she's got her cheap publicity out of it'

I do not understand the necessity to refer to another human being and professional colleague in this way.

There's no doubt in my mind that these comments and his reason for making them are motivated by his homophobia and my sexuality. Lord Maginnis has in the past likened homosexuality to bestiality and has form on making abusive comments about the LGBT community. He had no idea who I was at the time of the incident yet now he seems to be using my sexuality as way to attack me and explain away why I called out his aggressive and abusive behaviour.

The key thing that strikes me as alarming and very much in the public interest is that if Lord Maginnis is happy and able to behave this way and with intent towards another elected member how might he behave towards staff and other members of the public. I fear bumping into him in my workplace and do not feel that I am now safe from abuse in my place of work.

Initially the Speaker of the House of Commons referred the incident to the police and the police contacted me but I would have reported it regardless. For far too long I have experienced and suffered from homophobic abuse - which I have reported, but I think when I read Lord Maginnis' comments I snapped. In addition, given the role and privilege he holds as a legislator and how public and brazen his comments are I felt it of significant importance to report him to the police.

I have never met or had any dealings with Lord Maginnis, until my encounter with him at the door of the Commons I was unaware of him.

Finally following on from this incident I received several abusive emails and comments on social media, as well as several supporting comments from the general public.

But unfortunately I also received a personal message, threatening direct violence against me, based on my response to the reported comments by Lord Maginnis.

I was alarmed and upset by the content of this threatening message and it was very unpleasant viewing the message. This threat against me is now being investigated by the police.

I have made this statement of my own free will and I am willing to attend court if needed. I have discussed this case at length with police and I understand that the question of any prosecution of the offender in this matter is a matter for the Crown Prosecution Service.

### Further Statement

Further to the above I would like to formally lodge a complaint of misconduct in public office against Lord Ken Maginnis.

You will see from my statement and account of events the nature of his behaviour and the impact it has had on me both personally and professionally. For your awareness I have received one legitimate and credible death threat, a number of abusive comments on social media and 2 separate items of abusive and threatening handwritten letters that the police are investigating in addition. This incident has had a profound impact on me and my mental health. One of the reasons that I have taken so long to get in touch directly is that I have needed time to process the events and deal with both the impact of the events and the inevitable media interest. That is something I am still in the process of doing and am additionally seeking counselling.

Further, I am genuinely fearful of encountering Lord Maginnis in my place of work, especially after the further information I have uncovered relating his persistently abusive behaviour towards other staff and members. I encountered him last week and managed to duck into a lift to avoid a confrontation but I am angry and frustrated that I should be put in that position, it has had a seriously detrimental impact on my mental health.

I do not currently feel safe in my Westminster place of work because of this man and I would like to know what can be done about this. I am fearful not just for me but for the staff who work on the estate.

It is my understanding from the Clerk of the Parliaments whom I met recently that you will not be able to begin your investigation until the criminal proceedings have ended. I am concerned that could take some time and would like to understand what can be done now to protect myself and the staff of the estate.

### Comments and testimony of staff

Following my statements on the floor of the House of Commons and in the media a significant number of staff from the parliamentary estate have come forward to advise me that they have been verbally abused themselves by Lord Maginnis (the majority of complaints) and other members of both houses in general. They advised specifically when they are challenging Lord Maginnis on the wearing of his pass and similarly when other members are challenged for the same offence they are receiving abusive comments and treatment. I am in the process of speaking to the individuals and seeking permission to share individual concerns. What has become abundantly clear however is that until I spoke up in the chamber staff did not feel represented or that complaints would be taken seriously, many have said as much to me directly, particularly a number of the doorkeepers.

This has been incredibly shocking to me and also incredibly sad. I can share anonymously some of what has been shared to date. One doorkeeper thanked me for standing up to Lord Maginnis and said, 'He's been behaving like this for years.' When I asked what he meant and whether this comment was in relation to not wearing his pass or being abusive the doorkeeper answered very simply, 'both.' They continued, 'he's been abusing staff for years, is often drunk and has in the past been violent.' This was corroborated by 2 members of the DUP and one Labour member who spoke of an incident when Lord Maginnis caused upset at an APPG on Turkey. He has, I am told a property in Turkey and somehow managed, after the consumption of a significant amount of alcohol, to enter this meeting and

start an argument. The Labour MP only mentioned the argument however the 2 DUP MP's advised that the police were called and Lord Maginnis hit the officer outside of the meeting. Apparently it was reported and recorded at the time but nothing happened. I find this revelation utterly incredible. Similarly a security guard stopped me recently to tell me of his experience. Apparently at a reception on Irish/ British relations Lord Maginnis was challenged for being drunken and disorderly by this security guard. Lord Maginnis apparently shouted in his face, made some derogatory comments (on the basis they are on differences sides of the religious divide) and then pulled the Irish flag - which was on a table alongside a British one - out of the table and threw it over the wall of the terrace. The security guard then responded by saying he didn't think that would do much for the peace process. He was then met with further verbal abuse.

