

Committee on Standards

Oral evidence: Code of Conduct, HC 671

Tuesday 12 January 2021

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Members present: Chris Bryant (Chair); Mrs Tammy Banks (Lay Member); Mrs Jane Burgess (Lay Member); Andy Carter; Alberto Costa; Mrs Rita Dexter (Lay Member); Chris Elmore; Mark Fletcher; Sir Bernard Jenkin; Anne McLaughlin; Michael Maguire (Lay Member); Dr Arun Midha (Lay Member); Mr Paul Thorogood (Lay Member).

Questions 133-184

Witnesses

I: Sir Graham Brady MP, Chair, 1922 Committee, John Cryer MP, Chair, Parliamentary Labour Party, and Patrick Grady MP, Chief Whip, Scottish National Party.

II: Feryal Clark MP and Allan Dorans MP.

Examination of witnesses

Witnesses: Sir Graham Brady MP, John Cryer MP and Patrick Grady MP.

Chair: Welcome to our witnesses for our inquiry into the House of Commons Code of Conduct. We are very grateful to have the respective representatives from the parliamentary Labour party, the Conservative party and the SNP. We have a series of questions, but there is no sense of this being a kind of “Gotcha” session; we are just trying to get the general impression of Members of the House about the Code of Conduct, how it operates, how it should operate and how it could maybe operate better.

It is worth your knowing that we will also be conducting a survey of Members, and some serious qualitative work, asking individual Members about their experience. In that way, we hope to come to as full a review of the Code as possible, and something that we hope will have the support of the whole House, so that we can carry things forward. Without any further ado, I want to move on to the questions. We will start with Sir Bernard Jenkin.

Q133 **Sir Bernard Jenkin:** Good morning, everyone. How has your relationship with the Code of Conduct developed over the years? How do you feel it affects how you behave in your professional life?

John Cryer: Thank you, Bernard. You have all seen the Code of Conduct; it is horrendously complex and lengthy. I think there is an imbalance in it, because the vast majority relates to financial accountability and declaring interests and donations, and things like that. That is very complex and I think it probably means that you become—not paranoid, but certainly very careful and constantly thinking. Say your constituency party gets a small donation, you think, “Shall I declare that? Even if I don’t have to, according to the rules, maybe I should anyway, because that would be in the spirit of it.” Ideally, we need to simplify the Code of Conduct, because when you look through it, there is just page after page of various regulations, for want of a better word.

On the other hand, I am not sure how we do simplify it. If we are to have accountability, which clearly the public want, and certainly the press want, you have to tell people exactly what is expected of them. My fear is that, to simplify it, you either say, “Right, it is a free-for-all; do whatever you want”, or you remove any outside business interests. The vast majority of MPs I know have not got any outside business, but I am not sure that you can remove outside interests. For instance, I can think of a couple of Labour MPs who work shifts as doctors. Should we be telling them that they cannot work those shifts? Probably not. It is not easy to see a way around it.

The other side of the Code of Conduct is how you treat staff, and not just your own staff but House staff. There is not that much emphasis on that; there is very little in the Code. There is the Behaviour Code, and we have all seen the posters around the House of Commons on the Behaviour Code and the ICGS, to which it is connected. I would have thought that one of



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the things we could do would be to incorporate the Behaviour Code into the Code of Conduct, because it is not part of it at the moment. That is my understanding anyway. I do not know if that answers your question.

Q134 **Sir Bernard Jenkin:** I have some supplementary questions, but let us hear from the other two witnesses.

Sir Graham Brady: There is a pretty good understanding, among most Members, of the Nolan principles, which are now pretty ingrained and used in many different environments. I think you have quite a good understanding of those principles, and a pretty good recognition of the need to be transparent, especially to declare interests. Those two things together take you most of the way there. If you then add on the expectations, quite properly, in the Behaviour Code and so on—all the stuff that is now in the ICGS—I think you have that reasonably well covered.

One observation that I would make, Bernard, is that going back over 23 years—you have longer experience of this than I have—generally, the presumption that you should be open and register things is perfectly sensible. In the past, I have had situations—for instance, I was a governor of a university. It struck me that, although it was an unremunerated interest, it was quite a major one, which was far more likely to influence my behaviour than a minor pecuniary interest that might crop up. I immediately got in touch with the Registrar and said, “Can I please register this?” At that point, which was probably slightly more than 10 years ago, I was told that I could not. That seemed absurd.

More recently, in the last few years, I have been a member of a multi-academy trust. Again, that is far more likely to affect my behaviour than a pecuniary interest would. Now I am able to register that, which seems to be a sensible progression. I think there should be a presumption that the system is there to assist Members to do what they know or think is right, and to be open, straightforward and honest.

I start from the premise that most Members of Parliament come into the House with pretty high standards and a high level of integrity. Most people come into the House because they are committed to public service, and that is what we should expect of them.

Patrick Grady: I do not have the same length of distinguished service as my colleagues on the witness panel, and I have quite a clear memory of first being elected and receiving the Code of Conduct and the rules that go with it in a very distinctive binder. I remember having the initial meeting with Kathryn Stone and it being quite up front that this was something you needed to be very familiar with and that it was to be a foundational document or guide to your behaviour as an elected representative. In that sense, it is very helpful.

I agree with Sir Graham about the Nolan principles. The Code itself and the foundational principles are relatively short. Where John is probably right is that you then start drilling down into the guide section, which

basically tries to cover 650 different scenarios, because everyone will have a slightly different interpretation or a slightly different understanding. That is where some of the complications, if there are any, start to arise.

It is also right that developments in recent years in the ICGS, the Behaviour Code and relations with staff ought to be brought more clearly into the Code. You almost have three governing documents now about your behaviour and your activities as a Member: you have the Code of Conduct and the rules, which refer back to the Standing Orders and the authority of the House; you have IPSA's set of regulations; and there is now the Behaviour Code. If there is a way that they can be linked a bit more clearly, that would be worth exploring.

Q135 Sir Bernard Jenkin: You have all touched on the principles of public life, and you have talked much more about the regulations and rules on financial disclosure, but how much confidence do you think the Code gives to the public that we actually adhere to the seven principles of public life, when they see us carrying on in the Chamber and on social media and so on?

Sir Graham Brady: I would say that all this must be taken in the context of the degree of scrutiny that all Members now operate under. It is rather similar to the IPSA situation, where many of us think that the real job of IPSA was done by ensuring the timely publication of expenses, because once everything is in the public domain, nobody wants to be found to have claimed for something that seems absurd or dubious. A large degree of self-policing comes out of that kind of transparency.

Coming to Sir Bernard's question, the flipside is that, as we all know, in large parts of the public, the media and social media there is a prevailing presumption that we are all crooks and doing something nefarious all the time. We have to aim off a little bit to recognise that there is that scrutiny. Some of it is absurd and some of it is just out to get Members of Parliament, but we need to work on the presumption that the more openness and the more transparency there is, the more likely things are to win public confidence.

Q136 Chair: John or Patrick, do you want to follow up on that answer?

Patrick Grady: There is a bit of an issue. They are there in the background, as the foundational document that is supposed to govern everything we do. The challenge is that you hear about the Code of Conduct when it is breached; no one goes around saying, "Congratulations everybody! You've spent a whole year observing the Code of Conduct, and you've done really well." You hear about it when it has been breached.

Q137 Sir Bernard Jenkin: You are saying something quite interesting here. You are saying that we don't really talk about the seven principles. In the Tea Room, do you chat about the seven principles of public life and how well we are doing at observing them? No.

Patrick Grady: Not until someone is not observing them.

Sir Bernard Jenkin: We fret about whether we are inside or outside the



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rules, not about the values that this is meant to be upholding. How can we deal with that? How can we address it and get people to live the values that are in the seven principles of public life?

John Cryer: Bernard, you originally asked about public confidence. It is just the way the world works that you tend not to sit around the Tea Room talking about founding principles; you tend to talk about what is happening at that time. So you talk about particular cases, or if you have had threats, which we all get these days, you tend to talk about that kind of thing. If you have had a problem with IPSA, that tends to take up an awful lot of time and energy trying to solve it.

There is an idea that the public perception of MPs is far lower and far more cynical than it has ever been, but there is some truth in that. On the other hand, if you look at the history of polling, there has never been a time when the public thought MPs were marvellous people and terribly principled. There was never that golden age. The reality—certainly in the Labour party, but probably across all parties—is that MPs are probably now more accountable, more hard working and have fewer outside interests than was ever the case, but that is not recognised.

