

Speaker's Conference

Oral evidence: Security of candidates, MPs and elections, HC 570

Wednesday 2 July 2025

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[Watch the meeting](#)

Members present: Sir Jeremy Wright (Chair); Mr Clive Betts; Kirsty Blackman; Dr Rupa Huq; Leigh Ingham; Jessica Morden; John Slinger; and Sammy Wilson.

Questions 212 to 270

Witnesses

I: Chief Constable Gavin Stephens, Chair, National Police Chiefs' Council; Nick Price, Director of Legal Services (interim), Crown Prosecution Service; the Hon. Lord Colbeck, Judicial Member, Scottish Sentencing Council

II: Rt Hon. Dame Diana Johnson MP, Minister for Policing and Crime Prevention, Home Office; Lucy Rigby KC MP, Solicitor General; Sarah Sackman KC MP, Minister of State, Ministry of Justice.

Written evidence from witnesses:

- [Crown Prosecution Service \(SCS0024\)](#)
- [Scottish Sentencing Council \(SCS0022\)](#)
- [Letter from Stephen Parkinson, Director of Public Prosecutions](#)

Examination of witnesses

Witnesses: Chief Constable Gavin Stephens, Nick Price and Lord Colbeck.

Chair: Thank you very much for coming to give evidence to us this afternoon. Mr Speaker sends his apologies; he has asked me to chair this afternoon's session. We have a number of questions. We do not necessarily need all of you to answer each one, but please feel free to chip in on any you would like to. The evidence that you give will be recorded, but we will try to make sure that you are content with the accuracy of anything that we intend to use.

Q212 **Jessica Morden:** Thank you for coming. My first question is to you, Chief Constable—you get the joy of answering first. For our first report, we heard lots of evidence, came to the conclusion that there was an inconsistency in the way that the abuse of MPs was dealt with by different police forces, and called for a centralisation of the process. What do you think might be involved in centralising the process? Do you think that it would work, and what kind of additional resources would you need to do it?

Chief Constable Stephens: I would start by saying that we already have an element of centralisation in terms of our joint working with the Parliamentary Liaison and Investigation Team. We then have two supporting operations. I am sure Members will be familiar with Operation Bridger. Another tier is Operation Ford, which deals with a much bigger cohort of 4,000-plus elected Members.

There are opportunities to develop the intelligence capability associated with the interplay between those two things. Of course, we have Members who move between being a local councillor, a mayoral candidate, an MP and so on. Our ability to proactively track the intelligence, and people who may be intent on criminal behaviour, could be enhanced with that. Of course, that would need some modest investment, and I know we are in difficult financial times.

We would accept the broader point about inconsistency. It is not just associated with this problem; we have been making the case for some time now that some reform to how policing operates across the United Kingdom is needed, with stronger operational support at the centre. I know that is something that the Home Secretary has made an announcement on, and we are pursuing that through the development of a White Paper.

Q213 **Jessica Morden:** We would be very grateful if you could write to the Committee with an idea of how you think a slightly more centralised process would work; that would be really helpful for us. Do you think that there is scope for combining elections policing with Operation Bridger?

Chief Constable Stephens: It is important to recognise—I believe you heard evidence from Nik Adams, who is our national lead for elections—that during the electoral period we step up to a higher level of alert. We increase our frequency of reporting on intelligence, and so on.



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Within one of my teams, I have a strategic intelligence and briefing function, which in routine times may produce, for example, monthly reports, but during elections might go to daily reports or even multiple reports a day. There are different facets during an election period. It is the intelligence connection between the two that is important, and that is what I am happy to provide further details in writing on.

Q214 Chair: Mr Price, I am going to ask you a similar question from a prosecutor's point of view, but just to tie these two things together—Chief Constable, by all means, come back in if there's anything in this you want to pick up—one of the things that concerns us, as Jessica explained, is potential inconsistency, but the other is that asking police officers and prosecutors, who hardly ever deal with cases of this kind, to deal with them presents its own challenges.

We are very conscious that these cases involve a very delicate balance between respect for freedom of speech, particularly in the context of political debate on the one hand, and on the other hand the particular sensitivity not just of Members of Parliament but of their representative status as part of our democratic system.

These could be complicated decisions, and that is one of the reasons why we are interested in potential centralisation. Can I ask for you to say something from a CPS perspective about how you centralise now and whether you think there is capacity to do so further, given that other types of offence that have the same sorts of delicate balances or the same unusualness are dealt with quite often in regional or even national settings rather than locally?

Nick Price: Yes, of course. I think the starting point is to recognise that the CPS has an advantage here in that we are already a national organisation. We have, as many members of the Committee will be aware, chief Crown prosecutors on a geographical basis around the country who have leadership of their individual areas. Each of our chief Crown prosecutors has oversight of all the cases in their area that involve MPs as victims, so at that level, we have that supervision. Of course, that brings with it an element of consistency in and of itself, because the cases are being considered at a senior level.

Also, on a monthly basis, those chief Crown prosecutors report to me as director of legal services. They report to Grace Ononiwu, director general of legal delivery, and they report to the DPP, Stephen Parkinson, so on a monthly basis we have reports from all our areas on all our live MP cases. That enables us to have really top-level oversight, to make sure that the right decisions are being made and that we are progressing those cases at an appropriate rate as well. Part of the story is making the right decisions; the other part of the story is actually making sure those cases are progressing.

We published guidance in August last year that sets out what MPs can expect from their local chief Crown prosecutor in terms of liaison. Chief Crown prosecutors lead that liaison in their local areas. To answer your question, I think we are quite a long way towards where the question



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suggests we should be because we have that centralised oversight and a really significant grip on those cases.

The other part of your question was around the fact that these are sensitive and difficult cases, and may not be cases that prosecutors deal with every day. That is absolutely right, but I think that centralised oversight enables us to ensure that the right decisions are being made, and to provide the support to our local areas and our local prosecutors when they need it.

The other point, of course, is that we have central casework divisions. We have a counter-terrorist division. We have a special crime division. These are generally more experienced lawyers, who are generally more experienced in dealing with more idiosyncratic cases. In certain circumstances, if there is a particular difficult legal feature, for example, we can move those cases and put them into our central casework divisions. Broadly, I think we are probably in the right place in terms of our oversight and grip on those cases.

Q215 Chair: In relation to the last part of that—allocation to specialist prosecutor units—as you have described, there are such things for complicated cases. You mentioned legal complexity. These may be legally complex cases, but there may also be some of the other balancing factors that go to the public interest test that are particular to these kind of offences, as you recognise.

Can I just understand the criteria that you apply for allocation of cases to specialist prosecutors? I take the point around oversight by senior and even chief Crown prosecutors of these cases, but of course they will not see many of these cases either. It is a question of whether you send cases involving Members of Parliament to specialist casework units as a matter of default routine, or whether it is unusual. Can you give us a sense of which of the two it might be?

Nick Price: I think it is somewhere in between, actually. There are certain cases that would go into our counter-terrorist division—if they had a terrorist connection, for example, or if we were looking at a terrorist purpose. Unfortunately, sometimes those cases involve MPs; we have had a number of recent cases, very tragically.

We have casework acceptance criteria set out for all our central casework divisions, but there is also discretion. I see where we are with all these cases on a monthly basis and, as part of my role, it is within my gift to say that we might move a certain case into the central casework division because there are difficulties or particular legal issues that have arisen, or, as you quite rightly say, there might be factual complexities that mean we can do it in a different way.

So we have drafted and circulated casework acceptance criteria for those casework divisions, but there is a lot of discretion from our perspective to move cases when we think that is appropriate.

Q216 Chair: Chief Constable, do you want to add anything? I mentioned I would



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give you the chance.

