

Written evidence submitted by Anonymous MP (1)

Response to Committee on Standards Review of the Code of Conduct

Overall, this feels very much like an extremely detailed set of rules for **employees**. We are not employees. If it is the intention for us to become so, then all the normal attributes of being an employee would also need to accrue – not least a set number of hours a week, overtime, **full** maternity/paternity leave. There should also be full HR support.

Alternatively, if we are really **employers**, then like companies and other organisations, we should have more freedoms and be held to the law but no more. This would mean having full control over job descriptions and salary bands for our staff, as well as our own secondary accommodation (For example, I had to buy furniture out of my own money because there were no furnished flats for rent in my constituency. If I had had control of an overall budget for the parliamentary session, equivalent to the current accommodation budget, I could easily have covered both rent and purchase of furniture).

We are in fact in a unique hybrid situation. This document fails sufficiently to recognise that and seeks to place onerous requirements on MPs; it will undoubtedly make this an even less attractive role and consequently diminish the quality of those seeking election.

Paragraph	Comments
26	Whilst I understand the argument for rules, if this is the approach taken, there will need to be extreme care taken about how the rules are interpreted.
31	Reference to “poor leadership” strikes me as being critical of the PM and HMG. This immediately undermines my confidence in the supposed objectivity of this report.
32	I have extreme concerns about the proposed new descriptors for the 7 Principles. I believe it is very dangerous indeed to redesign them for MPs – and am aware of no other organisation that does this. Details are below
32 Box 2	Selflessness: I think extreme caution needs to be taken about saying the “principal” role is as an MP. What if one is a minister? There will be times national interests trump local ones (eg allocating funding to different areas). In any case, who has decided that being an MP should be the principal part of someone’s life? WRT the final line, surely you need to add something along the lines of “or any others, eg businesses, trade unions, charities etc”
32 Box 2	Integrity: “beyond reproach” is impossible to achieve. Political antagonism is such that it will always be possible for someone to reproach another’s actions. This is a good example of why it is going to be extraordinarily difficult to implement rules that are applied literally.

32 Box 2	Objectivity: by its nature, party politics is subjective. The final sentence is unacceptable, and open to all forms of malicious interpretation. Who on earth can be a genuinely independent arbiter of this? Again, its inclusion really makes me concerned that those who have drafted this do not have sufficient insight into the realities of everyday life as an MP
32 Box 2	Accountability: How "must" MPs make themselves accountable? This is what an election is for. How on earth would it be assessed?
32 Box 2	Openness: the new text is inferior to the original and adds no new factor. The original should be retained
32 Box 2	Honesty and Integrity: for completeness, I have no specific challenge to the proposed wording other than my general point above that I have severe doubts about the entire exercise of rephrasing the 7 Principles
34 Box 3	The Parliamentary Behaviour Code is being proposed as a set of rules, so how can adherence to it then be included as part of a principle? Am uncomfortable with the concept of " promotion of anti-racism, inclusion and diversity". How would this be assessed? There are obvious dangers here, eg re the Trans debate. MPs should be the leaders of promotion of free speech; this clause threatens to reverse that
37	I therefore disagree with adding a new principle specifically for MPs
41 b	A member's views or opinions surely conflict with the proposed wording on objectivity
58	I am uncomfortable with the addition of a rule, because I think it would be extraordinarily difficult to assess what is unreasonable or excessive. I would absolutely not be content for this to be left to a commissioner as currently appointed. The minimum I would trust is a <i>panel</i> of three retired judges (or people of similar standing)
69	Agree that it would be inappropriate to include constituency casework within the ambit of the code. It would be highly damaging to the morale of staffers and potentially create a culture of fear for them if they came under the remit of the Commissioner. It would potentially make it even more difficult to recruit case-workers than it is now (and it is already very hard)
73	Agree
79	Do not agree that the Speaker should be able to refer a matter in the chamber to the committee. What happens in the Chamber is for the Speaker and House to deal with. Smacks of an attempted power grab by the Committee
92	Use of "bluntly" again suggests a party bias against HMG and specifically here against the Leader of the Commons
101	I am very nervous about the way "confidentiality" is used. This needs much more thorough and widespread discussion. It is currently almost like an NDA during the process. This does not even happen in criminal cases
102	Disagree – see above
103	Final part of this is complex and potentially confusing

