

Committee on Standards

Oral evidence: Work of the Parliamentary Commissioner for Standards, HC 881

Tuesday 15 November 2022

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Members present: Chris Bryant (Chair); Ms Tammy Banks (Lay Member); Andy Carter; Alberto Costa; Mrs Rita Dexter (Lay Member); Allan Dorans; Yvonne Fovargue; Sir Bernard Jenkin; Mehmuda Mian (Lay Member); Victoria Smith (Lay Member); Mr Paul Thorogood (Lay Member); Sir Charles Walker.

Questions 1-41

Witnesses

I: Kathryn Stone OBE, Parliamentary Commissioner for Standards; James Davies, Registrar of Members' Financial Interests, House of Commons; Helen Reid, Senior Investigations and Complaints Manager, House of Commons.

Examination of witnesses

Witnesses: Kathryn Stone OBE, James Davies and Helen Reid.

Q1 Chair: Welcome to this public sitting of the Committee on Standards. We have here the Parliamentary Commissioner for Standards, Kathryn Stone. Kathryn, would you like to introduce your two colleagues by your side?

Kathryn Stone: Absolutely. James Davies is the registrar of Members' interests. Helen Reid is the senior complaints and investigations manager in the team.

Q2 Chair: The acoustics in this room are really difficult, so everybody has to give whatever breath they have available to answering. Let me start the questioning. Is there anything that frustrates you about your job? If so, what?

Kathryn Stone: How long have we got? There are many, many things that are frustrating about this role, but I hope that as we go through your questions for me, I can answer in more detail. I wonder if I might begin with some introductory remarks, which might go to some of those frustrations.

Chair: Tell us what frustrates you first.

Kathryn Stone: Okay. One of the very real frustrations at the moment is the number of complaints that I am receiving about the conduct of Ministers. There is no replacement for Lord Geidt, the independent adviser on ministerial interests. There has been lots of commentary that there will be a replacement for Lord Geidt very soon, but even if there was, the recommendations of the Committee on Standards in Public Life have not yet been implemented, so that individual would not have, for example, "own initiative" powers, and so could not undertake investigations on their own initiative on a range of different topics. That is quite frustrating. I would say that is one of the biggest frustrations at the moment.

Q3 Sir Charles Walker: Could you give us some specimen examples, without going into details, of the types of complaints you are receiving about Ministers?

Kathryn Stone: Failure to register and declare financial interests is a very big area that people complain about. That has been very frustrating, for not only my office but for this Committee. I know that this Committee has worked very hard to try to persuade Government that ministerial interests should be registered and declared in the same way as the interests of ordinary Back-Bench Members of Parliament. James, do you want to go into the number of registrations that we have published?

James Davies: I can give a brief comparison between the ministerial transparency data and the registers that I maintain. This is not a full list; I covered a range of about eight Government Departments for their publications in 2022. The majority of them have published two editions:



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one for January to March, and the second for April to the end of June. By contrast, this year we have published 20 editions of the Register of Members' Financial Interests. The next one is coming out, I hope, tomorrow. That is up to date as of the beginning of November. In terms of regularity of publication and the up-to-dateness, there is a marked difference between what Parliament does and what Government Departments do.

Q4 Chair: Do you have any other examples of things that you get complaints about in relation to ministerial code?

Kathryn Stone: I can give you a few more examples. The highest volume of complaints that my office received was about the partygate fines for the former Prime Minister and the then Chancellor. There were just south of 1,500 complaints about that. Obviously, that is outside my remit, but people had nowhere else to go to make those complaints. I also received complaints about a newly appointed Education Minister making an offensive gesture at crowds outside Downing Street. That caused a high volume of complaints from members of the public. As I said, as those complaints were about Ministers, they fell outside the code of conduct.

To go to a more contemporary example, in recent weeks my office has received dozens of complaints about the former Health Secretary Matt Hancock's choice to appear on a reality television programme while sitting as a Member of Parliament—a choice that has resulted in him losing the Whip. It raises really important questions about Members' proper activities while they are supposed to be fulfilling their parliamentary duties and representing their constituents. If I may, I would like to share some correspondence that I had from a member of the public on this matter. One member of the public contrasted the dignity of veterans on Remembrance Sunday with the former Secretary of State. They said that this individual was waiting for a "buffet of animal genitalia", and they wondered what had happened to the dignity of public office. Those are just samples of complaints that I have received.

Q5 Chair: But that last one is not in relation to him as a Minister, is it? It is in relation to him as an MP.

Kathryn Stone: No, but you asked about frustrations. Thinking about that example, there is no job description for Members of Parliament, but we have to think very carefully about the conflict between public and private interests, bringing the House into disrepute and so on. I am obviously aware that other Members of Parliament have been involved in all sorts of different activities, but it raises the question for members of the public: what are the proper activities that Members of Parliament should be engaged in while the House is sitting? I think that is the broader question, and something that the Committee might wish to consider in the future.

Q6 Chair: Is it something that you can investigate?

Kathryn Stone: I am afraid that that will be for the next Parliamentary Commissioner for Standards.



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Q7 **Chair:** I didn't mean this particular case, but in general.

Kathryn Stone: No, because it does not breach a rule per se, unless we are thinking about the conflict between personal and public interests, and settling that conflict in the interests of the public. I just wanted the Committee to be aware of the strength of public feeling on these issues.

