



Committee on Standards Members—Introductory Guide June 2021

Note by Committee (March 2022): This document is produced by the Committee staff to inform new members of the Committee and is sent to them on their appointment. It is now published, in its most recent version, to coincide with publication of Sir Ernest Ryder’s review of fairness and natural justice in the House’s standards system (it being referred to in that review). Certain material – personal contact details of staff and matter relating to the Committee’s future programme as it was in June 2021 – is redacted.

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Committee on Standards – introductory guide

Introduction

1. The Committee on Standards is a select committee, appointed under Standing Order No. 149 (see Appendix 1). General guidance on the work of select committees can be found in [A Guide for Select Committee Members](#). There are, however, important differences (described in this Note) between the role and working methods of the Committee on Standards and those of other select committees. The role of the Committee is to adjudicate on standards cases, to oversee the work of the Parliamentary Commissioner for Standards and to consider policy relating to standards. However it is for the House, and not the Committee, to make decisions on what standards it expects of its Members and therefore the House agrees the Code of Conduct and the Guide to the Rules.

Membership

2. The Committee consists of seven elected members and seven lay members. The quorum of the Committee is three elected members and three lay members (so at least six members have to be present for formal proceedings to be taken).
3. The Chair of the Committee is elected by the whole House in the same way that most other select committee Chairs are elected. The Standing Order requires the Chair to be from the Official Opposition. The current membership amongst the elected members, including the Chair, is four Conservative, two Labour and one SNP. (Lay members have no political affiliation as it is a condition of their recruitment that they should be politically neutral.)
4. Elected members are appointed to the Committee by the House and remain members of the Committee for the remainder of the Parliament, unless previously discharged by the House. Lay members are people who have never been either MPs or Members of the House of Lords. They are appointed by the House, following a recommendation by the House of Commons Commission, for fixed terms of up to six years. The appointments are non-renewable.
5. Lay members play a full part in meetings in exactly the same way as elected members. Since January 2019 they have had full voting rights. In effect, this means that lay members have a voting majority on the Committee because, in accordance with House of Commons practice, the Chair has only a casting vote. In addition, each lay member has the power to append an opinion to any report agreed at a meeting at which they are present. This power has never been exercised, which reflects the fact that the Committee, like other select committees, has always aimed to proceed by way of consensus.
6. The three Law Officers (the Attorney General, the Advocate General and the Solicitor General), if they are Members of Parliament, may receive papers and may attend and take part in the Committee's meetings, but they cannot vote or be counted in the quorum. The Law Officers have not generally been involved in standards cases. In

recent years, when the Committee has required legal advice it has not sought this from the Law Officers but from the House's own in-house lawyers in the Office of Speaker's Counsel. Speaker's Counsel [*personal information redacted*] occasionally attends committee meetings.

Powers

7. The Committee has all the usual powers of a select committee, including the power to require the submission of written evidence and documents, to examine witnesses and to make reports to the House. It may meet at any time (except when Parliament is prorogued or dissolved) and at any place within the United Kingdom. It may appoint specialist advisers and set up sub-committees. Its reports and evidence are published by order of the House and are available on the Internet.
8. The Committee also has a number of powers not possessed by other committees, considered necessary for it to carry out its work. These may be summarised as follows:
 - The Committee has power to order the attendance before it of any Member of Parliament.
 - The Committee has power to require that specific documents or records in the possession of a Member relating to its inquiries, or to the inquiries of the Commissioner, be laid before it.
 - The Committee has power to appoint legal advisers.
 - The Committee has power to refuse to allow its public proceedings to be broadcast.
 - Any formal sub-committees set up by the Committee have the right to make reports directly to the House, without needing to secure the approval of the main Committee.

The work of the Committee

9. The work of the Committee can be divided into a number of discrete functions, as follows:
 - ***Oversight of the work of the Parliamentary Commissioner for Standards***

In practice, this is carried out by the Commissioner providing at meetings a summary report of complaints received and of the progress of her investigations, and any other matters of interest, on which she also answers questions from Members. [*Information relating to the Committee's timetable redacted.*]

The Commissioner and some other members of her team (usually the Registrar of Members' Financial Interests and the Complaints Manager) attend meetings of the Committee by invitation under Standing Order No. 150 (2)(c).

It used to be the case that in certain circumstances (for example, a complaint against a former Member or a complaint that related to matters going back more than seven years), the Commissioner was expected to consult the Committee before accepting a

complaint for investigation. In January 2019, at the Committee's request, the House resolved that this was not necessary, and approved the Committee's statement that "there should be no exceptions to the general principle that the Committee does not seek to direct the Commissioner's operational decision-making".

