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The conduct of Lord Mann

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The conduct of Lord Mann

REPORT FROM THE CONDUCT COMMITTEE

Background

1. The Conduct Committee has considered a report by the then House of Lords Commissioner for Standards, Lucy Scott-Moncrieff, on the conduct of Lord Mann (at Annex A) alongside a written appeal from the complainant, KL,¹ and Lord Mann's response (at Annex B).
2. The procedure in cases such as this is set out in the *Guide to the Code of Conduct*. Under this procedure, if the Commissioner does not uphold a complaint against a member involving allegations of bullying, harassment or sexual misconduct, the complainant has the right to appeal. The complainant did appeal in this case and the Committee has considered their written appeal against the Commissioner's findings. This report sets out our findings.
3. **This report relates to a complaint of bullying and may be upsetting to some readers.**

Summary of the case

4. Complainant KL submitted a complaint about Lord Mann in October last year. They said that Lord Mann had bullied them when, having read comments that KL wrote in a private email thread as part of their professional organisation, he wrote to YZ, the Chief Executive of KL's professional membership organisation, from his parliamentary email address, "making allegations of anti-semitism" against KL. KL further complained that Lord Mann's "accusations were completely unproved but, when challenged, he has failed either to produce evidence, to withdraw them or to apologise." The letter written by Lord Mann to YZ, as well as the subsequent emails between KL and Lord Mann, are included as appendices to the Commissioner's report.
5. Following interviews with both KL and Lord Mann, the Commissioner found that, on the balance of probabilities, she was not able to conclude that Lord Mann's behaviour amounted to bullying as defined in the *Code of Conduct*. Specifically, she found that Lord Mann's behaviour was neither "offensive, intimidating, malicious or insulting", nor did it involve an abuse or misuse of power.

KL's appeal

6. KL appealed on three separate grounds:
 - The Commissioner was plainly wrong in her finding;
 - Points of process;
 - The emergence of significant new evidence.

¹ Where initials are used in place of names in this report this is to protect the anonymity of those involved. The initials bear no relationship to real names. In addition, throughout this report plural pronouns, rather than gendered singular pronouns, have been used also to protect anonymity.

The Committee's decision

The emergence of significant new evidence

7. We considered the part of the appeal which dealt with significant new evidence first. We did not consider that the evidence submitted by KL was sufficiently pertinent to the case before us to warrant being admitted. **We dismissed the part of the appeal relating to new evidence and have redacted this information from the appeal documents in Annex B to protect the anonymity of third parties.**

“Plainly wrong”

8. KL said that the Commissioner was wrong to conclude that Lord Mann was not accusing them of antisemitism in his letter to YZ and therefore to conclude that his letter was not “offensive, intimidating, malicious or insulting”.
9. KL also said that they believed that there was an abuse or misuse of power by Lord Mann, contrary to the Commissioner’s conclusions, and that the Commissioner was wrong not to make reference to the Nolan principles in the course of her report.
10. We agreed with the Commissioner that Lord Mann should have been more mindful of the way in which he expressed himself, especially in a case in which, writing explicitly as a member of the House of Lords and as ‘HM Government’s Independent Adviser on Antisemitism’, it was all too likely that he would be thought to be accusing someone of being antisemitic. However, we also agreed that the letter fell short of the behaviour required to make a finding of bullying. We saw the force of the complainant’s submission that Lord Mann intervened and expressed himself in a way which involved misunderstanding and potentially an apparent lack of objectivity. But a breach of the Nolan principles and/or failure to respect or correctly to understand and reflect the position of others does not of itself amount to a breach of the Code of Conduct if no other provision of the Code has been breached, and we do not consider that the Commissioner can be said to have been plainly wrong in the circumstances in holding that Lord Mann’s behaviour did not amount to bullying.

Points of process

11. KL said that the Commissioner demonstrated bias in her investigation and failed to challenge Lord Mann on his assertions or comment about the wider political context of the complaint. KL also said that the Commissioner was influenced by their refusal to agree to mediation with Lord Mann.
12. We saw no evidence to suggest that the Commissioner was biased in her investigation. We considered that the Commissioner was correct in making no definitive judgement, one way or the other, as to whether Lord Mann’s criticisms of the content of the email thread were justified or accurate and in making no comments regarding the political motivations of either party. Her remit was simply to consider whether the letter from Lord Mann to YZ, and his subsequent emails to the complainant, constituted bullying. The Guide to the Code of Conduct specifically states that policy matters and members’ views or opinions are outside the Commissioner’s remit.²

13. We also saw no evidence to suggest that the Commissioner's final decision was influenced by KL's refusal of the offer of mediation.

Conclusion

14. **We find that there is no evidence to suggest that the Commissioner's investigation was procedurally flawed. We also find that Lord Mann's decision did not constitute bullying. We therefore conclude that the Commissioner was not "plainly wrong" in her finding and dismiss the complainant's appeal.**
15. **However, we also consider that Lord Mann's conduct was ill-considered as (1) he left uncertain his purposes in writing to YZ, giving rise to a situation in which it was not surprising that his letter was misinterpreted (Commissioner's Report, paragraph 57), (2) he behaved in a way which was upsetting to KL (paragraph 65), and (3) he failed to explain why he discontinued the correspondence (paragraph 58).**
16. **We also note that part of what brought this complaint into scope was Lord Mann's use of his parliamentary email address to send the letter to YZ. We encourage members who use their parliamentary email address for all correspondence to consider carefully what is appropriate to send from an address which makes plain their status as a parliamentarian and, if acting otherwise than as a parliamentarian, to make that plain.**

Annex A: Report from the House of Lords Commissioner for Standards on the conduct of Lord Mann

CHAPTER 1: INTRODUCTION

1. This report deals with a complaint made about Lord Mann by a member of the public. The complaint was made under the provisions of the Code of Conduct dealing with bullying.
2. In considering this complaint I have been supported by Suzanne Burton, Independent Investigator, CMP Solutions, and Donna Davidson, a Clerk who assists me in my work. I wish to place on record my thanks to them for all their help, while also acknowledging that I am solely responsible for the conclusions reached and the decisions made in this investigation.
3. By its nature, any report into allegations of bullying, harassment or sexual misconduct will include content that some readers may find upsetting or offensive. My aim is to reflect fairly and fully the evidence I gather in the course of an investigation and not to censor or in any way minimise views expressed or material uncovered. I believe this transparency is essential to helping the House of Lords to be a workplace where everyone is valued and respected, and where it is clear that bullying, harassment and sexual misconduct are not tolerated. This means that reports into allegations of bullying, harassment or sexual misconduct will often make for difficult reading.
4. **The findings and discussions in this case relate to bullying and antisemitism. The report also includes references to conflict in Israel and Palestine, and Black Lives Matter.**

CHAPTER 2: EXECUTIVE SUMMARY

Complaint by KL³

5. Complainant KL submitted a complaint about Lord Mann on 19 October 2020. They told us that Lord Mann had “behaved in an inappropriate and bullying manner” when he wrote to YZ, the Chief Executive of KL’s professional membership organisation, from his parliamentary email address, “making allegations of anti-semitism” against KL. KL further complained that Lord Mann’s “accusations were completely unproved but, when challenged, he has failed either to produce evidence, to withdraw them or to apologise.”

Immediate and longer-term effect on KL

6. KL explained that the accusations were “distressing and potentially damaging to [their] professional” career. They said that they considered Lord Mann’s initial email to YZ to have been an abuse of power, and then they found Lord Mann’s responses to them to be both “dismissive and patronising” and they were “upset and angry” about them. In particular, they said they felt bullied by Lord Mann’s failure to respond to their points which made them feel “powerless” and that they were not being listened to.

Lord Mann’s response

7. Lord Mann responded by explaining the context of his intervention. He had been approached by another member of KL’s professional membership organisation, QR, seeking his assistance in tackling issues within their professional membership organisation. He said that he had “not described [KL] as an antisemite, and [he could] see no basis for doing so, and the evidence proves this.”
8. He explained that he considered the complaint to have been made in the context of a larger political discourse around Israel/Palestine and said that “political agreement or disagreement is not a breach of Parliamentary standards and I stand by my actions in successfully supporting [QR].”

Finding

9. **On consideration of all the evidence, I concluded that a finding of bullying could not be demonstrated on the balance of probabilities. While I believe that KL acted in good faith in making their complaint, I do not consider that the evidence available supports a finding that Lord Mann’s conduct amounted to bullying, as defined in the Code of Conduct.**

3 Where initials are used in places of names in this report this is to protect the anonymity of those involved. The initials bear no relationship to real names. Those who have been anonymised have also been given gender neutral pronouns, to reduce further the possibility of KL, and therefore QR, being identified.

CHAPTER 3: COMPLAINT BY KL: ACCOUNT OF THE KEY FACTS AND EVIDENCE

KL's complaint

10. I was contacted by KL by email on 19 October 2020. They told me that “Lord Mann made an inappropriate and unauthorised intervention into the internal affairs of [their] Professional body”.
11. KL explained that:

“On 7 July 2020 Lord Mann wrote to the Chief Executive of my professional organisation making allegations of anti-semitism against me. This was on the basis of his reading correspondence between members of our [professional membership organisation] within a professional Google group, transcripts of which were quite improperly forwarded to him by one member of the group [QR] who disagreed with my views on Israel/Palestine. Instead of advising the complainant to follow the Association’s proper procedures, Lord Mann chose to enter the debate himself in a highly partisan fashion. [...] In this letter, although there is nothing within his remit to justify it, Lord Mann used his title as [Her Majesty’s Government]’s Independent Advisor on Antisemitism. He also wrote as a Member of the House of Lords using his parliamentary email address.

In my opinion he has abused his power both as a life peer and as a government advisor by claiming to adjudicate on professional matters that are none of his concern and by using his role in combating antisemitism to justify views which are partisan and politically motivated. He deliberately twisted my words to imply that I was antisemitic and he accused me of writing about Jews in general when I was clearly writing about Israel. His accusations were completely unevicenced but, when challenged, he has failed either to produce evidence, to withdraw them or to apologise.

I need hardly point out how distressing and potentially damaging to a professional such accusations can be. (I have [decades of] experience of [work in my field] and have an impeccable record for integrity and ethical, anti-racist practice).

[...]

In my own case two distinguished lawyers were unequivocal in their opinion that Lord Mann’s allegations against me were defamatory. One of them wrote “Mann’s letter is a mish mash of nonsensical statements and misconceptions not least about the IHRA definition and antisemitism itself.”

I cannot afford to pursue legal action against Lord Mann but it is clearly wrong that he should use his considerable power as a public figure and a peer to impugn the reputation of a citizen without being held to account.

[...]

In summary I consider that Lord Mann, using his considerable power and status, has behaved in an inappropriate and bullying manner which is unfitting to his office.”

12. As part of their complaint, KL also attached the letter which Lord Mann had sent to the Chief Executive of their professional membership organisation which was sent from his parliamentary email address:

“Dear [YZ],

I have recently been made aware by one of your members, [QR] of an email thread on the [professional membership organisation] email group. I have read the email exchange and it is disturbing. Individuals make comments which need challenging. Two do so on more than one occasion and they have not been so challenged by others in the group.

The initiator of the dialogue [KL] and [AB⁴] both take turns to patronise [QR]. The title of the thread refers to the Black Lives Matter movement. [KL]’s initial comment introduces the Middle Eastern conflict, equating it with contemporary anti-racist issues. In a later post [they] emphasise that [they] ‘didn’t and don’t apologise’ for such a comparison. To single out the Middle Eastern conflict from any of the other numerous ongoing global conflicts and to encourage similar polarisation calling it ‘racial injustice’ is not only inaccurate but is also a narrative that divides communities. This is inappropriate for an organisation which [encourages] tolerance.

Some of the language is offensive and inflammatory, for example ‘might offend the sensitivities of Jews’. Imagine if the word ‘black’ or ‘trans’ was substituted for ‘Jew’ and consider the implications. Additionally, holding Jews collectively responsible for the actions of the State of Israel is specifically identified in the IHRA definition and this compounds the idea that Jews are by definition privileged. As a protected identity under the Equality Act 2010, Jews are defined in UK Law in a way that legally contradicts this concept.

