



HOUSE OF LORDS

Conduct Committee

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2nd Report of Session 2023–24

# The conduct of Lord Mann

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### *Conduct Committee*

The Conduct Committee reviews and oversees the Codes of Conduct and the work of the House of Lords Commissioner for Standards. Recommended changes to the Codes are reported to the House and take effect when agreed by the House.

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# The conduct of Lord Mann

## REPORT FROM THE CONDUCT COMMITTEE

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### Background

1. The Conduct Committee has considered a report by the Commissioner for Standards, Akbar Khan, on the conduct of Lord Mann. We have also considered a written appeal submitted by Lord Mann, in which he appeals against one of the Commissioner's two findings that he breached the Code (he accepts the other) and against the Commissioner's recommended sanction that he make a personal statement of apology to the House.
2. The procedure followed by the Conduct Committee in considering reports and appeals is set out in paragraphs 193–196 of the Guide to the Code of Conduct. Under this procedure an appeal must be made in writing; the Committee may hear from the member in person, though in this case Lord Mann did not ask to appear; nor have we sought further input from the Commissioner.

### Summary of the case

3. The investigation was launched following a complaint alleging that Lord Mann had failed to register support he received from a member of staff seconded from the Antisemitism Policy Trust (APT) for his role as the Government's Independent Adviser on Antisemitism. The complaint alleged that this support should have been registered under Category 6 (sponsorship); paragraph 86 of the Guide to the Conduct states that such sponsorship includes "the services of a research assistant or secretary whose salary, in whole or in part, is met by an outside organisation or individual".<sup>1</sup>
4. In responding to the Commissioner's preliminary assessment of the complaint, Lord Mann stated that, with respect to his role as Independent Adviser on Antisemitism, he had "no external office and [I] operate entirely out of the House of Lords". The rules on the use of facilities state that office accommodation should be used by members primarily "to assist them in their parliamentary duties", and only "incidentally" for other purposes.<sup>2</sup> The Commissioner therefore decided that there was sufficient *prima facie* evidence to justify an investigation into two possible breaches of the Code of Conduct: paragraph 14(a) (which requires members to register relevant interests) and paragraph 14(c) (which requires members to act in accordance with the rules agreed by the House on the use of the facilities of the House).
5. The Commissioner considered written and oral evidence from Lord Mann; he also interviewed Lord Mann's member of staff. He asked officials of the House, including the Clerk of the Parliaments' Office, Black Rod, the Director of Facilities, the Parliamentary Security Department and the previous Registrar of Lords' Interests, whether they had any record or recollection of discussions with Lord Mann about the use of his office accommodation to

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1 *Code of Conduct, Guide to the Code of Conduct, Code of Conduct for House of Lords Members' Staff*, (Thirteenth edition, September 2023, HL Paper 255): <https://www.parliament.uk/globalassets/documents/lords-commissioner-for-standards/hl-code-of-conduct.pdf>.

2 *Rules governing the use of facilities in the House of Lords*, Handbook on facilities and services for members and their staff, September 2022, Paragraph 2.

support his role as Independent Adviser on Antisemitism. They had no such record or recollection.

6. At the end of his investigation, the Commissioner found that Lord Mann had breached both provisions of the Code. He expressed sympathy with Lord Mann's predicament, in that the Government, when appointing him as Independent Adviser on Antisemitism, provided him neither with office accommodation nor civil service support. But he rightly noted that it is for members of the House themselves to ensure that they comply with the House's rules.
7. The Commissioner concluded that remedial action would be appropriate in this case. Remedial action "may be agreed if the complaint, though justified, is minor and acknowledged by the member concerned". It typically involves "putting the record straight", either by correcting a member's entry in the Register, or by making a suitable apology acknowledging the breach. In this case, the Commissioner judged that appropriate remedial action would include Lord Mann registering the sponsorship received from the APT under category 6; putting in place alternative office arrangements to support his role as Independent Adviser on Antisemitism; and making a personal statement of apology to the House.
8. In his appeal Lord Mann did not contest the Commissioner's finding that he breached the Code by not registering the support received from the APT. He has now registered that interest under category 6. To this extent he has "put the record straight", thereby undertaking part of the remedial action proposed.

### **Lord Mann's appeal<sup>3</sup>**

9. Lord Mann's appeal engages two of the four grounds for appeal set out in paragraph 196 of the Guide:
  - He seeks to show that the Commissioner "was plainly wrong in their finding"; and
  - He appeals against the "severity of the sanction", namely that he make a personal statement of apology to the House.
10. Given Lord Mann's appeal, we have treated the Commissioner's recommendation that he make a statement of apology as a sanction, rather than as agreed remedial action. The sanction is in respect of both breaches.

### *Use of facilities*

11. Lord Mann does not appeal against the Commissioner's finding on registration of interests. His appeal against the Commissioner's findings thus relates solely to the finding that he did not comply with the House's rules on the use of facilities.
12. Lord Mann advances three main lines of argument in his appeal:
  - He notes that paragraph 13 of the Guide to the Code of Conduct says that members should "base their actions solely upon consideration of the public interest." Lord Mann says his role is not an external one or a commercial interest, but instead one that is "in the public interest",

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<sup>3</sup> Lord Mann's appeal is reproduced in full in Annex B of this report.

and therefore the use of his parliamentary office for this purpose is justified.<sup>4</sup>

- He notes the “working assumption” among senior figures in the Government in 2019 that he would carry out his role as Independent Adviser “within the House of Lords”.<sup>5</sup>
  - Finally, he draws a comparison between his role and those of other members appointed by the government to undertake specific roles. He argues that if those other members are operating “within the spirit and detail of the rules”, then so is he.<sup>6</sup>
13. We entirely accept that Lord Mann’s work as Independent Adviser on Antisemitism is in the public interest. That said, paragraph 13 of the Code is not at issue in this case, as the rules on the use of facilities, unlike this provision of the Code of Conduct, make no reference to the public interest. They state simply that office accommodation should be used primarily for members’ “parliamentary duties”, though “it is accepted that Members may need to use office accommodation for incidental purposes relating to their outside interests, including their commercial interests.”
  14. The rationale for this rule is clear: the House pays to acquire and maintain office accommodation for members, so it is reasonable to expect that they use that accommodation primarily to support their parliamentary work. It is accepted that members have a range of outside roles (including but not limited to commercial, charitable, or governmental roles), which they may have to pursue while on the parliamentary estate (for instance, while waiting for votes). But their use of parliamentary accommodation for such activities (whether or not in the public interest) should be “incidental” to the primary purpose for which that accommodation is provided.
  15. Although at various points in the investigation Lord Mann suggested that his work as Independent Adviser on Antisemitism was parliamentary, the Commissioner found that it is not: he was appointed by the Government, reports to the Government, and the terms of reference for his role contain no mention of parliamentary activity. Lord Mann stated that senior figures in the Government in 2019, when he was appointed both to the House and to his role as Independent Adviser on Antisemitism, had a “working assumption” that he would perform the role from within the House, using the House’s accommodation. But it is not the Government’s place to make such an assumption: the disposal of the House’s facilities is a matter for the House itself, and there is no evidence that the House authorities were consulted on, let alone agreed, the use of parliamentary accommodation to support Lord Mann’s non-parliamentary work.
  16. The Commissioner’s conclusion, in paragraph 47 of his report, was therefore that Lord Mann’s role was “primarily an external role”, and not part of his “parliamentary activities”. In the absence of any evidence to suggest that his finding was “plainly wrong”, we agree with the Commissioner. Nor can we regard Lord Mann’s use of parliamentary accommodation to undertake this external role as “incidental”: he does not dispute the Commissioner’s finding that he conducted this work solely out of his parliamentary office.

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4 Paragraphs 20 and 23 of Lord Mann’s appeal.

5 Paragraphs 4 and 7 of Lord Mann’s appeal.

6 Paragraph 41 of Lord Mann’s appeal.

17. **For these reasons, we dismiss Lord Mann’s appeal against the Commissioner’s finding that his use of his parliamentary office was in breach of the rules on the use of facilities.**
18. As noted above, Lord Mann drew a comparison between his role and those held by some other members of the House. That comparison is not relevant to this case, and provides no basis for overturning the Commissioner’s finding.