Further information on the work of the Commissioner is given in Appendix 3.

- ***Consideration of memoranda from the Commissioner on standards cases***

Many of the Committee's reports to the House arise from consideration of memoranda submitted by the Commissioner, reporting on standards cases in respect of which she has carried out a full investigation. The Commissioner's memorandum sets out the facts of the case and her opinion as to whether these demonstrate any breach of the Code on the part of the Member concerned, and if so how serious the breach was.

On the basis of the Commissioner's report, and any further evidence the Committee may receive or seek, it is then for the Committee to decide if the Member's conduct has breached the Code, to report its conclusions to the House and to recommend a sanction to the House, should it consider one necessary.

Maintaining and developing the standards system

The Register of Members' Financial Interests, established by the House in 1974, is maintained by the Registrar of Members' Financial Interests under the authority of the Commissioner. It is printed shortly after the beginning of each Parliament and it is also available on the Internet in a form which is updated at fortnightly intervals when the House is sitting.

The Registers of all-party groups, Members' staff and parliamentary journalists respectively were established by the House in 1985. They are maintained under the authority of the Commissioner and are placed on the Internet.

The most recent full revision of the **Code of Conduct** was approved by the House in March 2015, following a report by the Committee on Standards. Specific further changes were agreed to the Code in July 2018 to incorporate the Parliamentary Behaviour Code, as part of the process of setting up the Independent Complaints and Grievance Scheme aimed at tackling bullying, harassment and sexual misconduct within the parliamentary community.

In addition to the Code itself, which is a statement of general principles, the associated **Guide to the Rules** (printed in the same volume) sets out the detailed requirements relating to registration of interests, declaration of interests and the advocacy rule (which bans lobbying for reward), and describes the procedure for investigating alleged breaches. The most recent version of the [Code and Guide](#) was published in September 2019.

The Committee on Standards in Public Life (the so-called 'Nolan Committee' which is independent of Parliament) has recommended that the Committee on Standards should review the Code of Conduct once a Parliament. This has usually been done on the basis of proposals from the Commissioner, following detailed work within her office and a public consultation process. There has been a delay in completing the most

recent review. The previous Commissioner, Kathryn Hudson, made proposals for updating the Code and Guide, and an informal sub-committee of the Committee produced a revision of the Code text for consultation. This was completed shortly before the November 2019 Dissolution and the full Committee had no opportunity to discuss it. In the present Parliament the Committee has resumed this work, has taken written and oral evidence, and is currently considering proposals from the Chair for a revised text of the Code. *[Information about the Committee's timetable redacted.]* The terms of reference of the inquiry, announced in September 2020, are [here](#).

Other responsibilities

The Committee has responsibility for the regulation of All-Party Parliamentary Groups (APPGs). It has launched a [review](#) of this and taken written evidence, but not yet oral evidence. Responsibility for the House's rules governing the use of House-provided stationery and the crowned portcullis has recently been transferred to the Committee from the Administration Committee.

The division of responsibilities between the Committee and other bodies in respect of conduct issues involving MPs is set out in Appendix 5.

The Committee has contributed to the development of the [Independent Complaints and Grievance Scheme](#) (ICGS) within Parliament. When the ICGS was set up by the House in July 2018, the Committee was given responsibility for dealing with ICGS sanctions and appeals where they related to breaches of the Behaviour Code by Members. In October 2018 Dame Laura Cox, in her independent report on allegations of bullying, harassment and sexual misconduct against House of Commons staff, recommended that this responsibility be taken out of the hands of MPs. In July 2020 the House adopted this proposal by setting up an Independent Expert Panel (IEP) to consider ICGS cases, the responsibility for this having been transferred from the Committee. The IEP is chaired by retired judge Sir Stephen Irwin.

The Chair of the Committee is *ex officio* a member of the Speaker's Committee for the Independent Parliamentary Standards Authority (IPSA) and the Committee is a statutory consultee on IPSA's procedures for investigations.

The Committee has previously submitted written evidence to the Committee on Standards in Public Life (CSPL). The Committee maintains close relations with the CSPL and with other bodies such as the Independent Expert Panel, the House of Lords Conduct Committee and equivalent standards committees in the devolved institutions. *[Information about the Committee's inquiries redacted.]*

Working methods

Meetings

10. The Committee's regular meeting time at present is 9.45 am on Tuesday mornings. Current meetings are "hybrid" – i.e. physical meetings at Westminster with the option of virtual attendance via Microsoft Teams. It is currently planned that from September

2021 all select committees will revert to the pre-pandemic practice of holding physical-only meetings.

