



House of Commons
Committee on Standards

ICGS investigations: Commons-Lords agreement

Eleventh Report of Session 2019–21

*Report, together with formal minutes relating
to the report*

*Ordered by the House of Commons
to be printed 10 November 2020*

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Committee on Standards

The Committee on Standards is appointed by the House of Commons to oversee the work of the Parliamentary Commissioner for Standards, except in relation to the conduct of individual cases under the Independent Complaints and Grievance Scheme; to examine the arrangements proposed by the Commissioner for the compilation, maintenance and accessibility of the Register of Members' Financial Interests and any other registers of interest established by the House; to review from time to time the form and content of those registers; to consider any specific complaints made in relation to the registering or declaring of interests referred to it by the Commissioner; to consider any matter relating to the conduct of Members, including specific complaints in relation to alleged breaches in the Code of Conduct which have been drawn to the Committee's attention by the Commissioner; and to recommend any modifications to the Code of Conduct as may from time to time appear to be necessary.

Current membership

[Chris Bryant MP](#) (*Labour, Rhondda*) (Chair)

[Tammy Banks](#) (*Lay member*)

[Jane Burgess](#) (*Lay member*)

[Andy Carter MP](#) (*Conservative, Warrington South*)

[Alberto Costa MP](#) (*Conservative, South Leicestershire*)

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[Chris Elmore MP](#) (*Labour, Ogmore*)

[Sir Bernard Jenkin MP](#) (*Conservative*)

[Mark Fletcher MP](#) (*Conservative, Bolsover*) *ve, Harwich and North Essex*)

[Anne McLaughlin MP](#) (*Scottish National Party, Glasgow North East*)

[Dr Arun Midha](#) (*Lay member*)

[Paul Thorogood](#) (*Lay member*)

Powers

The constitution and powers of the Committee are set out in Standing Order No.149. In particular, the Committee has power to order the attendance of any Member of Parliament before the Committee and to require that specific documents or records in the possession of a Member relating to its inquiries, or to the inquiries of the Commissioner, be laid before the Committee. The Committee has power to refuse to allow its public proceedings to be broadcast. The Law Officers, if they are Members of Parliament, may attend and take part in the Committee's proceedings, but may not vote.

Publications

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Committee staff

The current staff of the Committee are Paul Connolly (Media Relations Manager), Arvind Gunnoo (Committee Operations Officer), Robin James (Clerk), and Stuart Ramsay (Second Clerk).

Contacts

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Report

1. The Independent Complaints and Grievance Scheme (ICGS) provides that former members of either House of Parliament can be investigated for alleged bullying, harassment or sexual misconduct during their time as a member. The only exceptions are former MPs who are now in the House of Lords and former Lords who become MPs, who cannot currently be investigated if a complaint concerns their conduct while in the first House.
2. This report invites the House to close this loophole by approving a scheme which has been agreed between the Committee on Standards and the House of Lords Conduct Committee.
3. The Conduct Committee has published a report in similar terms to this one. Its report was approved by the House of Lords on 3 November 2020.¹
4. The Committees have agreed that complaints of bullying, harassment or sexual misconduct against ex-MPs in the Lords relating to their time in the Commons should be investigated under Commons procedures, so that all former MPs can be investigated in the same way. Similarly, any appeals against the findings of the Parliamentary Commissioner for Standards (PCS) would be made to the Independent Expert Panel (IEP) established by the House of Commons.
5. Where the PCS finds that there has been a breach, but has not been able to deal with it through House of Commons rectification procedures, it will be necessary to impose a sanction. The two Houses have distinct approaches to sanctions, particularly at the more serious end of the scale where there are separate legal provisions about what sanctions are available, and there may also be different thresholds for serious sanctions. Accordingly, we propose that any sanction on a member of the Lords relating to their historic behaviour as an MP should be proposed by the House of Lords Commissioner for Standards, as she does for any other Lords member in breach of that House's Code of Conduct. Any appeal against the sanction would be heard by the House of Lords Conduct Committee in the usual way.
6. Although it is rare for a member to move from the Lords to the Commons, it is proposed that this scheme would apply in reverse as necessary. Therefore, the Lords Commissioner would investigate complaints of bullying, harassment or sexual misconduct against Members of the Commons relating to their time in the Lords, and the IEP in the Commons would propose the appropriate sanction.
7. The full proposed scheme is set out as an appendix to this report.
8. ***We recommend that the House approve the proposed scheme by way of a resolution agreeing with this report and its appendix.***
9. **If the House approves the scheme, we shall incorporate it in the draft revised Guide to the Rules which we intend to present to the House at the conclusion of our current review of the Code of Conduct.**