*Severity of sanction*

19. Lord Mann described the Commissioner’s proposed sanction that he should make a statement of apology to the House as “unfair”. He said that he acted “at all times in good faith”, and that any breach of the Code “was inadvertent and involved no personal gain”. He also stated that “at all times I have been concerned only to carry out as efficiently and effectively as I can ... my role as Government Adviser on Antisemitism”.
20. Lord Mann offered, as alternatives to the remedial action proposed by the Commissioner, to change the email and telephone contact details for his antisemitism work. He expressed willingness, if required, to discuss provision of a desk or office within Whitehall. He has also, as noted above, updated his entry in the Register of Lords’ Interests, so that the sponsorship received from the APT is now registered.
21. Like the Commissioner, we sympathise with Lord Mann’s predicament with his accommodation: he was appointed to the House of Lords at the same time as he was made the Government’s Independent Adviser on Antisemitism, and to this extent the two roles have gone hand in hand. Not only was there apparently an assumption in Government at the time Lord Mann was appointed that the House of Lords would provide the accommodation needed to support his work, but the funding supplied by the Government, via the APT, to support his role, may be insufficient to pay both for staff support and a separate office in central London. For these reasons, we conclude that it would be inappropriate to require Lord Mann to make a personal statement of apology to the House.
22. At the same time, we note that the apology recommended by the Commissioner was intended to address two separate breaches of the Code: not only Lord Mann’s failure to comply with the House’s rules on the use of facilities, but his failure over an extended period to register an interest under category 6 (a finding he did not appeal against). Some acknowledgement and apology is required.

**Conclusion**

23. **We conclude that Lord Mann should write a letter of apology to the Chair of the Conduct Committee, covering both the breaches found by the Commissioner for Standards.**
24. As for his parliamentary office, Lord Mann has himself suggested a way forward. We note that his original appointment as Independent Adviser on Antisemitism will expire on 22 July 2024. We trust that the sponsoring Department will use this opportunity to provide alternative accommodation for the role.
25. Finally, we remind all members of the House that they are personally responsible for complying with the House’s Code of Conduct and the rules



on the use of House of Lords facilities. Advice from third parties, even in Government, cannot displace this personal responsibility, and any member who is unsure of the application of the rules should seek the advice of either the Registrar of Lords' Interests or the responsible official specified in the *Handbook on facilities and services for members and their staff*.



# Annex A: Report from the House of Lords Commissioner for Standards into the the conduct of Lord Mann

## SUMMARY OF COMPLAINT

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1. On 4 December 2023, my office received a complaint from a member of the public, Dr Alex May, regarding the conduct of Lord Mann (Appendix 1).<sup>7</sup>
2. Dr May alleged that Lord Mann had failed to register the support he received from a member of staff seconded from the Antisemitism Policy Trust for his role as the Government’s Independent Adviser on Antisemitism (Independent Adviser on Antisemitism).

### Relevant aspects of the Code of Conduct, the Guide and other rules

3. Paragraph 14(a) of the Code of Conduct says that “In order to assist in openness and accountability members shall ... register in the Register of Lords’ Interests all relevant interests, in order to make clear what are the interests that might reasonably be thought to influence their parliamentary actions.”
4. The *Guide to the Code of Conduct* sets out what constitutes a relevant interest. Paragraph 86, says:

#### *“Category 6: Sponsorship*

Any form of financial or material support received as a member of the House of Lords, the value of which amounts to more than £500, from a single source, whether as a single donation, multiple donations or services in kind.

This category covers sponsorship or other forms of support by companies, trade unions, professional bodies, trade associations, charities, universities, other organisations and individuals. It covers any support from which the member receives financial or material benefit in his or her role as a member of the House of Lords. The types of support which should be registered include the services of a research assistant or secretary whose salary, in whole or in part, is met by an outside organisation or individual; and the provision of accommodation.”

5. During the investigation, a *prima facie* breach of the rules on the use of facilities also became apparent, so formed part of the investigation. Paragraph 14(c) of the Code of Conduct says members must “act in accordance with any rules agreed by the House in respect of ... the facilities of the House.”
6. Paragraph 124 of the *Guide to the Code of Conduct* says that the rules on the use of facilities of the House of Lords can be found in the *Handbook on Facilities and Services for Members and their Staff*. Paragraph 2 of the *Rules governing the*

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<sup>7</sup> The investigation and report were completed by Akbar Khan.

*use of facilities in the House of Lords* says that office accommodation should be used by members primarily “to assist them in their parliamentary duties” and only “incidentally” for other purposes. Paragraph 7 says that:

“Members may only sponsor a pass for an individual under the second category [secretaries and research assistants] if the absence of such a pass would make it impossible for the individual to support the member effectively. Such passholders must use their parliamentary pass only to provide parliamentary support to the sponsor and other members of the House, and not in furtherance of any other interests of their own or of other organisations for which they work.”

7. Paragraph 34 of the Code of Conduct says: “A member who acts on the advice of the Registrar in determining what is a relevant interest satisfies fully the requirements of the Code of Conduct in that regard.” Similarly, *The Rules governing the use of facilities in the House of Lords* says that any member who follows the advice of the Director of Facilities, with respect to paragraph 2, or Black Rod, with respect to paragraph 7, of the facilities rules, is “deemed to have complied with the rules.”

### **Preliminary assessment**

8. As part of my preliminary assessment, I contacted Lord Mann on 7 December 2023, asking him to clarify the nature of the staff support he received in his role as the Independent Adviser on Antisemitism.
9. Lord Mann responded on 7 December. He told me that he receives support from a full-time member of staff who was seconded from the Antisemitism Policy Trust, and that this was funded by the Government to support his role as the Independent Adviser on Antisemitism. Lord Mann also said that his member of staff did “no research or secretarial work for Parliamentary work and the phone diverts to my mobile.” However, he went on to state that “as office manager, [my staff member manages] my diary, makes room bookings, which includes Parliamentary issues, facilities and welcomes guests to the estate, liaises with Parliamentary staff and oversees any work experience students in the office.”
10. With respect to his role as the Independent Adviser on Antisemitism, Lord Mann stated that “I have no external office and operate entirely out of the House of Lords.”
11. As part of my preliminary assessment, I noted that Lord Mann had the following in category 10(b) (non-financial interests) of his entry in the Register of Lords’ Interests:
 

“Independent Adviser to Government on Antisemitism.”
12. In his member of staff’s register of interests, I noted the following entry:
 

“Special Adviser and Office Manager to Government Adviser on Antisemitism (full time secondment from Antisemitism Policy Trust (charity)).”
13. As a result, I considered that there was sufficient *prima facie* evidence to investigate whether the Code of Conduct had been breached, in relation to both Lord Mann’s registration of interests and his use of House of Lords facilities.

### Lord Mann's written evidence

14. I wrote to Lord Mann on 11 December 2023, informing him that I had launched an investigation into potential breaches of paragraphs 14(a) and 14(c) of the Code of Conduct. I asked Lord Mann to respond with a full written account of the matters in question.

Lord Mann responded on 14 December, saying:

“I was appointed as the independent adviser to government on antisemitism and to the House of Lords on 28 October 2019 by the then Prime Minister Rt Hon Theresa May. My role is independent of Government, and I am not paid by Government.

As part of my appointment, the Government provides a budget of £100,000 a year to assist my work, which covers the provision of staffing, publications, events and travel.

The Terms of Reference for my role as Government Adviser on Antisemitism [see Appendix 2] on the Government website states: “The Independent Adviser will be supported by a Secretariat, provided via the Antisemitism Policy Trust. [The then Ministry of Housing, Communities and Local Government] will make an annual grant payment to the Antisemitism Policy Trust of £100,000 per annum for five years (up to March 2024). This will be to support the Secretariat and cover reasonable travel and subsistence expenses. The first payment of which (up to March 2020) shall be £50,000.”

The Government through the Department for Levelling Up, Housing and Communities has therefore funded the secondment of [a member of staff] from the Antisemitism Policy Trust, a charity, through the allocated Government budget. I had no involvement in the contract between DELUC [sic] and the APT.

The Parliamentary website provides a summary of the Register of Interests under ‘Standards and Interests’: ‘MPs and Members of the Lords must declare certain interests. The purpose is to provide information on any financial or non-financial benefit received by a MP or Member of the Lords which might reasonably be thought by others to influence their actions, speeches or votes in Parliament or influence their actions taken in their capacity as a Member’.

[My staff member] is provided to me as staff supported by Government who in turn have seconded [them] from the charity. [Their] role and work has no interaction with the business of the House of Lords.

Government has a number of unpaid roles given by the Prime Minister including to members of the House of Lords. Some have generic civil service support, others dedicated civil service support.

DELUC [sic], having already allocated a named point of contact in the department who is the staff member dealing with the Holocaust Memorial project, chose to fund a secondee rather than provide a dedicated civil service support. DELUC [sic] did not propose an office base within the department.