11. The Committee's practice has been to meet once a fortnight, although pressure of business has sometimes led to it meeting weekly, and there have been periods when lack of business meant that it met less often, usually monthly. Papers for the meeting are usually circulated to members on the previous Thursday or Friday, by means of an email from the Clerk drawing attention to documents available to members on the Committee's SharePoint site.
12. There is no formal provision to appoint a vice or deputy chair of a committee, but the Committee has resolved that in the absence of the Chair, Sir Bernard Jenkin should take the Chair.
13. The attendance rate of members is recorded and published on the Committee's website at intervals, usually once a year. There is provision for members whose attendance is below 60% to be invited to step down from the Committee.
14. It has been the practice for any member of the Committee who is him- or herself the subject of an investigation by the Commissioner or who is otherwise connected to an investigation in such a way as to have a personal interest in it to withdraw from relevant proceedings.
15. Most meetings of the Committee on Standards are conducted in private. If oral evidence is taken in an individual case, this is taken in private, though a transcript (redacted at the Committee's discretion) is usually later published. Oral evidence on policy-related inquiries is usually taken in public. It is not possible for a select committee to deliberate (that is, discuss its agenda, future programme, contents of draft reports, etc.) in public.
16. The Second Clerk prepares an informal note of each meeting, which it is the Committee's practice to approve at the next meeting. The note is not published.
17. Formal minutes are prepared under the authority of the Clerk and are usually published only at the end of the parliamentary Session.
18. It is the practice for the Clerk to brief any witness giving oral evidence on policy-related matters. This is not the practice in standards cases.

Meeting etiquette [NB this section refers to physical meetings]

19. Select committees are much less formal than the Chamber. Members sit around a table (the "horseshoe"); they are not expected to sit according to party, they do not stand up to speak and they do refer to each other by name rather than constituency. Members may remove their jackets, though some Chairs discourage this during public sessions.
20. Food and drink (except water) are not permitted in committee rooms during public evidence sessions. Members and staff can bring tea and coffee in disposable cups into private meetings, provided they are tidied away before any public evidence session began.
21. Photography is prohibited in meetings.

22. Members may use electronic devices, including laptops, in committee meetings, providing that they are used with due decorum, without unnecessary noise and without disturbance to others. Committee members may send or receive communications during public sessions, but out of courtesy, should refrain from making public comments on the evidence being taken by a committee whilst the session is in progress. Committee staff may live-tweet during evidence sessions, relaying purely factual information without comment. The Liaison Committee has previously highlighted the importance of Members paying attention to witnesses and being “in the room” rather than repeatedly distracted by electronic devices.
23. Members should not tweet whilst the Committee is sitting in private. Disclosing private proceedings of a committee on Twitter or by any other means would be a breach of privilege (see further below).

Confidentiality

24. **It is a breach of privilege, or a contempt, for committee proceedings to be disclosed before they have been reported to the House.** This applies to:
- the content of a committee's private deliberations
 - written evidence submitted to a committee until it is in the public domain
 - draft reports prior to their agreement.
25. Draft reports should be kept entirely secure and confidential. The Speaker has also deprecated the disclosure of the content of reports after agreement but before publication.
26. In practice, almost all the work of the Standards Committee is conducted in private. **What is said and done at private meetings of select committees is strictly confidential and should not be disclosed to others—including a member’s own staff—without the express authority of the Committee.** All committee papers are confidential to the members and staff of the Committee (and to the Commissioner and her staff) unless and until they are published by the Committee’s authority.
27. When the Committee takes oral evidence **on an individual case** it generally hears it in private. Evidence heard in private is, however, almost always subsequently published (personal information may be redacted).
28. **Successive Chairs have regularly reminded colleagues that the obligations of confidentiality are particularly important in this Committee, given the very sensitive matters dealt with relating to the affairs and reputations of individual Members.**

Reports from the Commissioner and subsequent actions by the Committee

29. As noted above, the Commissioner briefs the Committee on work in hand at its regular meetings. In the past this has provided members with an opportunity to declare any interest they may have in a particular investigation before the Commissioner submits her formal memorandum to the Committee.