I think part of the reason for that is the way IPSA works, and then the way the press reports the way that IPSA works. For example, when the virus started, if you remember, IPSA announced that there would be £10,000 extra for staffing given to each MP if we needed it, and a lot of MPs did need it—I have used some of it myself. When that was put out, IPSA issued a press release, and in bold—nowhere else was there any bold type—it said, “MPs will each get an extra £10,000.” Understandably, what did the press focus on? MPs are all going to get the extra £10,000. The way it was reported sort of implied that it was going into our back pockets. None of it does, as you know.

I don’t know what we can do about that, but we have certainly got to address the way that IPSA works, because IPSA is undermining everything good that is going on. As Patrick says, there is never any reporting of when you’ve done terribly well in observing the principles and the Code, and actually most of the time when people get caught out it is an administrative oversight.

Chair: John, I am keen to steer us as much as possible towards the Code of Conduct and away from IPSA, if only because we can’t do much about IPSA here. Bernard, do you want to finish off?

John Cryer: I have got that off my chest, Chris.

Q138 **Sir Bernard Jenkin:** In your experience with newer Members, how well do you think they have taken on the Code and its values? Or is it just another obstacle to be avoided?

John Cryer: In my experience, the newer Members are probably more familiar with it than those who, like me, have been around for a long time, because it has been added to. We were talking about the guidance more than anything. It has been added to and become more complex and



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Byzantine with the passage of time, so you tend to lose sight of it slightly. I find the newer Members to be more on top of it and more aware of the detail than long-standing Members.

Sir Graham Brady: I know that you will be hearing from newer Members in a later session. My sense—increasingly in recent years and with recent intakes—is that Members arrive in the House almost paranoid, because they feel that they are being monitored, watched and criticised. They get so much more social media flack and criticism in particular, so I think they are often ultra-sensitive to these things. They almost expect somebody to be trying to trip them up. I think of course that means they are appropriately careful. The danger is that it preoccupies too much of their time, and sometimes I fear for the mental health of newer colleagues, who spend far too much time in the social media world, which I think can be quite corrosive.

If I may, I will just make a brief observation on Sir Bernard's earlier point. I think there is a danger that the more you have specific, detailed rules, the more people work to those rules, and the more the criticism comes about what could be a minor technical infraction of a rule. What really matters is the principle, the values and the expectations. So I think we lose something if we move to a world where we are expecting absolute, detailed compliance with a detailed set of rules, rather than an overarching expectation that Members should behave with integrity and honesty.

Sir Bernard Jenkin: So should there—

Q139 **Chair:** I am sorry, Bernard, but we are running very short of time, and I am conscious that there are others who have questions to ask. Patrick, did you want to say anything very briefly on that?

Patrick Grady: I will defer to Graham and John's experience as longer-serving Members, but I think that for newer Members it is very up front as part of your induction. Of course, we have had this massive intake of newer Members because we have had three elections in five years. It will be interesting to drill down to that when you have newer Members before you.

Chair: Okay. I am going to go to Arun Midha, one of the lay members of our Committee, and then to Alberto.

Q140 **Dr Midha:** Good morning. I am just going to pick up on what Sir Graham and Sir Bernard talked about in different ways: MPs living the values, I suppose. Do you think the Code reflects the values and behaviours that the House expects of its Members? I am thinking in particular about whether you can see any gaps. If I may slightly lead you, obviously we have all been following the issues around Black Lives Matter and so on, and I wonder whether you think there is any merit in the Code including, for example, the need for the active promotion of anti-discriminatory attitudes and behaviours, through MPs promoting anti-racism, inclusion and diversity? Essentially, MPs are role models and they are in a significant position to be able to reflect certain standards and values in



society. May I start with Sir Graham?

Sir Graham Brady: Thank you. That is a very interesting and challenging question. I think my instinctive response is to say that it is important to be very careful to ensure that nothing in the Code infringes on the right—indeed, the duty—of Members of Parliament to engage in debate in a proper and open way. That is one of our fundamental purposes. Although you can pick up an issue and say that attitudes to race today are massively different from how they were 20,30,40 or 50 years ago, and in a way that I suspect all of us would welcome, there are still very live debates about whether positive discrimination is the right thing to do. I am very strongly opposed to positive discrimination and very strongly in favour of people being treated equally. To me, that is the absolute stuff of proper political and parliamentary debate. The danger of creating a code that might, however inadvertently, constrain that kind of proper discussion and debate should be taken very seriously.

Q141 **Dr Midha:** One might argue that it would have the counter-effect of developing the argument by developing the Code. We took evidence from the Committee on Standards in Public Life, and there was a view that perhaps of its time, following the Nolan principles and so on, the Code of Conduct in Parliament has been good but things move on, as you say. Perhaps there is an opportunity now not necessarily to develop things too formally but to have an eighth principle—not focusing solely on anti-racism, but embracing equality and inclusivity as well.

Patrick Grady: I think there is some merit in exploring that in a bit more detail. Of course, as well as being bound by the Code of Conduct, we are all bound by the law. In our recruitment of staff and how we treat each other and our constituents, we absolutely have to be compliant—our surgeries have to be accessible, for example. Members have a duty to uphold the law, including the general law against discrimination. Some of it is covered but, in the context of where society is moving, it probably is worth considering the issue. As Graham was saying, that is the role of Parliament: we make the law and we are also bound by the law. This is the place where those issues are discussed, so I think there is certain merit in teasing them out a bit more.

John Cryer: I would hope that all MPs do promote anti-racism. By the same token, I hope that all MPs promote democracy. I am not sure that it should actually be written down that MPs have a concrete duty to do certain things. That is about accountability and about how democracy works. The principle of it is that you have to go to the electorate and say, "This is my track record. If you approve of that, re-elect me." Part of that should be, you would hope, being anti-racist, pro-democracy and everything that goes with that.

One thing that I would agree with including in the Code of Conduct—I mentioned this earlier on—is the Behaviour Code and the treatment of staff. That is not a question of accountability and freedom of speech; it is something that people should be doing. I think most MPs are probably very good employers, but not all of them are, and not all of them treat



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their staff particularly brilliantly, so that should be enshrined in the Code of Conduct.

Chair: I am slightly conscious that when we leave it to the electorate to sort out bad apples, the danger is that that sword does not apply equally for those in a very safe seat of one political party or another. When I was working for the party nearly 30 years ago, I remember telling local authority leaders who we believed to be fundamentally corrupt—these were Labour local authority leaders—that we would hang them out to dry and they would have to face the electorate. They said, “Fine”. So we threw them out the Labour party and they all got re-elected as independents because the local electorate did not seem to care very much.

Q142 **Michael Maguire:** Sir Graham, I want to clarify something you said earlier about the fact that people follow the rules rather than thinking about the principles and behaviours they should be engaged in. Do you remember the guy who landed the plane on the Hudson? He said that if he had followed the protocol, the plane would have crashed, and if he had followed his judgment, the plane would have crashed. It was the combination of both that was the issue. I want to get your sense of where you think the balance is at the minute. Is there too much codification that needs to be stripped back, or is it a case of clarification?

Sir Graham Brady: What I would say is that where it works—this comes back to Patrick’s comment that, most of the time, Members are behaving well and there is not a problem, which is the thing that does not get reported—it works far more because Members have a sense in their own minds of the principles and values and the way in which they ought to behave. Most of us would have an alarm bell which might ring that says, “Hang on, that either may not be right or certainly would not look right. Let’s make sure that we either declare something or just don’t do something.”

I think the danger is that the more detail you get into the Code and the more you try to make it a complete overarching manual for dealing with every situation that might arise, the less likely it is to be successful. The real success comes from people having that sense of proper values and personal integrity—the personal responsibility that we bear.

Members should be aware—I think they generally are aware—that they make their own reputations. Certainly in my parliamentary life of just over 23 years, the things I have been proudest of have been the conversations I have had with constituents who will say, “I don’t agree with you about this, that or, frankly, anything, but I do respect the way you conduct yourself.” In a way, we want to get to the point where that is what we are all trying to live to.

Q143 **Michael Maguire:** Do you think the balance is wrong at the minute?

Sir Graham Brady: I am not saying that the balance is necessarily wrong at the moment; what I am saying is that whatever detail you have in a code, some of that will be important, but I do not think it is the detail in the Code that delivers the outcomes that we all want to see. I think it is a



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higher expectation of integrity and a commitment to public service and for Members to understand themselves that they are largely in control of that.

Q144 Alberto Costa: Good morning, gentlemen. My question is for Graham and John; given that Patrick is Chief Whip, it may not be that appropriate for him. In your representative roles, as in effect the Back Benchers' trade unionists, if I can put it so simply, do you get Back Benchers coming to see you to say, "Look, I may have fallen foul of a particular clause in the Code of Conduct. Are you able to guide? Are you able to assist? Are you able to write to the Parliamentary Commissioner for Standards? Are you able to have a chat?"? Is that something that features in your roles as Back Benchers' representatives?