Chief Constable Stephens: Only to say that we have excellent liaison. I meet the Director of Public Prosecutions regularly. It has not happened yet, but we would have very robust mechanisms in place if there were ever concerns on either side. We would be able to deal with that very quickly.

Q217 **Chair:** I will come to Kirsty, but I am conscious that I did not give you any chance to introduce yourselves—I was so keen to find out what you had to say. We will start with you, Lord Colbeck. Would you like to explain briefly who you are and then we will move on?

Lord Colbeck: I am the hon. Lord Colbeck. I am one of the judicial members of the Scottish Sentencing Council. I am a judge at the High Court and a senator of the College of Justice in Scotland. Hopefully, that is enough.

Chief Constable Stephens: I am Gavin Stephens. I am the chair of the National Police Chiefs' Council, which is a role elected by chief officer members across the four nations, British Crown dependencies and overseas territories. I am effectively their representative for UK policing interests.

Nick Price: I am Nick Price, director of legal services at the Crown Prosecution Service.

Chair: We will imagine that that came at the start. Kirsty.

Q218 **Kirsty Blackman:** I have a question for Lord Colbeck on the sentencing guidelines and how they work when the victim is an MP. I do not know how they work or what they look like. If an MP or a candidate is targeted as a victim, what guidance is there for courts and sheriffs on the protective measures that they can put in place—for example, non-harassment orders or election disqualification orders? If there are guidelines, are judges expected to make those orders as a matter of course, or would they have to remember or be asked in order for it to happen?

Lord Colbeck: Let me try to unbundle that for you. The first thing to say, for context, is that the Scottish Sentencing Council is a new organisation compared with its English comparator.

I am going to get this wrong off the top of my head. I think we have only about four or five guidelines in place at the moment. Three of them have a potential relevance to sentencing in the first place. They are all general, overarching guidelines rather than offence-specific ones. There is only one offence-specific guideline at the moment in Scotland, which relates to death by driving offences.

The principles and purposes of the sentencing guideline would apply, and the sentencing process guideline would apply. If the offender were under the age of 25 on the date of plea or conviction, the young person guideline



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would apply as well. They are the only three that would apply out of the four in force at the moment—I think there are about to be five.

Those are the sentencing guidelines, but they are of general application. The first two I mentioned, on the principles and purposes and the process, obviously apply to every case in Scotland, and the young person guideline applies only if the offender is a young person. A young person is defined as under 25 in our guideline, which is a point worth emphasising.

The process guideline teaches the various stages of sentencing in a sentencing exercise, whatever court it might be in. From the justice of the peace courts right up to the High Court, the guideline applies. For the purposes of your question, two particular parts would be relevant. The first is to recognise aggravating and mitigating factors; clearly we are not talking about a mitigating factor here. It is important to say that examples are given of aggravating factors, but it is not an exhaustive list.

People in public office, broadly put, are one of the aggravations set out. That would clearly apply to an MP, but it would not apply to a candidate, on one view. I think it is fair to say, though, that any sentencer would likely view an offence committed against a Member of Parliament or a candidate in an election as an aggravating factor—assuming that was related to the offence itself, rather than being something that was not associated. One of the other steps in the process guideline is the making of ancillary orders in which a non-harassment order would come in.

The other part of your question about non-harassment orders is probably not straightforward to answer in the sense that it would depend on prosecutorial policy about speaking to victims about whether they wanted a non-harassment order in the first place. Whether a court is seized of the opportunity to have the views of the victim would very much depend on what the prosecutor has done in relation to that. Ordinarily, one would expect that kind of discussion to happen with a victim in an abusive or stalking-type offence of that nature. Obviously, I cannot comment on whether that would happen in an individual case or even generally. I would expect it to.

The court has the power to make a non-harassment order. Clearly, if you are looking at a course of behaviour—or just an example of behaviour; it does not need to be a course—that might merit the making of that, the court would certainly look at it. I think my answer to your question is that it would probably need to be asked for. Sorry—let me put it another way. It should be asked for, particularly if the victim wants one. That is the first thing: the victim's position. If a court was not asked about one and the nature of the behaviour looked like it might be relevant, then it would raise it—at least, I would if it was me.

Disqualification orders are about to be a very new thing in relation to this. I am not persuaded that that is as relevant, in the sense that possibly people committing that type of offence will not generally be standing for elected office; that is the only distinction that I make. Certainly if a disqualification order was sought, somebody would have to ask for that.



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Sir Jeremy has raised the fact that these offences are not common; if they are not common in England, believe me that they are less common in Scotland, in sheer numerical terms. The availability of a disqualification order would probably have to be drawn to the court's attention, if it was being sought, rather than expecting a sheriff in whatever place to actually think off the top of his or her head, "Wait a minute—I might make a disqualification order here." The point is that this is a little bit niche.

Q219 Kirsty Blackman: I have an additional question about non-harassment orders or some sort of ancillary order that says, "You can't contact the MP and you can't go to their office"—something along those lines. Would there be any problem with us asking or the Speaker's Conference saying, "It would be great if there was consistency in this approach and if whoever was making the decision assumed that something of that nature would be included unless the person said they did not want it." Does that make sense?

Lord Colbeck: It does. It is almost akin to the position on domestic abuse offences, in which there are presumptions in terms of their being considered and so on and so forth, which obviously do not apply here.

Obviously, the terms of legislation are massive for Parliament when it comes to whether it is, and the judges will apply the law. So you could have a presumption in terms of the making of it, or you might not. Would it make it more helpful for judges? I do not think so—I think it is neutral in that sense. If it was something that the court had to consider, the court would consider it; if it did not, then it would be asked for.

Q220 Kirsty Blackman: Chief Constable Stephens, I want to ask about the undertakings that people are released on. I do not know whether you call it the same thing in England, sorry, but if somebody is arrested and charged for something and released on an undertaking that they will not contact the MP or their office, would that be applied consistently or is there a kind of requirement for you to say that when people who have harassed someone are being released from custody, we need to remember to include this undertaking?

Chief Constable Stephens: On the consistency point, I would refer to my comments earlier; we accept that it is not always as it is. One of the things that we are doing through the network of individual single points of contact in force, which is what we call our Operational Bridger leads, is to drive the consistency of training. Knowing what conditions to apply is often offence-specific—it is related to whatever the offence is that is under investigation.

I would just take this opportunity to make the broader point that one of the reasons that we think there is benefit in joining up the intelligence picture in a more robust way than we currently do is to look for prevention opportunities. I think colleagues from CPS would probably observe the same. We are seeing mental health feature in some of these cases, there may be missed opportunities for earlier intervention, and maybe there are

some orders associated with that that would be an early warning for non-escalation of behaviour.

It is important in today's climate to think about where we might be able to get restrictions in not just the physical space but the online space. In general police work, more than 50% of crime is committed online, and 80% of crime has a digital footprint. That matters for Parliament in terms of legislation, but also in future thinking about how we get earlier control over behaviour—if it is online behaviour—with restrictions that might inhibit that behaviour. That is going to be important not just for this offence type, but across lots of policing challenges.

Q221 Chair: For the purposes of completeness, Mr Price, you heard Lord Colbeck say that he would expect that these sorts of orders are applied for. Is it the CPS practice, in England and Wales at least, to apply for these kinds of disqualification orders, recognising the restriction that it would only be relevant to someone's capacity to stand for election in the future? We all understand the limitations of that, but is it a tool that the CPS would use as a matter of course?

Nick Price: It is a tool that is used. The legislative position in this country is complicated. We actually have, within one of our casework divisions, specialist lawyers who just deal with that, because it is a complex area. So it absolutely is a tool. Coming back to the point about mental health, we absolutely see that in a high proportion of disposals with MPs as victims in our casework, and it is a growing trend—I just wanted to make that point. So the answer to your question is yes, but it is quite a complicated legislative environment.