I have also had a staff member who runs the Global LGBT+ APPG<sup>19</sup> tell me, in person, about the homophobic and abusive email she received when she sent a notification around both houses regarding an LGBTI event. She advised that she called the helpline but was told because it had only happened once it could not be investigated.

It seems perfectly clear to me that Lord Maginnis has no place in any parliament as a legislator and his behaviour is utterly beyond reproach.

It's hard to describe how committing all of the above to writing makes me feel. I am someone who is in a position of some privilege and power and yet I am fearful of this individual. It is clear to me that his behaviour and abuse of staff is widespread and has been going on for a very long time. I hope you will treat these allegations and concerns with the upmost seriousness because I for one will continue to do all can to make Westminster a better place to work and if staff and members are to have faith in the new processes it strikes me that issues like this need dealt with swiftly and seriously.

I will be copying the above to the Speaker of the House of Commons who has been incredibly supportive of me personally and I know, like yourself, is very determined to improve behaviour and culture within Westminster.

I would be happy to met in person at any time to discuss and please don't hesitate to contact me for any further information.

---

<sup>19</sup> The All-Party Parliamentary Group on Global Global Lesbian, Gay, Bisexual, and Transgender (LGBT+) Rights

## Annex B: appeal documents

### APPENDIX 6: LORD MAGINNIS'S WRITTEN APPEAL

---

#### Ken Maginnis–appeal against ‘verdict’ by Lucy Scott-Moncrieff

##### *Background:*

Ken Maginnis was born 21:01:1938; m. to Joy Stewart 1961; 4 children.

Education: 11+ in 1949; Royal School Dungannon 1949 -1955; Stranmillis Teacher Trg College 1955–1959.

Taught 1959–1982 ( P.S. Principal 1966–1982); 1982 (leave of absence from my school) the “Prior Assembly” Stormont; 1959–1965; served as a reserve constable RUC; 1970–1982 served with the Ulster Defence Regiment (Major) survived 11 assassination attempts; 1983–2001 UUP MP for Fermanagh & South Tyrone; 2001- House of Lords; also 1962–1982 part time farmer; 1994–1998 negotiated the Belfast Agreement as part of the David Trimble UUP team.

Politically targeted by “Stonewall” since 2013 because he strongly opposed the Cameron “same-sex marriage” legislation ... was nominated as “Bigot of the Year” by Stonewall circa 2014; was suspended by UUP leader Nesbitt circa 2014/15 for opposition to S-SM and resigned from UUP; joined the Conservatives and was invited to their weekly meeting- welcomed with applause but left meeting to discover that the then Leader of the House, Baroness Stowell of Beeston was objecting (she had taken the Cameron S-SM bill through the Lords) and I was arbitrarily rejected at the whim of the party whip Lord Taylor of Holbeach. We are still not on very good terms.

At nearly 83 years old I’m disabled by diabetes and arthritis. I’m in considerable pain and having no feeling in legs or feet have difficulty in balancing; I was examined by the Parliamentary doctor who sanctioned the use of a taxi for short distances because of my handicap and tendency to overbalance, trip and fall. If I lose sight i.e. lower my eye-line in stormy conditions or try to pick up something I may have dropped I tend to over-balance (fall). I try not to advertise my difficulty but, and I established this on a previous occasion when I arrived at the Tube-entrance with my pass still in my case and was unable to bend over to extract it!!

##### *Initial Incident at Tube Entrance to Parliament*

When I arrived at the entrance a female was already there, pressing the buzzer for entry. I did not know her but she stepped back when I arrived; I pressed the buzzer, the door was opened, I stepped back to give way to her and she declined, I entered and she followed. (It turns out she lied about this—I don’t understand why she would say that she followed me).

When I entered I realised I hadn’t taken my pass from my case and when asked for it I said I couldn’t get it (from my case) and was told I’d have to walk to the front of building and ask for a replacement. I said I could go; I was irritated as the walk from the tube had left me in pain; I didn’t shout or “scream” as the female, whom I now know to be Hannah Bardell MP, alleged. Anyone who knows me will

realise that my normal “schoolmaster’s voice” is more than adequate but the lady in question is notable for her dishonesty and exaggeration!!

Coming through the entrance at that time were [two other parliamentarians], both with their passes, and who vouched for me but were studiously ignored by the Security Officer. It was at this stage this I realised I was being berated by the female (Bardell) but I was too sore and frustrated to pay any attention to what she said. I had, in fact, been through this situation once before [another security officer] and had later explained to the Chief Officer why a chair and small table would be convenient in the lobby.

Anyhow (I’m not sure why) the door was eventually opened and I entered and put my pass on as soon as I could find a table on which to place my case. I was irritated but thought nothing more of the incident until it was drawn to my attention that Bardell had, without warning, given her dramatic account in the Commons. It should be noted that while making a general response the Speaker pointed out “What I would also say is that normally we would not name a member of either House in this way.”<sup>20</sup>

As if that was not enough Bardell then proceeded to go public with the Huffington Post<sup>21</sup>—I was contacted by them and among other things told that she was a homosexual, advertised herself as such and was making various allegations about me. These turned out to be contained in papers furnished and allegations made to the Standard’s Commissioner—too many for me to recall BUT two in particular I recall .... that I was often drunk and that having created a row at a Turkish meeting I subsequently hit a policeman—both are lies ... it’s less than a year since I was invited to officially represent the TRNC at a conference in Ankara and where I met the Turkish President and had strategic meetings concerning the Rights of TRNC citizens. Again, I don’t have and never did have a house in Turkey as Bardell alleges.

