

Committee on Standards

Oral evidence: Code of Conduct Consultation, HC 954

Wednesday 26 January 2022

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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); Allan Dorans; Sir Bernard Jenkin; Dr Michael Maguire (Lay Member); Mehmuda Mian (Lay Member); Dr Arun Midha (Lay Member); Mr Paul Thorogood (Lay Member).

Questions 231-351

Witnesses

[I](#): Richard Burgon MP, Jess Phillips MP and Sir Bill Wiggin MP.

[II](#): Kathryn Stone, Parliamentary Commissioner for Standards, House of Commons; James Davies, Registrar of Members Financial Interests, House of Commons; and Helen Reid, Senior Investigations and Complaints Manager, House of Commons.



Examination of witnesses

Witnesses: Richard Burgon MP, Jess Phillips MP and Sir Bill Wiggin MP.

Q231 **Chair:** Welcome to the Standards Committee and our ongoing inquiry into the Code of Conduct, possible changes thereto, and the operation of the Code of Conduct, the guide to the rules and the way we deal with misconduct in the House.

It is good to have three MPs before us today, with different perspectives. We are going to be dealing with slightly different issues with each of them. Richard Burgon, thank you for coming today. You have a private Member's Bill. Maybe you would like to lay out your basic argument on MPs and second jobs.

Richard Burgon: Thank you, Chair. My view is that we face a crisis of confidence in politics, politicians and our democratic institutions. Trust in MPs and in our system is at an all-time low. We need to cut out the rot.

I appreciate and note the Committee's proposal on second jobs for MPs takes things forward and improves on the current situation. But I am afraid I don't think—more importantly, the public don't think—that that goes far enough. Our democracy is under threat. What needs to happen is strong action to ban second jobs for MPs, apart from certain specific exceptions, such as working in emergency services or maintaining professional qualifications that existed at the time of becoming an MP.

We should not underestimate in here how people feel out there: 76% of the public in England do not trust MPs. The majority of people support banning second jobs for MPs, and that is what the Bill that I have put together proposes to do. It is due to have its Second Reading again this Friday. The Government blocked it last time. I think they should allow it to proceed. Let us scrutinise it; let us look at it at Committee stage, and people can amend it and discuss it. We really need to grasp the nettle and take this action, because every Member of Parliament, whether they have a second job or not and whether they are Conservative, Labour, Liberal Democrat or anything else, suffers as a result of people thinking we are all on the make. We want more people to be voting in elections, not fewer, so we need action that is equal to the crisis of trust we now face in our democratic system.

Q232 **Andy Carter:** Richard, you have introduced a private Member's Bill. Have you done any research on how many MPs currently have second jobs, and do you make any distinction in relation to those in what you class as the emergency services or those who would need to maintain professional qualifications?

Richard Burgon: Yes. It is a minority of MPs who have second jobs. From recollection, I think 138 MPs have second jobs. So we cannot have a system that caters to the minority of MPs who have second jobs and—

Q233 **Andy Carter:** Sorry, but do you know how many of those 138 are currently doctors or nurses—in the emergency services? How many would



be classed within your exemption?

Richard Burgon: I believe that a minority of those with second jobs are working on the frontline. Let's be clear: the problem that the public have is not with Rosena Allin-Khan doing extra shifts in the NHS; that is not the problem people have. But when people see, for example—I don't want to personalise it, but the current Health Secretary previously, when he wasn't Health Secretary, was getting paid £1,500 per hour for advising a US investment bank. We have to ask ourselves this question: does that improve public trust in our politics and our Parliament, or does it reduce it? I think the inevitable answer is that it reduces it.

Q234 **Andy Carter:** In terms of the practicalities of introducing this exemption, you talk about people who need to maintain professional qualifications. What about an accountant? Does it include somebody like that? Or are you specifically saying that it is only for people who work in the NHS?

Richard Burgon: No. The Bill talks about two exemptions, one of which is for people working in frontline emergency services. It says—I am reading from the Bill—"unless...that work is frontline work in the NHS, social care or the emergency services; or...the Member has been a Member for less than one month and is working in a job they held at the point when they were elected." It also says: "unless...that work is necessary to maintain existing professional qualifications". A nurse is a good example of someone who would need to maintain a professional qualification. Previously, a solicitor was.

Q235 **Andy Carter:** What about Members of Parliament who do other public service roles—for example, a councillor? Would that be permitted?

Richard Burgon: The Bill, as it stands, is not specific on that. I think we have to be clear that the problem the public have is not with somebody who happens to be elected as a councillor and an MP at the same time, or somebody who is an elected Mayor and an MP at the same time. But all these details can be looked at further if the Bill is allowed to progress.

Q236 **Andy Carter:** Is the issue about the amount of money that they earn or about the job that they do?

Richard Burgon: I think the fundamental issue running through all of this is trust. And actually, when we're talking about second jobs, it is so bad with some MPs that you would think being an MP is the second job. When you are talking about people earning hundreds of thousands of pounds, far in excess of the very handsome wage we get paid to be MPs, it is no wonder that public trust is at an all-time low. I wish we did not have to be having this discussion. If a minority of MPs were not on the make, we would not have to be discussing this today and trying to bring in a ruling, as I propose, to ban second jobs for MPs. It should not be necessary, but I am afraid it is. Our democracy is under threat.

Q237 **Andy Carter:** Can I just challenge you? Is it fair to suggest that Members of Parliament are on the make because they are running a business, because they are employing people? Is that tone of language reasonable when people are earning a living that they are perfectly entitled to do?



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Richard Burgon: The issue is that if you are saying the tone is incorrect and it is—

Q238 **Andy Carter:** No, it was specifically the comment that they're "on the make". That suggests they are doing something illegal. They are not.

Richard Burgon: Well, two in three people now see politicians as merely out for themselves—

Q239 **Andy Carter:** The point I am making is that they are not doing anything illegal, and you suggested they were on the make.

Richard Burgon: Just 5% of people believe MPs are in the job primarily for the good of their country. With most MPs, that is not the case, but that is the public perception. What are we going to do about the public perception? If we end up as MPs from different parties sitting here and saying the public are wrong to be outraged by the second jobs scandal, we are doing our democracy a disservice. Every single MP—even those without second jobs, and regardless of what party—will suffer. But even more importantly, so will our democracy. We see how voter turnout has reduced in recent decades. That should alarm us all. There is a crisis of trust and faith in our democracy. We need strong action. That means not accidentally creating new loopholes that a minority of unscrupulous MPs will exploit to the detriment of us all and to the detriment of our system. That means taking this strong action.

Q240 **Chair:** You are focusing on earned income—employment. You could make similar arguments around share portfolios, trust funds, farms and property portfolios. What is your take on that?

Richard Burgon: These are things that I am sure the Committee and others can consider. My primary interest, and the sole purpose of this Bill, is to ban second jobs for MPs, who are in the top 5% of earners in this country, in order to help restore public trust in our politics, our Parliament and our democratic system. These other matters are important as well, but I think they can be considered separately.

Q241 **Sir Bernard Jenkin:** I do not doubt the sincerity of your obviously very passionate views about this matter, but is this really an all-time low for politicians? When Parliament burned down in 1834, the crowds were cheering outside because they were so fed up with Parliament.

Richard Burgon: Well, in 1834, women couldn't vote. In 1834, most working-class men could not vote. I don't think harking back to those days as a defence is impressive.

Q242 **Sir Bernard Jenkin:** Okay, but it is not an all-time low, though. What evidence is there that this ban on second jobs would actually transform the standing of MPs?

Richard Burgon: It is not a silver bullet, but it is something that is necessary.

Q243 **Sir Bernard Jenkin:** Why? What evidence do you have to connect what you call the second jobs "scandal"? I rather dispute that word—I think



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you are overlaying it with your own opinions. What evidence is there that second jobs actually undermine public trust in politicians?

Richard Burgon: We start off from the facts. YouGov did some research in December last year, and 76% of the public in England do not trust MPs. We then look at Ipsos MORI polling from November last year. People were asked, "On balance, do you approve or disapprove of MPs being paid to do second jobs while they are MPs?" Some 52% disapprove, and only 19% approve. Some 63% agree that "MPs are paid to work full time for their constituents and to serve the country and they therefore should not have time to do other jobs as well." Some 61% of people agree with the statement: "If an MP is being paid to do some other job, it prevents them being independent to make the right decisions as an MP." It is clear what the public think. Actually, if the polls carried out in November and December were repeated today, given the current political crisis of trust—relating, I am afraid, to the Prime Minister—I think those opinion polls would be even more damning in relation to levels of public trust.

Q244 **Sir Bernard Jenkin:** May I ask about the exceptions you suggest? If a senior barrister wants to maintain his expertise, he has to carry on prosecuting cases, which means he will earn very large fees and there will be periods when he will not be in Parliament. But you would ban him or her, would you?

Richard Burgon: Any such MP could carry out work to maintain their professional qualifications, without getting paid for it. If the money were given to charity—my Bill says this—it would not count as paid work for the purposes of this Bill. But I think we need to go back to this—

Q245 **Sir Bernard Jenkin:** Okay, so it is not about whether they have time to do a second job, which was your earlier point. It is about who is being paid. That is the real crux of it, is it?

Richard Burgon: It is about public trust. It is about ensuring that we do not end up—

Q246 **Sir Bernard Jenkin:** We are going around in circles. You are saying it is not about how much money they are actually earning from the job or how many hours they are spending on the job. It is about whether they are actually receiving the money. That is what it is about, isn't it?

Richard Burgon: The public believe, quite rightly—

Q247 **Sir Bernard Jenkin:** You can just say yes to that question, if that is what the case is. You do not need to give a long answer.

Richard Burgon: With respect, I do not need to agree with you. I want to give my answer. It is not about—

Sir Bernard Jenkin: I am asking a yes or no question.

Chair: All right, Bernard. Let him answer.

Richard Burgon: This is not about my moral opinions on the matter. This is about what the public think. It is about a wake-up call to all of us to put



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this matter right. It is about all of these things. Yes, it is about the time spent. Yes, it is about people who are very well paid—all of us—chasing corporate cash. Yes, it is about restoring trust and independence. It is about all of these things.

Sir Bernard Jenkin: Can I just come back—

Chair: No, Bernard. I have five other members of the Committee who want to ask questions.

Q248 **Sir Bernard Jenkin:** Writing a book? Is it okay to write a book and be paid for that?

Richard Burgon: It is okay to write a book. The Chair has written a very good series of books on the history of Parliament—

Chair: Flattery will get you everywhere, but you might just have misled the Committee.