Sir Graham Brady: Certainly, from time to time, colleagues will say, which in some ways is the most welcome thing, "Do you mind having a chat? I'd like to take your advice on something," before there is a problem. Obviously, I am always happy to try to help with that. There have been occasions when colleagues have said, "I might be in a spot of bother. How do you think I best deal with that?" I have certainly given advice to people about how best to engage with the process and how to try to take things forward. I do not think I can recall being asked to make direct representations on behalf of somebody in that context, but I may be mistaken. Nothing comes to mind on that.

John Cryer: My answer would be similar to Graham's. I very regularly get people—well, not coming to see me at the moment—ringing me to say that they might have some trouble on the horizon or really just to let off steam. Similarly, however, I cannot remember a single time that somebody came to me to say, "Could you speak to the Committee?" or speak to the Commissioner or anything like that. I don't think that has ever happened.

Q145 Alberto Costa: My final question goes back to a point that Graham made. In effect, what you were saying was about prescriptive rules versus rules based on principles. I have a bit of an issue with that, and I would like your view on this.

For example, there is one rule in the Code of Conduct that says you should register, or consider registering, directorships that you hold. It is not a prescriptive rule. It does not say that you should register all directorships. It leaves that judgment call to the Member. When you have rules such as that, there is the risk, given its subjectivity, that the Member may conclude that he or she has fulfilled the spirit of the rule or has followed the values of the rule—namely, that they have disclosed the substantive interests that they hold in a particular asset.

What do you say to the Committee in respect of the current Code when there is a choice that a Member has to make, and if the Member does not follow the technical specification of the rule, they can fall foul of it? What is your view on that?

Sir Graham Brady: From the Member's point of view, I guess my starting point, which may be incorrect, would just be to say, if a colleague came to



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ask me for advice on that, "Well, if you're asking the question, just go ahead and declare it." I think that presumption of openness is part of the key to being seen to be behaving properly. As long as we have been open in what we do, mostly the public will say, "Well, that's fine. There was no rat to smell there or they wouldn't have been transparent about it."

I know there could be some extreme examples. I think back—I do not think he would mind me raising this as an example; he is no longer in the House—to Stephen O'Brien's by-election in Eddisbury in 1998. The campaign against him centred on him having—I cannot remember the exact number—300 directorships. Of course, the truth of the matter was that he was company secretary of Redland and was therefore a director of each of the subsidiary companies, and mischief was being made out of that. The point was that everybody knew that he was company secretary of Redland. So I can see that there could be some specific instances where there is a difficulty that arises from these things, but the presumption of openness takes you most of the way.

Q146 **Alberto Costa:** Thank you. John?

John Cryer: I would say the same thing. I can remember examples where this has happened and somebody has said, looking at the Code, "Do you think I should declare that?" I have given the same advice. If there is a question mark, just declare it.

Q147 **Alberto Costa:** Patrick, do you have any comment about that?

Patrick Grady: I think there is a bit of a question about sources of advice versus regulation and how prescriptive or permissive regulations are and where Members can go for advice. Generally, as both John and Graham are saying, if you go to the Registrar, they will be extremely helpful. They will generally advise you to err on the side of caution, and if you are going to abide by principles of openness and so on, if you are in doubt about something, make it public.

Not to go down the IPSA rabbit hole, but just as a comparison, IPSA does not give you permission or advice in advance, and you end up with Members who purchase things and IPSA will not tell them whether they will be allowed to claim them back until the point of submitting the claim, which I know a lot of Members find extremely frustrating. Then they are in trouble, because then it gets published that IPSA has rejected the claim, but the Member had no choice because they had no certainty, one way or the other, about whether what they were wanting to claim was legitimate.

The advice available from the Registrar's office is generally considerably more helpful and supportive and tends to err—"err" is not the right word; it tends to swing towards openness and transparency. What you are touching on is a slightly broader issue of where Members can get advice and certainty about their course of action before they undertake it without necessarily having to refer to some extremely weighty, detailed tome. I do not know exactly how you strike that balance.

Chair: It might just be worth saying for clarity that if any of you were



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ever asked to approach the Commissioner on behalf of one of your Members, you would be breaching paragraph 20 of the Code. For that matter, you are not allowed to lobby members of the Committee either on behalf of individual Members. However, there is an important point about where you get good-quality information and support. Incidentally, the mere registration and declaration of an interest does not mean you have fulfilled your full duty, because it is one of the oldest rules in the House that you are still not allowed to advocate on behalf of something where you have a financial interest. I go to Jane Burgess now, who is one of our lay members.

Q148 Mrs Burgess: I was going to ask a question around registration and declaration, but you have already answered that in the context of other questions. I just want to explore with you a little bit more Michael's question around the balance between regulation and judgment. In a number of cases that come before the Committee, one of the commentaries that some MPs say when we feel they have had a breach is that it did not say it in the rules that they had to do that. They are using that as an excuse for why they did not do something. From the sort of context of what each of you has been saying this morning, it feels like a shift more to judgment and thinking about values and principles than absolute determination of regulation. That has quite an impact on the investigation of cases because when you have rules and regulations, it is easier to say, "You have breached," or, "You have not breached." If we go more down the road of enabling MPs to make judgments on matters, the Parliamentary Commissioner for Standards will be assessing an MP's judgment, and I would be interested to know how you think MPs might respond to that.

John Cryer: I am not sure they would take it very well, because two MPs might have different assessments. I said at the beginning that although the guidance is very complex, with all sorts of different elements, I don't see a way around that. I agree that what is more important is a general principle, but I don't see how you avoid having very detailed rules so that MPs do not have to rely on their own judgment and can look at the rules. As I said before and as Graham said, when somebody comes to you and says, "I'm not sure whether I should declare this," the advice is always, "Just declare it," because if they do not declare it and it comes out later on, they will be seen as having covered something up, although they probably have not. So I don't see how you can move to more of a system of general principles and MPs using their own judgment. Theoretically, that might be desirable, but I don't see how it would work in practice.

Sir Graham Brady: Of course it's difficult, and that is why you people have a difficult job to do, but I think that, in a way, what you have to come back to is that a finding against somebody that they breached—I am picking a number at random—paragraph 24(b), subsection (1), of a rule is less serious than a finding that somebody breached one or more of the Nolan principles of public life. That, I am sure, is something that underlies the work of the Commissioner and of your Committee and the decisions you take.



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I noticed that one of the lay members has served as an associate at the GMC, as I have. I did two terms of that and I guess it is from there that I take some of my sense of how these things ought to be done. I always thought that was a pretty good process. Tribunals of the GMC, or the MPTS as it became, were not really there to assess just specific, detailed questions of whether a rule was followed precisely. There was a much broader judgment as to what the intentions of the practitioner were and whether they had behaved honestly or dishonestly. Those were the things that often came to determine really important judgments about whether somebody was meeting the appropriate professional standard. I feel as though that is really where these judgments ought to be.

Chair: We will go to Patrick now, and then we are going to have to move on fairly sharpish, I'm afraid.

Patrick Grady: I think some of this comes back to the question of, as Graham was saying, intent and the question of advice and whether a Member sought advice from the Registrar or from the governing body—whether that's IPSA or someone else—before taking a certain course of action. There are always going to have to be checks and balances and accountability mechanisms. That is what the Commissioner, the Registrar and the Standards Committee are there for. I think there has to be this combination. The more the detail of specific technicalities, as Graham was saying, the easier it is to fall foul of them, but that does not necessarily mean that they shouldn't be there. But I think the issue of intent—I suspect that is what this Committee deals with on a regular basis when it is assessing cases—is pretty important, and that is what declarations up front are supposed to help determine.

Q149 **Michael Maguire:** I will just say, before I ask the question, that things strike me in listening to the conversation. This is not just about the balance between rules and judgment in relation to what MPs think; there is also a broader constituency, with regard to what the public think about MPs. They want to see, I think, codification as well. It is not enough just to leave it to MPs to corral their own behaviour, which is part of the problem we have had in the past. We have talked a lot about the problems of the Code. I suppose I would be interested in your views on what you think is working well and what you would want to keep as we go through the review process. What is it that we want to hang on to?

Sir Graham Brady: I would say, fundamentally, I guess, I hope consistent with my earlier responses, that the Nolan principles are at the centre, together with an expectation of openness and transparency. Obviously, and quite correctly—I forget who it was who was picking up the fact; I think it was you, Chairman—some of the old expectations of the House and conduct of Members, such as a ban on paid advocacy, are of course crucial principles. I think that works well, and most of the time, as you will all be aware, most Members are working well within that framework, because they are being cautious, because they are aware of the principles, because they tend to err on the side of transparency rather than secrecy. I think, certainly in terms of the public's perception, that the openness and transparency is probably the most important aspect of it.