When our children were small we used to go to Northern Cyprus for holidays, staying initially with a Major Robinson with whom I had served. Later my good wife bought a small holiday home for £30,000 were we and our children and eventually they and their children spent time. However Joy had some years ago sold that property.

It was in the TRNC that I became friendly with President Rauf Denktash. I have always supported the Rights of those who were threatened by the Greek-led EOKA-B under General Grivas ... but that’s an old story! They are still being persecuted.

I do hope you have been furnished with all the details of Bardell’s snooping and lying in order to try to justify her (I expect Stonewall inspired) objective to blemish my character.

Please let me know if you need further evidence.

Suffice to conclude this summary by saying how disappointed I was to discover that Lucy Scott-Moncrieff did not indicate her own association with “OUT 4 MARRIAGE” which would be contrary to my beliefs and sentiment. I can understand but don’t forgive how she appears to identify with the Bardell-types

20 HC Deb, 8 January 2020 [col 387](#)

21 ‘Peer Accuses MP Of Calling Out His ‘Abusive’ Behaviour Because She Is ‘Queer’, *HuffPost* (8 January 2020): [https://www.huffingtonpost.co.uk/entry/abuse-lord-maginnis-hannah-bardell\\_uk\\_5e161a09c5b6c7b859d48fbf](https://www.huffingtonpost.co.uk/entry/abuse-lord-maginnis-hannah-bardell_uk_5e161a09c5b6c7b859d48fbf) [accessed 27 November 2020]

who have ganged up against me. Furthermore, the situation where Bardell was encouraged by the Commissioner while I was constantly warned by her about confidentiality and not made aware that I could - I'm not sure I would -have launched my own complaint procedure against the Scots Nat. lady.

You will know by now that I've taken legal advice outside our Parliamentary system.

## APPENDIX 7: SECOND WRITTEN APPEAL FROM LORD MAGINNIS, 24 NOVEMBER 2020

---

### Specific comments on “Bardell statement”

In a general sense this entire statement is dishonest in detail, indicates a fictitious attitude to what should be fact, is unethical in exercise and based on what I, from years of persecution by Stonewall and its members, try to ignore.

I draw attention to a comment by the Speaker in the Commons when Ms Bardell sought to make a statement about the initial issue when I was physically embarrassed by a Security Guard at the tube station entrance to Parliament. While not in a position to challenge Ms Bardell, he did say “Normally, we would not name a Member of either House in this way”<sup>22</sup>. Despite this Ms Bardell then went to the Press in order to gain further publicity. On the following day Ms Bardell, again, raised the matter in the Commons drawing the Leader Jacob Rees-Mogg into the debate on the basis of her account.<sup>23</sup> I later spoke to him and, as when I spoke to the gentleman in command of the Security Officers, he seems to agree that he was somewhat misinformed.

Ref. para 165: I understand that insofar as Ms Bardell initiated the contact with the Huffington Post the police have decided to take “No further action”. I can’t recall who informed me about Ms Bardell’s being a lesbian or that she advertised herself publically in her Twitter bio as “A queer who doesn’t annoy” but I did furnish the Commissioner for Standards with a copy of this - I haven’t seen this clarified in the Commissioner’s judgment !

Ref. para 166: As I hope I’ve made clear, I didn’t know Ms Bardell’s sexual inclinations .... I’d never laid eyes on her nor knew of or about her until after she intervened in my disagreement with Christian Bombolo.

Ref. para 167: (4th sub) is untrue. When I arrived at the entrance Ms Bardell was already there and stepped aside as I arrived. I rang the bell and the door began to open; I stepped back to allow her priority which she refused and I entered. She must have followed me but there were several folk in the lobby and wasn’t aware of her.

I hadn’t forgotten my pass which was in my case but I couldn’t, since I have a balance problem, lean over to extract it. Ms Bardell’s statement that she noticed I had a prosthetic leg is untrue .... I do not!

As for my alleged “screaming”—I wouldn’t know how! I have a powerful old school-master’s voice! Again, the alleged exchange “you’re useless as well” when she passed me to enter parliament - she had already said, “I was granted entry to Parliament while Lord Maginnis was held behind.”

The reality was that [two other parliamentarians]; vouched for me; but were ignored by Christian Bombolo. I reported this to the Commissioner and that [one of those parliamentarians] had subsequently come to me and volunteered to give evidence on my behalf but I’ve seen no reference to this in the Report or that he was interviewed?

---

22 HC Deb, 8 January 2020 [col 387](#)

23 HC Deb, 9 January 2020, [col 616](#)

## My health

If I may come back to the Bardell statement later let me clarify this matter. I was a Primary School teacher for 23 years—16 years a school principal and, at the same time served 1959–1965 as a Special Constable with the RUC and later 1970–1982 as a member (Sandhurst trained—Major rtd.) of the Ulster Defence Regiment - now the Royal Irish Regiment.