Parliament has provided me with an office, through discussions with the house authorities, in which I outlined the arrangements for my advisory role and I have provided a pass to [my member of staff] as I work solely out of the House of Lords.

[My staff member provides their] own phone and laptop to work out of the parliamentary estate.

Whilst [they provide] no assistance to me on parliamentary business, as a member of the House of Lords, [my staff member manages my] office: organising my meetings, managing my diary, making room bookings, organising events on antisemitism for example with the Lord Speaker and Mr Speaker and this week's Chanukah lighting with the Home Secretary, Leader of the Opposition, Leader of the Liberal Democrats, the Chief Rabbi and both Speakers. [They liaise] with relevant Parliamentary staff and oversees any work experience students in the office.

[Their] work is to advise me full-time on the governmental role on tackling antisemitism and [they work] partly from home and when in central London from my office on the estate.

These arrangements were discussed with the parliamentary authorities when I joined the House of Lords, as was [their] own entry in the register of interests.

Section 6 covers sponsorship. The only accurate entry would seem to me to be one that specifies that Government has provided me with staffing support and funded this support. I have no problem whatsoever with this approach should Parliament require.

If the APT charity was to fund a secondment themselves, this would clearly be a registerable interest under section 6. However, they do not.

Considering that I am also an active member of the House of Lords (for example attending Question Time, making statements, speaking in debates and voting) and I therefore have to be on the Parliamentary estate daily, [Their] presence on the Parliamentary estate inside my office is an essential element of [their] work.

My understanding has been that state funded staff are not required to be registered, including when they work within the Palace of Westminster. My staff member's declaration gives an additional not an inferior level of public scrutiny and accountability, by detailing [their] secondment.

Regardless of any advice and discussions that have taken place, it is for the Member concerned to ensure compliance with the rules. If I misunderstood the registration requirements under section 6 then I have done so inadvertently and I apologise."

### **Oral evidence from Lord Mann's member of staff**

15. As part of my investigation, I interviewed Lord Mann's member of staff on 5 January 2024. Tom Pitt, Assistant Standards Clerk, accompanied me at the interview.

16. I first asked them to explain the arrangements for their role supporting Lord Mann. When they started the role, they told me: “I knew my role would be both supporting Lord Mann in his office as a parliamentarian and also special adviser to Lord Mann” and that they would generally be “running his office.”
17. I asked them what they understood supporting Lord Mann as a parliamentarian meant. They replied:
- “Well, I guess in his parliamentary duties. So, I don’t do any work for him on his parliamentary legislative business ... but I do provide him with parliamentary secretarial assistance, which means I’m his office manager ... I organise and co-ordinate his meetings, I manage his diaries, I greet his guests, manage databases, book rooms, organise office supplies.”
18. They also explained that they were responsible for organising “high-level” antisemitism events in the House for Lord Mann:
- “I organised a Hanukkah lighting, a Jewish Hanukkah lighting, in Westminster Hall for the first time ever in December with the Lord Speaker, Mr Speaker, the Home Secretary, the leader of the Liberal Democrats, the Chief Rabbi, the leader of the Labour Party. And the aim of the event was to kind of give parliamentarians not only the opportunity to stand with the Jewish community over the festival of Hanukkah but also to provide reassurance with them, you know, since what happened on 7 October. But in the past, I’ve run other events with the Lord Speaker on anti-Semitism in sport. We did an event on women and misogyny and anti-Semitism. I did an event with Mr Speaker commemorating the Munich terror attack, and that was last September. So, we kind—as part of that role, I do those events for Lord Mann and the House as well.”
19. We discussed the proportion of support that they provided to Lord Mann as a member of the House of Lords as opposed to his role as the Independent Adviser on Antisemitism. They told me that this split was “pretty evenly spread” with about 40–50% of their time spent on parliamentary matters.<sup>8</sup>
20. They also informed me that Lord Mann had recently employed another member of staff directly on a fixed-term contract, who was funded by the government grant to support his role as the Independent Adviser on Antisemitism. They said this member of staff “helps me run the office ... if I need another set of hands, you know, organising his meetings, booking rooms and all that kind of stuff, we do that together.”

### **Oral evidence from Lord Mann**

21. I then interviewed Lord Mann on 5 January 2024. Tom Pitt was also in attendance.

### *Lord Mann’s government and parliamentary roles*

22. We began by discussing Lord Mann’s unpaid role as the Independent Adviser on Antisemitism and his role as a member of the House of Lords. Lord

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8 In response to a request for feedback on my draft report, Lord Mann told me that his member of staff works two days a week on the parliamentary estate when the House is sitting.

Mann made it clear that he considered the two roles to be distinct but told me: “Nobody has any duties appointed in the House of Lords ... There’s no job description”.

23. I asked Lord Mann what he anticipated doing once he was appointed to the House of Lords, other than his role as the Independent Adviser. He replied that he expected to “contribute to the life of Parliament” and “to the debates and discussions within the House of Lords and have a vote in the House of Lords”. I therefore asked him about these activities:

“AKBAR KHAN: ... So—and those debates and discussions in the House of Lords, were they all—were they only in relation to anti-Semitism, or did you contribute to discussions outside of anti-Semitism in your role as a Peer of the House of Lords?”

LORD MANN: No, I’ve made very few contributions related to anti-Semitism at all. I’m not sure that’s particularly appropriate for me to keep doing so, so I haven’t done. I’ve made contributions on a range of issues. For example, I’ve put forward a Private Members’ Bill

AKBAR KHAN: Mm-hmm.

LORD MANN: on planning

AKBAR KHAN: Mm-hmm.

LORD MANN: to the House of Lords.

AKBAR KHAN: Which has nothing to do with your independent adviser role.

LORD MANN: Nothing whatsoever.”

*Staff support and registration of interests*

24. We discussed the nature of his member of staff’s work. Lord Mann told me that they are employed as a special adviser to him on his antisemitism work and as his office manager. We discussed how this role operated in relation to Lord Mann’s membership of the House of Lords, compared to as his role as the Independent Adviser on Antisemitism:

“AKBAR KHAN: So, [your member of staff] dealt with both parts. So, holistically, [they] dealt with managing your diary for your independent adviser role and for any other activities.

LORD MANN: Only one person can manage a diary, otherwise you have a diary clash.

AKBAR KHAN: Well, did you have anybody else managing your diary

LORD MANN: No.

AKBAR KHAN: at that time? So, [they were] the sole person

LORD MANN: Yes.

AKBAR KHAN: supporting you in managing your diary.

LORD MANN: Yes.



AKBAR KHAN: And [they] managed you holistically in terms of your activities.

LORD MANN: What do you mean by “holistically”?

AKBAR KHAN: Well, you’ve just explained it. So, [they ensured] there was no clash between the CPA [Commonwealth Parliamentary Association] activity, for example, and your independent adviser role.

LORD MANN: Yes, obviously.”

25. Similarly, we discussed his member of staff’s role in relation to welcoming guests to the parliamentary estate, in both Lord Mann’s capacity as a member of the House of Lords and as the Independent Adviser on Antisemitism:

“AKBAR KHAN: ... you also receive visitors to your office?

LORD MANN: Yes.

AKBAR KHAN: In relation to your parliamentary business as well as in relation to being independent adviser?

LORD MANN: On occasion, yes.

AKBAR KHAN: And who would meet those visitors?

LORD MANN: That would depend. It could be [my member of staff]. It could be me.”

26. We discussed the split between their support for his role as a member of the House of Lords compared to his role as Independent Adviser on Antisemitism:

“AKBAR KHAN: So, how do you see [their] role then in terms of that part of [their] time being spent on non-anti-Semitic work? Is that

LORD MANN: It’s not a lot of time

AKBAR KHAN: Yeah.

LORD MANN: but it’s an important input.

AKBAR KHAN: But

LORD MANN: It’s a critical input to allow me to do the independent role.”

27. Lord Mann confirmed that in the last three months he had employed a second member of staff to help support his office on a six-month fixed-term contract, funded by the government grant from his role as Independent Adviser on Antisemitism. This member of staff has a parliamentary pass and works out of Lord Mann’s parliamentary office.

28. We then discussed the Code of Conduct’s registration requirements for sponsorship under category 6. Lord Mann explained why he believed it was not necessary for him to register this interest:

“AKBAR KHAN: ... So, my question to you is that since it appears to be that [your member of staff] is funded from the government grant, which is given to you to support your work as the independent adviser,

but in managing your diary there is a percentage—you don't have to identify what percentage—but a percentage of managing your diary, your meetings and so forth to avoid clashes with your independent adviser role to manage your whole role. Do you understand what category 6 is getting at

LORD MANN: Yes, I do.