[...]

Despite being ‘warily familiar’⁵, it is clear that [KL] is not familiar at all with Jews of colour and clearly does not appreciate that there are many and that these extend well beyond the Falasha community. [They] appear to equate Jews with privilege, an age-old antisemitic trope.

The group seems to regard itself as rather philosophical. It might like to consider my advice on substituting ‘black’ or ‘trans’ for ‘Jew’ as suggested above, but also to reflect on Sartre who identified that we all have discrimination within us but challenged us about whether we are prepared to do anything about it. This sounds like a good opportunity for this group, but not as a distraction from the importance of the Black Lives Matters movement from which this whole exchange diverts attention.

4 AB is another person named in Lord Mann’s letter as a contributor to the email group in question. They were not involved in this investigation.

5 This was part of a post by KL in the correspondence sent to Lord Mann, but is not otherwise referred to in the letter. See Appendix 3.

Middle East politicians and Palestinian rights are very important matters. The IHRA definition neither seeks nor results in any closing down of debate on these issues. In some countries, such as Germany, it has done the opposite. What it does do is set appropriate ground rules so that this discussion does not subject Jewish people to discomfort, abuse and racism whether unconsciously or calculatedly in this or any other discourse. Parts of the discourse that [QR] has sent me cross that line.

John Mann
 Lord Mann of Holbeck Moor
 HM Government's Independent Adviser on Antisemitism

CC: [QR]"

13. KL also included in their complaint the email correspondence they had with Lord Mann (Appendix 2).

Lord Mann's written evidence

14. I carried out a preliminary assessment and considered that the fact that the letter had been emailed from Lord Mann's parliamentary email address brought it into the scope of parliamentary activities. I concluded that it would be appropriate to investigate whether Lord Mann's conduct constituted a breach of the Code of Conduct. I wrote to KL with information about my next steps. I also wrote to Lord Mann on 29 October 2020, enclosing the complaint from KL and explaining that, as a result of my preliminary assessment, I had concluded that there was sufficient evidence to establish there was a *prima facie* case to be investigated.
15. I asked Lord Mann to send me a full and accurate account of the matter in question.
16. Lord Mann submitted a lengthy written response as well as a number of supporting documents. During the course of the investigation, KL and Lord Mann both sent us material which they considered supported some of the points each made about the other. We looked at all this material, but I did not consider it was relevant to the investigation of the complaint and considered it would risk identifying the complainant and QR, so have not included it.
17. Lord Mann's response provided some of the context surrounding the complaint:

"I was approached in June by [QR] [...]. I had no previous knowledge of [them]. [They] sought my assistance in dealing with a complaint that [they were] making to [their] professional organisation [...] and was quite distraught at [the organisation's] failure to recognise [their] issue or [their] distress.

In brief, [they were] very uncomfortable and felt undermined following an online dialogue on Black Lives Matter which had moved onto discuss antisemitism and Israel within [their] association's official online chatroom. [They] articulated that [they] felt that [their] Jewish identity was being undermined and informed me that other Jewish members felt similarly but were too intimidated to raise the issue."

18. The emails in the group which QR sent to Lord Mann when seeking his help are reproduced at Appendix 3 with redactions to protect anonymity.

19. Lord Mann explained that after QR approached him:

“I communicated with [them] several times and took time to consider the exchange that [they] forwarded to me. I assessed it, using my judgement, against the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism used by the UK Government and all the political parties represented at Westminster and wrote on behalf of [QR] to [YZ], Chief Executive of [their professional membership organisation]. [QR] was cc’d in this dialogue which meant [they were] fully engaged in my communication with [YZ].

I am pleased to say that we succeeded in getting [their] complaint accepted as an issue to be resolved by the organisation and [QR] was delighted with my letter and the initial outcome.”

20. His written response further explained that:

- “[KL], the complainant, was not previously known to me and my interactions with [them] are entirely contained within this issue. I have not described [them] as an antisemite, and I can see no basis for doing so”.
- “In my view, [KL] does not understand the IHRA definition of antisemitism. It is possible to say or do things that contravene the IHRA definition of antisemitism and not be an antisemite.”
- “[KL] claims that I regard anyone who advocates for Palestinian rights as antisemitic. This is not a statement of fact, nor can [KL] evidence this.”
- “[KL] states that I have not revealed my ‘connection to the person who complained’. The facts are that I have no previous connection to [QR]. I have never met [them], nor heard of [them] before [they] contacted me with [their] complaint.”
- “In the two [online forum] examples, [KL] uses the term bullying as a political descriptor and a strategy to underline [their] opposition and concerns [...] In my three emails to [KL], I undertook to be polite, I acknowledged I may have been wrong on one fact and apologised and my tone was neutral. The three short written exchanges and my letter on [QR’s] case, could not be reasonably characterised as bullying in any meaningful sense of the word.”
- “[KL] asserts that I made an ‘unauthorised intervention’. I am within my rights to write to organisations and to advocate for [QR]. This is fundamental principle of our democracy.”
- “My input was intended to empower [QR] in [their] difficult situation, and it succeeded. I wrote to the [professional membership organisation] and I received a positive response. [QR] was able to have [their] complaint investigated.”
- “The emails [from KL] to myself created a dilemma as the [QR] complaint was ongoing. The timing fell when [QR’s] complaint was ongoing [...] and I felt that it would have been inappropriate to enter into a detailed dialogue with [KL]”

21. Lord Mann directly addressed KL's complaint that he had twisted their words and misrepresented them when writing to YZ:

"[KL] claims that I have 'twisted [their] words' and 'dishonestly distorted [their] words'. [They] describe my letter as 'allegations and manufacturing false charges'.

My letter [to YZ] included a commentary on the [professional membership organisation's] dialogue through the lens of the IHRA working definition of antisemitism.[KL]'s post says:

"With regard to Palestine I am wearily familiar with anxieties being expressed (some by our own [members of the professional membership organisation]) that naming what is being done to Palestinians might offend the sensitivities of Jews (this is offensive to Jews in my opinion) and must therefore be reduced to invocations to bland anodyne 'both sides' / equalising narratives"

I stand entirely by my criticism of these words. I neither twist nor distort them. [KL] may choose to be 'wearily familiar' of the anxieties of Jewish people within [their] own organisation, but it's not for [KL] to determine what is offensive to a Jewish person. Under our British approach to dealing with hate incidents, via the Macpherson principles, it is for [QR] and not for [KL] to determine what offends [QR], what causes [them] discomfort and what caused [them] to leave the social media group in question, as [they] claim others have before. Indeed, [KL]'s final contribution was directed at [QR]. [They] repeatedly quote back [QR's] own words to construct [their] rebuttal, making [their] remarks about being wearily familiar and the sensitivities of Jews more egregious to [QR]. From this commentary I was not surprised that [QR] felt [they] had to leave the group and was taken aback that [KL]'s comments were made in the knowledge of this. [...]"

KL's oral evidence

22. Ms Burton and I interviewed KL on 30 November 2020, with Ms Davidson attending.
23. KL explained that they made the complaint because they felt there was a "considerable imbalance of power" when Lord Mann made what they considered to be "serious and offensive allegations" about them.
24. They said that the content of the email to YZ contained unfounded allegations which they would have found offensive coming from anyone, not just Lord Mann. They said that he "deliberately twisted" their words because he had accused them of saying something that was the opposite of what they had said.
25. On the question of whether or not Lord Mann specifically called them an antisemite, KL conceded that he had never said "you are an antisemite"; however, they explained that "when somebody who has the title that he has says that you are breaching the IHRA definition of antisemitism and accuses you of employing antisemitic tropes, then that is what they are doing. And those are the things via which, (unless people make, you know, obviously abusive language about Jews), those are the things that get incorporated into an accusation of antisemitism."

26. KL described their emotions upon reading the email that Lord Mann had written to YZ as “amazement, indignation and annoyance”. They consulted some friends about it who were also shocked.
27. When asked about whether the email to YZ had had any effect on their reputation within the professional membership organisation, KL said it had not, and that YZ and another person in the professional membership organisation were both supportive of them. They agreed that the email did not ask YZ to take any specific action against them. While KL is senior within their field, Lord Mann made it clear in his response that he did not know that. KL felt that if they had been more junior, the effects might have been more serious. KL acknowledged that part of the reason for making the complaint was to protect more junior colleagues from something similar in the future.
28. KL said that they considered Lord Mann’s initial email to YZ to have been an abuse of power, and then they found Lord Mann’s responses to them to be both “dismissive and patronising” and they were “upset and angry” about them. In particular, they felt bullied by Lord Mann’s failure to respond to their points which made them feel “powerless” and that they were not being listened to. They said they were trying to understand in what capacity he had written the email to YZ and that by using his Government adviser title, he was conferring on himself a much greater power and “arrogating to himself a supervisory function” which is not in his terms of reference.
29. They described the whole experience as “unpleasant” and “hurtful”. While it had not hurt their professional standing, they felt it might have earned them a reputation within the association as someone who “bangs on about things a bit”. They are not normally seen in this way but having to be persistent in challenging someone with power inevitably brings it out.
30. When asked what they thought of Lord Mann’s written response in which he said that he never accused them of antisemitism, KL said it was a “bit of a cop-out because he never justified why he had made the comments he did. And, in my opinion, they were completely unevidenced, and, in my opinion, they were false.”
31. When asked whether their previous knowledge of Lord Mann’s actions in this area and his interactions with their partner⁶ had affected their decision to complain, KL said it had certainly affected their “determination to hold him accountable”. They said they did not want to punish him but they “would like him to get the message that he can’t behave in this way”. They considered that they gave Lord Mann every opportunity to withdraw his allegations but he chose not to do so which is why they ended up making this complaint.
32. On reviewing their transcript after the interview, KL wrote to add the following:
- “My words in the Google group posting were:
- “With regard to Palestine I am wearily familiar with anxieties being expressed (some by [members of the professional membership

6 KL said that Lord Mann had accused their partner of antisemitism prior to the behaviour complained of here.

organisation]) that naming what is being done to Palestinians might offend the sensitivities of Jews (this is offensive to Jews in my opinion) and must therefore be reduced to invocations to bland anodyne ‘both sides’ / equalising narratives”

I have twice explained (in my first letter to Lord Mann of August 12th and then in my comments on his response to you in which he further distorts my meaning) what I meant and he seems utterly determined to read antisemitic meaning into it. This is consistent with the whole tenure of his approach which is to extract anti-Jewish sentiments from what are clearly comments about Israel/Palestine.

He does this again in his letter to [YZ] as I also pointed out in my reply to him of August 12th.

His words: “[They] appear to equate Jews with privilege, an age-old antisemitic trope”.

My reply: “You persist in assuming that I write of Jews in general when I write of Israel. Of course equating Jews with privilege is antisemitic but if you are unaware that Jewish citizens in Israel are privileged over Palestinian Arab citizens you have clearly not read the July 2018 Nation State Law. I can only conclude that it is my support for Palestinian rights that is objected to rather than anything I wrote about Jewish people.”

I apologise for repeating this but it is at the core of my complaint as I perhaps did not make sufficiently clear in the interview. By persistently referring any discussion of Israel’s human rights abuses back to the employment of anti-Semitic tropes against Jews, Lord Mann is effectively attempting to stifle debate on Palestine. He denies this and evades it by emphasising [QR’s] level of distress but it is he who chooses to extract this meaning from the correspondence. This creates constraints on people wishing to speak out on these issues because they constantly have to defend themselves against such accusations. The fact that it was an intrusion into a professional forum in an attempt to shape what can and cannot be debated has inevitably created anxiety among people who wish to discuss issues of social justice in a range of contexts.

No amount of assertion by Lord Mann about the ‘elasticity’ of the IRHA definition [in his written response] or that “individual acts ‘may’ be antisemitic rather than ‘are’ antisemitic” can obscure the fact that he chose to use his power and position to make these allegations about me and then refused to withdraw them.”

