



## Committee on Standards

### Oral evidence: Code of Conduct, HC 671

Tuesday 2 March 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; Sir Bernard Jenkin; Anne McLaughlin; Michael Maguire (Lay Member); Dr Arun Midha (Lay Member); Mr Paul Thorogood (Lay Member).

Questions 185-230

#### Witnesses

I: Dr Claire Foster-Gilbert, Director, Westminster Abbey Institute.

II: Ken Gall, President, Trade Union Side, House of Commons, and Amy Leversidge, Assistant General Secretary, FDA, House of Commons.

Written evidence from witnesses:

[Dr Claire Foster-Gilbert, Director, Westminster Abbey Institute](#)



## Examination of witnesses

Witnesses: Dr Claire Foster-Gilbert.

**Chair:** Welcome to this morning's session of the standards Committee, where we are engaged in our Code of Conduct review, which is looking at every single aspect of the way MPs are regulated in the House and the way we support and enhance higher standards across all the work we do. We are delighted to have with us today Dr Claire Foster-Gilbert. We are going to be asking her questions for the next 45 minutes or so, and we are going to kick off with Arun.

Q185 **Dr Midha:** Good morning, Dr Foster-Gilbert, and thank you for a very thoughtful and thought-provoking written submission. I personally found it really helpful, as I am sure did the Committee. I have a couple of questions to start off with. First, what do you think are the limitations of a code of conduct in promoting ethical behaviour, and what should the Code itself aim to achieve?

**Dr Foster-Gilbert:** Good morning. Codes are limited because they are only ever words, usually words on paper or on a screen, and ethical behaviour arises out of the way people feel and the way they perceive the world—self-understanding; self-awareness. Those inner dispositions don't just come from reading words on a piece of paper or a screen; they have to be activated in some way. So in my view it is not enough just to have a code; that will not solve anything in terms of behaviour. Ways have to be found for it to be activated.

Q186 **Dr Midha:** I am putting you on the spot, but do you have any initial thoughts about how that might be brought to fruition?

**Dr Foster-Gilbert:** I don't see any way of avoiding face-to-face encounters, where at the very least the meaning of the Code is talked about, so that there is some generated sense in the other person of what the Code is trying to do. So it is about reflective discussion—something that raises awareness.

The other thing, I suppose, is that a code has to land within a culture that is welcoming of it. If something goes wrong, simply writing a code—indeed, writing a policy—isn't going to sort it out; you have to address the culture. It seems to me, though, that the Code that is under review here is landing in a culture that is, generally speaking, good. People come into politics to do good. I was involved with the Banking Standards Board and its code for a while. That was at the time when banking was trying principles-based regulation, and it really didn't work, because the *raison d'être* of banking is not to do good, whereas you might say—you should say—that the *raison d'être* of being an MP is to do good.

Q187 **Dr Midha:** That is interesting. In your written submission you referred to the relationship between values and principles on the one hand, and enforceable rules on the other. How do you think you can get the right relationship and balance between values and principles, and enforceable rules, within a code of conduct? Perhaps you have had experience from



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your involvement in other areas that might help.

**Dr Foster-Gilbert:** Well, I think that it is only fair that if there is a code that applies to a group of people, it is clear to them what it is they are adhering to. And it is only fair also that, if there are sanctions, people—MPs—know what it is they have broken. So clarity about the rules is really important.

It is much harder to be clear about principles. I mean, a rule is something that you keep or break, whereas a principle is something you aspire to. If we take the Nolan principles, I can assure you that I have been selfish, I have not practised selflessness all the time, and I am sure that I have been dishonest in some way or other and not been open, and so forth, but I would hope that I would try to be those things. So you simply can't apply principles in the same way that you can apply rules.

However, it ought to be the case in a well-written and well-drafted code that the rules come out of the principles, and I would hope that any reasonable, well-intended person, as every MP is, would hope to adhere to, or would aspire to adhering to, the principles, and in so doing would never fall foul of the rules.

**Dr Midha:** I will hand over in a second, but I just want to make a comment about one aspect of your written submission—your view of the "helmsperson", in a sense, who is steering. I thought that was very well put. Thank you very much.

**Chair:** Do you mind if we call you Claire?

**Dr Foster-Gilbert:** Please do.

Q188 **Chair:** It's a bit shorter, apart from anything else.

I want to ask you about this selflessness bit, because I sometimes worry that when we are so high up in the clouds, we can't see what is happening down at our feet.

Selflessness might mean that you should never, ever claim a salary, or claim for anything, to do your work. However, at the same time Jesus said, "Love your neighbour as yourself", which implied that you had to do a bit of loving yourself, and indeed RuPaul says every week, "If you can't love yourself, you can't love anyone else". So, how do you play out a principle like selflessness in a way that is actually meaningful, rather than in a way that is so grandiose that nobody could ever possibly achieve it?

**Dr Foster-Gilbert:** If I may say so, you have most beautifully made the case for the need for reflective discussion about the meaning of the principles of the Code. It is precisely finding that balance of how to honour selflessness and how to aspire to selflessness in an intelligent, thoughtful, morally resilient way—for example, understanding the need to love yourself first, what that means and why that isn't selfish. But that emerges in a conversation. Also, in trying to enact the principle, if you try to be selfless, that is how you discover the questions that sit within that.

Q189 **Chair:** But then the press, which is where this debate normally happens



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for an MP, are not interested in any of that nuance. Two MPs can claim identical pieces of IT kit and the press will choose to write only about one and not about the other, and runs massive headlines condemning them. That is the place where MPs are actually frightened all the time.

**Dr Foster-Gilbert:** That is why it is difficult for the Westminster Abbey Institute to get MPs to come and have a reflective discussion about ethics. They say to me, "I can't come to something with the word 'ethics' in the title, Claire, because it will be read in one of two ways by the press: either I don't know the difference between right and wrong and I have to be taught it; or I am climbing on to some moral high ground and I am going to be pulled down from it. So I am going to stay away." It is a real challenge. To be honest, I think you just have to do it because it matters, and let the press interpret it as they will.

If you asked your constituents, "Would you like me to spend a bit of time reflecting and becoming more self-aware about the vulnerabilities of an MP, the ways in which I can be pulled off course, and how I can aspire to fulfil the Nolan principles?", and, "If I spent half an hour once a month or three times a year doing that in a safe environment with like-minded people, would that be a good use of my time?", I am sure your constituents would think that a good use of your time. The press will interpret that how they will, and MPs need to be unafraid of saying, "We are all vulnerable, and we are all fallible. I need to work on my moral character as much as the next person. It is not that I am a bad person. I just need help. We all do." That is why there is a difference between principles and rules. The principles are nuanced. You understand them in practice, in conversation. They are not just things that you keep or break.

Q190 **Chair:** One other thing from me before I move on to Anne. You say in your written submission that somebody should be a champion for the rules and perhaps that should be the Chair. Well, I am terrified of that. I am a terrible, terrible person. You don't have to look very far to find awful things that I have said and done, as I am constantly reminded by the members of the Committee. The fear for all of us is that we are setting ourselves up as better than other people somehow or other. How can we square that circle, if that is possible?

**Dr Foster-Gilbert:** How do you think I feel? I am the one who is trying to get public servants to be more ethical, and I am not in the least bit ethical, either. At least, I try to be, but I fail; we all do. Look, it is a grown-up conversation, isn't it? It is first of all the recognition of one's own fallibility and, if I may say so, that is how a code of principles begins to have some meaning first of all: with the recognition of your own fallibility. As one MP I spoke to recently said, "I know that I bring to this job—I kind of have to—a certain degree of arrogance and ego. To stand for election, you have to have a certain amount of that, and I need to remember that that is there in my make-up."

Chris, you are just going to have to find a way. I don't think you should be on your own in this. After I had submitted, I thought, "It's not fair that there should just be one champion. There should be many champions."



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And the champions should be attractive people; not just the people you might think of such as party leaders or Whips, but people whose character is attractive and who have a certain degree of humility—somebody you want to emulate. So there is no question of setting yourself up as one in the know. It is more that you are setting yourself up as one who knows your own vulnerability and wants to do something about it. Doesn't everybody? You make it so attractive, so irresistible and so much part of the culture, that there is no question that anyone is climbing on to the moral high ground; in fact the opposite.