Q8 **Mrs Dexter:** In one of your examples, you made reference to a Member losing the Whip. One of my frustrations as a lay member of the Committee is that I feel that there is no consistency, and no visible rulebook about matters relating to individual Members, about whether a matter goes into the party system—if there are party systems, which I am not in a position to know—or about whether there is to be an investigation by you as Parliamentary Commissioner. It often feels to me that the route that a complaint follows is completely random. Would that be a fair conclusion, and do you think that there are better ways of doing this?

Kathryn Stone: I think it would be a fair conclusion, actually. One of the other frustrations that I have experienced is that Members of Parliament say to me that their party—I am talking about a range of different political parties here—has launched an investigation, but it has been inconclusive or not been conducted properly, or there has been some frustration with the outcome of that investigation. On more than one occasion, a Member of Parliament has attempted to refer themselves to me because they are so frustrated about what their party is doing to respond to allegations made about them.

One thing that could usefully happen is that parties could consider where their complaints processes fit into an overall standards, regulation and disciplinary process, so that there is complementarity, rather than us having siloes and, as you say, there being inconclusive decisions, with people not really knowing where to go for the best outcomes.

Q9 **Chair:** You will know that paragraph 13 of the rules says: "The acceptance by a Member of a bribe to influence his or her conduct as a Member, including any fee, compensation or reward in connection with the promotion of, or opposition to, any Bill, Motion, or other matter submitted, or intended to be submitted to the House, or to any Committee of the House, is contrary to the law of Parliament." If a Chief Whip gives money to a Member, and then says, "Don't forget I own you", doesn't that breach paragraph 13?

Kathryn Stone: In response to that, Chair, I think I would say that I have to consider very carefully any live case, and I do not want to prejudice or undermine any investigation into a live case.

Q10 **Chair:** Okay, fair enough. Do you have any other frustrations in your job—about resources perhaps, or about the way the world deals with you?

Kathryn Stone: I think it is a matter of public record that last year, my office and I were subject to some fairly hostile commentary, sadly, from a minority of Members of Parliament and Ministers. The support offered by



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this Committee and others in respect of the decision-making about the Owen Paterson case was overwhelming, as was the support from members of the public, who wrote in numbers to support the work of my office.

It would be really helpful for the Committee to consider how the role of the Commissioner could be supported and strengthened. Any attempts to undermine or attack the office of the Commissioner should be dealt with robustly—in the way that you dealt with them very recently, when a letter was written to me that was designed to intimidate me into a different position, in my view. I am grateful to you for the action that you took on that. That also gives strength and courage to the team at the office of the Parliamentary Commissioner for Standards, who work very hard to implement the rules and the code of conduct without fear or favour. Those are frustrations that the Committee are aware of, and I have been grateful to you for the work that you have done to give very clear signals that that kind of behaviour is not acceptable.

- Q11 **Chair:** This is the last one from me. Is there anything about the system that is not working as perfectly as it might, and that you would like to change? I am conscious, for instance, that we have already referred to the code of conduct, the Standards Committee, the Electoral Commission, the ministerial code, the party rules and the law of the land. Could any of that be better fitted together?

Kathryn Stone: If you remember, last year we identified 13 different remits and bodies in the parliamentary standards system. Inevitably, that brings confusion and frustration. The next time the code of conduct is reviewed, the Committee might want to look at whether some of those could be simplified, and whether some of the codes could be brought together. I do not think there could ever be the equivalent of an independent office for parliamentary conduct, for example, because the Lords and the Commons work in very different ways, and there are all sorts of different interests around the side of that; but if we have all those different regulatory bodies, and they do not have “own initiative” powers or the opportunity to issue sanctions and write independently to people, then that could quite properly be reviewed. I am confident that the Committee would have a very clear role in that.

- Q12 **Chair:** Would you like political parties to be able to subsume their investigations into a system such as yours?

Kathryn Stone: I would not presume to tell political parties what to do about their own disciplinary things.

Chair: Oh, go on!

Kathryn Stone: What I will say is that they need to be transparent and clear about what their processes are, not least for the people who are subject to those disciplinary processes. We have heard time and again that Members who have been subject to those processes simply find them too opaque and unclear, and want a better route through. As I said, if the processes were properly complementary to a broader system, that would be better for everyone.



- Q13 Alberto Costa:** Good afternoon, Commissioner and team. My question is about confidence. Do you think the system has the confidence of MPs' staff and the public? I would like to break that down, first, starting with MPs. Can you give some anecdotal evidence on where you think there is confidence in the system among MPs?

Kathryn Stone: My office and this Committee have worked hard to promote confidence in the standards system in the House of Commons. The collaborative nature of the working, while maintaining a critical friendship, has been key to promoting confidence. The fact that my office undertakes investigations that are evidence based, and that follow clear investigative processes resulting in fair outcomes that withstand scrutiny, can give the House of Commons and the public confidence in the process as is.

In addition to that, Sir Ernest Ryder's review gave a vote of confidence to the system as it stands at the moment, and an additional layer of appeal function to the Independent Expert Panel also gives confidence. So I think that Members of Parliament can be confident that the system for code of conduct investigations works very well. It does withstand scrutiny, and people understand that the outcomes are fair and are arrived at via evidence. Even if they do not like the outcome, we arrive at it in a fair and evidence-based way.