30. On receiving a memorandum from the Commissioner reporting on an investigation, the Clerk circulates it to the Committee, which in its subsequent discussion first satisfies itself that the Commissioner has conducted a proper inquiry and has provided it with all the information it requires. If the Committee wants more information it asks the Commissioner (or the Clerk) to obtain it. It is open to the Committee to take oral or written evidence from witnesses.
31. A copy of the Commissioner's memorandum is also sent in confidence by the Clerk to the Member who was the subject of the complaint. The Member is offered the opportunity to appear before the Committee in person to give oral evidence, and is invited to submit written evidence, to be considered by the Committee along with the Commissioner's report. In previous years, few Members have chosen to give oral evidence though this has occasionally been done.
32. Where the Committee is satisfied that a breach of the Code has taken place, the Committee's Report to the House will include recommendations as to sanctions.
33. In April 2021 the House approved a package of sanctions to be available in both ICGS and non-ICGS cases. This was on the basis of two reports from the Committee, published in July 2020¹ and March 2021² – see links in the footnotes. The sanctions now available to the Committee to either impose under its own authority or to recommend to the House are set out in a table included as Appendix 5 to this note (along with those that the Independent Expert Panel can impose or recommend in ICGS cases).
34. A list of all sanctions recommended in Standards and Privileges Cases from 1995 to date is circulated with this note. An earlier version of the list has been published by the Committee (as [Appendix 2](#) to the Committee's July 2020 report on sanctions).
35. It is generally accepted to be in the interest of all concerned for complaints to be disposed of with the minimum of delay, consistent with their proper investigation and consideration, and both the Commissioner and the Committee have aimed to achieve this.
36. The Committee's recent practice has been to hold an initial discussion of a Commissioner's memorandum, and then consider a draft Report at the next meeting.
37. The Commissioner's memorandum to the Committee, together with any evidence which accompanied it, is always appended to the Committee's Report and published with it. Evidence relating to the Commissioner's memorandum is published on the Internet.
38. Every effort is made to publish the Committee's Reports—particularly Reports relating to standards cases—as quickly as possible. (In practice, short Reports without oral evidence can often be published within a day or two. However, where oral evidence has been heard, the production of the transcript may affect the timetable.)

¹ Committee on Standards, [Seventh Report of Session 2019-21](#), *Sanctions in respect of the conduct of Members* (HC 241), published 21 July 2020

² Committee on Standards, [Twelfth Report of Session 2019-21](#), *Sanctions and confidentiality in the House's standards system: revised proposals* (HC 1340), published 30 March 2021

39. By authority of the Committee, embargoed copies of its Reports are made available to the Member concerned, as well as to the complainant if the latter is an injured party, usually one hour before publication. Given the nature of the Reports, and the short lead times to publication, embargoed copies are not made available to the press. The Committee will issue a purely factual press notice at the same time that the Report is published.

Treating witnesses with respect, and witness diversity

40. [Parliament's Behaviour Code](#) applies to witnesses giving evidence to the Committee. The Liaison Committee has previously stated that, while it is right for witnesses to be tested on their competence, all witnesses should be able to give their best evidence and treated with courtesy and respect. Not doing so could damage the reputation of select committees and discourage potential witnesses from participating.
41. The Liaison Committee has previously stressed the importance of witness gender diversity. Committees are encouraged to aim for 40% of their discretionary witnesses being female and for a panel of three or more witnesses to include at least one female. This can be encouraged by, for instance, placing witness diversity statements on committee webpages and in communications with witnesses and offering extra spaces on panels to organisations if they can improve the diversity of the panel. The Liaison Committee also encourages better BAME representation on witness panels.

Reports in this Parliament

42. The Committee has so far agreed 12 reports since the last General Election, all in Session 2019-21, as follows:
- First Report, [Kate Osamor](#) (HC 210)
 - Second Report, [Stephen Pound](#) (HC 209)
 - Third Report, [Greg Hands](#) (HC 211)
 - Fourth Report, [Conor Burns](#) (HC 212)
 - Fifth Report, [Mr Marcus Fysh](#) (HC 213)
 - Sixth Report, [Confidentiality in the House's standards system](#) (HC 474)
 - Seventh Report, [Sanctions in respect of the conduct of Members](#) (HC 241)
 - Eighth Report, [David Morris](#) (HC 771)
 - Ninth Report, [Dr Rosena Allin-Khan](#) (HC 904)
 - Tenth Report, [The House of Commons and the criminal law: protocols between the police and the Parliamentary Commissioner for Standards and the Committee on Standards](#) (HC 883)
 - Eleventh Report, [ICGS investigations: Commons-Lords agreement](#) (HC 988)

- Twelfth Report, [Sanctions and confidentiality in the House's standards system: revised proposals](#) (HC 1340)

Protocol with the Metropolitan Police

43. In 2013 the Committee, the Commissioner and the Metropolitan Police agreed a protocol to ensure that criminal proceedings against Members are not prejudiced by the House's disciplinary proceedings, and that the Commissioner's work is not unduly delayed by police inquiries. The 2013 protocol was annexed to the Committee's report on the [House Commons Code of Conduct and the Criminal Law](#), which also considered the relationship between the House's inquiries and parliamentary privilege.
44. In 2020 the Committee and the Commissioner each agreed a separate protocol with the Metropolitan Police, to establish the principle of the Commissioner's operational independence. The two protocols were published in a [report](#) by the Committee.

