



# HOUSE OF LORDS

3rd meeting  
COND/21-22

## Conduct Committee

### Minutes of the meeting on Thursday 22 July at 1pm via MS Teams

#### *Present:*

|                                 |                  |
|---------------------------------|------------------|
| B. Anelay of St Johns           | Vanessa Davies   |
| L. Brown of Eaton-under-Heywood | B. Donaghy       |
| Cindy Butts                     | B. Hussein-Ece   |
| Mark Castle                     | L. Mance (Chair) |
| Andrea Coomber                  |                  |

With the Clerk Assistant.

#### **DELIBERATION IN PRIVATE**

##### **1. Minutes of the meeting from 17 June**

The minutes of the meeting on 17 June were approved.

##### **2. Oral update by the Chair**

The Chair informed the Committee that the House had agreed that members of select committees would be able to claim the full daily allowance for virtual meetings when the House returned on 6 September. This would put peers on the Committee on the same footing as lay members. The Committee discussed their meeting arrangements more generally and agreed that from October every third meeting should take place physically, with the October meeting being physical. The Committee Assistant would send an email to the Committee to set out which meetings would be virtual and which would be physical.

The Chair informed the Committee that he had signed off answers to Written Questions by Lord Foulkes of Cumnock related to the selection of lay members, the qualifications of lay members, the term lengths of members of the Committee and the overall cost of the Committee. He had also signed off an answer to a Written Question by Lord Marlesford related to the voting rights of lay members.

##### **3. Written appeal on Commissioner's dismissal at preliminary assessment COND/21-22/16, COND/21-22/16A, COND/21-22/16B, COND/21-22/16C**

*Andrea Coomber recused herself for this item.*

The Clerk to the Committee introduced these papers.

The appeal was dismissed.



# HOUSE OF LORDS

3rd meeting  
COND/21-22

## 4. Meeting with new Commissioners for Standards COND/21-22/17

The paper set out suggested amendments to paragraphs 155-158 of the Code which would merge two stages of the Commissioner's investigative process and provide further detail about the content of Commissioner reports. The paper also provided a table of sanctions and remedial actions which had been imposed or agreed in previous cases to guide discussion.

The new Commissioners—Martin Jelley and Akbar Khan—joined the meeting and introduced themselves to the Committee.

The Committee and the new Commissioners considered the proposal in the paper to merge two stages of the investigative process by asking respondents and complainants for comments on the evidence *and* the findings at the same time. This would avoid having to go back to the complainant and respondent multiple times. It was noted that this system was the norm in other investigative practices. The Committee discussed the length of Commissioner reports and it was agreed that short, concise reports were preferable. The Committee noted that they could seek further evidential material from the Commissioner at appeal if they had decided against including some evidence in their report in the interest of brevity.

The Committee discussed the use of the word “validity” in the proposed amendment to paragraph 155 of the Guide to the Code, which read: “[the respondent and complainant in ICGS cases will have the opportunity] to comment on the **accuracy of the evidence and validity of the Commissioner's provisional findings based on that evidence.**” One member expressed concern that the use of “validity” could encourage respondents to use this stage of the investigative process as their first point of appeal, whereas the aim of this stage was to check factual accuracy. The Committee agreed to redraft the amendment to paragraph 155 to read: “comment on the **accuracy of the evidence and the provisional findings based on that evidence**”.

The Committee considered the proposed deletion of “any evidence, written and oral” in paragraph 158 of the Guide to the Code. It was agreed that “any evidence, written and oral” should not be removed from the Guide so the Committee agreed to reinsert it in paragraph 158.

The Committee and the new Commissioners considered how the Commissioners should communicate with members of the House. It was noted that the Commissioners should have good relations with members, but that the relationship should not allow members to lobby or influence the Commissioners on conduct matters. It was agreed that the Commissioners should be visible and available to



# HOUSE OF LORDS

**3rd meeting  
COND/21-22**

members. The Commissioners agreed to meet with the party groups later in the year to establish good relations and channels of communication.

The Committee asked the new Commissioners how they planned to work together on cases while retaining a level of distance. The Commissioners said that they would use each other as a resource but try to retain independence. They would discuss capacity when complaints came in to determine who would deal with each complaint, then keep the content of cases confidential from that point onwards.

## **5. Draft report on Code of Conduct for Members' Staff** COND/21-22/18

The Clerk to the Committee introduced this paper.

The paper included the draft report which set out the changes to the Code of Conduct for Members' Staff as agreed at the Committee's meeting on 17 June. The draft report proposed a further amendment in response to the Committee's concern about indefinite confidentiality requirements.

The Committee noted that the Lords ICGS Implementation Lead, Alex Brocklehurst, was launching an awareness campaign with members' staff to encourage them to complete Valuing Everyone training on a voluntary basis.

The Committee agreed to the amendments to the Code as proposed in the report. The report would be put to the House for approval in September, in advance of the annual audit of members' staff's interests.

## **6. Next steps on Valuing Everyone training** COND/21-22/19

The Lords ICGS Implementation Lead, Alex Brocklehurst, introduced this paper.