AKBAR KHAN: in terms of a material benefit?

LORD MANN: Yes, I do, and it's not required.

AKBAR KHAN: Why isn't it required?

LORD MANN: Because it's paid by government. And just like other government-funded positions of any kind

AKBAR KHAN: So, [they're] paid by government, by the government grant, and you're saying that, even though [they're] spending part of [their] time doing non-anti-Semitic work, that still doesn't require—which is materially of benefit to you to ensure that you can do your whole roles together, it's still not registrable under category 6.

LORD MANN: No, it's not.

AKBAR KHAN: Why is that?

LORD MANN: Because it's government funded.

AKBAR KHAN: Well, what does that mean in terms of category 6?

LORD MANN: Well, the register would have to say, "Provided by government".

AKBAR KHAN: Right.

LORD MANN: So, that's my understanding. But perhaps more importantly, that's the advice from the registrar of members' interests

AKBAR KHAN: Okay. Well, let's move on to that part now.

LORD MANN: of which there's no ambiguity."

29. We then discussed whether Lord Mann considered his role as Independent Adviser on Antisemitism to be an outside interest under the Code of Conduct:

AKBAR KHAN: Well, [aren't they] funded to do anti-Semitic work? But [they're] using [their] pass in order to facilitate support to you for your non-anti-Semitic work. That's really the nub of it.

LORD MANN: So well, "Which is the other organisation?" would be my question.

AKBAR KHAN: Mm-hmm.

LORD MANN: The Government. Furtherance of the interests of the Government.

AKBAR KHAN: Mm-hmm.

LORD MANN: That's the only interpretation you could put on that.

AKBAR KHAN: Mm-hmm.

LORD MANN: I'm independent of the Government. So, how is advice independent of the Government in furtherance of the interests of the Government? It's in the interests of good governance and it's therefore in the interests of Parliament. It's not in the interest of the Government as an entity. That's the whole point of being independent ..."

*Use of parliamentary office*

30. We then discussed Lord Mann's use of House of Lords facilities to support his role as the Independent Adviser on Antisemitism. Throughout the investigation, Lord Mann was clear that the use of his parliamentary office was not incidental and was the sole office out of which he conducted his role as the Independent Adviser.<sup>9</sup> However, as Lord Mann explained during the interview, he believed that the use of his parliamentary office for his role as the Independent Adviser was appropriate because he viewed it as a core part of his parliamentary duties and activities:

"AKBAR KHAN: ... So, when the rule talks about using it [your office] for other interests for incidental purposes

LORD MANN: It's not incidental. I regard this as parliamentary.

AKBAR KHAN: Okay.

LORD MANN: And I regard it as highly appropriate as parliamentary.

AKBAR KHAN: Right.

...

AKBAR KHAN: Okay. So, as far as you're concerned, it's not incidental work at all.

LORD MANN: Correct.

AKBAR KHAN: It's actually parliamentary work.

LORD MANN: Correct. It's not incidental work."

31. Regarding the use of his parliamentary office to support his role as the Independent Adviser on Antisemitism, Lord Mann told me that the terms of reference for his role did not provide any civil service support or Whitehall office accommodation. Lord Mann also said that one reason for this was to ensure he could remain independent in this role:

"LORD MANN: I'm independent.

AKBAR KHAN: on that point. Just to come back on that point, if you had been offered an office in a ministry with the title that you have, what would have been your position? Would you still see yourself as independent or not independent?

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<sup>9</sup> In his feedback on my draft report, Lord Mann told me that he also conducts external appointments in his role as Independent Adviser, outside of Parliament.

LORD MANN: No, I would see myself as significantly. I would see myself as less independent. More importantly

AKBAR KHAN: How you're perceived, yes.

LORD MANN: the world would see me as less independent.

AKBAR KHAN: Yes, I understand the perceptions of external persons.

LORD MANN: Parliament would see me as less independent.

AKBAR KHAN: but you would see you—how would you see—you would see your title as not fully independent.

LORD MANN: It wouldn't be independent."

32. We then discussed the practical implications of establishing his office arrangements to support his role as the Independent Adviser on Antisemitism:

"LORD MANN: ... it's not possible to do this role from home. Now, I don't live in London. I live in the north. So, I don't have the luxury of being able to have my office as my base.

AKBAR KHAN: Mm-hmm.

LORD MANN: If I lived in London and I can think of one Member of the House of Lords who's done such work on that basis, perfectly amicably, professionally and happily from home. But if you have a main home in London, you can do it. You cannot do that, I do have an office. It's 200 miles away. Now, from a security point of view, the security costs of establishing a, let's call it third-party rented premises, whatever

AKBAR KHAN: Mm-hmm.

LORD MANN: would eat up the entire budget..."

### Other evidence

33. Normally members' parliamentary offices are allocated through the relevant party whips or Crossbench office, but Lord Mann told me that because he sat as a non-affiliated member, he had discussed his office requirements directly with the House of Lords administration. Lord Mann said:

"The reason I'm non-affiliated, as I explained to the House authorities, is because I'm the independent adviser. And I needed an office, and I showed the [terms of reference] to relevant people to show that the way the Government have set it up was to provide me not with civil service support but with a secondee ... not with an office in a government department but with a budget and a title".

34. I contacted several officials to ask them what they had discussed, if anything, with Lord Mann in this respect. This included the Clerk of the Parliaments and the Parliamentary Security Department, as well as the relevant authorities referenced in the *Rules governing the use of facilities in the House of Lords* and the Code of Conduct, namely the Director of Facilities, Black Rod, and the Registrar of Lords' Interests.

35. None of these officials had any recollection, or record, of providing advice to Lord Mann about the use of his parliamentary office or the staff support he received for his role as the Independent Adviser on Antisemitism.
36. As part of my investigation, I reviewed the terms of reference for Lord Mann’s Independent Adviser on Antisemitism role [see Appendix 2]. The terms of reference make no mention of the role having a parliamentary dimension. On the support arrangements for the role, the terms of reference state:
- “The Independent Adviser will be supported by a Secretariat, provided via the Antisemitism Policy Trust. MHCLG will make an annual grant payment to the Antisemitism Policy Trust of £100,000 per annum for five years (up to March 2024). This will be to support the Secretariat and cover reasonable travel and subsistence expenses. The first payment of which (up to March 2020) shall be £50,000. The Independent Adviser will have a named point of contact at MHCLG for the duration of the appointment. Beyond this, Civil Service support will not be provided, with the exception of simple cross Whitehall co-ordination.”
37. I also reviewed the website for ‘The Office of HM Government’s Independent Adviser on Antisemitism’ and noted that Lord Mann’s parliamentary email address and parliamentary office phone number are provided on that website as the contact details for that role.<sup>10</sup>

## Findings and outcome

### *Introductory remarks*

38. Throughout my investigation, Lord Mann’s understanding of what constitutes parliamentary and non-parliamentary work, especially in relation to the work that he undertakes as the Independent Adviser on Antisemitism was not consistent and appeared to be at variance with his terms of reference as the Independent Adviser.
39. In relation to his registration of interests, he adopted a narrow definition, in order to explain why the support he receives from his staff does not need to be registered as a category 6 sponsorship. In relation to the use of his office accommodation, Lord Mann expanded his understanding of what constitutes parliamentary work to include his work as Independent Adviser on Antisemitism.
40. As the Code of Conduct makes clear, its rules are not intended to discourage members from holding external roles. However, this does not negate the requirement, set out in paragraph 13 of the *Guide to the Code of Conduct*, that members “have a responsibility to maintain a clear distinction between their outside interests and their parliamentary work.”

### *Registration of staff support*

41. One of Lord Mann’s members of staff is seconded from the Antisemitism Policy Trust. While Lord Mann initially told me that they supported only his role as the Independent Adviser on Antisemitism, it was clear from my interview with them that they also provide substantial support as office

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<sup>10</sup> The office of HM Government’s Independent Adviser on Antisemitism, ‘About us’: <https://antisemitism.org.uk/lord-mann/> [accessed 14 February 2024]

manager to Lord Mann as a member of the House of Lords and has done so from the outset of their secondment to his office.