Q222 Chair: But it is not your sense that the default position is that you would apply for a disqualification order in a case where an MP was a victim. It would be case-by-case specific.

Nick Price: Absolutely. The CPS is not an investigator, so we rely on the police to investigate and provide the casefile material to us, and then we make an assessment.

Q223 Chair: Yes, but at the point at which you are talking to a judge about possible sentencing options, you are in charge.

Nick Price: Absolutely, yes.

Q224 Mr Betts: Can I just pull on that for a second? Is there sometimes a disconnect between the conditions that the police might try and apply when someone is arrested, before they get to court, and then what the CPS asks for when the individual goes to court, in terms of not contacting an MP or their staff?

Nick Price: Do you mean that, once somebody is charged, is on bail for an offence, and is perhaps awaiting trial, there is a disconnect between what the police—

Mr Betts: What the police start off with when they start dealing with the individual concerned, and what happens when the CPS takes the case to

court and what it asks for.

Nick Price: Bail is a matter for the court. It is the court's decision whether bail is granted and, if it is, what conditions there are. We make representations to the court about, first, whether or not bail should be granted, and secondly, if it is, what appropriate conditions would be. We are always provided with information from investigating officers about the case, and we get their views on that as well. It is not the case that we always agree.

Part of the role of the prosecutor is to independently look at that and make independent decisions about whether what the police say in regard to bail is appropriate. We apply our independent role to that, but it is then a matter for the courts. We make submissions to the courts, defence will make submissions, and it is a matter for the court to determine whether bail is granted and on what conditions.

Chief Constable Stephens: From a policing perspective, I would observe that it is not unusual for that to change over time, either as the facts of the case develop, or for argument's sake, as the defendant's representatives are making representations on other controls that are in place that can moderate their behaviour. The court might then take a different view as to what conditions are required. Our initial request will always be based on the risk assessment that we have at the time.

Q225 **Mr Betts:** Let us come back to the position of MPs and parliamentary candidates—but this often is MPs, because we spend more time in a particular role and are probably more up front in the public eye. We are always conscious that we do not want to be treated differently in many respects from members of the public—I know people say, “Oh, you get special treatment because—”, whatever that special treatment is deemed to be.

In the case of MPs being targeted with threats that are often fairly low-level but persistent, nasty and aggressive—which their staff also get on social media—is there a case for having a specific offence of targeting an MP in that way, or a parliamentary candidate in more limited circumstances, and maybe MPs' staff, who often get dragged into this?

Chief Constable Stephens: I will preface my answer by saying clearly that legislation is a matter for Parliament.

Q226 **Mr Betts:** How should we legislate?

Chief Constable Stephens: To expand on that, in policing terms, we are always interested in the declaratory effect that legislation can have by sending a very strong message that certain types of behaviour will not be tolerated. We had a similar debate in the Home Affairs Committee probably a year or two ago about assaults on shopworkers, for example, when we saw the rise in terrible behaviour in our retail sector.

On your point about special treatment, in a way I am less concerned about that, as a police officer, because we have a responsibility for the key pillars of the state—democracy, freedom of the press, our judiciary and

policing—to make sure that they can operate freely and fairly. Whether you call that special treatment or particular care and attention, we need to do it to protect the things we value most.

To give a small example from my sector, we are increasingly seeing this type of behaviour against female chief officers. Many of them are sometimes reluctant to report because they think, “Well, this is part of the role,” but of course it is not. It should never be part of the role to face this sort of terrible intimidatory behaviour, whether it is online or in person. We have to send a strong declaratory message. If that comes to a specific offence type, that is a matter for Parliament, but the effect is what I am interested in.

Nick Price: From my perspective, the law applies to everybody equally—MP or not an MP—but clearly MPs are in a unique position. I think it is right that they are treated and dealt with differently when they are victims of crime, respecting that they are in an exposed position, and they are serving the public.

There is a lot of legislation to deal with the general mix of offending that we see in relation to MPs, but I think we are seeing much more online abuse, as you articulated. There are some particular species of abuse—if I can put it that way—such as the colloquial terms doxing and pile-on harassment and that sort of thing, which we do not think are necessarily that well catered for in the current legislative environment.

So although we think the Protection from Harassment Act, for example, could be used in those cases, that is late-90s legislation and it was not contemplated when it was drafted that we would have deal with these new types of offending. We think there is a case for looking again at some of the modern ways that MPs are harassed, abused and threatened online. I think the police support that in its broadest sense.

Q227 Mr Betts: Is that better done through specific offences against MPs or to have an aggravated nature to an offence that already exists?

Nick Price: The sorts of activities that I am talking about do not apply only to MPs—they can be directed at journalists, for example. I would not advocate an offence that is applicable only to MPs. It is entirely a matter for Parliament, but if Parliament wanted to look at that, it would be particularly useful in relation to MPs.

In terms of an actual offence or an aggravated offence, the fact that somebody in public office has been targeted in whatever way is an aggravating feature that is taken into account in sentencing.

Q228 Mr Betts: What I am really saying is that if the offence is against an MP—or an MP’s staff, because they often get a lot of this abuse—should that automatically be considered an aggravating factor when the courts look at it?

Nick Price: I think it is.

Q229 **Mr Betts:** “It probably is” is not quite the answer I was looking for.

Nick Price: Well, it is, because the facts of the case are what they are. If it involves an MP and staff, that is absolutely an aggravating feature for sentencing. That is a matter for the judiciary, but it is an aggravating feature. But I see where you are going with that.

Q230 **Mr Betts:** Can you say where you think we ought to go, rather than where you think I am going?

Nick Price: My perspective is that we do not need a specific offence or a specific offence that aggravates other offences because an MP is involved. As I have set out, there is a broad range of different offences and it is an aggravating feature for a sentence. There are some areas that are worth—

Q231 **Chair:** May I test for a minute what the aggravating feature is? We know that there are already aggravating features in sentencing that relate to public servants—those who are doing a public service role. The argument we are making is partly that we are public servants, but also that we are part of the democratic system and that an attack on a Member of Parliament, because they are a Member of Parliament, might also be seen as an attack on our system of democracy. Is that component of the aggravating feature properly reflected in the law as it stands?

Nick Price: I think it is, because I have dealt with a number of cases where MPs, sadly, have been victims. Part of our submissions to the court, and part of the whole essence of our case, was that it was not just an attack on an individual MP, but a broader attack on our democracy. When you look at the sentencing remarks in those cases, that is absolutely taken on board by the judiciary. That is not to say that there is not space to legislate, as I think you are suggesting. But I have certainly seen this treated properly as far as current laws and sentencing arrangements go.

Q232 **Mr Betts:** One more thing: often these comments are about trying to persuade an MP to act in a certain way, which is an interference in democracy. Something for your consideration is that, very often, these comments—online comments in particular, but they can also be in person, and are sometimes directed at MPs’ families as well as their staff—are considered low-level, or a bit of banter online, as some people might see it. It can therefore take months before they get into the courts. Should the police and the Crown Prosecution Service make sure that these cases are dealt with promptly and speedily and get into court more quickly?

Nick Price: You are absolutely right. There are quite a lot of components to that. The starting point is that it is common ground that there are backlogs in the courts. We are all aware of that and I will not get too far into it.

We do our absolute best to progress these cases as quickly as we can, which is part of our relationship with the police and the advice that we give the police around reasonable lines of inquiry so that we can get cases built well and quickly and get them into court. If the case is not contested, the likelihood is that it will be dealt with speedily. But I cannot promise

that because a case involves an MP it will take priority over another type of offence.