Sir Bernard Jenkin: It is not very consistent—

Richard Burgon: Please allow me to finish on this point. Under my Bill, MPs, while MPs, would not be able to be paid for such a book. People may say that is harsh, and it may well be, but when there is a rot, corrective action is needed because the situation has got so bad. May that be slightly unfair on some MPs? It may be, but I go back to this point: no one is forcing us to be Members of Parliament. It is a huge honour. We are in the top 5% of earners. MPs get paid four times the median wage of people in my constituency, three times the median wage of people in this country, and if we are not careful, we are going to end up sitting here defending the indefensible—finding reasons why we need to trouser more money.

Sir Bernard Jenkin: Trouser?

Chair: All right, Bernard—don't rise to it.

Richard Burgon: Or put it in offshore accounts—

Chair: I think Jess actually produces books that sell far more copies than mine, and which are more readable.

Jess Phillips: I didn't like to say.

Q249 **Mrs Burgess:** You commented on 63% of the public saying that MPs do not have the time to do other jobs. Time can be used with remunerated and unremunerated jobs. You could have lots of unremunerated roles that take up your time that have the same impact as remunerated roles. What are your thoughts on that?

Richard Burgon: That is a very interesting point. I am not saying that this Bill or the banning of second jobs would solve every single problem, but it would go a long way to doing so and, I would respectfully suggest, it would do a better job of dealing with the issue and grasping the nettle and



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restoring public trust than what the Committee is currently proposing, although what the Committee is proposing is certainly an improvement.

Nobody is suggesting—although an MP could—that people should spend literally 23 hours a day working as an MP and one hour sleeping. I like to read a book on an evening, go to see Leeds United—

Chair: There are some very fine books out there.

Richard Burgon: There are some very fine books out there.

But that is a different matter. I think the public are rightly outraged that during this pandemic, MPs have racked up an extra £5 million from second jobs—during this pandemic when there has been a cost-of-living crisis. It is no wonder that there is such a crisis of confidence in our system.

Q250 **Mrs Burgess:** But that did not answer the question—do you think it is about time as well as remuneration?

Richard Burgon: I think that removing paid employment gets to the heart of this matter. Of course, there is nothing to stop an MP volunteering in their local food bank or volunteering to do food deliveries to isolated elderly people or disabled people in their constituency. Nobody is proposing that. That kind of thing is not the problem. Let us be clear about this. The problem is things like the current Health Secretary getting paid, when he wasn't Health Secretary—

Chair: All right, we have done that one. Sorry to cut you off, but we are quite short on time and I have four other members who want to ask questions.

Q251 **Dr Midha:** Just to play devil's advocate—I am a lay member, so I am not on four times the whatever salary. Being on this Committee, it has been put to me over a number of years, that having a second job enhances the ability of an MP to perform their role. However, my understanding is that you spend 80 or 90 hours a week working, and I wonder where you fit it in.

I do not know if you heard the evidence from Mr Hislop and his colleagues yesterday. He turned it the other way: perhaps being an MP enhances the objectives of the organisation that might be paying them. You might not have seen that. Given that view, do have you any thoughts?

Richard Burgon: Yes, that is really troubling. That is exactly right, because these big corporations do not just give out money for the sake of it. I think lots of Members of Parliament need to take a reality check. However talented we may believe we are, I think the reality is that lots of MPs are being offered these second jobs not because of some innate talent but because they are Members of Parliament. It would be interesting to see whether they were still given the same offers if they were not Members of Parliament. This idea of undue influence is a really big issue.

Q252 **Mrs Dexter:** My problem with the way you have presented the argument



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is that it is too blunt. When you referred to the 52% of the public who think MPs should not have second jobs, I imagine that was in the wake of the Geoffrey Cox revelations. My concern is that his undertakings—to look for a neutral term—are not representative. Certainly, since I have been a lay member of the Committee, I have met an MP who maintains his second job as a solicitor in modest way, probably both because he wants too and because he is in a relatively vulnerable seat, and he feels that he might have to go back to it. He might lose his seat at an election, and he might have to go back to, as it were, his principal occupation. I don't have a particular objection to that.

My inclination is to say that your proposition, in the way you have presented it today, is just too blunt to fit the circumstances. I worry about regimes that embrace nuance—that people are given an inch and take a mile—so I am worried about that in this context. But the other thing I hate about a lot of Government legislation at the moment is that it is just too blunt, and it feels to me like your proposition is too blunt. Is it too blunt? Is there no room for proportion in it?

Richard Burgon: There are exceptions to maintain professional qualifications as a solicitor, as you say. But the only reason that I believe my Bill is necessary—that it is necessary to be so blunt—is that we have reached such a position in relation to this. I wish it were not necessary, but sadly it is. I also think that, when the public consider the role of an MP, they consider their own experience. When I was doing a job as a trade union solicitor, before becoming an MP, people would think it was crazy if they walked into the office one day and said, “Where’s Richard?”, and someone replied, “Oh, he’s doing his other job. Didn’t you know? Hasn’t he told you? He’s out there doing another job for money in work time, and his job may even conflict with the interests of the clients he’s representing.”

Chair: I am absolutely certain that, for me, the biggest issue is conflict of interest. I think the Owen Paterson case showed us that some people did not understand conflict of interest. It was pretty blatant. I have one more question from Tammy, and then, if we could be relatively brief, we are going to move on to Jess and then to Sir Bill.

Q253 **Mrs Banks:** My question is more of a reflection, on the back of Rita's. I have been a lay member for five years now. I would have been one of those 52% of members of the public who said that MPs should not have second jobs, but I have been afforded the privilege of actually understanding Parliament in more detail. My concern goes alongside what Rita said about bluntness. I would also argue—I would stand up and say—that I would much rather have MPs who have current, real-life experience.

That is the difference with the conflict of interest that the Chair talks about. Some of the activities that are undertaken, I think, should absolutely be in that red zone—should not be allowed. But there is a balance: 70% of the other stuff that potentially brings extreme benefit to the public, and to the 48% of the public who have not said that MPs



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should not have another job. So that is my reflection back to you: if we are having an understanding, we shouldn't be all or nothing, because we will be cutting off our nose to spite our face.

Richard Burgon: That is a really useful reflection on real-life experience. To give one example—I am not going to name the MP—a Conservative MP receives an annual salary of £200,000 and a £35,000 bonus for spending 50 hours a month as a chairman of the investment committee at Charles Stanley, a wealth management firm. With respect, MPs who have second jobs, by and large, are not accruing real-life experience. I do not see them queuing up to be bus drivers, people working in kitchens at primary schools or hospital cleaners. I don't see them accruing real-life experience. Many of these lucrative second jobs are actually making the MPs less in touch with the real lives of their constituents, not more.

Q254 **Mrs Banks:** Surely that is the difference that your Bill should request, not that blunt one or the other.

Richard Burgon: I am afraid that corrective action is needed, in my opinion, because of the minority of MPs who are on the make in this way.

Sir Bernard Jenkin: He is using these pejorative terms.

Q255 **Chair:** All right, Bernard, I will do it. "Trousing" and "on the make" sometimes—well, it is up to you what words you use, but for me the key issue is the conflict of interest. Thank you for coming along, Richard. We are very grateful, and you are welcome to stay—it might be polite—to listen to your colleagues, not least because they might challenge what you have said. Jess?

Jess Phillips: I do not sit before the Committee, as Richard has, with a specific set of asks and a Bill, because much of what I campaign on to improve the standards in this House has largely been worked on over the past four years and we ended up in a situation with the ICGS. I have been heavily involved in many of the cases of sexual harassment and some of the cases of bullying that have occurred in this House, which undoubtedly—and not dissimilar to Richard's characterisation—have made Parliament a place that people think is untrustworthy and unsafe. The public dislike us having money more than they dislike people behaving poorly, to be completely blunt, but for the people who work in and around this building, for many years there was total impunity with regard to how people with power felt that they could—

Q256 **Chair:** Can I just cut you off, only to ask whether you think that the ICGS, which has only been in place for a very short time, is earning its crust and changing attitudes, and do you think people have confidence in it?

Jess Phillips: In the two cases that have gone through the ICGS publicly and come out of the other end through the appeals process, I would say that those processes were robust, without question. In both cases, the Members of Parliament no longer sit in this building. However, that was not due to the actions laid out by committees: it is usually due to elections and political parties forcing those things to happen. There still has yet to



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be a case of sexual harassment in this building that has led to a sanction that led to a Member of Parliament leaving in disgrace.

Q257 **Chair:** If we had changed the rules in time on Rob Roberts, it might have led to a by-election, but we do not know what—

Sir Bill Wiggin: Mike Hancock?

Jess Phillips: Mike Hancock was long before the ICGS existed.

Chair: If we had changed the rules regarding the IEP decisions before Rob Roberts' case went to the IEP, it is possible that the IEP would have stuck with the same suspension and that might have led to—

Jess Phillips: That is absolutely the case. In the case of Rob Roberts, I would be so bold as to say that I do not like working in the same building as him. It makes me feel uncomfortable. It makes me feel uncomfortable that my staff have to work in the same building as him. I think it is a failure in this building that that man is allowed to continue to walk around, having committed on record the things that he did.

I am used to feeling uncomfortable, and one of the things that you are proposing in the Code of Conduct that interests me, which I assume is relating to you, Chair, is in regards to amending the current rule in the code on lobbying the Committee to provide that "Members must not lobby members of the Committee on Standards, the IEP, the Commissioner or their staff in a manner calculated or intended to influence". That happens to me all the time. I have had a number of occasions where Members of this House, some of whom have since gone to prison, have sought to lobby me and suggest that I am doing something wrong. I have never once, in all of the cases that I have represented, which have been from every single political party in this building, almost all of sexual abuse and harassment—they usually cross the threshold into being abuse actually—said anything publicly about them. I am a trained professional—maybe I would be allowed to keep my professional standards—although funnily enough when I do shifts at those places, I do them for free. The—

Chair: Okay, I think you are slightly losing your point.

Jess Phillips: The reality is that I do not go out and talk about those cases publicly. I do not mention people's names in the House. I do not risk people's confidentiality.

Chair: But the point you are making is that you think that—

Jess Phillips: Those people all end up coming to me, seeking to lobby me. I have had cases where people who have a domestic abuse case against them try to stop me in a lift, for example, to try to lobby me. Their colleagues and friends have approached me in the Tea Room. I received letters from Charlie Elphicke—

Q258 **Chair:** Okay, Jess. I get the point. I have one question on this. In the IEP, as you know, an amendment that I tabled and the House voted for meant that IEP decisions go straight to the House for a straight up-down vote



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with no amendment or debate. That is not the case for the Standards Committee.