Lord Mann’s oral evidence

33. Ms Burton and I interviewed Lord Mann on 11 January and 22 February, with Ms Davidson attending.
34. Lord Mann told us he had not known, or known of, QR before they contacted him, and that when they got in touch with him in June 2020, this was the first contact between them. The emails they sent him, contained in his response to the complaint on 12 November 2020, were the only ones he had received.
35. Lord Mann thought the emails in the professional membership organisation’s online forum were “quite shocking”. He said QR was “very distressed” when

he spoke to them on the phone. He explained to them that KL was entitled to express their views, and that “someone raising issues of Israel, that [QR] disagreed with, is fair comment.” QR told him that their issue with the group was that they felt “that [they weren’t] able to contribute properly to that Group, that [their] views were being undermined, diminished, etcetera”; they “[weren’t] comfortable that [their] perspective was being treated in the way that it was” and that they had “been left on [their] own, isolated”.

36. They said they had spoken to the moderator of the group before they had sent their first text to Lord Mann, but had not found the conversation satisfactory, as they still felt their concerns were not being understood.
37. Lord Mann told us that he and QR discussed what options might be available to them and he discovered that they were not a member of a trade union and that they viewed ongoing membership in the professional membership organisation as important for their professional development. They agreed that QR would write to YZ, a step which had been suggested by the moderator of the group, and that Lord Mann would also write to YZ. He said his objective in emailing YZ about QR was “to get the organisation to take [QR’s] complaint seriously, i.e. to look at it, because [QR] did not feel [they were] being listened to and I agreed with [them].” He explained that he intervened because QR felt unempowered and thought that his intervention might have a positive effect.
38. When asked to explain his assertion in his email to YZ that another member of the group and KL “took turns to patronise QR”, Lord Mann cited a number of examples of phrases he considered were patronising including:
 - “On this point, can I ask you a question I often ask myself?”
 - “I confess a dislike for the word ‘tolerance’ however—it is spoken from a position of power and equality isn’t it?”
 - “Most [professionals] working in this area would of course hold complexities in mind ...”
 - “As [members within our profession] who like to explore patterns and connections --”
 - “We use training in cultural competence to get into an appreciative mind set”.
 - “Wearily familiar”
39. Lord Mann said that his “impression all the way through was that [QR] has been patronised as part of [their] profession and [been told] “you should know better”.”
40. He also noted that in their emails to the group of 12 June 2020, QR used the words and phrases, “nuanced”, “complex”, “multifaceted narrative”, “single story” and “polarisation”. He commented that subsequently, KL used very similar words and phrases such as “polarisation”, “nuanced”, “complexities”, “multiple narratives”, “single position”, and he considered that they “specifically used [them] against [QR]”, which was why QR felt so undermined.

41. When asked why he had emailed from his parliamentary address, Lord Mann explained that he does not have any other email addresses.
42. Lord Mann was asked whether, even though he had not directly called KL antisemitic, he could appreciate why they would be worried that his email which contained accusations of the use of antisemitic tropes in the chatroom dialogue, might lead people to think that he was accusing KL of being antisemitic. He replied that their complaint about this had to be viewed in the context of a wider political narrative and that “there’s quite a group of people out there who are claiming—that every time they speak up for “Palestinians”, people like me will describe them as antisemitic.” But he clarified that “If somebody’s been antisemitic, I’ll call them out for being antisemitic” and this was not the case here.
43. He explained further that “My expectation is that [YZ] would not be regarding this as accusing anyone of being antisemitic” and that “the problem was the dialogue and [QR]’s interaction and disempowerment by the dialogue.” Lord Mann did not feel that there was any danger that the recipient of his email would think that he was accusing KL of being an antisemite. He was complaining to YZ about the dialogue; not about the individuals involved in the dialogue.
44. When challenged on whether he had misunderstood KL’s comments about “some within our [professional membership organisation]” and “wearily familiar”, Lord Mann pointed out that he had shown QR a draft of his letter before sending it to fact-check it and sign it off with them. He explained that “If it was wrong in the detail, [they] would have said that, of course. It’s [their] case... [They’re] distraught. [They] come to me. [They] clear the letter. I send the letter, and your interpretation of the letter was that that was mine and [QR]’s interpretation”.
45. Finally, Lord Mann was asked for his thoughts about KL’s complaint that he had not responded to all the points raised in their emails to him and that had led them to feel “silenced”. Lord Mann explained that “Silence is a political term that [they’ve] used repeatedly. The reason I didn’t respond, it would have been quite egregious. I wasn’t exactly sure what to do. I thought [they] should have some response considering the hostility of the letter. But [QR]’s complaint was ongoing.”
46. When asked to consider whether “silenced” might take on a different meaning in this context, Lord Mann responded, “What [they’re] arguing is that people like me and Zionists, like [QR], are attempting to silence [them]. [They] say people like me attempted to silence Jeremy Corbyn because he was a supporter of Palestinians, that IHRA is an attempt by people like me to silence people like [them]. Now that is politics. That is straight political argument.”

Proposal for mediation

47. Paragraph 151 of the Guide to the Code of Conduct provides for a case to end prior to a finding under an agreed resolution:

“At any time during an investigation involving bullying, harassment or sexual misconduct the Commissioner may reach an agreed resolution with both the complainant and the member under investigation. At the

Commissioner's discretion, such an agreed resolution can bring the investigation to an end."

48. After interviewing both parties, I considered that because of the claim by both to have been misunderstood by the other, and KL's expressed concern that they felt they had not been listened to by Lord Mann, matters might be addressed through an agreed resolution of mediation. When suggesting this it was also in my mind that if such an outcome had been achieved I would not have had to write or publish a report, which would have ensured that QR, who could not have expected to feature in a House of Lords investigation when they contacted Lord Mann, would not run the risk of being identified within their organisation.
49. Both parties considered the opportunity for mediation, however as there was no unanimity to proceed, this option was not pursued.

CHAPTER 4: FINDINGS AND OUTCOME

50. Paragraph 10 of the Code of Conduct for Members of the House of Lords provides that:

“Members of the House should observe the principles set out in the Parliamentary Behaviour Code of respect, professionalism, understanding others’ perspectives, courtesy, and acceptance of responsibility. These principles will be taken into consideration when any allegation of bullying, harassment or sexual misconduct is under investigation.”

51. Paragraph 17 of the Code of Conduct for Members of the House of Lords provides that:

“Members are required to treat those with whom they come into contact in the course of their parliamentary duties and activities (including parliamentary proceedings) with respect and courtesy. Behaviour that amounts to bullying, harassment or sexual misconduct is a breach of this Code.”

52. Therefore, while all Members ought to adhere to the principles and standards of behaviour set out in the Parliamentary Behaviour Code, it is only when such behaviour amounts to bullying, harassment or sexual misconduct that a breach of the Code of Conduct occurs.

53. There are no allegations of sexual misconduct or harassment in this investigation. The following paragraphs assess the evidence gathered against the definitions of bullying set out in Appendix B to the Code of Conduct.

Finding

54. The Behaviour Code, incorporated into the House of Lords Code of Conduct, describes bullying as:

“offensive, intimidating, malicious or insulting behaviour involving an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened. Power does not always mean being in a position of authority and can include both personal strength and the power to coerce through fear or intimidation.”

55. For a finding of bullying to be made, all elements of this definition (the behaviour, the misuse or abuse of power and the effect on the complainant) must be upheld by the evidence.

Lord Mann’s behaviour

56. Lord Mann was clear that he did not at any point accuse KL of being antisemitic and I agree. He said he was complaining to YZ that the discussion thread used by members of the professional membership body contained some antisemitic tropes. While I accept Lord Mann’s description of his intervention, the distinction he drew was rather a fine one. I do not consider that it would have been unreasonable for a reader of his letter to overlook this nuance. I can, therefore, appreciate why KL was worried that others would see it as an accusation that KL was an antisemite.

57. Lord Mann was also unclear in his letter to YZ about the purpose of him writing. He told me during our interview that he was writing to support and empower QR, but this was not KL's interpretation. I consider that Lord Mann could have been clearer in his letter about his purposes and it is not surprising that KL misinterpreted the letter.
58. KL also complained that Lord Mann's failure to respond to all questions in KL's emails to him after he sent the letter was an attempt to silence KL. Lord Mann explained that he did not wish to continue the correspondence with KL while the investigation within their professional membership organisation was ongoing. I consider Lord Mann's explanation on this point is satisfactory, but it would have been preferable if he had explained this to KL at the time.
59. **Despite there being room for reasonable misinterpretation of Lord Mann's letter, I do not consider this to mean that his letter amounted to behaviour that was "offensive, intimidating, malicious or insulting".**

Abuse or misuse of power

60. Lord Mann had no professional relationship with KL and no particular influence within their professional membership organisation. There is no evidence that Lord Mann's letter had any negative impact on KL's professional reputation, nor that he sought to achieve such an impact. His letter did not ask for YZ to take any specific actions against KL. It is legitimate for members of the House to write letters to represent members of the public who contact them, as long as they have considered any other factors that might place them in breach of the Code.
61. **I consider that by seeking to take up QR's concerns, Lord Mann was acting in an appropriate parliamentary role. I therefore do not consider that his behaviour involved an abuse or misuse of power.**

Impact on KL

62. Finally, in considering the impact of Lord Mann's actions on KL, I must take into account how KL felt, whether the circumstances of the case would make such a response reasonable and whether the impact described in KL's evidence is consistent with the effects described in the definition of bullying.
63. During the investigation, KL variously described themselves as feeling amazed, indignant, and annoyed at Lord Mann's letter. They also said that his responses to their follow-up emails were patronising and left them feeling powerless. Overall, they found the experience unpleasant and hurtful.
64. KL's comments in the discussion thread of their professional body were made to a fairly wide audience. While they might have expected to be challenged within that forum, they had a reasonable expectation that their comments would remain within that group and not be circulated beyond it. I appreciate that when KL found out that Lord Mann had complained about them to their professional membership organisation, this was upsetting for them, even though there were ultimately no negative professional consequences.
65. **I consider that the impact of Lord Mann's conduct on KL was upsetting.**

Finding

66. **Lord Mann’s behaviour was neither “offensive, intimidating, malicious or insulting”, nor did it involve an abuse or misuse of power. I therefore do not consider that Lord Mann’s conduct towards KL meets the criteria for it to amount to bullying. It does not, therefore, constitute a breach of the Code.**

Conclusion

67. The Parliamentary Behaviour Code requires all members of the parliamentary community, among other things, to:
- think about how their behaviour affects others and strive to understand their perspective;
 - act professionally towards others; and
 - ensure Parliament meets the highest ethical standards of integrity, courtesy and mutual respect.
68. Although I have found that his behaviour towards KL did not meet the criteria necessary to constitute bullying—and therefore did not constitute a breach of the Code of Conduct for Members of the House of Lords—I would remind Lord Mann, and all members of the House, to ensure that correspondence with others is clearly worded so as to minimise any ambiguity so that it meets the expectations set out in the Behaviour Code.

APPENDIX 1: LORD MANN'S LETTER TO YZ

Letter from Lord Mann to YZ

Dear [YZ],

I have recently been made aware by one of your members, [QR] of an email thread on the [professional membership organisation] email group. I have read the email exchange and it is disturbing. Individuals make comments which need challenging. Two do so on more than one occasion and they have not been so challenged by others in the group.

The initiator of the dialogue [KL] and [AB⁷] both take turns to patronise [QR]. The title of the thread refers to the Black Lives Matter movement. [KL]'s initial comment introduces the Middle Eastern conflict, equating it with contemporary anti-racist issues. In a later post [they] emphasise that [they] 'didn't and don't [sic] apologise' for such a comparison. To single out the Middle Eastern conflict from any of the other numerous ongoing global conflicts and to encourage similar polarisation calling it 'racial injustice' is not only inaccurate but is also a narrative that divides communities. This is inappropriate for an organisation which [encourages] tolerance.

Some of the language is offensive and inflammatory, for example 'might offend the sensitivities of Jews'. Imagine if the word 'black' or 'trans' was substituted for 'Jew' and consider the implications. Additionally, holding Jews collectively responsible for the actions of the State of Israel is specifically identified in the IHRA definition and this compounds the idea that Jews are by definition privileged. As a protected identity under the Equality Act 2010, Jews are defined in UK Law in a way that legally contradicts this concept.