- Q14 Alberto Costa:** You mentioned Sir Ernest. Of course, he has proposed fundamental changes. The opinion—the memorandum—that you presented to this Committee was regarded by the Committee as a first-instance decision, and the Committee considered itself an appellate body.

Sir Ernest, of course, advised that, to have better confidence in the system, your decision was not to be regarded as a decision as such but actually as an opinion, and that this Committee should consider itself as the first forum of decision making—as a first-instance decision-making body.

Sir Ernest also recommended, and we have approved, a two-tier appellate system. He also said that, to have better confidence in the system, the Commissioner should not be present during the deliberations when the Committee is adjudicating. Those are quite radical differences to help boost the confidence of the system. Do you not agree?

Kathryn Stone: In the past five years, the system of standards in the House of Commons has been subject to a number of changes and shifts. The evolution in the change in the system of standards is quite proper, and it must shift and change. The recognition of that by this Committee was in inviting Sir Ernest Ryder to comment on the process.

What Sir Ernest Ryder also said was that he was confident in the rigour of the investigations undertaken by my team; he was confident in the evidence-based nature of them. The shift from a decision to an opinion, and attendance at the Committee, are all evolutionary changes, which we



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are very happy to accept as part of a continual process of improvement of the standards system in the House of Commons.

- Q15 **Alberto Costa:** On confidence, without naming any particular case but with the benefit of hindsight—we all make mistakes in our professional lives; none of our judgments is perfect and I would certainly put myself at the very forefront of that, as the imperfect human that I am—in your professional life as Commissioner, would you say to the Committee that, actually, there might be some decisions that you have made in the rectification process that perhaps you could have adjudicated differently on to give better confidence in the outcome?

Kathryn Stone: Something that has been a hugely positive step has been the Committee on Standards supporting the issuing of words of advice to Members. That has really helped with proportionality. Therefore, I would not admit to mistakes, Mr Costa—certainly not publicly—but what has been positive is the opportunity to take a more proportionate approach and issue words of advice to Members. That has been welcomed by Members, has certainly saved investigative time and, as I said, I think it is a more proportionate approach to inadvertent minor breaches of the code of conduct.

Alberto Costa: Thank you, Commissioner.

Sir Bernard Jenkin: On that point?

Chair: Go on then, Bernard. I was going to go to Mehmuda, but we will go with you.

Sir Bernard Jenkin: Some Members who have been subject to an investigation, which has been resolved without any rectification, because it is based on a misunderstanding—

Chair: You might have to speak louder, Bernard—sorry.

- Q16 **Sir Bernard Jenkin:** How do you decide when to make something a formal investigation? Obviously, that is a threshold point, at which the Member's name becomes public and the relationship between you and the Member becomes much more formalised. What scope do you have to decide, "Well, this may prove to be a breach, but why don't I invite the Member in for a private discussion first, to have an initial discussion about it and see what it is really all about?", to avoid exposing the Member?

Kathryn Stone: Before I invite Helen, as senior complaints and investigations manager, to make a few comments about that, I will say that one of the things we absolutely won't do is sweep things under the carpet. That would be a breach of the Nolan principles and would not be consistent with the procedural protocol that has been agreed by this Committee and by the House. Helen, do you want to pick up the specific point?

Helen Reid: This is set out in the procedural protocol but was previously in the guide to the rules and the Commissioner's information note, so it



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isn't a change in process. The Commissioner will start an investigation if they consider that, first, "the allegations fall within their remit"; secondly, "there is sufficient evidence to justify the initiation of an investigation into whether a Member has breached the Code of Conduct"; and thirdly, "an investigation would be proportionate". If those three tests are met, the Commissioner will initiate an investigation.

Q17 Sir Bernard Jenkin: I am very grateful—I am actually looking at the protocol—that you have reminded the Committee of those words, but both b and c, whether there is sufficient evidence and whether an investigation would be proportionate, are value judgments: judgments that could stray in one direction or another.

This isn't about inviting the Commissioner to sweep things under the carpet—far from it. But the anxiety of being under investigation and it being publicly known is terrible for Members. We might argue that it shouldn't be terrible, but it is. Deciding that those thresholds have been met is a very, very big thing for Members. That is what Members say to us.

What scope have you got? How sufficient does evidence have to be? Have you got scope to say, "Well, let's just pause this. Let's have a conversation with the Member concerned and see whether there is sufficient evidence" or "Let's just see whether an investigation would be proportionate at this stage by having a conversation with the Member and giving them some advice"? That may just clear up the matter and not require the Member to be embarrassed in public.

Kathryn Stone: I recall us having this conversation before. Those value judgments are why you have an independent Parliamentary Commissioner for Standards and you have an individual and a team of people who are used to making decisions based on information and evidence before them. That we publish the names of those people who are under investigation was a decision taken by the House in 2021.

Sir Bernard Jenkin: I am not questioning that.

Kathryn Stone: And what we do when we investigate things and do not uphold the allegation is demonstrate that the system works. I think it is a very important way of demonstrating the openness principle of the Nolan principles, and also the accountability principle.