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The only other observation I would make is this. I am not saying that you don't have rules and that we should move away from a code of practice with rules altogether, but probably the more developed the code of practice has become, and the more detailed the rules have become—I don't think that has been accompanied by an increase in the public perception of the honesty or integrity of Members of Parliament. If anything, probably the reverse has happened. I am not saying there is a causal relationship there, but more detailed rules don't appear to be the answer to increasing the public esteem in which parliamentarians and Parliament are held.

John Cryer: I think the Code of Conduct is working reasonably well most of the time, but just to repeat what I said earlier on, because I think this is important, I think that in the Code of Conduct the Behaviour Code, or a version of it, should be incorporated, because I don't think there is enough emphasis on how you treat staff. I don't just mean MPs' staff; I mean staff of the House. If it was up to me I would be recommending that everybody who works at the House and who works for an MP joins an appropriate trade union or staff association, but that is not going to happen.

I think, as far as the staff of the House is concerned, one of the problems is—I had better be careful how I phrase this—I get the strong impression there has been a tendency over quite a few years to employ really quite young people, very often on temporary contracts, so they feel insecure. They feel a bit cowed by the fact that they are working in Parliament, surrounded by MPs and the great and the good. To give you an example—Doorkeepers. At one time, Doorkeepers tended to have been in the forces and tended to have a long service and good conduct award, which is 25 years. Now, if you have been through that, you are not going to be too worried about an MP, no matter how grand that person is, having a bit of a strop. If you are an 18-year-old kid and you are employed on a temporary contract, you are going to be worried about that. That is just an example of the way things have gone, which, I think, has made it more difficult for the people working in the House.

Michael Maguire: Patrick?

Chair: I am very conscious that we are eating into the time of the newer Members who are coming to give evidence as well, so, Patrick, if you want to answer this and then we will move on fairly sharpish.

Patrick Grady: I think Members have to be better at not having strops in front of staff. I agree with what Graham says about the foundational principles being embedded well in all aspects of public life, but I also agree with John. I think that, on this issue of staff and human and personal relations, there is a job to be done in bringing some of these different things a bit more closely together.

On the question of public reputation, I go back to what Graham said earlier. I think that, if you drill down into some of this, most people have a relatively positive impression of their local MP, whoever they are and whatever stripe they are, but collectively the political class and politicians



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have a lot of negative connotations, and I don't know how you would ever deal with that. I think we just have to accept that that is part of political discourse, and that part of our job is to try to raise the game.

Chair: Okay. We have some quite specific questions that we need to get to, so I am keen for us to be brief-ish.

Q150 Andy Carter: Just for context, when considering the behaviour of Members, we obviously have the Parliamentary Commissioner, who investigates alleged breaches, and then the Standards Committee, which effectively determines the sanctions if breaches are found to have been made. Do you think the current process of determining breaches and imposing sanctions is fair to Members? Are there ways in which it could be improved?

John Cryer: I think it is working fairly well at present. Obviously, the indie ICGS system is fairly new, so it is difficult to comment on it because it is not really bedded in. That, coupled with the Behaviour Code, is probably a move in the right direction. I know I keep talking about the treatment of staff. The vast majority of MPs behave perfectly well, but I know of examples where that has not happened and MPs have behaved badly, and we have to tackle that. If the new system doesn't work, we are going to have to come back to it in the near future. If it is demonstrated not to work, we are going to have to do something about it, but at the moment it looks quite good.

Q151 Andy Carter: Do you think there is an understanding among Members of the differences between the ICGS, the panel that will determine, the role of the Commissioner and the Standards Committee?

John Cryer: No, probably not. It is probably a bit Byzantine. As I said before, I think that, ironically, the newer Members, like yourself, probably have a better understanding of it. I know that occasionally you get big changes, but a lot of it has grown almost organically over the years, so MP who have been around a long time very often lose track of exactly where we are, whereas newer Members have induction courses. By the way, when I came into the House, that didn't happen, from what I remember. Nowadays, you have House induction courses, and each party does its own courses—certainly we do quite a lot of them—so they are probably on top of it. For Members who have been around quite a while, I think you have probably got a point that they are not completely on top of the way the system has now changed.

Q152 Andy Carter: Patrick, do you think the current system is fair? Are there ways in which it could be improved?

Patrick Grady: To be honest, I agree with a lot of what John just said. You can see that the system is working. You guys will be far more familiar with it on a daily basis than I am. You get a range of relatively minor technical breaches that get resolved, and you get the occasional scandal, very often because someone has done something very stupid that they themselves come to regret.

We have had the #MeToo movement, which helped give rise to the ICGS. That tackled what was uncovered as a big problem, much in the same way as IPSA was established to deal with the issues around expenses that were uncovered. As John was saying, sometimes there is revolutionary change and sometimes there is evolutionary change, but by and large it appears to be operating. Hopefully there are not lots of MPs leading disgracefully scandalous practices that no one is aware of. By and large, if people misbehave, they are held to account for it.

Q153 **Andy Carter:** Thank you. Sir Graham, same question to you, please.

Sir Graham Brady: I think the starting point is that you have got to recognise—as we probably all do—that Members are very busy, and it is very easy not to prioritise looking up whatever the latest rules are. I think there's a lot in what John says. The newer Members, having been through an induction, are going to be more familiar with what the rules currently are. Some of us who were involved in discussions leading up to the ICGS and all of that are more aware of it than others would be.

In a sense, it's a good thing that Members are generally more preoccupied with trying to look after their constituents than they are with trying to look after themselves, but it is obviously also important that they try to keep abreast of these things.

One complaint I've probably heard more often than any other, which I accept is also a very difficult thing to tackle, and possibly intractable, is the length of time that the process can take. In a sense, that's a thread that runs through a lot of these issues. Members are so completely dependent on their reputations.

Accepting John's earlier comments about local councillors who get re-elected regardless of whether they had a party affiliation, most of us are acutely aware that, if somebody made an allegation against us, which might be the most fatuous or obviously vexatious thing, until it has been thrown out, our reputation is tarnished. There is even a possibility that our reputation is tarnished, even if it is then thrown out and dismissed as vexatious.

Members of Parliament are actually very vulnerable in this process. I don't want to be flippant. John talked of the number of people being employed on temporary contracts—we are all employed on temporary contracts. Our employers are able to make a judgment on whether to re-engage us, based on whether they think we are living up to the standards that they expect. That judgment could be coloured by somebody making a complaint that has no substance whatsoever to it. Colleagues are always very keen that, if somebody does make a complaint, they want it resolved as quickly as possible. I haven't looked at the statistics but I suspect that, more often than not, if they are found to have done something wrong, they will apologise and say, "I've been a bit daft. I should have done this and I didn't think of it or I forgot." They want it settled.

Q154 **Chair:** Sir Graham, we will come on in a minute to two aspects of what



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you were referring to there. I want to ask all three of you very briefly: can you think of an instance where an injustice has been done through the process to a Member?

Sir Graham Brady: Not off the top of my head.

Chair: Any of you?

Patrick Grady: I think Graham makes a good point that "Politician Accused..." is a very easy headline to write and can have quite profound consequences, even if at the end of the accusation process there is no wrongdoing found.

Chair: I think, in terms of the length of time, the Commissioner, if she were here, would probably say that that is nearly always because the individual Member takes a very long time and drags it out as long as they possibly can, in the hope there will be a general election, or something else will come along. Let's leave that to one side. Thanks, Andy; I think you'd finished. Can I move on to Anne?

Q155 **Anne McLaughlin:** I have a very succinct question because I know we are running short of time. You could really answer this with one word, I suppose. Once a sanction has been imposed on a Member, do you think there should be a means for that Member to appeal against it? If you do, should it be before or after the report is published? I'll go to Patrick.

Patrick Grady: Thanks, Anne. I don't know if I have a view on whether there should be an appeals process but, if there were to be one, it should probably take place before the report is published, so that that's it and the report is the end of the matter.

As the others have touched on, despite what the Chair said about Members dragging their heels, most people will want there to be a definitive end to these processes. What would an appeals process achieve? What would the grounds of an appeal be? Would it be that the process by which the conclusion was reached was flawed? Would it be that the penalty imposed was too harsh, and who would decide what a lesser penalty would be? I think you would need to tease that out a little bit.

John Cryer: For minor infractions, I am not sure about the efficacy of an appeal. But when you are into very serious territory—somebody being suspended from the House for more than 10 days, and then you are into recall territory and a potential by-election—I suspect that in those circumstances, perhaps there should be the right of appeal. If you are going to have that system, I am not sure there would be much point in having it after it has been made public. As Graham said earlier, basically all we have is our reputations. That is all a politician has—your reputation. When you get that shredded, you have not got anything left.