Staff of the Committee

[Personal information redacted.]

APPENDIX 1

Standing Order No. 149: Committee on Standards

149.—(1) There shall be a select committee, called the Committee on Standards—

- a) to oversee the work of the Parliamentary Commissioner for Standards except in relation to the conduct of individual cases under the Independent Complaints and Grievance Scheme; to examine the arrangements proposed by the Commissioner for the compilation, maintenance and accessibility of the Register of Members' Financial Interests and any other registers of interest established by the House; to review from time to time the form and content of those registers; and to consider any specific complaints made in relation to the registering or declaring of interests referred to it by the Commissioner; and
- b) to consider any matter relating to the conduct of Members, including specific complaints in relation to alleged breaches in any code of conduct to which the House has agreed and which have been drawn to the committee's attention by the Commissioner; and to recommend any modifications to such code of conduct as may from time to time appear to be necessary.

(2) The committee shall consist of seven Members, and seven lay members.

(3) Unless the House otherwise orders, each Member nominated to the committee shall continue to be a member of it for the remainder of the Parliament.

(4) The committee shall have power to appoint sub-committees and to refer to such sub-committees any of the matters referred to the committee.

(5) Lay members may take part in proceedings of the committee and of any sub-committee to which they are appointed and may ask questions of witnesses, may move motions and amendments to motions or draft reports, and may vote.

(6) The quorum of the committee shall be three members who are Members of this House and three lay members, and the quorum of any sub-committee shall be three, of whom at least one shall be a Member of this House and at least one a lay member.

(7) The committee and any sub-committee shall have power—

- a) to send for persons, papers and records, to sit notwithstanding any adjournment of the House and to adjourn from place to place;
- b) subject to the provisions of paragraph (8) of this order, to report from time to time;
- c) to appoint legal advisers, and to appoint specialist advisers either to supply information which is not readily available or to elucidate matters of complexity within the committee's order of reference.

(8) Any lay member present at a meeting at which a report has been agreed shall have the right to submit a paper setting out that lay member's opinion on the report. The Committee shall not consider a motion that the Chair make a report to the House until it has ascertained whether any lay member present wishes to submit such a paper; and any such paper shall be appended to the report in question before it is made to the House.

(9) The committee shall have power to order the attendance of any Member before the committee or any sub-committee and to require that specific documents or records in the possession of a Member relating to its inquiries, or to the inquiries of a sub-committee or of the Commissioner, be laid before the committee or any sub-committee.

(10) The committee, or any sub-committee, shall have power to refer to unreported evidence of former Committees on Standards and Privileges and of former Committees on Standards and to any documents circulated to any such committee.

(11) The committee shall have power to refuse to allow proceedings to which the public are admitted to be broadcast.

(12) The Attorney General, the Advocate General and the Solicitor General, being Members of the House, may attend the committee or any sub-committee, may take part in deliberations, may receive committee or sub-committee papers and may give such other assistance to the committee or sub-committee as may be appropriate, but shall not vote or make any motion or move any amendment or be counted in the quorum.

Standing Order No. 149A: Lay members of the Committee of Standards: appointment, etc

149A.—(1) Lay members shall be appointed to the Committee on Standards by a resolution of the House on a motion made under the provisions of this order and shall remain as lay members in accordance with the provisions of this order.

(2) The period of appointment of a lay member shall be specified in the resolution of the House for appointment and shall not exceed six years. The appointment of a lay member is not terminated by any dissolution of Parliament.

(3) No person who has once been a lay member may be appointed for a further term.

(4) No person may be appointed as a lay member if that person is or has been a Member of this House or a Member of the House of Lords; and any person so appointed shall cease to be a lay member upon becoming a Member of this House or of the House of Lords.

(5) No person may be appointed as a lay member unless that person has been selected on the basis of a fair and open competition.

(6) A person appointed as a lay member may resign as a lay member by giving notice to the House of Commons Commission.

(7) A person appointed as a lay member shall be dismissed from that position only following a resolution of the House, after the House of Commons Commission has reported that it is satisfied that the person should cease to be a lay member; and any such report shall include a statement of the Commission's reasons for its conclusion.

(8) No motion may be made under the provisions of this order unless—

(a) notice of the motion has been given at least two sitting days previously, and

(b) the motion is made on behalf of the House of Commons Commission by a Member of the Commission.