1 House of Lords Conduct Committee, [Fifth Report of Session 2019–21, Valuing Everyone training; ICGS investigations: former MPs](#) (HL Paper 158), published 27 October 2020; [House of Lords Business](#), Minutes of Proceedings, 3 November 2020, item 12

Appendix: Proposed scheme

Bullying, harassment and sexual misconduct investigations into former members of the other House

1. Where complaints of bullying, harassment or sexual misconduct are made against a member of one House relating to their time in the other House, the following procedures apply. The Parliamentary Commissioner for Standards (PCS) and the House of Lords Commissioner for Standards may share information on a confidential basis in such cases, to ensure that they are both aware of any pattern of behaviour.

Former MPs in the House of Lords

2. Complaints against a member of the House of Lords relating to their time in the House of Commons are dealt with under House of Commons procedures for setting up an Independent Complaints and Grievance Scheme (ICGS) investigation and reporting that investigation to the PCS. In line with House of Commons rules, only complaints by current or former members of the parliamentary community are accepted. Complaints must be made to the ICGS helpline.²

3. During an investigation under House of Commons procedures, the House of Lords Commissioner may restrict access to facilities and services of the House for the member in question as she can with her own investigations.

4. If a member of the House of Lords retires from that House during an investigation under these provisions, then the case may be concluded in the House of Commons as with former MPs who are not members of the House of Lords.

5. Where the PCS concludes that there has been no breach of the rules, or that there has been a breach that can be rectified, she writes to the House of Lords Conduct Committee to inform them before publishing her report.

6. The House of Commons Independent Expert Panel (IEP) hears any appeal from either party against the PCS's conclusions.

7. Members of the House of Lords are to co-operate with the PCS and the IEP in any investigation. A failure to co-operate is a breach of the House of Lords Code of Conduct.

8. If the conclusion of the process in the House of Commons is that bullying, harassment or sexual misconduct has occurred and that it cannot be dealt with through rectification, the PCS or the IEP (as appropriate) send their report in confidence to the House of Lords Commissioner for Standards. The Commissioner then recommends a sanction to the Conduct Committee. She does not re-open any aspect of the investigation.

9. The Conduct Committee receives the recommendation on sanction as set out in paragraphs 161 to 164 of the House of Lords Code of Conduct, and hears any appeal, limited only to the severity of the sanction.

2 The Independent Complaints and Grievance Scheme Helpline can be contacted on 0808 168 9281 (freephone) or at support@ICGShelpline.org.uk.

10. If the sanction is a personal statement of apology to the House of Lords, the member makes the statement in the House of Lords.

Former Lords members in the House of Commons

11. Complaints of bullying, harassment and sexual misconduct against an MP relating to their time in the House of Lords are dealt with under House of Lords procedures. Such complaints, which may be submitted by anybody who has been directly affected by the alleged behaviour, should be addressed to the House of Lords Commissioner for Standards or the Independent Complaints and Grievance Scheme helpline.

12. Where the Lords Commissioner concludes that there has been no breach of the rules, or that there has been a breach that can be dealt with through remedial action, she writes to the relevant Commons authorities to inform them.

13. The House of Lords Conduct Committee hears any appeal by either party against the Lords Commissioner's conclusions.

14. Members of the House of Commons are to co-operate with the Lords Commissioner and the Conduct Committee in any investigation. A failure to co-operate is a breach of the House of Commons Code of Conduct.

15. If the conclusion of the process in the House of Lords is that bullying, harassment or sexual misconduct has occurred and that it cannot be dealt with through remedial action, the Lords Commissioner or Conduct Committee (depending on whether there has been an appeal) send their report in confidence to the PCS. The member is then sanctioned in line with House of Commons processes.

16. If the sanction is a personal statement of apology to the House of Commons, the member makes the statement in the House of Commons.

Formal minutes

Tuesday 10 November 2020

Virtual meeting

Members present:

Chris Bryant, in the Chair

Tammy Banks	Chris Elmore
Jane Burgess	Sir Bernard Jenkin
Andy Carter	Dr Arun Midha
Alberto Costa	Paul Thorogood
Rita Dexter	

Draft report (*ICGS investigations: Commons-Lords agreement*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 9 read and agreed to.

Annex agreed to.

Resolved, That the Report be the Eleventh Report of the Committee to the House.

None of the lay members present wished to submit an opinion on the Report (Standing Order No. 149 (8)).

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available in accordance with Standing Order No. 134.

[The Committee adjourned.]

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page of the Committee's website](#). The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

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