[...]⁸

Despite being 'wearily familiar', it is clear that [KL] is not familiar at all with Jews of colour and clearly does not appreciate that there are many and that these extend well beyond the Falasha community. [They] appear to equate Jews with privilege, an age-old antisemitic trope.

The group seems to regard itself as rather philosophical. It might like to consider my advice on substituting 'black' or 'trans' for 'Jew' as suggested above, but also to reflect on Sartre who identified that we all have discrimination within us but challenged us about whether we are prepared to do anything about it. This sounds like a good opportunity for this group, but not as a distraction from the importance of the Black Lives Matters movement from which this whole exchange diverts attention.

Middle East politicians and Palestinian rights are very important matters. The IHRA definition neither seeks nor results in any closing down of debate on these issues. In some countries, such as Germany, it has done the opposite. What it does do is set appropriate ground rules so that this discussion does not subject Jewish people to discomfort, abuse and racism whether unconsciously or calculatedly in

7 AB is another person named in Lord Mann's letter as a contributor to the email group in question. They were not involved in this investigation.

8 Comments made by Lord Mann concerning other contributions in the Google group have been redacted.

this or any other discourse. Parts of the discourse that [QR] has sent me cross that line.

John Mann
Lord Mann of Holbeck Moor
HM Government's Independent Adviser on Antisemitism

CC: [QR]

APPENDIX 2: EMAILS BETWEEN KL AND LORD MANN

Email from KL to Lord Mann, 12 August 2020

Dear Lord Mann

I was sent by the Chair of [my professional membership organisation], [ST] a copy of your letter of 7 July to [YZ], Chief Executive of the [professional membership organisation]. The letter is headed ‘Discourse on anti-racism’.

I would like to enquire first in what capacity you seek to intervene in [the professional membership organisation’s] internal affairs. If it is in your capacity as HMG’s Independent Advisor on anti-Semitism, could you specify what precisely in the terms of your appointment authorises you to do so? If it is in your private capacity, could you explain why you appear to be signing and sending the letter in an official capacity?

In this letter I am replying on my own behalf alone. You make some extremely serious allegations which, while stopping short of actually calling me an anti-Semite, nevertheless accuse me of the following:

1. Contravening the IRHA definition of anti-Semitism by holding Jews collectively responsible for the actions of the State of Israel.
2. Divisive, offensive and inflammatory language
3. Being patronising towards a fellow professional [QR]
4. Ignorance of the racial composition of Israeli society
5. Appearing to employ an old anti-Semitic trope by equating Jews with privilege
6. Diverting attention from the importance of Black Lives Matter

I am not sure how carefully you have read the transcripts sent to you by [QR] but I have since read through them again line by line and I challenge you to provide one shred of evidence to back up these extremely serious and personally offensive allegations.

Indeed on one occasion my words appear to have been deliberately distorted to allege the exact opposite of what I wrote.

You claim that when I wrote “might offend the sensitivities of Jews” this implies holding Jews collectively responsible for the actions of the State of Israel.

Here is what I wrote: “With regard to Palestine I am wearily familiar with anxieties being expressed (some by our own [professional organisation]) that naming what is being done to Palestinians might offend the sensitivities of Jews (this is offensive to Jews in my opinion)”

In other words I was precisely rejecting the argument that diaspora Jews are implicated in the human rights abuses perpetrated by Israel and might therefore be offended by their mention. I certainly never conflated Jews and Israel, in fact I pointed out that such conflation is offensive.

2) Describing processes that indubitably divide people is not the same as using offensive or inflammatory language. Where is there a single example of my using such language?

3) [QR] has a right to describe feeling patronised and I am sorry that this is what [they] felt but you need to evidence your own allegation that [AB] and I “took turns to patronize [them]”. Where is that evidence? In any case whether one [professional] feels patronised by others is hardly a matter for HMG’s Special Adviser on Anti-Semitism

4) This is extraordinary, bizarre and unfounded. I have visited Israel many times, lived there for a year and am extremely knowledgeable about the country and the region including the diverse composition of Israeli citizens. It should be quite obvious from what I wrote that I was referring specifically to Israeli racism towards Palestinians.

5) My only reference to Jews in the entire email thread was in the one quoted above (under 1). You persist in assuming that I write of Jews in general when I write of Israel. Of course equating Jews with privilege is antisemitic but if you are unaware that Jewish citizens in Israel are privileged over Palestinian Arab citizens you have clearly not read the July 2018 Nation State Law. I can only conclude that it is my support for Palestinian rights that is objected to rather than anything I wrote about Jewish people.

6) As you will see if you read the thread this was a matter of concern to me and therefore I took great care to describe interconnecting patterns and processes and to write about solidarity rather than raise one issue as a distraction from another. In other emails in the same Google group I write specifically about Black Lives Matter.

I wonder if you appreciate quite how damaging it could be to the career and reputation of a respected professional to have these allegations made against [them] within [their] own professional community by a public figure like yourself.

I abhor antisemitism as I do all forms of racism, and I consider what you have written about me to be defamatory and potentially actionable.

I expect you to withdraw these allegations and to apologise for having made them.

Yours sincerely

[KL]

Email from Lord Mann to KL, 13 August 2020

Thank you for your email.

You rightly pull me up for suggesting you might have a lack of knowledge of The composition of Israeli society and I certainly apologise for my suggestion to the contrary.

You do not seem to understand the purpose of my letter. One of your colleagues has asked for assistance as [they are] clearly greatly distressed by the way in which [they feel they are] being treated within this particular group.

I think it relevant and important that you and others put yourselves in [their] shoes and see the discourse from [their] point of view if you wish to understand [their] discomfort.

The IHRA definition of antisemitism is precisely designed to assist in this context.

These matters are best resolved within your organisation, which I would hope they can be.

Nobody should feel any discomfort in their work because of how they identify and I stand by giving my honest assessment of the dialogue to assist [them] in this.

A group in which one of its members feels unable to participate needs to look at why this is the case

Yours Sincerely

John Mann
Lord Mann of Holbeck Moor

Email from KL to Lord Mann, 13 August 2020

Dear Lord Mann

Thank you for your response, the promptness of which is much appreciated.

Before providing a more detailed reply I would be grateful if you could answer the question in the second paragraph of my letter regarding the capacity in which you decided to intervene in this matter. Is it in your capacity as HMG's Independent Advisor on anti-Semitism, and in this case how does it fit within the terms of your appointment? Is it in your private capacity and if so, could you explain why you appear to be signing and sending the letter in an official capacity?

Yours sincerely

[KL]

Email from Lord Mann to KL, 13 August 2020

I am not employed by Government. I am appointed a Member of The House of Lords and thereby covered by their rules etc in everything I do. It is a matter of fact that I am the Independent Government advisor on Antisemitism and correspond on a very large number of issues in these capacities, including this one, not least to professional bodies.

John Mann
Lord Mann of Holbeck Moor

Email from KL to Lord Mann, 20 August 2020

Dear Lord Mann

Thank you for your reply of 13 August

Before returning to the substance of your reply, I once again seek clarification on precisely what basis you have communicated with the head of a professional association to make allegations about one of its members. This is obviously serious and the capacity in which you act is important for two reasons. First, the title you have used leaves no doubt that you are pursuing against me allegations of anti-

Semitism. Second, if you are maintaining that your office confers on you some supervisory role over professionals and their conduct, I would like to know what within your terms of reference authorises you to do so? If, as you wrote, one of my colleagues ‘has asked for assistance’ did [they] ask you in a personal or an official capacity? I wish to establish these points clearly before taking this further. In this context your membership of the House of Lords is not relevant.

I return to the matter of your allegations towards me which are as follows

- (1) Contravening the IRHA definition of anti-Semitism by holding Jews collectively responsible for the actions of the State of Israel.
- (2) Divisive, offensive and inflammatory language
- (3) Being patronising towards a fellow professional (C H)
- (4) Ignorance of the racial composition of Israeli society
- (5) Appearing to employ an ‘age old anti-Semitic trope’ by equating Jews with privilege
- (6) Diverting attention from the importance of Black Lives Matter

You have withdrawn and apologised for 4, and 6 is not really relevant to the matter at hand.

With regard to 1 (the most serious), 2, 3 and 5, you have not addressed my detailed replies at all. In the circumstances I ask again that you withdraw these allegations together with their clear implication of anti-Semitism and issue me with a full apology.

Yours sincerely

[KL]

Email from KL to Lord Mann, 3 September 2020

Dear Lord Mann

I am forwarding my emailed letter of 20 August as I have not yet received a reply from you.

With best wishes

[KL]

Email from KL to Lord Mann, 16 September 2020

Dear Lord Mann

I have not received replies to my two previous emails. (August 20th and September 3rd) So I still do not have an answer to the question of in what capacity did you seek to intervene in the internal affairs of my professional organisation? On the assumption that it was in your official capacity, can you please supply me with the name of your point of contact in the Ministry of Housing, Communities and Local Government. It states in your terms of reference that “The Independent Adviser will have a named point of contact at MHCLG for the duration of the appointment.”

I would be grateful to have the name and contact details of this person

Best wishes

[KL]

Email from Lord Mann to KL, 16 September 2020

Thank you for your email. You have received an answer. I am pleased to see some progress has been made by the organisation that you belong to on this matter and I am awaiting further such progress.

My point of contact is Robert Jenrick , Secretary of State.

John Mann

Email from KL to Lord Mann, 16 September 2020

Dear Lord Mann

I am sorry but I have not received an answer to my email of August 20th (forwarded on September 3rd) It must have gone astray so I would be grateful if you could resend it.

Many thanks

[KL]

(No reply received and no further correspondence from this point)

APPENDIX 3: EMAILS POSTED TO THE GOOGLE GROUP OF THE PROFESSIONAL MEMBERSHIP BODY

[KL] via Google group list

Dear Colleagues

In the past two weeks, along with many others in this group, I have been inspired by witnessing the collective upsurge of energy in confronting racial injustice, together with its potential for transformation. There have been times when raising overtly political issues on this list hasn't always felt comfortable but now is not one of them

I'm attaching a letter from our UK-Palestine Mental Health Network about a presentation by Rana Nashashibi on "A Palestinian Perspective on International Solidarity". This is a timely talk that might help broaden our collective awareness of the nature of contemporary racism by listening to and learning from the experiences of people living under colonial oppression.

I hope you will wish to participate

With all good wishes

[KL]

[QR] via Google group list

Hi everyone

With reference to [KL]'s message-

Myself and many colleagues appreciate that there is a nuanced, complex and multifaceted narrative surrounding the Palestinian-Israeli conflict.

As someone who has lived in the Middle East for a decade I have lived experience of this complexity. Posts such as the above risk the significant dangers of a single story. If our current climate can teach us anything it is to avoid these blanket polarisations at all costs.

Best

[QR]

[AB] via Google group list

Dear [QR],

Your reply to [KL] raises interesting questions for us [professionals]. On this point, can I ask you a question I often ask myself: Is it ever right or desirable to have a single story, or a blanket polarisation? I am thinking for instance of events such as Police brutality against black people in America, Myanmar atrocities against the Rohingya, or the Nazi holocaust?

Best wishes,

[AB]

[QR] via Google group list

Hi [AB]

You raise an interesting point.

Of course, I am assuming that you are not making any moral comparison between the Middle East conflict and the examples that you brought such as Nazi Germany. As a Jew I am especially sensitive to such crude and offensive comparisons - even if implicit. I would like to draw your attention to the definition of anti-semitism at the following link <https://www.gov.uk/government/speeches/a-definition-of-antisemitism>

The broader question however, is definitely one worthy of more thought - can we all embrace multiple stories while not compromising our moral position. I believe that Vetere and Cooper have tackled this theme in much of their work.

Best wishes for a more tolerant and hopeful future

[QR]

[AB] via Google group list

Hi

Apologies, I was out and about. Your question is a good one [QR]: Can we all embrace multiple stories while not compromising our moral position? And coupled with my own question asking if there is ever a time when it is right to have a single story, we have the essence of this dilemma. "I am assuming that you are not making any moral comparison between the Middle East conflict and the examples that you brought such as Nazi Germany" - No they are very different.

