

Chris Bryant MP, Member of Parliament for the Rhondda



HOUSE OF COMMONS
LONDON SW1A 0AA

Rt Hon Caroline Nokes MP
Chair, Women and Equalities Committee

Wednesday 11th August 2021

Dear Caroline,

Many thanks for asking me to give evidence as Chair of the Standards Committee to your inquiry on a Gender Sensitive Parliament. My apologies for the IT failure which led to my sudden disappearance during the oral evidence.

You asked me whether it should be possible to exclude a Member of Parliament from the Parliamentary Estate while under investigation for sexual misconduct.

I have not consulted the rest of the Committee, so this is only my personal view.

The answer must be yes, it is possible, although it may not be sufficient to deal with the concern, as constituents or staff may feel that they would be just as anxious about dealing with an MP in the constituency setting as on the Parliamentary Estate. In other work situations one is simply suspended from all work. It is also worth bearing in mind that some powers already exist that can be used by the House of Commons management team to restrict a Member's access to particular services or facilities, not as a sanction but as a precautionary measure to protect staff, following from their duty of care to staff.

We would have to devise a scheme which was fair to all, was clearly understood and was not open to abuse. In particular we would have to consider the following detailed aspects:

1. How to deal with the confidentiality issues surrounding ICGS cases. At present the whole process is entirely confidential. The Commissioner and the Independent Expert Panel do not publish the names of MPs under investigation unless and until they adjudicate against an MP. Any suspension of an MP pending investigation would obviously alter that arrangement and might compromise the anonymity of a complainant.
2. A police investigation can take many months and often takes years. There are several key stages, including the moment of being interviewed under caution, arrest and charging. The House would need to decide at which stage it was right to suspend the Member from the Estate and/or other duties.
3. Any such system of suspension would require either a change to standing orders or a motion of the House in respect of each individual (and probably both). The House might decide that this should be automatic, but that decision would require a change to standing orders. If it were not to be automatic and required a decision of a committee or the House,

the danger is that the committee or the House's decision would be seen as a conviction prejudicing the eventual outcome of any subsequent trial or IEP decision.

4. The issue of what happens to constituents' concerns during a suspension is a material one which has also been raised by Dame Andrea Leadsom. Would an MP suspended from the Estate be allowed to table questions, meet ministers, write letters to ministers, hold surgeries? And how would the voice of the constituency be heard during what could be a lengthy investigation period? Would it be possible for the Member's staff to continue with correspondence and casework for instance, under the supervision of a neighbouring MP?
5. Protracted cases could leave an MP in limbo for a considerable period, including across a general election, in which I presume they would not be able to stand as a party candidate. If subsequently either they were acquitted or the investigation were abandoned, the MP might feel that they had been permanently removed from the House without due process or fair trial. In addition, if the complainant were a member of his or her staff, they would also be made redundant, possibly with very little financial support.
6. MPs are not employees and the House is not their employer. This need not be a major obstacle to finding a solution, but it means that direct comparisons with other workplaces may be difficult.

I raise these questions with the aim of helping the House get to a sensible set of measures that can improve conduct and guarantee a safe workplace for all and I can assure you that the Standards Committee stands ready to assist in developing such a system, although the primary responsibility for ICGS cases obviously lies with the Independent Expert Panel.

There is one further point that is worth making. I think we might also explore additional ways of ensuring safety and security in the workplace in relation to a Member under investigation. Perhaps when the Commissioner initiates a sexual misconduct or bullying case, she should ask the Member concerned to lay out measures s/he is taking immediately to guarantee that all his or her staff feel safe and secure and have confidential support. This could form the basis of an agreement, breaching which could be considered a separate breach of the code.

With best wishes,

Yours sincerely,

A handwritten signature in blue ink that reads "Chris Bryant". The signature is written in a cursive, flowing style.

Chris Bryant MP

Chair, Committee on Standards