**Chair:** I think all the criteria you just laid down there ruled me out. We are going to move on to Anne McLaughlin.

**Dr Foster-Gilbert:** If I may say so, that self-awareness is what rules you in. It starts with the self-awareness and the hunger to understand, which you have also demonstrated.

**Chair:** Anne.

Q191 **Anne McLaughlin:** Thank you, Chair, and good morning, Claire. It is lovely to meet you. I have to say that I do not recognise this characterisation that the Chair is giving of himself, although he probably is the only person to have quoted RuPaul and Jesus in the same sentence in a parliamentary Committee in public session.

Just following on from the talk about the need for reflection, discussion, training and coaching, I was interested in what you said in your evidence. You said, "Words in a document are not enough. Codes have to be brought alive in people, embodied by them." I really like that, but I was wondering if you had any pointers on how you might meet those needs in a parliamentary context. Do you have any practical advice—I know you talked about reflective discussion—from the work of the institute, on how that might be achieved in practical terms?

**Dr Foster-Gilbert:** These are the things that we do, and I am bound to say that of all the public servants with whom we work, MPs are our hardest-to-reach group. It is not because MPs don't want to be ethical; it is because they are busy and other things always take precedence. But it does take a level of self-awareness and a hunger to learn. You can't teach somebody unless they are hungry to learn, right?

We have a fellows programme, and this is the most effective of all our work, in terms of getting into working on moral disposition or character. This is a group of up to 20 public servants right across the public service spectrum—ideally including an MP from two different parties—we managed that one year, although most years we get one MP if we are lucky. There are six seminars over the year, some of them residential, some non-residential, where you hear from very senior people in public life about the stresses and strains, and challenges and ideals that they have faced. They speak very honestly and openly because it is a private conversation, from a former Lord Chief Justice, to a senior MP, to a former head of MI5, or Commissioner of the Met—very senior people in public life.



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Then, at the residential seminars, we work on ourselves, as it were, and we have got a few techniques, and they are a bit shocking, but you are in a safe environment so they work. Our mid-term residential is called "Facing fallibility through tragedy and comedy". The first session is the tragedy one, where you feel your way. It is an Ignatian technique—very quiet and very reflective. You feel your way to your place of what he calls desolation, but what we might call your place of greatest vulnerability. This is done very quietly. There is a lead-up and then we do it silently, and it is about feeling your way to that place and sitting with it, just as you might sit with somebody, a dear friend who is in a tremendous amount of pain, and you can't do anything about the pain but you are not going to leave them. You sit with that feeling of vulnerability in yourself for a bit, and people may speak about it, or they may not, but it is a very quiet, very reflective, very tender session. That is the first half.

Then the second half is a stand-up comedy workshop, and actually it is the same practice, but done through laughter. So you switch off your mental editor, which people in public life have to keep on all the time, being careful what they say. But in this context you switch it off and you just say what comes out. It is beautifully led by somebody who teaches stand-up comedy. It is hilarious. So you make friends with your inner fool and discover it is nothing to be frightened of. On the contrary, it becomes your friend.

The principle governing that "Facing Fallibility" session comes from something that Rilke said, which is "Our deepest fears are like dragons guarding our greatest creativity"—I can't remember the exact words. You are not trying to get rid of them but you are becoming friends with them, and that makes you a much, much better public servant, because you are no longer feeling there is something that has to hide behind a carapace and that you can't show the world because you are ashamed of it. You've met it, you've made friends with it and you've recognised that is in you. It is part of your humanity and it is what makes you a better person, actually. It makes you more humane.

During the residential seminar at the end of the year, we use a narrative called "The Hero's Journey", based on the work of Joseph Campbell, where the main character is called out of their ordinary world to a quest. They have to meet a mentor, they face trials, there is always a time of darkness and there is some sort of great ordeal. There is a time of claiming the prize and then a new level of life. We work through those stages and it is a very good basis for discussion of personal, professional and institutional journeys.

All the time the emphasis is on understanding that this is a journey—the helmsperson trying to find the balance. It is not a state of goodness or a state of badness, but something towards which you are working together. Because you are working with people from other walks of public life, and everybody is hungry to understand, there is a recognition across the board, and you stay in touch with each other afterwards.



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One thing we do, for example, to activate the idea of the great ordeal and to recognise that this journey is not just about the individual, but about everybody around the individual, is that we have a three-legged race. You learn that you only get to the goals by working in tandem with somebody. The prize isn't necessarily for the pair who get there first either. It is a very safe environment. We try to think of ways of bringing it to life. You have to activate it.

The other, much less scary, thing is that we have a Westminster conversation or invitation-only seminars for Government Departments. The Westminster conversation is for parliamentarians only. It is over a sandwich, in private, looking at things that build up moral resilience in politics. Again, it is very hard to get MPs to find the time to come to that. Westminster Abbey is only around the corner. Some MPs come—I think Bernard might have come to one. Lots of Lords come.

I would like to do more just for MPs. I am talking to MPs now, to try to hear more about what we could do. We can tailor these events and make sure that people in the room can speak openly with each other, to share the challenges. I said to another MP, "You are in power and everybody around you is a yes person, so you never get challenged once you are an MP." He said, "On the contrary, I am constantly undermined. It is not just my judgment that is undermined, but my motivation and my character." He worries that we are trying to win arguments against each other by undermining character, and that is corrosive. So something that helps MPs deal with that, which must be a lonely thing, particularly at the moment.

**Q192 Anne McLaughlin:** I find what you are talking about utterly fascinating. I suppose the challenge is how you roll out some element of that to all MPs. It also reminds me of my three years at drama school, where that was my life. The purpose was to enable us to cry at will, so if ever I cry, I may be feigning the tears. We didn't do the three-legged race, but we did have to close our eyes and fall back into somebody's arms, trusting that they were there. I could never do it. Please don't adopt that, Claire.

**Dr Foster-Gilbert:** I am just writing it down.

**Anne McLaughlin:** When you were speaking earlier, you said that for this to work there would have to be a culture of welcoming it. You have talked about how difficult it is to get MPs to find the time to come along. Even if they have the time, how would you tackle the problem that the MPs who are most likely to benefit from the reflection might be least likely to volunteer for it?

**Dr Foster-Gilbert:** You can't teach someone who doesn't want to learn. All I can suggest is feeding the culture, so that it becomes irresistible. At one time, we thought smoking was great. There is an advert from the second world war, with a beautiful young woman with a cigarette and a baby in a pram, and it says, "Smoke near babies, it will help soften the air." That was in the 1940s. That was what we thought then; we know better now.



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You want to build up a culture of awareness where it becomes irresistible, what everyone else is doing or what the people you most respect are doing, so then you do it as well. Either you wake up to this, or you get drawn into it by seeing others doing it or being aware that it is the norm.

**Anne McLaughlin:** Good point. Thank you very much, Claire. I will hand back to the Chair.

**Chair:** Thank you, Anne, and I'll bear that in mind next time you cry in the Chamber. Sir Bernard, over to you.

Q193 **Sir Bernard Jenkin:** As someone who won the three-legged race for dads at school and became the hero of my son and his friend, whose dad I raced with, I can vouch for the importance of three-legged races. Thank you for the invitations that you sent to MPs—would that more of us took up your invitations.

My question is a very basic one: how fit for purpose is our code as it stands, and the guidance? I am saying "as it stands" advisedly—that is, without a lot of the reflection around it that you are advocating. How well are we doing?

**Dr Foster-Gilbert:** I suppose the proof that it is fit for purpose is if it works, and my understanding is that it does, a bit. As I said, at the sharp end you need clear rules, clear sanctions, so people know where they stand on that.

At the principles end, it is quite a muddled document. It does read like a document that has evolved over time and it could do with being made a bit more consistent, more coherent. I can't really speak with any expertise at all about the sanction end of it, except I would say that it would be awful if training became just a punishment—actually, I don't like the word "training", myself. It should also be this lovely, facilitative, helpful thing as well.

The principles are a bit muddled, and they could be made clearer, simpler. It's always better to have fewer than more, I would say, and any explanation of the principles, again, ought to be facilitative, rather as the Chair was saying—not to say that you are either selfless or not selfless, but to say, "What do we mean by selfless?" and to try to really apply it to the MP's situation, so an MP can look at it and say, "You know what? That really helps me think about how to be a good MP."