(9) The Speaker shall put the questions necessary to dispose of proceedings on motions made under the provisions of this order not later than one hour after the commencement of those proceedings.

(10) Business to which this order applies may be proceeded with at any hour, though opposed.

APPENDIX 2

Current membership of the Committee on Standards

Chris Bryant MP (Chair) (Labour, Rhondda)

Tammy Banks (Lay member)

Jane Burgess (Lay member)

Andy Carter MP (Conservative, Warrington South)

Alberto Costa MP (Conservative, South Leicestershire)

Rita Dexter (Lay member)

Allan Dorans MP (Scottish National Party, Ayr, Carrick and Cumnock)

Chris Elmore MP (Labour, Ogmore)

Mark Fletcher MP (Conservative, Bolsover)

Sir Bernard Jenkin MP (Conservative, Harwich and North Essex)

Dr Michael Maguire (Lay member)

Mehmuda Mian (Lay member)

Dr Arun Midha (Lay member)

Paul Thorogood (Lay member)

APPENDIX 3

The Parliamentary Commissioner for Standards

1. The Committee has a close working relationship with the [Parliamentary Commissioner for Standards](#), who is an independent Officer of the House appointed by Resolution of the House for a fixed, non-renewable term. Standing Order No. 150 (see annex below) sets out her powers and duties. These include:
 - receipt, and investigation, if she thinks fit, of specific complaints from Members, and from members of the public, in respect of :
 - (i) the registration and declaration of interests, and
 - (ii) other aspects of the propriety of a Member's conduct
 - and to report to the Committee (or to any of its sub-Committees) thereon;
 - maintenance of the Register of Members' Financial Interests (and the three other Registers established by the House);
 - providing confidential advice to Members and others subject to registration;
 - advising the Committee on Standards on the interpretation of the Code of Conduct (including registration and declaration of interests and the application of the advocacy rule), and on questions of propriety generally;
 - monitoring the operation of the Code and Registers and making recommendations thereon to the Committee; and
 - making an annual report to the House on the exercise of her functions (long established, but not mentioned in the Standing Order).
2. The Commissioner attends all meetings of the Committee at its invitation. The current Commissioner is Kathryn Stone, who took up her five-year, fixed-term post in January 2018. She is assisted by the Registrar of Members' Financial Interests and the other staff of her Office.

3. The Commissioner carries out investigations into complaints independently and in private. Although the Committee on Standards has oversight of her work, both the Committee and the House have made clear that they will not interfere with her operational independence (see paragraph 9 above).
4. The Commissioner has no formal powers to require the attendance of witnesses or the production of documents, but successive Committees have always made it clear that they would use their own powers in support of the Commissioner if that proved to be necessary (and have done so on occasion).
5. The Commissioner has considerable discretion in relation to the investigation of complaints she receives. She will not, however, accept for investigation a complaint which falls outside her terms of reference (see below), which is not supported by sufficient evidence to justify an inquiry or which is in effect anonymous.
6. A number of types of complaint against Members fall outside the Commissioner's remit. These include policy matters; handling of constituency matters; the Member's views and opinions; funding of political parties; and alleged breaches of the Ministerial Code of Conduct.
7. If the Commissioner is satisfied that sufficient evidence has been tendered in support of the complaint to justify her taking the matter further, she will ask the Member to respond to the complaint. If she decides, having received the Member's response and on the basis of any further enquiries she may decide are necessary, that the complaint of a breach of the rules of the House has not been substantiated, she will dismiss the complaint and report that conclusion briefly to the Committee on Standards. If after enquiry she finds that there has been a breach of the rules of the House two options are open to her. In cases where the Commissioner is satisfied that the breach is at the less serious end of the spectrum, the Member has accepted and apologised for the breach and has agreed to take steps to rectify the matter, the Commissioner may decide to invoke the *rectification procedure* provided for in Standing Order No. 150(3). Under that procedure, once the Member concerned has taken such action by way of rectification as the Commissioner requires, the Commissioner disposes of the matter by writing to the complainant and does not make a formal report to the Committee as described above. Typically, in cases of failure to register a special entry will be made in the Register. In the case of a failure to declare the Member will be asked to make an apology to the House by way of a point of order or of an intervention in a relevant debate and in the case of misuse of allowances or facilities the Member will be asked to repay the appropriate sum.
8. In all other cases, the Commissioner submits a written memorandum to the Committee. Before reaching her conclusions, she shows a draft of the factual part of the proposed memorandum, in confidence, to the Member, so that the Member can comment if necessary on the accuracy of the draft. When the Member has had the opportunity to respond to the draft, the Commissioner makes any amendments which appear appropriate and adds her analysis and conclusions. The report is then submitted to the Committee. Where appropriate, the Commissioner may also share her analysis with the Member concerned before submitting her final memorandum to the Committee.
9. There have been in the past occasions where it has not been possible for the Commissioner and the Member to agree, or to agree fully, on the facts relevant to a complaint. In November 2002, [the Committee on Standards in Public Life recommended](#)

that there should be provision for an Investigatory Panel to be appointed to provide a more formal investigative mechanism for cases where there appeared to be significant contested issues of fact. The House made provision for such a Panel to be appointed, but on a somewhat different basis from that envisaged by the CSPL. The relevant provisions are set out in Standing Order No. 150(4) to (9); this procedure has not yet been invoked.