Jess Phillips: It should be, in my view. Anybody who has ever worked in the field of sexual harassment could not read the IEP reports without real respect for the expertise in the process that that goes through. That level of appeal, in those situations, is absolutely right, in terms of natural justice, and it should have been the same regardless for the Owen Paterson case.

Q259 **Chair:** So there should be a full, formal appeal process in our process as well?

Jess Phillips: Had the Owen Paterson case gone to that sort of a process, he would have ended up in exactly the same situation he ended up in, in my view. However, I do not think that would be unfair.

Q260 **Andy Carter:** Jess, may I formally thank you for the work you have done, particularly with regard to the IEP? Some things you have said here today demonstrate the importance of putting the House in order. I am concerned that you are being approached on issues, too. It is helpful that you have raised that with the Committee. What is your view on MPs being involved in standards cases? Not those that currently sit with the IEP, because obviously there is no MP involvement with those now. Do you think MPs and lay members—this current composition of the Committee—should continue to deal with standards matters?

Jess Phillips: Yes.

Q261 **Andy Carter:** You don't think they should all move to an independent body?

Jess Phillips: No. I think what is important about understanding the other standards issues— I would argue that it is different in cases of sexual harassment. With the greatest respect to everybody, they are complex and difficult cases that rely on trust, not the patronage that might exist where MPs sit on a body. That would just be a barrier to those cases.

Q262 **Andy Carter:** With regard to what you just said about lobbying and influencing colleagues, do you have any view on whether MPs should continue to adjudicate on their colleagues?

Jess Phillips: I think that having a majority of lay members as standard works. They can vote—they are lay members. These are all things that I was part of pushing for. Unless it was me, I do not know whether any other MP should judge cases of sexual harassment without the proper training and understanding.

Andy Carter: I think we agree on that.

Jess Phillips: The reality is that, as Tammy was saying, there are things in Members' lives that only Members can really understand, such as why you might not declare something because of some administrative error or something about using the envelopes or whatever it is. There are things about which an MP would have to say, "Actually, if we are being



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reasonable, that could have happened to me.” Lay members should have the balance, because the public view might be different. However, that is important on other matters of standards, because this is a complex place.

Q263 Alberto Costa: Good morning, Jess. Thank you very much for the great work you do on behalf of all of us in Parliament. I have two brief questions. On the individuals who come to you, so that we understand numbers here, I think it was Rita who a number of years ago elucidated to me the balance of historical accusations. The media always presents it as MPs doing this. Is it your experience that the problem is MPs sexually harassing others, or can it affect any member of staff?

Jess Phillips: It can affect any member of staff. Sexual harassment is not about the sole pursuit of any Member of Parliament. The trouble is that violence against women and girls, and any form of abuse, usually relies on a balance of power. Rape is nothing to do with sex, and domestic abuse is nothing to do with violent men; they are entirely to do with controlling people through power and control. That is well written about and the academic view. The problem in a place like Parliament is that power is largely held by certain groups of people. However, you could very easily have senior members of staff—people do not grope up is what I am saying; people do not grope someone who can sack them. People only grope those they can sack and silence.

Obviously, in a place like the House of Commons, there is another added element of the problem, which had to be stopped by having the ICGS and the IEP. I had a really interesting conversation with someone about the case of Andrew Griffiths this week. It was a male colleague who came to me to say, “I don’t know how to feel about the fact that I didn’t know this. I feel guilty that I didn’t realise that this was what that person was like.” That is the problem.

We find in society—it is not just a problem in here—that it is very easy to accept that we all know a victim nowadays, with MeToo, Sarah Everard; we are all on that page. However, where we are not as a society and certainly not in this place is that we all know a perpetrator; we all know and love a perpetrator of this kind of abuse. When your friend is accused in this building, they are not just your friend, but your political ally. They are also the person you might be relying on for a job. You are not a stable witness in this case. Those are often the people. In the case of Mike Hill, from my own side, I had Members from my own party hideously leaning on me in the Tea Room.

Q264 Alberto Costa: What if it is a senior member of staff who has committed sexual harassment. Through their employment contract, they are disciplined, but their employment is not terminated. Would you feel equally uncomfortable with a known individual who has committed that harassment?

Jess Phillips: If employment law is followed to its end on the balance of probabilities and someone was found to have been sexually harassing them, I would consider that to be gross misconduct and I imagine that is



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what employment law is. Members of Parliament of course do not sit within employment law, so that is where it becomes complicated. Should a process be followed and all parties be happy with that process?

Bear in mind, a lot of the women—it is not just women I have dealt with, but a number of men in this building, who have come forward to say that they have been abused—or a number of them, have come to me to say, “What I don’t want is to report this through this process if it means that they are going to lose their job, but I do want them to know that this was inappropriate behaviour.” They may have moved on to another Member of Parliament, they do not want to cause an enormous scene, so that has to be not just led by the victim. There has to be a process where everyone can be satisfied with the outcome.

Q265 Alberto Costa: My final point is on process. I welcome your comments about non-sexual harassment bullying claims—that we ought to have a better process. Please, I encourage you to put your views in to the judged inquiry.

Jess Phillips: Yes, 100%.

Alberto Costa: I think we are all arguing for better process.

Jess Phillips: In the cases of bullying, that is so. I think there are still problems with the ICGS; I am not here to defend its perfection, but most of those problems, I am afraid to say, come from the interaction with political parties. You will still find cases in which the process is too slow, as has been reported by various reviews, and you will still find that there is a specific issue with Scotland—I know that is not where you represent, but where you come from—and Wales, where potentially a case might be dealt with by that Government, not just the political parties. So, not the SNP or the Labour party in Wales, but the complaint might have been made to the Welsh or Scottish Government, and then—a little bit like we will see today—we get, “We can’t look into it if they are looking into it”, and that gets confusing.

Chair: I have one quick point, and then I will come to Bernard and Andy. I think Michael said he did not want to come in—

Dr Maguire: I do have a follow-up to Andy’s question.

Q266 Chair: Okay. There is one thing that I have to tidy up. In the House of Lords, they have said that the Speaker of the House of Lords can refer a matter that happens in a proceeding in Parliament, primarily in an ICGS case, to the ICGS, effectively waiving parliamentary privilege because proceedings in Parliament, under the Bill of Rights, cannot be questioned or impeached in any other place. Normally a proceeding in Parliament is only for the decision of the Speaker or Chair. We are proposing doing the same in the House of Commons. I presume that you support that.

Jess Phillips: Yes, I would. Although—so that would mean that you couldn’t—



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Chair: The law at the moment means that if, for instance, a Member touched up or bullied a Door Keeper during a Division, the only person who can adjudicate on that is the Speaker. The Speaker does not have the power to investigate, or any of that.

Jess Phillips: Look, I am a person who has used parliamentary privilege to uncover sexual harassment, so I like parliamentary privilege— don't get me wrong. But yes, I would absolutely agree with that. I don't think they should be able to escape it.

Alberto Costa: The recommendation goes wider than that, Chair.

Sir Bernard Jenkin: I will come on to that.

Chair: In that case, I call Bernard.

Q267 **Sir Bernard Jenkin:** In the House of Lords, a number of peers argued on the recent Bill that trans women shouldn't be allowed into women's safe spaces.

Jess Phillips: Yeah, of course.

Sir Bernard Jenkin: Whether you agree with that or not, there were complaints from the public that that was making them feel unsafe and bullied, and so should be referred. The commissioner in the House of Lords said that she couldn't entertain a complaint from outside Parliament, the implication being—and it's being confirmed—that if the complaint had been made inside Parliament, what those peers said in the debate would itself be adjudicated, not just using evidence as to whether they had a conflict of interest or something, but on whether they should have said that thing. Do you agree that the commissioner should have that power?

Jess Phillips: In that particular instance, no. I think that the problem with that particular issue that you're talking about is that we don't talk about it enough and it isn't open to debate.

Q268 **Sir Bernard Jenkin:** Are there any circumstances in which the commissioner should be investigating what somebody said in Parliament?

Jess Phillips: If somebody was racist to one of my colleagues in Parliament—openly racist, as happens, let's face it—

Andy Carter: In the Chamber?

Jess Phillips: —in the Chamber, do I think that somebody would have a complaint? Yes, I do.

Q269 **Sir Bernard Jenkin:** But don't you think the Speaker would draw them up anyway? Isn't that the Speaker's responsibility? Isn't there a very clear division, that what is said—

Jess Phillips: I suppose, yes. You would like to think that. And I have no reason to think otherwise, but one can only do that when—. Look, Speakers change; you can't rely on the position of the person. You know, I



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have no doubt in either case that they would pick it up if somebody was racist.

Q270 **Sir Bernard Jenkin:** We elect the Speaker, so the Speaker is accountable to Parliament. That is proceedings in Parliament. Surely, if the commissioner is—

Jess Phillips: Yes, because when people are elected, we always get the absolute best people.

Q271 **Sir Bernard Jenkin:** No. If something is said that is unparliamentary, the Speaker pulls it up. I am pretty certain that racist language in the Chamber would be unparliamentary, and the—

Jess Phillips: I am fairly certain.

Sir Bernard Jenkin: Why should the commissioner—

Jess Phillips: I think some things that people find controversial. I would be more than satisfied if somebody felt that they had to take me to an inquiry to explain those things. That would be okay. We open ourselves up to that level of scrutiny with the public anyway. We can pretend that there is some sort of protective bubble, but the things that I say in Parliament have led to me receiving death threats regularly, so the reality is that that bubble of protection doesn't really exist. It only exists in our heads, and in that we can't be taken for legal action, but the commissioner isn't going to—we're not going to end up in a court of law. Look, I genuinely—I don't want the thought police—

Q272 **Sir Bernard Jenkin:** Are you saying that, if the commissioner ruled that you couldn't say that trans women shouldn't be in women's safe spaces—

Jess Phillips: But that wouldn't be the rule.

Sir Bernard Jenkin: Well, hang on a minute. That's what she said.

Jess Phillips: That wouldn't be the rule.

Sir Bernard Jenkin: She would have investigated if—

Jess Phillips: The rule would not say that you cannot say that trans women shouldn't end up in single-sex spaces.

Q273 **Sir Bernard Jenkin:** But how do you know how she—or he—will interpret the rule? If the rule is: "I feel bullied, and therefore I've got a legitimate complaint, and therefore that person has been bullying," then we are the thin end of a very dangerous wedge.

Chair: Right.

Sir Bernard Jenkin: I have made the point.

Jess Phillips: Yes, you have made the point. I don't agree with it.

Sir Bernard Jenkin: Can I just raise another question?



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Chair: No, you can't.

Sir Bernard Jenkin: It is very important.