Q194 **Sir Bernard Jenkin:** There is an awful lot of discussion among MPs about the Rules and how they are to be navigated, as though they were a hazard around which the helmsman has to steer the ship. There is very little discussion about what selflessness means, because, of course, it is always assumed that we know what selflessness is, and that we know how to behave selflessly. We never discuss that; we're much too shy.

How do we break down the shyness about talking about some of the things you are talking about, so that people feel they can accept invitations to the Westminster Abbey Institute?



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**Dr Foster-Gilbert:** I don't know. All I know is that once I start to have a conversation with anyone I've met in public service, it's a tiny little scratch and right close to the top of the skin comes out the vocation to public service, comes out the memory, the deep memory of why you are in this at all, and a kind of kindling, or rekindling, of something really deep and important that sits in all your hearts, because that is why you're there. You wouldn't take up this role if you did not have a really deep desire to make a difference.

After the encounter, I have not found it difficult to wake this up. It is interesting to talk about what selflessness means for an MP. It is a lively conversation, from which you come away feeling energised. But you have to have that encounter. As I know, because I've written about it often enough, just writing it on a piece of paper doesn't do it. You have to have the feeling, the experience, of how interesting and energising it is to talk about these things.

Q195 **Sir Bernard Jenkin:** Perhaps the Westminster Abbey Institute should be advertising seminars on public service and vocational politics rather than ethics.

**Dr Foster-Gilbert:** Yes, that's helpful.

**Sir Bernard Jenkin:** We are rather sad that nobody talks much about the seven principles of public life in the Tea Room. They are sort of "up there" and are a given. How should we create a culture in the House of Commons where it is okay to talk about the seven principles of public life without looking pious? I was accused of being pious quite recently because I was saying something about this.

**Dr Foster-Gilbert:** I think you have to find a way of surprising people into the conversation—something unexpected. If I turn up as the girl from the Church of England, people sometimes expect one thing, but then I do something surprising, and it can help to surprise people into being interested and intrigued—because moral philosophy is really interesting and intriguing, and it is difficult.

Another thing—again, from more recent conversations with MPs—is to bring a real moral dilemma that you face where you have competing goods, or competing evils and you have to choose the lesser of them, so you can actually get your teeth into a case.

Something else that I've offered, in other contexts, is a framework for deciding whether something that you're proposing to do—a policy, let's say—is morally right or not. You ask it a series of questions about what it's aiming for, what its goal is, what you have to do in order to achieve it and whether that is going to do any harm or not, and whether the people who are most affected by it want it to happen. It is a very simple, very easy to apply framework, which shows you where the moral tensions are, and helps you to have a clear discussion about it.

As I say, once you start talking about that—I mean, could you sit at a table in the Tea Room, Sir Bernard, and just start a conversation—



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**Chair:** He does.

**Dr Foster-Gilbert:** But without in any way suggesting that you know better, but just saying: "This is a really interesting thing to talk about, and I am worried about it. What do you think?"

**Sir Bernard Jenkin:** I do, but I feel like a rather lonely voice. People do talk privately to you—they come up and ask you privately about things—but if I am in a meeting of Eurosceptic MPs or the 1922 executive—it is much more difficult!

**Chair:** Well that's obviously where you're going wrong! Thank you, Bernard.

Q196 **Mrs Banks:** Hi Claire. I'm Tammy Banks, one of the lay members.

In my day job, I run a training and consultancy company, so I am thrilled to hear some of the examples you're giving, particularly about the emotional learning for MPs and, I guess, meeting them where they're at and bringing alive and connecting to some of those intrinsic core values, which led to them becoming MPs in the first place.

I wanted to briefly reflect on what you previously said. You said: "if people don't want to learn". Within these scenarios that you have given, about the acting and the emotional learning, my experience is that if you meet people where they're at, you actually can take them on that journey, and I completely concur with you that the culture changes through those everyday discussions. I just wanted to reflect on that before I ask my questions.

**Dr Foster-Gilbert:** The question, therefore, is: where are MPs?

Q197 **Mrs Banks:** Absolutely. I think, on reflection, that many MPs, depending on many different factors and frames of reference, are at many different stages, and that is one of the complications that we as a Committee have.

**Dr Foster-Gilbert** *indicated assent.*

**Mrs Banks:** I can see from your nodding head that you feel our pain. However, we can certainly, in our approach, if it is similar to what you describe, have that as multi-layered and have MPs influencing each other, because that is the most powerful approach, isn't it? It is about that peer group and the people they really connect with and value, and suchlike.

I loved elements of your response; they were fantastic. It is brilliant to hear, with such exuberance, how much you know that this could make the difference, so thank you for that.

My questions continue from what you've already said, but the first one is a bit more practical. In your opinion, what arrangements or practices could be specifically put in place, alongside the formal standards, to promote that ethical culture in the House?



**Dr Foster-Gilbert:** Oh, gosh! By having lots of opportunities, I suppose. I have had that conversation quite a lot of times over the past seven years since the institute was founded, and lots with members of staff. Do you know that members of staff have this sort of bet about new MPs? It's to do with the number of weeks it takes before the new MPs stop holding the door open for members for staff. That wasn't the last election; it might have been the one before that. It was two weeks, which is quite interesting. I wonder about listening to the people who you don't have to impress. How do you behave towards them? That is a really good indicator of the culture of an institution and your own self-awareness.

I found that to be a telling story. If that was said to an MP, I am sure that they would say, "That is terrible that I have got so caught up in my work"—of course, that's all trying to do good, too; we're talking about competing goods here, not about bad people—"that I simply forget because I am rushing to do whatever I am rushing to do." There is a culture of deference among the staff—we know about that—and they are never going to say, "Would you mind holding the door open for me?" They are not going to do it. I was thinking of opportunities to just say that to MPs and to raise awareness.

On the point about every MP being different, I have definitely found that. There is a kind of autonomy, of course, about every MP. You can't require all MPs to do X.

Q198 **Mrs Banks:** But there is also the commonality that you talked about—their desire to do good and to serve their constituents. That gives a place to start. What you are saying with regards to holding the door open is interesting. The culture is absolutely set by the institution and, in general, people joining that institution will then follow that culture. Going back to what you said to Chris earlier about not necessarily him as an individual but a collective championing and role modelling this new culture—that is a very interesting idea.

**Dr Foster-Gilbert:** It is. The more I think about it, the more I think about how unfair it is to make one person a champion. You've got to have a community of you. You've got to have a critical mass, in my experience, and then the mind of an institution changes. But it can only be done through the people. You can't change an institution by changing policies and structures.

Q199 **Mrs Banks:** I guess our challenge is to ensure that the Code supports and enables that.

**Dr Foster-Gilbert:** Yes.

Q200 **Mrs Banks:** Thank you. My next question is more to do with continuing professional development. You make the really good point about how core training, induction training and mandatory training—definitely in any other public service but also in many other professions—have a core level of induction training that people need to undertake before they are let loose in their roles. Do you have any thoughts on that? As you said, the law does not consist of a body of knowledge that MPs must know. Lots of



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people have thoughts on what should be in an induction for MPs, but none of them have as yet come to anything concrete. Do you have any thoughts on what that induction training and potential annual refreshers should look like?

**Dr Foster-Gilbert:** I suppose what I would be keen on is something, initially, that made this kind of conversation—about the meaning of selflessness or the meaning of the principles—really interesting. I want it to be something that you carry on thinking about so that you look forward to another conversation about it—interesting and facilitative and not at all couched as, “These are the rules: you have got to obey them.” It is something that starts—and this has been the institute’s way right from the start—with the assumption that you are here to try and do good, so let’s see how to make that happen, rather than saying, “You are a bad person and we are going to try and make you good.” There is no narrative of crisis here. I can’t remember what we were arguing about in 2013 when the institute was founded, but we definitely said that we are here to facilitate and support the good. Whatever the induction training is, even if you can get MPs to come to it, and I know from experience that you can’t—

Q201 **Mrs Banks:** Unless we achieve that culture change that we are talking about.

**Dr Foster-Gilbert:** Yes. I suppose lots of things can be worked on all at once, so that these things become much more normal. The main thing is to make it interesting and attractive—the conversation about ethics and character—not finger-wagging.