There are many, many Members who have been subject to investigation and who have been very complimentary about the humane, kind and compassionate manner in which we investigate the allegations about them. And when there are complainants—for example, with Independent Complaints and Grievance Scheme complaints—we are equally kind, compassionate and humane to them. So we do understand the impact on Members and we do understand the impact of negative commentary in public. I really do have first-hand experience of that and understand that very well.

Sir Bernard Jenkin: Do—



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Chair: Sorry, Bernard, let me come in, because I think this might help. Commissioner, in 2021-22 you completed 41 cases and 10 allegations were not upheld. I understand that you are saying, "And that shows that the system works," because you have come to a conclusion. However, I think Sir Bernard's point might be, "Well, why did you start those 10 investigations in the first place?"

- Q18 **Sir Bernard Jenkin:** Yes, and even once the investigation has started, what scope is there or what invitation is there? "Come in and talk about it. Let's put all the cards on the table and see if we can set this right" is not brushing things under the table, but resolving things. I think a lot of Members feel that once an investigation has started, it might not be intended to be an adversarial process, but it feels adversarial.

Kathryn Stone: One thing I would like very much to say to this Committee is that we must maintain an inquisitorial approach rather than an adversarial approach. That is what we do. Again, the process of the investigation is set out in Standing Orders, in the procedural protocol, and we have those conversations. It is part of the process of the investigation.

- Q19 **Sir Bernard Jenkin:** So, once the investigation has started, the Member is aware that they can come in and talk to you about it at any time.

Helen Reid: Yes. The initiation letter sent to the Member always makes it clear that the Member can ask for a meeting with the Commissioner at any time. Also, to come back to your point about the number upheld, that was, looking over the last five years, a bit of an anomaly because there was quite a number of investigations into the attendance at the Brit awards, whereas the year before it was one not upheld.

In 2019-20, it was three not upheld, and in 2018-19 it was one again, so that was a bit of an outlier. Not only does the Commissioner make it clear in her first letter that a meeting is an option, but a member of the team offers first contact with the Member to talk them through the process and answer any questions that they might have.

- Q20 **Sir Bernard Jenkin:** But also to discuss the case?

Helen Reid: Yes, at the meeting with the Commissioner.

Sir Bernard Jenkin: It is certainly the advice I give Members: go and see the Commissioner—see if you can clear it up as quickly as possible.

- Q21 **Mehmuda Mian:** Good afternoon. What would you say about the way standards in Parliament are now? Would you say they are better or worse than when you first joined all those years ago?

Kathryn Stone: Probably the easiest answer is to say that they are different, but the answer is yes and no. They are very different. The parliamentary standards system cannot escape the fact that Members have a leading role in deciding, applying and upholding standards that apply to Members, including the nature and appropriateness of sanctions.

We have talked about the ways in which the role of the Parliamentary Commissioner for Standards has been individually targeted and what can



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be done about that. We have seen commentary in the last few years about what many have described as the erosion of institutions and constitutional guardians in the wider standards sphere. The Chair of the Committee on Standards has said to this Committee, and publicly, that equivalent rules should apply to Ministers as well as to Members of Parliament. As I said earlier, even if that person were to be appointed, they would still need to have their own initiative powers so that Ministers can stay in check, too.

My office receives an enormous number of complaints from the public highlighting that there is nowhere else to go when they want to talk about accountability in parliamentary standards. And that is not confined to members of the public. You might recall that a senior official wrote me an open letter about what the previous Prime Minister knew or did not know about the alleged conduct of a Member of Parliament before appointing them to a senior position.

We do have, obviously, the Independent Complaints and Grievance Scheme, and that is a really important step in a cultural shift about bullying, harassment and sexual misconduct. What we see is that more and more people are coming forward with complaints about bullying, harassment and sexual misconduct. It now seems to me that every time you open a newspaper, listen to the radio or watch the television, there is a story or somebody's personal account of bullying, harassment and sexual misconduct.

There are some challenges with that scheme, which need to be addressed, and I hope to talk to the Committee about that at another time, but it is a material improvement to have such a scheme as part of the parliamentary standards system.

Q22 Mehmda Mian: Do you think that the public think that standards in Parliament have improved over that period?

Kathryn Stone: From the correspondence I have received, I think that the public have gone from anger to despair, if I am honest. People write to me absolutely despairing of what they see. I must balance that by saying that this is a minority of Members of Parliament or of Ministers. I want to put on the record that the majority of Members of Parliament work incredibly hard for their constituents and incredibly hard in Parliament. However, members of the public do write in expressing their anger, frustration and despair at the conduct of a very small number of Members of Parliament.

Q23 Chair: Eighteen MPs have been suspended for a day or more in this Parliament, or have left Parliament before their suspension was agreed by the House. That is the biggest in our history. That shows either that we are the worst lot of scandals that have ever been, or that we have a system that is dealing with the serious issues and that, when they are serious, we tackle them seriously. Where do you fall on that spectrum?

Kathryn Stone: I think it is the latter. I think that what has happened is that this Parliament, this time, has said: "Enough is enough. We will not tolerate abuses of power or authority. We will not tolerate breaches of the



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code of conduct. We will not tolerate intimidation of officials or of people in public life.” This Committee and the House should be commended for the work that they have done to shine a light into some dark corners of conduct and standards in public life.

