



HOUSE OF LORDS  
Chair of Conduct Committee

House of Lords Tel: 020 7219 1624  
London  
SW1A 0PW

The Lord Speaker  
Lord Speaker's Office  
House of Lords  
London  
SW1A 0PW

23 March 2020

Dear Lord Speaker,

Thank you for your letter of 12 November 2020 on behalf of the House of Lords Commission. You referred to several recent occasions on which you felt that members of the House of Lords had, through their public conduct outside their parliamentary duties and activities, brought the House into disrepute, and you asked the Conduct Committee (which I chair) to consider whether the scope of the Code of Conduct needed to be changed so as to encompass such misconduct.

As you recognised, our predecessor committee published a report in May 2016 entitled *Undermining public confidence in the House* which attempted to deal with this issue. It was however never presented to the House for approval. The House of Commons, by contrast, already has a reputational damage clause in its own Code of Conduct.

In drawing up our proposals, we took the Commons clause as a starting point and worked up a detailed proposal which would require that members “should not, in the course of their public life outside their parliamentary duties or activities, [cause] [behave in a way which causes] significant damage to the reputation and integrity of the House of Lords as a whole, or of its members generally”. It would **not** apply to parliamentary proceedings, to members’ views and opinions, or to members’ conduct in their purely private and personal lives (even if such conduct later became public against the member’s wishes). It would be a high bar, as most misconduct damages only the reputation of the member who commits it, and does not have the effect of damaging the reputation of the whole House.

The Committee recognised that expanding the scope of the Code, albeit in this very limited way, is a serious matter. Accordingly, we consulted the four main political groups, both by attending their group meetings and by inviting written feedback. We refined our proposals in the light of some helpful comments. Although many members were supportive and some wanted us to go even further, there was widespread concern from others that our proposals could have a chilling effect on members’ freedom of speech, and some unease about the subjectiveness of the whole concept and the boundaries of “public life”.

We have carefully considered what steps we should take in response to the consultation feedback. While we have a package of proposals which we believe to be proportionate and well-defined, and which we are confident would protect members’ right to freedom of speech, it is

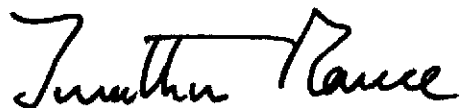
clear that there is significant disagreement within the House about whether the scope of the Code should be expanded in the way we envisage.

Given this, we have decided not to take the issue further for the time being. We will however keep it under review and may decide to return to it if that seems appropriate. In the meantime, we have suggested to the Steering Group for Change that they may wish to consider drawing up some voluntary guidelines for members on the appropriate use of social media.

I hope that you understand why we have reached these conclusions. I stand ready to discuss these matters with you if that would be helpful.

This letter will be published on the Conduct Committee's website.

*Yours ever,*

A handwritten signature in black ink that reads "Jonathan Mance". The signature is written in a cursive style with a long horizontal stroke extending from the 'J'.

The Rt. Hon. the Lord Mance  
Chair of Conduct Committee