**Mrs Banks:** Thank you very much

Q202 **Chair:** One question from me before I bring in Michael Maguire. As you may know, I used to be a priest in the Church of England—or I am a priest forever after the order of Melchizedek. Religion, of course, used to be, on a mandatory basis, the binding underpinning of the ethical code. You could argue it also perpetuated the idea of deference and, “The rich man in his castle, The poor man at his gate, God made them, high and lowly, And ordered their estate”, and all of that. I wonder how religion does or doesn’t play into this today and how you sort that out for yourselves, because, obviously, Westminster Abbey is fairly religious.

**Dr Foster-Gilbert:** Indeed. The institute is wholly part of Westminster Abbey. It reports to Dean and Chapter—it’s part of the Abbey—so of course our inspiration and our source, root and ground is Christian. That is true for me personally, as well. But I am absolutely clear about this, and always have been in all the work I’ve done with the Church of England, which goes back a long time: there is this vast treasury of wonderful stuff to share. Westminster Abbey, sitting there on one side of Parliament Square—with the legislature, Executive and, since 2009, the Supreme Court, the judiciary, on the other three sides—should bring to that public square, that table, the beauty, brilliance, intelligence, emotional awareness, depth, aspiration and idealism that sits within the tradition, and bring it right out to be of service to all. And perhaps far more for



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those of no faith, because arguably if you do have a faith, you have got something to turn to. It doesn't always serve you well—we know that—but it could do. If you spend an hour a week in church just reflecting, that's a very good bit of CPD for MPs, I guess. Jack Straw has spoken about this rather beautifully. It is an hour taking a step back. Yes, religion is woven into all of this, but there's a translation task that I feel the institute has to do, and does do, to bring the best out of what's in its treasury, so that it is available and accessible to all.

**Chair:** I wonder whether the chaplaincy system needs to change somewhat—the relationship between the House and St Margaret's. That's perhaps a subject for a different day.

Q203 **Michael Maguire:** Good morning, Claire, and thank you for your paper; it was extremely interesting. The essence of what you're saying, as I understand it, is that however fine-tuned we make the Code, however much we simplify it and make it more meaningful for MPs, the reality is that, unless we make into the lifeblood of the Commons and the culture in the Commons, it will always remain what you say—words on a page.

I suppose there's an element of cynicism here because, as someone in a previous life who has done a huge amount of management development work with senior people, I can see there are many problems, and here are a couple of them. First, those who needed to do it didn't always go, and therefore you are preaching to the converted. Secondly, however brilliant the facilitated session, however funny and effective it was in confronting your fallibility, when you went back to the day job, you went back to normal behaviours and the impact of it tended to taper off quite quickly.

I suppose the issue is around compliance, to one degree—compliance at a micro-level—but, at a broader level, how you put it into the culture in terms of leadership, behaviours that are exhibited at the top and how that cascades down the organisation.

To come back to compliance at the micro-level before we move on, how would you make the Code be more compliant, or how would you make people be more compliant with the Code within that context?

**Dr Foster-Gilbert:** It seems to me you have articulated the challenges of that extremely well, and I don't have any easy answers—if only we did. Because principles are not like rules. Principles are something you aspire to. They are not something that you achieve never to return. There is no such thing as the moral high ground for a human being.

With the fellows' programme, for example, this really is effective. You are in this cohort of 20 people across these different public service institutions. We have someone from the armed forces, someone from the Met, someone from the National Crime Agency, two or three civil servants, a couple of MPs, someone in journalism, someone who teaches, someone from healthcare, someone from law—right across the spectrum and broadly interpreted—someone from the arts and someone from science. You stay in touch with each other and we have regular—we call them

“convivia”—at Westminster Abbey, and because it is Benedictine there is always wine involved.

We would bring together the fellows. You become a fellow at the end of the year, so you become a fellow after you have completed the programme and you stay in touch. You are in touch with people with whom you have gone through this process. You all know each other’s idealism, so just seeing each other reminds you of what all that was about.

The institute creates plenty of opportunities for you to stay in touch and lots of them do. We have about 100 fellows now and we see them from time to time. We had an online session last autumn and honestly it was like water on a brittle sponge. People said, “I was just so desperate to be reminded what I am here for after these months and months of struggling and isolating, still with my public service.” They just needed to see each other; they teach each other.

That brings us back to the point about culture. I have felt this with MPs, actually: you work really hard, but it is like drawing a line in water. You go away, that was that and on to the next thing. The culture does have to support a reflective conversation that might bring the Code to life. I really hate the word “compliance”, by the way.

**Q204 Michael Maguire:** Indeed, but nonetheless we live with it. We are where we are, and you have to do something to ensure that the rules are followed. I have to say if it were simply on the basis of a facilitated session and people coming together afterwards, I would have no faith that the rules were being followed in that regard. What would you do to make the Code more compliant within the Commons, beyond the articulation of the courses and the impacts that they have on the individual?

**Dr Foster-Gilbert:** Are you talking about what you do when people break the rules?

**Michael Maguire:** I am talking about compliance with the Code itself. I absolutely agree that unless you make it real for MPs, it is not going to work. I understand that; I get it. But I think, none the less, that there is another side to this as well, which is about compliance and what it is that we can do to make people more compliant with the Code. Whether we like the term or not, I think it is there.

**Dr Foster-Gilbert:** So we are talking about the Rules bit of the Code. Again, this is not my area of expertise and it would be really invidious for the institute to get involved in telling MPs off, but of course there have to be, at some point and at some level, sanctions or something that makes it clear that what the Code says is serious and is meant to be adhered to. But you have that—obviously it can be improved—with the commissioner. The rules could be made clearer, sure, but you mean what you say.

**Q205 Michael Maguire:** One final question: what do you do about those MPs who do not want to attend?



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**Dr Foster-Gilbert:** We keep coming back to this and it is really difficult. All you can do is work on it—work on the ones who do want to attend, build up a critical mass, change the culture, and come at it in lots of different ways. You could say this is mandatory, but I don't think that is realistic for MPs. That is not the way MPs work and there is nobody who can tell MPs they have to do it. MPs are autonomous in that sense. You could make it mandatory, but I think that would just antagonise people.

I did have again another conversation with an MP who really bristled at the thought of being trained on how to treat people with respect. It just set all his hackles going. Maybe that says something about him and a lack of self-awareness. However, mandatory training, compliance—these are not words that help people think kindly towards being good.

Q206 **Michael Maguire:** Are you saying we should not have them, then?

**Dr Foster-Gilbert:** No, no. If there are rules that have to—yes, you do have to have them because there are always going to be a few—a few—who do bad things and they need to be stopped.

Q207 **Chair:** I think the difficulty is that it is quite difficult for a Commissioner for Standards to investigate whether somebody has been selfless or not.

**Dr Foster-Gilbert:** No, exactly.

**Chair:** But it is easier to investigate whether somebody has failed to declare an interest or whatever.

Seriously, I think this has been what we all thought it would be, because we had seen what you have written, but it has been a really useful and very valuable 45 minutes and an important corrective. We have tended to focus very much on rules. I think somebody once said that just because you make something criminal does not mean that it necessarily stops people from doing it. Changing the culture and improving the culture constantly, not in a kind of self-righteous way but in the belief that we are always evolving and we always have to and we all have feet of clay and all the rest of it, is really important.

The corrective I have in my head is that our report will have to have a substantial piece of work about enabling MPs to reflect more and have more opportunities to do so in a variety of different settings. It is a simple point, but all new MPs are ravenous to understand the rules when they arrive and are keen to go to the training, but maybe we should be saying that every time you are re-elected—after every general election—there should be the same training programme provided for all MPs on the same basis. Not new versus old, but everybody all together.

This is just my long-winded way of saying an enormous thank you to you, Claire, for coming and joining us today. You have taken time out to help us and I think from all of us—you are even getting a clap from Anne McLaughlin, though we know that she is able to cry on demand. I think you are getting applause from everybody. Thank you very much.



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I am going to suspend the Committee for five minutes. That means we are coming back at 10.27 am. We just have to onboard a couple of witness.

*Sitting suspended.*

## Examination of witnesses

Witnesses: Ken Gall and Amy Leversidge.

