

Independent Complaints & Grievance Scheme

Independent 18-Month Review

22 February 2021

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Executive summary of findings

1. In response to the allegations and testimony about inappropriate behaviour and a culture of bullying and harassment in Westminster, the Independent Complaints and Grievance Scheme (ICGS) was introduced in the House of Commons in July 2018. Since the 6-month review there has been much progress on the implementation of the Scheme. It is now embedded and operating for all groups across Parliament and there are high levels of awareness of the Scheme and the ICGS Helpline, which provides advice, support and the formal reporting of complaints. This is due to the strong focus on communication using varied media and to the high levels of attendance on the core Valuing Everyone training.
2. The Scheme is a sophisticated workplace one with two sets of separate independent expert providers in the ICGS Helpline and the Independent Investigators services. Its effective implementation and operation is a substantial achievement in the complex organisational context of Parliament, with its mix of employers, employees, office holders and elected representatives, together with the differences in the decision-making, governance and regulatory frameworks in each House. During the review, all stakeholders remained fully committed to the core ICGS principles of fair, independent and consistent investigation of all formal complaints and that all would be treated equitably with the same rights in the process. This is notwithstanding that the details, process or order of procedural steps may differ, given the different frameworks. It is important that this principle of equitable treatment is maintained.
3. During the review I was struck also by the commitment expressed to me from those at every level in the Parliamentary community to the Scheme both as a complaints process and also as a signal of the intent to build a workplace culture of dignity and respect. The foundation for that culture was set out in the Behaviour Code in the Scheme. However, while there has been much progress, it has become plain that several aspects of how the ICGS is operating are impacting on the success of the Scheme and the confidence in it. Its operation and processes have become over complex and there is a perception amongst the Parliamentary community that it is a stressful, isolated and lengthy process. This has been the experience of many of the contributors to the review, in particular during an investigation. Some groups are less likely to use the Scheme for confidential support and advice or to make a claim.
4. Now is an appropriate time to review the operation of the Scheme to ensure it is delivering effectively on its core purposes. My recommendations therefore focus on:
 - **the simplification and clarification of procedures and processes, so as to shorten investigations and be able to** communicate clearly to complainants and respondents what to expect when considering making a claim with clear process end to end;
 - **on investigations**, improving the operation, pace and experience of investigations, for both complainants and respondents;

- **increased support for complainants and respondents** when using the Scheme and integrating it into the ongoing employment relationship, in particular for MPs' staff;
- **moving to a policy and procedure framework** to underpin an effective governance mechanism for making changes to the Scheme more quickly and responsively;
- establishing a governance mechanism **enabling the Scheme to operate and be seen as a consistent framework and approach across Parliament** notwithstanding the difference in which procedure has been implemented in both Houses;
- **ensuring diversity and inclusivity is considered at every stage** so that the experience of all groups is one of equality - of access to, confidence in and outcomes from the Scheme;
- **addressing specific policy and procedural issues** that have caused issues;
- I have also indicated where outstanding recommendations from my 6-month review should now be implemented.

Finally, as many of the stakeholders and contributors to the review acknowledged, the ICGS does not in itself create a working environment of dignity and respect. I have given an overview in the final section of the report of the considerable work that is underway in both Houses to improve that environment and culture. As became clear in the review, many would much rather that poor behaviour and work issues were resolved earlier before they escalate into the need to make a formal ICGS complaint.

Chapter 1: Terms of reference of the 18-month review

Background

5. The background to my 18-month review of the UK Parliament's Independent Complaints and Grievance Scheme (the "Scheme" or "ICGS") is clearly set out in the Independent Complaints and Grievance Scheme (ICGS) Delivery Report, which was published on 17 July 2018.¹ The Delivery Report proposed a Behaviour Code for Parliament, and associated policies and procedures on bullying and harassment and sexual misconduct.² The Scheme introduced dedicated independent Helplines (now consolidated into one Helpline) for those who have experienced, witnessed, or been accused of or are supporting someone in relation to bullying, harassment or sexual misconduct. It also introduced an Independent Investigation service to investigate complaints against staff of either House, MPs, or MPs' staff. The service also supports the Lords Commissioner for Standards to investigate complaints against Lords Members and their staff; and the Commissioner may delegate to an Investigator, to the extent she considers appropriate any of her Investigatory functions.³ The Scheme is also underpinned by training to tackle bullying, harassment and sexual harassment,⁴ and a range of other activities.⁵
6. Since the publication of the Delivery Report, key developments relating to the ICGS include the following:
 - The House of Commons Committee on Standards published a report on Independent Complaints and Grievance Policy: Implementation on 13 July 2018 which focused on the parts of the new policies which fall directly within their remit, being those relating to complaints against Members, proposed changes to the Code of Conduct, and the future role of the Committee and the Parliamentary Commissioner for Standards.⁶
 - The House of Commons Commission endorsed the application of the ICGS policies to House staff and endorsed the awarding of the contracts required

¹ UK Parliament, [Independent Complaints and Grievance Scheme Delivery Report](#), (July 2018), p 34.

² See: UK Parliament, [Conduct in Parliament](#), (accessed 15 January 2021).

³ House of Lords, [Code of Conduct for Members of the House of Lords Guide to the Code of Conduct Code of Conduct for House of Lords Members' Staff](#), (HL 99; July 2020), para 139.

⁴ Valuing Everyone training was introduced to "ensure that everyone working at Parliament is able to recognise bullying and harassment and sexual misconduct and feels confident taking action to tackle and prevent it".

⁵ These activities include diversity and inclusion, learning and organisation development and cultural transformation.

⁶ House of Commons Committee on Standards, [Independent Complaints and Grievance Policy: Implementation](#), (HC 1396; 13 July 2018).

to give effect to their implementation, upon their adoption by the House of Commons, on 16 July 2018.⁷

- The House of Commons approved the Delivery Report and the Committee on Standards' report and their proposals on 18 July 2018.⁸
- Dame Laura Cox's Independent Inquiry Report into the bullying and harassment of House of Commons Staff was published on 15 October 2018.⁹
- The House of Lords Commission endorsed the Behaviour Code on 4 July 2018,¹⁰ and the Independent Complaints and Grievance Scheme was extended to include House of Lords staff on 6 November 2018.
- The appointment of Ms Gemma White QC to conduct an independent inquiry into the nature and extent of bullying and harassment (including sexual harassment) and any systemic behaviours of MPs and of past and present staff of MPs was announced on 7 November 2018.
- The House of Commons Committee on Standards published a report on the Implications of the Dame Laura Cox report for the House's standards system: initial proposals on 10 December 2018.¹¹
- The appointment of Ms Naomi Ellenbogen QC to conduct an independent inquiry into the culture of the House of Lords as a workplace, with a specific emphasis on determining the nature and extent, if any, of bullying and harassment was announced on 19 December 2018.
- The House of Commons Committee on Standards published a report on The Committee's role in ICGS appeals on 13 March 2019.¹²
- The House of Lords Privileges and Conduct Committee published its report on the Independent Complaints and Grievance Scheme on 4 April 2019. It proposed changes to the Codes of Conduct for House of Lords Members and House of Lords Members' staff to incorporate relevant parts of the

⁷ House of Commons Commission, [Decisions](#), (16 July 2018).

⁸ HC Hansard, 19 July 2018, [col. 627](#).

⁹ Dame Laura Cox, DBE, [The bullying and harassment of House of Commons staff: Independent report](#), (15 October 2018).

¹⁰ House of Lords Commission, [Decisions](#), (4 July 2018).

¹¹ House of Commons Committee on Standards, [Implications of the Dame Laura Cox report for the House's standards system: Initial proposals](#), (HC 1726; 10 December 2018).

¹² House of Commons Committee on Standards, [The Committee's role in ICGS appeals](#), (HC 1976; 13 March 2019).

Behaviour Code to deal with complaints of bullying, harassment or sexual misconduct.¹³

- The House of Lords approved the Privileges and Conduct Committee's report on 30 April 2019.¹⁴
- Alison Stanley's report on the Independent Complaints and Grievance Scheme first six months of operation was published on 31 May 2019.¹⁵
- On 10 July 2019, Naomi Ellenbogen QC published her report—An Independent Inquiry into Bullying and Harassment in the House of Lords (hereafter I refer to as the Ellenbogen report).¹⁶
- On 11 July 2019, a report by Gemma White QC—Bullying and Harassment of MPs' Parliamentary Staff (hereafter I refer to as the White report), was published.¹⁷
- On 17 July 2019, the House of Commons amended the ICGS to allow non-recent cases, including those related to former MPs, to be within the scope of the Scheme,¹⁸ with cases allowed to be submitted from 21 October 2019 onwards.

¹³ House of Lords Committee for Privileges and Conduct, [Independent Complaints and Grievance Scheme: Changes to the Code of Conduct](#), (HL Paper 335; 4 April 2019).

¹⁴ HL Hansard, 30 April 2019, [col. 887](#).

¹⁵ Alison Stanley, CBE FCIPD, [Independent 6-month review](#), (31 May 2019) A summary of the terms of reference for the 6-month review and its main recommendation can be found in the annex of this report.

¹⁶ Naomi Ellenbogen QC, [An Independent Inquiry into Bullying and Harassment in the House of Lords](#), (July 2019). The report made 19 recommendations to ensure cultural change within the House of Lords and to enhance options available to address inappropriate behaviour by Members and staff, where it persisted.

¹⁷ Gemma White QC, [Bullying and Harassment of MPs' Parliamentary Staff: Independent Inquiry report](#), (11 July 2019; HC 2206). She concluded inter alia that some MPs' staff were "subject to an unacceptable risk of bullying and harassment, including sexual harassment, at work". She also noted many MPs and their staff had not attended Valuing Everyone training and that MPs needed better support to act as good employers. She also noted that MPs' staff were often deterred from making a complaint because they were directly employed by MPs and feared "career suicide".

¹⁸ HC Hansard, 17 July 2019, [col. 921](#). This endorsed House of Commons Commission, [Extending the Independent Complaints and Grievance Scheme](#), (HC 2554; 15 July 2019). As noted above, extending the ICGS to non-recent cases was the second of Dame Laura Cox's three main recommendations. See: Dame Laura Cox, [The bullying and harassment of House of Commons staff: Independent Inquiry report](#), (15 October 2018). Gemma White QC recommended that non-recent cases should be extended to former MPs. See: Gemma White QC, [Bullying and Harassment of MPs' Parliamentary Staff: Independent Inquiry report](#), (11 July 2019; HC 2206), p 3.

- In October 2019, the House of Lords established the Steering Group for Change to advise on the implementation of the Ellenbogen report, to be a forum for open discussion between Members, staff and others and to bring forward measures to improve the workplace culture of the House.
- In February 2020, the House of Commons Commission agreed to establish a Members' Services Team to deliver an HR function for MPs.
- On 16 March 2020, the House of Lords agreed amendments to the Code of Conduct to bring investigations of older cases more in line with the ICGS.¹⁹
- On 23 June 2020, the House of Commons agreed to the establishment of an Independent Expert Panel to consider cases against MPs raised under the Scheme, rather than being considered by the Committee on Standards which includes MPs in its membership.²⁰
- In November 2020, the second ICGS Annual Report was published, noting the progress the Scheme had made across several areas despite the challenges posed by Covid-19.²¹
- On 25 November 2020, the House of Commons approved the Chair and membership of the Independent Expert Panel.²²

Terms of reference for 18-month review

7. The Delivery Report included a commitment to both a 6-month review of the ICGS, the report on which was published in June 2019, and to this 18-month review.²³
8. The purpose of the review is to assess whether the ICGS delivers a fair, thorough and consistent process for addressing bullying, harassment and sexual misconduct that has the confidence of the Parliamentary community.
9. In assessing this, the review examined:
 - a) the effectiveness and impact of the Scheme;

¹⁹ HL Hansard, 16 March 2020, [col. 1281](#). This endorsed proposals from House of Lords Conduct Committee, [Progress report and amendments to the rules of conduct](#), (HL 34; 9 March 2020). The Committee said that for complaints that were over six years old, the Lords Commissioner for Standards should seek its permission first.

²⁰ HC Hansard, 23 June 2020, [cols 1267–1270](#). The details of the Panel were set out in a paper from the House of Commons Commission published on 22 June 2020 ([HC 538](#)).

²¹ ICGS, [Independent Complaints & Grievance Scheme: Annual Report \(July 2019–June 2020\)](#), (November 2020).

²² HC Hansard, 25 November 2020, [col. 887](#).

²³ As above, p 4. See also: Alison Stanley, CBE FCIPD, [Independent 6-month review](#), (31 May 2019), p 4–5.

- b) policy changes to the Scheme, including changes to the Scheme's governance;
- c) the processes of the Scheme and their operation;
- d) third party reporting, cluster complaints and the appropriateness of time limitation period for historic cases.;
- e) any other matters the reviewer considers relevant.

The full terms of reference for the 18-month review are set out in Appendix 2 of this report.

Chapter 2: Methodology

10. Within a 3-month timeframe,²⁴ I gathered information and feedback from across the Parliamentary community in a number of ways. A summary of my approach is set out below.
11. To gather qualitative data, I held meetings with the following key stakeholders to discuss and collect detailed feedback on the Scheme within the scope of my terms of reference:

Director of the ICGS and members of the ICGS team; Legal advisor to the ICGS; Staff representatives (from each of MAPSA, UNITE, GMB, TUS); current and former independent contractors (bullying and harassment and sexual misconduct Helpline(s); Independent Investigator and training providers); Clerk and Clerk Assistant of the House of Commons; the Director-General of the House of Commons; the Clerk of the Parliaments and Clerk Assistant, House of Lords; Director of Human Resources (HoC); Director of Parliamentary Digital Services (PDS) and Director of PDS Live Services; CEO of the Restoration and Renewal Sponsor Body; Parliamentary Commissioner for Standards (PCS) and members of the PCS team; Chairman of the Independent Expert Panel (HoC); Lords Commissioner for Standards; Chair of the Lords Conduct Committee; Director of Human Resources (HoL) and Deputy; Head of Diversity and Inclusion (HoC) and Deputy; Head of HR Advisory Services and Head of HR Policy (HoC); Director of Cultural Transformation (HoC); Cultural Lead (HoL); Head of Members HR Advisory Services (HoC); Head of Members' Services (HoC); Head of Diversity and Inclusion (HoL) and Deputy; Head of Learning and Organisation Development (HoL) and members of the team; members of the Learning and Organisation Development team (HoC); Leader of the House of Commons, Shadow Leader of the Commons and SNP Spokesperson in the Commons; Speaker of the House of Commons; Leader of the Lords, Shadow Leader of the Lords, Convenor of the Crossbench Peers and the Liberal Democrat Leader in the Lords; Lords Speaker.