- Q24 **Sir Charles Walker:** I can say this, because I am leaving: I wish that I had someone to write to about the anger, desperation and despair that I have about the conduct of a minority of my constituents. We have to recognise that not all our constituents are saying this; most are, but some are not.

Members of Parliament are subjected to enormous levels of abuse and of physical threat, and I am afraid that when you are under that sort of pressure, it can result in negative behaviours. That is not to excuse the negative behaviours, but there are very few jobs as pressurised as this. I have numerous colleagues who have constituents either going through the criminal justice system or already in prison for threatening both their lives and those of their families. You have to temper that.

Kathryn Stone: May I respond to that, Sir Charles? I understand that absolutely. I understand that Members of Parliament have been murdered in recent years and subjected to death threats, abusive correspondence and violence, and I am very sorry about that. Equally, I have been subjected to death threats and to very serious security threats, and have received incredibly abusive correspondence. Those of us who work in public life understand well such pressures.

I would also say that you are absolutely right that that does not excuse some of the conduct that we see. Where members of the public behave badly, there are systems and processes outside this place to deal with that. I am afraid it is not my job to police members of the public; it is my job to consider how Members of Parliament have breached the code of conduct. But I do share your frustration with how Members of Parliament are treated on occasion by members of the public.

- Q25 **Alberto Costa:** May I ask a follow-up to the original question that Mehmuda asked? You said that the public had moved to despair, but on the figures to which the Chair has just referred—forgive my arithmetic—97% of MPs have not been found to have breached the code of conduct over the course of the year. Do you not agree that that is something the public should be informed positively about? Yes, 3% have offended, but out of a very disparate UK-wide body of almost 650 people, 97% are observing the rules. Is that not an achievement?

Kathryn Stone: I think that would be something for the Committee to comment on, and to promote in any reports that you wish to write and publicise. The fact is that the minority are the ones who capture the headlines, and their behaviour is, to use your own word, so egregious that it captures the headlines and causes frustration, anger and despair among members of the public and the media, and in the wider public space. It is the 3% that cause the problem rather than the 97%

- Q26 **Alberto Costa:** As Commissioner, when you receive these complaints do



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you inform the public that actually it is a very small minority, and the vast majority of United Kingdom Members of Parliament observe the code of conduct?

Kathryn Stone: I think we have just told them.

Chair: I think there is going to be a vote in 10 minutes time that at least Yvonne and I will have to go to. We would then have to suspend for a few minutes.

Mrs Dexter: I want to observe that the 97% calculation has its problems, because it excludes all the cases where there has been no adverse finding but there has been an event. An MP making an obscene gesture, which as we were told two meetings ago drew 800 complaints to the Commissioner, was not investigated and there was no adverse finding because it was outside the scope. I feel that in PMQs last Wednesday it was very clear that a Front-Bench Member was mouthing something significantly obscene at the opposite Bench Members, and that is not within the scope of an investigation either, so it is not the case, I think, that there is a clean bill of health for 97%. I think there are problems about that calculation, and as a lay member of the Committee for Standards I would feel poorer if I left the room without having observed that.

Chair: Right. Now we are having a debate among the Committee, but thanks, Rita.

Q27 **Mr Thorogood:** My question is about the time that it can take for some investigations to come to fruition. I know that we have had this conversation a number of times in my lengthy time on the Committee, and I understand completely that a lot of the lag is beyond your control because you are waiting for responses, etc. There is also the complexity of some of the cases, but as your time draws to an end this is something that is thrown at you as criticism very often. Is there anything that you think can be done in order to reduce that time, even in the most complex cases, in terms of the process?

Helen Reid: This year we have kind of stayed flat from last year. It takes about 20 working days for a matter to be processed with the Parliamentary Commissioner for Standards. As Kathryn said last year, we cannot sacrifice quality for expediency. I would say that code of conduct matters are progressed fairly promptly from this office. To go back to Bernard's point earlier, it can be very helpful if a Member, as soon as they receive an initiation letter, comes in and gives us all the information. From an investigator's perspective, that is the ideal, but at the moment I would say that we are still at about 60 working days on average. That is for all investigations, including the ones that come to Committee. I would say that generally the code of conduct investigations are progressed promptly.

Q28 **Mr Thorogood:** I have a supplementary question. In terms of the process, I presume that there are hasteners. You do not sit there waiting for a response. In terms of the process, is there anything that can be done on that time lag? I presume that some Members take a hell of a lot longer than others to respond.



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Helen Reid: We certainly do that. If there is anything else that can be done while we are waiting for responses, then we do it. If we can get advice from the House at the same time, if there are any other lines of inquiry, or if there are witness interviews, we certainly do not wait around and do things in a very linear fashion. We try to piece things together as promptly as possible. I am also really aware that in some cases, particularly with registration cases, there is very little that you can do until you get the responses from the Member. It is important as well that people have enough time to give a proper considered account, and that we give them the opportunity to do that.

Chair: Bernard, you were going to ask about confidentiality.

Sir Bernard Jenkin: I wasn't, actually. I've asked my question.

Q29 **Chair:** All right, I will ask, then. Do you think that the rules on confidentiality work?

Kathryn Stone: I think they do until somebody leaks something to the media.