People have strong views on the Middle-East situation. Some call it an occupation, others not. I don't yet know how our [professional] communities can talk about this without it becoming unpleasant.

I confess a dislike for the word "tolerance" however - it is spoken from a position of power and inequality isn't it? Can you imagine black people expressing tolerance of white people? And who wants to be tolerated? I know this was not your intended meaning, and it is used so widely that it is easy to overlook what it suggests.

Best wishes for a more peaceful and hopeful future.

[AB]

[MN] via Google group list 10:26 AM

Thanks for that [WX] and others who have posted on this huge topic of human respect and equality (and respect for equality). Please feel free to keep them coming from every perspective, except bigotry and prejudice (we have had a gut full of that down the decades).

A colleague posted me this quiet and wise view from Nina Simone in an interview with 'Wire' a few years ago.

<https://youtu.be/99V0mMNF5fo>

Finally, a [professional] colleague sent me this:-

It looks like it could be (and indeed should be) a “Wanted” Poster, the ‘trope’ of many a Western, for a couple of ethical and human rights ‘Outlaws’ whose exploits are ‘hero-worshipped’ and idealised by some. However their ‘attitudinal mind-crimes’ continue to resonate around the world doing untold damage.

Go well,

Peaceful best,

[MN]



[QR] via Google group list

Dear [MN],

Thank you for your email.

People can draw their own conclusions, but for the sake of accuracy I should point out that you have shared a fake Churchill quote. The original, from the 1937 Palestine commission, says:

‘I do not admit that the dog in the manger has the final right to the manger, even though he may have lain there for a very long time. I do not admit, for instance, that a great wrong has been done to the Red Indians of America, or the black people of Australia. I do not admit that a wrong has been done to those people by the fact that a stronger race, a higher grade race, or, at any rate, a more worldly-wise race, to put it that way, has come in and taken their place.’

Pretty unpalatable - we can all agree! But the fake version that you shared manipulates Churchill’s words to paint Jews as brute colonisers, when Churchill said nothing of the sort. He understood, of course, the basic historical fact that Jews inhabited the area since before the birth of Christ.

The full context of the quotation can be seen in the excerpt from Andrew Roberts’ biography of Churchill, pasted below. As I said, this is a complex matter and people must draw their own conclusions - but we owe it to ourselves and others to check the accuracy of sources before we circulate them.

Best wishes

[QR]

[KL] via Google group list:

Dear [MN], [QR] and everyone

I am grateful to [MN] for sharing the Churchill quote even though as [QR] rightly points out, this version is not textually correct. As an example of racism towards Palestinians however, the correct quotation still speaks for itself.

I am glad this subject is being aired and that the present climate of collectively challenging injustice is perhaps enabling us to be bolder in how we engage in the wider political sphere

Although this Google group clearly isn't the place to debate in depth the Israel/Palestine question I'd like to return to some issues already raised in this context which do concern us as [professionals] and our professional community in general. These relate to the values we hold and to the issues over which we are prepared to take a single/clear position against racism, injustice or oppression.

The comparison which [QR], in an earlier post, made with domestic violence is a useful one. Most [professionals] working in this area would of course hold complexities in mind but they would take a clear and unequivocal stance on violent abuse of power itself. They would not, in the context of ongoing violence, attempt to be even-handed or to compromise their professional ethics. Multiple narratives are obviously always present but a narrative that denies the violence done to another or blames the victim for it would be challenged by most [professionals in our field].

The aftermath of the murder of George Floyd has unleashed an upsurge of anti-racist protest from both black and white people. We don't know what the trajectory will be nor if there will be significant changes at a structural level or whether vested privilege and power interests will reassert themselves as they so often do. What we do know is that for many white people both in the UK and the USA it has opened their eyes to the nature of racism, to a knowledge that black people have of course had all along. It can be named for what it is.

In the case of the continuing denial of Palestinian rights, even naming some of the processes at work - racism, gross imbalance of power, lack of accountability - I very frequently in my experience gives rise to accusations of one-sidedness, polarisation, lack of nuance or of encouraging anti-semitism. It creates anxiety as to whether it is safe to speak out at all and whether naming what is going on will somehow offend sensibilities. It can, in short, lead to silencing. But as we know, particularly at this moment, marginalized narratives must and will find a way to be heard.

There are many fruitful ways in which we, [as professionals] can create connections between different forms of oppression without this becoming a competitive process about who is suffering the most. That is why Black Liberation movements and Palestinian solidarity movements have had strong links over the years. As [professionals] who like to explore patterns and connections we can think of the higher order contexts of global capitalism, we can think about how gross power imbalance generates its own pernicious dynamic, with those in power protecting their own security by deliberately creating conditions of insecurity for others. We can think of the negative labelling of victims of oppression when they resist and the ways that shaming and humiliation act as instruments of power. But there cannot be one no-go area in our engagement with movements for justice nor one issue about which we cannot speak. We must be free to do so - obviously

with respect for all and with an understanding of the complexities and traumas of history - but with a direct and unafraid naming of oppression now when the evidence for it is before our very eyes. As the late great Denis Goldberg, veteran of the anti-apartheid struggle in South Africa, said of Palestine: "Silence in the face of injustice ... makes people complicit in that injustice."

All good wishes

[KL]

[QR] via Google group list

Dear [MN], [KL], [AB] and all those who have been following these various threads,

Thank you for your thoughtful reply. I can see your point of view (though I'm not sure about your defence of a fake quote!), but I would continue to argue strongly in favour of multiple stories.

Yes, there is horrific pain and loss for many Palestinian families. And yes, there is also untold suffering and pain for Israeli families. And there are sadly many stories in between, each complex and nuanced. I firmly believe in the danger of a single story and of privileging one 'side'. As we all know too well, this becomes ultimately a disservice to both - and can easily escalate and become dangerous.

As I mentioned previously, I too have nearly a decade of lived experience in the Middle East and I am grateful that my eyes were opened to multiple stories. Sadly so many of these involved of so much suffering from all directions. I remember hearing from an Israeli family of whom three of their children had been murdered in a terror attack and feeling so helpless in the face of such intense grief. And for every story of loss on one 'side' there is another equally horrific one on the other, which is why I call again for that difficult both/and position.

In theory, we all agree but in practice it is a struggle not to polarise and not to prioritise a single story.

As mentioned by many of you this forum is not conducive to so many of these discussions so I will be taking a break from the group for now. I have felt misunderstood and dismissed on several occasions and I believe that if we were having this conversation face to face it would be very different. I'll end with a quote that inspires me from Barak Obama -

"Democracy demands that we're able also to get inside the reality of people who are different than us so we can understand their point of view. Maybe we can change their minds, but maybe they'll change ours. And you can't do this if you just out of hand disregard what your opponents have to say from the start."

To avoid deeply listening and airing both sides only serves to feed the conflict itself. As Israel is the only democracy in the Middle East I believe that the above quote is in keeping with the spirit of this troubled region.

Best wishes

[QR]

[MN] via Google group list

Dear [QR],

I'm sorry personally and collectively we have failed in our wish and intention to be hospitable to all on the List irrespective of difference of perspective and view.

Your quote from Barack Obama is absolutely right and articulates the core of the importance of empathic connection to lived experience. This has been a continuous thread in the evolution of our art and practice from writers as diverse as the Jewish pioneer Alfred Adler to the very American Christian influenced Carl Rogers. [redacted to retain anonymity].

We use training in cultural competence to get into an appreciative mind set towards any culture different to our own; [redacted to retain anonymity] Learning is circular in fashion.

I'm belabouring this a tad to explain the ethos we strive to sustain on the List. A colleague who has had experience of difficult feedback on the List has wondered if there is merit in conducting these dialogues via Zoom etc where the physical presence of respondents is an important and more personal factor. Clearly 'words disembodied' from the speaker lay themselves open to being manipulated and doctored. This is a useful point and one we should think about in future.

I tried to explain in my last posting that we just do not have the resources to check and verify every assertion made. The Churchill quote I took on trust from a highly experienced and senior [professional] who I have known for a long time. You pointed to its 'doctoring' and alerted all readers to the likely corruption of part of the quote. Truth is a dialectical and dialogical process through which we arrive at a deepening of our own truths and beliefs. This is especially difficult today when we are bombarded by propaganda and "false news"

You have fairly and with some degree of passion represented the humanitarian position of someone caught into a culture war with an unending cycle of violence and 'other blaming'. You have reminded us that the position of 'neutrality' in such a situation (all situations in fact) is impossible and actually dishonest since we all have our own "invisible loyalties" and affiliations to the roots of the culture in which we are born, raised and which give our sense of identity and meaning—usually through a long journey of self reflectivity.

I wish you well in your future and regret we shall not have the input of your voice and narrative to clarify and deepen our own personal understanding of a complex conflictual situation that seems without end, solution or settled peaceful outcome.

Good wishes,

[MN]

[AB] via Google group list:

I feel similarly, however I cannot remain silent or silenced when I see this quote:

“And for every story of loss on one ‘side’ there is another equally horrific one on the other”

This suggests equality of power and of deaths, but there is a Military Superpower involved here, and the slaughter statistics show that it is extremely unequal in every way.

Good wishes all,

[AB]

[QR] via Google group list:

[MN] - I very much appreciate your sensitive apology and [AB], thank you for yours.

[AB], thank you, too, for your reply. I agree that there are many who think your way. There are also many who disagree with the inequality of the nature of the conflict. Many think more broadly about the complex and universal challenges faced by advanced armies when fighting terror groups who are embedded in civilian areas who use human shields, for example.

As I mentioned this is a complex, nuanced political situation beyond the scope of this group. My intention is not to silence anyone or to change anyone's mind - I would just be grateful to be given the space to express mine.

As Rabbi Jonathan Sacks said: "In our interconnected world, we must learn to feel enlarged, not threatened, by difference ... " - although i would add that this is a necessity in every type of world!

I will leave it to you and your colleagues to discuss and implement changes in the group so that it can be more welcome of different perspectives going forward. I welcome any private correspondence going forward but I think that it is time that I leave this group.

With best wishes for the future - and much appreciation to you again, [MN], for your thoughtful, sensitive reply earlier.

[QR]

[Note by [QR] to Lord Mann - I have left the group but someone forwarded this on ...]

[CD]

Dear [QR],

I hope you have not quite left the group and are still around to read further comments.

Just a thought about the process reallyI didn't understand you saying "I would be grateful to be given the space to express mine". It's my impression that you have taken the space you have wanted and that the responses have been appropriate and welcoming of your views, even apologetic to you. And it is you who are choosing to leave the group and reduce/eliminate your space when you could stay and continue the discussion.

I think the problem seems to be less about different perspectives not being welcome and more that colleagues like [KL] and [AB] have made statements about the Israel/Palestine question with which you strongly disagree and which are very much at odds with your own. I don't think they lack the ability to "think more broadly"; I think they have thought very broadly but come to very different conclusions.

Maybe you could outline what changes you would like to see in this group which you think would make it more welcoming of different views.

Best wishes,

[CD]

[GH]

Hello all

I always believed that our [...] field had the potential to be the most radical of the [profession] [...]. Our theoretical frameworks facilitate a focus on wider context, [...] and can keep us attuned to social injustice and its effects.

However, we are not developing how we, as a predominantly white association / profession, are going to take the issues of Black Lives Matter forward. We have a government who have fuelled racism. Instead of getting on with implementing recommendations from previous inquiries Johnson has decided to hold yet another inquiry and led by someone who does not believe in systemic racism. Things desperately need to change. [Professional membership organisation] urgently needs to step into the political domain. How are we going to do this??