**Chair:** Welcome back to the second panel of witnesses that we have before us on the Standards Committee today, discussing the Code of Conduct and all the various issues that are dependent upon it. We are delighted to have with us Ken Gall and Amy Leversidge, who are speaking from the trade union angle of people who work for MPs, both constituency MPs and Ministers. We have a series of questions; please feel free to answer, but you do not have to say the same thing as each other if you are just completely agreeing. You can just say, "We agree," but there might be areas where you disagree.

We are going to start with Paul Thorogood, who is going to kick off the questioning.

Q208 **Mr Thorogood:** Thank you, Chair. My name is Paul Thorogood. I have been a lay member on the Committee for nearly four years. My question is: do you think that the Code as it stands reflects the values and behaviours that the House should expect of its Members, and are there any gaps? Ladies first.

**Amy Leversidge:** Just to let you know that the FDA trade union represents staff and employees in the House, and we also represent senior civil servants across the civil service.

In terms of the Code of Conduct, I agree with some of the evidence from the previous session that you can see where it has been added to over the years, and perhaps there could be a bit more clarity there. You have got the general principles in the Code. There is something that I will come on to that we think should be added.

You need to be quite careful about trying to make sure you do not have whole lists of behaviours—these are all the things that you should not do—because that gets quite frustrating. In the past, when we were dealing with the Independent Complaints and Grievance Scheme when it first came in, there was—you might all remember this—an issue around past cases, and the FDA argued strongly that we should be able to have past cases investigated. That did not go through first of all, but it did when Dame Laura Cox recommended that past cases should be able to be investigated.

One common argument was that past cases should not be investigated because MPs should not have to comply with behaviour that they did not know and that was not expressly written down in the Code. We became



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quite frustrated. We are talking about 2016, not the 1970s. We said, "Are we really supposed to believe that MPs did not know that they were not supposed to sexually harass their staff?" You cannot write down all of the behaviours that you should not be able to do, so there is an element of what is normal workplace behaviour, how every other employee in the land would normally expect to behave, and how, if you did behave in a certain manner, you would find yourself in a bit of bother at work.

I think you have to be careful. You cannot have everything written down. It is general principles and then how you enforce those principles and the mechanisms by which you enforce them. You cannot include everything. So do not get yourselves tied up in knots about including absolutely everything. There are rules of behaviour such as making sure that you comply with employment legislation, which should be a given, shouldn't it?

One thing that we put in our evidence that we would like to see, which is important, is that MPs as employers themselves, employing their own staff, should have a duty of care to their own staff. That should be in there, and anything that MPs do that somehow inhibits or prevents the House authorities in their duty of care as an employer should be in the Code as well. An MP should not do anything that interferes with the employer's ability to have a duty of care to their own staff.

**Q209 Mr Thorogood:** Thanks, Amy. Ken, on the values and behaviours, is there anything else?

**Ken Gall:** From my perspective, the root of a lot of the problems that the House of Commons has suffered reputationally over the past decade or so stems from the culture that was around when I joined. I came to Parliament in the previous century, which makes me sound like Mr Gladstone when I say it. At that time, the conventional wisdom was very much that MPs were somehow this group that were apart from society almost, and their conduct, expenses or general behaviour were not subject to the kind of scrutiny that other employers or other employees—other individuals—were. Obviously, that has taken huge hits over the past decade or so, with the expenses scandal and then with the incidents that Dame Laura Cox investigated.

It seems to me that the Code is perhaps one of the last vestiges of that old culture, because of its very clear separation between the personal conduct of a Member of Parliament—their personal behaviour and actions—and the institution itself. I think it is also a bit out of kilter with the direction of travel of the House because, understandably at the moment, the extent and the application of the Code of Conduct are ultimately determined by the people who it is meant to govern—i.e. MPs.

We now have an independent expert panel; we have the ICGS. The notion of independent analysis, examination and investigation of issues around MPs is now accepted in the culture. The Code feels a little bit isolated from that, and I think that as the culture changes it will be much harder to sustain that.



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What I mean by that, and we will all be aware of this, is that I think there is an increasing tendency among the public—I can sense it myself as a union official—that public authorities, private companies and universities are meant to have very strong values, and are meant to assert and defend those values strongly if they feel that they are being breached, not just by their own employees but by people who use the services. I am not sure that Parliament can be immune to that going forward.

At the moment, I think the way in which the Code is drafted means that an MP's personal behaviour and conduct are completely separate from the reputation of Parliament as an institution, and whether we like it or not, I suspect that the culture is changing in a way that will make that much more difficult to continue.

**Mr Thorogood:** Thank you very much.

**Sir Bernard Jenkin:** Those are two very interesting contributions, if I may say so, and thank you very, very much; you are living up to the very demanding billing that the Chair gave you.

**Ken Gall:** I will be mentioning RuPaul very soon. *[Laughter.]*

**Sir Bernard Jenkin:** I hope, Chair, that you won't mind if I stray on to the very last question about the comparison with the ICGS as I look at this, because—

**Chair:** Stray as you want.

Q210 **Sir Bernard Jenkin:** My basic question is this: how are we doing, on a scale of one to 10, with our Code and our guidance? How good is the job we are doing with this?

**Ken Gall:** With the Code? Forgive me—

**Sir Bernard Jenkin:** With our existing Code, and the impact it has on MPs and their behaviour, and the public confidence it is meant to engender, how well is it going? How fit for purpose is it?

**Ken Gall:** Well, to go back to the reply that I gave to Paul, I think it will be much harder for Parliament to clearly try to differentiate between an MP's personal behaviour and the institution itself, and I think the Code will have to be modified to reflect that. I think that constituents and members of the public will look at the Code of Conduct. They will find it hard, as a lot of us do, to differentiate between the Code of Conduct for MPs, the Ministerial Code and the Behaviour Code. What they will want to see is that where there is personal behaviour that is exposed through the media—unfortunately—or that is exposed through other means, and if the public believe that that behaviour does bring Parliament into disrepute or does embarrass Parliament, there is an ability there to do something about that. I am not sure that the Code, as currently drafted, permits that.

I think that the House has made enormous steps forward over the past decade on these matters, as I have said, with IPSA. I always thought that



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one of the measures of the success of IPSA was how much MPs hated it, because if MPs thought it was the best thing since sliced bread, I'd be a wee bit nervous about it. But on the idea of independent analysis of what goes on in Parliament, and of what an MP does as an employer and what an MP does as a user of Parliament, the independent access and examination of that now is much greater. I think the Code needs more of that; I think that is probably the point I would make. Amy?

**Amy Leversidge:** It is a really interesting question. It reminds me of your question to the previous witness, when you said that the Code sometimes feels as if it is something that we need to navigate. I was thinking about that in comparison to when I speak to civil servants—which I do every day, representing them as the FDA—and the way that they speak about the Civil Service Code. They speak about it with a sense of pride and professionalism. The values of integrity, impartiality and professionalism guide them through their everyday job. They see that as the walls of how they operate.

We often say that it is like when you go to the seaside and get a stick of rock and there's words in there. If you cut a civil servant in half like a stick of rock, you would see "impartiality" ingrained in their insides. It is such a sense of pride with them. I don't get that feeling from MPs and I think that aspirationally that is probably where you should be aiming to be. The Code should not be a stick to beat you with, but something through which you can say "This how we do our business and perform with integrity and uphold the institution of Parliament." That is what you should be looking at.

Like Ken, I would say that the House has made massive strides from where we were. In particular, the independent expert panel was an absolute turning point. One of the biggest things that FDA members in the House of Commons saw in the change in culture was that vote on the independent expert panel. Lots of us were watching it at the time and I remember the feeling of waiting to see if MPs would vote for it. The debate before was extraordinary with so many MPs getting up to say: "We have to vote for this independent expert panel, we have to clip our own wings". There was a self-awareness that we had to put this in place that we had never seen before. Even in debates the previous year, we had not seen that level of self-awareness, of "We have to put this in place—we have to do this." I think FDA members in the House of Commons thought that this would never happen—that they would never see MPs do this. That was a real turning point in the culture. Having that enforcement mechanism in place to deal with those behaviours that have disappointed Parliament in the past will make a massive difference.