The decisions about when cases are listed and what cases are listed against each other are a matter not for the police or the Crown Prosecution Service, but for the judiciary. That is very much their function. We liaise with them regularly about listing patterns and what cases are and are not going to go into court. It is a very, very difficult balance for the judiciary, certainly at the moment, in terms of getting cases through the system as quickly as possible, but listing is a judicial function.

Sammy Wilson: May I just follow up on that, please?

Q233 **Chair:** By all means, but before we lose the aggravating features question, particularly in relation to sentencing, I will just ask Lord Colbeck whether he wants to add anything from a sentencing perspective. Do you think that there is enough provision in the law, as it stands, to give judges sufficient sentencing power to add on for situations in which these are offences against Members of Parliament or candidates in the system?

Lord Colbeck: I have to make it clear that I can answer this only from a Scottish perspective. I have not yet seen or heard of a case in Scotland in which there were not adequate sentencing powers in relation to this, although the position—Ms Blackman will probably have as good an understanding as or better than I do in relation to it—is that it has not been as widespread an issue in Scotland. That is my feel for it, and it is no more than a feeling, but if one simply looks at it in the sense of gravity, it is clearly not as widespread an issue in Scotland.

But I don't think, having given this particular issue some thought, that there is a lack of power to deal with it. I think the point Mr Betts made is a good one, in the sense that if an offence is committed against a Member of Parliament or a Member of Parliament's staff in that capacity—not as a road rage issue in the street or something like that—a court will, generally speaking, take that view. I would expect it to. I certainly would, but the extent to which it aggravates it again depends on the particular facts and circumstances of the case as well. It depends, of course, on what offence is prosecuted. That is the first thing in relation to it. With some of these offences, the more serious the offence, the less the aggravation is a factor. I think that is the point.

Q234 **Sammy Wilson:** To follow on from Mr Betts' last question, I think this is the point he was trying to get at. This isn't just an offence against an MP or someone who is standing to be an MP. It is an offence against the whole democratic system; the whole point is to try to disrupt the electoral process.

In a case like that, what powers or steps can be taken to ensure that the case is dealt with not sometime when the election is in the dim and distant past, but while the election is going on? I think that there are precedents. When it was felt that we needed to stamp out some of the behaviour last summer, the courts were able to move quickly and deal with it. I think this is the question that was being asked: is there not a process whereby if the



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democratic system is under attack, the law can move much more quickly?

Nick Price: Yes, there is. During an election period—we did this during the last election—we had in place a special framework whereby every police force nominated a single point of contact.

We had a team of lawyers who were on hand to provide what we would describe as early investigative advice, which is basically advice to the police in the moment as they are dealing with their investigation, and also, if needs be, to make charging decisions. We had that in place during the currency of the election for precisely the reason and point you have just mentioned. Given that sometimes these offences are designed to disrupt that process, we do need to deal with them quickly.

The point I was making earlier was about offences against MPs more broadly. Those contested cases will be listed for trial, and sometimes there will be some delay before we get to them. But you are right: there are absolutely things that we can do during the currency of an election, and we did them in the last election.

Q235 **Sammy Wilson:** By their very nature, many of the offences will be against an MP, although that may be the conduit for disrupting the electoral system. While we are not wanting to have, as you suggested, special offences for particular individuals, the two things are intertwined—the MP is the victim because of the attack on the system.

Nick Price: I absolutely agree. As I say, we recognised that during the last election, and we will refine that process in the future for the very reasons that you gave.

Q236 **John Slinger:** Colleagues have already touched on the point about accelerating the legal advice to officers—and prosecutions—so that those offences do not disrupt elections unduly. That has been covered in your answer, and it was very good, so thank you. My question goes back to the aggravating factor in offences.

Do you think that the public at large are even aware of the fact that an offence against someone working in the public sector, or providing a service to the public—such as ambulance drivers, police officers and so on—is an aggravating factor, so that, if they do that crime, they will receive a tougher sentence?

As far as I am aware, an attack on—or an offence against—a candidate, or a serving MP or councillor, is not written into legislation at the moment. If there is no awareness of the points that you made—that, yes, of course it is an aggravating factor—then, to my mind, it cannot have that deterrent effect.

Nick Price: I think that is a very good point; there is probably some truth in that. We clearly need to have a deterrent effect. It is really important that we do have one. I think you are probably right, as far as the public are concerned, and, frankly, as far as MPs are concerned as well, so that may be a matter that the Committee wants to consider. Would I advocate



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for legislation to solve that? I am not sure; I think there are other ways in which we can do that.

Just very quickly, from a CPS perspective, last year we invited all MPs to come and meet their chief Crown prosecutors so that we could have a conversation with them about the criminal justice process and all of that. Just over 100 took us up on that offer. We will make that offer again this year, and we hope that more take us up on that, for the very point that you make.

Q237 Jessica Morden: You covered some of this in Clive's question earlier on, but we were talking about how much effort is involved for MPs and their staff in pursuing prosecution. Are there any requirements, such as "active victim", or any others, that you think could possibly be lifted to make it a less arduous process in these cases?

Nick Price: Sorry, but could you explain what you mean by "active victim"? Do you mean giving evidence?

Jessica Morden: Or kind of having known that you have seen what has been said about you—I think that is what I am trying to say.

Chair: I think the sense in which the term is meant is that, as the victim of the offence, you have to take a substantial part in the prosecution process. The question here really relates to not just how busy an MP might be, because that might apply to lots of people, but specifically to those MPs who, as it happens, do not come into contact with the material, because it is stopped before it reaches them, but the intent was clearly there on the part of the offender to reach the elected official and to affect them.

Jessica Morden: He's a lawyer!

Chair: Whether the answer to that is that you prosecute for an attempt, rather than for the full offence, I do not know—you might—but I think that is what we mean by the term.

Nick Price: We do not want to drag MPs to court to give evidence for the sake of that. We absolutely understand that that is not an ideal position. We also understand that MPs are busy and, frankly, we do not want to make even more publicity out of something that is often deeply unpleasant for the individual, because of their exposed position.

It really depends on the case itself. In many cases, the evidence is written—it is admissible in that form—and we do not need to have an MP actually come to court to give evidence because the evidential trail is there to be seen. In other cases, where that material has been received not by the MP but by a member of the MP's office, again, it may be that we have a witness statement from that individual, but, in those circumstances, we would not necessarily need to call that person to come to court. There are also all sorts of evidential provisions—hearsay provisions—which there is not enough time to get into, but there are ways of prosecuting cases that do not involve having to bring the victim to court.

However, there will be offences where we do need to do that, and our approach in those circumstances is to try to give MPs as much confidence as possible so that they are prepared to support prosecutions when we do need them to come to court, particularly as those generally will be more serious offences—assaults, public disorder, that sort of thing. So, it is not a yes or no answer, I am afraid; it is a nuanced one.

Jessica Morden: But there are ways—each case is treated differently, obviously.

Nick Price: Absolutely.

Q238 **Chair:** One more before we let you go. Three Ministers are sitting behind you, so no pressure. If the recommendations of this Conference were to be the greater centralisation of the investigation and subsequent prosecution of offences involving Members of Parliament—as victims, by the way, not as defendants—we are interested to hear anything you might want to leave us with, whether in objection to that, as concerns about it were we to make such a recommendation, or as things we ought to think about before making such a recommendation.

Chief Constable Stephens: If that were the basis, I would encourage the Committee to think about the preventive opportunities, because of their wider applicability—for example, finding ways to be able to take down more rapidly online content that is disruptive to the wider community, and so on. We struggle with that. In future, online material, artificially generated online material, is only going to grow as a problem. Thinking about the preventive interventions from a centralised approach would make it safer for everyone, not just the MPs we have been talking about this afternoon. That would be welcome, from our perspective.