42. Lord Mann argued that he did not need to register his staff support as a sponsorship interest under category 6 because the funding for this support was provided by the Government, which he believed was exempt from registration. Leaving aside the fact that Lord Mann received his staff support via the Antisemitism Policy Trust, as funded by the Government, rather than from the Government directly, the description of category 6 in the *Guide to the Code of Conduct* contains no such exemption. It makes clear that “the services of a research assistant or secretary whose salary, in whole or in part, is met by an outside organisation or individual” should be registered. That was evidently the situation in this case and there is no basis to construe the *Guide to the Code of Conduct* in the manner proposed by Lord Mann.
43. Lord Mann argued that his member of staff’s decision to register their employment by the Antisemitism Policy Trust provided “an additional not an inferior level of public scrutiny and accountability, by detailing [their] secondment.” This is not the case. Paragraph 8(b) of the Code of Conduct for Members’ Staff requires staff to register all paid work outside the House. Lord Mann told me he had met with the Registrar of Lords’ Interests and the Registrar’s advice had resulted in them registering this interest. However, while Lord Mann’s member of staff correctly registered this interest, Lord Mann did not.
44. During our interview, Lord Mann told me that he had recruited another member of staff on a six-month short-term contract—directly rather than seconded via the Antisemitism Policy Trust like his other member staff—who was also funded by the Government grant. This member of staff works out of Lord Mann’s parliamentary office and supports Lord Mann’s antisemitism work as well as the general running of his office. This was clear from his member of staff during their interview, when they said:

“My workload between running his office in the House of Lords and being his special adviser has been overwhelming, to say the least, so [the second member of staff] assists me in running the office ... If I need another set of hands, you know, organising his meetings, bookings rooms and all that kind of stuff, we do that together”.

45. If this member of staff had been paid for from the financial support that Lord Mann receives from the House, neither the staff member nor Lord Mann would have been required to register this. However, as the additional staff member is funded by the Government both parties should have also registered this interest. Regrettably, this has not been done. However, this omission is not the subject of this investigation and for the avoidance of doubt forms no part of the recommended sanction.

#### *Use of facilities*

46. Lord Mann told me that as his role as Independent Adviser on Antisemitism was independent of the Government, this required him to conduct that role from his parliamentary office, rather than from a government department.<sup>11</sup> He also told me that his work as Independent Adviser on Antisemitism

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<sup>11</sup> In his feedback to my draft report, Lord Mann told me that the terms of reference for his role required him to have “a base outside of Whitehall Departments.”

was parliamentary work. I do not believe that his position is supported by the evidence. The logic of Lord Mann's contention that his government-funded role as the Government's Independent Adviser on Antisemitism role is independent from Government, and so must be parliamentary, is hard to follow. It is clear from Lord Mann's own evidence, as well as the terms of reference for his role that, while there is inevitably some overlap with his parliamentary work, it is primarily an external role. Therefore, I do not consider Lord Mann's role as Independent Adviser on Antisemitism to form part of his parliamentary activities.

47. Lord Mann referred to other unpaid government roles undertaken by members that received generic or dedicated civil service support, including trade envoys and special envoys. If that is the case, such arrangements are unlikely to engage the Code of Conduct insofar as the facilities rules are concerned. However, I believe that the fact that Lord Mann has explicitly chosen to support his external role from his parliamentary office, and that a significant portion of his staff members' time is spent supporting that external role, on the balance of probabilities constitutes a breach of paragraph 2 of the *Rules governing the use of facilities in the House of Lords*. Paragraph 2 says that office accommodation should be used by members primarily "to assist them in their parliamentary duties" and only "incidentally" for other purposes. During his interview, Lord Mann suggested that maintaining an external office to support his role as the Independent Adviser on Antisemitism would not be feasible due to the security costs it would incur. The rules provide no exception to enable use of a parliamentary office to support an external interest in order to save money.
48. With respect to the rules on sponsoring parliamentary passes, on the balance of probabilities, I agree with Lord Mann that the absence of a parliamentary pass for his staff member would make it impossible for them to support his parliamentary work effectively. I therefore find no breach of the Code in respect of this matter.

*Advice from parliamentary officials*

49. In his evidence to me, Lord Mann several times suggested that he discussed his role as the Independent Adviser on Antisemitism with various parliamentary officials and that this informed the basis on which his parliamentary office was allocated to him and his view on whether he was required to register his staff support. Both the Code of Conduct and the *Handbook on Facilities and Services for Members and their Staff* include provisions stating that members acting on the advice of the relevant officials will be considered to have complied with the rules. However, initially Lord Mann was not able to provide me with any specifics about the nature of the advice he received nor copies of any relevant correspondence. In response to my request to provide feedback on my draft report, Lord Mann provided me with copies of his email exchanges with parliamentary officials about his accommodation arrangements. However, these emails only recorded routine discussions about the allocation of a new members' accommodation, rather than providing any specific advice about how his parliamentary office should be used.
50. With respect to whether Lord Mann was required to register his staff support, he told me that the Registrar of Lords' Interests had told him that no such registration was required. When I asked the Registrar if they had provided such advice to Lord Mann, they did not have any record of doing



so. However, they did have a copy of Lord Mann’s initial registration of interests’ form, in which Lord Mann stated under the category 2 section that the “Government pays towards my office and travel as Independent Adviser to Government on Antisemitism”. Furthermore, in the category 6 section, Lord Mann ticked the box confirming that he did not have any relevant interests to register in that category. Therefore, based on that form, I consider it more likely that the Registrar did not provide Lord Mann with any advice about that specific matter.

51. With respect to the allocation of Lord Mann’s office, while the officials I sought evidence from recalled discussions with Lord Mann about his office, this did not pertain to his role as Independent Adviser on Antisemitism nor to the use of his parliamentary office to support that role. Each member of the House is allocated an office by the House of Lords Administration, regardless of what other positions they may hold. This allocation is mainly managed via the party or Crossbench groups. Lord Mann informed me that, as a non-affiliated member, he liaised with the Administration directly on the allocation of his office. The only official that could have provided authoritative advice to Lord Mann was the then Director of Facilities, whose office did not have any recollection or record of providing advice to Lord Mann about his role as the Independent Adviser on Antisemitism.
52. In the light of the lack of evidence supporting Lord Mann’s assertions, I cannot conclude that the officials would have provided advice to Lord Mann that was contrary to the normal meaning of the rules in the Code of Conduct, the *Guide to the Code of Conduct* and the *Rules governing the use of facilities in the House of Lords*.

### *Findings*

53. **Lord Mann’s staff support his work as a member of the House but are provided by the Antisemitism Policy Trust and with a government grant. Lord Mann should have registered this as a sponsorship interest under category 6 in his register of interests. I find that Lord Mann is in breach of paragraph 14(a) of the Code of Conduct by not doing so.**
54. **Lord Mann’s role as the Independent Adviser on Antisemitism is an external position and he has openly and explicitly used his parliamentary office to support that role on more than an incidental basis. Accordingly, I find that Lord Mann is in breach of paragraph 2 of the facilities rules and consequently paragraph 14(c) of the Code of Conduct.**

### *Outcome*

55. In identifying a proportionate and appropriate outcome to reflect my findings, I consider the repeated and sustained use of Lord Mann’s parliamentary office to support his external role—since his appointment to the House in 2019—to be an aggravating factor.
56. In mitigation, Lord Mann did not derive any personal financial benefit from this arrangement and nor did it relate to a role for which he was paid.
57. I have some sympathy with the predicament Lord Mann faced in trying to perform his role as the Independent Adviser without any separate office



and civil service support being provided; notwithstanding this, it remains incumbent on members to ensure that any arrangements they have established to support their work complies with the House's rules on the use of facilities. I also note that Lord Mann's original term of appointment as Independent Adviser on Antisemitism will be reviewed shortly.

58. **In the circumstances, I consider that remedial action is an appropriate outcome in this case. As well as correcting his register entry and putting in place alternative and appropriate office arrangements to support his role as the Independent Adviser on Antisemitism, I propose that a personal statement of apology to the House would be a proportionate outcome. Lord Mann has since corrected his register of interests, and his second member of staff has also updated their register.**

## APPENDIX 1: DR ALEX MAY'S COMPLAINT AND BLOGPOST

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Dear Commissioners,

1. I'm writing to you to complain about the conduct of Lord Mann in relation to registration of interests.
2. Lord Mann has failed to register a sponsorship under Category 6.
3. The peer is the independent adviser to government on antisemitism. It is a matter of public record that the government funds the adviser's secretariat via an annual restricted grant to charity Antisemitism Policy Trust. Please see "Not-so-independent adviser to government on antisemitism": [see below].
4. Thus Lord Mann has omitted to register under Category 6 the sponsorship of the adviser's secretariat.

Yours sincerely,

Dr Alex May

### Blogpost

"Lord John Mann is the independent adviser to government on antisemitism ("independent antisemitism adviser"), a role for which the government provides no remuneration. The funding of the secretariat undermines the adviser's independence from government, however.