Q211 **Sir Bernard Jenkin:** Thank you. You have made two very serious points. Basically, this Committee was stripped of any role in respect of the Behaviour Code. We have two Codes now—behaviour and conduct—and we only do one of them. What is the lesson as we look at our present Code from the ICGS and independent expert panel? What should we learn from that about the way we run our own Code? Should there be two



Codes?

**Ken Gall:** From a staff perspective, Sir Bernard, the one thing we need—the one thing that we as unions and you as MPs in Parliament need to encourage—is for people to have confidence in whatever system there is. At the moment, the system, like so many systems in Parliament, is too muddled, there is no doubt about it: the fact that we have an Independent Parliamentary Standards Authority and a Parliamentary Commissioner for Standards, neither of whom have much to do with each other, and we now have an ICGS, an IEP, a Code of Conduct, a Ministerial Code, and a Behaviour Code. The problem has been the amount of parliamentary time it would take to streamline all those codes and to make them into an easily understandable coherent structure. It would take far too much parliamentary time and your constituents have far more pressing issues than the workings of Parliament. It seems to me that if the Behaviour Code is, as it has been, inserted or interpreted as part of the Code of Conduct, we seem to be moving to a point where the two are more capable of being read together and where, potentially, breaches of the Behaviour Code could automatically become breaches of the Code of Conduct. I think the two of them need to start being read a lot more closely together and there needs to be a lot more clarity.

Q212 **Sir Bernard Jenkin:** What about adjudication? Sorry, I will come to Amy shortly. You mentioned that part of the problem with our Code, the House of Commons Code, is that it goes through this Committee and you are implying that that hasn't helped the authority of our own Code, and it is also why the other Code came into existence. Now we have got this ICGS what should the system of adjudication for our own Code be?

**Ken Gall:** The system of adjudication should be one that permits as much independence as possible at all stages of the process, because how Parliament chooses to govern its own disciplinary functions is undoubtedly a matter for Parliament but Parliament has, as Amy said and I tried to allude to earlier, decided to give away some of its own ability. It gave it away to IPSA after the expenses scandal and it is in the process of giving it away now with the ICGS and the IEP. It just seems to me that it is incongruous, now, that the Code of Conduct should be almost entirely a matter for Parliament. The fact that Parliament itself would have to agree to give it away, again, is part of the issue. I think that Parliament has shown a willingness to allow greater independent scrutiny of MPs' behaviour through the ICGS, through IPSA. I think it might be time to look and see whether greater independence is possible within the Code as well.

**Amy Leversidge:** If you compared this with an employment context it wouldn't be unusual in any workplace to have different policies to deal with different types of behaviours. So you would have a bullying and harassment policy, you'd have an absence management policy, performance management—you would have different things to deal with different behaviours, because different things need you to deal with them differently as an employer. I don't think necessarily you need one size fits all, and one policy to work for everything. You can have different means.

Clearly, dealing with a bullying and harassment complaint, where there are different people involved, and you have people putting in a complaint against another person, is very different from looking at, "Have you declared an interest?" when it is paper-based. You have actually got two very different types of investigation, and complexities, there. So I wouldn't be arguing that you need one size fits all.

As Ken said, you have chosen, at different times, to remove self-regulation. You did that first with expenses and going over to IPSA, and then we did it again with the independent expert panel around bullying, harassment and sexual harassment. I think in terms of other, different types of conduct that will then be, again, matters for the House, it will be about working out what is fit for purpose and where you are able to regulate yourselves, and where actually you say, "We shouldn't be regulating ourselves and we need to move that across to an independent process." Where, obviously, we had it in terms of bullying and harassment was that people had lost complete confidence, and—I know Ken doesn't like the phrase—we would all say that MPs shouldn't be able to mark their own homework.

**Q213 Sir Bernard Jenkin:** Okay. How much confidence have the public and the staff got in the way we run our own Code?

**Amy Leversidge:** Obviously I can't speak for the public: in terms of our members, their primary aim as a trade union is in terms of the relationship with staff. There was zero confidence that you would be able to adjudicate. We saw this in the Dame Laura Cox inquiry. There was no trust and confidence that you would ever hold each other to account in terms of bullying, harassment and sexual harassment complaints. That is why it needed to be a fully independent policy in which you would play no part.

In terms of other types of breaches of the Code, that is not really something that, as the trade union representing staff, we would have any comment on, to be honest with you. However, as a member of the public, I guess you would need to see that complaints go all the way through from beginning to end, and that there is a process. Alarm bells should ring when no complaints are raised, which is what should have been happening around bullying and harassment. No complaints were coming. There is no workplace in the land that does not have bullying and harassment somewhere, and a few things happening, so once you cease to have any complaints being raised, that should ring alarm bells. There should always be something going through, and it should work its way through from beginning to end, and you should have a range of different outcomes and things like that. That would test the policy and make sure that it is working correctly.

**Q214 Sir Bernard Jenkin:** I may have taken enough time, but may I just ask about the private life question that was raised?

**Chair:** Yes. I was going to ask it if you didn't.

**Sir Bernard Jenkin:** Of course, if I do something extremely embarrassing



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in my private life that becomes public, it affects my capacity to do my job and it affects the reputation of Parliament as a whole. How do you draw the line? Many MPs will feel that this Code is draconian enough in the way it is overbearing, and the idea that it should be able to adjudicate on how I conduct my private life is an infringement of my privacy, so how do you draw the line?

**Ken Gall:** I think the way in which the line can be drawn is by looking at what I would see as inconsistencies, in terms of the reputational damage that personal actions by an MP can cause. Sir Bernard, you have been an MP quite a long time. I am sure you can conjure up immediately in your mind instances where personal behaviour by junior Ministers of a Government of any party has resulted in that junior Minister leaving their employment as a junior Minister, and virtually all of us could quote a resignation statement in our heads now: "I am sorry that my personal conduct has brought embarrassment on to the Government of which I was a member."

It seems to me that we have had numerous instances over the years, including the last couple, where incidents in the personal lives of Members of Parliament have been recognised as reputationally embarrassing or disastrous to the MP themselves, to their constituency, to their parliamentary party, and—in the case of Ministers—to the Government. It seems inconsistent to me that those very same incidents that have caused those levels of embarrassment to all the other parties should not simultaneously cause a level of embarrassment and potential disrepute to Parliament. That is one of the big concerns that I have about the current operation of the Code, which is that Parliament—certainly not the individual, but Parliament institutionally—appears agnostic about examples of personal behaviour that result in discipline, resignation or condemnation by other parties involved.

Q215 **Chair:** Ken, if I could push back, of course I fully accept that an MP, whether a Minister or not, making unwanted, unwarranted and persistent sexual advances towards a member of staff who is subordinate to them—"subordinate" is not a great word, but you know what I mean—is clearly a matter of public concern. An MP having an affair with somebody else's wife might attract the newspapers' attention, or for that matter so might somebody going through a divorce, or being gay or bisexual or whatever. The tendency, I would suggest, is that prurience in the press tends to fall over into judgmentalism very quickly in those areas, and most of that, I think, has no bearing whatsoever on somebody's ability to do their job. I am very conscious that social mores in this area have changed enormously in 20 years.

**Ken Gall:** Quite, absolutely.

**Chair:** Is that unfair or am I being silly? Perhaps we can hear from Amy and then come back to Ken.

**Amy Leversidge:** The question is around where you draw the line. For me, as the FDA, for the House of Commons Commission as the employer,



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it would be about whether the personal behaviour, whatever it is—for some of the examples you listed, Chris, I would probably say no—in some way interferes with their duty of care as an employer. Does it have implications for them in the means by which they protect their staff? For instance, if you had a concern as an employer, as you would in any other workplace, if there was some sort of personal issue, or something like that, you might think, “Hang on, there could be something in terms of my duty of care as an employer.” In any of the examples that you have just given, I don’t think you would. I can understand that that doesn’t attract press attention and social media attention and things like that, but that doesn’t concern me or the FDA in those respects. It is about whether the employer, the House of Commons Commission, should have a view on this. Does it in some way conflict with their ability to have a duty of care, or with the health and safety of staff and all those sorts of things? That’s where you draw the line.