Sir Graham Brady: A right of appeal is a normal principle of natural justice in most circumstances. I am quite sympathetic to the formula that John has just used in saying that it might not be necessary or appropriate in cases of minor significance, but if it is at the top end of the scale, I can



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see a strong case for some kind of appeal process. Again, I agree that it would probably make far more sense to do it before something was in the public domain.

Q156 Mr Thorogood: I want to ask about the system of apologies to the House, either on a point of order or as a personal statement. Do you think that is working adequately? Also, how seriously do you think Members take such an apology? Let's start with John.

John Cryer: If you have to make an apology to the House? I think that is taken pretty seriously. It is a fairly rare thing—it is quite rare that people have to make an apology to the House. It is different with a point of order. You can stand up and make a point of order at any time, as long as the Speaker accepts your speaking. But with the statement, whereby you are apologising for something you have done, I think people take a lot of notice of that. I do not want to name anybody, but I can think of examples down the years of people having to stand up and make apologies. Very often you see the Chamber fill before the statement is made, and that is because people take it seriously.

Sir Graham Brady: I broadly agree with what John said. Personally, I cannot think of much worse than having to do it, and I should imagine most colleagues would feel the same. Picking up on John's final comment, I suspect there is something quite interesting in the difference between instances where the Chamber might fill up for an apology, and those where there would be less interest taken. To some extent, that would reflect a broad view that has been taken as to the significance of the situation. I suppose there are instances where people properly have to apologise for something that appears to everybody to have been a genuine oversight that is of little fundamental significance and does not come to the core of their personal integrity. Then there are those very serious issues that the House is more likely to be aware of. I would certainly take it extremely seriously, and I think most, if not all, Members would.

Patrick Grady: I agree with both John and Sir Graham. I cannot remember the specific case, but I remember that several years ago someone had to make an apology and did it with such little grace and such ill temper that some people saw that as a breach of the standards. It is taken extremely seriously.

Q157 Chair: I think that is a bit of our anxiety on the Committee. Sorry to interrupt, Paul, but a bit of our anxiety is that we end up with very lengthy conversations about what precise words the Member is prepared to say and things like that. It ends up not feeling very much like an apology, whereas the House genuinely appreciates a proper, fulsome apology.

Sir Graham, in effect, you raised the question earlier about openness and transparency, so I just want to ask you this, because I think there is an issue around at the moment. As you know, in the past the Commissioner was able to say, "Yes, I am conducting an inquiry into x under paragraph



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y of the Code.” In 2018, when we started setting up the ICGS system, we said that there would be confidentiality for all of these questions. For instance, you have the case at the moment of Margaret Ferrier, who has reported herself to the Parliamentary Commissioner for Standards, but the Parliamentary Commissioner for Standards cannot say either “yes” or “no” about whether she is investigating Margaret Ferrier. What is your take on that element of transparency and openness?

Sir Graham Brady: I think we can presume that the Commissioner is investigating the case where the Member has asked for the investigation to take place. The fact that she cannot confirm it probably does not make very much difference.

Chair: No, we cannot presume that at all.

Sir Graham Brady: We would very soon know when no action was taken, I guess.

The wider point is that it seems to me, as I said earlier, that we are all vulnerable to vexatious complaints, which are obviously of particular significance in the run-up to a general election. However, given the length of time that can be taken by this process, that period is quite a long period. I would observe that the nature of political discourse today is probably more rancorous than it used to be. The amount of social media-fuelled criticism of people can be enormous. I think that also means that even if an accusation is wholly without foundation—is vexatious—it could get a huge amount of publicity without any of the moderation that the more traditional media might give to it.

I come back to the point that I think Members of Parliament are hugely vulnerable to the threat of unfounded complaints being made. Not only could those be a threat to their continued time in public life; we have to remember that they could, at the margins in a particular general election, have an impact on the outcome of that general election. It is not that difficult to imagine someone deliberately making claims against a very large number of Members of Parliament—possibly a large number of Members of Parliament from one party—so I think the current situation where we have confidentiality until a judgment is made is a reasonable position to maintain. In so far as I have been able to discuss this with colleagues, I think that is a broadly held view.

John Cryer: I agree with Graham quite strongly, actually. Once these things are put out into the public domain, because of the nature of the way the media works now—I do not just mean the established media; I mean the online world—you immediately cannot control what happens then. Once a story gets out there, it then starts to circulate, it gets exaggerated, and it could very quickly become a very serious problem for an MP. I think Graham is probably right that in an election situation, you can imagine a position where complaints would go in knowing that they would then be in the public domain, and would then be repeated and exaggerated ad infinitum.



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I can think of what happened to a candidate in 1987, at the general election. It was stated in a national newspaper that this particular person had invited IRA bombers into the House of Commons in 1985—by the way, that would have been tricky, because he was not an MP in 1985. It was clearly completely untrue, but can you imagine if that happened now? That would be straight out there, exaggerated; it would do the rounds.

Q158 Chair: Can I just push back on this, as you know, the Committee has taken a different view from both of you. The story of somebody making an allegation about another person is out there. It is out in the press, running like wildfire. It may be that the Commissioner is not running like wildfire, because he spots that it is vexatious and ludicrous. In the vast majority of the cases which are around now, she is not investigating. I would have thought it would be in the interests of the individual Member for the Commissioner to be able to confirm: "I am not investigating".

Q159 Mrs Dexter: May I just add to that? You are falsely denying yourselves a degree of protection. The Committee is in favour of the Commissioner being able to say she is investigating, for reasons of transparency. The argument against it has very much been that it makes Members of Parliament vulnerable, whereas our experience is that the opposite is the case. As the Chair has just explained, if somebody makes a vexatious allegation, or even if they pretend they have, they can get that into the media and it can run, cycle after cycle. You might deny it, and your denial might be taken at face value, but the Commissioner is in a position where she cannot deny it, so you are just left exposed to that, and it can go round and round.

In relation to the Margaret Ferrier case, which has already been commented on, I think Sir Graham's assumption that you would find out eventually is wrong. The Commissioner is unable to say she whether she is investigating it or not, but if she has received a complaint, either from the Member herself or from anybody else, she could decide, based on the detail of the complaint, that it is out of scope, and that she will not investigate it. There is no process where that becomes known.

It is a bit like the John Bercow allegation a few years ago. Is anybody investigating those? As a member of the Committee on Standards, I don't know whether they sloshed around for years and somebody is investigating them now, or they are not. They can't just hang around like a bad smell. I think you are responding to a theoretical risk, and the evidence does not point to the theoretical risk as being the biggest risk to your reputation and others.

Sir Graham Brady: I may be incorrect, but I assume that if a Member—I will depersonalise it—asks the Commissioner to investigate their own conduct, the Commissioner would then inform that Member as to the outcome, which would then allow that Member to say, "I asked for an investigation and have been informed there is no case to answer."

Q160 Chair: Well, they would not be allowed to. They are not allowed to, by the way that the Standing Order is written at the moment. It is a wrong assumption as well. The truth is that in any one year there may be



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literally hundreds of allegations, of which probably 10 are actually investigated. My anxiety is that, in seeking to protect ourselves, we are doing ourselves more damage than we need to.

Sir Graham Brady: I understand your point absolutely. The only other thing I would say on that is a huge number of ludicrous or offensive things are said about people in public life all the time, especially on social media. I think there is a difference when something gives a little hint of credibility to a story. People are increasingly used to dismissing offensive rubbish that they see on Twitter about people, but there is a difference between the offensive remark that says "is being investigated by" and the offensive remark that just says "is a corrupt liar". The latter can be disregarded, the former has that degree of credibility that somebody is apparently investigating it and, therefore, appears to be taking it seriously.

Q161 **Chair:** We probably ought to be moving on to our other witnesses, but Patrick or John do you want to add anything?

Patrick Grady: I think that if you asked 650 MPs you would probably get 1,300 different answers to this one. There is no easy answer to it. In the case of the ICGS, as much for the protection of the accuser as for the accused, I think the current arrangement is appropriate on a moral level, if that is the right expression. On the more technical breaches—expenses or not registering something that should have been registered—it is a bit of a judgment call. I certainly don't think we have a collective opinion as a group, and I'm not sure if I have landed on exactly what the right response is either, I'm afraid.

Q162 **Chair:** John, do you want to add anything?

John Cryer: What worries me particularly, because we all think about things like this, is when you are in the run-up to an election, in the last four weeks. There are a lot of Conservative and Labour MPs on very small majorities now—200, 300 or 400. If complaints are put in the public domain as soon as they are made, which is what we are talking about, I assume—*[Interruption.]* Is that not what we are talking about? Sorry, I misheard you.