The government funds the adviser's secretariat via an annual restricted grant to a charity. Not only is the charity's governance problematic. But, besides the government grant, most of the charity's income is derived from another charity – one controlled by the chair of the first and his two brothers. What's more, the second charity directly bankrolls Lord Mann in his role, too.

In July 2019, prime minister Theresa May appointed John Mann, then a Labour MP, as independent antisemitism adviser. Mr Mann then stepped down as an MP at the 2019 general election in December. He now sits as a peer in the House of Lords.

Charity Antisemitism Policy Trust (APT) acts as the adviser's secretariat.

What part of government funds APT via an annual restricted grant to provide the secretariat? The Ministry of Housing, Communities and Local Government (MHCLG), according to the terms of reference for the post.<sup>12</sup> And whom in government does Lord Mann actually advise? The Secretary of State for Housing, Communities and Local Government. In other words, not only is the "independent" antisemitism adviser partly dependent for funding on the government. But the money comes from the government department whose secretary of state the peer advises!

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<sup>12</sup> MHCLG, 'Independent antisemitism adviser: terms of reference' (31 October 2019): <https://www.gov.uk/government/publications/independent-antisemitism-adviser-terms-of-reference> [accessed 25 March 2024]

APT is already embedded in parliament: the charity has for a long time acted as secretariat for the all-party parliamentary group (APPG) against antisemitism. While an MP, Mr Mann was the longstanding chair of the APPG.

It's disappointing APT's governance is problematic. What makes it worse are APT is such an influential charity and receives government money.

There are three trustees: Sir Trevor Pears (chair), Ian Shaw (treasurer) and Nigel Rowley.

Sir Trevor is a member of the billionaire Pears family, who own and run a large number of property companies as The William Pears Group. Accountant Mr Shaw is a finance director at The William Pears Group. Meanwhile, the property group is a client of solicitor Mr Rowley. Further, Companies House records show Mr Rowley as a "person with significant control" of companies within The William Pears Group: Pears Family Investments Limited is one such.

The three trustees of APT aren't independent, therefore.

Sir Trevor is also executive chair of charity The Pears Family Charitable Foundation ("Pears Foundation"), where his brothers, Mark and David, are the other two trustees.

APT trustee Mr Shaw is finance director of the family charity, according to the accounts.

Most of the Pears Foundation's income derives from donations made by related party The William Pears Group of Companies Limited.

On 12 June 2019, I revealed an unexplained inconsistency in a reported donation to the Pears Foundation in 2017 by The William Pears Group of Companies Limited. Sir Trevor didn't respond to requests for comment at the time.

Besides the annual restricted grant from MHCLG for the adviser's secretariat, most of APT's income comes from the Pears Foundation and has done in recent years.

The Pears Foundation also directly funds Lord Mann as independent antisemitism adviser, according to the register of lords' interests. Earlier this year, the peer set up Suilven Communications Ltd, a private company limited by guarantee.

Companies House records show he changed its objects in April: "The Company's objects are restricted specifically, only for the public benefit to cover activities relating to educating about Antisemitism and working towards the eradication of Antisemitism (Objects)." The ex-MP discloses the Pears Foundation as his company's sole client.

It might be more accurate to refer to Lord Mann as the Pears adviser on antisemitism, and APT as the Pears APT. Funder Sir Trevor controls or has a significant influence over most of the activity in, and linked to, parliament to address antisemitism. But is it healthy for one individual with deep pockets to have so much influence over parliamentarians on antisemitism?

When asked for comment, Lord Mann issued a long written statement:

"There are a number of inaccuracies in your assumptions.

Your first query relates to my independence. I am an independent, non-affiliated member of the House of Lords. I am not a member of the Government, have actively campaigned against the Conservative party, and am not on the Government payroll. I am a member of the Labour Party.

I think you have also misinterpreted the concept of secretariat. As I say, I am not paid by Government, but receive a £100,000 annual grant to fulfill [sic] the role. The expectation and actuality is that this covers the cost of staffing support and other expenses. As an example; If either myself or my staff support (I currently have one full-time secondment whose entire salary costs are covered by the annual grant) travelled to the Scottish Parliament or Welsh/Northern Ireland assembly, or to meet the United Nations or my international counterparts (say in Germany or Italy) then this covers the costs of doing so. I recently produced a report on Coronavirus which was printed and distributed. The grant met the printing costs. I can send you a copy if I have your home address.

‘Secretariat’ has not been defined in the papers you will have seen, but the reality is this is handling the money and the Trust has no other remit or mandate. The government chose to add an extra layer of professionalism, by putting an established charity of 30 years standing as bank holder. This means the charity is sent the money by the government. It maintains the accounts, pays bills and it is all subject to a funding agreement. The government, which receives a publicly accessible Workplan [sic] from me each year, has both my report on activities and independently audited accounts.

There are two benefits, one foreseen the other not. It allows an additional layer of transparency and accountability for expenditure and it significantly reduces bureaucracy and therefore costs. If I had to establish a separate bank account, legal infrastructure, wages infrastructure, audit, and so on, the costs would certainly exceed 10% of budget just on bureaucracy. Secondly, unforeseen, it allowed a very easy continuum of work through lockdowns. I think this would have been impossible otherwise.

Finally, I would point out that my office base is Westminster. I use my Parliamentary office for the role and my full-time special advisor also serves as my office manager, in that [they work] (Covid permitting) from one sole desk at Westminster.

Everything is appropriately and accurately declared, as it should be, on the Parliamentary register of Interests and the DCLG [sic] Government website.”

Sir Trevor, meanwhile, didn’t respond to requests for comment.”

## APPENDIX 2: HM GOVERNMENT'S INDEPENDENT ADVISER ON ANTISEMITISM—TERMS OF REFERENCE

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### Purpose of the Review

- Antisemitism in the UK continues to be a cause for concern. The most recent national hate crime statistics published by the Home Office (October 2019) showed that Jewish people were, per capita, the most likely group to experience religiously motivated hate crime.
- The report of the All-Party Parliamentary Inquiry into Antisemitism (February 2015) produced 34 recommendations for tackling antisemitism in the UK. The final report on the implementation of the Inquiry (April 2018, two-years ahead of the self-imposed deadline of 2020) noted that ‘following this report, unprecedented progress has been achieved by successive Governments’.

### Aims

- To provide independent advice to the Secretary of State for Housing, Communities and Local Government (hereby known as the Secretary of State) on issues relating to antisemitism in the UK, and the most effective methods to combat it.
- To engage proactively with the Jewish community and institutions, acting as a key point of contact between these organisations and Government on antisemitism in the UK.
- To provide an independent annual report to Government on antisemitism in the UK including advice on how to tackle it.
- To collaborate with the UK's Special Envoy for Post-Holocaust Issues and the UK's Special Envoy for Freedom of Religion and Belief to ensure a cohesive approach. International engagement on antisemitism will continue to be led by the UK's Special Envoy for Post-Holocaust Issues.

### Membership

- The Independent Adviser will be appointed by the Prime Minister. There will be no remuneration from Government.

### Accountability

- The Independent Adviser will make recommendations to the Secretary of State.
- The Independent Adviser will present an annual report to the Secretary of State.
- The Adviser does not speak on behalf of the Secretary of State or the Government unless otherwise agreed with the Secretary of State. The Secretary of State continues to hold the Government's relationship with all relevant stakeholders.

### Timing

- The role will be for five years and subject to review in 2024 (with the ability to end the relationship in exceptional circumstances, such as if the adviser does not abide by the Nolan principles).

### Meetings

- The Independent Adviser will be expected to hold quarterly meetings with the Secretary of State to update on progress and provide advice. Further meetings may be required and will be appropriately scheduled.
- The role of the Independent Adviser is focussed on tackling antisemitism in the UK. Bilateral contact with similar advisers in other countries will be possible where necessary for the purpose of tackling antisemitism in the UK.

### Support

- The Independent Adviser will be supported by a Secretariat, provided via the Antisemitism Policy Trust.
- MHCLG will make an annual grant payment to the Antisemitism Policy Trust of £100,000 per annum for five years (up to March 2024). This will be to support the Secretariat and cover reasonable travel and subsistence expenses. The first payment of which (up to March 2020) shall be £50,000.
- The Independent Adviser will have a named point of contact at MHCLG for the duration of the appointment. Beyond this, Civil Service support will not be provided, with the exception of simple cross Whitehall co-ordination.

