



**LORD PRESIDENT OF THE COUNCIL
LEADER OF THE HOUSE OF COMMONS
THE RT. HON. JACOB REES-MOGG M.P.**



The Rt. Hon. Caroline Nokes M.P.,
Chairman, Women and Equalities Committee
House of Commons
London
SW1A 0AA

Our Ref: JRM/NMP1580
/8 August 2021

Thank you for your recent correspondence regarding the Committee's Gender Sensitive Parliament (House of Commons) Inquiry. I shall take each of your Committee's questions in turn.

Whether there is a need to close the 'institutional deficit' (in the words of Professor Sarah Childs) so that there is one body to drive the agenda on gender sensitivity, deliver reform and hold others to account in a planned and transparent way?

I am aware of Professor Childs' evidence in relation to the Commons Reference Group on Representation and Inclusion, which met in 2016-18, and her view that the absence of such a body since then has affected leadership on gender-sensitivity in Parliament. As Professor Childs sets out, the issue of equality in Parliament is multi-faceted: it encompasses not just the experiences of MPs whilst in Parliament but the selection of candidates; the treatment of Members in all areas of their activity; and the outputs of Parliament in terms of legislation, scrutiny and representation. It is important that all of these aspects are addressed and this goes beyond the remit of a single internal parliamentary body.

Whilst I do not see the 'institutional deficit' that Professor Child describes and I consider that there are many within Parliament working hard to improve diversity and gender sensitivity, I am always open to considering suggestions of how focus on these critical issues might be enhanced.

Is there currently a security gap needing to be closed so that it would be possible to exclude a Member of Parliament from the Parliamentary Estate while under investigation for sexual misconduct? This would be as a protective measure, similar to other workplaces, and not prejudice the outcome of any investigation.

Whilst Parliament is their workplace, MPs are not employees and unlike those employed in other roles, their responsibilities cannot be transferred to another individual. Members have a right to attend Parliament by virtue of the fact that they have been democratically elected to represent their constituency and have a special duty to their constituents as their sole representative in the House of Commons. Excluding MPs from Parliament is therefore something that requires particular consideration from a constitutional perspective.

The temporary exclusion of MPs would also bring a number of critical practical challenges. The likely media interest that exclusions would attract could have a range of detrimental impacts on the parties involved: the confidentiality of the reporter would likely be jeopardised; the prospects of fair investigation could be weakened; and the principle of a presumption of innocence would likely be eroded. There would also be an increased risk of allegations of misconduct to be used vexatiously.

I am aware of the important security and safeguarding arguments in play here. However, for the reasons set out above, I do not believe exclusion pending the outcome of an investigation to be an appropriate course of action in this context, although Members may voluntarily choose not to attend the House.

Do you draw a distinction between matters under investigation by the police (and therefore might apply to other serious crimes) and those under investigation by the Independent Complaints and Grievance Scheme?

It is important that matters that could be criminal in nature are handled correctly by the police. Where an individual reports an incident to the ICGS that is potentially criminal in nature, they will be advised, and supported, to contact the police but are not obliged to do so.

If an ICGS investigator believes that a criminal offence has been committed, they will share anonymised information with the police under a protocol designed to ensure that the internal investigation does not inadvertently prejudice a criminal investigation.

If an incident is reported to the police, the ICGS investigator will consider the circumstances of the case to determine whether it is appropriate to investigate the

matter at the same time or whether it should be paused until the criminal investigation is complete.

An ICGS case can be paused pending the outcome of a police investigation. The investigator would then make a decision about whether this has already been adequately investigated.

It should be noted that, in addition to sanctions that may be recommended in response to misconduct by an MP by the Parliamentary Commission for Standards, the Standards Committee and the Independent Expert Panel (IEP), there is legislation that applies in the event a Member of Parliament receives a custodial sentence following a criminal conviction. The Representation of the People Act 1981 provides that if an MP receives a custodial sentence of 12 months or more, they are disqualified from being a member of the House of Commons.

In addition, the Recall of MPs Act 2015 enables constituents to sign a petition to recall their MP if their MP is convicted of an offence and receives a custodial sentence of 12 months or less; is convicted of an offence under the Parliamentary Standards Act 2009; or is suspended from the House of Commons for 10 or more sitting days (or 14 calendar days if the motion is not expressed in terms of sitting days) following a report from the Standards Committee. A recall petition would be successful if signed by at least 10% of the registered voters in a constituency and would lead to a by-election in that constituency.

Prior to the summer recess, the Government tabled a motion to amend the Standing Orders to ensure a sanction of suspension (of the minimum length set out in the Recall of MPs Act) following a report from the IEP would also lead to a recall petition. The motion could not be agreed by the House because an amendment was tabled to it, constituting an objection, and I will therefore set out next steps to the House in due course.

With every good wish,

Yours ever,

Janet