

Conduct Committee

Minutes of the meeting on Thursday 17 December at 12pm 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 27 November meeting

The minutes of the meeting on 27 November were agreed.

**2. Scope of the Code of Conduct and disrepute
(COND/19-21/84) and (COND/19-21/85)**

The Standards Clerk introduced these papers. The issues raised in the papers overlapped significantly, so the Committee considered both papers together.

The first paper (COND/19-21/84) considered whether the scope of the Code of Conduct should be expanded, particularly in the light of complaint campaigns about tweets by Baroness Nicholson of Winterbourne and Lord Kilclooney and the subsequent letter to the Committee from the Lord Speaker.

The Committee agreed to expand the scope of the Code to cover public life unconnected to parliamentary duties. It was agreed that applying the Code to all aspects of members' public lives was a "step in the right direction" and would ensure parity with the House of Commons.

The Committee considered whether a disrepute provision should also be added to the Code. The Committee considered House of Commons' disrepute provisions, as set out in paragraph 7 of COND/19-21/85:

"Members shall never undertake any action which would cause significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally."

The Committee discussed the viability of adding the same provision to the Code for members of the Lords. The Chair said that the reference to "integrity" in the House of Commons provision added confusion and reduced the precision of its meaning. The Committee agreed that a disrepute clause modelled on the House of Commons provision should be added to the Code.

It was agreed that the secretariat would prepare another paper on disrepute in the light of the Committee's agreement to model the disrepute clause on the House of Commons' provision. The Committee agreed to consider the application of the Code to members' statements in parliamentary proceedings again when the paper was discussed in a future meeting.

3. Publication rules for Commissioner reports
(COND/19-21/86)

This paper was introduced by the Standards Clerk.

The paper invited the Committee to clarify the provisions of the Guide to the Code that should apply when the Commissioner dismissed a complaint of bullying, harassment or sexual misconduct. The paper considered whether cases in which a complaint was dismissed should always result in a report, whether such reports should be published on the Commissioner's parliamentary website or sent to the Committee and whether the Commissioner had discretion to anonymise the respondent in such reports.

The Committee agreed the amendments to the Guide to the Code proposed in the paper.

4. Confidentiality: confirmation and correction of media reports
(COND/19-21/87)

The Standards Clerk introduced this paper.

This paper considered whether, in certain circumstances, the Commissioner could breach confidentiality in a limited way to allow for confirmation and correction of media reporting of complaints, in order to reduce misunderstandings when information about the conduct in question was already in the public domain. The paper invited the Committee to amend the Guide to the Code to give the Commissioner this discretion.

The Committee agreed to the amendments to the Guide to the Code proposed in the paper.

5. Follow up to the Conduct of Lord Maginnis Report
(COND/19-21/88)

This paper was introduced by the Clerk to the Committee.

The paper set out the letter sent to the Commissioner by Hannah Bardell MP, one of the complainants in the Lord Maginnis case.

The Committee agreed to write to Ms Bardell to explain that their position had not changed.

6. Sanctioned training
(COND/19-21/89)

The Standards Clerk introduced this paper.

This paper followed from a paper discussed at the Committee's meeting on 15 October 2020. It considered how the effectiveness of behaviour change training provided by Tavistock could be assessed. The paper set out a range of options to assess the effectiveness of training and invited the Committee to discuss the issue. It also set out two options for the Committee if they decided that there was no suitable model for assessing effectiveness.

7. Commissioner activity and caseload
(COND/19-21/90)

The Standards Clerk updated the Committee on the Commissioner's activity and caseload.

8. Oral update on Steering Group for Change
(COND/19-21/91 and COND/19-21/91A)

Baroness Donaghy, Chair of the Steering Group for Change, updated the Committee on the work of the Steering Group.

Baroness Donaghy drew the Committee's attention to a paper put forward by the Administration which would place limitations on the services that could be accessed by members whose behaviour was unacceptable, such as use of catering facilities and shops on the parliamentary estate.

The Steering Group had written letters to the Lord Speaker and the Committee which were included as memoranda on this item. The letter to the Lord Speaker was in relation to Lord Kilclooney's comments on Twitter about Vice President-Elect Kamala Harris and potential changes to the Code as a consequence of his conduct. The letter to the Committee considered three recommendations from Naomi Ellenbogen QC's report into bullying and harassment in the House of Lords which were in the remit of the Conduct Committee. The Chair said that the letters covered several subjects which the Committee would have to consider at a future meeting.

9. Any Other Business

The Committee briefly discussed the ICGS annual report. One member raised concerns about the low levels of engagement with Valuing Everyone training among House of Lords staff members. It was noted that efforts were already being made to increase staff attendance of Valuing Everyone training.

It was noted that the new Independent Expert Panel in the House of Commons had requested to meet with the Committee. The Committee agreed that the Chair

would contact Sir Stephen Irwin, chair of the independent panel, and would then decide whether the Committees themselves should meet.

Chloe Mawson
Clerk to the Conduct Committee
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