Best wishes [GH]

[VW]

Hi everybody

I would like to recommend I am not Your Negro - documentary with masses of footage and commentary of James Baldwin. It was on BBC 2 last night so you should be able to get it on IPlayer. He speaks to us so powerfully today. Posting this recommendation gives me the excuse to make a general comment on the [professional membership organisation] list discussion headed Black lives Matter Which is that I think it's important to stay with Black lives matter and not divert to other issues under this heading how ever important they are in their own right. [KL] apologised (in my view quite rightly) for Introducing another area of injustice under the Black lives Matter heading. Yes it's very sad that [QR] felt [they] had to leave the list but [HI]'s comments of despair at this pattern of diverting from Black Lives Matter have not been followed up on unless I have missed something. This is the time for white people like me who thought they had listened before to accept they have not listened enough and if they don't listen (an eg of which includes bringing in other issues) then they won't learn so much and they will certainly cut themselves off from the black people they want to support. It's so important now to capitalise on the global movement that has taken off since George Floyd died.

[VW]

[KL]

Dear [VW] and everyone

Thanks for your thoughtful posting. Actually I didn't and don't apologise for introducing another area of injustice but for (as I thought I had) using the heading of Black Lives Matter/All lives matter. But I was and am very conscious of the risk of diverting from the the central issue of supporting the global anti-racist protests.

In introducing Palestine, I was trying to raise issues of power and abuses of power and identify some shared features of colonising processes. Like you I have been surprised and quite dismayed at the nature of some of the debate that has arisen

on our list about Black Lives Matter and was trying to find a way to respond to it when your posting arrived. A lot of words have been expended but some of them obscure as much as they enlighten or - even more troubling for a [professional] forum - issues of diversity and difference are written about without reference to context, specifically contexts of power and privilege. To give just one example when a black person says of Black Lives Matter that it means black lives matter too, it is not at all the same as a white person saying those very same words because each is contextualised by power and that power has histories attached to it. Likewise the question of people feeling silenced or fearful of speaking out. These aren't just our own emotional experiences; they too have histories and contexts. What often happens when those who historically and currently have less power and privilege (black people, Palestinians) speak out - sometimes angrily - is that the 'right' to feel hurt or silenced is often claimed by those in more privileged positions who feel uncomfortable at the naming of oppression. But isn't feeling uncomfortable OK? I know I've felt excruciatingly ashamed when I think of my own complicity in racist practices. With regard to Palestine I am wearily familiar with anxieties being expressed (some by our own [organisation]) that naming what is being done to Palestinians might offend the sensitivities of Jews (this is offensive to Jews in my opinion) and must therefore be reduced to invocations to bland anodyne 'both sides' / equalising narratives. I'm sorry [CD]'s posting had no response because [they] drew attention to these processes and challenged their use.

I do hope we are not so concerned with achieving some kind of all inclusive [professional] harmony' in which 'I/thou' or 'self/other encounters are rarified, sentimentalised, de-contextualised and removed from the harsh realities of a world structured by inequity and inequality in which we all participate with varying degrees of advantage or disadvantage and where complexity can expressed in all the ways in we unpack these troubled and troubling processes and try to think together (as [GH] has just and provoked us to) about how we collectively respond

Best wishes

[KL]

APPENDIX 4: RELEVANT ASPECTS OF THE CODE

External investigator

1. Paragraph 139 of the Guide to the Code says:

“In cases involving bullying, harassment or sexual misconduct, the Commissioner is supported by independent investigators. The Commissioner may delegate to the investigator to the extent she considers appropriate any of her investigatory functions”.
2. In this case, I was supported by Suzanne Burton of CMP Solutions. I did not delegate any of my investigatory functions to her, but discussed all aspects of the investigation with her, welcomed her input, and took account of her views and suggestions.

Parliamentary Behaviour Code and the Code of Conduct for Members of the House of Lords

3. Paragraph 10 of the Code of Conduct says:

“Members of the House should observe the principles set out in the Parliamentary Behaviour Code of respect, professionalism, understanding others’ perspectives, courtesy, and acceptance of responsibility. These principles will be taken into consideration when any allegation of bullying, harassment or sexual misconduct is under investigation.”
4. Paragraph 17 says that “Members are required to treat those with whom they come into contact in the course of their parliamentary duties and activities with respect and courtesy” and makes clear that “behaviour that amounts to bullying, harassment or sexual misconduct is a breach of this Code.”

Parliamentary Behaviour Code and definitions of bullying, harassment and sexual misconduct

5. The Parliamentary Behaviour Code, included as Appendix A to the Code of Conduct, sets out six principles of conduct:
 - (a) Respect and value everyone—bullying, harassment and sexual misconduct are not tolerated;
 - (b) Recognise your power, influence or authority and don’t abuse them;
 - (c) Think about how your behaviour affects others and strive to understand their perspective;
 - (d) Act professionally towards others;
 - (e) Ensure Parliament meets the highest ethical standards of integrity, courtesy and mutual respect;
 - (f) Speak up about any unacceptable behaviour you see.
6. Appendix B of the Code defines bullying at some length, drawing from definitions included in the Independent Complaints and Grievance Scheme Delivery Report.

Bullying

7. Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour involving an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened.
8. Power does not always mean being in a position of authority and can include both personal strength and the power to coerce through fear or intimidation.
9. Bullying can take the form of physical, verbal and non-verbal conduct.
10. Bullying behaviour may be in person, by telephone or in writing, including emails, texts or online communications such as social media.
11. It may be persistent or an isolated incident and may manifest obviously or be hidden or insidious.
12. My investigation applied these definitions in considering whether Lord Mann's conduct towards KL amounted to bullying and whether it constituted a breach of paragraph 17 of the Code of Conduct.

Annex B: Appeal documents

KL'S APPEAL

Background to my complaint to the Commissioner for Standards

My name is [KL] (referred to in the Commissioner's report as KL) and I am a [profession] with fifty years' experience of practice, primarily within [redacted].

My complaint about Lord Mann - that he improperly and recklessly intervened in my professional organisation by writing to our CEO making allegations of antisemitism against me and then refused to provide evidence for his complaint or engage in any meaningful way with my rebuttal - dates back to August 2020. As well as writing from his House of Lords email address Lord Mann also used his title of Government Independent Adviser on Antisemitism. I thus initially made my complaint to Robert Jenrick at the Ministry of Housing, Communities and Local Government to whom he is answerable (Appendix1). Despite sending an initial email, a hard copy, a reminder and a follow up from my MP I received no response. I therefore turned to the other institution to which Lord Mann is accountable. My complaint to the Commissioner for Standards at the House of Lords was made in the hope that public figures such as Lord Mann could be held accountable for their conduct and I was delighted that, after a preliminary assessment, she decided to investigate my complaint. The course of the actual investigation is already covered in her report.

My Appeal

I am making this appeal primarily on the basis of the first two categories, ie

The Commissioner was plainly wrong in her finding and Points of process

I will use the points of process to support my claim that the commissioner was wrong in her finding.

I also include one item of **Significant New Evidence** together with some further material that was sent by me to the Commissioner during the course of her investigation but was not included in her report or appendices.

1 The Commissioner was plainly wrong in her finding

I consider the Commissioner to have been wrong in her finding that **'Lord Mann's behaviour was neither "offensive, intimidating, malicious or insulting", nor did it involve an abuse or misuse of power. I therefore do not consider that Lord Mann's conduct towards KL meets the criteria for it to amount to bullying. It does not, therefore, constitute a breach of the Code.'**

Given that my complaint was based on Lord Mann's allegation of antisemitism against me to my professional body, the basis for her decision appears to rest mainly on her agreement with Lord Mann that I was mistaken in concluding that he had accused me of anti-Semitism (paragraphs 56 and 57). She gave no evidence for this decision but it was at the heart of my entire complaint since, following this allegation, Lord Mann's subsequent dismissive responses and failure to provide any evidence compounded my experience of being bullied and silenced.

In paragraph 56 of her report the Commissioner writes

“Lord Mann was clear that he did not at any point accuse KL of being antisemitic and I agree. He said he was complaining to YZ that the discussion thread used by members of the professional membership body contained some antisemitic tropes. While I accept Lord Mann’s description of his intervention, the distinction he drew was rather a fine one. I do not consider that it would have been unreasonable for a reader of his letter to overlook this nuance. I can, therefore, appreciate why KL was worried that others would see it as an accusation that KL was an antisemite.”

The commissioner provides no justification for reaching this conclusion which, I argue, contradicts the view that most ordinary people would take. Certainly the small number of professional colleagues and friends that I shared Lord Mann’s letter with prior to this investigation were unanimous in the view that this is what he was accusing me of. On the linguistic nuances of ‘being anti-semitic’ and using ‘anti-semitic tropes’ I attach an authoritative opinion which contradicts the Commissioner’s conclusion (Appendix 2). Additionally, in reaching her conclusion she does not address the fact that the use of his signature ‘HM Government’s Independent advisor on Antisemitism’ leaves little doubt that this is what Lord Mann was alleging.

Even assuming there is room for ambiguity and that it would be reasonable for me or anyone else to “*overlook this nuance*” and that “*it is not surprising that KL misinterpreted the letter*” (paragraph 57), she does not draw the obvious conclusion. That is that if Lord Mann’s words were capable of being interpreted (by reasonable people) as an allegation of anti-semitism, it is quite wrong that a Peer should misuse a government position to write such a letter to a professional body, whatever his intention. If it is not intentional it is reckless and therefore it is a misuse or abuse of public office and should be the subject of censure.

This is a clear example of breach of the Code which the Commissioner ignores.

The other is that following an intrusion into a professional domain in a way which impugns my reputation Lord Mann compounded the offence to me by refusing to engage with my rebuttal. This act of silencing by not responding is one powerful aspect of bullying. Lord Mann arrogates to himself and his position the power to make allegations and then the power to withhold a response. That the Commissioner does not take this into account further supports my case that the finding was wrong.

I will return to the above matters and provide further illustrations from the report under **Points of Process**.

Finally, I wish to draw the Committee’s attention to two matters arising in my first interview with the Commissioner on 29/11/20. My complain to Mr Jenrick was based on a breach of the Nolan principles which also form the basis of the House of Lords principles of conduct so I referred to these again in my complaint to her.

In my letter to her of 19 October I itemised what I considered to be Lord Mann’s breaches of the principles of as follows:

- (1) **Objectivity** - he has made no attempt at objectivity while at the same time claiming to adjudicate on the internal processes of a professional organisation .

- (2) **Accountability** - he has refused to provide any evidence for his allegations when directly challenged to do so, thus failing to adhere to the principle of accountability.
- (3) **Openness** - In refusing to specify the grounds for his intervention or his connection to the person who complained to him* he has failed to be open. The correspondence reveals how evasive he has been on these matters.
- (4) **Honesty** - he blatantly (and thus in my view dishonestly) distorted some of my words to extract the opposite meaning to what was clearly intended.

* *During this investigation Lord Mann has now clarified this point*

The Commissioner explained in the first interview “These principles will be taken into consideration when any allegation of breaches of the provisions in other sections of the code is under investigation”. This means that the general principles cannot form the basis on their own of a complaint but can be taken into consideration if there’s a basis for complaints elsewhere in the code”.

She referred to the following:-

“Members of the House should observe the principles set out in the Parliamentary Behaviour Code of respect, professionalism, understanding others’ perspectives, courtesy, and acceptance of responsibility. These principles will be taken into consideration when any allegation of bullying, harassment or sexual misconduct is under investigation.”

In this interview she also confirmed that the definition of bullying would be understood in its widest sense:

“Could we just open with you telling us why you think that Lord Mann using his considerable power and status, as you said in your email, has behaved in an inappropriate and bullying manner?”

[KL]: Yes. The reason I made this complaint is because I felt there was a considerable imbalance of power. So he came from his position as the Government independent adviser and as a member of the House of Lords, and made what I consider serious allegations and personally very offensive allegations about me. But I think additionally to that was the fact that he responded -- when he did respond -- in a way that I found both dismissive and patronising. So I didn’t feel that he ever engaged with the substance of what I was responding to. So, from that point of view, that’s what I experienced as bullying in its broadest sense.

LUCY SCOTT-MONCRIEFF: Yes, and bullying does have a broad sense. We are well aware of that, so don’t worry about that side of things.”

