

Written evidence submitted by the House of Commons Trade Union Side (TUS)

As we said to the Committee in November, the major cultural initiatives within the House of Commons over the past few years—the response to the Laura Cox report; the subsequent creation of the ICGS and IEP; the successful operation of Parliament during COVID; and the introduction of risk-based exclusion—have one common denominator; they were introduced either as a direct result of lobbying and campaigning by the recognised trade unions or with our constructive and engaged partnership.

We therefore welcome the opportunity provided by the Modernisation Committee to discuss the three main themes—**driving up standards; improving culture and working practices; and reforming working procedures**—as part of our continued willingness to be a critical/constructive partner in modernising Parliament.

Driving up standards

We welcome the Committee's proposed focus on driving up standards and improving culture and working practices. We agree with the proposal in the [Leader of the House's memorandum](#) that the Committee has a role to play in advising on the implementation of the recommendations of the third review of the ICGS by Paul Kernaghan and to consider what gaps across the system there are left to address.

The trade unions representing House staff have always acknowledged that most MPs do not perpetrate bullying, harassment or sexual misconduct and are as concerned about these behaviours as the unions. However, this remains a problem in our community and where cases do occur, it can have devastating consequences for individuals, impacts on the wider working culture and causes reputational damage to Parliament and the House Service. Moreover, it is likely that reporting to the ICGS is the tip of the iceberg and the [IEP](#) has commented on how myths and stereotypes on sexual misconduct may hinder complaints being made.

The Committee should scrutinise actions being taken by the House authorities to; address the myths and stereotypes on sexual misconduct and drive up reporting levels where appropriate.

[Dame Laura Cox's](#) 2018 report recommended the introduction of a fully independent system for determining complaints of bullying and harassment by MPs, in which they would play no part. The previous system did not have the confidence of staff, leading some to leave their jobs because they had no confidence that a complaint would be handled effectively.

The introduction of the Independent Complaints and Grievance Scheme (ICGS) for investigating complaints, and the [Independent Expert Panel](#) for determining appeals and sanctions, was welcomed as an important victory for trade unions and House staff who had

spoken out and campaigned for it. Since its introduction, the ICGS has played an important role in holding MPs to account. Determinations of the Independent Expert Panel have helped to set standards for behaviour, making it clear, for example, [that](#) “responsibilities and stresses of being an MP do not justify a loss of courtesy, an exaggerated sense of importance or entitlement, or bullying.”

The Modernisation Committee can play an important role in supporting the ICGS and enabling changes where these are needed to improve the service, particularly where these require the support of a range of stakeholders, including across political parties.

For example, in 2023, the ICGS faced criticism relating to the timescales for determining cases. There have been challenges to improving the service, in part because changes to the rules must be agreed on the floor of the House. Paul Kernaghan recommended in his 2024 [independent review of the ICGS](#):

- A new governance model that would enable more agile, responsive and facilitate rapid change to procedures (recommendation 2).
- The introduction of training for parliamentary prospective candidates with regard to their employment obligations and the Behaviour Code (recommendation 22 22);
- The development of a communications strategy for ICGS process and support for its delivery, making it clear that it has the full endorsement of the relevant Parliamentary authorities (recommendation 25)

The Committee should consider whether the current governance structures for Parliament are appropriate for meeting the challenges presented by bullying and harassment, sexual misconduct, the safety of the parliamentary estate and other Parliament-specific, non-political issues.

One area where we think more work is needed is in ensuring the House fulfils its duty to take reasonable steps to prevent sexual harassment of their workers as required under the [Worker Protection \(Amendment of Equality Act 2010\) Act](#), from October 2024. [Guidance](#) from the Equality and Human Rights Commission explains that this is a preventative duty, designed to “transform workplace cultures by requiring employers to take positive and proactive reasonable steps to prevent sexual harassment of their workers.” This should include anticipating scenarios where a worker may be subject to sexual harassment and taking action to prevent it, or where necessary, to prevent it happening again.

In the previous Parliament, there were occasions where House staff were working alongside MPs under investigation by their party for allegations of sexual misconduct. An important step to prevent this would be to implement Paul Kernaghan’s recommendation for a formal protocol setting out the rights and obligations of the Parliamentary Community with regard to identifying and managing risks arising from information received by them ([recommendation 12](#)).