111	Again, this seems out of touch with reality and indeed common sense. Let's suppose a member has a perfectly legitimate role with a company in south-east London. They have a meeting with its representatives at 11am. They also have been asked to attend an APPG in PCH at 12 noon. What is wrong with the MP bringing representatives of the company to their office in Parliament in order to allow them to attend a parliamentary meeting immediately thereafter? There is no intrinsic benefit to the company from coming to Parliament, but the MP is saved the lost time and inconvenience of having to travel to and from south east London. This is even more emphatically the case for Zoom calls where it should not matter at all where the MP is physically located as long as they are not seeking to derive advantage from the fact they are in that place
Chapter 6	One area that is missing here is consideration of the declaration of income earned <i>prior</i> to election, but received <i>after</i> election. One cannot be expected to forego genuinely earned income and nor should clients who had no expectation of being placed on a public register find themselves so placed, as is currently the case.
122	"Friends" could be interpreted very loosely and therefore I think this is impractical in practice
167	The safe harbour recommendation is welcome
168	This is an absolutely astonishing suggestion that once more suggests those involved in drafting this document have no idea of the reality of workplaces let alone HR and legal departments. Contracts in the vast majority of organisations are standardised, and cannot be adapted. This proposal would quite possibly make it impossible for the vast majority of members to have additional roles. NB that even IPSA will not change its contracts , so it is utterly wrong to expect others to do so. A more realistic approach would be to require a letter from a suitably senior person in the organisation to confirm that the role does not include such activity
169	I believe the recommendation is too broad and therefore potentially excessively restrictive.
180	Agree, but am not at all sure that all members comply with this. Further, the current rule about "expectation of confidentiality" is neither clear nor fair. It seems to be interpreted as OK for a lawyer or medical professional not to declare their clients, but not anyone else. I can potentially agree to this for a doctor, but not a lawyer.
185	Welcome the acknowledgement that the commissioner could make "potentially partisan political judgements". This needs to be reflected in many of the other proposals
192	NO. This would be utterly unacceptable. For a start, I refer to my point about ministers. In addition, it would be wholly wrong to determine what type of external role is acceptable or not (eg a lorry driver could be absolutely essential to the food chain, as we have seen in the pandemic. So indeed could a PR advisor ensuring a government department communicates in a way that doesn't result in panic buying.) We must not fall into the trap of deciding which jobs are more valuable than others
200	The latter: this is a step too far

209	Final para. I disagree with this finding. It may be the case in theory, but there are numerous cases where the Commissioner's decisions have not provided confidence on the point of absolute impartiality. This is one of the reasons for my deep concerns about these proposals
210 and 211	The position regarding legal representation is confused and unfair. How can it be right for those who can afford it to have the best, but those who can't, to have nothing? And how does it make sense for legal representatives to be there but not allowed to speak? This move towards such strict rules almost inevitably demands full and proper legal representation, paid for by Parliament. And that would not go down well. I therefore disagree fundamentally that a switch to an adversarial system with full legal representation be excluded from the judge-led review. It should be an option to consider along with all others (It feels, not for the first time, that the Committee is trying to predetermine the answers)
214	I am very concerned by this proposal. It needs to be much more open to wide debate and consideration, not buried. "Confidentiality" sounds too much like secrecy, as highlighted above. Different people will have different abilities to represent themselves – it is not a level playing field
229	Re "a fresh consideration of the case by a separate body". Is it equivalent to the Commissioner with the same resources? There is clearly a problem in the current set-up, however hard you try to describe it away
233	There should absolutely be a separation of roles in the Commissioner's office and for the Commissioner him or herself
240	Surely the IEP could be expanded to conduct this additional activity
241	Could be workable if properly constituted, but also possible to see risks with this approach
248	Need to strike a careful balance. Absolutely agree that no lobbying should be undertaken, but likewise, members should not feel able to discuss the situation as widely as they feel necessary in order to get the appropriate guidance, advice and support. NB there are real implications for mental health here
261	Agree. Ridiculous to do 2 hours at 0800 on the first day as an MP
Annex 1 D5	Have highlighted above concern about moneys earnt prior to election but received after. Feel very strongly about this
Annex 1 D9, D10, D11	What is the difference between "must not", "should not" and "shall never"? If they all mean the same, then they should say the same. Otherwise there is scope for debate over interpretation. (Eg "shall never" sounds much stronger than "should not", but given that "should not" refers to parliamentary influence, I doubt that is the intention)
Annex 1 Upholding the Code, 4	As discussed above, I do not believe this is fair, just or acceptable given potential implications for mental health and wellbeing