Q30 **Chair:** So they are more honoured in the breach than in the observance, is what it feels like.

Kathryn Stone: And that is problematic. It might well be that the Committee wants to have a more in-depth look at confidentiality, and what action can be taken when there are breaches of confidentiality in investigations. I am acutely conscious of the reputational impact of investigations, and what we say to Members and to complainants—where there are complainants—is, "Please don't breach the confidentiality requirements." Of course, people are able to get support, to get legal advice if they want to, to talk to their Whips if they want to, and to get pastoral support, but going to the media really is not a way of progressing an investigation.

I have been very impressed by the ways in which Members have maintained the confidentiality of investigations. There have been some situations—in ICGS cases, for example—where there have been leaks to the media, and that has been problematic for all the parties to those complaints. We need to be really clear about what confidentiality means. Confidentiality does not mean secrecy, and as we discussed with Sir Bernard earlier about the publication of names and so on, openness is a principle. We need to be very careful about how we approach that, so I would invite the Committee to look at confidentiality and how it is maintained, and what happens if it is undermined during investigations.

Q31 **Chair:** Can I ask you about a knotty question? As I understand it, the House of Commons Commission is considering what to do about Members of Parliament who have been charged with a sexual or a violent crime, or perhaps are on police bail or have been interviewed under caution. Obviously, at the point of charge, that would not be confidential—that would be publicly known information—but in some lines of work, you would be formally suspended from work. You would not be able to come



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in, either for safeguarding reasons or because it is a sexual or violent crime. Do you think that is something we as the House need to address as well?

Kathryn Stone: I would not presume to advise the House of Commons Commission, but of course, I am aware that in other workplace environments, people are suspended as a neutral act while an investigation is being undertaken. I know that the House of Commons Commission are giving consideration to these issues, and I think that is for them, not for me.

Q32 **Victoria Smith:** Good afternoon, Commissioner. In your opinion, how has the role changed during your appointment?

Kathryn Stone: Well, the profile and responsibilities of the role have grown considerably. For example, when I was appointed, the independent complaints and grievance scheme did not exist, but it was implemented shortly afterwards, and I then became responsible for oversight of cases that involved Members of Parliament. In other ways, a lot of external factors have increased the profile of the role of commissioner. For example, as I said earlier, the absence of an independent adviser on ministerial interests has led people to approach my office for advice and guidance, or to try to bring complaints about Ministers.

With the public visibility of the role of Commissioner in the Owen Paterson case, although the vast majority of the fallout from that case was political, my role attracted a considerable level of hostile attention, as we have already discussed. I was surprised—really surprised—and disappointed by the very personal nature of some of those remarks, rather than the hostility being about the decision. That was quite confusing for me and for my team, but as I have said, there was a large amount of support from this Committee, its Chair, the Speaker, other Members and the public for the action we had taken. That was gratifying and helpful.

We need to think about the authority, integrity and stability of Governments when it comes to an erosion of standards in public life. The role of the Parliamentary Commissioner for Standards and of this Committee is really important in promoting stability and integrity in a political space. The role of the Commissioner is central to that.

Q33 **Yvonne Fovargue:** Can I ask about the recent trends that you have identified in complaints to your office? You have identified that there are more coming that are out of scope, about Ministers, partygate and constituency issues. What trends have been identified both in scope and out of scope?

Helen Reid: The top issues remain constituency. We get a lot of lot of complaints about constituency matters. As the Commissioner already said, ministerial views and opinions is the other one that remains up there, which is excluded from the Commissioner's remit, particularly with regards to social media—that is a trend that keeps on building.

Q34 **Yvonne Fovargue:** Leading on from that, how do you think the code



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could be better understood and promoted, first of all among the public? You talked about the despair and that there doesn't seem anywhere else to go. How do you think could promote what you actually do?

Kathryn Stone: I know that the next Parliamentary Commissioner for Standards has made education and information a priority for his term of office. We have tried to promote the work of the Parliamentary Commissioner for Standards through one-to-one meetings with new Members, seminars, and meeting with Whips and parties. This is something that all Members need to think very carefully about. My office has heard and experienced the views of a minority of Members who reject the premise and the existence of a code of conduct at all. They just do not think that there should be a code of conduct.

Parliament, and this Committee, have a very important role in this. They must support and enforce a move to a culture where all Members accept that they are responsible both for the registration and declaration of their interests and for their conduct, both in connection with their parliamentary activities and more widely. They are also responsible for other people's conduct, calling that out and helping people to manage their own behaviour. This Committee has been pivotal in publishing its procedural protocol, bringing together all the information on the entire standards system into one clearly phrased document. I think those are important steps that have been taken.

Q35 **Yvonne Fovargue:** What about members of the public? You talked about simplification, which would help both sides. How could they be told? They obviously get very frustrated when you tell them that, actually, it is not in scope and their only recourse is perhaps the ballot box.

Kathryn Stone: That is a really important point. The ballot box is a powerful tool in expressing disquiet or anger with a Member of Parliament's perspective. There is work to be done. I said earlier that the evolution of a system of standards is really important. We have more work to do in respect of informing and educating members of the public about what the code of conduct is, how complaints and allegations about Members of Parliament can be made and what we can investigate and what we cannot. But as you will be aware better than any other Members of Parliament, it has been a busy five years.

