



HOUSE OF LORDS

Conduct Committee

1st Report of Session 2024–25

The conduct of a Member of the House

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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.

Membership

The Members of the Conduct Committee are:

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

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Registers of Interests

A list of interests of members and their staff can be found online:

<https://members.parliament.uk/members/lords/interests/register-of-lords-interests>

Commissioners for Standards

The independent Commissioners for Standards are responsible for considering any alleged breaches of the Codes of Conduct.

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Independent Complaints and Grievance Scheme helpline

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The conduct of a Member of the House

REPORT FROM THE CONDUCT COMMITTEE

Introduction

1. The Conduct Committee has considered a report by the Commissioner for Standards, Akbar Khan, on the conduct of a member of the House.
2. The complaint in this case related to alleged bullying and harassment. Following a detailed investigation the Commissioner dismissed the complaint. The complainant then appealed against his finding, as they are entitled to do under paragraph 28 of the Code of Conduct. The grounds for the appeal were that the Commissioner was “plainly wrong” in his findings of fact, and that there were “points of process” that undermined the investigation.¹
3. **We have carefully considered the Commissioner’s report and the complainant’s appeal, and have unanimously agreed to dismiss the appeal and to uphold the Commissioner’s finding that there was no breach of the Code of Conduct by the member in this case.**

Outline of the case

4. The incident that led to the complaint took place at the pass-controlled gate that leads from Westminster Underground station to a second, secure entrance at the foot of the escalators leading to and from Portcullis House. Although this gate is outside the secure perimeter, it in fact lies within the Parliamentary Estate, the boundary of which is indicated by the shutters that are used at night to seal off the area from the Underground station.
5. On the occasion in question, the member used their security pass to open the gate. The complainant was close behind them, but their pass was not visible to the member, and a short encounter then took place. Certain details of this encounter are disputed, and any video record of what happened had (in accordance with the relevant retention policy) been destroyed by the time the complaint was submitted.
6. The complainant, who is black, alleged that the incident was racist in character, highlighting in their appeal the “history of microaggressions” they had faced on the Parliamentary Estate. It is clear to us, as indeed the Commissioner acknowledged, that the complainant’s distress was genuine and acute.
7. Nonetheless, we emphasise that there was no evidence in this case that the member’s behaviour was racially motivated. Whatever the complainant’s distress, a conclusion that conduct constitutes bullying or harassment depends not just on “the perception of the person experiencing the conduct”, but on whether it is “reasonable” for that person to have perceived the conduct as bullying or harassment. The Commissioner was therefore correct to consider whether, in the specific circumstances of the case, it was “reasonable” for one

1 See the Guide to the Code of Conduct, 13th Edition, paragraph 196: <https://www.parliament.uk/globalassets/documents/lords-commissioner-for-standards/hl-code-of-conduct.pdf>

parliamentary passholder to regard being challenged by another passholder as bullying or harassment.

8. As part of his consideration the Commissioner drew attention to the guidance that applies to all passholders. This includes guidance that “without a pass, you should expect to be stopped and challenged about your identity, even if you are a familiar face”. There is also specific guidance encouraging passholders “to challenge those who aren’t wearing passes”, and “to be vigilant to the risk of a visitor tailgating you when accessing ... entrance points”.
9. Taking account of all the facts of the case, including this guidance, the Commissioner concluded that the member’s behaviour would not be reasonably perceived by another passholder as bullying or harassment. Having considered the Commissioner’s report and the complainant’s appeal, we endorse the Commissioner’s finding and dismiss the appeal.

Pass checking on the Estate

10. As well as considering the complainant’s appeal in this case, we have reflected on wider issues. In 2019 Parliament’s Workplace Equality Network for Black, Asian and Minority Ethnic staff, in a report entitled ‘Stand in my Shoes’, highlighted the experience of BAME passholders that their passes were checked more often, and more forcibly, than those of white colleagues. This prompted a Pass Checking Review, and the Director of Security established a Pass Checking Oversight Board to provide assurance that the findings of the review were being implemented. This Board has now been in place for four years, reporting regularly to the Management Boards of both Houses. Surveys show a steady improvement in the BAME staff members’ experience of pass checking, and we strongly support ongoing work to ensure that pass checking on the Estate is entirely free of racial bias.

Procedural matters

11. Paragraph 199 of the Guide to the Code of Conduct requires the Committee to publish a report either upholding or dismissing any appeal against the Commissioner’s findings.
12. Paragraph 200 of the Guide states:

“Before publishing its report, the Committee will consider whether any decisions relating to the anonymity of those referred to in the Commissioner’s report need changing. This may involve redacting or amending the Commissioner’s report. In exceptional circumstances, it may require not publishing the Commissioner’s report.”
13. Both parties in this case were anonymised in the Commissioner’s report. This is the first time that a respondent has been anonymised in a report by the Commissioner. Taking this into account, and to give further protection to both parties, we have decided, exceptionally, not to publish the Commissioner’s report.
14. **We make this report for information.**