However, we also think there needs to be a process to allow people who have been witness to poor behaviour to report this and for this information to be acted on. We know that making a formal complaint to the ICGS is a big step, taken by only a small minority of those

who report experiencing bullying, harassment or sexual misconduct in the last twelve months (1% according to the 2023 [Working Lives Survey of House staff](#)). The main barriers to doing so are concerns about reprisals, not being taken seriously, making the situation worse or not wanting to be seen as a troublemaker. One option would be to allow trade unions, for example, to initiate a complaint with those who directly experienced the poor behaviour able to come forward as witnesses.

The Committee should scrutinise what actions the House service are taking to prevent sexual harassment in line with the new duties under the Worker Protection Act. We think such actions should include an information sharing protocol, allowing risks to be assessed.

An important step which would allow the Modernisation Committee to show its support for the principle of independence which underpins the Independent Complaints and Grievance Scheme would be to support the introduction of legislation needed to amend the Recall Act to bring a suspension imposed by the House following a report from the Independent Expert Panel within the ambit of the second recall condition, as recommended by the [Committee on Standards](#) in May 2024 (para 178).

Improving culture and working practices

Accessibility of Parliament

The difficulty for people with disabilities to access, work and progress their careers in Parliament is a lamentable and long-running issue that the Committee would do well to push. The physical condition and design of much of the estate—particularly the Palace of Westminster—is a major obstacle for people with disabilities. Ease of accessibility to Parliament for disabled people is now at a level some way below what MPs would expect to see in a workplace, museum, college or school. In addition, enhanced maintenance (one of three possible current options for R&R) would almost inevitably extend the timeline for creating even the most minimal improvements to access to about a quarter of a century. The message that this sends to disabled people about their access to political and parliamentary processes—and the priority that we as a nation give to that access—needs hardly to be spelt out.

The Modernisation Committee could help by setting a clear timetable for measurable improvements to accessibility for people with disabilities, and to ensure that such a timetable be implemented regardless of the option chosen for the future of the estate.

Workplace Conditions

Linked to this, we are concerned that Parliament should be a reasonable workplace for all of us. The way in which the work of Parliament—debates, Committees and votes—is concentrated in the Palace of Westminster and Portcullis House makes big demands on services in those two areas, meaning that our maintenance staff are under immense pressure to keep an increasingly degrading building just about functioning.

A further consequence of current procedures is that security, catering and maintenance staff (among others, including MPs' staff) are working and resting in areas that are in some cases completely unsuitable. The focus on in-person attendance—while not illegitimate in terms of facilitating better scrutiny—adds immensely to all these pressures. Reported concerns from union members about asbestos, legionella, falling masonry, and heating, ventilation and sewerage failures are increasing, most particularly in those areas where parliamentary business is concentrated.

The Modernisation Committee should recommend that Parliament—perhaps by way of the Procedure Committee—investigate how best MPs might discuss remote participation, electronic voting and greater use of the full Estate for parliamentary business, both as a means of modernising access by all MPs and constituents to parliamentary procedures and as a means of reducing our reliance on increasingly challenged areas of the Estate.

Working Patterns

Staff in the Commons work a variety of working patterns. For some, the sitting patterns of the House have little to no impact, but for a sizeable proportion the decisions made by MPs on sitting times can have a significant impact. Several teams in Chamber and Committee-facing roles may work long, unpredictable hours based on the sitting hours of the House and the volume of Committees sitting on any one day and must balance both workloads, despite the very different hours of sittings.

Other teams might need certainty about recess dates in order to perform essential maintenance and repairs. Although withholding recess dates until the last minute, as has happened in the past, might be politically expedient, it can cause many difficulties both for teams who can take leave only in recesses and for those who have to plan works.

Like MPs, staff whose job requires them to work after the rise of the House or to staff Committee business make decisions based on a potential worst-case scenario. However, uncertainty about sitting times running past the moment of interruption means that this can often be an educated guess. Those with caring responsibilities or requiring childcare are particularly affected by the uncertainty presented by the House's sitting patterns, but all staff benefit from a clear and advance warning of what might happen.