12. I also attended meetings of the House of Commons Commission, the Parliamentary Labour Party and of the Party Groups in the House of Lords to explore issues surrounding the ICGS and my review. I met twice with the ICGS Stakeholder Group.
13. I carried out a number of activities to ensure that I took into consideration diversity and inclusion issues and cultural change developments, which were within the scope of my terms of reference. I wrote to the Chairs and Co-Chairs of the Workplace Equality Networks (WENs), held seven focus groups with each of the WENs and had meetings with the WEN Steering Group and several WEN Chairs, Co-Chairs and members. I also attended meetings of the House of Commons Gender Norms Advisory Group. In terms of cultural change activities, I attended meetings of the Cultural Transformation Steering Group (HoC), the Chamber and Committees Team Cultural Transformation Group (HoC) and the Steering Group for Change (HoL). In total, I had over 100 meetings with key stakeholders across Parliament.

²⁴ I began the review on 5 October 2020.

14. I issued a call for feedback from all parts of the Parliamentary community to hear thoughts, concerns and experiences concerning any aspect of the Scheme. This included those who had called the Helpline and/or had been involved in an investigation as a complainant, respondent or witness. I also set up an external email account and invited contributions from those no longer working in Parliament. Responses were provided to me either in writing, by phone call or in person. I had over 50 confidential contributions in person and in writing.
15. I was particularly keen to engage with members of staff who work in operational or service areas, who are not office based, such as catering, security and visitor services, to ascertain whether they faced particular problems in terms of awareness of the Scheme and accessing it. To do this I worked with Internal Communications teams in both Houses to ensure that various channels were used to reach such staff inviting their contributions, I also ran three sessions whereby they could phone me directly. Throughout this report I refer to these staff as 'non-desk based' staff to identify that they do not have the same level of online access as their 'desk based' counterparts. This term has been used in previous Parliamentary staff surveys and has often identified differences in experiences between these two groupings. There is also an acknowledgement that staff from BAME communities are more likely to be found in non-desk based roles.²⁵
16. As with my 6-month review, to gather quantitative data I ran an online ICGS 18-month Survey (hereafter referred to as the ICGS Survey) to assess awareness, experience and perceptions of the Scheme from 17 November 2020 to 4 December 2020. The ICGS Survey was widely promoted,²⁶ and was accessible through mobile devices and links were circulated via various channels to non-desk based staff, who may not have regular online access. It was completed by 706 people from across the Parliamentary community representing: staff of the House of Commons, House Lords, Parliamentary Digital Service and bicameral staff; MPs and MPs' staff; Members of the House of Lords. This included representation from diverse groups, as set out below:

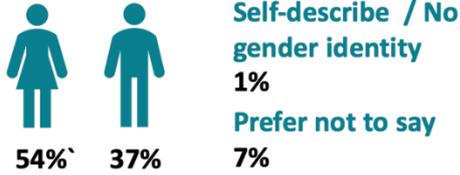
²⁵ For instance, the Commons Clerk's BAME Advisory Group in specifically sought to recruit staff to the Group from Black and other BAME backgrounds in operational and non-desk based roles.

²⁶ I worked with the Internal Communications teams of both Houses. The Survey and reminders were emailed to all Parliamentary email accounts and it was promoted on the Parliamentary intranet and through newsletters for both Members and staff. The Survey was also promoted on the floor of the House of Commons by the Leader of the Commons and the Shadow Leader and by the SNP in the Commons, as well as at weekly Political Party Group meetings in the House of Lords. Finally, I also reached out to MPs' office managers to encourage MPs' staff to engage with the Survey; I engaged with the Managers at one of their weekly meetings and details of the [review](#) and [Survey](#) were posted on the [W4MP website](#).

Chart 1-Demographic Breakdown of responses to ICGS 18-month survey:

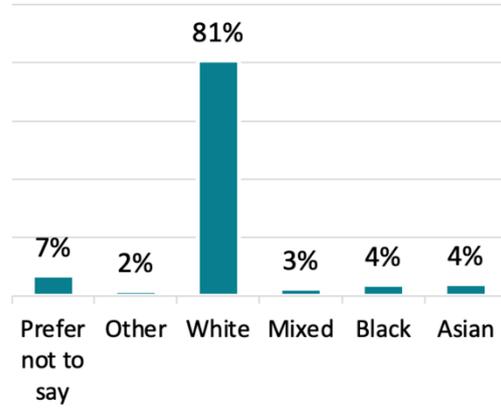
Gender

Which gender do you feel you most identify with? n=706



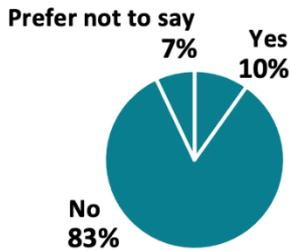
Ethnicity

Which of the following do you feel you most identify with? n=706



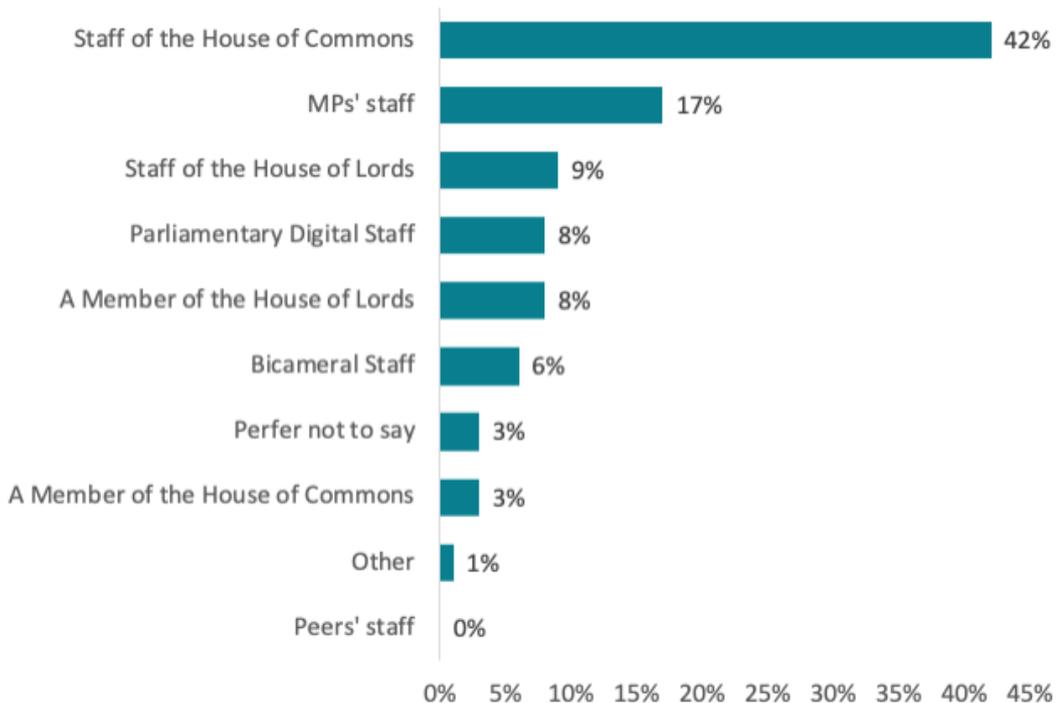
Disability

Do you consider yourself to have a disability? n=706



In terms of an analysis of responses by role, the table below offers a breakdown

Table 1: Breakdown of responses to ICGS 18-month Survey by role:

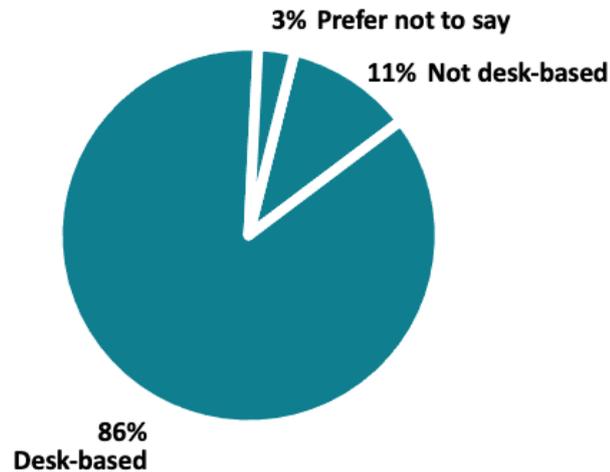


Finally, the breakdown of respondents between desk based and non-desk based staff was as follows:

Chart 2: Responses to ICGS 18-month Survey - Desk and non-desk based staff:

Desk based

Do you consider your role to be primarily desk-based or not desk-based? n=706



17. To ensure impartiality and objectivity, analysis of the ICGS Survey results was provided by an external analyst and is referenced as appropriate throughout my report.
18. Finally, I also reviewed all of the written documentation related to the ICGS and associated cultural, HR, and diversity and inclusion initiatives.
19. I was supported on a confidential basis in various aspects of my review by House of Commons staff from the Office of Speaker's Counsel, the Governance Office, the Internal Communications team and the Evaluation and Insight team. I would like to thank all those who contributed to or otherwise supported my review. In particular, I would like to thank Ian Cruse for his invaluable support.

Chapter 3: Policy, procedure and process

Streamlining processes

20. The ICGS is a sophisticated complaints and grievance system involving two unrelated providers of specialist services in the Helpline and the Independent Investigators. As more cases have been handled over the last 18 months the process steps have continued to evolve and become overly complicated, as it sought to balance the important principles of independence and confidentiality and ensuring a fair, thorough and consistent process in line with the Delivery Report.
21. The Scheme is now embedded across Parliament and is moving into the phase of effective service delivery and continuous improvement. As is referred to in a number of contexts in this report, these over complex processes have contributed to complaints taking longer than they should to be investigated. They are one factor that has led to the perception from those in the Parliamentary community that the process of making a complaint is very stressful and overly complex, which in itself is undermining confidence in the Scheme.
22. All of these aspects are covered in this report but as a first priority it is essential that the process steps for the ICGS are reviewed and streamlined by the ICGS team. Understanding the purpose of each step in the procedure and process, removing duplication and assessing the most effective way of undertaking that step, together with the accompanying paperwork is essential to the success of the Scheme moving forward and enabling effective change to the Scheme as set out in the sections following.
23. **My first recommendation is that as a matter of priority the ICGS team review and streamline all process steps at each stage from seeking support and advice to the Helpline to the investigation, removing duplication and being clear as to the purpose of each step taken. [Recommendation 1]**

The Delivery Report

Current position

24. The Delivery Report was a wide-ranging document covering all the aspects that were essential to establish the Scheme, from the overarching policy and procedural principles and the framework of Independent Helplines and investigation, to the enabling activities of procurement of independent services and training on the Behaviour Code.
25. Whilst it was the crucial document for establishing the Scheme, I noted in the 6-month review that the ICGS Delivery Report was not of itself a helpful communication document. In October 2019, the two policies were taken from it and published as two separate documents, namely the Bullying and Harassment Policy and Procedure and the Sexual Misconduct Policy and Procedure. While this was helpful, the documents are still lengthy at 28 pages and 32 pages respectively, difficult to navigate and understand and do not provide clear

information for policy, procedure and process steps, for complainants and respondents, who may be stressed and concerned as they make or respond to a claim. While the ICGS team have produced Complainant and Respondent Guides, which are an improvement, there is still further work on clarity of information.

The need for change

26. As I observed in the 6-month report, while the main procedural steps are set out in each policy, not all were fully articulated, and the essential underlying implementation processes still needed to be developed. As the Scheme has been put into effective operation, changes have necessarily been made to the detail of these procedures and the underlying processes to give effect to the procedures. These fit within the principles set out in the Delivery Report of fair, thorough and consistent investigation. However, the experience of a complainant or respondent now in the Initial Assessment or investigation would not fully accord with the Procedure section, which is confusing and unhelpful. Examples are where the terminology has changed, for example the accountabilities of the Case Manager role set out in the Procedure section of the Bullying and Harassment Policy are now undertaken by the Independent Investigator. Some timescales have been set out but not all. There is reference to potential sanctions for the various groups in the Parliamentary community, including staff of either House or Members of the Commons, which are no longer up to date given developments elsewhere.
27. In operating a relatively sophisticated system like the ICGS, operating across a number of different groups, it is inevitable that changes will need to be made to the underlying processes to give effect to the key procedural steps based on feedback, from those who have made or faced a claim, the Decision-Making Bodies and on the experienced view of those in the ICGS team administering it on a daily basis. On occasion this will require the procedural steps themselves to be amended.
28. It has not proved easy to do this with these two Policies and Procedures. The question has arisen as to which type of changes need to go to the floor of the House of Commons and to the Lords as changes to the Code of Conduct. For instance, the introduction of the Factual Accuracy Check step did not, but it was proposed that the change of the name of 'case to answer' and adjustment of the test at the Initial Assessment stage would. The importance of both of these are discussed later in the report.
29. For effective ongoing operation of the Scheme a set of workable documents of policy, procedure and processes to put the procedural steps into practice are needed, for example clear information on the steps that will be followed in an investigation. This will allow both effective communication of what to expect at each stage if you make a complaint under the ICGS, the process and what happens after the conclusion of the investigation if it is found that there was behaviour in breach of the policies. It will also enable the necessary changes to process or on occasion procedure to be made in a timely way from a clear understanding of the current position.
30. In the section above I have already recommended that the operation of the procedure and underlying processes be reviewed and streamlined, and they would form part of the set of documents and communication products.

The proposal

31. I would propose that the procedure section of each of the two policies are amended to remove out of date information, with confusing terminology clarified or removed. A list of what I consider falls within this category is set out below but is not necessarily exhaustive. The key framework of procedural steps would remain.
32. Most effective would be to take the Procedure out of each of the current Policies and set them out in a new, separate Procedure and processes document and that this is used for communication and change management purposes. This is in line with best practice in other employers. The ICGS Director can then amend it, subject to consultation with all relevant stakeholders and to the governance mechanism I propose in the governance section later in this report.
33. The principles of the two policies and of the core procedural steps within which complaints are handled would be maintained, namely to *'provide a fair, transparent and consistent approach for reporting, investigating and responding to allegations of bullying and harassment'* as set out in para 1.4. of the Bullying and Harassment Policy and Procedure and mirrored in the Sexual Misconduct Policy and Procedure.

Alternatively the core procedural steps could remain in the Policy and Procedure for each policy but with a statement that a summary of the policy and the detailed procedural and process steps are in the Guides to the ICGS for Complainants and Respondents and other communication documents, which are regularly updated and held by the ICGS Director as described above. It would also be helpful to add that each Decision-Making Body will also have its own relevant procedures for dealing with ICGS cases, after the investigation is completed.

Making future changes to Policy and Procedure

34. Substantive policy changes, for example the eligibility to make a complaint under either policy and policy definitions or policy intent would continue as now to be put to the House of Commons and when amendment is needed to the Code of Conduct to the House of Lords Conduct Committee. If the core Procedure remains within the document changes to that would also be subject to the agreement of each House.
35. Changes to the details of operation of the Procedure and the underlying processes would sit with the ICGS Stakeholder Group and a newly formed ICGS Change Control Group which is described in the Governance section later in this report.
36. As I noted in the 6-month review, a great deal of work went into the development of the Scheme and the two Policies and Procedure. The core Procedural steps would be retained and made clearer. There is also much of value in each Procedure section that could be used effectively in other support documents for complainants and respondents. Also in my 6-month review I recommended that the elements set out in para 229 of the Cox Report be used as a checklist against which to assess action taken on my recommendation and the policy, communications and operation of the Scheme on an ongoing basis. This should continue in consultation with the ICGS Stakeholder Group and the governance structure recommended later in this report.

