Conduct Committee
Minutes of the meeting on Thursday 15 October at 2pm 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 8 October meeting

The Committee requested a future paper on the Commissioner's "own initiative powers", particularly in relation to third party complainants. It was noted this should await the results of the 18-month review which would cover third party complaints.

The minutes of the meeting on 8 October were agreed.

2. Written Appeal against the findings and recommended sanction of the Commissioner for Standards

The Clerk introduced the papers related to the appeal including a summary of the decisions made when the appeal had first been considered on 23 July 2020.

The Committee agreed to consider the appeal in full at the next meeting on 29 October. The secretariat would produce a brief setting out the key questions in order and highlighting the relevant parts of each document. Members of the Committee would add written submissions on the points in the brief to inform each other before meeting on 29 October.

The Committee agreed that at the meeting on 29 October, they would decide whether to hold an oral appeal. If the Committee decided to go ahead with an oral appeal, this would take place at the following meeting on 4 November.

3. Remedial behaviour change training for Members and Members' staff

The Standards Clerk, James Whittle, and the ICGS Implementation Lead, Alex Brocklehurst, introduced this paper.

The paper discussed the perception among members of the Steering Group for Change that sanctioned training was too light an outcome for investigations that found bullying, harassment and sexual misconduct, particularly when there was a proven pattern of behaviour. The paper considered options for monitoring the progress of respondents returning to the workplace having received behavioural training from Tavistock.

The Committee considered that waiting for the respondent to reoffend rather than monitoring the situation was an unsatisfactory solution. It was noted that staff were unlikely to complain about the same individual twice, given that the investigation process could be lengthy and draining and had previously resulted only in sanctioned training.

The Committee therefore considered that some form of feedback and monitoring system was important. It was noted that in other work environments behaviour change training would be followed by a meeting between the respondent, their manager and Tavistock to evaluate the impact of the training. While a similar tripartite evaluation would be sensible it was not clear who could take the place normally taken by a respondent's manager. The Committee was not comfortable with taking on the role given it would possibly have to hear future appeals relating to the member. It was noted it would be inappropriate to give the role to Party whips who do not cover all members and have political considerations to take into account. One proposal was an independent third party nominated by the Commissioner but it was not clear from which pool she might draw. The secretariat agreed to consider the issue further and revert to the Committee.

One member suggested that the provider of sanctioned training, in this instance Tavistock, should be held to account in some way if the training does not work. The secretariat highlighted the confidentiality issues involved in requiring Tavistock to provide a report on the success of the training. The only report received from Tavistock so far was very brief and was approved by the respondent before being sent. These confidentiality issues are exacerbated by the fact that members are not in an employment relationship with the House.

In the discussion, there was a consensus that there should be some guidance for the Commissioner on how to use sanctions and when to restrict access to services. The secretariat said a paper was being produced with sanction guidance. This paper would be discussed at the Committee's meeting in December.

Many members raised concerns about staff feeling unsafe on the Parliamentary Estate if the respondent still had access to services while receiving sanctioned training. One member suggested that the Commissioner should remove the respondent's access to services for the duration of their sanctioned training to ensure that staff felt comfortable.

One member stated that it would be inappropriate to use public money to pay for additional interventions such as medical assessments for the respondent. She suggested that respondents could instead be referred to parliamentary counselling services, who could then refer them to NHS support if necessary.

4. Code changes to relating to the investigation of ex-MPs who are Members of the Lords

This paper set out a method for closing the loophole by which ex-MPs in the Lords could avoid investigation for misconduct which took place during their time in the

Commons. The Committee noted that Lord Walney had written to express his support for closing the loophole.

The paper suggested that ex-MPs in the Lords should be investigated by the Parliamentary Commissioner for Standards (PCS) if the misconduct in question took place during their time in the Commons, with any appeal on finding being heard by the Commons Independent Expert Panel. Where the PCS could not resolve a complaint by the Commons' rectification procedure, the sanction for the ex-MP member of the Lords would then be recommended to the Conduct Committee by the House of Lords Commissioner for Standards after reading the report written in the Commons.

The Committee unanimously agreed to the system proposed in this paper. The paper, including the proposed changes to the Guide to the Code, would be put to the House as soon as possible.

5. Disclosure of earnings: follow-up

The Chair declared relevant interests and recused himself from discussion on this item and left the meeting. Lord Brown agreed to take the Chair.

It was suggested that the Committee publish the report with no exemptions, and over the coming weeks clerks would consult a cross-section of members and form a list of exemption guidance for the Registrar to follow, which would then be put to the Committee at a later meeting.

The Committee agreed to this solution. They agreed that the Chair would move the report in the House as soon as possible, and the clerks would begin consulting members to draw up guidance for the Registrar. Vanessa Davies would potentially help with this process.

6. Any Other Business

The Committee confirmed dates and times for upcoming meetings.

Chloe Mawson
Clerk to the Conduct Committee
x8796