Chair: No, Bernard, you really can't. I have two other people who want to ask questions, and our time is very short.

Sir Bernard Jenkin: It's about the support for those being investigated.

Chair: Andy.

Q274 **Andy Carter:** Very briefly, do you think there should be new rule in the Code prohibiting unreasonable and excessive personal attacks? We've seen social media used by politicians to attack colleagues and members of the public. Should we have a rule on that?

Jess Phillips: It depends what you mean by "attack". If you are attacking the person as a person—

Q275 **Andy Carter:** Let me give you an example. Somebody from one party writes something about another party—about their activity—and literally a million people pile on. That has a massive impact on their mental health.

Jess Phillips: You don't need to tell me.

Sir Bernard Jenkin: It happens to women far more than men.

Andy Carter: At the moment, there are no rules to stop that happening, so should there be a rule that prohibits unreasonable and excessive personal attacks?

Jess Phillips: Personal attacks—of course. If you are personally attacked on the basis of your person, not your action, then of course. I do not want to be in a world where there are personal attacks made about people, but we will—every single one of us—fall foul of that, just FYI.

Q276 **Andy Carter:** Let's say that it is an attack because you believe something that is controversial, and somebody piles on and uses their position as a politician to encourage other people to pile on. Should that be something that the commissioner should investigate?

Jess Phillips: People would not necessarily encourage a pile-on, would they?

Q277 **Andy Carter:** Isn't that a form of bullying?

Jess Phillips: It depends. If I say, "I hate the way you voted. You are going to cause more women to be abused," I don't mean you personally; those are your actions, and if loads of other people agree with me, that is democracy.

Q278 **Sir Bernard Jenkin:** So if somebody says that you are a transphobe because you did not want trans women in safe spaces, and another Member of Parliament accuses you of being transphobic, what about that?



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Jess Phillips: I don't think that that would be transphobic.

Q279 **Sir Bernard Jenkin:** That is not the point. Would it be bullying?

Jess Phillips: I am not here to arbitrate over Twitter.

Q280 **Chair:** I suppose the question is whether the commissioner should be able to arbitrate over Twitter. What was put to us yesterday was that you can draw a distinction between an attack that is a political attack about somebody's views, the way that they have voted and things like that. The line is personal and excessive. Personal means that you refer to their age, their gender, the way they look, what they wear or something like that.

Jess Phillips: Yes—play the ball not the man.

Q281 **Chair:** It would have to be a very high bar, wouldn't it?

Jess Phillips: Yes. It happens to me on things that I have voted on, and I have suffered dreadful pile-ons for the views that I have had. I would not have ever perceived that another Member of Parliament saying that to me meant that they were bullying me; they just disagreed with me. If another Member of Parliament said, "I don't like that Jess Phillips. She is a squawky, stupid woman," to be honest I would not even go to the commissioner; I would come back at them, because I am almost certainly cleverer and better at it than them.

Q282 **Mr Thorogood:** What if somebody incited somebody to put you in a position where your security is unsafe?

Jess Phillips: That happens all the time.

Mr Thorogood: That is not the question. The question is what you think—

Jess Phillips: Okay. I have received death threats with Boris Johnson's actual words in them, specifically around the Brexit votes. There was an occasion where—

Chair: I am going to have to be very tight with time, I'm afraid, Paul. Jess, do you have one more sentence for us on that?

Jess Phillips: I think that politicians should be made to be careful with their words, because of the inciting of—

Mr Thorogood: That's the point.

Jess Phillips: That crosses a line. I am not saying that that is necessarily a standards issue, but this weekend I personally think that, in the case of Mark Spencer's messages, he does not properly understand—probably just because he is not a Muslim woman—the hell that he probably brought to Nusrat Ghani's door.

Chair: Michael, I will allow you to come in briefly.

Q283 **Dr Maguire:** I just want to push a bit further on Andy's issue, which is about MPs marking their own homework. I am a relatively new lay



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member, but even in my short time here I have seen the immense value of having MPs in the room when you are discussing some of these issues. However, given what Richard said, which is that public confidence in MPs is so low, it is not enough that justice is done; it has to be seen to be done. Would it not enhance public confidence to take MPs out of the equation completely?

Jess Phillips: I don't know how to say this without it sounding like a slight, but I don't think that most members of the public know what the process is. I am not sure whether that is a slight to you or them. Potentially, if you made a big fanfare out of it, that could be the case, but I think that the public are concerned. If anything, the Owen Paterson encounter made them believe in this Committee more. It was never the Committee or the commissioner that was under question in reality. That is a good thing.

Mr Thorogood: I think that is important, because there is an argument to say that an MP should be—

Jess Phillips: Of course. I do not disagree with you, but I wouldn't be that blunt.

Q284 **Chair:** I'm really sorry about this, but we are phenomenally tight for time, and I am chairing this very badly. Sir Bill, I think you have some concerns about the process, and you may have brief comments to make about other things you have heard. I saw you rolling your eyes a couple of times.

Sir Bill Wiggin: Thank you for allowing me to come before the Committee. I must declare my interests; I do have some second jobs. I was like Richard once, many years ago—all enthusiastic.

Jess Phillips: I doubt it. *[Laughter.]*

Sir Bill Wiggin: No, no. There are phases to an MP's career. You can be in opposition, then you can be in government as a Minister, and then you end up where I have ended up: in the Government's side, but not a Minister. At that point, having done 20 years, you are quite good, relatively, at being an MP. You are good at your casework. You are good at looking after your constituents. You do have some spare capacity, and you do have things to offer businesses—and vice versa. With the one I am thinking of in my constituency, my role tends to look at the human side of how that firm looks after my constituents, so I'm afraid I do agree with the points I heard today about proportionality and the ability to do good and to have that real-world experience.

I think that people forget that it is not all about being a fiery Back Bencher in opposition. Your career changes, and your ability to learn things from other people does too.

I was listening to your question to Jess about the Speaker. The Speaker has to ask permission if he wants to leave Parliament while it is sitting, and the House generally will grant that. There is no reason why any



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Speaker could not ask your Committee to investigate a case as serious as the things Jess was talking about.

Q285 **Chair:** They need express permission to do that. That is the legal advice we have been given.

Sir Bill Wiggin: One of the reasons I wanted to come today is because I do not think the House of Commons does its job very well when it scrutinises your reports. In my case, many years ago, I had a constituent who consistently reported me to the standards commissioner. I was investigated, and my Chief Whip told me that it did not matter what I said on the Floor of the House when I disagreed with the report, because he was going to whip the entire Government against me. You are up against it if you disagree with this Committee, even if the commissioner tells lies about you. The problem is that I caught the commissioner doing it. I am happy to say that it was not this commissioner and it was not the last one, but there were inaccuracies in the report, and they are still there to this day. There are things that are absolutely not true.

That happened because when my case was being investigated, so was Denis MacShane. Everybody was interested in him—he subsequently ended up in prison—and nobody really cared about my report, so all the mistakes and errors just got forgotten. That is what this place does. It is not a perfect system. My plea to you today is this: make things as easy and straightforward as possible. This is a hard enough job, and I would love you to make it as normal as possible. We have got lots of lay members now, which is really welcome, but this is a minefield.

When you make a mistake in any other business, you would go through a disciplinary procedure. Jess talked about gross misconduct. We don't have that here. People talk about what the public understand, but the public don't understand. They do not have that interface with this extraordinary system. Making it as normal and as comprehensive as possible is essential. Keep it simple to avoid silly mistakes that people really should not make. I have said enough.

Chair: Thanks very much. Bernard?

Q286 **Sir Bernard Jenkin:** Well that brings me to the issue I wanted to raise with Jess. If Jess wants to chip in, I don't mind at all. One or two names have been mentioned, and I do not want to be invidious by mentioning any names, but the evidence I have seen on this Committee is that people who are accused are very poorly supported and advised. They tend to go and seek their own advice, and they tend to take advice that reinforces the biases they already have.

Sir Bill Wiggin: It's terribly hard to get advice on how to treat this.

Q287 **Sir Bernard Jenkin:** Right. What should we do about that?

Sir Bill Wiggin: One of the things you put in your inquiry is the safe space with the registrar. Do you think that information will be protected? At the moment, information that goes to the registrar is FOI-able, so you can't get confidential advice. Did you know that?



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Q288 **Sir Bernard Jenkin:** That would mean we would have to make it a statutory body.

Sir Bill Wiggin: You can FOI the registrar for information that she or he may hold on you.

Chair: We'll check that.

Sir Bill Wiggin: That's what they told me.

Chair: We've got the registrar in a few moments, so we'll ask him.

Sir Bill Wiggin: If you're going to have a safe harbour, make sure it's properly safe. The people who bring us into disrepute are not our constituents; it is the media.

Q289 **Sir Bernard Jenkin:** That is slightly different from the question I'm asking. What mechanisms or people should be available to support people who are accused? ICGS people who are accused, in particular, are really put through the wringer. Very often, people who are committing those sorts of offences anyway are people with personal issues. What sort of support should we give those people?

Jess Phillips: I would say that, as Members of Parliament, we all have insurance that allows for legal advice.

Sir Bill Wiggin: But that's not right, is it?

Q290 **Sir Bernard Jenkin:** Unfortunately, lawyers very often want to extend the case. If you're not used to employing lawyers—

Sir Bill Wiggin: But it's almost impossible to get a lawyer who understands what happens here.

Sir Bernard Jenkin: Exactly.

Jess Phillips: Imagine what it's like for the victim.

Q291 **Sir Bernard Jenkin:** I'm not dismissing that—you do fantastic work for the victims.

Jess Phillips: Can I just say that, in reality, in the arms race of who gets to have more support in their circumstances, the victims will be paying for it themselves. Members of Parliament wouldn't be. I agree that there should be better pastoral support for Members of Parliament on all sorts of things, but there is quite a lot available.

Sir Bill Wiggin: The other thing is the amount of evidence taken in secret. Your Committee is a good thing, but it's not particularly transparent unless you've been through it—

Jess Phillips: I have no idea what happens.

Chair: Jess!

Sir Bill Wiggin: You do get advice as to what the process is, but you



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don't get an understanding. Certainly, back in my day, no one was allowed to tell you what happened either. It was all kept secret. I think that's really wrong. There's a tremendous value to having a Standards Committee that will get you into trouble, because then you should behave. It has a deterrent effect. However, that should not be opaque. It should be completely clear.

Q292 **Chair:** You think it should be public?

Sir Bill Wiggin: What you shouldn't have is secrecy for the commissioner but publicity for the Member, which is what used to happen. If the commissioner advises your Committee, the person on whom the advice is given should be able to hear it. That wasn't true before. That's why I was able to make allegations about what the previous commissioner made, because until I could catch them it was incredibly difficult to find out what the Committee had been told.