37. **My recommendation is that the current Bullying and Harassment and Sexual Misconduct Policy and Procedure are amended as described in the proposal above to enable future changes to be made to the details of the core procedural steps and the underlying processes to give effect to those steps.**
[Recommendation 2]

Proposed updating amendments to current Procedures

38. **As referred to above, the proposed amendments to the Procedure sections of both policies I would propose are as follows but this is not a definitive list:**
- a) **Remove or amend the right to review a final investigation report, dependent on agreement to the recommendation on this procedure step in this report.**
 - b) **Update the wording to reflect how procedure has been put into practice and delete those sections that have been overtaken. List as follows:.**
 - i) **Amend where different terminology is used for the same procedural step, e.g. review and appeal used interchangeably when referring to the right to review an investigation report.**
 - ii) **Remove references to Case Manager.**
 - iii) **Delete flowchart as it is not up to date and remove timescales at end.**
 - iv) **Sanctions section – add reference to Independent Expert Panel and delete content on types of sanctions. For updated information on possible standards refer to the appropriate staff handbook or the Parliamentary Commissioner for Standards, Independent Expert Panel or Lords Conduct Committee for information.**
 - v) **To provide clear and current information for complainants and respondents.**

Specific procedure and process changes

Initial Assessment stage

39. In the 6-month review I discussed the concerns that had been raised with me about the purpose of the Initial Assessment, the terminology used to describe it and how it was being carried out. All these elements had resulted in negative impacts for some complainants and respondents.²⁷
40. I recommended that the Initial Assessment should operate as an eligibility check only, carried out by the Helplines, rather than an Independent Investigator. This would avoid the double-handling that appeared to be happening in practice as well as speed up the complaint handling process at this stage. I also recommended that the terminology used of 'case to answer' to describe the

²⁷ Alison Stanley, CBE FCIPD, [Independent 6-month review](#), (31 May 2019), para 74.

outcome of the Initial Assessment should no longer be used, as it did not reflect the test actually used and caused significant distress to respondents.

41. The recommendation was not implemented I am told for a number of reasons, including questions from some stakeholders about the impact on both complainants and respondents. As the term of '*case to answer*' was used in the Bullying and Harassment Policy in the Delivery Report it was also explained to me that any change would need to be agreed on the floor of the House of Commons.²⁸
42. In this 18-month review, I have been asked to consider the Initial Assessment stage again and whether it should operate as an eligibility test only undertaken by the Helpline. In doing so, I spoke with the previous and current Helpline providers, the Independent Investigators and the ICGS team. A significant number of individual contributors, largely respondents but not exclusively, have also described to me their experience of this stage of the complaints process.
43. Since the last review there have been two material changes. Firstly, the Scheme was opened to non-recent cases on October 2019, meaning that the Helplines no longer had to check a caller's eligibility on current membership of the Parliamentary community or date of the incidents. Secondly the service provided by the Helpline has matured and become wholly one of providing support and advice to the caller rather than having any formal gatekeeping role on eligibility under the policies.
44. Given these changes, my previous recommendation that the Initial Assessment stage be operated as an eligibility check by the Helpline would not be appropriate. However, the adverse impact of the use of the term '*case to answer*' continues.
45. Before discussing the issues with and recommended changes, it is important to note that they do not apply in respect of complaints against Members of the House of Lords and their staff. In these instances, the Lords Commissioner for Standards carries out what is called a '*preliminary assessment*' under the Lords Code. That looks at whether the complaint engages the Code and whether the complainant is a first party complainant. This test is used for all complaints under the HL Code: ICGS and non-ICGS. If the test is passed then an Independent Investigator is engaged to work with the Commissioner on ICGS cases. So, the discussion on the Initial Assessment and recommendations in the following paragraphs apply to complaints against Administration staff of the House of Commons and the House of Lords, Members of the House of Commons and their staff.

Case to answer

46. A consistent theme from contributors, both Administration staff in both Houses and Members in the Commons, has been the stress and concern that they experienced on being told by their employer or the Commissioner that on Initial Assessment it had been decided that there was a '*case to answer*'. It appeared to them the Independent Investigator had already formed a judgement as to the

²⁸ UK Parliament, [Independent Complaints and Grievance Scheme Delivery Report](#), (July 2018), paras 4.3 to 6.5.

allegations, without having talked to them or other witnesses. It led to their perception that the subsequent investigation into the allegations would not be fair or balanced. These allegations could result in a disciplinary charge of gross misconduct or a breach of the Code of Conduct in respect of MPs. A number of respondents felt that the ICGS process very much treats respondents as “guilty” until proven otherwise. The phrase ‘case to answer’ also risks giving a misleading expectation from the complainant as to the outcome of their complaint.

47. The usually understood meaning of the phrase ‘case to answer’ is that there has been some assessment of the weight of the evidence to support allegations and that the evidence is sufficient, if proved, to support a finding of breach of a professional/behaviour code or disciplinary policy. However, at this stage the test being applied by the Independent Investigator is much narrower. It is whether the behaviour or actions complained of, if substantiated in the full investigation, would constitute bullying and harassment within the policy. The term ‘case to answer’ is described in the Bullying and Harassment Policy and Procedure as ‘... and whether the alleged behaviour has the potential to reach the threshold for constituting bullying or harassment.’²⁹ In the following paragraph it is defined as ‘The complaint can be made under this policy and the incident(s) warrant further investigation (i.e. they may constitute bullying or harassment)’.³⁰ In the Sexual Misconduct Policy and Procedure it is described as ‘... and the incident(s) warrants further investigation (i.e. they may be sexual misconduct.)’.³¹
48. To reflect these definitions, a more neutral phrase should be used such as ‘a complaint requiring investigation’. Alongside this the message given should be that a complaint has been made that, if substantiated, could amount to bullying and harassment under the policy and that a fair, thorough and independent investigation of the complaint will be carried out.
49. **Given the adverse impact on respondents of the use of the current phrase and to reflect the intention described in the Policy of this initial stage, I recommend that the terminology ‘case to answer’ is no longer used with immediate effect. Instead the phrase ‘a complaint requiring investigation’ should be used. Given the definitions in the two policies, there does not appear to be any bar on ceasing to use the phrase immediately, even if the phrase has not yet been removed from the policies. [Recommendation 3]**

Re-opening complaints resolved in other fora

50. I propose one change to the process at the Initial Assessment stage in situations where the allegations of bullying and harassment relate to incidents or behaviours that have already been the subject of internal grievance, performance management or disciplinary procedures, and where management decisions have been made or grievances considered, and decisions reached on them. While on occasion of course it can be the case that an individual is subject to bullying and harassment during such procedures, experience to date has shown that the Scheme may also be taken as an opportunity for an aggrieved

²⁹ UK Parliament, [Bullying & Harassment Policy & Procedure](#), (July 2018), Para 4.3.

³⁰ UK Parliament, [Bullying & Harassment Policy & Procedure](#), (July 2018), Para 4.4.

³¹ UK Parliament, [Sexual Misconduct Policy & Procedure](#), (July 2018), para 5.3.

individual to reopen and challenge the management action taken against them, or the decision on a grievance, often after they have left employment.

51. The Initial Assessment test as currently applied relies wholly on the complainant's account and does not allow the Investigator in these instances currently to assess if there is evidence of bullying and harassment in the manner in which the management action was taken and if the complaint is likely to succeed or not. A number of staff contributors from both Houses have shared their experience of having taken management action, advised by HR, whose advice they had followed and subsequently having had a complaint made against them by the employee or ex-employee under the Scheme.
52. I was struck by the considerable distress caused to these otherwise confident, professional respondents by the allegations, for example finding themselves accused of bullying and harassment for addressing performance management issues following the appropriate policy and procedures as their employer had encouraged them to do so. They reported feeling abandoned by the employer and HR, who had previously supported them. There was also some incomprehension in those instances where the complainant had signed a settlement agreement on leaving employment but was still able to make a complaint subsequently.
53. Many of the respondents also spoke about the damage the experience had caused to their self-confidence as a manager along with the feeling of not being valued by the organisation. Others spoke of their previously held view of the Lords or Commons being a good employer being significantly undermined. They felt they would be reluctant to handle difficult issues with staff in the future, given the risk of an ICGS complaint being made against them. For some contributors the allegations related to grievances that had already been investigated and not upheld or led to disciplinary action that had been taken against the complainant, where the actions of the manager or other respondents had already been considered. In a small number of cases there had been serial multiple ICGS complaints about the same issues. The Decision-Making Bodies have already made improvements in the messaging and support for respondents in these instances. This must be maintained and is further discussed in the section on Support in this report.
54. In order to prevent reopening issues, which have been resolved elsewhere, I have considered if there should be an absolute bar on making complaints in these circumstances. However, given that the manner in which management action is taken or how a grievance is handled can amount to bullying and harassment, an absolute bar would not seem to be appropriate. I have also considered if there should be an assumption that an ICGS claim cannot be made but with a discretion to allow it in certain circumstances. To maintain confidence in the Scheme, the exercise of that discretion would need to be considered by an independent person using appropriate criteria, which would best fall to the Independent Investigator in staff cases. Rather than create an additional step in the process and potentially discourage a complainant with a substantive claim, I would look to build the consideration of whether the complaint has substance into the Initial Assessment. This is anticipated in the Bullying and Harassment Policy that states that *'In some cases, this Initial Assessment stage will need to include*

contacting the respondent'.³² It is already part of the Initial Assessment process that the complainant is asked if there have been employment or other procedures on the issue.

55. **I recommend that where a complainant has disclosed that there have been previous disciplinary, grievance or other proceedings on the incidents or behaviour, the Independent Investigator asks the complainant for any supporting evidence that they have of their complaint, in addition to their own statement. In such cases the Investigator should ask the Decision-Making Body to contact the respondent and any supporting HR advisor, to give a summary account on the proceedings and provide any paperwork produced. The Investigator can then carry out a paper-based assessment as to whether there is any substance to the complaint, that would warrant a full investigation, having considered all relevant factors, including:**
- **whether an appropriate procedure was followed in a fair manner in line with the relevant employment policy;**
 - **whether the complainant had a right of appeal in those proceedings and whether it was used;**
 - **whether the complaint is not materially different to that raised in the internal proceedings;**
 - **whether any new evidence has emerged;**
 - **whether the complainant has already made an ICGS complaint against another person about the incident or behaviour, and**
 - **any other relevant factor. [Recommendation 4]**
56. In line with the practice in ICGS complaints that first contact with the respondent is handled by the Decision-Making Body, the same approach is proposed here. The Decision-Making Body will also be able to handle the contact with HR and ensure the provision of paperwork, which may sit with HR rather than the respondent.
57. **In respect of complaints against members of the House of Commons or their staff that have already been subject to a decision or formal resolution by respondent's political party, I recommend that this same paper-ed assessment be carried out. Detailed implementation to be worked out and agreed by the ICGS team, relevant Decision-Making Bodies and other stakeholders as required. [Recommendation 5]**
58. **I recommend that the operation and impact of this change to the Initial Assessment is implemented with immediate effect and is kept under regular review by the ICGS team in consultation with the Decision-Making Bodies to assess if it is meeting its purpose or any refinement is needed. If a more**

³² UK Parliament, [Independent Complaints and Grievance Scheme Delivery Report](#), (July 2018), para 4.3.

substantial change appears necessary, then this could be considered through the new operational governance mechanism recommended later in this report. [Recommendation 6]

Threshold criteria

59. A number of stakeholders, including but not limited to the Decision-Making Bodies have raised concern about the mechanistic way the current test is applied in some instances and so have proposed the adding of threshold criteria to the Initial Assessment. They told me of situations where an isolated incident, which met the definitions under the policy was allowed to proceed but was of a low level and even if substantiated would not have merited a formal disciplinary hearing. If made outside of the ICGS process it may have resulted in informal action in respect of the respondent. It was acknowledged that of course if that low level incident were part of an alleged pattern of behaviour then it should proceed to full investigation. Another example was where the various elements of behaviour of a potential respondent during an incident had been framed and assessed as individual acts of bullying, some of which were low level rather than treated as part of the overall incident.
60. While stakeholders emphasised the importance of applying a threshold, there was not agreement about the definition or how it might practically be done at this stage. The importance of applying any threshold criteria fairly and consistently at the Initial Assessment stage was also raised. However, from the experience of the specialist ICGS team members and the Independent Investigators there is some refinement that could be consistently applied to the current test at the Initial Investigation. The nature of the overall complaint can be assessed, if not the strength of it at this stage and whether it would be proportionate to undertake a full investigation. Improvements in the availability of informal resolution will also be helpful for borderline lower level complaints, where there has nevertheless been poor behaviour and adverse consequences for the complainant.
61. **I recommend that the ICGS case managers in their quality assurance role monitor the operation of the Initial Assessment test and if issues arise, consult with the Independent Investigators to learn from their experience, with the Decision-Making Bodies, the team of the Parliamentary Commissioner for Standards, the trade unions and staff representatives on whether further refinement is needed to the test and if so what. [Recommendation 7]**

Right of review of investigation report

62. In the procedure for making a complaint under both the Bullying and Harassment Policy and the Sexual Misconduct Policy, the complainant/reporter has the right to ask for a review of the Investigators report. This is both at the Initial Assessment stage, if the finding is that the complaint does not fall within the policy or does not warrant investigation and on receipt of the final investigation report, if the complaint of bullying and harassment or sexual misconduct is not upheld. Different arrangements apply in a complaint against a member of the House of Lords or their staff under the Code of Conduct.³³

³³ House of Lords, [Code of Conduct for Members of the House of Lords Guide to the Code of Conduct Code of Conduct for House of Lords Members' Staff](#), (HL 99; July 2020), para 133 and para 155.