**Chair:** Thanks, Amy. Ken, do you want to add anything quickly? Then we have some other questions.

**Ken Gall:** Very briefly, and related to Amy’s point. As you said, Chris, in your opening line, with a Member of Parliament who is making unwanted sexual advances towards a constituent or someone, and has been exposed in the press as doing so, surely there is clear interest from the employer to ensure that female staff are not subject to the same behaviour from that Member of Parliament. There, it does seem to me that there is a direct read-across between actions in a Member’s private life and potential risk to the people that Parliament employs. Those circumstances and incidences are going to be limited. Purely private matters, where there is no risk—as Amy said, where there is no employment risk at all—are not something that trade unions or the Code should be concerned with. There needs to be that link, though, to the ability of the employer to protect.

**Chair:** I just remember when Maureen Colquhoun—

**Ken Gall:** That was 40 years ago, wasn’t it?

**Chair:** Yes, but I remember the excuse that was given by the newspapers and Nigel Dempster for running the story about her sexuality, about her being a lesbian. It was that because she held views about women’s issues in Parliament, it was important that everybody understood that she was a lesbian. I don’t see that that had any bearing whatsoever. I don’t think most people would today. It’s where this boundary line lies on personal conduct.

**Ken Gall:** Oh sure, it’s not easy.

**Chair:** Anyway, I was going to come on to somebody else. Michael is next.

Q216 **Michael Maguire:** Good morning, Ken and Amy. I want to come back to something you said earlier, Ken, in relation to the difficulties in pulling together the various streams and elements of the oversight mechanisms.

As a new lay member of the Committee, I am struck by the labyrinthine



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complexity to the oversight arrangements in the Commons, one which I suspect the vast majority of the population neither know nor indeed care, about. What they are interested in is whether there is transparency and accountability in relation to this, however it happens.

I was a bit—depressed is the wrong word, but it was interesting to hear you say that it would take far too much parliamentary time, and the opportunities for change are not that great in terms of pulling the strands together. If we look more specifically at the Code of Conduct and the Behaviour Code, are there ways in which you think there could be closer alignment? That strikes me as something that could be more meaningful and practical, and could be done in the shorter term.

**Ken Gall:** Well, yes, one aspect in particular. This also relates to the ICGS, the 18-month review of which is in the process of being published. One of the concerns that I have in my role concerns what I would describe as institutional awareness of risk, where the Commons knows, is aware, or I, as a trade union official, know, of potential risks to union members and other staff, and the evidence for those risks has been provided to me by trade union members and, in some cases, has been provided to the employer by its employees of MPs who have engaged consistently, over a period of time, in perhaps low-level bad behaviour. That evidence has been provided to the employer, to Parliament; it has been provided to me as a trade union official. Now, what am I meant to do with that knowledge if there is a potential risk to union members and to employees of Parliament? What is Parliament meant to do with that knowledge? That is becoming more and more of a critical issue.

My hope was that the ICGS would allow trade unions or the House, as an entity, to instigate ICGS investigations on the basis of evidence provided to me as a union official, or to the House as the employer, by employees who felt too intimidated, scared or nervous to have instigated those cases themselves. Alison Stanley, the reviewer, has not recommended that, and for legitimate reasons—it's not an easy one; there is no way it's an easy one. The ICGS is a complainant-led system; it has to have a complainant.

For me, the question then is whether consistent breaches of the Behaviour Code that the employer is aware of—not sexual misconduct and not serious bullying and harassment, but, on a lower level, consistent poor behaviour towards staff—can be taken forward by means of the Behaviour Code and, thereafter, by the Code of Conduct. That is for you; I would put that as being something that I would like you to explore. It is not meant to be in any sense an answer to all these questions—it is not meant to be a panacea—but at the moment, I am genuinely concerned about vicarious liability when the House is aware of potential risks to its employees through bad behaviour by MPs and continues to allow its employees to interact where there is that risk. It is rare. It is not every MP—it is not even remotely close to that—but it does exist, and where there is that knowledge.

Q217 **Michael Maguire:** What are the implications of that, Ken, for the Code of Conduct?



**Ken Gall:** For the Code of Conduct? Well, would the Code, should the Code, allow the employer to use the knowledge it has obtained of consistent or repeated breaches of the Behaviour Code—this is through the Code of Conduct—to begin an investigation that would allow that behaviour to be investigated, thereby alleviating or mitigating the potential risk to its staff?

**Michael Maguire:** Amy, do you have a view?

**Amy Leversidge:** One thing I would say is this. You have obviously got behaviour going in the Code of Conduct. I think that there is a gap there, which we included in our evidence, and I think that is around MPs' practices towards their staff that are not bullying and harassment but are bad employment practice or just general workplace disputes—things that happen in the workplace. At the moment, what is happening is that the ICGS is the only game in town for MPs' staff to try to resolve a dispute with an MP as their employer, so they put in a complaint. That could go through the complaints process, and it could find that there is no case to answer in terms of bullying. But actually these—*[Inaudible.]*

**Chair:** We lost you, Amy, there. I think we are having a technical problem. Am I the only person who is experiencing that?

**Amy Leversidge:** *[Inaudible]*—the reason for the—*[Inaudible.]* I am not sure whether that's my own—*[Inaudible.]*

**Chair:** Amy, we cannot hear you.

**Amy Leversidge:** Oh, okay. I'm not sure what to—*[Inaudible.]*

**Chair:** No, we have completely lost you. Can I suggest you log out and log back in?

**Amy Leversidge:** Is that clearer? I could hear you the whole time, so I do not know what happened there, sorry. If I start my answer again, hopefully you will not lose me again.

I think that there is a gap between the Code of Conduct and the Behaviour Code where there are workplace disputes specifically around MPs with their own staff. Gemma White spoke about this in her inquiry, and it came up in the 18-month review into the ICGS. The ICGS is really the only mechanism or the only policy that MPs' staff have got to raise workplace issues with their MP. Some of those might not be bullying or harassment, so it might be that there is no case to answer, but something happened, something went wrong, and there is something that needs to be resolved there, but the ICGS is not the appropriate mechanism for that to be raised.

That is important because if MPs' staff do not have any other mechanism to raise concerns or queries that they have with their MP, and they use the ICGS but are not using it appropriately, it could damage trust and confidence in the ICGS, which none of us wants to see, so there does need to be that recommendation from the Gemma White inquiry around putting



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in place HR support for MPs in terms of their ability as an employer and support for MPs' staff in terms of trying to resolve their workplace disputes.

**Q218 Michael Maguire:** As a follow-up, Amy, what are the implications of what you said for the Code of Conduct?

**Amy Leversidge:** For the Code of Conduct, some of the implications are that there is only ever trust and confidence in the Code of Conduct, the Behaviour Code or the ICGS if people can use it and if it can work through from the beginning to the end. If people are trying to use it, if they have nowhere else to go, they put in a Code of Conduct that does not quite fit in there or it does not quite fit in the Behaviour Code and they do not feel that they can use it, they stop using the system. That is where you end up with what we saw in Dame Laura Cox's report, which says that bullying and harassment was allowed to thrive because there was no mechanism, nothing there, where they could deal with it. You had this system where it was—[Inaudible]—people get on with it. You have to have appropriate mechanisms by which people can do this. There are other things it is supposed to deal with. It has been used inappropriately because they have nowhere else to go.

**Chair:** Thanks very much. I am going to move on now to Arun.

**Q219 Dr Midha:** Good morning, Ken and Amy. I want to focus on the Code. I am particularly interested in your thoughts on whether the Code might better reflect issues around equality, diversity and inclusion. I am thinking about the recent ParliREACH report, which you will be hugely familiar with, on race and culture in Parliament. I suppose you could describe it as disturbing experiences from particular groupings among staff members. How should the House's commitment to tackle racism and discrimination more widely be incorporated into the Code? Also, do you see MPs being in a position as exemplars to promote certain anti-discriminatory attitudes?

**Amy Leversidge:** What we have said all the way through, whenever we have been talking about bullying and harassment, is that Parliament should be leading all other workplaces. How can you hold any other workplace to account and set standards for all the other workplaces, as you do through employment law, if you do not set the example yourselves? I am sure that people have said that you can include things in the principles, and around commitments on discrimination, and things like that.

I go back to my earlier point: do we really need to have something in there that says, "You must not sexually harass your staff", or, "You must not discriminate against your staff"? There is an element of "People should know this". I mean, whether or not you want to have it explicitly in there is, I think, a matter of principles and values.