Q163 **Chair:** No. Regularly what happens is that somebody rings the papers and says, "I'm complaining to the Commissioner on Standards. X has done y," and so on. That is how this normally happens. Then the question is whether the Commissioner is allowed to say, "I am investigating," or "I'm not investigating." The story is already out there; that is the issue we are facing. Maybe this is a debate for another day.

John Cryer: It might be. If somebody says that, then you always have recourse to get an injunction. In the run-up to a general election it is a question of speed. If the Commissioner could immediately say—and it would have to be immediate—"No, there is nothing in it," but then it has to be investigated, which takes days or perhaps weeks, then you have got a serious problem.

Chair: We really ought to be letting the newer Members have a word. The Committee is very grateful to John, Graham and Patrick. Many

thanks for your time and I am sorry we kept you so long. Thank you very much.

Examination of witnesses

Witnesses: Feryal Clark MP and Allan Dorans MP.

Chair: We are terribly sorry that we have taken so long to get to our next witnesses today, and we will try not to take too much more of your time. Bernard Jenkin will kick off the questions.

Q164 **Sir Bernard Jenkin:** Thank you and good morning. I will start by asking each of you: how have you come to know the Code of Conduct, and what do you feel about the Code and your interaction with it?

Feryal Clark: When we first started, early last year, we were handed the Code of Conduct and then had an hour and a half to two hours where each organisation—IPSA, the Electoral Commission, and security—rapidly went through all the issues, mainly around how you get into trouble.

I know the Code of Conduct is there to make it easier for MPs to perform their duties. Having served as a councillor, I was already aware of the Nolan principles of public life, so that did help me in a way.

We were issued with quite a lot of written material around the Code of Conduct and expectations, but in terms of training when we first started, I thought that there could have been a lot more. When I compare it to the training that I had in local government, I would say that it falls very, very short.

Sir Bernard Jenkin: Very interesting. Thank you.

Q165 **Chair:** Allan?

Allan Dorans: My introduction to the Code was similar to Feryal's. We had a two-hour briefing from a number of heads of department, including IPSA and various other people. Having been a leader of a political group in a council and undertaken various disciplinary and grievance procedures at that time, and having had a background of personnel and HR as a senior police officer, I was keen to become familiar with the Code of Conduct and how it applied to me. Particularly as I was elected on the basis of my reputation of integrity, honesty and trustworthiness, I did not in any circumstances wish to be seen to be breaking any code of conduct or doing anything that would give rise to any complaint about my behaviour in any way, shape or form.

I then had a good meeting with the Registrar that took about two hours, and a young man went through every single aspect of the Register of Interests with me. I was left in no doubt as to what I had to do, and what I could not do. I was impressed by that meeting. Having said that, I have not had any dealings with the Code of Conduct or with the Independent Complaints and Grievance Scheme, and have had no cause to resort to



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that. It was only yesterday, when I was asked at short notice to appear here today, that I had cause to look at the Code again. It is comprehensive and a good source of reference for anything that an MP could look to in the normal course of duty.

Chair: Thanks very much. Can we move on to Arun?

Q166 **Dr Midha:** I am going to talk about the Code. Feryal talked about the Nolan principles. It is very much the case that the Code reflects those principles, particularly the values and behaviours that the House expects of its Members. I recognise that you are relatively new, but do you see any gaps in the Code itself, or do you think that it sits well in itself? I am not talking about the rules; I am particularly interested in exploring issues around Black Lives Matter with you, and whether there is an opportunity for the Code to be more active in promoting anti-discriminatory attitudes and behaviours. Can I start with you, Allan?

Allan Dorans: I think there is a case for all politicians to promote positive discrimination. The evidence is that the public are best served by people who represent the whole of society, rather than just a particular section. I very am conscious that Parliament and local authorities are still heavily in favour of white men. We should in fact be promoting positive discrimination to encourage people of different ethnicities and those with disabilities. We represent a society made up of a whole raft of different people, and as a Parliament we need to represent them by encouraging them to take part in political activities and to be a voice for their group, in order to best serve our communities. I do not think the Code goes far enough to do that. There is an opportunity for us to perhaps gradually introduce it to encourage better representation of our communities.

Q167 **Dr Midha:** You are significant role models in society, so I suspect you have a big part to play in all this. Turning to you, Feryal, do you share that view, or do you differ from it?

Feryal Clark: I do share that view. While the Code of Conduct is quite broad and you can look at aspects of it and see how it helps MPs to support equality of opportunity, diversity and inclusion, I think there needs to be more effort put into trying to open that up, to explain and to show what that means in real life and some of the experiences. A lot of the evidence around discrimination is new, so how that applies and how you apply some of the principles to ensure that, as an MP, you are supporting equality of opportunity, diversity and inclusion in aspects of your work could be really important. The Code of Conduct could be expanded to ensure that MPs are clearer on how they can further support inclusion and diversity.

Chair: Alberto? I am not sure whether we have you—

Q168 **Andy Carter:** Can I come in here? I have a similar question. Like both of you, I am a new MP and I have had the same experience of coming in and getting used to the codes. Do you think the codes and the guides are fit for purpose as they stand, and in what ways do you think they could be made clearer or otherwise improved?



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Feryal Clark: Allan mentioned earlier a meeting that he had with the Registrars for two hours. I didn't have that. There is a problem: the way the Code is set out on paper is one thing, but there is a lot left to MPs to go and find out and seek. A lot of my discovery was through my peers as opposed to any Member service that was out there. In terms of clarity around the Code of Conduct, I would say there could be some consistency in the way it is applied.

The two hours of training that we had at the beginning was sufficient for me to be absolutely terrified and incredibly careful about every single penny that I use, to send a letter out and so on. I have had to be really careful, but there is a lot of inconsistency in how those rules are applied to the work of different MPs. For example, with IPSA, some Members are able to claim for certain things and some Members find they are not allowed to claim for a letter that goes out. When you look at it in black and white, it is there, but we could have some more clarity in the application of it.

Q169 **Andy Carter:** Can I just pick you up on something you mentioned there about IPSA? One of my observations, particularly talking to new colleagues, is that there is confusion between what IPSA is responsible for and what the Parliamentary Commissioner is responsible for. I think you just hinted there about money being spent and accountability to IPSA; of course, if you spend money that is House money, there is also an element of your being accountable to the Parliamentary Commissioner. Do you think there is clarity on those sorts of issues?

Feryal Clark: Yes. I am very clear that if you fall foul of what you are allowed to spend money on, that goes to the independent complaints commission. So yes, to a certain degree, but let's remember that most of us new MPs have only served physically in Parliament for about three months, and for the rest of the year we have been virtual. A lot of the work we have done and a lot of how we have functioned has been virtual. I would say there is a lot that we still need to understand, learn and do.

Q170 **Andy Carter:** I think you raise a very important point there; as you say, most new MPs have only been in the House for three months. Allan, do you think that has had an impact on the understanding of the rules as they stand?

Allan Dorans: Yes, I do, very much. We got elected, but we have lost nine months. As an MP with 13 months' service, I feel I know very little—not particularly about the Code of Conduct, but just in general about how Parliament works. In terms of the Code of Conduct, having had only two hours of formal training at the beginning, which kind of got lost a wee bit, there is a need for some kind of refresher training for MPs. It might be an online learning package, just a briefing or a short training course, but I think there is certainly a need to remind MPs of what is in the Code and how it affects what we do on a daily basis.

Q171 **Andy Carter:** Finally, do you think there is a clear understanding of what falls under the IPSA remit, what falls under the Parliamentary Commissioner's remit, and what also sits within ICGS?



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Allan Dorans: I really don't think there is a great understanding of that at all. If I had to deal with something that required intervention by one of those bodies, I would actively have to research it. Off the top of my head, to be perfectly honest, if I was asked who deals with what and who should you go to first, I would not be able to answer that.

Andy Carter: Thank you. I realise I am perhaps a unique member of the new intake, in that I do sit and read the Standards Commissioner's papers on a regular basis, but most unfortunately do not. Thank you very much.

Chair: You and Mark Fletcher do, I guess, as you are both on the Committee. Jane, you are next.

Q172 **Mrs Burgess:** Good morning. I am Jane Burgess, one of the lay members. I want to get into a little bit more of the detail. One of the things that you will have done when you were first elected as an MP is your registration and declarations. I am interested in your views on that system and whether you felt it was proportionate or whether you found it quite onerous and intrusive. I would welcome your thoughts on that.