Q239 **Chair:** You can see no organisational objection to that approach.

Chief Constable Stephens: No.

Q240 **Chair:** Mr Price, I know you have explained something of this already, but is there anything you want to add?

Nick Price: Only in the context—I know you understand this—that of course the CPS is independent of the police in making independent charging decisions. That constitutional principle would need to be respected in any recommendations.

Chair: Thank you very much. I will not ask you, Lord Colbeck—I think it is probably not your business. Thank you very much, all three, for giving evidence. If anything occurs to you after you have left that you were burning to tell us and forgot to, please tell us in writing. We would be grateful for any further submissions that you might like to make. Thank you.

Examination of witnesses

Witnesses: Dame Diana Johnson, the Solicitor General and Sarah Sackman

Q241 **Chair:** We are a couple of minutes ahead of schedule, but if everyone is ready, I suggest we start. I will not forget to do it this time, but will you all introduce yourselves, please?

The Solicitor General: I am Lucy Rigby. I am the Member of Parliament for Northampton North, and I am the Solicitor General.

Dame Diana Johnson: I am Diana Johnson. I am the Member of Parliament for Hull North and Cottingham, and I am the Policing Minister.

Sarah Sackman: My name is Sarah Sackman. I am the Member of Parliament for Finchley and Golders Green, and I am the Minister for Courts and Legal Services in the Ministry of Justice.

Q242 **Chair:** Thank you all for coming this afternoon. We have some questions, and I will start with one for you, Diana. It follows on from the question you have just heard me asking. One of the things that we are thinking about is the greater centralisation of investigation of offences where MPs or their staff—or indeed parliamentary candidates—may be the victims.

That is for a number of reasons: partly the complexity of those cases and the balancing exercise that has to be done, which we all understand; and partly that they are quite unusual cases. Expecting officers in 43 forces to do that, when they will have probably never come across another such case in their career, might be a challenge. May we have your perspective on that as an idea? Is it something you would support? If it is, what specific aspects of it will present either problems or opportunities?

Dame Diana Johnson: Thank you for that question. I certainly recognise what you identified. One of my frustrations as the Policing Minister—not just in this particular area that we are discussing—is the range of approaches, or consistency or lack of consistency, across 43 police forces with 43 chief constables.

In various areas, such as rape and serious sexual assault, there has been a lot of work to try to bring together best practice. As you will know, there is now a National Centre for Violence Against Women and Girls and Public Protection, which has been established to bring together good practice and to help all police forces operate at a level that we want them to when providing a service to the public.

I fully appreciate what you are saying; anecdotally, having spoken to colleagues, I know that some MPs have had good experiences with their local police force, others not so good. I am open to looking at whatever will provide that consistency of approach across the board. Having said that, we also, of course, need to recognise that the model of policing that we have in this country is the 43 local forces in England and Wales, and that provides the local knowledge about what that community needs.



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I am wearing two hats here: I am supporting the local 43 force model, but I also accept that when it comes to some things, particularly when events may happen only very infrequently, we cannot expect police forces and all officers to fully understand the complexities of some of the issues that they are having to deal with around MPs, councillors or candidates. So yes, I would be willing to look at this.

I suppose the other issue that we have to recognise is around resources as well, as there would be a resource implication if you were going to set up something more centralised. The final thing I ought to say is that in the last 10 years we have come some way to having a more co-ordinated approach because we have Operation Bridger and Operation Ford. I had a look at some of the guidance put forward around Operation Bridger: there are consistent ways of organising and of what is expected of police forces. There is that individual who leads on Operation Bridger in each force. There is certainly more consistency than there was perhaps years ago, but I am sure we could do better.

Q243 Chair: As you say, there are different ways of approaching this. You can try and make sure that training is rolled out to everybody so that their level of knowledge and understanding is raised, but even from a resource point of view, our concern would be whether it is worth it for all the officers in 43 forces, almost all of whom will never see one of these cases. The approach taken in lots of other forms of policing is to find a specialist unit somewhere central and ask them to do it.

One of our concerns about the way in which this is done now is that the focus is on where the offender may be. That means that any one of the 43 forces could be in the frame to investigate a case and would not necessarily have that expertise.

We know that what is being done in relation to electoral fraud offences is that the City of London Police is expected to take the lead as a central body. But of course, what is happening is that the nature of the offences that we all have to worry about are moving steadily away from electoral fraud and towards abuse and intimidation, where there is no similar approach of centralisation. Is that, therefore, another reason why centralisation in a unit sense, rather than anything else, is a good idea?

Dame Diana Johnson: Well, you are making quite a compelling case in phrasing that question about why centralisation might be a way forward. There have been huge steps forward, though, over the last few years. I reflect on the debriefing after the '24 general election: there was generally a view that things had improved in terms of the response to many of the problems.

You and I came into the House at the same time, in 2005. Mr Betts, who came in before me, will also probably say that things have got considerably worse over the last 10 years: certainly the level of harassment and intimidation—physically, but also online. We all recognise that we perhaps need to think differently about how we keep safe Members of Parliament as well as our families and members of staff.



Q244 Leigh Ingham: My question is to Sarah. We have found evidence that some courts seem to be reluctant to grant victims and witnesses protective measures, such as anonymity or restraining orders, because of the victim's role as an MP. We are interested to know what advice you provide those courts.

Sarah Sackman: Obviously, the utilisation of those sorts of orders are ultimately a matter of judicial discretion; it is important, of course, that we respect the independence of the judiciary.

One of the things that has become apparent through the work of this Conference is trying to understand whether there is consistency of practice across the country. There will be some instances where people can point to the use of restraining orders and anonymity orders, where those are appropriate. Others will point to cases where those might have been used, but for whatever reason were not.

It is important to recognise that because of the absence of data around cases where the victim is an MP or an election candidate, it is pretty difficult for us to say. So although it is always important that we respect the independence of the judiciary and the Judicial College, which produces guidance for judges hearing these cases, as parliamentarians and as a Government, too, we should consider how we might get more consistency of practice and look to gather more data on these types of cases, so that we get a better handle on whether on whether these things are being applied or whether in fact there is a bit of a postcode lottery.

Q245 Mr Betts: I want to carry on from the initial question to Diana about centralisation. We talked about personal experiences. The staff on the Bridger team in South Yorkshire, know about the issue and are helpful—they come back to us and give us information. The challenge there is that when you report into the general system, you begin with a five-minute explanation to whoever answers your call about what Operation Bridger is. That is the challenge. Is it a question of more centralisation across the country or just more concentration within specialist units inside particular police forces? Can any thought be given to that?

Dame Diana Johnson: You make a very interesting point. I have had this experience myself. I rang the police force—this was in Humberside—gave my name and said I was the Member of Parliament. They have a system where it pulls down Operation Bridger immediately, and there are steps that they then go through with you. That is the call handler—the initial call.

But I fully accept that in the past I have rung up and had to explain who I was, why I was ringing and about Operation Bridger. But I am hoping that the roll-out of the system, which allows that step-by-step approach, is in most forces now; that is what I am told. Perhaps if you ring up South Yorkshire and see what happens with the call handler, in case of the unfortunate circumstances in which you might have to speak to them.

Q246 Chair: It might be worth making a distinction between two types of incident. If we are talking about an immediate safety concern that a



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Member of Parliament might raise, I do not think any of us would argue that the sensible body to deal with that was not the local police force in the area where the MP happened to live.

There is another set of concerns, though, that we were discussing earlier, around the investigation of offending against Members of Parliament, and there the argument may be different. I just think it is probably worth making that distinction. What we are talking about here is really the public or the personal safety concern, rather than the investigation of offending.