Chair: I've got Andy, Arun and then Alberto. All the As—the A team.

Q293 **Andy Carter:** I want to talk about the process of appealing a decision by the commissioner or the Committee. You've obviously given some thought to the process you went through. Looking at the process that we have today—

Sir Bill Wiggin: I think it's changed a lot, helpfully.

Andy Carter: Yes. I wonder what you feel about the idea of having a formal appeals process and how that might work?

Sir Bill Wiggin: The thing is, the more transparent and straightforward you are, the less you need it. "She said that. He said that," and then you decide. At the moment, the inquisitional nature of these inquiries makes it incredibly difficult, first of all, to understand what the commissioner is saying about you and, secondly, to decide whether you should appeal. You might find that they have been incredibly fair, but if you don't know, there will always be a sense of injustice.

Q294 **Andy Carter:** One possible way of operating with an appeals process is to have a separate body that deals with appeals—maybe the IEP. An independent body that you could appeal to if you didn't agree with—

Sir Bill Wiggin: Why do you need an appeals process if the person you're investigating agrees with your findings?

Sir Bernard Jenkin: You don't.

Sir Bill Wiggin: Exactly. I think that is the point I would like to get to.

Q295 **Andy Carter:** But there are times, clearly, when Members don't agree with the findings. The Owen Paterson case is a very clear example.

Sir Bill Wiggin: Yes but, as I understood it, Owen's complaint was based on the witnesses he thought he had that weren't listened to. Surely, at the point at which there should have been an appeal, it was that you should



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have listened to the witnesses. It's up to you, but that is where the dispute was.

Chair: We can rehearse that argument many, many times.

Q296 **Andy Carter:** I suppose the question is this: should that appeal be made to this body or should it be made to another body that is independent and that could review the decision of this body?

Sir Bill Wiggin: What I think is important is that the House of Commons, to whom it should be appealed, has not been able to achieve that—

Q297 **Andy Carter:** The body should be the House—?

Sir Bill Wiggin: They just don't. Every time it goes to the House, it goes wrong. So I think, yes, they should be another body.

Q298 **Chair:** You referred to whipping. My historic understanding is that there should not really be whipping around these kinds of cases.

Sir Bill Wiggin: I think that it will go wrong is an inevitability, because there is only a limited amount of time, so there would be knives put in, at which point you wouldn't have enough—it just won't work.

Q299 **Chair:** Should Whips be in this territory at all?

Sir Bill Wiggin: Well, they will inevitably be, because there is only a certain amount of time.

Q300 **Sir Bernard Jenkin:** What about timetabling? It's about the decision to endorse the report and the sanction, or not. Should that be whipped?

Sir Bill Wiggin: If I only give it 10 minutes, you're whipping it whatever way you want it to go. You can't avoid that, whether they're involved in the decision—

Q301 **Sir Bernard Jenkin:** The Government could say it's a free vote.

Sir Bill Wiggin: The Government could say it's a free vote, but unless you've had a chance to speak you don't get a chance to put your case.

The Government can manage it any which way they want; that's the problem. So that's why I support another appeal process, through a separate issue. And whether the Whips should be part of it or not—

Chair: Yet again, I've got to make the "We're very tight on the time" point. So, Arun and then Alberto.

Q302 **Dr Midha:** Very briefly, I just want to get clarification on a point you made about second jobs, third jobs or fourth jobs—I don't know how many jobs, to be honest. You said that because of the competence you had gained over 20 or 30 years—Richard, you might get there; you never know—you had time effectively, because you were able to deliver your MP role. But my understanding of being an MP is that it is ever-expanding; it never ends. So, it is great that you have got the time, but your words were that you have roles that you could do something to "give or offer businesses". Can you describe an example of what you can



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do—what are you offering a business?

Chair: That is not short, Arun, and you promised—*[Laughter.]*

Sir Bill Wiggin: I'm sorry; this is a little bit of a longer answer—

Dr Midha: I tell you what: just have a think about it and—

Chair: No, go on, answer.

Sir Bill Wiggin: I was a banker before, so my understanding of finance is something that I can—

Q303 **Dr Midha:** So why does that contribute to your ability to deliver your MP role? That's all I would like to understand.

Sir Bill Wiggin: Well, if you are looking after people's pensions and things, it's really quite helpful to know what they—

Jess Phillips: You look after your constituents' pensions for free?

Chair: Jess—stop it.

Sir Bill Wiggin: I would if I could. I'm a trustee of the Eveson Charitable Trust, which is a—

Dr Midha: That's absolutely fine.

Sir Bill Wiggin: Yes, it's fine, but it's the same job, actually, whether it's for a charity or for a company. I'm happy to talk to you for longer when you have got more time.

Chair: I think we're done. Can I just say an enormous thank you to all three of you?

Sir Bernard Jenkin: Can we have them for longer next time?

Chair: We really liked you all and we want to have you again. Thank you very much and we're sorry to have rushed you a little bit.

Jess Phillips: I hope we don't get pilloried on Twitter and have to blame you. *[Laughter.]*

Examination of witnesses

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

Q304 **Chair:** It is very good to see the three of you. Kathryn Stone, Parliamentary Commissioner for Standards—do you want to say a couple of brief words at the beginning, and in the process you might introduce James and Helen?

Kathryn Stone: I am very happy to do that. The challenge at this point in a list of witnesses is that everything has been said already, and said very



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eloquently and powerfully. I hope that we can add some useful perspective. Anyway, let's give it a go.

Thank you for inviting us to give evidence to your inquiry into the Code of Conduct. James Davies is the Registrar of Members' Financial Interests. He has been in the House for a very long time, serving as a Clerk.

Helen Reid is the Senior Complaints and Investigations Manager. She comes with a huge amount of knowledge, skill and experience of investigations in other places. Much of my work and the advice that the office gives are carried out in private—interestingly, we were just talking about that—including the advice that I give to this Committee. That confidentiality is key to the work of my office. However, it does make a wider understanding of the role of commissioner in relation to the Code of Conduct more difficult. For that reason, we really welcome the opportunity to talk to you today about our work and about the Code.

The system of promoting and maintaining parliamentary standards and associated rules is a very crowded space: the Speaker, the Committee on Standards, the Code of Conduct, the ministerial code, the independent adviser on Ministers' interests, the Committee on Standards in Public Life, the Electoral Commission, the Registrar of Consultant Lobbyists, the Lords Commissioners, the Lords Conduct Committee, the Independent Parliamentary Standards Authority, the Independent Complaints and Grievance Scheme, the independent expert panel, the Advisory Committee on Business Appointments, the Administration Committee and the Office of the Parliamentary Commissioner for Standards. They are all really important systems and processes, and the number of them results in an understandable level of confusion. It was interesting to me that yesterday Professor Heywood said that more and more bodies have not necessarily led to improved standards in public life.

The values of my office are independence, impartiality, thoroughness and fairness, and we take each of these very seriously. They are the benchmarks by which we measure our work and the work of the office. The work of the office, as you know, is to keep the registers, to advise MPs on this Committee and, perhaps the most well-known aspect of my work, to investigate allegations of breaches of the Code of Conduct. It does not extend, as many people think, to the ministerial code or to alleged failures to uphold the Nolan principles.

The Code of Conduct and the guide to the rules are a valuable part of ensuring trust and transparency in our parliamentary democracy. The Code could be better. If Members of Parliament and members of the public are to have confidence in it, it has to be clear enough for everyone to understand. I hope that during this session we can offer some suggestions on how to bring greater clarity. We are very happy to take your questions—easy ones only to me; more difficult ones to my colleagues.

Q305 **Chair:** Starter for 10: how are standards going in Britain at the moment?



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Kathryn Stone: We get an awful lot of letters from members of the public who are very, very frustrated. What we have heard from Members and witnesses so far rings absolutely true with me. Members of the public are really angry. They are really angry about the ways in which they see Members of Parliament exploiting opportunities to make additional money. There is no prohibition on that, but members of the public are very angry about it. They are very angry about what they see as, or perceive to be, conflicts of interests by Members of Parliament.

Members of the public are also concerned that Members of Parliament get away with things. They express real frustration about, for example, the amount of time that Members have been suspended for, or the days on which the suspension has to be served. I think that it is a really challenging time, and it has been really challenging for the office to maintain the number of responses we give to members of the public.

On the other hand, I might add that we have been really moved and supported by the number of letters, cards, emails and so on that we have had from members of the public thanking the office and the team for doing our job in the light of recent scandals, and that has been a real boost to members of the team.

Q306 **Chair:** It sounded a bit as if you were saying that the public is angry about lots of things that you cannot investigate, or do not investigate, and cannot do anything about.

Kathryn Stone: I think that is part of the conversation about the Code of Conduct. One of the things that springs to mind is the challenge about the ministerial code, as I said in my opening remarks. Members of the public, quite reasonably, simply cannot understand why a Back-Bench Member of Parliament is subject to a greater degree of scrutiny, and a greater requirement to register things such as gifts and hospitality, than a Minister is. I know, Chair, that you gave an example yesterday of a Minister who told us that they would register their attendance at an event in the ministerial register, yet several months later that event has still not been registered. Members of the public see that as not being transparent, not being open and not promoting the Nolan principles. They want to see clarity around that.

Q307 **Allan Dorans:** Good morning, Commissioner. I am sure that the Committee will join me in thanking you and your team for your hard work and dedication in what are always difficult and challenging cases to investigate. You are obviously committed to improving standards in the House on behalf of Parliament and the public. I am sure that is greatly appreciated by all.

Commissioner, in your review of the Code, you drew a distinction between what is investigable and what is not. As you know, we are proposing to keep the principles from being investigable. Can you explain, for the record, the distinction between what is investigable and what is not, and what makes something appropriate for investigation?



Kathryn Stone: I am very happy to do that, and I thank you for your kind words. We do receive a significant number of complaints about why we are not investigating breaches of the Nolan principles. Rules must be based on investigable actions, rather than the principles of good behaviour. Sir Bernard spoke yesterday about the written evidence submitted by Dr Claire Foster-Gilbert of the Westminster Abbey institute. I would like to reference her written evidence. She said that the Nolan principles are a moral compass for all of us in public life. Those principles are aspirational values that inform the rules of conduct. The rules and the guide to the rules give us things to test—they are the hard edges that we can investigate.

During Lord Evans's evidence yesterday, the Chair talked about how you would investigate an allegation of a breach of the principle of selflessness—is somebody too selfless, or have they not been selfless enough? Has someone been objective enough or not? The guide to the rules gives us things to test. Were the gifts and hospitality registered within 28 days—yes or no? Was the declaration made—yes or no? What would really help, in our view, is a change to structure that clearly separates out what can and what can't be investigated.