For over 40 years, since I was 50 years old, I have been diagnosed as diabetic (Type 2 but insulin dependent); have had 3 spinal decompressions; arthritis with a shoulder repair and a hip replacement but my main handicap is that, deriving from my diabetes I have been left with serious nerve damage (no feeling in my feet or legs below the knee). I wear two foot and leg braces which help me walk without falling but if I stop, or lose vision, or try to bend over I tend to overbalance. I've been examined by the Parliamentary doctor who has sanctioned the use of taxis. However, when travelling back and forth to London Airport I use the tube. However by the time I negotiate the airport and from Westminster station to the House I tend to be temporarily unsteady! I certainly could not negotiate those steps without a handrail in order to go all the way around the building to the pass office as Mr Bombolo demanded I do. I'm also a cancer survivor for the past 10 years.

Another issue that occurs to me is that in her written judgment the Commissioner removed much of the original statement by Ms Bardell. I want the Appeal Committee to be given access to that entire statement which will show that Ms Bardell literally “shopped around” for complaints against me and in so doing turned her submission into a tirade of untruths that must have influenced any reader.

For example, I was described as “someone who is frequently drunk”—I have never ever been ‘a drunk’—a fact that will be confirmed by anyone who has worked with me over the past 60+ years or, any member of staff in the Bishops’ Bar or the Lords’ Strangers. She also alleged that I started a row at a Parliamentary meeting about Turkey; that I had a house in Turkey and that I hit a police officer who intervened on that occasion. That, again, was totally incorrect. I have had a longtime interest in Turkey and the TRNC; have championed the latter’s rights and was within the last year a ‘guest of honour’ of the Turkish Law Association during a conference in Ankara.

Again, regarding my relationship with police—my service background bears evidence to the nature of that relationship; I had for some period when the Met. obtained evidence that there was to be an attempt by the PIRA on my life adjacent to Parliament been a regular invitee to Met. social events. I had previously, taken part in the parliamentary police scheme and am still a member of the parliamentary police group<sup>24</sup> chaired by the Lord Harris.

This summary will have, I hope, revealed the nature of the Bardell intervention. I am happy to be more specific when we meet on Friday but I do feel that, without a ‘Stonewall’ initiative a comparatively minor incident would not have got out of hand.

I will also want to examine the dubious impartiality of the Commissioner.

---

24 The All-Party Parliamentary Group on Policing and Security

## APPENDIX 8: TRANSCRIPT OF LORD MAGINNIS'S APPEAL HEARING

---

**The Chair:** Lord Maginnis, thank you very much for coming before the Conduct Committee. I will ask the members of the Committee to introduce themselves. I am afraid that we are a large body, nine persons, but we will introduce ourselves in turn. I will start with myself before going to others.

First of all, let me say that a recording will be made of this morning's interview with you. There will be a transcript, which will be reproduced. The recording is kept only for a temporary time for the purpose of making a transcript, but the transcript will appear in a report of the Conduct Committee. Bear in mind that what you say here may become public.

As I say, we are grateful to you for coming. This is the time for us to introduce ourselves. I am Jonathan Mance, the Chair of the Conduct Committee and a former judge. I will ask the Committee in random order to introduce themselves.

**Cindy Butts:** Good morning. I am Cindy Butts. I am a lay member of the Conduct Committee. It is nice to meet you.

**Lord Maginnis:** Nice to meet you, Cindy.

**Lord Brown of Eaton-under-Heywood:** I am Simon Brown, Lord Brown of Eaton-under-Heywood. I am a Cross-Bench Peer and a retired member of the Supreme Court.

**Baroness Donaghy:** Good morning. I am Rita Donaghy, Baroness Donaghy. I am on the Labour Benches.

**Vanessa Davies:** Good morning, Lord Maginnis. My name is Vanessa Davies, and I am a lay member of the Committee.

**Baroness Anelay of St Johns:** I am Joyce Anelay. I am a Member of the Conservative Benches in the House of Lords.

**Lord Maginnis:** I think I recognise you, Joyce.

**Baroness Hussein-Ece:** Good morning. I am Meral Hussein-Ece. I sit on the Liberal Democrat Benches.

**Andrea Coomber:** Good morning, Lord Maginnis. My name is Andrea Coomber, and I am a lay member of the Committee.

**Lord Maginnis:** It is good to meet you.

**Mark Castle:** Good morning, Lord Maginnis. I am Mark Castle, a lay member of the Committee.

**The Chair:** Let me just say this about the exercise the Committee is engaged on this morning, which I do not think should take too long. We invite your elucidation and amplification of the position. In this context, the issue before the Conduct Committee is an appeal, first, against findings of fact and conclusions by the Commissioner that those findings involved a breach, or breaches, of the code. In that connection, the test, which I am sure you are aware of, that you have to meet for a successful appeal is to show that the Commissioner was plainly wrong in her findings and conclusions.

