

Conduct Committee

Minutes of the meeting on Thursday 8 October at 4pm via MS Teams

Present:

B. Anelay of St Johns	Vanessa Davies
L. Brown of Eaton-under-Heywood	B. Donaghy
Cindy Butts	B. Hussein-Ece
Mark Castle	L. Mance (Chair)
Andrea Coomber	

With the Clerk of the Parliaments

DELIBERATION IN PRIVATE

1. Minutes from 17 September meeting

The minutes of the meeting on 17 September were agreed.

2. Appeal against a Commissioner decision at preliminary assessment

Andrea Coomber declared a relevant interest due to her friendship with the author of the appeal and removed herself from the meeting for the duration of discussion on this item.

The Committee considered the appeal against the Commissioner's decision to dismiss the complaint at preliminary assessment. This was the first time that a Commissioner decision at preliminary assessment had been appealed.

The Committee considered whether the Commissioner was correct to dismiss the original complaint on the grounds that the tweets complained about did not in and of themselves constitute a parliamentary duty or activity, and therefore did not engage the Code of Conduct.

The Committee agreed to uphold the Commissioner's decision to dismiss the complaint at preliminary assessment.

The Committee agreed that more detailed guidance on the relationship between social media use and parliamentary activities should be considered at a future meeting. The Committee also suggested that guidance on using parliamentary headed notepaper could be reemphasised, potentially by the political leadership in the House.

It was noted that the issue of third-party complainants would likely be explored in Alison Stanley's 18-month review into the implementation of the Independent Complaints and Grievances Scheme (ICGS).

3. Commissioner recruitment

The paper was discussed.

4. Valuing Everyone Code changes

The Clerk to the Committee, Chloe Mawson, and the ICGS Implementation Manager, Alex Brocklehurst, introduced this paper.

The paper considered whether a new paragraph should be inserted into the Code which would place members who joined the House before 1 January 2021 in breach of the Code if they failed to complete the mandatory Valuing Everyone by 1 April 2021. The paper also suggested that the Commissioner would notify the Committee of the names of members who failed to complete the training by the deadline, and assuming there are no objections, open an inquiry into the members referred. The Committee would have the opportunity to excuse members from investigation in exceptional circumstances such as ongoing serious health problems that prevent attendance at the House.

The Committee agreed that the new paragraph should be inserted into the Code to further encourage members to complete the training.

The Committee did not support the system proposed for referrals. It was agreed that the Commissioner should be able to investigate members who have not undertaken the training without reference to the Committee, and that she should have sole discretion to decide whether members should be excused from investigation due to exceptional circumstances.

It was agreed that the referrals system should be applied consistently. The Committee therefore agreed that the Commissioner would be able to investigate members who fail to respond to the Registrar's annual audit notice without reference to the Committee, and have sole discretion to decide whether they should be excused investigation due to exceptional circumstances.

5. Draft Report on foreign governments

The Chair declared his interests as an arbitrator, as Chief Justice of the Astana International Financial Centre (AIFC) Court, and as an International Judge of the Singapore International Commercial Court.

The Registrar of Lords' Interests, Tom Wilson, introduced this paper.

The Committee agreed to review the finalised report at the next meeting.

The Chair took part in discussion on this item, but he will not review the report nor take part in discussion next week.

6. Oral update on Steering Group for Change

Baroness Donaghy, Chair of the Steering Group for Change, provided an oral update.

External speakers had attended the Steering Group meeting to discuss the issue of capability. The speakers had shared experience on dealing with changes to mental and physical capability and discussed whose responsibility it would be to report someone becoming incapable.

The Steering Group would meet again to analyse the information on capability provided by the speakers. Baroness Donaghy would provide the Committee with an update once this meeting had taken place.

7. Data on Commissioner workload

The Standards Clerk, James Whittle, provided an update on the Commissioner's workload.

8. Any Other Business

Chloe Mawson
Clerk to the Conduct Committee
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