I would like to pick up on something else, which Sir Bernard has referred to previously and which is also contained in Dr Claire Foster-Gilbert's evidence. The Code of Conduct should not just be a guidebook to "rap MPs' knuckles but...a wise and constructive guide to sustain their public service." I think we would also like to see some educative and informative aspects to the elements of the Code and the guide. I support the view of this Committee that the Code of Conduct and the guide should be educative and informative for MPs and—equally importantly—for members of the public, so they can understand what it is that Members are expected to do.

Q308 **Mrs Burgess:** Commissioner, given what you are saying, I would be interested to know whether there are things that you currently cannot investigate that you would want to have the opportunity to investigate?

Kathryn Stone: You ask a really interesting question. You are perhaps thinking about something that we might come on to talk about—unreasonable, excessive and personal attacks on social media and in other media. I am happy to go on to that now if that would be helpful?

Chair: Feel free.

Kathryn Stone: The Code of Conduct predates the existence of social media. Mr Carter has given the example of allegations being made about a Member of Parliament that then hit 1 million people and have a very serious negative impact on that Member. I do know the Member of Parliament and spent some time speaking with them about it. I am in no doubt that it was a very difficult experience.

I think it is really important first of all to acknowledge that Members of Parliament are also subject to some terrifying personal attacks on social



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media. Jess Phillips talked about the death threats she has had. Other Members have had really dreadful threats made to them. I am also mindful of the murder of two Members of Parliament and the imprisonment of individuals who have subjected Members of Parliament to threats and very serious intimidation. Thankfully, we have got a really good security team in Parliament and a really good relationship with the Metropolitan police liaison team.

I am also mindful of the importance of freedom of speech and the fact that Members of Parliament are elected to express their views and opinions. However, freedom of speech is a qualified right and we have laws that prohibit incitement, hatred and so on. We spoke about that a little earlier.

In my view, it is absolutely not necessary for an MP to subject anyone to an unreasonable, excessive or personal attack to make their point. It is not necessary. I know that there was some disquiet recently about the introduction of this as a rule. There are three limbs to this test: unreasonable, excessive and personal. The Senedd introduced this rule last year in Wales. They have this rule in Northern Ireland. We could set out guidance to stop allegations of subjectivity—Chair, you used an example yesterday during Mr Costa’s evidence, about tumble dryers. You set out an example of where a comment could be excessive, unreasonable and personal.

Chair: Hard of hearing.

Kathryn Stone: Hard of hearing—that was the one, yes.

I think it would be useful for the Committee to note that I have already, with your support, given words of advice to Members of Parliament about the use of social media and that has been very well received. For legal enthusiasts, there is a case, *Sanders v. Kingston*, in the High Court in 2005, which concluded that a personal attack can never be a political opinion.

To go back to your question, Mrs Burgess, it would be so helpful if we had the opportunity to consider the investigation of unreasonable, personal and excessive attacks. Members of the public are, sadly, subjected to this by Members of Parliament and by other public officials that we have no jurisdiction over. It would be very useful to be able to have that as an opportunity. At the moment, we can’t investigate posts on social media unless there is a further breach of the rules, for example bringing the House into disrepute, and that sets a very high bar. This would need to be a very high bar, as the Chair has already set out, because what we don’t want to become is the Twitter police or the social media police. We would have to adopt a proportionate approach to it.

Chair: Commissioner, I am afraid we are going to have to get a bit shorter with answers, because we have got quite a lot of things to cover. Andy.

Q309 **Andy Carter:** I think Jane has pretty much asked most of my questions. I want to come back to something you said earlier. You listed 12 or 13



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bodies that are involved in standards issues. You made reference to Professor Heywood's comments yesterday about more and more bodies not resulting in better standards. What is the answer? If you could start again with the standards regime, what are the two or three basic things that you think we need to do? I agree that it is incredibly complicated—I have made the point several times. I think Members of Parliament have many different areas to consider and you can very quickly not look at the right book and find the wrong answer. What do you think we need to do?

Kathryn Stone: I think it was Peter Ustinov who, when asked for directions, said, "You wouldn't start from here." You wouldn't start from here. If you were to go back to a completely blank sheet of paper, you would want real clarity about which organisations are responsible for what part of which code. Look at the confusion that exists over the use of stationery, for example. It is very, very simple—it is a piece of paper or an envelope—but there is real confusion among Members of Parliament about what they are and are not allowed to do. One of you—forgive me; I have forgotten who—said that people do trip up over very, very simple things.

For the things that we have control over in this parliamentary space, I would like to see real clarity about responsibility. I hope that the Code of Conduct will be able to set out the clarity of responsibilities, even if it is in an appendix or at the front of the Code, saying, "These are the organisations that deal with these things." That would really help Members of Parliament, and it would be of huge benefit to members of the public.

Q310 **Mr Thorogood:** When we were talking about unreasonable and excessive personal attacks, you talked about three limbs. Isn't there a fourth: that which could lead to endangerment or create an atmosphere of danger to an MP? Do you think that could be judgable?

Kathryn Stone: I think we already have legislation about incitement—incitement to violence, incitement to racial hatred—and we would have to think carefully about the crossover and where there was a line between the two. That is certainly something that we could consider, and I would be very happy to discuss with the Committee how we can make sure that that works without there being accusations of subjectivity of bias in its application.

Q311 **Chair:** May I take you to the question of ministerial capacity? One of the sets of exemptions that we have in several different categories of the registration is that you do not have to declare something with the House if you receive it in your ministerial capacity. For instance, as I understand it, that is the reason you did not feel able to investigate wallpaper-gate—for want of a better term—because the Prime Minister's flat is received in his ministerial capacity as Prime Minister. Is that right?

Kathryn Stone: That is right. Just to build on that point, yesterday Lord Evans described that process, in a very articulate and elegant way, as "bonkers"—I could not agree more. Members of the public often write to say, "Ministers are also MPs, so why should they be different—why should they be held to a different test, and why should there be different rules of



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transparency about what they register, what they don't register and so on?"

Recently, we had a number of MPs and Ministers who attended the same event. The MP has 28 days—not a month—to register their attendance, the value, and the name of the donor of the hospitality. A Minister is not subject to the same rules even though they were at the same events. It seems really inconsistent.

Chair: And the Minister might have more responsibility for decision making in that field.

Kathryn Stone: Precisely, and that is the point that the public make. It seems inconsistent to us and to the public. We need to ensure that Ministers are at least subject to the same scrutiny as Back-Bench MPs when it comes to the registration and declaration of gifts, hospitality and so on.

Q312 **Chair:** Have you had any conversations with Lord Geidt about trying to align?

Kathryn Stone: I have not spoken to Lord Geidt in recent weeks, but I am confident that he would agree that there needs to be a greater consistency and proportionality—to use that word again—in how we register and how Members declare hospitality and gifts, and that would apply to Ministers too.

Q313 **Mrs Dexter:** I think something to my eye happened in the exchange, because you confirmed to the Chair the reasons why you did not investigate the wallpaper. One of the things I struggle with as a member of the Committee is reading about something in a newspaper or hearing about it in the media, and then not understanding why it does not find itself in investigation territory. It could be because it is simply not within scope. Many of those cases are clear, but there are other cases. If my dad asks me, "Are you looking at that?", quite often I find myself saying, "Well, I don't know." I know that you publish cases on which you are undertaking inquiries on the website, but there still feels to me to be a big grey area about things that come to public attention but do not end up in the process. Quite often, I do not understand why that is.

I am slightly reluctant to name examples, but I can think of a couple of examples in the last couple of months. We had the stuff before Christmas about MPs in MPs' offices and what they were doing—was it business, or was it political campaigning? I am just left with a bit of greyness in my own mind about some of those cases. Do you think there is room for you to say more about cases that I imagine have been the subject of complaints but where you decide not to progress the investigation? It feels like a problematic area to me.

Kathryn Stone: I feel like I am saying the same word again—it is about proportionality. Where there are cases that have concerned you or your dad about why we have not investigated them, we would be very happy to come to the Committee and give a rationale for that. We would be very



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happy to do that. We give an update to the Committee every month. We receive far more cases that we do not investigate than cases that we do, because they are out of scope or they are for a different one of the 13 bodies. But if there are cases in future, I would be very happy to set out the rationale.

Mrs Dexter: It is not just for me; it is for the public. Some things just swill around for a long time, and it is not clear that there was any consequence to the action reported. I understand there are difficulties about it, but it does feel like there is something unsatisfactory in the system. Thank you for that.

Q314 **Chair:** I think you were saying, in relation to people using their offices, that it was a matter of proportion.

Kathryn Stone: Yes.

Q315 **Chair:** You thought it would be disproportionate to launch an investigation into whether people had used their offices inappropriately.

Kathryn Stone: I think this is one of the challenges of an inconsistency that has arisen from the application of the rules on the use of parliamentary facilities, and it goes back to the point I made about wanting clarity about use of stationery. The rules, as they are at the moment, are very clear: there should be no use of parliamentary facilities for anything other than a parliamentary purpose. In recent reports, the Committee has said that a proportionate use could be allowed, so there is a disconnect between what the Committee has said and what is actually written in the rules.

One of the things that I hope to arrive at through the review of the Code of Conduct is clarity about what “proportionate” means. What does “proportionate use” mean? Members of staff in the Houses of Parliament have a policy about reasonable use of technology. We are allowed to check our bank statements, book a holiday—if only—or do something like that in lunchtimes. Surely there should be something to which MPs can refer in order to say, “This was reasonable use”. Whether or not that reasonable use should be for business purposes that you are being paid for by an external organisation is something that, in my view, the public would feel very strongly about. That is not why Members of Parliament are elected, and that is not what their parliamentary facilities are for.

Q316 **Mrs Burgess:** When you were talking about the ministerial code and the wish to have consistency across that and the Code of Conduct, you did not make comment on whether you would wish to be able to investigate from a ministerial perspective, or whether it is about still having a separate Commissioner for that in Lord Geidt but making sure that there is consistency across the two. I would welcome your thoughts on that.

Kathryn Stone: It is really interesting, because I was thinking about that this morning. One solution would be to have one register, which meets the principle of openness, with allegations of breaches being investigated by the relevant body, whether that is the independent adviser on ministerial



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interests, the Electoral Commission—the Electoral Commission has a locus in relation to donations—or my office.

Q317 **Chair:** One of the differences between yourself and Lord Geidt is that Lord Geidt is more nebulously appointed, and the powers are rather more nebulous; they are not in Standing Orders or in statute or anything, are they?