On a related note, one suggested solution to modernising the working hours of the House is often to move private Member's business from Fridays to earlier in the week. It is important to bear in mind that a longer day on a Tuesday or Wednesday would have a corresponding impact on teams that are Chamber-facing and could have an impact on those covering Committee business, too.

Finally, thought should be given to the timings in the implementation of any changes to increase certainty for members of staff. The last major changes to sitting hours were debated in July 2012 and implemented that October. A three-month gap might seem sufficient, but to staff who are having to balance personal budgets, manage precarious childcare arrangements and cover all their personal responsibilities, it can be vanishingly short. This would also help to address women's safety concerns when working late in a

building with atomised layout, which necessitates solo journeys (inside and outside) to transport options.

The Committee must seek to ensure that any proposed alteration to sitting times or patterns takes into account the impact on staff. In particular, the unions would like to see greater certainty about working hours for all of those working at night in Parliament, particularly those with caring responsibilities.

Race in parliament

On race, we now have the most racially diverse Parliament in terms of MPs ever, yet the ethnicity pay gap among HoC staff is high—at approximately 14 pc—and is increasing. Workforce information data has indicated for several years now that the percentage of BME individuals progressing through the recruitment process here declines at every stage; from application to interview, and from interview to appointment. In addition, BME staff account for approximately a third of all HR cases—such as disciplinary issues, long-term sickness and performance—despite making up only a quarter of the workplace.

At first sight some of these issues—disability access and the ethnicity pay gap—may appear to be more of an employment matter for the House Service than it is for your committee. But what Parliament as an employer does surely matters to the rest of the country; if Parliament struggles to recruit and promote black and ethnic minority people, and if it fails to provide an easily accessible workplace that facilitates the development of disabled people in their careers, how can Parliament expect private business and public authorities to improve their own approaches to these challenges?

Parliament as an employer and a workplace

There are of course political matters in which the role of the House unions is strictly limited to engaging on the means necessary to support the proper scrutiny of Government business. But there are other matters, where in our experience it has been difficult and time consuming to get the changes that are essential for the well-being, health and safety of all those who work in Parliament.

During COVID, the unions worked closely with the Commission and the House Service to ensure that Parliament could function during perhaps the biggest national emergency since the war. But it became clear reasonably early on that Parliament as an institution had neither the ability nor the willingness to act institutionally to make all MPs wear masks in the Chamber, despite the fact that by doing so, we would reduce the risk of infection to staff serving in and around the Chamber.

The same applied with risk-based exclusion. During the previous Parliament, the House Service, as an institution and employer—whether through the Leader of the House, the Commission, the CEB or a combination thereof—shied away from acting on behalf of its own employees, citing political or constitutional blocks, to exclude from the estate individuals under investigation for sexual misconduct. It required a long campaign of lobbying by the unions and others to eventually persuade the House to vote (by a majority

of one) in favour of allowing exclusion to take place on the arrest of an MP for such an offence.

The depersonalisation of responses from Parliament to issues affecting it—most notably the “empty chair” ending to the BBC Newsnight programme on the ICGS in 2023—can have the effect, in our view, of alienating Parliament both from the people who work here and potentially from the public.

As part of its work reform of Parliament’s governance structures, the Committee should consider what governance structures and practices are needed, separate from party politics to address issues such as sexual misconduct, bullying and working conditions on the Estate and whether a public face of Parliament for these issues might reduce the perceived distance between the institution and the public.

AI

Finally, as we mentioned in November, the impact of AI on all employers and institutions is currently unknown, and it would be foolish to rush to judgement on how its increasing use might affect Parliament. But two things are relatively clear; one is that a major output of AI is the collection, examination, editing and publication of data and documentation (all of which are key factors in the roles of hundreds of parliamentary staff), while the second is that the pace of developments in AI is accelerating.

With that in mind, the Committee can recommend that the House Trade Unions be invited to attend the recently established AI Working Group for Parliament and can state clearly that the possible employment impact of the increased use of AI must be a key factor in all discussions on the adoption of the technology by Parliament going forward.

December 2024