The second matter before the Committee is the question of sanction, if, and in so far as, the findings and conclusions are upheld by the Committee. That is a matter for the Conduct Committee to decide for itself. The Commissioner, as you see in her report, has merely made a recommendation. We have to decide whether we agree with that recommendation. We may decide on something completely different. Obviously, the Commissioner's view has weight, but we may decide on a different, a more severe or a less severe sanction, if we get to sanction.

You have put some submissions in writing. If I read them rightly, their focus has so far been on matters connected with Ms Hannah Bardell MP. As I am sure you appreciate, the report deals with broader matters, with other incidents. The first of them, of course, deals with a security guard, but then there are incidents related to an APPG. Furthermore, I do not think I have seen anything you have put in relating to the question of sanction. Now is your opportunity to deal with other matters that you have not dealt with in writing and you wish to deal with, which you think would assist your appeal.

One of the matters we are going to be interested in on sanction, if we get to sanction, is anything you are prepared to say about your willingness to engage in a sanction, such as that recommended by the Commissioner, which involves training.

Finally, I emphasise this. We are not concerned, as a Committee, with any views you may personally hold on any subject. We are concerned with, as I have made clear, past events and the way you are said to have conducted and expressed yourself in relation to third parties on four occasions. If we uphold the Commissioner in relation to any of those occasions, we are concerned with any sanction that may be appropriate.

As I am sure you realise, this is not a time for any statements that might themselves be seen by others as upsetting. I am sure you know that that would be inappropriate. I think you have been told that we will start on the basis that your submissions will not last more than about 20 minutes, after which there may be questions the Committee might wish to ask. We will probably take a short break to consider that before letting you know whether we have any questions.

Lord Maginnis, is the exercise we are engaged on reasonably clear?

**Lord Maginnis:** It is mainly clear, yes. I am happy enough with that. Thank you very much, sir.

Where would you like me to start? I am not terribly sure. Can I say that this initial minor incident, which has to do with my health and my mobility—you have details, I think, in front of you—

**The Chair:** Yes, we have. We have read those. Of course, we understand and sympathise with physical disability.

**Lord Maginnis:** That is not so bad. It comes with the 83 years. Lord Brown will know about that.

The reality is that what happened—it was the second time it happened at that particular entrance—was that I came along and forgot, when I was in the Tube, to take my pass out of my briefcase. Because of my balance problems—I have no feeling in my legs or feet; it is a physical problem—I cannot bend over to take my pass out of my case. I thought that was understood the last time I had a minor confrontation on that particular issue.

I spoke to the head of the security people, and he seemed to understand. I suggested a small table. It is not just me; there are other people like myself who, if they have something in their case, cannot bend over in order to take it out. That is really where that started.

I will be quite honest: there were quite a few people there, and I was not aware of Hannah Bardell's interjection until she started interfering. I ignored her. I did not know who she was. I really thought nothing about the whole incident. As for her description of me screaming, those of you who have sat opposite me know that I have a fairly powerful old schoolmaster's voice. I do not need to scream at anyone, nor would I be in the habit of screaming.

Bardell's initiatives, if I can call them that, are really what caused this whole hiatus. I note that when she intervened to report, or to give an exaggerated report of what had happened, the Speaker in the Commons said—this is in Hansard: “Normally, we would not name a Member of either House in this way”. I would have thought somebody who has been there a number of years—I do not think she has been there very long—would have known that.

What she did, and her interaction by then going to the police and then the press, meant that, of course, the police got in contact with me, the press got in contact with me. I did not, nor would it be in my interest or of my nature, contact the press about Bardell. I find that, from the outset, everything she wrote in her original report—I hope you have the original report—

**The Chair:** Yes. We received it yesterday, thank you.

**Lord Maginnis:** What you have written up in the judgment is very selective and does not take into consideration the downright—I am sorry to use this expression—lies that were used by Bardell.

At this stage, I have to say that Bardell must have known me, because, obviously, much of her anger arises from the fact that she is queer. I have been subject, since the Cameron days—people in the Chamber with me will know this—to criticism by those who believe in same-sex marriage. I do not want to get into that in detail, but I am opposed to that, just as I am opposed to abortion and just as I am opposed to euthanasia. My beliefs do not—

**The Chair:** Lord Maginnis, we understand that those are your views. As I said, this is not a hearing about your views. This is—

**Lord Maginnis:** Excuse me, sir.

**The Chair:** Could you allow me to finish? It is really a hearing about the Commissioner's findings about how you conducted yourself and expressed yourself in relation to third parties. Please concentrate on that.

**Lord Maginnis:** Yes, but it is rather difficult to do that without touching the background and the fact that a number of years ago, and it has continued since, Stonewall nominated me as Bigot of the Year simply because I opposed same-sex marriage. I have been subject to all sorts of discrimination and abuse because I have the views I have.

You ask me to concentrate on the facts, and I will. There is the original submission, a very powerful submission, by Ms Bardell. You can make a judgment on that yourself, and what motivated her to, for example, tell downright lies: the fact that

she approached the entrance, and I was already there. I take it you have the little camera and so on that will show that, in fact, she was there first. She appeared to be unable to get through the door. Now, I wonder if she was delaying, if she had seen that I was coming and she delayed her—

**The Chair:** Can I intervene again to say that what we have is the Commissioner's report. We do not actually have the camera or the film. We have not seen it. We just read the Commissioner's report, but we understand that you take issue with the correctness of what Ms Bardell said.