Dame Diana Johnson: I certainly accept that there is sometimes a lack of understanding across the general population about what an MP or councillor is and why you might need assistance and help at a particular point. I fully appreciate that that is not widespread; I was just making the point that if you ring up the police there is a proper process that should recognise you as the Member of Parliament.

Q247 **Mr Betts:** Sometimes it may be even more difficult for MPs' staff because their names would not be known but they are equally entitled to that sort of protection; it is who they are working for that puts them in that bracket.

Dame Diana Johnson: Indeed. I fully accept your point about whether there needs to be something more centralised around MPs and their staff.

Q248 **Mr Betts:** Let us move on to the issue of offences; you probably heard our previous conversations. We are not asking for special treatment just because of who we are as individuals but because of the democratic process and system.

If threats to us are meant to change the way we behave as Members of Parliament, they are a threat to democracy in the widest sense. When it comes to offences and what may be prosecuted, and what may be considered in terms of sentencing, I know there is a general aggravating factor in terms of assaults or threats against public service providers, but should there be a specific one for Members of Parliament and their staff?

Sarah Sackman: Can I put this in a little bit of context? I speak with my MP hat on here as much as my ministerial hat on. My predecessor in this office—both in my ministerial office and my predecessor as MP for Finchley and Golders Green—was Mike Freer.

Mike and I should have had the chance to face each other at the ballot box, but because of the threats and the violent intimidation that he faced on a number of occasions, including some of the most serious threats imaginable, he decided to leave office. This House lost a good MP, leaving me with, I should say, substantial boots to fill. No one should be intimidated to leave public office. It caused me to reflect on the question that you have asked about whether our legal framework and the enforcement of that legal framework is adequate.

I think that the statutory aggravating factor that we have in our legislation under the Police, Crime and Sentencing and Courts Act in relation to those who serve the public or perform a public duty is a start, but it seems to



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me that there is a category difference between those who are elected to serve the public and those who perform other public duties.

An attack on an MP or hostility towards an MP, or indeed to elected councillors and other elected officials, doesn't just harm that individual; it damages democracy. I think we should give very real thought to whether there is an argument about whether we need to go further and identify statutory aggravating factors in relation to the particular individual, not because we deserve special treatment but because of our representative functions and the wider democratic harm that it does to our system.

Q249 Mr Betts: Should that be a more serious aggravating factor in terms of offences, or ought we to look at specific offences to deal with this?

Sarah Sackman: Again, I have given this quite a lot of thought. Perhaps my initial knee-jerk reaction, particularly in respect to what happened to Mike Freer, was that I could not believe that we do not have a specific offence.

I think with the fullness of time, and thinking about how our criminal law operates and how it can be most effective and most readily understood by those who are responsible for policing, and for charging decisions, is that those offences that we have, and the way in which they already overlap, probably suffice. I do not know that we need to rush to create a specific offence, but the idea of a specific aggravating factor is one that has merit and one to which the Government and Parliament should give real thought.

Q250 Mr Betts: Would that just be for MPs, or MPs' staff as well?

Sarah Sackman: I think there is an argument about going further. I am sorry; I am hogging the mic, and I should pass it over to my colleagues. I think we need to think about elected officials more broadly. Clearly, the focus of the Conference is MPs, but there are councillors and others in elected roles as well, and candidates, including those who stand for independent third parties. I think that might be an appropriate remit. Whether it ought to extend to MPs' staff, I am not sure, because I am not sure if that quite goes to the point that I have identified. They are not officeholders in the same way. They are not vulnerable as a result of participating in an electoral event.

Q251 Chair: Presumably, if we were to go down the line of an aggravating feature in sentencing, what could be done is, if somebody is the victim of an offence because they are a member of staff of a Member of Parliament and that is the reason they are being targeted, that could in itself be an aggravating feature in the sentencing of the offender, because the same mischief is there. The attack on democracy is still there. You would simply be inviting a judge to consider that factor in the sentencing of the offender, wouldn't you?

Sarah Sackman: I think that is a perfectly credible argument, precisely in the way that you have put it. Again, I think it warrants careful thought. It is not Government policy as of today.

Q252 **Chair:** It is one of the attractive features of doing an aggravating factor in sentencing rather than a specific offence, because obviously a member of the team could not be the victim of a specific offence, but it could be an aggravating feature in the sentence.

Sarah Sackman: Exactly. That is precisely the attraction. We need to be aware of the temptation of simply expanding and creating highly specific offences, but in the sentencing space, recognising the independence of the Sentencing Council, that approach and direction of travel is something that we should explore.

Q253 **Mr Betts:** It is always helpful to see Government policy being made in these meetings as we go along. To be serious, I echo what Sarah said about Mike Freer. Obviously, he was a colleague in this House. I knew Mike; he was initially on a Select Committee with me. He was always a good MP for the area and a genuinely good man. I think it is awful what happened to him.

Sarah Sackman: Hear, hear!

Q254 **Chair:** I agree with that. Does anybody else want to comment on that question? Lucy? Otherwise, I know John wants to come in.

The Solicitor General: I don't have to, Chair. Just before I do add a few words to Sarah's, I just want to echo, to some degree at least, what Sarah said. I am very pleased that this Conference is happening. I was elected as a Member of Parliament just recently, in July last year, and obviously I was fully cognisant of all the issues that surrounded that election. Because of those issues, I thought quite hard about whether or not to stand for Parliament, so I want to put on the record how pleased I am that this work is being done. Thank you all very much indeed.

Q255 **Chair:** While you have the mic, Lucy, I did not ask you specifically around the centralisation question I was covering with Diana. You may or may not have heard what Nick Price was saying about that. Is there anything you want to add on the question of whether or not there should be centralisation within the CPS of cases where MPs—or conceivably, as Clive was saying, MPs' staff—are the victims of the offending? Is there anything you would want to add on the question of centralisation?

The Solicitor General: My understanding is that we do not have issues within the CPS that go to discrepancies between regions. We do not have an issue of needing to centralise in that sense. As you heard from Mr Price, there are plenty of steps within the CPS system that go to how seriously the CPS takes these issues. They include the requirement for chief Crown prosecutor sign-off, and the fact that, in the public interest test within the code, these offences are more likely to be charged if they involve a public servant.

I do not think we have the same issues within the CPS that we may want to be addressing within policing, but the chief thing here—you will have to forgive me because I am sure that Mr Price covered it—is the multiplicity of types of offences. We have malicious communications, criminal damage and assault—as you are aware, it is the full spectrum. It is important that



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each case and offence is fully assessed on its facts and merits.

Sarah Sackman: If I may just chime in on this discussion about centralisation, the attractions of centralisation are the ones that you have outlined. You build expertise, and you have a single focal point that MPs around the country can call into. These are unusual cases. It is about good resource management.

I want to pick up on one thing that the Minister for Policing said and that was also picked up in the submission to the Conference from the Antisemitism Policy Trust. Of course, these offences are unusual in some respects because of who they involve. In another sense, they are not that unusual because we are dealing with offences such as harassment and malicious communications online.

One of the things that the Antisemitism Policy Trust picks up, which I think might or could get lost in a centralised approach, as opposed to a localised one, is where community relations are in play, and where part of the context for the threat to individuals derives from poor community relations or poor social cohesion in a particular area—perhaps relating to geopolitical events or whatever it might be. That local knowledge is going to be really important.

What I would not want to see lost in a centralised model is that understanding of local community relations. I know from my own constituency, sitting in Barnet, with its diversity of communities—a large Jewish community, but also large communities from other parts of the world—that local knowledge is really important.

Q256 **John Slinger:** Minister Sackman rightly made the point about the threat posed or the attack committed against democracy. I completely concur, but I think it is worth noting that, from the perspective of seeking to encourage people to stand for office—which is clearly an issue we are looking at—someone entering elected office and then being attacked because they have done so is something we need to bear in mind as an aggravating factor as well. It is kind of an obvious point—you look at the macro, but also the micro is, “I am being attacked because I am standing”, and I think the system ought to reflect that.