63. The grounds for review in both policies are the same, namely: '*whether the correct procedure for assessment was followed; and/or whether substantial new evidence has since become available*'.³⁴ No definition of the '*correct procedure for assessment*' is given. The timeframe for making a request for a review is 14 days at both stages in the Bullying and Harassment Policy and 10 working days in the Sexual Misconduct Policy. I understand from the ICGS team that the right to review has been exercised in 6 cases out of the 85 complaints put to Initial Assessment over the lifetime of the ICGS.
64. This right of review is not given to the respondent who is a member of staff in the Administration of either House, an MP or a staff member employed by an MP. This would not appear unfair as it could be assumed that a respondent would not wish to ask for a review of a decision that they had not behaved in breach of either policy. Indeed, the respondent usually would not know of the Initial Assessment if the complaint fell at that stage. I have considered if the respondent should be given a corresponding right of review at this Initial Assessment stage if it is decided that the complaint does warrant full investigation. Given the nature of the test at the Initial Assessment any challenge by the respondent would inevitably be on the basis they have evidence to refute the allegation, which would have to be assessed during the investigation in any event. If the allegation has already been the subject of other proceedings, that will be picked up in the amended Initial Assessment process. There would seem no substantive value in giving the respondent a right of review at this stage.
65. However, of more concern is that the respondent does not have a right of review if the complaint is upheld in the full investigation. The position where a respondent wanted to challenge the investigation report had been expressly anticipated. In the procedures under both policies, it states that that '*the respondent will have the opportunity to raise any concerns about the investigation*' as part of the disciplinary proceedings that would follow such an investigation finding. That opportunity by implication must have been judged an adequate one at the time of the development of the procedures, given that no separate right of review was given to the respondent.
66. However, in practice, this has not been the case. I have heard both from those who have been respondents, from trade unions and staff representatives that the respondent has felt at a material disadvantage in having to challenge the investigation when already facing a disciplinary charge often of gross misconduct that is based on an investigation that they believe is flawed. In addition, these respondents do not consider that they are being treated in an equitable manner under the ICGS, as they are not being given equal rights of review of the investigation as are given to complainants. This view is also supported by other stakeholders, including Members of both Houses. For these reasons, my view is that the respondent should also have the right to request a review on receipt of the full investigation report.
67. When considering the right of review, it is productive at the same time to consider the procedural step of Factual Accuracy Checking. To understand the purpose of this stage it is helpful to see how it operates in the House of Lords and its

³⁴ See: UK Parliament, [Independent Complaints and Grievance Scheme: Bullying & Harassment Policy & Procedure](#), (July 2018), paras 7.1 to 7.3; UK Parliament, [Independent Complaints and Grievance Scheme: Sexual Misconduct Policy & Procedure](#), (Updated October 2019), paras 11.2 to 11.4.

purpose. The House of Lords Guide to the Code of Conduct sets out the process the Lords Commissioner will use for investigating complaints about a Member of the House of Lords, or Members' staff. In this she is assisted by one of the ICGS Independent Investigators.

*'Before finalising her report, the Commissioner will also share with the member a summary of the evidence she has obtained upon which her findings will be founded, so that the member has an opportunity to comment on it. In cases involving bullying, harassment or sexual misconduct, the Commissioner will provide the complainant with the same opportunities to challenge or comment on the evidence.'*³⁵

*'Members, and in cases involving bullying, harassment or sexual misconduct the complainant, are given an opportunity to review and, if they so wish, challenge the factual basis of any evidence supplied.'*³⁶

68. In the House of Commons, the Factual Accuracy Checking step was introduced in the summer of 2020 for complaints against MPs. On the principle of having consistency of approach across all groups in the Parliamentary community, it was introduced at the same time for staff of both Administrations. Under this step the full draft investigation report is shared with both parties, including the outcome of the investigation as to whether or not on the balance of probabilities the behaviour complained of constituted bullying and harassment or sexual misconduct.
69. The purpose as stated to the parties is limited to checking the accuracy of the facts contained in the report. Inevitably, in practice neither complainants nor respondents so limit themselves when they believe the investigation is flawed. They raise concerns such as:
- i) key evidence has been omitted or key witnesses not interviewed;
 - ii) undue weight has been placed on particular evidence;
 - iii) or that the Investigators analysis of it is unreasonable.
70. Under the process it is intended that the Investigator then responds in writing to each challenge from a party, either accepting it and reconsidering evidence or rejecting it, including on the basis it falls outside of the remit of Factual Accuracy Check.
71. Much of these same questions on evidence and witnesses raised in practice in the Factual Accuracy Check, are likely to be raised under the right to review an investigation, particularly in the absence of a definition of whether the 'correct procedure was followed'. Looking at the operation of the Factual Accuracy

³⁵ House of Lords, [Code of Conduct for Members of the House of Lords, Guide to the Code of Conduct Code of Conduct for House of Lords Members' Staff](#), (HL 99; July 2020), para 155.

³⁶ House of Lords, [Code of Conduct for Members of the House of Lords, Guide to the Code of Conduct Code of Conduct for House of Lords Members' Staff](#), (HL 99; July 2020), para 141.

Check in practice and the right to review, there appears to be unnecessary potential duplication and additional time involved in having both these procedural steps, certainly for cases where both parties are staff. To retain both the right to request a review and the Factual Accuracy Check would appear disproportionate and unduly burdensome for a workplace policy. I am also mindful of my recommendations elsewhere in this report to streamline processes.

72. The Decision-Making Bodies, that is the employers, in both Administrations also questioned the value of the Factual Accuracy Check stage for cases where parties are both staff, as it further lengthens investigations and is not a right given to staff in analogous HR processes, such as investigations in disciplinary proceedings.
73. In light of these factors, I have carefully considered the option of removing either the Factual Accuracy Check stage or the review stage for both the complainant and respondent. However, I understand that this option would not be viable in complaints made against MPs given the process steps the Parliamentary Commissioner for Standards follows as the Decision-Making Body. In respect of staff respondents there is a risk of them feeling inequitably treated if the Factual Accuracy Check was removed, while retained for MPs.
74. Therefore, I propose that the Factual Accuracy Check be retained as the key mechanism for both the complainant and the respondent to review the investigation. Whilst it may appear counter intuitive to remove an existing right of review from a party in a complaints process, in this instance those rights can be fulfilled in this other step.
75. The Factual Accuracy Check should allow the same concerns to be raised as would have been in a review. In order to ensure this is the case I propose that the purpose of the Factual Accuracy Check is more expressly defined as follows: Under this step, both parties are asked to: check that facts and dates are correct; raise concerns if the relevant evidence has not been collected or relevant witnesses not interviewed; or if relevant evidence has not been expressly accepted or discounted in the report; or any other concern as to the process of the investigation. This check would not include either party being able to challenge the Investigators' analysis of the evidence unless it were unreasonable or perverse. Under the new governance mechanism recommended in this report, the ICGS Stakeholder Group could consider and decide on this definition.
76. **In order to avoid duplication of process steps and unduly lengthen investigations, I recommend that the Factual Accuracy Check also be the opportunity for review by both complainant and respondent. Both parties will be provided with a draft of the investigation report before it is finalised containing the summary of the evidence on which the outcome will be founded and the proposed outcome. [Recommendation 8]**
77. **I recommend therefore that the complainant's current right to request a review of the full investigation report, where the finding is that the complaint is not upheld, is removed. [Recommendation 9]**
78. **I recommend that the ICGS team monitor the operation, and impact on timescales for investigations of the Factual Accuracy Check and the removal of the right of review over a six-month period from its' introduction. Based on the**

outcome of this monitoring, consideration of changes to the Factual Accuracy Check or other action could be considered by the ICGS Stakeholder Group and the ICGS Change Control Group under the new governance mechanism recommended later in this report. [Recommendation 10]

79. **If the recommendation to remove the current right to review a full investigation by the complainant is not accepted, then I would recommend that for complaints made against staff the Factual Accuracy Check is removed and the current right to review by the complainant extended to the respondent in respect of the full investigation report. [Recommendation 11]**
80. From the perspective of equity of treatment in the process for all groups across the Parliamentary community, it would be helpful for the rationale for the retention of the Factual Accuracy Check to be retained for complaints against MPs.

Policy changes

81. **I would recommend changes to the wording of Bullying and Harassment and Sexual Misconduct Policies as listed.**
- i) **Update the definition of harassment to align it to the Equality Act 2010 as has already been discussed by the House of Commons Commission and already agreed by ICGS Stakeholder Group. Exact wording to be agreed with the House of Lords Conduct Committee as it will also be put to the floor of the House of Lords for agreement;**
 - ii) **Include references to gendered bullying and bullying based on other protected characteristics or intersectionality and the amendments relating to the definition of victimisation as recommended by the Cox review. Wording to be agreed using the governance mechanism recommended in this report. [Recommendation 12]**

Chapter 4: Operation

Investigations

82. The central pivotal pillar of the ICGS is the fair and independent investigation of complaints under both the Bullying and Harassment and Sexual Misconduct Policy.

The Independent Investigators

83. At the start of the Scheme in 2018 an initial specification for Independent Investigators was developed for both bullying and harassment and sexual misconduct. It allowed for a range of different Investigators with different areas of expertise to bid to provide investigation and workplace dispute resolution services on a case-by-case basis.³⁷ The initial contracts were signed with Andrea Adams Consultancy and Conflict Management Plus and ran from September 2018.³⁸
84. In July 2020, as the original contract term for these providers was coming to an end, work commenced on a competitive tendering exercise for the contract for Independent Investigators.³⁹ In September 2020, following the tendering process, contracts were signed with Conflict Management Plus, Total Conflict Management and EA Inclusion to run for an initial two-year period, with contract extension options of two more 12-month periods.
85. In July 2019, the House of Commons had agreed to extend the ICGS to cover non-recent cases. The House of Lords already allowed investigation of older cases under other provisions but agreed amendments to the Code to make such investigations align more with the ICGS on 16 March 2020. In July 2019, in line with the recommendation in my 6-month review, the ICGS team agreed the specification in terms of experience, skillset and capability required from the Independent Investigators with the House of Commons Commission. In December 2019, some 13 Independent Investigators were appointed, with experience from the commercial, public and law enforcement sectors and commissioned on a case-by-case basis to investigate both non-recent cases and also current complex cases.⁴⁰

The number of investigations

86. The ICGS Annual Report, published in November 2020, sets out the data and analysis on investigations in the reporting year July 2019–June 2020.⁴¹ In summary

³⁷ UK Parliament, [Independent Complaints and Grievance Scheme Delivery Report](#), (July 2018), p 11.

³⁸ ICGS, [Independent Complaints and Grievance Scheme: Annual Report \(July 2019–June 2020\)](#), (November 2020), p 20.

³⁹ ICGS, [Independent Complaints and Grievance Scheme: Annual Report \(July 2019–June 2020\)](#), (November 2020), p 8.

⁴⁰ ICGS, [Independent Complaints and Grievance Scheme: Annual Report \(July 2019–June 2020\)](#), (November 2020), p 20.

⁴¹ ICGS, [Independent Complaints and Grievance Scheme: Annual Report \(July 2019–June 2020\)](#), (November 2020), p 20.

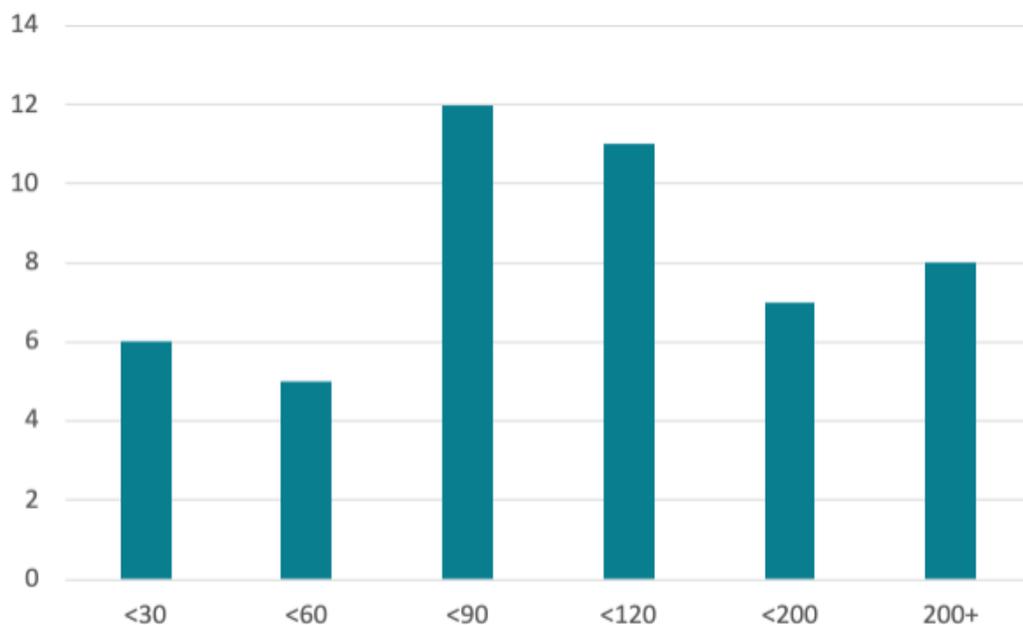
the Report states that in that year there were 69 cases considered by Investigators, with 65 progressing to Initial Assessment and 50 progressing to full investigation.

87. At the end of the reporting period, 46 cases were completed, 21% were upheld and 60% were not upheld. Of the cases that proceeded to investigation 93% were complaints under the Bullying and Harassment Policy and 7% under the Sexual Misconduct Policy.⁴²
88. As a result of procedural differences in investigating complaints into the behaviour of Lords Members or their staff, the figures and analysis above excluded cases investigated by the Lords Commissioner for Standards. During the reporting year covered by the Annual Report, the Lords Commissioner had completed and published the findings of two sets of complaints into the conduct of Members under these new provisions.

Length of investigations

89. The length of investigations in the reporting year July 2019–June 2020 was set out in the Annual Report in the chart below.

Investigation Timescales by Working Days:



90. The average time for completion of investigations was 111 working days. With 67% of cases completed in 120 or fewer days.
91. The data for the 7 months since the last ICGS Annual Report in July 2020 has been shared with me. At first sight this data appears to show a deterioration in response

⁴² ICGS, [Independent Complaints and Grievance Scheme: Annual Report \(July 2019-June 2020\)](#), (November 2020), p 23.

times compared with the previous 12 months with the number of working days to complete a case slipping from 111 to 147.

92. However, on further analysis there is a more positive trend emerging. Since April 2020, there has been increased capacity in the ICGS team, with a focus placed on ensuring the progress and resolution of investigations. In addition, investigations into a number of longer running, complex cases, some with multiple complainants or respondents have been completed. Resultingly, the rate of case closure has improved significantly with 41 cases being completed in the last 7 months compared with 49 in the previous 12, as shown in the Annual Report.
93. In addition, and encouragingly, there is evidence that completion times of recently opened cases is much improved with the 14 cases opened since April 2020 all being closed within 90 days at an average of 53 working days although this is admittedly a small data set as yet.