Kathryn Stone: Hopefully that will change.

Q318 **Alberto Costa:** Good morning, Commissioner, and thank you very much for coming before the Committee with your team. You heard the questions that I was asking yesterday, so I do not propose to go through the different roles that you have, but this is about your role, in particular the way in which this Committee interprets Standing Order No. 150 in terms of one of your principal duties—to advise this Committee. You have just said before this Committee that you are independent, impartial, thorough and fair. Do you consider it fair and impartial that the MP is excluded from deliberations but you are present and able to answer questions?

Kathryn Stone: I would like to broaden out my answer, Mr Costa, because I have thought very carefully about the questions you put to the other witnesses yesterday, and absolutely; I and my team are independent, impartial, thorough and fair.

I also noted yesterday that you raised the question of whether or not the process follows the principles of natural justice. Absolutely it does. Members of Parliament are given adequate notice, they are given a fair hearing, and the investigation is carried out by someone without bias.

Alberto Costa: Sorry, Commissioner, I am asking—

Kathryn Stone: Can I just finish my point?

Alberto Costa: Of course; forgive me.

Kathryn Stone: This is not an adversarial system; it is an inquisitorial one. It is not a criminal process; it is a parliamentary process. My investigations and the resulting memoranda are always in line with the values that you have just very kindly set out. The memoranda are always sent to the Committee before I attend, and I answer questions on the facts and the rules.

To your point about the Standing Order, one of the elements of Standing Order No. 150 is to advise this Committee. In individual cases where there has been an allegation of a breach of conduct and we have investigated it, we have looked at the allegation, we have looked at the evidence, we have analysed that evidence, we have come to a conclusion and the memorandum has been sent to the Committee, I have never—nor have any of my predecessors—been involved in any decision making about those cases, about upholding my decision or about any sanction. That is entirely for members of this Committee. I attend by invitation of the



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Committee, so if the Committee wanted to change that process, that would be in the Committee's gift.

I am confident that Sir Ernest Ryder will have some very helpful things to say about the process. In recent times, in particular cases, I do not attend the oral evidence session for individual cases. I would be completely content for Members of Parliament to hear my introductory remarks to memoranda and to hear my answers to questions that you put to me to test and challenge the memoranda, but that is a matter for the Committee. We would be content to follow whatever process the Committee determined.

Q319 **Alberto Costa:** Thank you. Forgive me, Commissioner; I asked a very specific question: do you think it fair and impartial for you to come during the deliberations on a case that you have presented to us when the MP is excluded? That was the question I asked.

Kathryn Stone: I come at the invitation of the Committee.

Q320 **Alberto Costa:** Do you consider it fair and impartial?

Kathryn Stone: I come at the invitation of the Committee.

Q321 **Alberto Costa:** Okay. Do you consider it compliant with article 6 convention rights, regardless of whether you are obliged to uphold those rights?

Kathryn Stone: It has been tested and the Committee has been advised previously, by Speaker's Counsel and others, that the process is compliant with those rights, yes.

Q322 **Alberto Costa:** As explained in Standing Order No. 149, the first duty of this Committee is to oversee the work of the Parliamentary Commissioner for Standards. It is entirely in keeping with Select Committees, whose function is to scrutinise and oversee decision makers. Under paragraph (c) of Standing Order 150, the principal duty of the commissioner is to advise the Committee on Standards. Do you know of any other Select Committee here in the House of Commons where the Select Committee scrutinises a decision maker, but is also advised by that decision maker?

Kathryn Stone: I am afraid I do not really have any knowledge of other Select Committees, Mr Costa.

Q323 **Alberto Costa:** Do you know of any other public body that oversees the work of that public body, but is also advised by that public body?

Kathryn Stone: I would not be able to answer that question.

Q324 **Alberto Costa:** One final question to do with one of the recommendations, Commissioner. The recommendation in paragraph 13 on page 62, which we discussed earlier, allows the Speaker to delegate an investigatory issue to you as the commissioner. Can I ask where that recommendation originated from?

Kathryn Stone: I am afraid I cannot answer that question.



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Chair: I think it originated from me and conversations with the Speaker's Counsel, because of the change in the House of Lords.

Q325 **Alberto Costa:** Thank you. Did you have any correspondence or communication with the Speaker or his office about this recommendation?

Kathryn Stone: No.

Chair: I did.

Alberto Costa: You did. Thank you, although you are not giving evidence.

Chair: I am just providing the answer; that is all.

Q326 **Alberto Costa:** I do not recall getting any evidence from the Speaker requiring this power. Finally, we have heard about sexual harassment and bullying, and the Doorkeepers have been used as an example in an activity at the moment where you would not be able to investigate. Have you spoken to any Doorkeepers about sexual harassment or bullying that they feel they are unable to refer to you?

Kathryn Stone: If I had, I would not be discussing it at this Committee.

Chair: Exactly. Sorry, Alberto, you are barking up an odd tree here.

Q327 **Alberto Costa:** I am most certainly not. I am trying to get clarity on a recommendation. My final question is: would you advise this Committee to get evidence from the Speaker and the Doorkeepers on whether this recommendation is actually required?

Kathryn Stone: I think it would be a matter for the Chair and the other Committee Members to decide.

Mrs Dexter: Chair, on the question on other public bodies, I certainly have that experience. As deputy commissioner of London Fire Brigade, I advised the authority, and my work was scrutinised by the authority on an ongoing basis and in an annual set-piece appraisal.

Q328 **Chair:** Thanks. I have one question in this sphere. Correct me if I am wrong—I might well be wrong here—but I think in IEP cases you are not the investigator, but you are the decision maker.

Kathryn Stone: That is right.

Chair: In our cases you are the investigator and the decision maker.

Kathryn Stone: Members of the team investigate.

Q329 **Chair:** Right. Do you think that that should change? Do you think you should move more to a structure like you have for IEP, or is that an irrelevant question?

Kathryn Stone: It is absolutely not an irrelevant question. If you are talking about a very clear separation within the office about the investigation and the decision, that is something that we do have already.



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For Code of Conduct cases, we have some extremely knowledgeable, skilled, professional investigators from a range of different regulatory and legal backgrounds who report to Helen. They investigate allegations of the breach of the Code of Conduct. They investigate it, they write a memorandum, I consider it, and then, if necessary, we bring it to the Committee. If we can rectify it, we rectify it at the less serious end of the spectrum.

Q330 **Chair:** Roughly how many rectifications do you do a year? Do you happen to know?

Helen Reid: Around 30, I believe. I can double-check that.

Chair: Okay. It would be good to have those facts.

Q331 **Sir Bernard Jenkin:** I am quite interested to hear about this separation of functions within your office. It is not visible. The investigations are done in the name of the Parliamentary Commissioner for Standards. Have you given any thought as to how to make that separation more visible? I think that separation, if it was more public, would be quite reassuring to those being investigated. What could we do to make that a more visible separation?

Kathryn Stone: Perhaps we can think about some proposals and bring them back to you.

Chair: It may be, of course, that this is one of the elements that Sir Ernest Ryder will also be looking at.

Q332 **Mrs Banks:** James, this is for you. Focusing a little on some of the smaller changes to registration, I am interested in your opinion. We have talked about Members registering and declaring a salary received from a political party, or benefits that they receive as a Government trade envoy. I wondered what your thoughts are on that.

James Davies: I think it speaks quite clearly to some of the recommendations that the commissioner made in her review of the Code. If you start from the principle that the register is there to shine a light on Members' financial interests, there is a logic to including things like the trade envoy and political parties. It would be a more complete register of Members' financial interests. For example, overseas visits undertaken by individual Members and APPGs are all registrable, so there is a certain logic to extending that to, say, trade envoys. Equally, there is a case for including salaries paid to Members by political parties. However, a couple of wider points may be worth considering in terms of consistency. If you were to take, for example, salaries paid by political parties, would the Committee also consider extending category 2 donations? At the moment, the Code says that you do not register donations from your own party organisation. If you were to link salaries, would you want to link donations as well?

Q333 **Chair:** Donations might, for instance, include if you go to party conference, or out campaigning in a by-election, and the party pays for your room. You do not have to declare that, do you?



James Davies: That is correct. It says that you are not required to include in category 2 "Direct support from the Member's own party organisation". I think there may be a read-across between that and salaries paid. Equally, if you are considering the parties, would the Committee extend that to, say, Short money allocated to individual Members? It is another payment. It is part of parliamentary duties. The counterbalance to that, though, is paragraph 5, which talks about the purpose of the register. It says: "The overall aim of both registration and declaration is to provide information about any financial interest which might reasonably be thought by others to influence a Member's actions, speeches or votes in Parliament". Given that an individual Member is a member of a party, is that link direct enough to say that you do not need to say that this would influence them, given that the money is already coming from the party to which they belong?

Q334 **Sir Bernard Jenkin:** The reality is that any envoy or any paid MP from a political party is effectively added to the payroll. It means that they cannot rebel, or they lose their position. Should it not be made plain on the register that they are beholden to the Government or the leader of their party with a financial inducement or another inducement? Some people might even consider it to be a kind of bribery. I think it is unconscionable. It is a way of extending the payroll vote without regard to the Ministerial and other Salaries Act and the limitations on the number of Ministers in the Government.

Chair: Answer that, James!

James Davies: I don't think I am going to get into the inducement part of it, but I think it would be entirely consistent. If we were to get to a position where Ministers registered their benefits and hospitality in the Register of Members' Financial Interests—they could do it in both, but I think consistency and clarity would be good—clearly trade envoys would be part of that.

Chair: Trade envoys aren't.

James Davies: I am saying that, if you were to require Ministers to register in not just the Government register but the Register of Members' Financial Interests, which is what the commissioner has proposed, clearly trade envoys would also fit into that.

Q335 **Sir Bernard Jenkin:** Does the commissioner think these issues raise conflicts of interest that should be more transparent?

Kathryn Stone: It has been fascinating listening to the witness evidence about transparency and conflicts of interest. The purpose of the register, I think, should be thinking about how we record anything that influences a Member's thoughts, words and actions, so that it is transparent—not least for members of the public to get a better view. I think yesterday one of the witnesses said, "He who pays the piper calls the tune." We need to think very carefully about how we represent the register and make sure that there is transparency.



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Q336 **Mrs Burgess:** I want to go back to the investigation point that you made: the distinction between your team investigating and you making the decision. If I think particularly about the Owen Paterson case, that is not the impression that I was left with. We had quite a number of conversations about the number of times you invited the MP to meet with you; conversations that you had with him were, I think, part of the report. So that distinction wasn't clear to me in that particular case. I am not sure that leaves me with a question, but—maybe to Bernard's point—that distinction is not clear to me in some of the evidence, reports and so on that this Committee has received.