ANNEX

Standing Order No. 150: Parliamentary Commissioner for Standards

150.—(1) There shall be an Officer of this House, called the Parliamentary Commissioner for Standards, who shall be appointed by the House.

(2) The principal duties of the Commissioner shall be—

- (a) to maintain the Register of Members' Financial Interests and any other registers of interest established by the House, and to make such arrangements for the compilation, maintenance and accessibility of those registers as are approved by the Committee on Standards or an appropriate sub-committee thereof;
- (b) to provide advice confidentially to Members and other persons or bodies subject to registration on matters relating to the registration of individual interests;
- (c) to advise the Committee on Standards, its sub-committees and individual Members on the interpretation of any code of conduct to which the House has agreed and on questions of propriety;
- (d) to monitor the operation of such code and registers, and to make recommendations thereon to the Committee on Standards or an appropriate sub-committee thereof;
- (e) to investigate, if he thinks fit, specific matters which have come to his attention relating to the conduct of Members and to report to the Committee on Standards or to an appropriate sub-committee thereof, unless the provisions of paragraph (4) apply; and
- (f) to oversee investigations and make findings in cases against Members under the Independent Complaints and Grievance Scheme; to refer such cases to the Independent Panel of Experts where a sanction beyond her powers is contemplated; and to assist the Panel and its sub-panels in its work.

(3) In determining whether to investigate a specific matter relating to the conduct of a Member the Commissioner shall have regard to whether in his view there is sufficient evidence that the Code of Conduct or the rules relating to registration or declaration of interests may have been breached to justify taking the matter further.

(4) No report shall be made by the Commissioner—

- (a) in any case where the Member concerned has agreed that he has failed to register or declare an interest, if it is the Commissioner's opinion that the interest involved is minor, or the failure was inadvertent, and the Member concerned has taken such action by way of rectification as the Commissioner may have required within any procedure approved by the Committee for this purpose; and

- (b) in any case involving parliamentary allowances, or the use of facilities or services, if the Commissioner has with the agreement of the Member concerned referred the matter to the relevant Officer of the House for the purpose of securing appropriate financial reimbursement, and the Member has made such reimbursement within such period of time as the Commissioner considers reasonable.

(5) The Commissioner shall have power to—

- (a) instigate informal discussions with a Member to indicate concern about the Member's reported attitude, behaviour or conduct; and
- (b) require a Member to attend a formal meeting at which the Commissioner may indicate concern about or give words of advice on the Member's reported attitude, behaviour or conduct.

(6) The Commissioner may at any time in the course of investigating a complaint, and if so requested by the Committee on Standards shall, appoint an Investigatory Panel to assist him in establishing the facts relevant to the investigation.

(7) An Investigatory Panel shall—

- (a) (a) consist of the Commissioner, who shall be Chair of the Panel, and two assessors, one of whom shall be a legally qualified person appointed by the Commissioner and the other shall be a Member, who shall not be a member of the Committee on Standards, appointed by the Speaker; and
- (b) meet in private.

(8) The Commissioner—

- (a) shall determine the procedures of the Panel, subject to the provisions of this order; and
- (b) may appoint counsel for the purpose of assisting the Panel.

(9) Any report that the Commissioner may have made to the Committee on Standards in relation to the complaint before the appointment of the Panel shall be made available to the Panel by the Committee.

(10) Any Member who is the subject of the complaint under investigation shall, if he so requests, be heard by the Panel; may call witnesses; and may examine other witnesses.

(11) When the Panel has completed its proceedings—

- (a) the Commissioner shall report as in paragraph (2)(e);
- (b) the legal assessor shall report to the Committee on Standards his opinion as to the extent to which its proceedings have been consistent with the principles of natural justice; and

- (c) the Member assessor may report to the Committee on Standards his opinion as to the extent to which its proceedings have had regard to the customs and practice of the House and its Members.

(12) The Commissioner shall report each year to the House on the exercise by him of his functions.