However, in her finding the Commissioner not only makes no reference to the Nolan principles but appears to have resorted to the narrowest definition of what constitutes bullying, ie “offensive, intimidating, malicious or insulting” (paragraph 59) All the above form the basis for my contention that the Commissioner was plainly wrong in her finding.

Points of Process

1. In her report the Commissioner appears to accept uncritically many of Lord Mann's assertions which I had challenged at several points in the course of the investigation. The first relates to the conclusions Lord Mann drew from the email thread on my professional Google group; that they were anti-Semitic rather than critical of Israel and supportive of Palestinian human rights. The Commissioner made no judgement herself on that matter. That Lord Mann had no basis for alleging that I employed anti-semitic tropes seems to be borne out by a) his refusal to evidence his claims and b) his wilful distortion of one of them. I will return to this example in (2.ii) but the point here is that the Commissioner seemed unwilling to make any comment whatsoever on this crucial matter. I have no way of knowing whether she even asked Lord Mann how he could possibly have extracted such meanings from my postings on the Google group.

Indeed after my second interview with her of 18 March, I read in the transcript something I failed to pick up at the time. When the question of the role of QR was discussed she said (page 27):

“No, and that's the other thing, you see, because I know that that's what you've said and that's what he said. Once again, I avoided getting into, “Well, that's not necessarily correct”, because I can't speak for you, and the sort of the detail of your relationship is something --it is perfectly valid for you to raise that and discuss it, because it may be that, you know, Lord Mann has got the wrong end well, you are saying he has got the wrong end of the stick. But it's quite difficult for me to tell him.”

This is puzzling because it implies that, if she challenged Lord Mann on his assumptions, she would be speaking for me rather than making a dispassionate judgement on the facts presented to her. If she agreed with me that Lord Mann got the wrong end of the stick, as she appeared to, it was surely her duty to tell him so and to record it in her report rather than conclude that it was I who had misunderstood him.

2. Examples of bias

The final report reflects, in my opinion an uncritical acceptance of many of Lord Mann's other statements. Here are some examples:

2.i The Commissioner accepts Lord Mann's explanation for why he failed to respond to my emails:

“KL also complained that Lord Mann's failure to respond to all questions in KL's emails to him after he sent the letter was an attempt to silence KL. Lord Mann explained that he did not wish to continue the correspondence with KL while the investigation within their professional membership organisation was ongoing. I consider Lord Mann's explanation on this point is satisfactory, but it would have been preferable if he had explained this to KL at the time”(para59).

Lord Mann's silence is an important part of his bullying. His rationale for not responding is not accurate. Why would he think that it would have had any effect on the way the organisation was dealing with a complaint? If that was his consideration why did he rush so precipitately into pronouncing before the organisation had had a chance to respond formally to QR? He says his objective in emailing YZ about QR was “to get the organisation to take [QR's] complaint seriously,

i.e. to look at it, because [QR] did not feel [they were] being listened to and I agreed with [them].”

Why did he not wait to see how the complaint was dealt with? He made assumptions that it would not be dealt with even though QR contacted him only two weeks after [they] first raised the matter with the organisation.

As quoted elsewhere in the report (para 45) Lord Mann said it would have been “egregious” of him to reply to me. This melodramatic language which he used to justify treating me so discourteously and dismissively evinces no comment from the Commissioner. Instead she merely says it would have been better had Lord Mann explained why he could not reply.

2.ii The distortion of my words is not mentioned in the findings.

In Lord Mann’s email to YZ he manipulates one of my statements in the Google group to extract the opposite meaning to that which was clearly intended. He further distorts my meaning on page 9 paragraph 21 of the report. The distortion is addressed by me on page 11 of the report.

On page 13 para 44, the Commissioner clearly did challenge Lord Mann about distorting my words:

“When challenged on whether he had misunderstood KL’s comments about “some within our [professional membership organisation]” and “wearily familiar”, Lord Mann pointed out that he had shown QR a draft of his letter before sending it to fact-check it and sign it off with them. He explained that “If it was wrong in the detail, [they] would have said that, of course. It’s [their] case... [They’re] distraught. [They] come to me. [They] clear the letter. I send the letter, and your interpretation of the letter was that that was mine and [QR]’s interpretation”.

I was surprised that neither this reply nor the previous distortions were mentioned in the findings since Lord Mann’s answer seemed to me to be an evasion of responsibility. Even more importantly, I consider his misrepresentations to come under the category of malicious behaviour when the potential cost to my reputation from this distortion of my words was so great. No unbiased reader of my words could possibly extract the meaning Lord Mann chose to attribute to them and thus I contend that this behaviour was malicious.

2iii Minimising the possible impact of Lord Mann’s intervention.

The commissioner states in paragraph 60: *“There is no evidence that Lord Mann’s letter had any negative impact on KL’s professional reputation, nor that he sought to achieve such an impact”.* This is true: however, the point is not the outcome nor the intention but the recklessness of the action. Lord Mann has already asserted that he did not know that I was senior in my field (even though QR had based [their] own complaint on this very fact). He had assumed I was at the same level as QR which would have meant I was recently qualified in the profession. If that had been the case, even allowing for the ambiguity about whether or not it was strictly an allegation of anti-semitism, the effect could have been devastating. I write this not to indulge in hypotheticals but to highlight the recklessness and irresponsibility of the intervention.

In paragraph 59 page 18 the Commissioner in her findings concluded that **“Despite there being room for reasonable misinterpretation of Lord**

Mann’s letter, I do not consider this to mean that his letter amounted to behaviour that was “offensive, intimidating, malicious or insulting”. This effectively implies that the problem was that I misinterpreted the letter rather than that the letter itself was open to such a construction.

In paragraph 65 page 18 the Commissioner concludes: **“I consider that the impact of Lord Mann’s conduct on KL was upsetting.”** She does not however draw any conclusions from this about Lord Mann’s contribution to my upset so I can only experience this finding as somewhat redundant. I was indeed very upset but I had chosen not to over-emphasise this point in my complaint, possibly, in retrospect, to my detriment. I wanted to keep the focus on the intervention itself which in my opinion was an abuse of power from one in public office.

3. Proposal for Mediation

In my second interview with the Commissioner of 18 March I came under what I experienced as considerable pressure from her and Ms Burton to accept mediation with Lord Mann. Much of the interview was taken up with this discussion. I finally asked the Commissioner whether she had a preference for this course of action (she had earlier indicated that Lord Mann was in favour) and her answer is below.

[KL]: I mean, I don’t want to put you on the spot, but it does seem to me that this is the path you would like me to go down.

LUCY SCOTTMONCRIEFF: I would like you to consider going down it, and I think you are considering. You know, that’s what this conversation has been about.

I shared my reservations at the time but nevertheless had the strong impression that the Commissioner preferred this path because it would absolve her of the need to write a report and thus make a judgement. I wrote to her soon afterwards explaining my reasons for declining this offer (Appendix 4) but remained puzzled at the suggestion of mediation and the attempt to persuade me even though the Commissioner was at pains to point out that it was my choice and that turning it down would not be held against me. I accepted this but reading the report has raised further questions about the process. In retrospect, I think it was possibly improper of the Commissioner to persist in pushing a proposal which I considered irrelevant to my complaint and was therefore unacceptable to me. So it is hard to feel reassured that my rejection of mediation did not count against me in some way.

4. The political context

It is important to acknowledge, as Lord Mann does, that he and I have widely differing views on the question of Israel /Palestine. It is understandable that QR who is a strong supporter of Israel would have turned to him for support. However Lord Mann nowhere acknowledges that [QR] could possibly have a political agenda in involving him. Lord Mann refers to two different and separate domains in his responses. First, he uses the personal domain. He justifies his intervention in my professional affairs by citing the ‘deep distress’ felt by QR. In this context he draws upon personal ‘hurt feelings’ as evidence. According to him QR does not have a political agenda; [they] only [have] distraught feelings. When it comes to me, however, he draws solely upon the political domain. He dismisses my feelings of being silenced or bullied by referring to what he describes as my political agenda. Each time the Commissioner asks him directly about issues

such as whether I would have experienced his letter to YZ as an accusation of antisemitism or whether I might have felt silenced, he evades the question and moves into the political domain as a diversion (page15 paras 42-46).

The reason this matters is because the political context influences both Lord Mann and me; it is simply not acceptable for him to dismiss what I say as “pure politics” (para 46). Another example of how politics can be used to obscure and dismiss is that while Lord Mann refers to my views on the IHRA definition of anti-semitism, of which he is a passionate advocate, he neglects to mention that in my response to his allegations I did not challenge his use of the definition at all.

Significant New Evidence

[redacted]

Summary

I base my appeal on three elements: that the Commissioner’s finding was wrong, that there were procedural errors, and that significant new evidence supports my case.

I have laid out my reasons for arguing that the Commissioner’s finding was wrong and provided some key examples of the processes that led me to that conclusion. These include her uncritical acceptance of Lord Mann’s responses, her unwillingness to make judgements on other key issues which were central to my complaint, and a narrow definition of the Code of Conduct which does not take into account the Nolan principles. Even within the narrow definition there are, in my opinion, clear examples of malicious behaviour (distorting my words) bullying by silencing (refusing to respond to my request for evidence) and misuse of power (recklessly failing to take into account the potential for harm from his interventions).

At the root of my case is a simple request for accountability: that a public servant such as Lord Mann, who carries such huge power to influence our public space for political debate, should not be allowed to act with impunity. In the words of the principles set out in the Code he should demonstrate “respect, professionalism, understanding others’ perspectives, courtesy, and acceptance of responsibility”.

I therefore hope that the Conduct Committee will uphold my appeal in whatever way it considers appropriate.

[KL]

19 May 2021

Appendix 1: Letter of Complaint to Robert Jenrick, 30 September 2020

Dear Mr Jenrick

Lord Mann and Antisemitism

I am writing to you regarding the conduct of Lord Mann, the Government’s Independent Adviser on Anti-Semitism. In this role he is answerable to your ministry and to you as Minister, being his named point of contact for the duration of his office.

I am a [profession] with fifty years of [professional] experience and an impeccable professional reputation.

Lord Mann has intervened in the internal affairs of my professional body, [...], by writing to our Chief Executive making allegations of antisemitism against me. This was on the basis of his reading correspondence between members of our Association within a professional [...] group. The transcripts of this correspondence were quite improperly forwarded to him by one member of the group who disagreed with my views on Israel/Palestine. Instead of advising the complainant to follow the association's proper procedures, Lord Mann chose to enter the debate himself in a partisan fashion.

By intervening in this manner Lord Mann has exceeded the terms of reference laid down by your ministry for his office. These terms of reference contain no mention of investigative or supervisory functions; they are advisory, concerned with liaison, reporting to government, and policy recommendations.

I have three times written to Lord Mann asking him to clarify whether he intervened in his official capacity as the Government's Independent Adviser on Anti-Semitism and if so, what precisely, within these terms of reference, authorised him to do so, or whether he was intervening in a personal capacity, in which case I asked him to explain why he used this title when writing to our Chief Executive. Lord Mann's answers to these questions have been vague and evasive. Moreover, as his last email of 16 September shows, he continues to act as if he has a right to adjudicate on my Association's internal affairs.

The attached correspondence shows that the allegations Lord Mann has made about me are serious and potentially damaging to my professional reputation. He apologised for one of his allegations but failed either to justify or withdraw the much more serious accusations of antisemitism. In one instance, Lord Mann appears to have deliberately twisted and distorted my words. He took a comment that was sympathetic to Jews as evidence of my alleged antisemitism. He attributed to me the exact opposite of what I had said. Allegations of this kind require evidence. Lord Mann may be passionate about his role but he is not entitled to act with impunity.

In my opinion Lord Mann has also failed to abide by the Nolan principles guiding public office in the following ways:

He appears to have acted in a personal and prejudicial capacity rather than solely in the public interest.

By making wild and unproven accusations against me at the behest of an individual colleague who disagreed with my views, he has not acted with integrity.

He has made no attempt at objectivity.

He has refused to provide evidence when directly challenged to do so, thus failing to adhere to the principle of accountability.

He blatantly (and thus in my view dishonestly) distorted some of my words to extract the opposite meaning to what was clearly intended.