Allan Dorans: I found it particularly useful. As I said in my introduction, I spent two hours with a young man somewhere off the estate and he went through the whole document. It felt as though it was never-ending, but it was really useful because it clarified in my own mind that I was doing the right thing in what I could and couldn't do. The only thing about the Register of Interests is that—I am not sure if you will agree with this or not—it requires, as we used to do in council, a regular declaration that you are still complying with everything you have to comply with and that your entry in the Register is up to date. I do not often do that, but I think it would be useful.

Mrs Burgess: Thank you. Feryal?

Feryal Clark: I find it helpful. A lot of my understanding of what I need to declare came from my previous world. The rules around what you need to declare are not stricter than in local government, so I did not find it a problem at all. I do not find it an issue.

Mrs Burgess: Thank you.

Chair: Michael?

Q173 **Michael Maguire:** My name is Michael Maguire, and I am a lay member of the Committee. Given your experience to date, are there things in the Code of Conduct that have impressed you and that we should want to keep as part of the review process?

Allan Dorans: I am not sure about the Code of Conduct, but certainly the "Valuing Everyone" training that we received was particularly helpful in our understanding of how the culture needed to change within the House. I was impressed by the fact that the training I attended was also attended by the Leader of the Opposition, the Home Secretary and some lords, so we are all building from a base and forming a culture and values that



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recognise everyone as an individual. It would go some way towards reducing allegations of bullying and sexual harassment.

The fact that we have an independent complaints system, which takes matters out of the hands of the politicians, is particularly useful and should be built on. Training was subtly reinforced by advertising throughout the estate that spoke of valuing everyone, of how everyone had a right to work free from bullying and sexual harassment, and of the need to try to understand everyone's perspective. It could be useful to expand on that training and to have refresher training or further developmental training as we go through our term in Parliament.

Michael Maguire: Thank you. Feryal?

Feryal Clark: I would join Allan in saying that the valuing everyone training was the most extensive and best training I got as a new Member. It was cross-party and, as Allan said, independent and extensive— half a day's training. I thought that it was quite good, and could be refreshed. In terms of what could be improved, I think everyone should be reminded of Register of Interests declarations annually and the need to refresh the Register if necessary.

When you become an MP, you become an employer and you take on a whole load of new responsibilities that you probably do not have any experience in. It would be really helpful for MPs to have some HR training and support, because from day one you become an employer without any knowledge or understanding of HR policies and procedures. With the best will in the world, MPs do make mistakes, so I think more HR support could be made available.

Q174 **Michael Maguire:** May I just ask one further question, based on what we were talking about in the previous witness session? Feryal, do you think the balance is right between the rules and regulations versus the freedom for MPs to make judgments about their own values and behaviours? In the previous session, it was said that there was too much codification of rules and there should be greater emphasis on the freedom of MPs, but alternatively, that is what people are measured against.

Feryal Clark: I would like more rules. That is helpful because it helps to define and codify and support MPs in what they can and cannot do, and how they can best deliver their duties and perform their role. From my perspective, there could be more rules.

Q175 **Michael Maguire:** Allan, do you have a view on that?

Allan Dorans: I think the balance is about right. I think MPs need guidance and a code to consult—they need a reference. They need to be able to look up very easily what is and what is not allowed. There will be occasions when MPs will make a judgment that may be considered not the right call in particular circumstances, but I guess we will always have that possibility. I would always tend towards going with the rules—a set of rules to which MPs can relate—as the bare minimum.

Chair: I now call Tammy Banks, who is another of our lay members.



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Q176 Mrs Banks: Feryal, may I ask you first about the current process of deterring breaches and imposing sanctions? I am not sure of your current understanding so if you could contextualise it, that would be really helpful. Do you think that the current system is fair to Members? Or do you have any ideas about how it could be improved?

Feryal Clark: I will start with your last question. My experience of the current system is very limited. I have been an MP for over a year, but my experience is based on the three months when we were physically in Parliament. There are improvements that could be made—for example, more in-depth training on different aspects of the Code. There could be better support for Members. In my local government life, where I served for 14 years, there was a lot more support for councillors in delivering their duties than there is for MPs. There is a lot more training that could be given. It did feel like you could fit all of the training in almost a day or less than a day and then you set off, and it was really difficult.

In terms of access to offices and people who can support and assist you when you have questions, my concern is about technical breaches—falling foul of the rules by putting in for a letter I want to send that wouldn't be covered by IPSA, for example. It is about having access to support where you can actually query things, instead of going ahead and hoping for the best without having that support access. Going back to IPSA, the only access we have as MPs is the standard email you can contact if you have any query and then you wait for a response. There isn't enough support for Members in making sure they don't make any technical breaches of the Code. Sorry, I have forgotten your first question.

Mrs Banks: It was specifically about the fairness of the current sanctions.

Feryal Clark: As I have seen it so far, they seem fair. The application is fair, but the other side of the coin is how to help MPs avoid falling into that in the first place, which I think could do with a bit of work.

Mrs Banks: Brilliant. Thank you.

Chair: Allan?

Allan Dorans: In terms of breaches and sanctions, I will be perfectly honest and say that I don't know what they are. I have never seen anything laid down saying what a breach may be or what the sanction would be. So I don't really feel qualified to comment on that at this stage.

Q177 Mrs Banks: Allan, can I ask a follow-up question on that? You said you are not aware of what the sanctions are. What would be the most appropriate way of making you aware of them? You are a relatively new MP and Feryal said the same thing about having limited understanding of them. In some respects this can be seen as positive, but equally, from a transparency perspective, if you or Feryal have concerns about potential technical breaches and suchlike, how do we ensure that you do have an understanding of what they are and the connectivity?



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Allan Dorans: I think a start would be to make them available. I wouldn't know where to look to find out what the breaches and sanctions are. I am probably fortunate in that I have never been in a situation where I have needed to know them. I have always taken a middle course and if it doesn't feel right, I don't do it. But I have absolutely no idea what a sanction would be, or what a technical breach would be either, to be honest. To answer your question, I think there is a need for them to be publicised better and to be more accessible—potentially a briefing, a training session or an online place where you could go to find out what they are as part of an ongoing training package for MPs.

Mrs Banks: That is really helpful. Thank you.

Feryal Clark: Can I just add that my experience and understanding of the sanctions is from my peers as well? I talked to MPs about who has actually been sanctioned for doing what and what is and isn't allowed, so it is not been through any training or induction.

Chair: Thanks.

Q178 **Anne McLaughlin:** What you are saying is really interesting, Allan. I sometimes wonder whether most MPs are aware, unless they have come into contact with someone who has been sanctioned, of what it involves. I also wonder whether we would all be a little more careful of what we are doing, if we were aware of what it could involve.

Some sanctions include having to write a letter of apology to the Committee and having to make an apology on the Floor of the House of Commons, which some people say is not much of a sanction, but I would be horrified if I was required to do that. It can also mean being suspended from the House for a sufficient period of time to trigger a recall petition in your constituency.

Bearing in mind that broad range of sanctions available to us, do you think that once a sanction has been agreed there should be a right of appeal on the sanction? If so, should the right of appeal come before the report is published or after? When the person has effectively been found guilty, should they be able to appeal against the sanction and should that be before or after the report is published?

Allan Dorans: Having said that I don't know what the sanctions are, I recognise each of those that you have described to me and the circumstances surrounding them. In terms of an appeal, it is a foundation of natural justice that people should have a right of appeal. Whether in employment or legal cases, people should have the right to appeal to a higher body or an independent body. There is no doubt about that, because otherwise people have one chance to state their case and that is it. It may be that things have been overlooked. They may appeal against the actual conviction or the sentence. It should be done quickly by the next tier of an organisation or an independent body, as I said, and it should be held before the final judgment is made and before any publicity is attached to it, because the people under investigation have a right to

confidentiality, to be treated fairly and to be seen to be treated fairly. That is my view on that.

Feryal Clark: I am minded to agree with Allan. Part of any natural justice is the right to have your say and a right to appeal. We know that stories about MPs having dodgy dealings or falling foul of anything make great headlines. It would be fair to allow MPs to appeal before the judgment is publicised, so I would say that should be before it is made public.

Anne McLaughlin: Thank you both.

Chair: Thank you very much. I call Paul Thorogood, who is another of our lay members.

Q179 **Mr Thorogood:** Good morning to you both. I recognise that you have limited experience of this, but by far most of the sanctions involve MPs apologising to the House, either through a point of order or a personal statement to the House. I wonder whether you, having spoken to colleagues in the short time you have been in the House, think that is working adequately. What is your view on how seriously such Members take such an apology to the House?

Feryal Clark: From what I have read and seen, I think Members do take it incredibly seriously. Among my MP colleagues, when we are talking about issues, people do point out where MPs have had to make apologies. It is taken quite seriously. It is quite embarrassing. I would say that I, along with quite a lot of colleagues I have spoken to, do take it seriously. I cannot imagine anything worse than having to go into the Chamber to make a full apology. I would say it is incredibly serious.