## Annex B: Lord Mann's written appeal

1. I was appointed to the House of Lords on the recommendation of the then Prime Minister Rt Hon Theresa May MP, entering the House on 29 October 2019.
2. Alongside the announcement of my ennoblement, Government also announced the creation of my role, appointed by the Prime Minister, for a five-year term as the Independent Adviser to Government on Antisemitism.
3. This position came as a consequence of Jewish community leaders recommending me to the Prime Minister, including the late Lords Sacks who subsequently introduced me to the House of Lords.
4. In discussions with the Prime Minister, the assumption was made by Government that I would carry out this role from within the House of Lords. Those involved whilst I was present and material to this decision were Prime Minister Rt Hon Theresa May MP, Stephen Parkinson, now Lord Parkinson and Gavin Barwell, now Lord Barwell. I am sure that all three would confirm that this was the working assumption.
5. An announcement, including a Terms of Reference, was made on the Government website outlining details of my role, that it would be unpaid and I received a specific mandate from Government (enclosed under Appendix 1). The named point of contact in Government was specified as Sally Sealey in the Department for Levelling Up, Housing and Communities.
6. Government made an arrangement with one of the Departments 'trusted partners', a charity named the Antisemitism Policy Trust that it would second a full-time staff member for the duration of the term in office and that it would manage the finances for the Department. This funding agreement was made between the two parties, but I have no involvement and have no knowledge of the agreement, other than that the Department requires an annual report from me and only releases funding following returns on finance from the Antisemitism Policy Trust.
7. I was consulted by the Department's point of contact [...] and [... the] Chief Executive of the Antisemitism Policy Trust, to ascertain whether I was happy with [my member of staff] being the staff member to be seconded. The working assumption was again that [they] would be based inside parliament.
8. This was the basis upon which I entered the House of Lords and sought assistance as a new Member of the House.
9. I met with the Serjeant at Arms and raised security concerns because of my role and was directed to an official who took details before later confirming that because of my role, enhanced security would be provided. [Discussion of security arrangements].
10. I met with the Clerk of the House Ed Ollard, who directed me on how to obtain office facilities. Initially I was to be allocated a desk with [other members], but I objected on the basis that my role and my staff secondees

would require an office of our own. After deliberations the decision was changed, and a previously unallocated space was turned into an office.

11. Within a few weeks Covid struck, with both of us being the very early victims- I had Covid in early February and [my staff member] was required to stay away because of the initial advice on suspected contacts. On returning after Covid in 2021 we properly began establishing our work.
12. My major concern was to ensure that I was seen as being independent and that an effective workplan was instigated. [My staff member] worked from Westminster on Tuesdays and Wednesdays when Parliament was sitting and from home at all other times. I am active in a full variety of ways as a Parliamentarian within the house and my home is in Nottinghamshire.
13. [Their] work has been explored at interview- indeed this was the main issue discussed at my own interview and I presume the only issue discussed at [their] short interview. All [their] report writing, and research is carried out when [they are] working hybrid away from Parliament. We saw this as a sensible way of working efficiently.
14. I travel down on Mondays and return home on Thursdays. As you know, business of the House varies greatly each day, with statements, urgent questions etc. Therefore, the bulk of [their] work time (75-80%) is spent away from Westminster. On Tuesdays and Wednesdays both [my staff member] and I have frequent engagements both on the parliamentary estate and away from the parliamentary estate.
15. The two categories of people we meet, often together, sometimes on our own are Parliamentarians and Jewish communal organisations, who themselves use Tuesdays and Wednesdays for the majority of their parliamentary engagements. These organisations invariably meet multiple politicians bilaterally on these days. The preparation of detailed reports is much more intensive, and [my staff member] is responsible for their initial drafting. This is done away from the parliamentary estate.
16. In recent months I have recruited a second staff member, for two days a week, [...]. This has been put on hold because of the uncertainty created by this investigation.
17. In establishing my working practices, I followed convention and approached the whips. I had presumed that I was required to be a crossbencher, because of my independent role and met the convenor of the crossbenchers Lord Judge.
18. Lord Judge guided me through the systems, including the concept of non-affiliated peers and advised me on office accommodation, advice that I took.
19. As can be seen from the email of 10 January 2020, the issue of my office space and accommodating my staff secondee was discussed within the House system: [Email from the Clerk of the Parliaments' Office to Lord Mann].
20. The second draft finding made by the Commissioner suggested "that [I am] in breach of paragraph 2 of facilities rules and consequently paragraph 14(c) of the Code of Conduct", however I believe this is unjustified:



(1) The Commissioner refers at paragraph 41 of his report to paragraph 13 of the Guide to the Code of Conduct, which (as he says) states that members:

“have a responsibility to maintain a clear distinction between their outside interests and their parliamentary work.”

But the Commissioner ignores what precedes those words which provide the context. Paragraph 12 emphasises that members “have a wide range of outside interests and careers and the House thrives on their expertise.” Paragraph 13 then states:

“At the same time, in their parliamentary work, and whenever they act in their capacity as parliamentarians, members are required to base their actions solely upon consideration of the public interest. Members thus have a responsibility to maintain a clear distinction between their outside interests and their parliamentary work.”

Paragraph 13 of the Guide therefore provides no support for the second draft finding by the Commissioner. The “clear distinction” requirement is designed to ensure that the member act for the purpose of the public interest. There can be no doubt that my use of parliamentary facilities for the purpose of my role as adviser to the government on antisemitism is very much work in the public interest. It would substantially impede my ability to perform that role if I were prevented from using parliamentary facilities for that purpose.

(2) Paragraphs 48 and 55 of the Draft Report from the Commissioner suggest that I am in breach of paragraph 2 of the facilities rules “and consequently paragraph 14(c) of the Code of Conduct.” There is no basis for this draft finding:

(a) Paragraph 2 of the Rules governing the use of facilities states:

“Office accommodation

Office accommodation in the Palace of Westminster and other House of Lords outbuildings is provided to Members to assist them in their Parliamentary duties, and should primarily be used for that purpose. However, it is accepted that Members may need to use office accommodation for incidental purposes relating to their outside interests, including their commercial interests.”

(b) Paragraph 14 of the Code of Conduct states:

“In order to assist in openness and accountability members shall: ...

(c) act in accordance with any rules agreed by the House in respect of financial support for members or the facilities of the House.”

21. I am present in the House of Lords for most of the working day because of the need to participate in Parliamentary business. As the Committee will know, the way Parliament works, there are long afternoons and evenings waiting for votes. Statements and urgent questions are frequent. I therefore have to be in Parliament for prolonged periods of time, like other attending Members of the House. The work I do in my office as Government Adviser falls well within the scope of paragraph 2 of the Facilities Rules. The Second

Report of Session 2009-10 from the House Committee which introduced the Rules Governing the Use of Facilities stated at paragraph 3 that:

“the rules provide sufficient latitude to enable Members to continue working on their outside interests, which remains essential in a House that relies on Members to give up their time without receiving a salary and thrives on their expertise across a range of fields.”

22. It would substantially impede my ability to perform my Independent Role as Government Adviser on Antisemitism if I were prevented from using parliamentary facilities for that purpose.
23. As stated in paragraph 2 of the rules governing the use of facilities, it is concerned with the use of facilities for “outside interests, including ... commercial interests.” But I am not using the facilities for such interests. I am using the facilities in the public interest as the Independent Government Adviser on Antisemitism.
24. The Commissioner states that I am in breach of the House rules by misusing parliamentary facilities. I would like to go through each potential facility one by one:
25. ICT computer provision: [my member of staff] does not access or use parliamentary equipment. [They provide their] own laptop.
26. Telephones: [My member of staff] does not access or use office parliamentary telephones, either making or receiving calls.
27. Library: [My member of staff] has not used library facilities at any time. I have not used the library in my advisory capacity.
28. Dining facilities: [My member of staff] has not made any use of formal dining facilities (as opposed to staff canteens). I have hosted one small dinner for visiting International guests in Peers Dining Room.
29. Terrace: [My member of staff] has not used the Terrace to entertain guests. I have occasionally taken guests on the Terrace and taken guests to Peers Guest Room or Portcullis House.
30. Office: [...] I have only used the office to host staff meetings, not external meetings. I have occasionally booked meeting rooms.
31. Email address: [My member of staff] uses a parliamentary email address solely in relation to practical matters such as the involvement of the Lord Speaker or the Commons Speaker at events.
32. Official correspondence is sent electronically on our own headed paper by [my member of staff] and nearly all responses are to [their] non-parliamentary account.
33. The majority of [their] time on the parliamentary estate is spent in meetings with parliamentarians, Jewish communal organisations, Ministerial staff and advisors and House Staff or making arrangements for me.
34. I welcome the fact that the Commissioner recognises that the absence of a parliamentary pass for my staff would make it impossible for them to support my parliamentary work effectively.