In refusing to specify the grounds for his intervention he has failed to be open.

I would just add that the allegations which Lord Mann has levelled against me using the title the government has bestowed on him are personally offensive and distressing. As [redacted personal information], I find the crudeness of his approach quite shocking. It would be comical if it were not so serious. I suggest

that if my experience is anything to go by, Lord Mann is a potential liability to your department and his actions could even be counterproductive in your important project of combatting antisemitism

In summary my complaint to you is that Lord Mann has exceeded the powers that HMG granted him and transgressed the Nolan principles

I attach my correspondence with Lord Mann, and his terms of reference to which I have appended the Nolan principles and I look forward to your response.

Yours sincerely

[KL]

Cc Lord Mann

Layla Moran MP for West Oxford and Abingdon

Appendix 2: Letter from Sir Stephen Sedley, 18 May 2021

[KL] AND LORD MANN

[KL] has shown me the correspondence about [their] complaint that [they have] been unjustly and damagingly accused by Lord Mann of anti-semitism. It appears to be said in response that Lord Mann had simply pointed to [KL's] use of some anti-semitic tropes.

For my part—and the use and meaning of words has been my life's work—I cannot see a meaningful difference. There is of course a difference between using anti-semitic language and being an anti-semite; but the use of anti-semitic language ('trope' has begun to lose its meaning) is in ordinary parlance an act of anti-semitism. It seems to me clear that this is what Lord Mann has accused [KL] of.

Stephen Sedley

(Rt Hon Sir Stephen Sedley)

Appendix 3: Letter from [KL] to the Commissioner for Standards commenting on Lord Mann's response to their complaint, Monday, 23 November 2020

To Lucy Scott Moncrieff, Commissioner for Standards and Suzanne Burton

RE: Highly Restricted: [...] - Response from Lord Mann

Dear Ms Scott-Moncrieff and Ms Burton,

Comments on Lord Mann's response to my complaint

My feedback on Lord Mann's response takes the form of factual corrections and brief comments in red on various sections of his response (attached) and a number of points I enumerate here. I will be endeavour to brief and will not submit further documentation at this stage unless requested.

1. Lord Mann's justification for his intervention

Lord Mann writes at length about matters which are in my view tangential to the complaint I made against him and act as a distraction. He includes a great deal of material about QR, about [their] distress and about his motivation in helping

[them]. He also writes about his view that [they have] been unfairly treated and ill served by the professional body. The extent to which QR feels that [they have] been unfairly treated by (Professional body) is not, in my opinion, relevant here. However, in opening this matter up, Lord Mann appears to breach confidentiality by referencing correspondence that I, not being an official of the organisation, was not and should not have been privy to.

Lord Mann justifies his intervention not in terms of a role which authorises him to do so but in terms of his desire to help someone who claimed [their] organisation was failing to respond to [their] complaint ([They] wrote to him less than two weeks after the exchanges which led to [their] decision to leave the group) Lord Mann seems to have acted impulsively and without due regard for the consequences. His approach is inconsistent, On the one hand he claims that matters are best addressed within the organisation itself and on the other he continues to interfere, congratulating himself on his success in so doing and giving every indication that he will continue to do so by, for example by pressing the professional organisation to adopt the IHRA definition.

Having intervened in a manner which clearly goes beyond advocacy and seeks to pass judgement, as his letter to YZ of 7 July demonstrates, he declined to respond to my rebuttal other than on one very minor matter and he ignored my subsequent letters. Lord Mann may be filled with a desire to help and or to rescue a person in distress but that does not absolve him from being accountable for his conduct.

2. Antisemitism and the IHRA definition

Despite having said that his experience of fighting antisemitism is not relevant to the complaint, Lord Mann devotes a considerable amount of space to this and even more to his successes in getting the IHRA definition adopted. He is kind enough to share two articles I wrote which briefly allude to these matters. However none of this is pertinent because, in my letter to him of 12 August, I did not challenge his use of the definition. Lord Mann cannot on the one hand use his title of HMG's Special Advisor on Antisemitism, pronounce on my contravening the IHRA definition, accuse me of employing anti-Semitic tropes and then loftily state that I fail to understand that these pronouncements are solely for guidance purposes. This is disingenuous to say the least as it completely ignores just how serious is an accusation of antisemitism and how those with the power and status to make such accusations should take especial care about evidencing them.

3. Bullying

This brings me to the question of bullying which Lord Mann refutes and he moreover implies that I label those with whom I disagree politically as bullies (p9 para9)

Clearly there are many levels at which bullying is both enacted and experienced. I have not of course complained that Lord Mann has directly bullied me. We have never met. However it is indicative of a pattern. I know from my professional work that patterns of behaviour can be repeated across different contexts and at different levels of system. So for example the determination by Lord Mann and others that all public institutions will adopt the IHRA definition has led to behaviour that is hard to describe as anything other than bullying One example is the letter sent by Gavin Williamson, Secretary of State for Education, to the University Vice Chancellors. I pointed to other examples in my articles.

When I received the letter from Lord Mann to YZ of July 7th I was upset and offended and offered a robust defence. What turned the experience into one of feeling bullied was the total refusal by Lord Mann to engage with my rebuttal. It is the use of power and position without accountability that turns it into bullying.

Additionally it is when there is an obvious imbalance of power. On page 2 of his response Lord Mann claims that he thought the exchange within the professional organisation was between equals; if that had been the case then he would have been levelling his allegations against someone newly qualified and junior in the field who was thus extremely vulnerable to their impact. He was apparently unaware that he had picked on someone with the confidence and knowledge to push back and a reputation in the field that could sustain [them]. As he says (page 3 para 6) people rarely complain about being falsely accused of antisemitism. This is unsurprising. For people just as opposed to anti-Jewish racism as Lord Mann, it is incredibly upsetting to be accused of it; it strikes to the heart of a person's integrity. Additionally there are very few avenues other than the courts in which such protests can be made.

4. Conclusion

I would not have made this nor any of the other complaints if Lord Mann had responded to my repeated requests either to provide evidence for his allegations or to withdraw them and issue me with an apology. That would have been the end of it. I am not, as he almost hints, a vexatious complainant. However there have been aspects of Lord Mann's conduct - further illustrated by his self-justifying response - which point to an irresponsible use of his power and position. Lord Mann's commitment to advancing the cause of fighting antisemitism is one that no decent person would question. However imbuing himself with a sense of righteousness which can so easily tip over into zealotry means, in my opinion, that he acts impulsively, precipitately, carelessly, melodramatically and without due regard for the consequences. He further compounds matters by refusing to take responsibility and by expecting his own benevolent motivations to speak for themselves. This in my opinion is a dangerous use of power and position. I feel passionately that for private citizens such as myself there must be pathways to hold those in public office to account and I am glad to have been offered the opportunity to do so.

Yours sincerely

[KL]

Appendix 4: Letter to the Commissioner, 24 March 2021

Dear Ms Scott Moncrieff and Ms Burton

Thank you for your time on Thursday and thank you for the transcript of the interview.

Regarding the suggestion that I take up the offer of mediation with Lord Mann, I had major reservations at the time but have reflected further and these have now crystallised into a firm decision to turn down this proposal.

My reasons are as follows:

Mediation suggests that the context is that of a dispute or disagreement rather than complainant and defendant. I am not in dispute with Lord Mann as much as complaining about an abuse of office and, because of his position, I do not

consider that we are on equal terms. Mediation is always problematic where there is a power imbalance. Although I would not feel intimidated nor unable to get my points across, I predict that Lord Mann's pattern of evasion would come into play again and he would use his position and his record to justify himself.

Mediation also suggests a private dispute between two people, whereas, although I made the complaint about Lord Mann's conduct towards me personally, I have always argued that it is significant because it is about accountability. His conduct towards me is part of a wider pattern of behaviour which I consider needs to be addressed in a public context in order that others do not face the same experience as I have.

Although, as you suggested, the particular nature of this case and Lord Mann's part in it, involve some processes which might lead a [professional] to favour the more personal approach of mediation, it is partly for this very reason that I do not wish to go down this route. [Redacted] But whereas I have spent quite a bit of time trying to work out where Lord Mann is coming from, I do not think this is the right context to address his behaviour. It is not his intentions or motivations but the effects of his actions that count. Thus in my opinion it requires a more formal institutional context rather than a personal encounter.

One factor in this case, as you stated, is the position of QR. When you write your report, whatever your decision is and even if anonymised, [they] would be recognisable to [themselves] and to the (very small) number of people who know about the case. I cannot take responsibility for this. Lord Mann has throughout been determined to keep [them] at the forefront of the case, so I would anticipate him doing so again in mediation. This would put me in an invidious position because in order to give my point of view on [their] involvement I would have to speak about [them] in a way I would prefer not to about a junior colleague. I also have knowledge of [their] professional conduct since my complaint that he may not have. Although I have been clear from the outset that my complaint has not been about QR, I would end up commenting on [their] role in order to convey to Lord Mann my opinion that he has both used [them] as an alibi and exaggerated the extent of [their] distress and that he has done so in a way that attempts to discredit me. I hope you understand that I simply do not want to get into those kinds of conversations with him.

For all these reasons I have decided against mediation. I think my complaint is better served by the process taking its course with your decision and your report.

If I may, I would like to offer some reflections which may be of use to you. I realise that you may think this inappropriate in which case you will of course disregard them.

My complaint is at one level quite simple and straightforward. It has to do with inappropriate interference into my professional organisation with allegations of antisemitism which were neither evidenced nor retracted nor apologised for. It further deals with Lord Mann's refusal to respond which I experienced as highhanded, bullying, silencing, and demeaning. The question of accountability is what matters. I would always have accepted an apology. I only complained to you because he refused to apologise or even engage with me. So far so straightforward.

However, this particular case is embedded in layers of contentious politics. I imagine that Lord Mann is reluctant to issue me with a public apology because it would mean admitting that he has actually accused me of antisemitism.

Everyone, including the two QC's with whom (prior to this complaint) I shared the contents of his original email to YZ , agrees that this is what he was doing. But the IHRA definition, to which he refers and the promulgation of which appears to be his mission, is based on deliberate vagueness and ambiguity. Allegations of antisemitism under IHRA have the potential to destroy reputations and lose people their jobs but Lord Mann continues to frame it as 'advice' or 'guidance'. This enables him to make false allegations of antisemitism without taking responsibility for backing up his allegations with evidence.

My impression is that Lord Mann is flailing around, trying at all costs to avoid the substance of my complaint because he fears that, if he accepts that he accused me without evidence and apologises, the whole edifice of the IHRA definition and its use against critics of Israel might somehow be compromised.

I am writing about this wider context not to try and draw you into a political argument but to reflect on why, having intervened recklessly in my professional organisation and refused to be held accountable, Lord Mann still seems determined not to address my complaint straightforwardly—even to the absurd extent of saying that to have responded to my first email would have been 'egregious'. When language is exaggerated and distorted in this way, it usually shows that something else is at stake. I hope I have explained what I think that is and why Lord Mann may be so desperately keen that the case does not find its way into the public domain that he - once again - uses the possible impact on QR as an alibi.

To sum up, while I decline the offer of mediation, I am grateful to you for the time and effort you have put into investigating my complaint. I accept that the process that you have put in motion will now continue along the lines you described in our last interview.

Yours sincerely

[KL]

Appendix 5: Account of Previous Accusation

[Redacted]

LORD MANN'S RESPONSE TO KL'S APPEAL⁹

The complainant has extended [their] baseless allegations against me, which included a complaint to the all Party group on antisemitism, which contained false and unevidenced allegations about myself and which the complainant asked to be circulated across Parliament, to now include an attack on [QR] and an attack on the Parliamentary Commissioner.

I have patiently spent considerable time responding to this complaint and when the Commissioner asked for my assistance in agreeing to mediate I accepted her advice and agreed.

The fact that yet another entirely spurious complaint has been added and the extraordinary fashion in which it has been created speak for themselves.

⁹ The complainant takes issue with the whole of Lord Mann's response to the appeal and strongly denies that anything they said constitutes or includes an attack on either QR or the Commissioner for Standards.