Mr Thorogood: Thank you. Allan?

Allan Dorans: I think MPs do take sanctions seriously. I personally would be absolutely horrified if I got any sanction whatsoever. I couldn't show my face in the street if I felt I had done something wrong and I had been punished for it. I have seen MPs make statements of apology from the floor of the House and I think they have always been treated with respect and taken seriously. It takes a bit of courage to stand up in the Chamber and say, "That was very wrong, I'm sorry, I really am" and people appreciate their honesty and allows the individual concerned to move on.

Chair: Thank you. Rita.

Q180 **Mrs Dexter:** Thank you for your comments so far, which I have found very helpful. It was good to get a reminder about the impact of covid on you as new Members and what the impact of that might have been on your learning as new MPs. That is not something I have given any thought to before, but it probably is something that we should think about going forward, on the assumption that this won't last very much longer.

You have made between you a couple of very helpful suggestions about things that would help going forwards. For example, a regular update from Members on interests in the local government style. Maybe some



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standing online training about interests and declarations so that you could do that in a boring moment, and check whether your understanding was up-to-date or correct. I think they are helpful things.

Just standing back from interests and declarations and the use of envelopes and stationery, the Committee is also interested in the general standing of Members of Parliament. The Code of Conduct and the work of the Committee are as much about the standing of MPs as they are about those important technicalities.

If you had three things that, as new MPs, you could recommend to us that you think would make a substantive difference to how the public perceive the standing and conduct of MPs, what might they be? Sorry, I would hate it if somebody said, "Give me three things now". I know it is a slightly unfair question, but you both seem well equipped for it.

Feryal Clark: Three things that I think would?

Mrs Dexter: That the Committee could do which would make a contribution towards how people perceive the standing of MPs and that would, in one sense, enhance the understanding and operation of the Code.

Feryal Clark: In addition, I think a lot more training and access to a service that enables Members to check these things. As I have said throughout this morning, a lot of my experience and understanding is through my peers. A lot of my knowledge isn't from what I have been given by Parliament, but from what I have got from my own colleagues.

Having a service that Members can rely on and go to that is more easily accessible, would I think be really helpful. The Code already sets minimum standards of behaviour expected of individuals in public life, and a lot of MPs want to be—and are—open, transparent and fair and want to be good MPs for their constituents. So, everyone is working and striving to be the best they can. My three things would be about ensuring that the support is there so that MPs do not fall into predominantly technical breaches as well as ensuring that training is refreshed, independent and extensive, with examples of the kinds of issues that MPs face set out. I do not think it is enough just to set out what the Code is; there also needs to be an understanding of how you can fall short of it. So, extensive training and ensuring that that is refreshed.

Allan Dorans: It is a difficult one. As MPs, we all have a duty under the Nolan principles to be open and have our integrity upheld within the community and I think the best way to do that is to be absolutely open and transparent in our dealings with the public, our dealings with organisations and our presentations in Parliament. In terms of how we could improve it, it is incumbent on all of us to stick with the Nolan principles. There is a need—perhaps for Parliament—to educate the public on what an MP can and cannot do in terms of the expenditure from IPSA. We have a budget, but it is not nearly enough to service the needs of our communities. With the amount of emails that I am sure we all get, we could all use additional staff. That would promote a more positive view



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from the public of how MPs can serve them, which is ultimately what we are all there to do.

We have got to be open, honest and transparent and to display our integrity to the best of our ability. Essentially, we need to do what we are elected to do: to represent our people to the best of our ability.

Mrs Dexter: Chair, would you like me to move on to the next question?

Chair: I was going to do that, but I think Feryal wants to say something.

Feryal Clark: I just remembered a point when Allan mentioned the public perception of MPs. I think that sometimes the way in which information about MPs is presented can be confusing. Of course, there is a lot of scepticism and criticism of MPs by the public. For example, I employed all my staff on fixed-term contracts for six months and then moved them on to permanent contracts, so instead of employing five members of staff, it appears as if I have employed 10, and it is really difficult to change how that is presented. It always comes down to MPs having constantly to explain themselves and how things are set out. So I think that being able to talk and clarify how some of that information is made public may help the perception of MPs.

Chair: I am very struck by how I think every MP who has given evidence this morning has talked at some point about IPSA, which is not our responsibility at all but inevitably the area where MPs feel most exposed and anxious, not least because of the saga of 10, 12 years ago—I cannot remember when it was, but the whole expenses saga. Rita, why don't you carry on with the next question?

Q181 **Mrs Dexter:** You have both talked a bit about transparency and openness. There is a very particular issue that we are engaged with, but you might not be familiar with the background. Before July 2018, if the Commissioner received a complaint about a Member of Parliament and decided that she was going to investigate it, she would add on her website a single sentence confirming that she was "investigating a complaint involving the conduct of Chris Bryant MP for an alleged breach of paragraph 43 of the Code."

Chair: Just for the sake of argument.

Mrs Dexter: Yes, this is completely made up—I could have chosen any name and any paragraph. She would put that on her website and it would remain there until the matter was concluded. The matter would be concluded either by a rectification, for example, whereby she agreed with the MP that there had been a breach, but it was not very significant, and the MP accepted that there had been a breach and that would be the end of it, or she might refer to matter to the Standards Committee for consideration, and there may be a more significant sanction.

At the early stage, as I said, she would put that single sentence about the complaint on her website and say, "Yes, I am investigating this complaint." Then, in July 2018, that was changed, and she was no longer



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permitted to do that. The Committee has proposed that there should be a reversion to the position as it was before July 2018. The Committee did not support the July 2018 change.

There is controversy about this. Everybody believes in openness and transparency, but many Members are concerned that they are unfairly exposed if the Commissioner makes that statement. On the opposite side of the argument, you might take the view that you are also unfairly exposed because the Commissioner cannot confirm or deny that she is investigating a complaint. If somebody makes a complaint about any MP, they can go to any newspaper and say, "I have made this very serious complaint." That newspaper will then contact the Commissioner and say, "I've been told that you've received this complaint. Can you tell me more about it?" She will have to say, "No, I can't tell you any more about it." She cannot even deny that she has received it or say that she has turned it down, so to my mind, it kind of floats around in the ether as a possibility.

There is a strong feeling among MPs that they are unfairly exposed if the single statement is made on the website. There is a choice here about lesser evils, and we would be interested in your view about what the best way forward would be. Is it to go back to the July 2018 position or do you have other thoughts about it?

Feryal Clark: I guess, looking at the types of complaints—if it is bullying, harassment or sexual misconduct—

Q182 **Mrs Dexter:** I am sorry, Feryal, I should have said that that would not apply in the case of bullying and harassment. If the complaint is about bullying and harassment, we are all agreed that there should be no disclosure of any sort. I was talking about complaints that are from the current Code of Conduct, excluding complaints about bullying and harassment, over which, certainly for the time being, everybody agrees that there should be a complete veil. Sorry—I should have said that.

Feryal Clark: I was going to say that if complaints were about the issues that we have just mentioned, names should be published. It is a really difficult one. I guess publishing it would allow you to talk about it and defend yourself, so it may be helpful for MPs trying to bring clarity to what is going on.

Q183 **Chair:** It is perhaps worth saying, Feryal, that in the vast majority of cases, the Commissioner will announce that she is not investigating. Hundreds of people approach the Commissioner every year demanding inquiries into this, that and the next thing, and in the vast majority of cases, the Commissioner takes no action whatever. The feeling of the Committee has been that it is actually a protection for Members to be able to know that no investigation has been launched, rather than the other way around. You do not have to have a strong opinion on it, and it feels like you have not.

Feryal Clark: I have not. I have on bullying, harassment and sexual misconduct complaints, which I think should be published, but I do not have a strong opinion otherwise.



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Q184 **Chair:** Allan, do you have a strong view on this?

Allan Dorans: I actually think that they should be published for the sake of transparency to avoid allegations of a cover-up or that the matter is not being investigated. That would also allow the Member being complained about to make their case. It can be done in very bland terms, as in criminal cases. People appear on public court lists, so you can see that they have been accused of something. That is fine as long as it is concluded with, "The Commissioner investigated this and found no evidence of factors to support the allegation"—as long as it is closed off in that way.

Chair: Okay. I think we are pretty much done. I cannot see anybody shouting at me that they want to ask more questions. May I say an enormous thank you to Allan and Feryal? For the record, Gary Sambrook has sent me apologies for not being able to be with us; he had not realised it would go on for so long and he had other things. Anne McLaughlin, you are clapping—great. We are very grateful to you, Feryal and Allan—thanks very much for your time. Thank you to all members of the Committee.