**Lord Maginnis:** Totally and utterly. There is the fact that she went into this tirade, if I could call it that, in so far as she committed it to paper, and she talked about my drunkenness. Those who know me in Parliament will know that I am not a drunk, that I do not keep falling over, that I do not keep fighting with people, that I have a good relationship with colleagues in Parliament.

I am concentrating on Bardell because she makes statements like, "I noticed he had a prosthetic leg". I do not have a prosthetic leg. "At this point, I recall he actually attempted to physically force his way into the building".

**The Chair:** Can I intervene again? Reading Ms Bardell's statement, she does not actually herself say that she saw you drunk. What she says is that she was told by two separate security guards, it appears, of alleged drunkenness. You deny that, we understand that you deny that, and you say that is not the case.

**Lord Maginnis:** Absolutely. There are two points I will make. In so far as I have a good relationship with most of the individuals I bump into, whether it be in the Bishop's Bar or in the entrance—I normally come in through the Peers entrance—I have never had other than the most pleasant relationship with those people. There are times when, in fact, I did forget my pass. I would say, "Oh sorry, I've forgotten". They do not say, "Right, go off and get yourself a new pass". They say, "Okay", and they put their pass in and allow me into the lift. I just do not find acceptable that on two occasions at the Tube entrance I have had difficulty.

Now, can I interject here to say—

**The Chair:** Would you avoid the Tube entrance in future? You say you normally use the Peers entrance.

**Lord Maginnis:** I do, because I am normally coming from my flat. Most of the time I am coming from that direction. No, I would not avoid the Peers entrance, quite simply because of my inability to walk more than about a quarter of a mile. You will understand that. I will not go into that in detail.

The one thing that I would point out—it is only a deduction of mine—is that I think Bombolo was in fact encouraged, and perhaps prompted, by Ms Bardell to lodge his complaint. The strange thing is—I am rather surprised that Ms Scott-Moncrieff did not draw attention to this fact—that I had two very experienced and very senior Peers in the lobby at that time, whom Ms Bardell carefully avoids mentioning. They were [two other parliamentarians]—two decent, experienced, long-time colleagues, who have known me for umpteen years. When they found me in difficulty, they held up their passes and said, "Look, we can identify Lord Maginnis. He's been here a long time". It is not 46 years, as Ms Bardell claims, but getting in that direction. The reality is that they were ignored. At the same time, I was—

**The Chair:** Can I interrupt, Lord Maginnis? You have not produced any material from either [of two other parliamentarians], have you?

**Lord Maginnis:** No, because I submitted their names. [One of two other parliamentarians] came to me and said, “Ken, that was dreadful. I was embarrassed for you yesterday. If I can be of any help, please take it for granted”. I submitted his name, along with [the name of the second other parliamentarian]. As far as I am aware, Ms Scott-Moncrieff did not bother with my submission in that respect.<sup>25</sup>

As I say, this is an ongoing campaign against me. It is almost as though somebody is saying, “Maginnis, you don’t have freedom of speech in terms of the relationship between you and Bardell”. Into the bargain, I was horrified and surprised to discover—I research those I am coming in contact with, if I do not already know them—that Ms Scott-Moncrieff did not indicate that she was prejudiced, in so far as she represented an organisation called Out4Marriage. That is an organisation, and I have seen videos of her representing her opinion on that. I am surprised that she did not volunteer or admit that she was innately prejudiced on that issue.<sup>26</sup>

**The Chair:** You focused on Ms Bardell and her intervention and involvement. You mentioned Mr Bombolo. Is there anything you want to say about the other two incidents that the Commissioner has investigated, relating to the APPG? Finally, as I indicated, if we uphold, so far as we uphold, any of the findings and conclusions, is there anything you want to say on sanction?

**Lord Maginnis:** All I would say is: look at my record. I stand over my record. I will have been married for 60 years next year. I have four children and seven grandchildren. My involvement in public life is from when I was captain of a rugby team. For 16 years out of the 23 years I taught, I was principal of a school.

I will point this out. I took over a school in 1966, which, from 1948—the first year of the 11-plus—never had a child qualify. I was asked to take the school over, because it was felt that I could do the school good. I now look at that school, and my own children went to it. My son is the global director for forest, water and fisheries with the world conservation union. The dean of the diocese of Clogher was one of my early successes. I have had a bevy of schoolteachers. I do not know why that would be, but anyhow I have had people who have gone through college and been schoolteachers. I have a chap—the son of the village sergeant—who is head of a college across the border in the south of Ireland. I had a very successful period as a schoolteacher.

I was a major in the UDR from the first day it was formed on 1 April 1970. I got into trouble for not giving my evidence behind a blanket, but I have put six IRA men and one loyalist murderer in prison. These are people who grew up within two to 10 miles of me. I refused to give evidence from behind a blanket. It would have been a mockery to do so.