Q36 **Alberto Costa:** Just to take this further, we would all agree that the code should be better understood and promoted among MPs and the public. One of the things that we have discussed in this Committee with you and your team is that many members of the public—for instance, when I was a lawyer I was regulated by one regulatory body and I had one code of conduct to follow.

As an MP, though, I am regulated by your office; I am regulated by IPSA, the Independent Parliamentary Standards Authority; arguably, we are regulated by the Electoral Commission to make sure that we follow the rules as MPs on our party political activity; and, to an extent, we are regulated by House procedure. The issue I have had as an MP is that it can be very difficult to remember every line of every chapter in the code



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that we are talking about, let alone all the other expectations of regulation before we even begin the day job of being an MP. Do you have sympathy with that, and if so, in addition to trying to simplify this code, what other advice do you have for the Committee?

Kathryn Stone: I think that last year, and earlier today, I made reference to the at least 13 different bodies that have a remit about rules and codes of conduct in and around Parliament. I have also expressed sympathy with Members of Parliament who have to comply with all those different rules and codes of conduct. I think it would not be possible for there to be one overarching body or code of conduct for Parliament. Parliament is made up of all sorts of different places, not least the two Houses. If the House wanted to simplify those approaches, it would be for the House to decide that. I think I said last year, and I am happy to say it again this year, you would not start from here.

If you are asking me to go on to how to maintain and improve standards in the House, there are a number of things that would be very useful for the House of Commons and this Committee to consider, if I might be bold enough to suggest them. Leadership comes from the top, and this Committee has shown enormous leadership in promoting the Nolan principles. I would invite you to continue to guide and shape the code of conduct and the rules in the way that you have, and demonstrate that leadership and implementation of the Nolan principles. I would invite you to ensure that the governance of the independent complaints and grievance scheme is effective and that the quality, timeliness and confidentiality of its investigations is improved. I would also invite you to consider that the investigations in the standards system, as I said earlier, must remain evidence-led and inquisitorial rather than adversarial. An increasing emphasis on procedural grounds for appeal must avoid inadvertently favouring those who would seek to rely entirely on procedural challenges to the system. We have to stay with an inquisitorial system.

The final request that I have concerns the Committee's scrutiny of all-party parliamentary groups, which is very welcome indeed. There are around 750 of these groups. They come with risks and have the potential to be used by outside organisations to further their own interests. I sincerely hope that your review is successful in tightening the rules to reduce those risks from all-party parliamentary groups.

Chair: Thank you very much.

- Q37 **Sir Bernard Jenkin:** You say we have done a very good job in promoting the seven principles of public life. We had two very contrasting bits of evidence recently while we were doing our code review. One was from a Minister who said that the seven principles of public life are very simple, and that if people don't understand them, they should not be in public life. We had something else from the Westminster Abbey Institute, which said that in fact this is very complicated because, for example, one of the seven principles of public life is selflessness. How should a politician exhibit selflessness, given you can only gain power and influence if you



promote yourself?

There were a number of other examples given about the complexity of dealing with these often-conflicting principles. How do you think we should promote that conversation with Members of Parliament in a way that they do not find patronising or time wasting? You must have felt some of that frustration yourself, when talking to Members of Parliament, about how limited the thinking of some Members is—not through any fault of their own, but they have never been put in an environment where they are encouraged to think or reflect about it.

Kathryn Stone: Some of that goes to the selection of people to be candidates to be Members of Parliament and the education and information that is available to them about the enormity of the range of the role of a Member of Parliament, the impact on them and their personal, private life, and the huge power and authority that they then have when they become Members of Parliament. In speaking to Members of Parliament about the promotion of the Nolan principles, all I can do is reflect from my time here and working with this Committee and other Members that—I am happy to repeat this again—this Committee has indeed shown leadership, accountability, honesty, openness, integrity, selflessness, objectivity—that is a party piece, by the way—and you should be incredibly proud of that.

Chair: But not respect.

Kathryn Stone: Let's not go there again.

Having embraced lay members and having the knowledge, skill and experience that lay members bring, that all goes to enhance those standards in public life. As I said, it is an evolutionary conversation, not one that can happen in a series of transactions. Change is never linear. Change never happens on an upward, forward trajectory; there are many stops and starts along the way. I have been very proud of what we as a team, what we as an office and what we, working with you as a Committee, have achieved in the last five years.

Chair: That was a vicious attack on the Whig theory of history.

Q38 **Andy Carter:** Kathryn, I have listened very carefully to what you have said when you have previously given evidence to the Committee. You are coming to the end of your five-year term, and I have been struck today by the evidence that you have given in relation to the number of complaints you have received that you felt were out of scope. Do you think, looking to the future, that there are changes that perhaps should take place that bring more of those—particularly those issues that you are receiving at the moment that are out of scope—into the scope of the Commissioner? Do you think it could be a broader role? I think you said that we would not start from here; if we were redesigning, what would it look like?

Kathryn Stone: Somebody needs to make a decision, and make a decision soon, about what happens to Ministers who breach or are alleged



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to have breached the ministerial code. I am not the only voice that has said publicly that the Prime Minister really needs to make a decision about the appointment of a replacement for Lord Geidt. There needs to be a decision taken about the implementations of the recommendations of the Committee on Standards in Public Life. Lord Evans could not have been more clear when he came to this Committee last time and talked about what needs to happen for people to have trust and confidence in the ministerial code and how that is implemented.

