



# HOUSE OF LORDS

Chair of Conduct Committee

House of Lords  
London  
SW1A 0PW

Tel: 020 7219 1624

The Baroness Donaghy CBE FRSA  
Chair, Steering Group for Change  
House of Lords  
London SW1A 0PW

23 March 2021

Dear Rita,

I am writing this letter to you on behalf of the Conduct Committee in your capacity as Chair of the Steering Group for Change. You are of course also a member of the Conduct Committee, but I am writing this letter to ensure that the whole Steering Group will understand what is being proposed.

On 12 November 2020, the Lord Speaker wrote to the Conduct Committee to request that we explore whether the scope of the Code of Conduct should be widened in the light of comments made by a member on Twitter which could have been considered as damaging to the reputation of the House.<sup>1</sup> On 9 December 2020, you also wrote to the Committee on behalf of the Steering Group for Change to set out the Group's conclusions on three recommendations from Naomi Ellenbogen QC's report into bullying and harassment. You explained that the Steering Group had discussed the limitations of the Code in relation to social media and concluded that members' use of social media "must be included in any extension of the Code, and that there should be a provision on 'public activity' covering remarks made by peers on social media, traditional media, and in speeches."

The Committee has spent the past few months working hard to prepare a draft report with amendments to the Code to establish a provision by which members whose conduct damaged the reputation and integrity of the House could be investigated by the Commissioner for Standards. The provision would apply to members' conduct on social media if their conduct could be perceived to damage significantly the reputation of the House but it would go wider than social media. The draft is attached. Given the seriousness of such an addition to the Code, we have consulted each party and group on our proposals.

The consultation elicited some strong responses. In light of those the Committee decided that it would not be constructive to present the report to the House at the moment. Feedback from the consultation included some serious misgivings from members of the House about the

---

<sup>1</sup> The Lord Speaker wrote to me as Chair of the Conduct Committee on behalf of the House of Lords Commission on 12 November to request that the Committee review the scope of the Code in the light of Lord Kilclooney's comments on Twitter falling outside the scope of the Code. The letter is available [online](#).

impact of such an extension of the Code and the potential chilling effect it could have on freedom of speech.

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 our consultation, several members of the House suggested that voluntary guidance for members be drawn up to ensure that members were advised on appropriate conduct online. This could be treated as a discrete issue not linked to the broader reputation of the House.

The Committee's remit does not extend beyond amendments to the Code itself, so it is not for us to draft voluntary guidance. We wondered whether drawing up such guidance may be a role for the Steering Group. At this point, such guidance would be advisory rather than enforceable under the Code and would set out best practice on how members should conduct themselves online.

I hope that you understand why we have reached these conclusions. I stand ready to discuss the development of social media guidance with you if that would be helpful.

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

*Yours ever,*

*Jonathan*

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