When the Ballygawley bus bomb killed 10 of our soldiers, I was on the scene. I helped to organise the ambulances and so on. I took charge there, along with a

---

25 The Commissioner’s interview with one of the other parliamentarians is referenced at paragraph 180 of her report. At paragraph 183 of her report, the Commissioner explains she attempted but was unable to arrange an interview with the other parliamentarian.

26 At paragraph 375 of her report, the Commissioner explains that “Out 4 Marriage” was a campaign in favour of same-sex marriage that arranged for short videos to be recorded with a variety of people to speak in favour of same-sex marriage. In 2012, as incoming President of the Law Society of England and Wales she recorded such a video. She further writes that her own social and moral views were not a relevant factor in this investigation.

local doctor. He was my own GP. We only lost one person of the 16 who were taken to hospital. Out of the 10, nine were killed on the spot.

I was then summoned by Mrs Thatcher, with whom I had a better relationship than with anyone else I can think of. I was summoned by her on the Friday evening. On Saturday at lunchtime, I was sitting in 10 Downing Street. She asked me who was responsible. I knew that very well; they had killed other people. I told her, and she asked me, “What will we do about it?” I gave her a detailed plan, which she had implemented to the last letter. Within six weeks, the three killers were themselves ambushed when they were on their way to murder another member of the security forces. I am used to facing up to my responsibility.

I took part when it was not a popular thing among unionists to do so. I was described as David Trimble’s hitman. As you know, David is an excellent politician but not a very good communicator. I was the person who, through my rugby-playing days and so on, knew the south of Ireland as well as I know Northern Ireland. I had a relationship with the Bertie Aherns of this world. I do not want to waste your time with this, but I would never go down to a rugby match in Dublin that Bertie would not ring me and say, “Are you coming down? Come to my office and we’ll get your car left at such and such a place. I’ll see you are okay, and we’ll have a jar”.

It was because of my relationship with people whom, by and large unionists did not interact with, that I was able to see the Belfast agreement brought to fruition, along with David Trimble, John Kilclooney and people like that. That is my history. I am not a play actor. I am not somebody who, as Ms Bardell says, screams at anybody. Even people who had to answer my rather awkward questions in the House will admit that I have yet to scream at them. You are meant to smile at that, Joyce. Anyhow, that is the reality. I am neither vicious, nor am I thoughtless.

As far as the other incident was concerned, the statement by—I forget his name—the chap who was chairman, Pollock or something.

**The Chair:** Mr Pollard.

**Lord Maginnis:** I did not know him. When I spoke to him after one meeting, where he ignored me, he then said, “Well, we’ll sort it out on the terrace. My boyfriend is out there”. Now, I did not know what his inclinations were until he made that remark. He explains it away by saying, “Oh, Ken Maginnis was looking at me and I was making a joke saying, ‘I’ve already got a boyfriend. I don’t need you’, or words to that effect.

What a load of nonsense. How am I expected to know the inclinations of everybody I bump into? It was, in fact, from my deduction, something that had come on the back of—I do not call it the Bombolo incident because it was not an incident, and I do not think there would have been a word about it if it had not been for the outlandish behaviour of Bardell. Obviously, that had done the rounds, not least in the Chamber where—what did you say his name was?—Pollard sits.

It is the sort of victimisation that I have faced for years, since Cameron’s premiership. As I say, I was nominated by Stonewall—I mentioned this before—as Bigot of the Year.

**The Chair:** You have mentioned it, yes. The final incident was with Mr Perkins MP. It is said that you made statements at that. Do you want to say anything about that?

**Lord Maginnis:** I do not know who Perkins is. I simply do not know him. He intimated that he came to speak to me, and that in explaining what was going on I used what he described as offensive language, or whatever he did. That was a conversation to a colleague sitting at the same table—in colloquial language, I presume. It was his initiative to speak to me.

**The Chair:** Do I understand then that you do not dispute that you used the language recorded by the Commissioner in paragraph 51?

**Lord Maginnis:** I do not have a clue, good sir. I do not make a record of what I think when somebody sitting at a table with me has a casual conversation. The one thing I will say is this. I do not tell lies. It is well recognised that I do not tell lies.

**The Chair:** There is one question about the sanction—the one I mentioned earlier. If we uphold, in so far as we uphold, any of the findings relating to your attitude and conduct, and the way you expressed your attitude towards third parties, we have to consider the Commissioner's recommendation that it would be appropriate to ask you to undertake some bespoke training. Is that something you would be willing to engage with, if we upheld that?

**Lord Maginnis:** The bespoke training; look, if that is what it requires, I will not say no. I do not need—I have been involved in training both—

**The Chair:** We understand that, but I think the first part of your answer is an indication that you would be prepared to, and that is what I was interested in.

**Lord Maginnis:** Yes.

**The Chair:** Is there anything more you would like to say? I think we have allowed you considerable time.

**Lord Maginnis:** Indeed you have, and I am very grateful. I expected the people on my screen to bombard me with questions. You have been very gracious, Jonathan, and I appreciate that.