35. Having reflected on the Commissioners draft report, I would agree that the website phone number should be removed, though it is not an active line, and that the email contact should either be generic or be [my member of staff's] rather than mine. I do not think this will make any real difference to working realities, but perception I would agree is important.
36. I do not have a budget that affords an office off the parliamentary estate. The costs of a stand-alone office and the security costs involved are significantly higher than the annual budget allows. Security is, however, more complex than a budget. It is not safe nor reasonable to have the magnet of a stand-alone office, publicly known to the outside world and locatable by extremists.
37. Over recent years I have been repeatedly targeted, as have my staff and family. [...]
38. [Discussion of security arrangements.]
39. The Committee of course is fully within its rights to make whatever decisions it sees fit. I am responsible for my actions in the House and I fully recognise the important and difficult role of the Committee. If the Committee endorses the Commissioners recommendation that I establish an office outside Parliament, then the only solution is for Government to provide an office base inside a Government Department. As demonstrated by the Terms of Reference in Appendix 1, this was explicitly not provided for. Should the Committee demonstrate that this necessary, I will need to enter discussions with Government.
40. I am between a rock and a hard place on the use of facilities. Government has presumed that I can use facilities inside Parliament. Many Members of the House have taken this as given in their dealings with me.
41. If I am not permitted to use my parliamentary office for the purposes of my work as Government Adviser on Antisemitism, this would surely also apply to others who use their parliamentary office for their government work outside the House. Paragraph 30 of the Guide to the Code excludes paragraph 11 of the Code from applying to Ministers of the Crown (benefits to outside organisations and profit from membership of the House), but there is no exemption from paragraph 14(c) of the Code for any government appointees. There are many such government appointees, including at least six similar to my own and many unpaid Trade Envoys and I cannot see how my use of facilities is more excessive, or different in principle from theirs. Unpaid advisors and Trade Envoys meet and entertain Ambassadors and Businesses on the parliamentary estate. Some host events. All appear to use the full range of House facilities. This seems to me to be within the spirit and the detail of the rules.
42. On the one potential difference, the pass for my seconded staff member, the Commissioner accepts that the use of a pass is legitimate and necessary.
43. Everything I have done has been in good faith. The Westminster Chanukah celebration in Westminster Hall, organised in conjuncture with the Lord Speaker and Mr Speaker was described by the Chief Rabbi as groundbreaking-the first ever Chanukah event in the 800-year history of Westminster Hall. Both Speakers hope for a repeat this year. The 50-year commemoration of terror attacks at the Munich Olympics was warmly embraced by the families of the athletes murdered. Hosted by Mr Speaker, it also broke new ground

and was enthusiastically endorsed by the British Olympic Committee. The Dortmund FC and Chelsea FC Antisemitism and Football Reception in the Lord Speakers apartment gave the Lord Speaker online access to 24 million people worldwide and highlighted the UK as an example of best practice. The Jewish women's reception, the one event I have hosted on the Terrace, built on work I had initiated at the APPG to support, and promote Jewish women fighting against antisemitism and misogyny.

44. As demonstrated above, The Lord Speaker and Mr Speaker have both enthusiastically participated and co-hosted events with me in the House on antisemitism. I do not see how these major uses of House facilities are in breach of Parliamentary rules and not defined as being in the public interest.
45. I have also used my parliamentary presence to hold detailed engagements with Ministers and their officials, the Conservative Party; the Labour Party; The Liberal Democrats; the SNP; Plaid Cymru; Sinn Fein; the DUP; the Alliance Party. These meetings have been frequent and all on the estate organised by [my member of staff]. I have had bilateral meetings with many members of the House of Lords on the estate. [My member of staff] has also had numerous such meetings. This is a contribution to the life of the House and has provided assistance to many members (who if asked I am sure would verify this in large numbers) and I cannot see how this would be seen when the House of Lords established its guidance on the use of facilities to have been seen as breaching them.
46. Paragraph 131 of the Code of Conduct for Members of the House of Lords states that: "The House of Lords Commissioners for Standards may investigate alleged breaches of the Code, including the rules against bullying, harassment and sexual misconduct, the rules governing members' financial support and the rules governing the use of parliamentary facilities and services. A complaint made by a third party is the usual basis for the Commissioners to start an investigation. In exceptional circumstances however, and with the agreement of the Conduct Committee, they may start an investigation in the absence of a complaint, either at the request of the member concerned, or if by other means they become aware of evidence sufficient to establish a prima facie case that the Code of Conduct has been breached. In the case of allegations of bullying, harassment or sexual misconduct third party complaints are not permitted and only those directly affected by the alleged behaviour can make a complaint."
47. No member of the public has made a complaint about my use of Parliamentary facilities, including the complainant Dr Alex May, who has clearly considered these issues on his blog of November 2020. There are no shortage of people monitoring and commenting on everything I say and do. It is significant that nobody has chosen to complain about my use of Parliamentary facilities to the Commissioner.
48. For 15 years I chaired the All-Party Parliamentary Group on Antisemitism. I remain a President. There is nothing I have done in using parliamentary facilities in the Lords that I wasn't doing previously as Chair of the APPG. If I had continued co-chairing the All-Party Group on Antisemitism, I could have carried out similar activities and it would have to be within the rules about the use of parliamentary facilities. It would seem contradictory if doing this as an unpaid Government Adviser were seen to be a major breach of the rules.

49. I propose the following remedies to the committee:

(1) Establishing a PO Box for the role: Whilst I virtually never get Royal Mail post in my role, this will meet one of the Commissioner's concerns.

(2) I will make changes to my external website including removing the telephone contact from the website and will change the email contact to a generic antisemitism email rather than my parliamentary email. Whilst my staff handle all emails, I think this is a change to how the general public might see the role.

(3) If requested, I will attempt to negotiate a desk/office within Whitehall.

(4) I have also made changes to my Register of Interests under Category 6:

“Category 6: Sponsorship

The member is provided a full-time staff member through the budget as Government's Independent Adviser on Antisemitism (working two days each sitting week from Parliament and hybrid at other times and seconded to government by Antisemitism Policy Trust, a registered charity, as specified on Department for Levelling Up, Housing and Communities (DLUHC) website). The member has directly employed a second member of staff as an assistant (working part time two days each sitting week in Parliament through the budget as Government's Independent Adviser on Antisemitism).”

50. I recognise that these perceptions are important, which I think is one of the Commissioner's concerns.

51. On this basis, I appeal the requirement to make a public apology to the House. In the five years since I was appointed, I have acted in good faith, exactly as anticipated by government and in a way that I would suggest has been seen by other members of the House as being both appropriate and an assistance to their own work in the House. I regard this as a significant factor and I am certain many would testify to this if asked.

52. Any breach of the Code was inadvertent and involved no personal gain to me. Indeed, at all times I have been concerned only to carry out as efficiently and effectively as I can in my role as Government Adviser on Antisemitism.

53. It is always possible to make improvements and I am very happy to do so. I put it to the committee that the severity of a public apology is unfair.

54. Paragraph 149 of the Code of Conduct for Members of the House of Lords states that “The identity of those who give evidence to the Commissioner during an investigation will be shared where necessary with those directly involved in the investigation but will not usually be made public during the investigation, or on publication of the report, unless the Commissioner, having heard representations from the complainant, the member and the witness concerned, considers that it would be appropriate. This may also involve some redaction in reports. Where the Commissioner has anonymised someone who provided evidence, all parties to the complaint are under an obligation to protect the identity of that person and a failure to do so may constitute a breach of the Code as well as a contempt of the House.”

55. On this matter, I also appeal the inclusion of the blog by Dr May in the report. The Antisemitism Policy Trust and the individuals named by Dr May have had no opportunity to make representations and to put what might be seen as actionable allegations into a privileged paper serves to draw unnecessary attention to unconnected third parties. It is perhaps a broader point for the committee to consider whether the amplification (including potentially through national news publications or other media) of materials, and specifically the naming of individuals and organisations, through their inclusion in Commissioner's reports requires attention.
56. I also appeal the non-redaction of [my member of staff] in the report. The implication can otherwise be read that [they have] done something wrong, which again is both unfair and detrimental in a public parliamentary report. The Commissioner has not given [them] the opportunity to make [their] own representations on [their] name inclusion. And naming [them] could bring unwanted external hassle for [them] considering the febrile atmosphere we are in.
57. I hope that the Committee sees that this was not an attempt by me to bypass the rules. My understanding on registration under section 6 was that as the secondment was detailed precisely on the Government website and on [my member of staff's] Register of Interests that this was sufficient.
58. I have acted at all times in good faith and I believe the evidence demonstrates this. I am of course happy makes the remedies I have suggested to enhance transparency.