The paper invited the Committee to agree guidance for the Lords ICGS Implementation Lead about how he should refer to the Commissioners the names of members who had not complied with the requirement to complete Valuing Everyone training. The paper proposed that the ICGS Implementation Lead should refer members to the Commissioners at quarterly intervals. The paper also considered whether the two members who had not completed Valuing Everyone training—Lord Kalms and Lord Willoughby de Broke—should be considered to be in an additional breach of the Code if they did not complete the training within the one-month deadline set by the former Commissioner in her report.



# HOUSE OF LORDS

**3rd meeting  
COND/21-22**

The Committee agreed that the ICGS Implementation Lead should refer members to the Commissioners at quarterly intervals.

The Committee also agreed that Lord Kalms and Lord Willoughby de Broke should not be considered to be in an additional breach of the Code and should not be referred back to the Commissioners if they did not complete the training within the deadline. Instead, it was agreed that the service restrictions placed on them should continue unless and until they completed Valuing Everyone training.

## **7. Committee membership: peers COND/21-22/20**

The Clerk to the Committee introduced this paper.

All peers on the Committee declared their interest.

The paper considered how the rotation rule might be extended to allow two or three peers to remain on the Committee beyond the end of their appointed term, which would come to an end in January 2022, so that all peers did not leave at the same time. The paper noted that the Committee of Selection would consider making ad hoc adjustments to the rotation rule when needed, so the Committee would need to write to the Committee of Selection to propose their preferred course of action. The paper set out three decisions to be reached by the Committee: (1) how many peers should remain on the Committee with Lord Mance beyond January 2022, (2) how the peers who would remain on the Committee should be selected, and (3) how long the terms of Lord Mance and the peers remaining on the Committee should be.

The Committee noted that they had agreed that Lord Mance should stay on as Chair beyond January 2022, so he should be one of the peers to remain on the Committee. It was also noted that Lord Brown of Eaton-under-Heywood would leave the Committee in January 2022 because he was previously on the Sub-Committee on Lords' Conduct.

The Committee agreed that two peers should remain on the Committee with Lord Mance beyond January 2022.

The Committee briefly discussed the relationship between the Committee and the Steering Group for Change, which was strengthened by the presence of Baroness Donaghy (Chair of the Steering Group) on the Committee. It was noted that the Commission had extended the Steering Group's existence for another 12 months.



# HOUSE OF LORDS

**3rd meeting  
COND/21-22**

It was agreed that the two peers who would, all being well, remain on the Committee with Lord Mance beyond January 2022 should be selected by drawing lots at the Committee's next meeting in October. Lots would be drawn to select two peers from the three eligible members of the Committee—Baroness Anelay, Baroness Donaghy and Baroness Hussein-Ece. The Committee noted that, to ensure political representation, the peer who was not selected would be replaced by a member of the same party group. It was also noted that the Crossbench Convenor would select a replacement for Lord Brown when he left the Committee in January 2022.

The Committee agreed that the two peers who would remain on the Committee beyond January 2022 should have a term length of one year. Lord Mance would stay on the Committee for two more years from January 2022, with the option of leaving at an earlier point if necessary.

## **8. Lord Maginnis of Drumglass: next steps**

COND/21-22/21

The Clerk to the Committee introduced this paper.

The Committee approved a draft letter to Lord Maginnis. The Clerk to the Committee would send the letter on behalf of the Committee at the end of the summer recess.

## **9. Lord Mann report**

The draft report had already been circulated.

*Vanessa Davies left the meeting at this point due to a conflicting meeting.*

## **10. Registration of foreign interests: grace period**

COND/21-22/22

*The Chair recused himself for this item.*

The Clerk to the Committee introduced this paper.

The paper set out options for the grace period to be granted to members of the House whose work for foreign governments had started before the Committee's original report was agreed on 2 December 2020. It was noted that some members of the House had raised concerns about the Committee's original plan to end the



# HOUSE OF LORDS

**3rd meeting  
COND/21-22**

grace period on 31 December 2021 with no exceptions because arbitrations they were involved in would not be finished by this point and they would be forced to take leave of absence or withdraw from the arbitration, which could cause it to collapse. One of the options proposed in the paper was to allow for an extension of the grace period on a case-by-case basis. The paper invited the Committee to choose an option and, if they chose to allow a grace period on a case-by-case basis, agree how the procedure should operate.

The Committee agreed that extensions to the grace period should be granted on a case-by-case basis. It was agreed that the Registrar of Lords' Interests should decide whether to grant such extensions. The Committee noted that a report would be put to the House in the autumn. The Registrar would send chaser emails to members who could be involved in work for foreign governments to remind them that the deadline of 31 December 2021 was approaching and that they should apply for an extension to the grace period if necessary.

The Committee considered whether mediations involving foreign government clients should be deemed to be covered by the provisions for legal and arbitral services. It was agreed that they should. The Registrar would advise members that mediation was included in the provisions and the Guide to the Code would be amended to make this explicit when it was convenient to do so.

In response to a query, the Committee confirmed that members registering an entity controlled by a foreign government should name the entity and the government by which it was controlled, not just the government.

## **11. Any Other Business**

The Committee noted that the next meeting would take place on Wednesday 13 October at 4pm.

The Committee adjourned.

Tom Wilson  
*Clerk to the Conduct Committee*  
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