Really, the true thinking needs to be around how you enforce it, and how you hold people to account. I think that that will be different for MPs as employers themselves, as to how you ensure that people are complying



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with the Equality Act and the public sector equality duty, and those things that are already in place and that you would expect MPs as employers and the House as an employer to comply with. For the House, as an employer of lots and lots of people, there should be an employment practice base and improvements being made—

**Chair:** You have frozen now, Amy. I will go to Ken, but can I suggest that you switch your camera off, which might help with the sound?

Q220 **Dr Midha:** Going to Ken, I wonder whether you could reflect on some of my questions but also perhaps express your views about training—compulsory or otherwise—for MPs, as employers for example?

**Ken Gall:** The ParliREACH report was disturbing reading—equally disturbing were some of the findings related to the ICGS, which black and minority ethnic staff reported was something they didn't feel was for them. That is obviously a paraphrase, but that was the undoubted tone of what was said.

I have got one example. As a preface, the House administration is taking big steps to try to address undoubted difficulties in terms of recruiting a more diverse workforce and promoting those black and ethnic minority staff that they currently employ. We are taking big steps on that, and the House deserves a lot of credit for that.

However, in terms of the relationship between MPs and the Code issues and employment, black and ethnic minority staff want to see a suite of measures that will help to make their working lives better within Parliament; they have their passes checked more than white staff and they are questioned more about why they are in a certain part of the Palace than white staff are. One of the things, as part of that suite of measures that might make incremental improvements in the working lives of black and Asian staff, would be unconscious bias training.

There is a lot of controversy about unconscious bias training. If it is a stand-alone thing, it is probably not going to have any effect, but as part of a general plan of measures, black and Asian staff within Parliament will see it as something that will make a predominantly white institution start to recognise that black, Asian and minority ethnic staff have different experiences in Parliament.

Earlier in the year, we had a group of MPs—mainly anonymously—disparaging unconscious bias training as some “woke” agenda. I have to tell you, Arun, that I'm not entirely sure I understand what “woke” is. It sounds like good manners to me, but I don't know. We had a situation where MPs anonymously would say “Well, I'm not doing this. I don't believe in it. It's some Marxist claptrap,” or whatever the tone was. They are allowed to do that. They are MPs. We cannot restrict their ability to speak. We should not—we must not—but the effect of that on our black and Asian staff has to be imagined. We have to imagine the fact that this kind of reinforces the sense, in my view, that the overwhelmingly white institution has white people within it who see these potentially incremental steps that would improve their working lives as something that they just



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do not feel they have to do. I find that to be something that is going to be harder to sustain as time goes on and the culture changes.

**Dr Midha:** Thank you. If it is any consolation, I hold my badge up constantly as I wander around the estate because—*[Inaudible.]*

Q221 **Chair:** Thanks very much, Arun. I think we are going on to Bernard—who seems to have disappeared. I will ask a question in the meantime, then, which is, both of you—you have not said anything about the Ministerial Code. Do you think there is any problem with how the Ministerial Code operates or not? I will put it as blandly as that and you can answer in whatever way you feel. Amy, let's start with you. Let's see whether sound works better.

**Amy Leversidge:** Hopefully you can hear me now. Many of you will be aware that the FDA has launched a judicial review into the Prime Minister's decision about whether—

**Chair:** Which means that we can't talk about it on this Committee.

**Amy Leversidge:** Okay. We do have views about the Ministerial Code and the operation of that. I think, talking in broad terms and not speaking about the specifics of that, one of the things is that it cannot be right that Ministers are held to lower standards of behaviour than the civil service in which they work. If a civil servant behaved in a particular way they would be dismissed for that behaviour, but a Minister—there is no accountability for their behaviour. That cannot be right.

It also cannot be right—it is fundamentally a problem—that if you had an individual who was an MP, who in Parliament behaved in a certain way, the staff in Parliament would have an ability to have a complaint independently investigated from beginning to end, and have a sanction determined and a judgment determined independently; but if that same MP walked up the road into their Whitehall Department as a Minister and behaved in exactly the same way, the civil servants didn't have any means by which to progress a complaint. That cannot be right either.

The impact of all of this, the impact of not having a proper process in place to deal with Ministers, as we saw in the House of Commons with Dame Laura Cox's inquiry, is we are seeing trust and confidence completely destroyed, in any sort of process. We have recently done a survey of our members who frequently deal with Ministers: 85% of the senior civil servants said they did not have confidence in the Ministerial Code and 90% of fast-streamers—the youngest new graduates—did not have confidence in the Ministerial Code to deal with these matters.

There are fundamental problems, and I go back to the point that it cannot be right or fair that for behaviour that would have any other employee in any other workplace—you would find yourself having to answer for that behaviour and you could find yourself dismissed—a Minister does not have that level of responsibility.

Q222 **Chair:** Ken, that is obviously primarily an issue for the FDA, but I



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presume that you broadly agree with that.

**Ken Gall:** The only thing I would add is that from a House employee's perspective the most important thing is that there is confidence that an independent investigatory process that produces a finding and recommends a sanction—that that is actually upheld and is not just overturned and ignored by people in positions of power. That is hugely important for our people in the Commons, to have confidence in independent processes.

Q223 **Sir Bernard Jenkin:** My question is about the relationship between the different codes. You both seem a bit reluctant to come out and say the Behaviour Code and the House of Commons Code should be the same thing and they should both be adjudicated completely independently. Is that an accurate way of suggesting that is what you think?

**Ken Gall:** It would be accurate to say that I, as a trade union official in the Commons, think that it should be independent.

Q224 **Sir Bernard Jenkin:** So there should be one code and it should be adjudicated independently?

**Ken Gall:** That would be the ideal.

Q225 **Sir Bernard Jenkin:** Amy, you seem to be saying that there is an advantage in having separate codes. I cannot see the advantage, because it creates the confusion and lack of seamlessness that you complain about. You complain about things falling between the two codes.

**Amy Leversidge:** The point I was making was that in an employment context there are different policies to deal with different things—bullying would be dealt with differently from fraud.

Q226 **Sir Bernard Jenkin:** That could be reflected in a single code.

**Amy Leversidge:** You have to make sure that things do not fall between the cracks. You have to make sure that everything is covered. In terms of the FDA's role, it is all about employment practice and protecting House staff and that interaction. As far as I am concerned, anything that deals with employment matters should be dealt with independently. I am not best placed to answer questions about other matters to do with the Code.

Q227 **Sir Bernard Jenkin:** Even the Behaviour Code does not address employment matters inasmuch as it does not take over from employment law and the relationship between MPs and their staff. These different aspects can be reflected in one code, can't they? They can be clearly explained. Would it not be much easier for the public, the staff and MPs if there was just one document?

Q228 **Ken Gall:** I agree. From my perspective, and having had a look at it again over the past couple of days, it reinforces what I have always thought, which is that the Code of Conduct is a financial code with a lot of behavioural stuff added at the end. If you contrast the granularity of detail about what a Member can and cannot do in terms of financial



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interest with the ambiguous descriptions with regard to behaviour, then you see that.

Q229 **Sir Bernard Jenkin:** What do you think, Amy?

**Amy Leversidge:** I completely agree with Ken. The Code of Conduct was primarily set up to deal with financial impropriety and other things have been added over the years. Thinking about the objective and what you want to achieve: do you want one code to deal with everything or bespoke policies to be able to deal with the specifics, but in a consistent manner? I do not think having separate policies to deal with separate things is confusing. There is a way to deal with those issues clearly.

Q230 **Sir Bernard Jenkin:** My other question is about the Ministerial Code. What should the Standards Committee of the House of Commons do if the Prime Minister does not enforce the Ministerial Code and the independent adviser has to resign because his report has been dismissed?

**Chair:** I am not going to allow that question, because it gets very close to the judicial review. I am sorry, it takes us too close.

**Sir Bernard Jenkin:** You are completely right, Chair. I apologise.

**Chair:** Ken and Amy, everybody is appreciative of the time you have given us today. It has been really helpful and makes us take a different look at some of the issues that we have to address. I think there is a lot of sympathy in the Committee for some of the points you have raised, so we are enormously grateful to you both. Amy, I am sorry about the connection problems, but you have been heard loud and clear—don't worry about that. I don't think we have any more questions.