

25 November 2021

Rt Hon Caroline Nokes MP
Women and Equalities Committee
House of Commons

Ms Nokes

Further to my oral evidence to the Committee in June, I am writing with some additional observations on the question of the proposed exclusion from the Parliamentary Estate of MPs who are under investigation for sexual misconduct allegations. This follows the evidence given by the Leader of the House, the Shadow Leader and senior House staff in July, and a letter sent by the Speaker to the House Trade Union Side and MPs' staff union representatives on 27 October (attached).

I would be grateful if you and your Committee colleagues considered this as supplementary evidence on the issue, and can confirm that the Trade Unions will be more than happy to answer any further questions you and your colleagues might have on this matter. We strongly encourage your Committee to encourage Parliament to look seriously at whether current procedures for dealing with these situations are still the right ones. We believe that they are not.

First, we should stress that the unions are not seeking the *suspension* of a Member of Parliament during any investigation into sexual misconduct allegations; merely that they are not permitted to attend the Estate during that investigation. Suspension of the respondent will almost invariably be the preferred or default option for employers facing such a set of circumstances but—as we all know—the lack of a clear employment relationship between a Member and Parliament does not allow that.

However, the emphases—both in the Leader's evidence and the Speaker's letter—to the constitutional and traditional complexities of implementing such a measure should not blind us to the fact that this is also an issue of risk to individuals working on the Estate, and to the reputation of Parliament.

We do not assume that any or all individuals accused of sexual misconduct are guilty. Parliament has instituted robust independent investigatory procedures to determine innocence or guilt. However, pending the outcome from such an investigation, the attendance on the Parliamentary Estate by someone who may be guilty constitutes a potential risk of repeat behaviour.

Dr Helen Mott, the respected academic who advised Parliament during the creation of the ICGS, told the House unions:

The risk that a man known for sexual misconduct might repeat that behaviour is of course very high indeed. Sexual misconduct is usually very much tied to underlying attitudes about women and to a sense of entitlement: these are enduring traits and repeat offenders are, I would say, the norm rather than the exception.

If such a risk exists, surely the question is what proportionate steps Parliament should take to mitigate it.

In that context, it was notable that much of the evidence provided by the Leader—and, indeed, other parliamentarians who have expressed a view in evidence or correspondence—focused on the potential impact of exclusion on the Member of Parliament under investigation and on their constituents, with little reference being given to the potential risk to the complainant, the investigation and Parliament itself.

In his letter, the Speaker referred to steps taken in a recent case where work was undertaken with the MP concerned and the **usual channels to reach agreement that the Member should not attend the Estate until the allegations against them were investigated**. The Speaker helpfully added that he hoped that in any future case, the Member concerned **would comply in similar terms**.

First, we obviously welcome the Speaker's acknowledgement that attendance on the Estate of an MP facing sexual allegations is a problem.

However, given the seriousness of sexual misconduct allegations, and Parliament's responsibilities to provide a safe environment for staff and others, informal agreements at un-minuted meetings involving the respondent, senior officials and the Whips are entirely inappropriate and potentially prejudicial to any investigation. In addition, such an agreement simply may not be complied with by the MP concerned.

In evidence, the Leader referred to a **strong principle in this country of people being innocent until proved guilty**, which is of course entirely correct. However, the Leader may have made an unwitting conflation of two distinct issues: the investigation itself, which will adjudge the guilt or innocence of the respondent; and the vital need for Parliament to protect the integrity of that investigation while it takes place. We believe that allowing the respondent to attend the Estate—and potentially to interact with the correspondent and witnesses during the investigation puts that integrity at risk.

Parliament as an employer will surely want to assure itself that allowing a respondent in a sexual harassment case to continue attending the Estate will not result in a further allegation of indirect harassment against the employer from the complainant (or any other employee were there to be additional allegations).

Our proposal is, we believe, relatively straightforward and uncontentious:

That, as part of the ongoing work on cultural change in Parliament, the Women and Equalities Committee should recommend a brief inquiry by the Procedure Committee into the viability of formally excluding from the Estate MPs facing sexual misconduct investigations for the period in advance of and during the investigation.

Such an inquiry could explore crucial and complex issues such as:

- Confidentiality for the respondent and complainant;
- Potential new risk-based protocols to allow the ICGS, political parties or the police to inform Parliament that a sexual misconduct investigation is underway;
- The extent to, and means by, which a Member of Parliament can contribute to Parliament during any such exclusion.

As we feel we have demonstrated over the years, the House unions are keen to work constructively with the Commission, your Committee and all relevant parties to improve the culture in Parliament. Some significant positive steps have been made over recent years in this direction. The exclusion of MPs accused of sexual misconduct is, in our view, the next such step, and we therefore encourage your Committee to press for the inquiry we seek.

Yours sincerely

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Ken Gall
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