Secondly, regarding the aggravating factors, do you do research on the extent to which the public at large are aware that aggravating factors even exist? I imagine some people might know about attacking ambulance personnel, for example, but I doubt they would realise there is this specific point about public servants. Furthermore, they probably would not categorise us or our staff as public servants. Is there not also an educational job to be done? That may go well beyond your remit, but I think it is worth asking your view on that.

The Solicitor General: That is a really good point, John. I suspect Mr Price referred to it, but this guide from the CPS—you have no doubt seen it—that comes to all parliamentarians is fantastically useful for exactly the reason you just gave. Without turning the pages on all of it, it highlights to MPs, their staff, and to candidates as well, things like red flags, your



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ability to have special measures, give a personal statement, and all sorts of things right the way through the process. I think it is fantastically useful.

Your question, I think, was about the public at large, though, and you make a good point. For example, I am not sure how much it is necessarily known to the public that the CPS is more likely to charge an offence if it is against a public servant.

Sarah Sackman: All I would add, and I suspect colleagues will agree with me, and maybe Lucy too, given that we are both new MPs, is that before I got into this place, and even since I have been elected, people would come up to me—friends, families and complete strangers sometimes—and they would say, “Gosh, you must be mad to put yourself forward.” That is actually a very sad state of affairs because we want good people to put themselves forward.

What we cannot know is how many people this climate of fear has affected, no doubt engendered and exacerbated in particular by the murders of colleagues like Jo Cox and Sir David Amess, but also by other incidents and the online abuse colleagues suffer. We do not know how many good people have not put themselves forward, and again, that is damaging to the calibre of parliamentarians and democracy as a whole. So we have a real job of work to do.

Your question is a really good one. Of course, the previous questions were directed at what legislative options we might consider, but I think the public education piece is important. The education and preparation of candidates is important. I would encourage a cross-party approach, and perhaps a role for the Electoral Commission in providing a briefing to candidates and all who put themselves forward for public office about what to expect, where their points of contact are, and what the threats might be.

We all need to be prepared for what entering into the public arena can mean, and I do not think it matters what political party or part of the country you are from. There is a huge job of work to be done there. As a society, and with the bodies we have like the Electoral Commission, perhaps we have been a bit too complacent. There is a job of work to do that does not necessarily involve more legislation, but perhaps a greater investment of time and cross-party work to train, prepare and better protect candidates.

Chair: It might be worth saying that the reason Mr Speaker set this whole process in train is precisely to reflect those sentiments. We have already taken evidence from the Electoral Commission and the political parties, and you will be unsurprised to learn that we are also taking evidence from social media companies, because we recognise that it is as multifaceted as you describe. For your reassurance, there are lots of different aspects of this that we are considering as a group.

Q257 **Dr Huq:** It is really good to have an all-female trio of Ministers—a girl



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power panel—today. That is relevant to my question, because I wanted to ask about misogyny.

I have a quote from the Electoral Commission's report into the last election. I guess, in between Diana, Sarah and Lucy, I have been an MP for 10 years now. The Electoral Commission said on the last July '24 election, "many candidates experienced unacceptable levels of intimidation and harassment, in particular directed at women and candidates from ethnic minority backgrounds"—I am sort of in a Venn diagram of both. Gender is one of the few protected characteristics that is not covered by hate crime legislation or treated as an aggravating factor. What consideration have you three given to changing that and treating misogynistic abuse the same as racial or religious hatred under the law?

Dame Diana Johnson: You will know that, in the Labour party manifesto, we made a commitment to include the aggravating factors that are not included in hate crime at the moment, in terms of LGBT and disability. So we are including those, but you are absolutely right to recognise that sex is not one of the protected characteristics in the way that those others are. You will probably also know that there was a report from the Law Commission—I think in 2021—when it was asked to look particularly at misogyny and whether it should be included. Its view was that it should not be included as an aggravating feature. The position of the Government is that we are reflecting on the recommendations—I think it made 34—in that report.

Q258 **Dr Huq:** How long ago was that? Is that report recent?

Dame Diana Johnson: It published its report on hate crime legislation framework in December 2021 and made 34 recommendations, of which two link to the issue of misogyny as a hate crime. I hear and fully recognise what you are saying about the information that has been provided about the election last year, but the Government's position is that we are reflecting on what the Law Commission has said. I cannot say to you today what our position is on that today; there is work ongoing.

Q259 **Dr Huq:** Apparently, Ofcom is broadening its guidelines to include violence against women and girls. I do not know if, since '21 to where we are now in '25, there is an update, but it is good to hear that it is under consideration.

Dame Diana Johnson: Of course, we have been in Government only since last July, so we have inherited this report, and we are looking at it.

Dr Huq: Anyone else?

The Solicitor General: I shall defer entirely to my policymaking colleagues.

Dame Diana Johnson: I think it is also worth saying that although the Law Commission was not minded to recommend that misogyny should be included for the purpose of aggravated offences or an enhanced sentence, it recommended that sex or gender should be added to the stirring-up



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offences to criminalise the incitement of hatred on grounds of sex or gender. So it was not a complete “no”.

Q260 Dr Huq: The other question I have is probably for Sarah, which is about disqualification of candidates standing for election. We have been told that courts should impose election disqualification orders automatically if a conviction meets criteria, but there is no evidence for the effectiveness of these orders, or how often they are imposed, and there is some indication that they are not being imposed when they might be. It does not seem like there is a consistent approach, so I guess the question is, are you satisfied with the court’s understanding of election disqualification orders? Would it be simpler to have an automatic ban on standing for election for those convicted of certain crimes?

Sarah Sackman: I would not put in question for one minute the court’s understanding of both criminal and election law. While these cases are unusual, in my experience, when election offences, or ordinary criminal offences that pertain to MPs and candidates, come before the courts, they tend to be, under criminal practice directions, treated in an expeditious way, and also heard by—let’s put it this way—an appropriately qualified level of judges, so under special jurisdiction of the chief magistrate.

In that sense, I have no reason to doubt that our courts have a sound understanding of what powers they have and how to apply the law in the cases before them. But as I did say earlier, because these cases are not specifically flagged as such, we do not have the data on them. So, to answer your question candidly, I do not think I can speak to the consistency of practice or how often they are being used, because we have not got that data held centrally. I am happy to take away the specific points around disqualification orders, and update the Committee if we have anything specific on their use; but generally, when it comes to offences involving MPs, we simply do not hold that data centrally, so it is hard to add much more.

Q261 Dr Huq: I guess you will not have seen some of the evidence that has come our way, so we could write to you with that—or I could write to you with that.

The Solicitor General: The only other thing I would say is that this is obviously a relatively recent phenomenon, so you would not necessarily expect to see too many. From a prosecutorial point of view, it does not touch on the CPS because, as you rightly said, it is an automatic thing for the courts; but, to your direct question, I can see that there could be some deterrent effect from a full-on ban.

Q262 Chair: It might be worth saying, because I suspect it was before you were in the room, that I asked Mr Price about that, and I think his evidence was that it is not automatic, as far as the Crown Prosecution Service is concerned, and that he would expect that the CPS would make an application for a disqualification order only in certain cases, where it would be appropriate.

We are, by the way, conscious that this is of limited utility, because it will



only really affect those who decide later that they want to stand for election. But I think the evidence from the CPS—colleagues will correct me if I have misheard it—was that it is not automatic, as far as they are concerned, that it does not apply in every case where an MP or a candidate would be the victim of the offending, and that it is something the CPS would consider applying for on a case-by-case basis.