Kathryn Stone: I welcome the opportunity to clarify that. In the case of Mr Paterson, I did, as you know, interview him on a number of occasions, and I had some extended correspondence with him. It tends to be the case that allegations that we feel can be resolved by rectification are addressed by the team, and ones that require more extended investigation come through to Helen and to me.

Q337 **Mrs Burgess:** So there is not the same clear distinction in standards cases as there is in the IEP cases.

Helen Reid: With the IEP cases, there is a completely independent investigator who is independent from Parliament. While the commissioner does have oversight of their work, it is done in a more formalised, separate way.

Mrs Burgess: It felt to me from the previous conversation that they were the same, but they are not.

Helen Reid: No, they're not.

Chair: Michael, I think you wanted to come in on the back of what Bernard said.

Q338 **Dr Maguire:** Yes, this was on the back of the transparency point, and it is a question for James. We heard evidence yesterday about the level and quality of information that is available on the register. One of the examples was actually in your case, Bernard, about the name of a constituent who had given you some money, and that is all it was: a name. How quick a fix would it be to enhance the level of information available on the register? What I am getting at is: are MPs not required to do it, or is there a technological reason as to why it is not able to be done?

James Davies: In terms of the example you gave, Members are required to provide the addresses of private donors; it is just that we do not publish them. It would be unfair to publish the private addresses of individuals who make donations. That sort of information is there.

Q339 **Dr Maguire:** How do you get that information? That was the question. The argument we heard was, "All I saw was a name, and if you Google the name, you get a murder in America." So how do you enhance the levels of information available?



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James Davies: We get that information from the Member. The Member will supply both the name and the address of the private individual who has made a donation or provided hospitality. We have a policy of retaining that information, but we don't publish it—and I think for very good reason.

Q340 **Mrs Dexter:** I think that slightly misses the point. I don't think anybody is interested in the address of the constituent. The fact that it was just a constituent who is, I think, a friend—as against a local businessperson, for example—was what the witnesses were interested in. I think that what they were interested in yesterday was more the status of the individual than where they live. If we wanted to address that point, I think Michael's question is a good one. How easy a fix is that?

Sir Bernard Jenkin: I think they just wanted a better story to write for their newspapers.

Mrs Dexter: Well, yes. But it is the answer to the question: what is the nature of the relationship—

Dr Maguire: There is a transparency issue—

Q341 **Chair:** The question is how you could make it more transparent in a way that didn't lead you to endless rows, every single day of the week, about what counts as a proper reason. We could go online and do our own registration, couldn't we, rather than sending emails to you and going backwards and forwards? There could be boxes, and one of the boxes might be, "What was the purpose of this gift?" The answer could be "long-standing friend", "business associate" or whatever. But devising that might not be simple. Is that the point?

James Davies: No. We try to keep brevity at the heart of the register, just because of the size of it, but it would be an easy fix if you wanted to have a free text descriptor box under each entry that just gives further information. But that is clearly something for the Committee to make a decision on.

Sir Bernard Jenkin: I think it would be quite positive—

Chair: I am going to move us on, I'm afraid. Paul.

Q342 **Mr Thorogood:** This is also for James, and it is about topical or supplementary questions, which arguably are longer than they used to be. Do you think Members should be required to declare relevant interests during topical or supplementary questions?

James Davies: It is an interesting question. For greater transparency, you would want to say yes, but I think the guide to the rules does acknowledge that a balance needs to be struck between transparency and the pressure on time.

Q343 **Chair:** But is there any transparency when somebody says, in any circumstance, "I refer Members to my entry in the register"? That is not transparent at all. It is exactly the opposite of transparent. Nobody has the faintest idea of what you are talking about.



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Andy Carter: It is a flag that has gone up. It then depends on what follows in the question. Any journalist who listens to the question knows that there is a flag up and wants to investigate, or a member of the public—sorry, I am answering your question, James.

Chair: But Members in the Chamber then don't know what it is, do they?

Andy Carter: Well, I have a Google app. I can—

Chair: You are not meant to be googling in the Chamber. Sorry, this is a question to James.

James Davies: There are two parts to this. The first is where Members are required to make a declaration, and yes, it should be succinct but more informative than "I refer you to my entry in the register." With topical questions and supplementary questions, I think it is slightly more complex. A supplementary question should really be attached to the oral question that you have on the Order Paper. And there, you are already required to make some sort of declaration and give details of what that declaration is to the Table Office, so it is slightly more transparent. That is the supplementary. Topical questions—

Q344 **Chair:** Only if it is your own supplementary—not if you are asking a supplementary on the back of somebody else's.

James Davies: On that, you are right.

Chair: And I have never known the Table Office to ask, "What is the registrable interest that you are registering?" when you table the question—never once.

Andy Carter: Well, there is a space for you to write it in.

Chair: I know—yes, indeed—but I have never known them to ask, and you certainly don't have to say what it is. You could argue that it should say what it is.

James Davies: There is the ability to say what it is, both on the hard copy and on the MemberHub version.

Andy Carter: It is there.

Q345 **Mr Thorogood:** Okay. The question was: should they be required?

James Davies: Topicals, again, are interesting, but you have the pressure of time. With topicals, you don't give the Minister advance notice of what the subject is, so it may be helpful to do it at that point in terms of transparency. The one thing I would caution on, though, is that topical questions are pretty much the same formulation as engagements questions to the Prime Minister. So again, for consistency, if you apply it to topical questions, you may have to apply it for PMQs, and that is where the pressure on time for Members is at its highest.

Chair: Talking of which—at my back I always hear Time's wingèd chariot hurrying near.



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Sir Bernard Jenkin: What about when you're in the Division Lobby? Should you declare your interest when casting a vote?

Chair: Sorry, Bernard. Rita was next.

Sir Bernard Jenkin: Rhetorical question.

Q346 **Mrs Dexter:** I think it was Henry Dyer who said yesterday that he did not support our proposal that the registration of lobbying activities by family members should cease. As I recall, the motivation for our proposal was that family members should not be regarded, as it were, as the property of an MP, which is the implication of having to declare their lobbying activities. Henry, at the time, told us that it was anyway rarely used. Do you have any views about that?

James Davies: I think a decision on retaining or removing that category is very much one for the Committee and not for me.

Mrs Dexter: That is helpful; thank you.

Q347 **Michael Maguire:** Kathryn, I want first to echo Allan's comments about the work that you and your team do, and to thank you for it. The abuse that you guys suffered over the Owen Paterson case was outrageous, and the resilience that you showed was commendable—thank you for that.

Kathryn Stone: Thank you.

Q348 **Michael Maguire:** One of the issues that we have heard in listening to cases is the length of time that it takes to get a case completed. What are the main issues that affect the length of time to complete a case, and are there fixes in the short to medium term to change that?

Helen Reid: The key point when we are thinking about this is that we cannot sacrifice quality, investigational rigour or fairness for speed.

Michael Maguire: I think that is a given.

Helen Reid: Yes. Having looked at the investigations that we started this year, the average length of time for an investigation is just over two months, so around 63 days. There are investigations that, by their nature—more complex allegations, a larger number of allegations—will take longer. The cases that are referred to the Committee have normally taken a little longer, just because they are usually, by their nature, towards the more serious end of the spectrum. That is one of the reasons why, when a case comes before the Committee, the commissioner always provides a timeline showing the progress of the investigation and why there have been any delays.

You can have unusual delays that are unavoidable—for example, a Member's personal circumstances, allowing them time to get advice, or the collection of further evidence.

Q349 **Michael Maguire:** Suppose we are looking at an avoidable delay rather than an unavoidable one.



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Helen Reid: Having looked through the cases, one of the biggest variables affecting how long a case takes is the level of engagement from the Member. If a Member gets the letter, reads the questions really carefully, provides full and adequate answers and responds promptly, the investigation will go more quickly. If, however—this is not unusual—we have to go back to a Member, re-ask the same questions we have asked, or go back over things again, we set deadlines, and I think there can be a tendency for people to see them as dates to aim for rather than dates to respond by. That can make it slower.

Chair: We have three minutes.

Sir Bernard Jenkin: Very briefly on this question—

Chair: No. Mehmuda?

Q350 **Mehmuda Mian:** We have three minutes for second jobs, which is one of the big questions that have taken up a lot of people's emotions over the last one and half days, as you will be aware, Kathryn. What are your views on the Committee's proposals on MPs' outside jobs, particularly around reasonableness and rebuttable presumption? In three minutes.

Kathryn Stone: Gosh—in two minutes, actually. At the moment, there is no prohibition on second jobs at all. One of the things that has been repeated by a number of witnesses is that being a Member of Parliament should not be the second job. There are a number of cases where being a Member of Parliament is clearly the second job, given the number of hours expended and the amount of money received. In my view, the public expects the parliamentary work to be the first call on an MP's time. Members of the public tell us that daily.

Whatever is proposed, for me, having listened to the discussions over the past couple of days, the conflict of interest point is really key. At the moment, MPs register their outside work with the registrar, but there is no regulation of what is registered. If we are going to shift from a registration to a regulation and look not just at who and what, but at why—to go to the journalists' point from yesterday—we will obviously need more resources and more powers to do that. To go to the point about transparency, we also need to think very carefully about contracts, which will be key to that.

I probably have one minute left, Chair. May I make my "any other business" point?

Chair: I do not know whether you wanted to talk about parliamentary facilities.

Kathryn Stone: I think I have already talked about parliamentary facilities a little bit.

Q351 **Chair:** Okay. What is your any other business?

Kathryn Stone: The first thing is to say thank you to this Committee for the care and consideration you give to the cases that we bring to you. I



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know these cases are very difficult and can be personally very challenging, so thank you for the care and consideration you give them.

Just to pick up on Michael's point, I would also like to say thank you to my team, who have been through some very, very difficult and challenging times of late, and have weathered those storms with incredible professionalism and resilience.

My final point is that this work matters. Standards matter.

Chair: I am very grateful to you. We are grateful to you for the work that you do. We have been painfully conscious, particularly over the last 18 months, of how difficult it has been, partly because of covid, but also because of some of the sustained campaigns that have been run and some of the questioning of why we have standards committees and standards commissioners and all the rest of it. I am always conscious that when people say, "Standards don't matter," it just sounds to me like an excuse for bad behaviour. I do not think anybody on this Committee accepts that.

I think it would be really useful if you could write to us about the resources you have presently, and what resources you might need if anything of the things that we are suggesting needs to change. We would want to proceed on the basis of making sure that you have the resources to do the job, rather than telling you to do a job for which we do not have the resources.