Impact of lengthy investigations

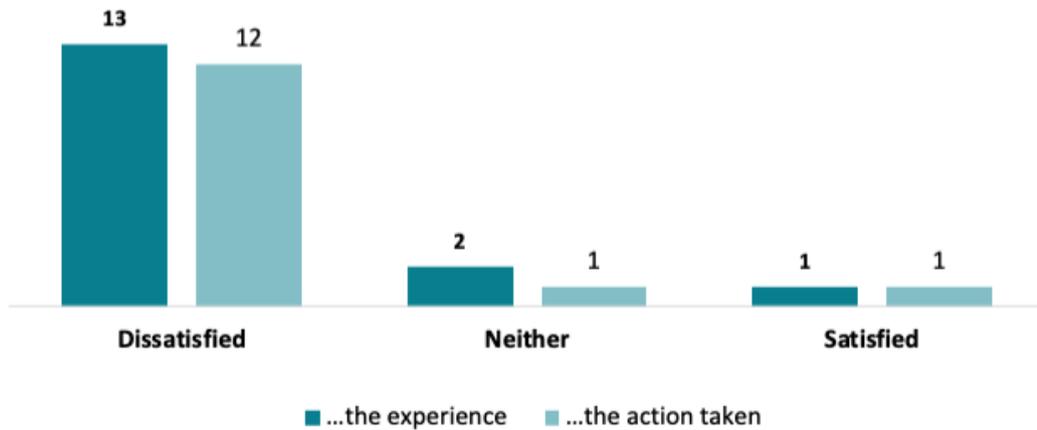
94. A consistent theme in the feedback and views on the ICGS during this review from across the Parliamentary community is that investigations take too long to complete. This is causing a prolonged period of distress for both complainants and respondents and adversely impacting their wellbeing and productivity. The stress caused by the length of the investigation was often exacerbated by a lack of regular updates from an Investigator as to progress and the lack of clarity on the next steps in the process.
95. Whilst there was strong support from all contributors for having the ICGS, the common perception is that the process is very stressful and overly complex. This is resulting in loss of confidence in the Scheme.
96. The results of the ICGS Survey looking at investigations showed that the highest proportion, 40%, of those who had taken part in an investigation were dissatisfied with their experience. The length of time the process took tended to be the reason for dissatisfaction most frequently given by those who had made a complaint that was investigated. A typical comment was that the '*process took an extremely long time, with huge gaps between updates*'. While the sample size was extremely low as only 16 individuals, (2% of responses to the survey) had made a complaint that had been investigated, the results can be taken as directional.

Chart 4: ICGS 18-month Survey - satisfaction with investigation of a complaint (made by that person)

You indicated that you made a complaint that has been investigated, how satisfied have you been with ...

NUMBER of Respondents

Note: EXTREMELY Low Sample Size n=16

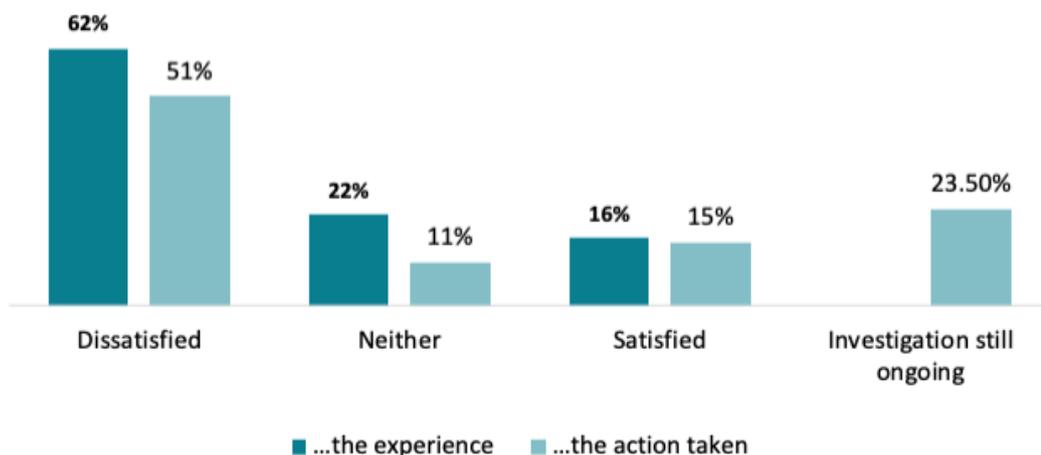


97. A greater number of responses to the ICGS Survey, 19%, some 131 people, said that they knew someone who had had a complaint investigated. When asked about satisfaction with the investigation, 65% knew the person to be dissatisfied with the experience and 51% with the action taken.

Chart 4: ICGS 18-month Survey - satisfaction of investigation were complaint made by another person (but where Survey respondent is aware)

You indicated that you know of someone who made a complaint that has been investigated, how satisfied were they with ...

% of Respondents



98. The reason again most often referenced for dissatisfaction was the length of time the process takes. Other reasons mentioned in the ICGS Survey comments, while small in number, are in line with the feedback received direct from contributors, the trade unions and staff representatives. These were: lack of support; impact on mental wellbeing; perception of bias; and, an unsatisfactory outcome to the investigation.

Reasons for length of investigations

99. The main reasons appear to be:

- i) **The context for operating the Scheme was particularly challenging in 2020 with the onset of the pandemic.** In March/April 2020 in response to concerns about ensuring the wellbeing of respondents, as the move had been made to home-working, a pause of a month was placed on all investigations while appropriate arrangements were put in place. This further delayed investigations underway at that time.
- ii) **The process for investigations had become over complicated** –more cases came up for investigation, the evolution of the processes continued as questions and issues were encountered. This was particularly the position with complex and non-recent cases. These issues often required legal advice and discussion with Decision-Making Bodies.
- iii) **There appears to have been regular refinements or changes to templates and steps in response to difficult cases or issues encountered.** The resulting lack of consistent standardised templates and documentation at each stage at times has led to lack of clarity for Investigators and therefore delay as the quality assurance stage took longer on some cases.
- iv) **Specialist case management capability to handle the case-by-case questions arising was limited in the first half of 2020.** The ICGS team was being built up over that time with additional specialist capability increasing from May 2020. This resulted in delays handling some complaints and the opportunity to step back and review the underpinning processes and finalise the operating procedures has only recently been possible.
- v) **Even with guideline timescales and an intent to complete investigations within a reasonable timeframe, there are always factors that inevitably lengthen investigations.** These include the complexity of a case, the number of witnesses and the time waiting to obtain evidence from them or complainants and respondents, particularly if they are external to Parliament and the ill health of either party.
- vi) **Tracking on the progress of investigations and the Investigators adherence to timescales was not prioritised,** given the more limited capacity in the ICGS team.
- vii) **Inevitably investigations can be stressful and worrying** for both the complainant and respondent. It is always a balance between

maintaining pace in an investigation and ensuring a fair procedure to both parties and being mindful of their wellbeing. In line with the spirit of the Delivery Report in setting up the ICGS, the team has been concerned primarily with not discouraging complainants from making complaints or thinking that they will not be believed.

viii) **Capacity of Independent Investigators** was sometimes stretched in late 2019/early 2020.

100. Other reasons for dissatisfaction with the investigations included the quality of some investigations. A small number of contributors expressed concern as to the professional experience of the Investigator which had adversely impacted both the quality of the investigation, and the respondent's confidence in it. It also increased the stress experienced during the process. The concern included lack of confidence that the Investigator was sufficiently aware of the additional challenges encountered by individuals on account of race, gender, disability, or other factors, or listened to and understood their lived experience in this particular work environment. Some Decision-Making Bodies and contributors also expressed concern about the quality of investigations for a number of reasons, including not all the relevant evidence having been considered. The majority of the concerns about quality related to cases in 2019 or the first half of 2020.
101. At the same time, I heard positive feedback from several contributors, both complainants and respondents, as to the professionalism and quality of the Investigator, regardless of the length of time the investigation took. They also valued the diligence of the Investigator in keeping them updated as to progress and informed about the next steps, even where those steps changed.
102. While some investigations can unavoidably take a longer period, what has come across strongly from contributors, both complainants and respondents, is that regular communications from the Investigator can considerably reduce the stress of a lengthy investigation. Clear explanation for delays, setting out the process steps involved for the investigation, even-handedness in the granting of extensions and ongoing support for both parties increases their confidence in the process.

Progress on addressing delays

103. In the second half of 2020, with a full resource complement, the ICGS team has significantly improved the tracking of progress of cases with the Investigators and has started to put into place standard operating processes. An Investigator's Handbook has been issued to all Investigators. Further work is required to build on this good work by the team, which I set out in the recommendations. In the section on Process, I have made recommendations on changes to the Initial Assessment, Rights of Review and Factual Accuracy Check stages which should also help to speed up the process.
104. In order to maintain the downward trend in time taken to investigate complaints as referred in an earlier section, it is key that the ICGS team continue their focus on tracking progress of cases and ICGS case managers work effectively with Investigators. Streamlining the process and the documentation required for Initial Assessments and investigations is essential.

105. The increase in capacity and capability in the pool of Investigators should also support the reduction in the length of time that investigations take, however it may take a few months for the positive impact to be seen. This is due to the learning curve incurred by onboarding the new Investigators (recruited as part of the retendering exercise in September 2020) to the ICGS process, most of whom are only now undertaking their first investigations.
106. I met with each of the two new firms of Investigators, Total Conflict Management and EA Inclusion. At the time of our meeting in November 2020 neither firm had undertaken any cases as their Investigators were awaiting security clearance, where timescales had been impacted by Covid-19. From our discussion I was assured as to the experience and expertise each firm was able to offer, their internal quality assurance processes and that learning was shared between Investigators on a regular basis. The ICGS team has agreed data with them to be provided on an anonymised basis to enable the identification of trends, in particular on diversity and inclusion aspects.
107. I also met with Conflict Management Plus the service provider under the original contract and whose contract had been renewed. Their contribution, including experience of undertaking investigations, fed into my review. I also had the opportunity to meet with the previous provider and hear their insights and experience of providing investigation services.
108. All three contracted firms, together with the individual Independent Investigators, found the induction sessions designed and run by the ICGS team to be very good. The sessions covered an explanation of Parliament and how it is organised and introduced different stakeholders.
109. With the ICGS covering such a wide group of people in the Parliamentary community, the Investigators particularly noted the importance of using their professional experience and judgement to ensure that simpler cases do not take any longer than needed and that more complex cases are robustly handled. They will be greatly supported in this by clarity of process steps, applicable tests, templates, and documentation.
110. It is key to ensure that in the investigation process there is equity of treatment and experience for all groups. Contributors raised with me queries about the experience and understanding of Investigators in different circumstances, for instance dealing with sexual harassment cases involving LGBT+ people or males, and whether the Investigators were aware of the 'lived experience' of disabled people and those from other diversity groups. The Investigators I met assured me that they were, and it will be key for the ICGS team to ensure that this is the case and to require the investigation firms are providing their Investigators with any necessary awareness raising or coaching.
111. Once face-to-face interview meetings are possible, the ICGS team must ensure that Investigators take the necessary steps to ensure that meetings are inclusive, and any reasonable adjustments are provided. For instance, the provision of induction loops or signers for hard of hearing. Investigators should be taking account of religious festivals or the fact staff may be on maternity and paternity leave when arranging meetings and interviews.

112. **Given the factors set out above directly leading to slow and lengthy investigations, I recommend that the following related actions be taken to improve investigation pace and consistency.**
113. **Process: review and streamline the process steps involved from the engagement of a suitable Investigator to completion of the investigation. Test the purpose of each step to clearly understand its value to the process. Alongside this, streamline the forms and documentation required so as to avoid duplication of paperwork. Liaise in doing this with the Parliamentary Commissioner for Standards in her oversight role in respect of MPs.**
114. **Non-recent cases process: building on the experience of the non-recent complaints to date, in particular but not limited to the evidence and witness identification issues, liaising with the Parliamentary Commissioner in her oversight role, review the process and steps in the investigation continuing to work within the framework of a fair, thorough investigation.**
115. **Clear requirements of Independent Investigators: the ICGS team to clearly communicate the required content, format and standards for the investigation reports to the Independent Investigators, proportionate to the streamlined process. Build in flexibility so format also proportionate for less complex cases. Make compliance with this standard a contractual requirement.**
116. **Service: identify the service level requirements under the contract including requirement to keep parties regularly updated, to adhere to the set timescales and promptly report to the ICGS team if the timescales cannot be met and communicate these to the Independent Investigators.**
117. **Tracking: building on work already underway, establish an effective tracking mechanism which protects confidentiality but allows progress on cases to be understood and challenged at any point.**
118. **Data: building on work already underway, determine and standardise data collected and recorded so that progress of a complaint through the process steps can be monitored and analysed effectively. Ensure diversity and demographic data is captured and analysed for trends, ensuring anonymity of data.**
119. **Work with the Helpline, Investigation Service and with the ICGS team itself to establish effective feedback and satisfaction levels, ensuring confidentiality. Use this feedback to identify issues with processes or communications to be able to make changes promptly or take them to the ICGS Stakeholder Group.
[Recommendation 13]**

Informal resolution mechanisms

120. Being able to resolve complaints or issues in an informal way, without the need to take the major step of an ICGS complaint and investigation has been a consistent theme from stakeholders and contributors across the Parliamentary community. A number of contributors, both MPs' staff and Administration staff, have spoken about wanting the behaviour they are concerned about to stop or the dispute to be resolved. This tends to be in circumstances where the behaviour is of a lower level nature, even if persistent. Informal resolution can improve the ongoing working environment and maintain working relationships, which is of

particular concern to many staff, rather than going through a complaints procedure with a binary outcome. I was struck from a number of experiences related to me that had the issue been addressed earlier through an appropriate method of informal resolution, it would not have escalated. The trade unions have emphasised to me the importance of informal resolution in maintaining and improving workplace relations in the normal course of business, as well as when an ICGS complaint has been made.

121. There is also an opportunity for Members' Services Team in its HR advisory service to both encourage and support MPs and their office managers in earlier intervention in issues and exploring informal resolution and to make use of any informal resolution routeways or mediation service available. While it is key to be sensitive to the power imbalance that may exist between a staff member and the MP or their office manager, there is significant benefit to all in resolving issues earlier before they possibly escalate into formal ICGS complaints.
122. This clearly links to the culture work being undertaken in each House, in particular to improve the confidence and capability of line managers, as they are often the first port of call for staff. It is important for managers to balance the message between the availability of the ICGS Helpline for support and advice and other options for raising issues without a formal procedure.
123. In line with the intention in both of the Policies and Procedures that it should be available, informal resolution is discussed with callers to the Helpline as one of the options available to them. The Independent Investigators are expressly asked to explore at Initial Assessment stage what outcome the complainant is looking for, and to discuss informal resolution if that is appropriate. Through the course of the investigation likewise the Investigator is asked to consider the opportunity or appropriateness of informal resolution. All of the Independent Investigator services confirmed to me that the importance of exploring informal resolution with the parties and to support in brokering it, had been emphasised in their induction by the ICGS team and was clearly set out in the Investigators Handbook issued to them in October 2020. The Investigators also confirmed their commitment to achieving resolution where appropriate and possible and that they were accustomed to supporting informal resolution in other organisations they worked with and that some had mediator services available within their organisation.
124. However, the Investigators also raised with me, and I have noted that it is less clear as to which routeways are available to them to broker an informal resolution, for instance the availability of trained mediators or a facilitated discussion between the parties. This is impacting upon the availability and effectiveness of informal resolution.
125. One of the challenges of having a structure of a Helpline and Independent Investigation Service separate from each other and the employer or organisation, together with the confidentiality of an ICGS investigation is that there is a disconnect with the employer once the investigation has started. The Investigators noted that the avenues available in other organisations of arranging mediation or facilitated discussions through HR or trained internal mediators or management channels appear more difficult to secure. There is a further element of complication, given the overarching condition of confidentiality around the ICGS complaint and investigation, even though the Decision-Making Body will be aware the investigation is happening. The ICGS team have one contract with an

external provider Tavistock, which includes mediation services, but which is not necessarily the most suitable for all levels of staff.