The Solicitor General: I think there might be a difference, but I would need to go back and look at what Mr Price said. With disqualification orders, for the purposes of the Election Act 2022, which you are rightly referring to, my understanding is that there is not a CPS role in that, from the point of view of those being automatic from the court. But with restraining orders more broadly—obviously there are lots of different types—CPS policy is to consider those at the earliest opportunity.

One of the issues that I dealt with not long after I was appointed was from one of our colleagues who had experienced criminal damage to his office, and he wanted to know why, in his specific case, an order had not been sought. Because it was a closed case, I was able to talk to the DPP about it. A communication then went out to the prosecutors in that area to ensure greater awareness of the fact that these should be being sought—because there are many different types—in cases involving MPs, because it can be extremely important.

Q263 **Chair:** We are being slightly unfair on you, because you did not hear what Nick Price was saying. Maybe you could write to us with the position, as you and the CPS understand it, as to how automatic or otherwise it is for applications to be made for the various kinds of order that could be sought at sentencing stage, including disqualification under the Elections Act.

The Solicitor General: Of course.

Chair: Then we can get a clearer picture of what the CPS approach would be to each of those, and it will give us a platform on which to suggest whether we think that needs to change.

The Solicitor General: That is very sensible.

Q264 **Dr Huq:** The example I have in front of me is Michael Donaldson, who was convicted of an offence that is specified in the Act as intimidatory. He threatened to kill Ed Miliband, our colleague. There is no reference in his sentencing report to that. I do not know whether that is because it is new and people are feeling their way around it, but in cases where it should be expected, it is not occurring. We can write to you with that.

The Solicitor General: Obviously, it is fact specific, but in a case like that, involving a Member of Parliament and threats to kill, you could well expect to see some form of order, be it a restraining order, non-molestation order or stalking protection order. Obviously, there are many different types. It is important that the CPS ensures that prosecutors are aware that, in these cases, those kinds of order are extremely important.

Q265 **Dr Huq:** This is the last question from me. Do you think that judges should have broader powers to bar offenders from standing for election if



they feel that the crime was anti-democratic? I do not know whether anyone wants to do some blue-sky thinking.

Sarah Sackman: We hear concerns from lots of different angles about threats to MPs coming from members of the public, with those who participate or seek to be candidates themselves being the source of the abuse and intimidation. We have to make sure that our police, the CPS and judges applying the law are equipped with the right suite of tools to ensure that those who have already demonstrated that their behaviour renders them unfit for public office, and is damaging our democracy, can be, as far as possible, removed from that process and from revisiting that process to damage it again.

I have no reason to call into question our independent judiciary's properly and robustly applying the laws that we have passed in this House. I have said this a couple of times, but we not only need to look at the existing legal framework and explore areas where we think it might need to go further; we need to find a way of beginning to collect the data, to monitor the effectiveness of what we already have. Yes, training, culture and education, which others have referred to, will be vital in that, but we have to be able to track sentencing outcomes, conviction rates and so on. We have to be able to track that better, so that we know whether the framework we have is working.

Q266 **Sammy Wilson:** A lot of the abuse is designed either to damage candidates during an election campaign or to deter them. I have witnessed that with some of the female candidates in my own party in Northern Ireland: the abuse is designed to deter them and others from going out canvassing. It is important that the law and the process should be capable of moving quickly, so that these things are not dealt with after the election is over, when the damage has been done, and votes and campaigns may have been influenced.

We heard from Nick Price that some steps are being taken to try to move the process along quickly—he talked about advice to police service teams. Do you see any scope for speeding up the process to ensure that election campaigns and the whole democratic process are not damaged? The law takes so long to deal with the perpetrators of some of these crimes.

The Solicitor General: I think that is an excellent question, and I am glad it is being asked in this forum. I did hear Mr Price's answer on this, and he recognised the value in swift action in exactly the circumstances that you outline.

In an ongoing election, swift action on something that may affect the result of that election is incredibly important. Outside of the election context, I think it is fair to say that all of us in this room recognise that justice could be quicker. We probably do not have time to go into the various issues that we have in the criminal justice system but, outside the election context, it is clearly right that the CPS, which I superintend—although the same is true for the police and the courts—looks at each case exactly on its merits. The most important thing is to deal with it fairly and get the right result.



Q267 Sammy Wilson: We saw examples last summer, and examples recently in Northern Ireland, in which the incident happens one night and the perpetrators are in court the next day, or the day after. What steps need to be taken to ensure that that rapidity of justice occurs during an election campaign?

Maybe you could run us through the process. How can these things happen so quickly? I can think of cases in Northern Ireland in which it was six months down the line before the people who were trying to disrupt the electoral process finally finished up in court.

The Solicitor General: Yes, and that is incredibly frustrating to say the least. I think, as Mr Price touched on, in that situation you would need lawyers on hand to deal with cases extremely quickly, from a CPS point of view, and measures taken from a policing and judicial point of view. For what it is worth, I think that the comparison to the events of last summer does not necessarily fully align.

To the point that the Chair raised earlier, I said that there is much variety in the offences against MPs. Over the summer, much of the alleged offending was caught on body-worn cameras, and in those instances it is much easier to process the case quite quickly. The offences in the situation that you are talking about are against candidates or, more broadly, parliamentarians.

I appreciate that most MPs' offices have CCTV, but you are not always going to be in that situation. However, I think that the central point is worth exploring: whether it would be a good idea to have, during election time, some way of ensuring that there is very swift justice.

Sarah Sackman: To add briefly to what Lucy said, I think that in practice our courts, in completely different circumstances, are well used to responding rapidly when that is germane to the matter at hand, such as seeking an urgent injunction out of court hours. You referred to the response to the Southport riots.

I think that in those sorts of cases, if the CPS requests expedition then, under the criminal practice directions, cases involving Parliament, parliamentarians, or indeed royalty—I think they are put in the same category—are dealt with under the special jurisdiction of the chief magistrate. There is therefore scope for expedition. It obviously has to go through the proper channels and be justified: you have to justify why, and the fact that there is an election going on might be a jolly good justification. It will be case-specific; I think that the judiciary would be well alive to that, but we have to know that that is working well. Clearly, we know the wider context of backlogs.

Q268 Chair: We would need to be clear about whether or not that relates specifically to Members of Parliament because they are office-holders, as of course during an election they are not.

Sarah Sackman: That is very true.

Q269 Chair: So for sitting MPs running for re-election, and indeed for other



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parliamentary candidates, the mischief is that, as Sammy says, if there is an attempt to interfere with the outcome of the election, resolving it before the election itself is resolved becomes important. It might be the mechanism that we need, but I think that we would need to check that it is applicable to parliamentary candidates during the currency of an election.

Sarah Sackman: I think that is a very fair point. Of course, there would also have to be no discrimination between different candidates because, once you are in an election, the fact that you are the incumbent falls away. I absolutely take that point.

Q270 **Sammy Wilson:** It does depend on the priority that the CPS give—if it states, “We believe it is essential to have the courts sitting quickly.” The point I was trying to get at is whether there is anything that can be done to ensure that, for events in an election, it is not just left to the discretion of the CPS, and there is clear guidance that we expect swift action to be taken.

Sarah Sackman: That sounds reasonable and sensible. I suspect that the practice of the CPS is to apply for expedition, but guidance on that would certainly not hurt.

Chair: Do colleagues have questions that we have not asked? No, so I thank you all. As I said to the previous witnesses, if anything occurs to you after you have left the room that you wish you had said, please drop us a line and tell us. I know that Lucy is, very kindly, going to come back to us on ancillary orders, and the policy on applying for those. Sarah, it may be that other points arise on the specifics that we just discussed, which you might look into and write to us on. If there is anything else, please let us know.