(13) The Commissioner shall have leave to publish from time to time—

(a) information and papers relating to—

(i) matters resolved in accordance with paragraph (4) of this order; and

(ii) complaints not upheld; and

(b) information about complaints received and matters under investigation.

(14) The Commissioner may be dismissed only following a resolution of the House, moved for by a Member of the House of Commons Commission, after the Committee on Standards has reported to the House that it is satisfied that the Commissioner is unfit to hold his office or unable to carry out his functions; and any such report shall include a statement of the Committee's reasons for its conclusion.

Last amended 21 April 2021.

APPENDIX 4

Responsibilities for regulating Members' conduct

The Code of Conduct is part of a broader landscape of conduct regulation for Members of Parliament and sits alongside the following:

- The oath or affirmation that Members of Parliament take on being elected to the House that they shall be faithful and bear true allegiance to Her Majesty the Queen, her heirs and successors, according to law.
- Conduct in the Chamber which is regulated by the Speaker.
- Members' conduct in relation to Party matters which is a matter for internal regulation within the parties.
- The Ministerial Code which is regulated by the Prime Minister.
- The Parliamentary Behaviour Code and the Independent Complaints and Grievance Scheme (ICGS) relating to bullying, harassment and sexual misconduct, which apply to all members of the parliamentary community (including Members) and which are regulated by the House of Commons Commission.
- Members' expenses and allowances, which are regulated under statute by the Independent Parliamentary Standards Authority (IPSA) and its Compliance Officer.
- Electoral expenses and campaign spending, which are regulated under statute by the Electoral Commission.
- The Stationery Rules and the Rules relating to All-Party Parliamentary Groups (APPGs) which are regulated by the Committee on Standards.
- Allegations relating to criminal misconduct are a matter for the police and the Crown Prosecution Service.

In addition, the Committee on Standards has the power under Standing Order No. 149 to consider any matter relating to the conduct of Members.

APPENDIX 5

Table of sanctions in ICGS and non-ICGS cases approved by the House of Commons on 21 April 2021

Sanctions in ICGS cases

Proposed sanction	Decision-making body
Informal resolution	Commissioner
Words of advice (informal)	Commissioner
Words of advice (formal)	Commissioner
Requirement to attend training or enter into behaviour agreement	Panel
Written apology to complainant mandated by Commissioner	Commissioner
Written apology to the House	Commissioner
Apology to the House in a point of order	Commissioner
Apology to the House in a personal statement	Commissioner
Withdrawal of services and facilities / other personal restrictions including travel (not affecting core functions of a Member ³)	Panel
Withdrawal of services and facilities / other personal restrictions including travel (affecting core functions of a Member ⁴ – where sanction reflects nature of offence)	The House, on the recommendation of the Panel
Dismissal from select committee	The House, on the recommendation of the Panel
Salary or allowances withheld without suspension	The House, on the recommendation of the Panel
Suspension	The House, on the recommendation of the Panel
Expulsion	The House, on the recommendation of the Panel

³ The core functions of a Member are defined as (a) participation in the formal proceedings of the House or its committees, and (b) their ability to communicate with and make representations on behalf of their constituents. If the Panel or the Committee is in any doubt as to whether a sanction would interfere with core functions, they would be expected to seek the views of the House authorities where appropriate, and to err in their decision on the side of caution, i.e. to recommend that imposition of a sanction should be decided by the House itself if there is any reasonable doubt about the matter. (Source: letter dated 4 February 2021 from Chair of the Committee on Standards to the Leader of the House)

⁴ See footnote 1 above.

Sanctions in non-ICGS cases

Proposed sanction	Decision-making body
Informal resolution	Commissioner
Words of advice (informal)	Commissioner
Words of advice (formal)	Commissioner
Correction of register	Commissioner
Requirement to attend training	Standards Committee
Written apology mandated by Standards Committee	Standards Committee
Apology to the House in a point of order	Standards Committee
Apology to the House in a personal statement	Standards Committee
Repayment of money	Commissioner if the Member agrees – otherwise Standards Committee
Withdrawal of services and facilities / other personal restrictions including travel (not affecting core functions of a Member ⁵)	Standards Committee
Withdrawal of services and facilities / other personal restrictions including travel (affecting core functions of a Member ⁶ – where sanction reflects nature of offence)	The House, on the recommendation of the Standards Committee
Dismissal from select committee	The House, on the recommendation of Standards Committee
Salary or allowances withheld without suspension	The House, on the recommendation of Standards Committee
Suspension	The House, on the recommendation of Standards Committee
Expulsion	The House, on the recommendation of Standards Committee

⁵ See footnote 1 above.

⁶ See footnote 1 above.