That would be a very good start in promoting trust and confidence, not only around Parliament but with members of the public: that Ministers were being treated, in respect of their conduct, the registration of their financial interests and so on, in the same way as Back-Bench Members of Parliament. It cannot be easy to sit as a Back-Bench Member of Parliament and know that you are subject to more careful scrutiny about gifts, hospitality and financial interests than somebody who is a Minister or a Secretary of State. I think that is one thing that could happen very quickly and easily that would go a long way to promoting trust and confidence in a standards system in the House of Commons.

Chair: My suggestion is not just that; it is also about the fact that bullying, intimidation and all the other aspects of what might be considered, in the House—through the ICGS or through a code of conduct complaint—to be inappropriate behaviour, cannot even be investigated in relation to ministerial activity at the moment.

- Q39 **Alberto Costa:** I have a great deal of sympathy, Commissioner, with the answer that you gave to my colleague. I think the key here is having a new adviser on the ministerial code. The concern that I have expressed—I am not sure whether you share it—is that what you are suggesting would, in my opinion at least, have a major impact on our constitutional arrangements. The Prime Minister of this country has very few defined powers. One of the principal powers under the UK's unwritten constitution is the power of patronage—the power to hire and fire the Ministers that he or she, as Head of Government, wants. The concern I have always had with the suggestion that we have discussed with you in this Committee is that if we were to take your suggestion to its full conclusion it would, in effect, fetter the power of patronage. How would you resolve that?

Kathryn Stone: My response to that, Mr Costa, is that it is not just my suggestion. The Committee on Standards in Public Life has been very clear about this, as have a number of other commentators. Ultimately, it will be for the House to decide what is the most appropriate way forward with that. Very recent events have led to a large number of people saying that we need a replacement for the independent adviser on ministerial interests, and very quickly, and they need to be given the powers recommended by the Committee on Standards in Public Life in order for that role to be effective.

- Q40 **Chair:** Just to finish on my point, if an MP bullies a member of staff here, that member of staff can go to the ICGS and there will be an independent investigation—if there is enough evidence and so on—and the Member



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could end up being suspended by the IEP. If the same Member bullies a civil servant, there is no recourse.

Kathryn Stone: There are different processes for civil servants, but I know that the FDA has been calling for clarification and a more robust approach to how civil servants and others in and around Whitehall can bring complaints about Ministers and others. We have an independent complaints and grievance scheme set up, and we need to make sure that everyone who experiences bullying, harassment or sexual misconduct has recourse to a process that enables them to raise those complaints, so that this kind of behaviour can be addressed and people can be dealt with in a system that has a robust investigation process and sanctions.

Q41 **Chair:** Not least because 147 Ministers have ended up not being Ministers this year.

Kathryn, unless anybody has any other comments to make I want to say this on behalf of the Committee, and on behalf of the House, because I am not sure whether we will have a moment at which we can say ta-ra formally—that is not parliamentary language but it is south Welsh language. We have enormously valued everything that you have done: you have shown resilience, kindness, generosity and magnanimity, and you have done a phenomenal job. In the end, when one does a job for the House you do it for the nation—you are doing it for the democracy that we believe in. Anything that undermines the respect and reputation of Parliament undermines the way that we live our lives and enjoy our freedoms. If that is not too pompous a paragraph—it probably is—we are nonetheless enormously grateful to you. I do not know whether you want to say a word about anything else to finish us off. We will then go into a private session to cover a couple of other little issues.

Kathryn Stone: First of all, let me thank you for those remarks, Chair, and thank you on behalf of my team for those remarks. I do not sit here as an individual; I sit here as a member of a team, and I am privileged to work with a team who are brilliant in every way. The key to success in public life, or in any walk of life, is to employ people who are a lot better and smarter than you are, let them do their thing and, every now and again, shout words of encouragement from the sidelines.

I think you, Chair, have shown very real courage in shining a light into standards and promoting standards. I have been grateful for your public support for me during some very, very testing times. The abuse I received from a minority of Members and from some outside the parliamentary community during the Paterson affair did not affect my decision making, but the House needs to be better at challenging officials who cannot respond. You, Chair, and Mr Speaker made it clear that such abuse was unacceptable, and the decision you took only very recently to add an additional term of suspension for intimidation of me showed that very clearly.

I also want to highlight the very positive impact of lay members on the Committee. They bring an enormous amount of knowledge, skill and



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experience from outside this place, and their professionalism has enriched and enhanced the life and work of this Committee.

I thank the Independent Expert Panel and its chair Sir Stephen Irwin, and also Sir Ernest Ryder, who you invited to review the process. All those people are very good news indeed for the standards system.

I want to thank the Committee, its members, Clerks, staff and the fabulous comms team for all their work. Every single person involved with this Committee is personally and professionally committed to promoting and maintaining standards in public life. Allow me to indulge a public thanks to my own team, who, like me, know that standards matter.

Chair: Thank you very much—and your Oscar is now available to be collected. We will suspend briefly because the recording has to be switched off, which is very exciting.