126. Even with informal resolution routeways clearer, it must be noted that both parties have to agree to informal resolution. Feedback from Investigators with experience of handling ICGS complaints highlighted that often by the time the complainant had taken the step of making a formal complaint, both their position and that of the respondent had become entrenched.
127. **I recommend that more routeways for informal resolution are developed by the ICGS team, drawing on the experience of the Independent Investigators with other organisations, and HR. The option of having a contract with an external provider of workplace mediation services suitable for all levels of staff should be considered, including a cost/benefit evaluation and budget arrangements.**
128. **Working with Members' Services the ICGS team should ensure that some or all of these routeways be appropriate for MPs' staff, as well as for staff of the Administration of both Houses, whether in the normal course of business or on an ICGS complaint. As a principle usually the cost of the use of any external provision would ideally sit with the employer, but this would need to be clearly considered and agreed in this instance in respect of MPs and the Administration of each House. [Recommendation 14]**
129. In addition within the group of office managers and in MAPSA and the trade unions there will be valuable experience of resolving workplace issues effectively and Members' Services Team could look to harness and facilitate the sharing of this experience to develop learning, skills and informal coaching for office managers and MPs.

Restriction and alteration of service to deal with poor behaviour

130. In seeking to enable managers to deal with issues as they arise, one of the tools that has been developed by both Administrations to address poor behaviour is the development of restriction and alteration of service guidance which was presented and endorsed by both House Commissions in November 2020.⁴³ The guidance is aimed at any Parliamentary passholder whose employer is not the House of Commons Service, the House of Lords Administration or the Parliamentary Digital Service,⁴⁴ including Members of either House. It supports managers to:
 - Challenge poor behaviour in the moment.⁴⁵
 - Signpost staff to the ICGS or other formal complaints processes and support.

⁴³ See: House of Lords Commission, [Decisions](#), (C/19–21; 10 November 2020) and House of Commons Commission, [Decisions](#), (9 November 2020).

⁴⁴ These groups are excluded from the guidance as clear protocols for addressing their behaviour are already in place via the line management structure and established HR processes.

⁴⁵ This might include refusing to serve the individual or authorising a team to refuse to serve them, and/or asking them to leave a service area.

- Where the behaviour poses a risk to staff or their ability to provide a service, restrict or alter service to the passholder on a short-term basis.

131. It seeks to give consistent advice to managers in the House of Commons Service, the House of Lords Administration and the Parliamentary Digital Service to respond to poor behaviour, *"in the moment"*, or where an immediate intervention has failed to curb the behaviour.⁴⁶ It is aimed at de-escalating behaviour at the outset and managing risk. It is separate from the formal complaints process to resolve complaints and notes that *"any individual wishing to make a complaint about another passholder's behaviour should be actively encouraged to use the ICGS"*. The guidance states that any interventions related to Members should *"not prevent Members from discharging their core Parliamentary responsibilities, although they might affect how they carry them out"*,⁴⁷ and must be *"authorised in a timely manner by the relevant Commons Executive Board or Lords Management Board member or their appointed delegate"*. The guidance will be rolled out from March 2021.

Helplines

132. At the time of my 6-month review, there were two independent ICGS Helplines. The Bullying and Harassment Helpline was provided by Health Assured and the Independent Sexual Misconduct Advisory (ISMA) service was provided by Solace. They were replaced by a single Helpline on 3 July 2020 run by Victim Support after a competitive tendering exercise.⁴⁸ The Helpline is a channel for making an official complaint, but it is also a source of support and guidance.⁴⁹

133. All callers contacting the Helpline speak directly with a trained and experienced support and information advisors who can provide not only support but also advice on options for dealing with the behaviour concerning them, including making a formal complaint. For those that may have experienced sexual misconduct, direct access is available to an Independent Sexual Misconduct Advisor (ISMA). An ISMA can provide immediate and ongoing support including helping the individual to decide what they would like to do. In addition, an ISMA is trained as an Independent Sexual Violence Adviser, with a knowledge not only about the ICGS but also the criminal justice system. Some stakeholders queried if the depth of provision of specialist expertise and experience for advice and support on sexual misconduct had been reduced in moving to one Helpline. From my meeting with Victim Support, I met with the Senior Sexual Misconduct

⁴⁶ A number of stakeholders stressed the importance of a consistent approach across both House Administrations and the Parliamentary Digital Service.

⁴⁷ For instance, it notes that *"in no circumstances should the restriction of service policy be used to deny a Member access to the Chamber, or to a meeting of a Committee of which they are a member, when the House or that Committee is sitting. It also states that a Member's core duties include the ability to table questions, motions and amendments, participating in activities directly relating to select committee work; and representing their constituents"*.

⁴⁸ ICGS, [Independent Complaints & Grievance Scheme: Annual Report \(July 2019-June 2020\)](#), (November 2020), p 13.

⁴⁹ Details of the ICGS Helplines and support services can be access on Parliamentary Intranet at: <https://intranet.Parliament.uk/people-offices/icgp1/get-support1/>

Advisor and was satisfied that the level of specialist expertise and experience had been maintained.

134. During my review, I met with the previous provider of the Bullying and Harassment Helpline and with the ICGS team who had overseen the procurement of the new single service. I was told that feedback from the previous providers and from users of the service was fed into the procurement and that feedback was built into the current contract to improve the service.
135. I also met with Victim Support, who expressed their appreciation of the quality of the comprehensive induction provided for them by the ICGS. The ICGS team reassured me that data collection, quality assurance and feedback systems were built into the current contract and that there was good a relationship between them and Victim Support to ensure that this would be used to improve the service. Victim Support confirmed that data would be anonymised and that they would use aggregate data and report on key themes and trends emerging from it. I am pleased that the improvement in the collection and reporting of data will enable greater information on the trends on usage, satisfaction and types of concerns raised by those contacting the Helpline from diverse groups.⁵⁰
136. In terms of usage of the Helplines, this has been broadly consistent over the last two years. The most recent ICGS Annual Report notes that 293 individuals contacted the Helplines between July 2019 and June 2020, with 57 individuals contacting the ISMA Helpline and 236 the Bullying and Harassment Helpline. Individuals may of course call the Helpline more than once. This level of calls compares with those in the first year of operation, when there were 284 individual callers to the Helplines, consisting of 51 callers to the ISMA Helpline and 233 to the Bullying and Harassment Helpline.⁵¹
137. It is to be noted however that there was a significant drop off in calls between April and June 2020, which likely reflects that less people have been working on the Parliamentary Estate or in constituency offices due to Covid-19. Since the establishment of the new single Helpline, between 1 July and 30 September there have been 83 callers.⁵² In addition, from 21 October 2019, when the ICGS began to handle non-recent complaints, there have been 39 calls about non-recent cases.⁵³
138. As I note in a later chapter on communications, the ICGS Survey found that fewer non-desk based staff (80%) were aware they could use the Helplines to report bullying and harassment than their colleagues (92%).
139. When looking at the results in the ICGS Survey it can be seen that the numbers of people who responded to it who had actually used the Helplines was relatively small, 40 respondents in total, while the number in each of the demographic

⁵⁰ ICGS, [Independent Complaints & Grievance Scheme: Annual Report \(July 2019-June 2020\)](#), (November 2020).

⁵¹ ICGS, [Independent Complaints & Grievance Scheme: Annual Report \(July 2019-June 2020\)](#), (November 2020), p 18.

⁵² UK Parliament, [Independent Complaints and Grievances Scheme proactively published statistics](#), (accessed 3 February 2021).

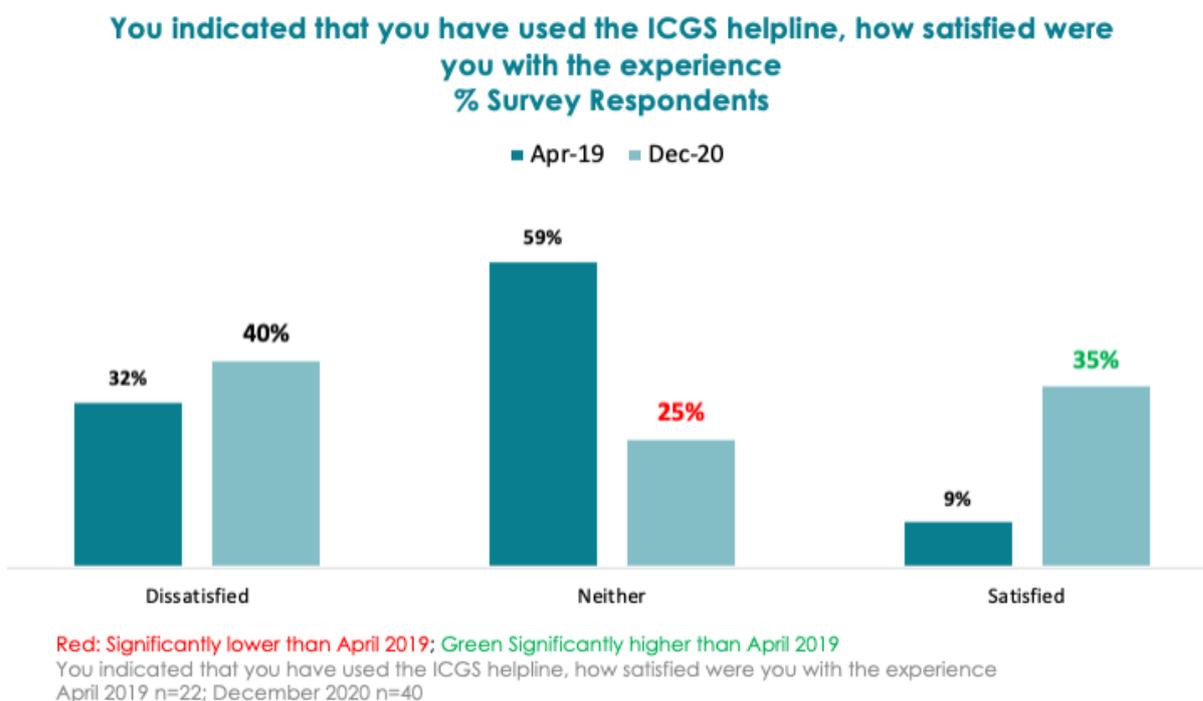
⁵³ UK Parliament, [Independent Complaints and Grievances Scheme proactively published statistics](#), (accessed 3 February 2021).

subgroups below presented a smaller subset, so they need to be used carefully. They do, however show that fewer non-desk based staff (2%) had used the Helpline(s) compared to those in more desk based roles (7%). The figures for BAME respondents who reported using the Helplines are very small and have to be treated with even more caution. However, they show that those with a BAME background were less likely to have used the Helplines compared to their white colleagues. This is consistent with the feedback from stakeholders, WENs and other contributors that these groups are less likely to contact the Helplines. This is concerning as a number of surveys carried out across Parliament have indicated that these groups are more likely to report that they have experienced bullying and harassment, sexual misconduct or discrimination. With the Covid-19 lockdown restrictions it has not been possible for the Helpline providers to visit the Parliamentary Estate, to be visible and talk to those on the Estate about their services. As part of a focussed approach this could be effective in raising visibility of the Helpline in operational areas where many but not all non-desk based staff work and was undertaken by the providers with 'road shows' in late 2018/19 when the Scheme was first introduced. Development of an ICGS App would also allow non-desk based staff to access the team directly on their mobile devices.

140. Conversely, the ICGS Survey found that those with a disability (18%) were more likely to have used the Helplines than colleagues without (4%). This echoes the findings of a number of Parliamentary surveys and focus groups, staff who have a disability have reported significant experiences of bullying, harassment and discrimination and every day microaggressions.
141. **I recommend that demographic analysis of the Helpline usage statistics is carried out as soon as possible now that this data is being collected. This data should be used to confirm whether some groups of staff are using the Helplines less than others, especially where Parliamentary survey and engagement work indicates that these groups are more likely to report bullying and harassment, sexual misconduct and discrimination. I recommend where this is the case, the ICGS team should conduct further research and engagement activities to ascertain the reasons for this so that they can be addressed. [Recommendation 15]**
142. In my 6-month review, the survey I ran found that the majority (59%) of those who had used the Helpline were neither satisfied or dissatisfied, though 32 % were dissatisfied and only 9% were satisfied.⁵⁴ However, from the small number of conversations I had with Helpline users, it appeared that some dissatisfaction might have been due to the bedding in of the Helplines and to expectations of users not being aligned with what the Helplines could deliver. In the ICGS Survey for the 18-month review, I found that there had been some changes in satisfaction levels since the 6-month review.

⁵⁴ Alison Stanley, CBE FCIPD, [Independent 6-month review](#), (31 May 2019), p 16.

Chart 5: ICGS 18-month Survey-satisfaction with ICGS — Helpline



143. It is highly encouraging that since the 6-month review the number of satisfied users of the previous Helplines and current Helpline have increased from 9 % to 35 %, though the increase of dissatisfied users is concerning (32% to 40%). This accords to a degree with the feedback to the Helplines and the ICGS team reported in the latest ICGS Annual Report (July 2019 to June 2020). It reported positive feedback but also noted that some users had raised issues.⁵⁵ However, it should be noted that the period covered in the ICGS Annual Report did not cover the new Helpline, and the majority of those who expressed a view in the ICGS Survey (71%) had used the Helplines before July 2020, meaning that only a small number expressed a view on the current Helpline. It is therefore important, as I recommended in my 6-month review, that the current service continues to be subject to ongoing surveying of satisfaction levels amongst its users and that this is used to improve the service.
144. Although I received only a modest amount of feedback about both the previous Helplines and the current one, much of it was positive, including that shown to me on an anonymous basis by the providers. However, where there was some negative feedback, as could be seen in the free text comments on the 18-month ICGS Survey, this tended to be bound up with the outcomes of investigations or the final decision which was beyond the remit of the Helpline. As I refer to elsewhere, not unsurprisingly nor unreasonably those in the Parliamentary community look at the ICGS as an end to end process from making a complaint, its investigation and then, where a respondent is found to have acted in an inappropriate way, he or she being held accountable for those actions by the

⁵⁵ ICGS, [Independent Complaints & Grievance Scheme: Annual Report \(July 2019-June 2020\)](#), (November 2020), p 18. Positive feedback included: praise for the advice given, the available support, the prompt response and the fact that the service continued during the pandemic, including praise for the ISMA service offering support during a difficult time, with ISVAs (Independent Sexual Violence Advisors) navigating the process with ICGS users.

imposition of an appropriate sanction. A few contributors have been disappointed that the Helpline was not able to take a more active role in resolving the complaint or situation for them but to only advise them on options and offer support.