The one thing I would say is that at virtually 83 years of age, and with the workload I have, in so far as we have now, in a constituency I held for 18 years that was the one flaw in my character. I decided that after the Belfast agreement I would resign from Parliament and go back and help to run Northern Ireland. As you know, that all ended in a bit of a hiatus and I missed the opportunity. It will not come to me again. Having a constituency that I still have loyalty to and for which I still work 15 hours a day, I do not need some sort of suspension.

I do not need a smack across the hand in terms of what happened. I am sorry it happened, as far as Bombolo is concerned. As far as the other things are concerned, well, I have been 37 years in Parliament. I think people know what they get. They know I do not dress up my language unless there is a very good reason. I think you take my point.

**The Chair:** I think we have the point on that. Lord Maginnis, we will ask you to wait in the retiring room, lobby or whatever the electronic equivalent is. We will discuss what you have said to us among ourselves and see whether there are any questions we want to ask. Thank you for your presentation.

*The Committee continued in private.*

*On resuming—*

**The Chair:** Lord Maginnis, thank you for your patience. There is one area in relation to which the Committee, having discussed what you said to us, would like to ask you a question.

The Commissioner has made findings. Assuming that the Conduct Committee were to uphold those findings, the Commissioner has made a recommendation regarding sanction, by which we are not of course bound. We have to consider it, though; it is a starting point. She said that there should be a suspension from the House for nine months, and bespoke training and behaviour change coaching. If the bespoke training and behaviour change coaching lasted longer than nine months, the suspension would continue until its completion. It was in that sense a minimum of nine months and it was combined with training.

I asked you a question regarding training, to which you said that you would not say no. I cut you off from further answer. The Committee would like to give you the opportunity to tell us now what you understand the aim and effect of training of the type described by the Commissioner—bespoke training and behaviour change coaching to address behaviour and its effects on others—would or might be. What do you understand the aim and effect would or might be?

**Lord Maginnis:** First of all—you will excuse me being blunt about this—I would have no confidence, from what I have experienced so far, in the Commissioner.

**The Chair:** We understand that you take issue. We are not prejudging the questions. We are just asking you on an assumption. We have to consider her findings. We are not giving you an answer on what we think; we are just asking you on an assumption, if we get to sanctions.

I appreciate that you do not have confidence in the Commissioner, so no doubt you think her sanction is inappropriate, but supposing we concluded that it was an appropriate sanction, and that there should be a suspension, combined with an undertaking on your part to undertake training and behaviour change, what do you understand the aim and effect of that training exercise would or might be? Just give us some indication. You said you would not say no to it. We just want to understand what that means.

**Lord Maginnis:** I was speaking generally. I do not know what this alleged training means to an 83 year-old. I did not realise that it would be ongoing. I thought it would be a session somewhere, and would I take part in that. God knows, I have been through enough training in my life one way and t'other. I do not need an extended period, nor was I alluding to that.

Anything that actually resulted in a suspension would, in fact, be an issue that, on principle, I could not accept. I did not want to put it as crudely as that, but that is the reality. I have been through life. It has been a fairly hard life for me, one way and another, and I am not prepared to humiliate myself more than others have sought to humiliate me.

**The Chair:** I do not know how far it is fruitful for us to explore that. I can understand that you might disagree with a sanction along the lines recommended by the Commissioner, but I am not sure what you mean by saying you would not accept it on principle.

You have to understand that the Conduct Committee makes a recommendation to the House, which is not debated by the House. We are treated as the deciding body, in effect; although the House has to vote whether to approve it or not, it is not after a debate. You must face the position that you are being asked what your attitude would be if the Conduct Committee thought that the same broad recommendations, or similar recommendations involving a period of suspension, plus training and change, was correct. If you want to say anything more, do. I was simply asking you what you would understand as the aim and effect of that sort of training. I think you said that you do not know what it would mean.

**Lord Maginnis:** Not only that. I do not want to be putting muscle into this, but I did not do anything that was not provoked. What then subsequently happened was not of my making. You embarrass me in so far as I do not want to appear to dictate, but I would not accept a punishment of the nature that is perhaps implied by your question.

I know you have to reconcile my perspective with that of the Commissioner, but I have been humiliated for too long because of my beliefs and my opinions. I have a job to do. I intend to do it. I would pursue the issue.

**The Chair:** Thank you. Is there any question that any other member of the Committee would wish to ask?

Lord Maginnis, thank you very much indeed. We will obviously consider what you have said. Is there anything you wish to add on any subject?

**Lord Maginnis:** I would summarise it by saying that I have been wronged. I did not go into detail about some of the injustices in terms of my ordinary working in the House that have occurred. For example—

**The Chair:** I do not think that will be on the subject matter of the complaint. We appreciate that you feel you have been wronged in some respects.

**Lord Maginnis:** Yes, and not least in so far as a comparatively minor incident, where I was being victimised, has been turned into, thanks to Ms Bardell and others, what we are now discussing. I would be dishonest not to say that I deeply resent that after the 37 years and all those other years of public service that I have given to our society.

**The Chair:** Thank you.

**Lord Maginnis:** Thanks, Jonathan.