



Conduct Committee

Minutes of the meeting on Tuesday 11 February at 4pm

Present:

Baroness Anelay of St Johns
Lord Brown of Eaton-under-Heywood
Cindy Butts
Mark Castle
Andrea Coomber

Vanessa Davies
Baroness Donaghy
Baroness Hussein-Ece
Lord Mance (Chair)

with the Clerk of the Parliaments.

1. Minutes of the meeting of 22 January 2020

The Minutes of the meeting held on 22 January were *agreed*.

1. Oral update on Ellenbogen Steering Group for Change

Baroness Donaghy, who had recently been appointed as Chair for the Steering Group for Change, provided an update on the first meeting of that Group. It was agreed that this would be a standing item to aide the connection between the Steering Group and the Committee, as well as Baroness Donaghy sitting on both the clerks to the committee also sat on the Steering Group. The Committee took note of the first introductory meeting of the Group which would next meet on 6 February 2020.

2. Valuing Everyone training

The ICGS Implementation Manager, introduced his paper which provided data on the numbers of members who had attended and are booked to attend Valuing Everyone training. Since the last January meeting, 120 members in total had attended and another 30 were booked to attend. If this monthly rate was maintained, attendance at the training would reach the informal target of 50% by the 2020 summer recess.

The Committee also discussed a request under the Freedom of Information (FOI) Act to release information about the details of members who had attended or were booked to attend Valuing Everyone training. How to respond to FOI requests was a matter for the Clerk of the Parliaments and not the Committee. The Committee considered the merits of publishing such information proactively, rather than in response to FOIs.

In the discussion, the following points were made:

- Requests to provide information, broken down by certain characteristics, risked individual members being identifiable.
- A more positive approach could be to identify individual members who had attended the training, for example, with a symbol on member profiles on the Parliamentary website rather



than actively identifying members that had not yet attended the training. This could be a future development, depending on the uptake of training.

- It was suggested that members could be made aware of the FOI request and informed that individual names would not be published yet, but may be once the 50% target had been reached.
- The Committee was keen at this stage to proceed in a manner that secured the best outcome through positive communication rather than using threats of 'naming and shaming' members.
- The Commons Commission had recently decided not to pro-actively publish the names of MPs who had attended Valuing Everyone training, and that they would reassess the situation and attendance numbers at the 18-month ICGS review in June.

The Committee's preferred approach was to publish in due course names of members who had attended Valuing Everyone training but that further consideration needed to be given about how and when. It was also noted that the final decision on responding to the FOI request was not for the Committee.

3. Data on Commissioner workload

The Standards and Registry Clerk, introduced this paper which provided an update on the Commissioner's current case load. Her caseload had notably increased and the Committee observed that this may be due to changes to the Code to make provision for complaints under the ICGS as well as the ability to submit complaints by email. It was confirmed that the Commissioner had capacity to tackle this case load. It was also noted that due to the confidentiality of complaints processes, there was no means of comparing the workload of the Commons and Lords Commissioners for Standards.

4. Confidentiality of ICGS investigations into members

The Clerk to the Committee introduced the paper seeking the Committee's view on whether to retain the provision in the Code that requires the Commissioner to keep confidential the fact of any complaint or investigation related to bullying, harassment or sexual misconduct. This policy means that the Commissioner's office do not confirm or deny whether a complaint into bullying, harassment or sexual misconduct has been received or is being investigated. All other investigations under the Code are a matter of public record.

The Commons do not confirm or deny any ongoing Commissioner investigations or ICGS investigations. Consistency with the Commons was an issue in a scheme that was meant to be the same in both Houses.

The Committee did not in the upshot feel comfortable about taking a decision at this meeting, not least pending clarification of the position of the Commons. The matter should be revisited after discussions with the Commons which would hopefully take place before the next Conduct Committee meeting in March.

5. Restricting access to House services for members

The Standards and Registry Clerk introduced a paper covering the implementation of restrictions of facilities and services in the House during investigations into bullying, harassment and sexual misconduct, and during any training which is being undertaken as part of remedial action.



The Committee was invited to consider extending the Commissioner's power to restrict access to facilities during investigations to include restrictions on parliamentary services and proceedings e.g. restrictions on select committee participation.

It was agreed amend the Code to empower the Commissioner to restrict access to relevant services by a member while under investigation for bullying, harassment or sexual misconduct, and to enable the Commissioner to make it a condition of remedial action which includes training that the member must adhere to specific restrictions on their access to the facilities and services of the House until the training is complete. The Committee also agreed that the complainant should be informed that any such restrictions had been put in place; as should heads of department for the relevant services; and that the Guide should be supplemented to permit the Commissioner to communicate accordingly with the complainant and heads of department (in the latter case in order for them to put in place appropriate internal controls or checks).

6. Appeals to the Conduct Committee

The Clerk to the Committee, introduced a paper seeking the Committee's views on how appeals against findings of the Commissioner should be handled. She also provided an oral update concerning discussions of the House of Commons Commission on 10 February.

The Committee agreed a series of changes to the Guide to the Code to clarify and improve the appeals process. These changes would need to be approved by the House.

7. Proposed draft report to the House on decisions already taken

The Committee took note of the planned draft report to the House on decisions already made.

8. Any other business

The Chair provided an oral update on his meeting with the Lord Speaker on 10 February.

Kate Lawrence & Chloe Mawson
Clerks to the Conduct Committee