

# **THE HOUSE OF COMMONS COMMISSION**

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## **Risk-based exclusion six-month review**

*Report presented to the House of Commons by the Speaker*

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*Ordered by The House of Commons to be printed 12 November 2024*

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## Commissioners

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The Speaker (Sir Lindsay Hoyle) (Chair), The Leader of the House of Commons (Lucy Powell), Rachel Blake, Marie Goldman, Sharon Hodgson, Jesse Norman, Nick Smith, Tom Goldsmith (Clerk of the House), Marianne Cwynarski (Director General (Operations)), Shrinivas Honap (External member) and Catherine Ward (External member).

Secretary to the Commission: Ed Beale

Assistant Secretary: Ed Potton

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### Risk-based exclusion six-month review

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1. In the last Parliament, on 13 May 2024, the House agreed a risk-based exclusion policy (now provided for in Standing Order No. 164). At the time the House also agreed that the policy should be reviewed, and the report of that review should be published no later than six months after the policy was agreed. Appended to this report are the findings of the review conducted by Rt Hon Caroline Nokes MP and Graham Stringer MP.
2. The review does not recommend any changes to the policy itself and proposes a further review of the policy after 18 months or after three cases, whichever is later. The review does make recommendations around raising awareness of the policy and actions to support the operation of the panel.
3. We endorse the findings of the review and have asked the House Administration to action the relevant recommendations.

## Appendix: Risk-based exclusion review report

### Risk-based exclusion six-month review report Rt Hon Caroline Nokes MP and Graham Stringer MP

#### Background

1. In the last Parliament on 13 May 2024, the House agreed a risk-based exclusion policy (now provided for in [Standing Order No. 164](#)). The agreement of the policy followed two debates on the floor of the House on [12 June 2023](#) and [13 May 2024](#), and two sets of proposals from the House of Commons Commission in [June](#) and [December](#) 2023, following a [consultation](#) in late 2022 and early 2023.
2. The policy agreed by the House requires that the risk-based exclusion panel, appointed by the Speaker (Paragraph 2 of Standing Order No. 164), carry out a risk assessment for any Member “arrested on suspicion of committing a violent or sexual offence”. The panel can recommend that any, all or none of the following measures be applied to a Member being considered by it:
  - a. exclusion from the Parliamentary estate;
  - b. exclusion from domestic travel funded in whole or in part through the House of Commons Estimate; and/or
  - c. exclusion from foreign travel funded in whole or in part, directly or indirectly, through the House of Commons Estimate. (Paragraph 7 of Standing Order No. 164)
3. At the time of agreeing the new policy, the House also agreed that:

the operation of Standing Order (Risk-based exclusion policy) be reviewed by a panel appointed by Mr Speaker, and the report of that panel shall be laid before the House no later than six months after the date of this Order ([Paragraph 3 of Order of 13 May 2024](#))

This report summarises the findings of the review which we were appointed to carry out by Mr Speaker.

#### Approach to the review

4. Given the dissolution of Parliament fell shortly after the policy was introduced, the operative period of the policy has been less than six months. For this reason, the review’s focus has been narrow and looked at two main questions:
  - a. Has the operation of the risk-based exclusion process enabled the House to meet the aims set out in Standing Order No. 164?
    - i. What has worked well?
    - ii. Are there any areas identifiable at this stage which could be improved?
  - b. When should there be a further review of the risk-based exclusion Standing Order and associated protocols (e.g. a specific time period, or after the panel has considered a certain number of cases)?

5. As part of the review, we invited former members of the panel when it was originally established at the end of the previous Parliament, the Speaker's office, all political parties and groupings in the House of Commons, Chairs of relevant Select Committees, Workplace Equality Networks, trade unions and relevant House Administration officials to contribute their views. Nearly 30 people or groups took that opportunity to contribute.
6. This report provides a high-level summary of the key themes and issues that we heard. We propose some initial steps which could be taken now to support and embed the ongoing operation of the policy. Further changes may be required once there is more information about the policy's operation over time.

## Findings

7. Paragraphs 8 to 17 summarise our key findings in relation to the first question we looked at regarding what has worked well, insofar as we have any information on the operation of the policy, and what could be potentially improved.