145. **I recommend that data is tracked to identify issues, hotspots or trends, to be analysed at quarterly meetings. There should be an immediate feedback loop so complaints about the Helpline service can upon their receipt be promptly investigated and resolved with the caller if they disclose their identity or as a learning to improve the service moving forward if anonymous.**
146. **The ICGS team working with the HR, Diversity and Inclusion and Culture teams in both Houses, the Voice Champions in the House of Commons, the House of Lords Steering Group for Change and relevant WENs should review the surveys and focus groups that have already been carried out with non-desk based staff to further explore the barriers for them to making use of the Helpline. Building on this feedback to determine the actions that will increase the confidence of these staff in particular to make use of the Helpline for advice and support whether they go on to make a formal claim or not. [Recommendation 16]**

Support

147. I was asked in my terms of reference to look at support for complainants, respondents and other users of the Scheme. There is a full set of support services available. In addition to the support offered by the ICGS Helpline themselves they also signpost the caller to other services, including:
 - **Employee Assistance Programme (EAP)**, run by Health Assured, which assists employees with personal problems and/or work-related problems that may impact their job performance, health, mental and emotional well-being. It offers a freephone 24/7 365 days per year confidential Helpline to assist with a range of issues;
 - **Parliamentary Health and Wellbeing Service (PHWS)**, which offers a number of services including an onsite GP and support on issues such as stress, alcohol abuse and domestic abuse;
 - **Trade Unions and Members' Staff Association, MAPSA**;⁵⁶
 - **Members' Services Team, including the Members' HR Advice service**, advises MPs on all matters related to their employment of staff, including confidential advice and guidance;
 - **ACAS** can provide advice on a range of issues for both employees and employers, for example redundancy or employment contracts.

⁵⁶ These Trade Unions include the FDA, Unite, GMB, PCS, Prospect and MAPSA.

148. These services are also widely published in a number of different internal communications, in varying forms including on the ICGS website in leaflets and highlighted in the Valuing Everyone training.
149. When the representative of the Decision-Making Body informs the respondent that a complaint requiring investigation has been made against them they remind the respondent of these support services. Additional support is available under the recently introduced Guardians Scheme – trained members of staff of both Houses who help to embed the behaviours expected from everyone throughout the organisation and can provide a sounding board and a resource for colleagues.
150. Once a formal complaint has been made and at intervals through the investigation, the Investigator reminds the complainant and respondent of these support services and they are referred to in the standard letters used.
151. In addition, on informing the respondent that a complaint has been made against them and is proceeding to full investigation, the representative of the Decision-Making Body explains their right to be accompanied in any investigation meeting by a trade union/staff association representative or a trusted work colleague and also emphasises the importance of maintaining strict confidentiality about the fact and details of the complaint.

Gaps in support

152. Notwithstanding this range of support, two further areas have emerged during the review where contributors thought it was not clear where they could look for support or that there is a gap in support, and where this had an adverse impact on them.
153. **The first is linked to the position on confidentiality.** It is essential that confidentiality is maintained for both parties, however the majority of the contributors who had taken part in an investigation, both complainants and respondents, also spoke of such a strong emphasis being placed on confidentiality verbally by the representative of the Decision-Making Body and then in the written communication and standard letters received from them and the Investigator, that this of itself caused stress. In what was a worrying situation, contributors spoke of being unsure if they could confide in a trusted line manager or colleague for general support, if those individuals were not also accompanying them to meetings.
154. They also spoke of being concerned that if they did confide in others that would count against them in some way in the investigation. This increased the feeling of isolation. It was also raised as an issue by those respondent managers that in complaints about issues already determined in other internal proceedings. In response to feedback already received, the representative of the Decision-Making Body in the House of Commons has amended the messages given to respondents on first informing them of the complaint and investigation.
155. In complaints against Members of either House, the relevant Commissioner, pays careful regard to the wellbeing of both complainants and respondents and that they are aware of the support available.

156. **I recommend that the employers as Decision-Making Bodies in the House of Commons and the Lords review their communication messages for respondents to ensure they are clear about sources of support available while maintaining confidentiality. [Recommendation 17]**
157. **I also recommend that the ICGS team in reviewing and streamlining the process and documentation, review the letters and communications sent to complainants and respondents to give clarity about confidentiality and where support can be sought, using more accessible, consistent language than the somewhat legalistic tone currently used. [Recommendation 18]**
158. **The second area** raised with me by contributors was the significant concern about having to continue to work alongside or in the same area as the person about whose behaviour they had complained and who would be aware of that complaint. This was both while the investigation was ongoing and afterwards if a sanction short of dismissal, suspension or expulsion was imposed. The concern was raised both in respect of claims against another staff member or manager or claims about a Member of either House. Moving the complainant, even if temporarily, can appear as a detriment to them if it means they are unable to undertake key parts of their role, for instance providing service to Members or moving off a team that they had previously worked well in. It also presents a challenge to maintaining confidentiality as other team members enquire as to the reason for the move or significantly altered duties.
159. **In respect of complaints by staff against managers or another member of staff, I recommend that the Decision-Making Bodies, as employers ensure that any reasonable concerns of the complainant about continuing to work with the respondent during this period, together with the context, are taken into account and appropriate action promptly taken. [Recommendation 19]**
160. In respect of Members of the House of Lords, the Code of Conduct was recently amended so that the Commissioner can impose on a Member restrictions and variations on their access to the facilities and services of the House during an investigation and the Member must adhere to them.⁵⁷ The Commissioner may also inform the complainant and the relevant senior managers of any such restrictions.
161. The Commissioner herself can place restrictions on a member as part of a sanction as long as those restrictions do not stop the member participating in the House or a Committee e.g. do not use the dining rooms, or the library or only contact the Legislation Office by email. She cannot herself require them not to attend the House, she can recommend they be suspended for a period of time but that has to be agreed by the Conduct Committee and the House itself.
162. In respect of Members of the House of Commons, powers on remedial action or sanctions sits with the Parliamentary Commissioner for Standards and the Independent Expert Panel.

⁵⁷ House of Lords, [Code of Conduct for Members of the House of Lords Guide to the Code of Conduct Code of Conduct for House of Lords Members' Staff](#), (HL 99; July 2020), par 20.

Chapter 5: Effectiveness and impact

Awareness and understanding of the Scheme

163. The overwhelming feedback I received regarding the promotion of the Scheme was positive. This was reflected in high levels of awareness of the Scheme in the responses to the ICGS Survey and in comparison to the last ICGS Survey at the time of the 6-month review:⁵⁸
- i) Those aware of the bullying and harassment policy, has increased from 90% in April 2019 to 95% in December 2020.
 - ii) Those aware of the sexual misconduct policy has risen from 87% in April 2019 to 96% in December 2020.
 - iii) The vast majority, 89%, of responses were also aware that they can report bullying and harassment or sexual misconduct to the ICGS Helpline.
164. The ICGS Survey did not find major differences between staff from a BAME background and their white colleagues in terms of being aware that they can report bullying and harassment or sexual misconduct to the ICGS Helpline, or in awareness of the two policies. Those who responded to the Survey who identified as having a disability were slightly more aware that they could report bullying and harassment or sexual misconduct to the ICGS Helpline than those who did not identify as such.⁵⁹
165. When looking at the responses from those non-desk based staff, who are generally those in areas such as security, catering, and House Services, 86% of non-desk based staff were aware of the bullying and harassment policy and 83% of the sexual misconduct policy. As these staff often do not have regular online access to the Parliamentary intranet, this result demonstrates the success of the use of different communication methods, including the efforts of team leaders in communicating the Scheme.
166. However, there was a gap in the results of non-desk based staff being aware that they could report bullying and harassment or sexual misconduct to the ICGS Helpline at 80%, compared to 92% of desk based staff.
167. At 11%, the number of non-desk based staff who responded to the ICGS Survey was small so this must be treated with some caution. However, the results chime with the feedback that I received from stakeholders, including WENs. This shows that despite overall improvements in raising awareness and understanding of the Scheme there is still more progress to be made to ensure equality of opportunity to use the Scheme for non-desk based staff not only because of the nature of

⁵⁸ I also carried a survey during my 6-month review, which I used to benchmark progress.

⁵⁹ The Survey found that 91% of those who identified as having a disability were aware that they could report bullying and harassment or sexual misconduct to the ICGS Helpline compared to 88% of those who did not identify as such.

their job but as it is recognised that staff from BAME communities are more likely to be found in non-desk based roles.

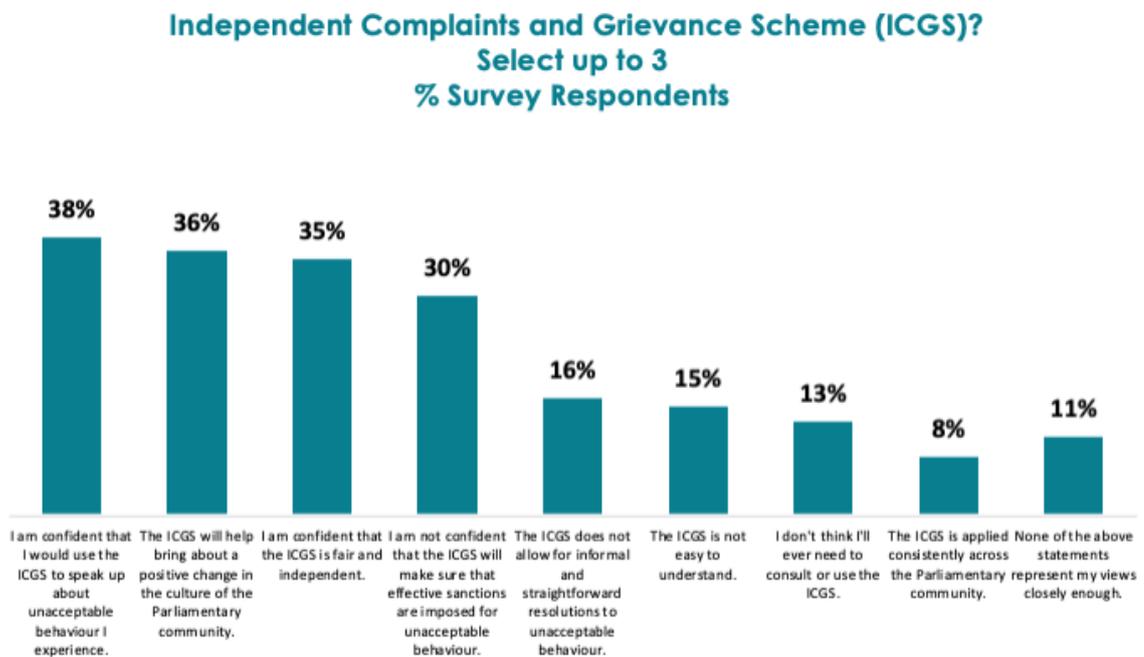
168. The ICGS is a sophisticated Scheme operating in a very complex environment. The impressive success in promoting the ICGS so effectively is undoubtedly due to the focus and work undertaken by the ICGS team and their colleagues in the Communications teams across both Houses, which, from my experience of change management, should be marked as a substantive achievement. I summarise in the Communications section later in this report. High levels of awareness are not only essential for the effectiveness and use of the Scheme but also for its impact as a signifier of cultural change.

Confidence in the Scheme

169. The ICGS 18-month Survey asked those participating about their confidence in the ICGS. They were asked which statements best reflected their view of the ICGS, which again I compared to the results of the survey I carried out for my 6-month review. Confidence overall has improved, though there is still more to be done, with differences between some groups.

170. The survey asked participants which three statements best reflected their view of the Scheme. The results were as follows:

Chart 6: ICGS 18-month Survey - statements reflecting views of the ICGS



171. Of the three most popular statements, the top two show an improvement since April 2019.

- i) In April 2019, only 17% chose the statement that they would be confident to use the ICGS to speak up about unacceptable behaviour, in December 2020 this had increased to 38%.

- ii) In April 2019, only 13% of respondents selected the statement that the ICGS was fair and independent.
 - iii) This had increased to 36% in December 2020.
 - iv) There was roughly the same number of respondents in both surveys who chose the statement that the ICGS would help bring about a positive change in the culture of the Parliamentary community.
172. There was a noticeable difference in December 2020 between the responses from MPs' staff compared to others:
- i) 25% of MPs' staff chose the statement that the ICGS would help bring about a positive change in the culture of the Parliamentary community, compared to 34% of the staff of both Houses;
 - ii) Similarly, 27% of MPs' staff selected the statement that they were confident that the ICGS was fair and independent, compared to 33% for House staff.
173. It is not possible to extrapolate with certainty that this is the view of the majority of MPs' staff, as of the 706 responses to the survey only 17% were from MPs' staff but it does chime with feedback received from other stakeholders and contributors.
174. Ensuring that non-desk based staff were fully aware of what the Scheme offers and had confidence in using it was a consistent theme in the review. One suggestion was a greater use of drop-in sessions by the ICGS team at non-desk-based team meetings to explain processes and to answer questions once the current lockdown restrictions were lifted. Another was the development of an ICGS 'App' which would allow non-desk based staff to access the Scheme directly on their mobile devices.
175. While this improvement in confidence levels overall since April 2019 is encouraging, it is still at a lower level than would be wished for a complaints Scheme that has been in place for over two years, albeit it was introduced at different times over the whole community.

Factors undermining confidence

176. There were three consistent themes that emerged strongly from the review on the factors that were undermining confidence of the Parliamentary community in the ICGS. These were raised by the vast majority of stakeholders and the contributors who wrote to or met with me.
177. **Firstly, the length of time investigations take** and the perception that the process is very stressful, overly complex, which even if the complaints are upheld will not necessarily change the problematic behaviour, with little opportunity for alternative resolution. Improving the process, quality and speed of investigations, together with communication to the complainants and respondents is the first priority for the ICGS team and I understand they have already commenced work in this area. I have discussed investigations and informal resolution in the sections elsewhere and made recommendations.