### *Effectiveness and awareness of the policy*

8. A number of contributors noted that the introduction of the risk-based exclusion policy had been an important decision by the House to protect members of the Parliamentary community on the Estate. Nonetheless, many contributors to the review explained that it was hard to assess the effectiveness of the policy for two main reasons:
  - a. there had not been enough time for the policy to be in effect (both in terms of the opportunity to use it and also to test the effectiveness of any implementation); and
  - b. they were unaware if the policy had or had not been used.
9. Some contributors also expressed a concern that in practice there may be a risk that the process and any outcomes fail to remain confidential. Although this risk does not appear to have materialised to date, we are conscious that the confidentiality of the process is paramount to its successful operation and to confidence in the policy.
10. **Conclusion and recommendation: We conclude that the lack of awareness and knowledge among review contributors as to whether the policy has been used suggests that the House's aims that the process be confidential have been met to date. All reasonable steps should be taken by those involved in future cases to ensure that the process remains confidential.**
11. In addition to the points outlined at paragraph 8, some contributors explained that they were not aware that the policy existed, was operational, or of its exact remit and reach. When the policy was being developed and then when it was agreed by the House, there were intranet articles published to keep members of the parliamentary community informed. Links were also provided in these communications to publications where more information was available, such as the Hansard for debates and Commission proposals. The House of Commons Commission also published external news stories at key stages: consultation, policy development and policy agreement.

12. Notwithstanding the initial communications upon the policy's introduction, we do consider that more could be done to communicate the policy's existence and purpose. This is more necessary given the large number of new Members in this Parliament who would not have been in the House when the policy was developed and agreed.
13. **Conclusion and recommendation: We agree that the House introducing the risk-based exclusion policy was an important decision. It is one of a number of tools in place to ensure that members of the parliamentary community are safe when they are on the Estate. It is therefore important that members of the parliamentary community are aware that this safeguard is in place. The House Administration should consider ways it can raise awareness of the policy's existence with different groups, particularly Members, Members' staff and House Administration officials. This might include:**
- a. **informing new Members about the policy, early in a new Parliament, in writing;**
  - b. **providing a link to the relevant policy/Standing Order in written material or on intranet pages targeted at different groups within the parliamentary community; and**
  - c. **consideration of whether there is scope to provide a more practical guide to the operation of the Standing Order and the process on the intranet.**

#### *Work of the panel*

14. There was an acknowledgement among contributors that members of the panel carry out an important role and will be asked to make significant decisions. Contributors stressed that panel members must have a clear understanding of their roles and responsibilities. In addition, given the potential gravity of the decision the panel might have to take, they should have agreed ways of working to ensure they can make thorough and well-informed decisions.
15. **Recommendation: When the risk-based exclusion panel is constituted in this Parliament, or should there be any membership changes during the course of the Parliament, the panel should be provided with a briefing by House Administration officials on its role before any cases come before it. In addition, the panel should agree how it will consider cases in practice, including the time it will need to do this.**

#### *Wider policy issues*

16. Some contributors raised wider questions and concerns about the policy's potential operation and scope, including:
- a. the point at which the policy and process applied;
  - b. the circumstances in which it was used;
  - c. the places where exclusions applied, including exclusions not applying to constituency offices;
  - d. what restrictions could be considered by the panel; and
  - e. the composition of the review panel and their appointment period.

17. **Conclusion and recommendation: We have not considered making recommendations on any of the issues at paragraph 16 in this review, as they are questions which were extensively considered in the recent formulation of the policy by both the Commission and then the House itself during the two aforementioned debates. It would seem more appropriate to review these questions once the policy has been in effect for a longer period of time, which would allow for an assessment of these issues based on experience and application of the policy. We recommend that a future review may wish to explore these issues and other wider policy issues that emerge.**

*The next review*

18. There was not a consensus among contributors as to when there should be a further review, although contributors were generally supportive of a further review given the lack of experience of the policy at the time of this review and the need for an evidential basis for a more substantive assessment. Some contributors also spoke about the importance of a reflective approach being taken by the panel to help identify small changes that could take place into how the policy was operationalised.
19. **Recommendation: The risk-based exclusion panel should ensure it takes a reflective approach, learning lessons as it conducts its work.**
20. **Recommendation: There should be a further review of the policy after 18 months or after three cases are considered by the panel in this Parliament, whichever is later. However, should the risk-based exclusion panel identify any issues which may require the policy to be reviewed before then it should alert the Speaker so that a review can be considered earlier, in consultation with the House of Commons Commission.**
21. Additionally, a number of contributors queried whether those other than the review panel, a small number of House Administration officials responsible for supporting the panel and Members subject to the process would be in a position to contribute to a review given the confidential nature of the process.
22. **Conclusion: We do not make a recommendation on who should be consulted as part of a future review: that should be a decision taken at the time of the next review. However, that decision should be cognisant of the views we heard about the ease of contributing to a review for those not directly involved in the policy and process.**