178. **Secondly, the ICGS is viewed by the staff of both Houses and of Members as the end-to-end procedure from complaint to decision** and the imposition of sanctions, rather than as just the ICGS Helpline and Independent Investigation Service. The current perception among a proportion of staff is that those who have been found to have bullied or harassed another or sexually assaulted them are not being held to account. This is due to confidentiality constraints resulting in a lack of visibility of such decisions and sanctions in respect of staff. The same perception pertains to MPs due to the lack of any published reports to date regarding ICGS complaints against them. By contrast the House of Lords Commissioner had completed and published the findings of two sets of complaints against Members up to July 2020.
179. **I recommend that the employers in both Houses together consider and agree a method of communicating that there have been consequences of upheld ICGS complaints in disciplinary proceedings, without breaching confidentiality or allowing individuals to be identified. [Recommendation 20]**
180. While the work of the Parliamentary Commissioner for Standards lies outside the remit of my review, it would have a positive impact on the confidence in the Scheme if she had the power to publish information about complaints upheld, remediations or sanctions in an appropriate way.
181. **Thirdly, there remains a perception amongst some staff of MPs that a formal complaint to the ICGS would not be an effective option**, even if the complaint was successful, given the particular features and dynamic of the employment context for MPs' staff. The working relationship would be broken, and the staff members' continued employment unlikely. This came across strongly from contributors, the free text comments on the survey, trade unions and MP staff representatives and other stakeholders. At the same time as Gemma White QC noted in her report,⁶⁰ many MPs are good employers and in this review I heard from only a limited percentage overall of MPs' staff.
182. The answer to increasing the confidence of MPs' staff in the ICGS appears to lie firstly in developing and implementing robust employment practice in MPs' offices and providing support to Members and their staff. In her report Gemma White QC discussed the challenges and recommended the creation of a dedicated HR department for this purpose. The Members' Services Team, including a Members' HR Advice Service, was set up in June 2020 and has received consistently good feedback from MPs and their office managers. The Members' HR Advice Service offers a wide range of services to MPs and their office managers, including confidential advice on all employee related issues from disciplinary and grievances to office reorganisation and promoting best practice application of employment law and policies and procedures.
183. I was told that the pressures for MPs and their staff have increased greatly as a result of Covid-19, with a sharp increase for staff in casework for constituents. There is evidence of high staff turnover in some MPs' offices. Improving the confidence and capability of MPs as employers and their office managers and having a consistent employment framework should help build effective workplaces and enable issues that can escalate into ICGS complainants to be resolved earlier. There is also some evidence through feedback from some

⁶⁰ Gemma White QC, [Bullying and Harassment of MPs' Parliamentary Staff: Independent Inquiry Report](#), (11 July 2019; HC 2206).

Members who have attended the Valuing Everyone training that they would welcome management training to help identify, avoid and address some of the issues that the training highlighted, and this was reflected in many of my conversations.

184. In addition, so far, the Members' HR Service has published best practice guides on recruitment and selection and on probation and induction, and a set of frequently asked questions. More guides are planned, including one that will cover fixed-term contracts.
185. I was told that that this service is still bedding in but between June 2020 and mid-October 2020 the Members' HR Advice Service dealt with 310 cases involving 168 Members. From stakeholders and contributors I heard that the main issues for MPs or their office managers are often ensuring that they recruit staff with the right capabilities for the work they are asking them to do, reorganisations where the work requirements have shifted significantly and performance management issues. Steps need be taken to avoid performance management escalating to disciplinary action and potential ICGS cases where there is potential confusion over the difference between performance management and bullying and harassment. This is not unique to MPs' offices.
186. Members' Services also provide greater support to MPs' office managers. For instance, it facilitates weekly meetings for office managers where they can discuss common issues and hear from various House of Commons Administration service providers. A number of stakeholders, including Members' staff representatives, told me that this is very useful and represents a marked improvement on previous support. The House of Commons L&OD team has also provided training for MPs' office managers and MPs' staff, which has included courses on management, as well as courses related to their Parliamentary work.⁶¹
187. Members' Services also make early contact with newly started MPs' staff to welcome them and signpost services and support. This also lessens the sense of isolation that MPs' staff can have working in a constituency office or at home.
188. However, I also consistently heard about the lack of support for MPs' staff in how to handle difficult situations in the office or make an MP or office manager aware of the behaviour or approach that is causing them distress. Members' Services often signpost to MAPSA, who do not have the resource always to advise as they are volunteers, as is the experience of the WENs. The ICGS Helpline offers support and options but does not give direct tactical advice or coaching as to how handle a difficult situation. Trade unions provide such advice and support to its MPs' staff members. I was struck by how a number of the issues that had escalated into ICGS complaints could have been resolved earlier if the MPs, or their office managers had had the skill or support to address the issue at that stage or the staff member to raise it.
189. Whilst it is not usual for an employer to provide an advice service to its employees in regards to issues they may have in their employment, given the particular dynamic and features of employment for MPs' staff including the high turnover in some offices, my view is that providing such a service on a trial basis of six months

⁶¹ See: House of Commons and Parliamentary Digital Service, [HR and Diversity Annual Report](#), (2020), p 35.

should be considered. Details of the parameters of the service and clear communication would need to be decided and a cost effective external provider secured, whose approach to advice is coaching and resolution based and not confrontational.

190. **In order to ensure support is available I would recommend that Members' Services trial for six months an advice service for MPs' staff providing coaching or tactical advice in dealing with day to day employment issues. This would not include legal representation for an individual. [Recommendation 21]**

ICGS team

191. The ICGS Director was appointed in December 2019 and the bicameral ICGS team was established in March 2020, with a Memorandum of Understanding for the funding and management of the team.⁶²
192. Some contributors were unclear as to the role of the team and how they interacted with the Independent Investigators. The Annual Report 2019–20 clearly sets this out:

The teams core objectives are to oversee and monitor the operation of the ICGS and implement changes to the Scheme. While the Director reports to the Clerk Assistants of each House, the ICGS Helpline and the Investigators carry out their work entirely independently. The ICGS monitor the overall performance of the Investigators but does not have a role in determining individual complainants. Likewise, the ICGS team monitors the overall work of Victim Support but the Helpline operates independently from parliament and is the data controller of all data shared with the Helpline'.⁶³

193. From late 2019 and for the first half of 2020, the team were operating in very challenging circumstances, including the opening up of the Scheme to non-recent cases with the particular challenges that entailed, the onset of the pandemic and the procurement of both a new Helpline and new Independent Investigations Services. Notwithstanding the Director and her team handled a considerable level of ICGS complaints over this period.
194. For the first half of the year for a variety of reasons, the team capacity was low, which resulted in priority understandably being given to immediate actions required in case management rather than building the infrastructure needed to ensure consistent operating processes were being used and the effective tracking of progress. Delays were experienced in some cases and the impact of those and the over engineered process that had developed, contributed to some investigations being lengthy as discussed elsewhere in this report.

⁶² ⁶² ICGS, [Independent Complaints & Grievance Scheme: Annual Report \(July 2019–June 2020\)](#), (November 2020).

⁶³ ⁶³ ICGS, [Independent Complaints & Grievance Scheme: Annual Report \(July 2019–June 2020\)](#), (November 2020).

195. From the spring 2020 the team has expanded in size to 10 staff, (including the Director) and in skillset, with new capability and expertise in HR, casework, inclusion, improvement and innovation brought on board.
196. The Scheme has now moved from the implementation and embedding phase to the effective delivery of the service and continuous improvement. As such operationally there are a number of priorities for the team: the clarification and streamlining of the processes underpinning the procedure and the accompanying documentation, removing unnecessary duplication as strongly recommended in the process section at the beginning of this report; the effective tracking of progress on investigation cases; and responsive engagement and contract management with the providers.
197. It is for the ICGS Director to decide on the organisational design for her team. I would advise that roles are designed on principles as follows: that they enable delivery across the service end to end, with no pinch points on being able to track or progress a case because a specialist case manager or other role holder in the team is absent; specialist case manager capability should focus on the quality assessment process at the Initial Assessment and on full investigation reports to ensure a rapid turnaround together with engagement with the Independent Investigators to ensure standards communicated and expected; role(s) tracking progress on investigations ensuring progress reports are made to parties and timescales met or understood if not.
198. Clearly communicating the requirements of Investigators both on the professional standards of investigations, including reports, is crucial. Service levels should be separated out so it is clear they need to be met, such as regular progress updates to the parties. In order to ensure effective communications with Investigators, a case manager could also have this accountability within their role and accompany the contract manager in regular meetings with the Investigators.
199. Rather than a code based approach where every scenario is attempted to be provided for and recorded I would encourage a more flexible approach based on streamlined and clearly understood policy steps and operating within the framework principles of the Policies and Procedure. This flexible approach would mean that the ICGS Director and her team can resolve the difficult issues that arise. These include the concern of employers in both Houses that the ICGS takes precedence over their ongoing rights as employers for instance being able to take action on a vexatious complaint if the complainant withdrew their complaint just before the investigation report was finalised. Also for the ICGS Director to know the identity of the complaints that are currently under investigation within the confidentiality framework covering the whole ICGS team.
200. It is crucial to expressly state the importance of ensuring inclusivity in both day-to-day operations and when reviewing the operation and impact, to ensure all diverse groups in Parliament have equality of access and benefit from the Scheme. This includes the ICGS team at each stage of operation of the Scheme and where services are provided, considering the equality impact of any process or product changes and the accessibility of the services provided by the Helpline or Independent Investigators or the ICGS team itself.
201. Given the complexity of the Scheme and the multiple stakeholders involved across Parliament it is evident that the Director has had to spend a considerable amount of time and focus on engagement, consultation and proposed changes.

Notwithstanding the recommended governance arrangements, this level of engagement is likely to continue.

202. **Therefore, I recommend that an additional Deputy Director role is created to focus on operational and service delivery and continuous improvement. Also, that the roles and workflows are aligned to ensure effective delivery of a quality service. [Recommendation 22]**

Measuring the effectiveness of the ICGS

203. It is crucial that the ICGS team measures the effectiveness of the Scheme, ensures that it is fit for purpose, achieving best value and analyses and uses relevant data and information in a timely manner to drive continuous improvement. The latter should include a function within the ICGS team to identify emerging trends and hotspots, especially in terms of usage and satisfaction levels with the Helpline, Independent Investigators and ICGS team. This should include the use of anonymised and confidential data to ensure that the ICGS is inclusive and is meeting the needs of the whole of the Parliamentary community. The ICGS team should also ensure that its contract management of the Helpline and Independent Investigation service is highly effective and agile, meets users' needs whilst providing value for money. The ICGS should review its capability to measure its effectiveness, identify potential additional data and information requirements and develop a series of robust KPIs to track its performance.

Governance

204. **The terms of reference ask me to consider the governance of the ICGS and, in particular, the mechanism for changes to be made to the Scheme and for ongoing review.**
205. In considering governance I am mindful of the complex organisational context in Parliament, with the mix of employers, employees, office holders, elected representatives, together with the differences in the decision-making, governance and regulatory frameworks in each House.
206. In my 6-month review on the nature of accountabilities from operational to strategic, I made recommendations as to which person or group would hold them.⁶⁴ These recommendations were implemented in part with the establishment of a bicameral ICGS team, with the ICGS Director reporting to the Clerk Assistants of each House. For the avoidance of doubt these accountabilities would continue.

Objectives

207. The changes to the Procedure section of each of the Bullying and Harassment and Sexual Misconduct Policy set out in the earlier section of this report enable a set of workable documents to be produced for change management purposes and this proposal assumes this has been done.

⁶⁴ Alison Stanley, CBE FCIPD, [Independent 6-month review](#), (31 May 2019), recommendations 21 and 22.

208. Now that the Scheme has been fully implemented across the Parliamentary community, stakeholders have articulated a number of pressing drivers for having clear, effective governance. **These drivers are:**

- a) **To enable changes to be made to the steps of the process more easily and at pace.** These changes to process are necessitated by the experience of operating the Scheme and feedback from complainants, respondents and Decision-Making Bodies.
- These changes may be to procedural steps, underpinning operational processes or to policy or technical amendments to the wording in the Delivery Report. I have been given examples of each: the introduction of a new procedural step with the accompanying process of the 'Factual Accuracy Check', which I discuss in an earlier section in the report; proposed changes to the wording of the bullying and harassment policy itself to expressly reflect applicable legislation, and; the implementation of a recommendation from my earlier report on the Initial Assessment stage and the use of the language of 'case to answer'.
 - Stakeholders accountable for the operation of the ICGS, and those in the surrounding decision making and regulatory frameworks, have expressed frustration at the process that has emerged for agreeing changes to the Scheme. In the examples above there was consultation not only with the ICGS Stakeholder Group but all other relevant stakeholders, for example the Chair of the Conduct Committee in the Lords or the Parliamentary Commissioner for Standards in the Commons. Any subsequent changes to policy definitions would go through the normal governance routes in either House.
 - However, even if willing intent, the exercise proved lengthy, cumbersome and without an effective mechanism for reaching a decision, particularly where some of these changes were not fully agreed by all.
- b) **To fulfil the strategic intent that underpins the Scheme as set out in the Delivery Report,⁶⁵ that the principles, policies and approach for handling and investigating complaints would be consistent across Parliament.**
- In this review, I have not heard any stakeholder renege from that strategic intent. There appears to be significant political support behind the Scheme and the leadership of both Houses have expressed to me their commitment to ensuring its success as a key element in creating a working environment of dignity and respect in Parliament.⁶⁶

⁶⁵ See: UK Parliament, [Independent Complaints and Grievance Scheme Delivery Report](#), (July 2018), p 46 (bullying and harassment) and p 73 (sexual misconduct).

⁶⁶ This was also reflected in a submission from the Chair of the Committee on Standards in Public Life. The submission noted that the Committee had consulted stakeholders on the ICGS and that it had found "significant political support behind the Scheme and the leadership of both Houses seems committed to ensuring its success". See: Committee on Standards in Public Life, [SUBMISSION TO THE 18 MONTH](#)

- A consistent theme from contributors to my review has been concern that not all groups in the Parliamentary community will have the same rights in the investigation process, if a complaint is made against them or that one group will be treated more favourably than others. For instance, equality of rights as the respondent in a claim to review the investigation report before it is finalised. Another is the perception that MPs are not being called to account for their proven actions, as there has been no decision and sanction on an MP published thus far, in contrast to the position in the Lords.
 - Following an investigation finding of bullying, harassment or sexual misconduct, the critical stages of disciplinary or breach of code and sanction decisions and the work of appeal bodies fall outside of the ICGS. The position is somewhat different in the House of Lords where the ICGS was incorporated into the Code of Conduct for Members and Guide, which are overseen by the Lords Conduct Committee. As a result, the independent House of Lords Commissioner for Standards investigates ICGS complaints against Lords Members or their staff, with the assistance of the Independent Investigators contracted by Parliament to investigate all ICGS cases. There was however a strong appetite from all these stakeholders to engage with the review and to agree upon a workable mechanism for collaboration on the Scheme moving forward.
- c) **To assess on an ongoing basis the operation, effectiveness and cultural impact of the Scheme in all groupings in the Parliamentary community, without the need for further external reviews.**

Governance mechanism for change and ongoing review

209. The current governance of the ICGS follows two of the recommendations I made in my 6-month review and provides the context for the proposed mechanism for change and ongoing review. The ICGS Director and her bicameral team are accountable for: the effective and ongoing smooth-running of the ICGS; data collection and monitoring of the Scheme; ensuring inclusivity of the Scheme with equality of access and value for all diverse groups; making changes to ICGS process with appropriate consultation; contract management and ensuring service quality delivered by the external independent Helpline and investigation services. The ICGS Director is managed by the House of Lords Clerk Assistant and counter signed by the House of Commons Clerk Assistant.
210. Continued accountability for effective operation of ICGS complaints procedure and ensuring it has the positive impact on the working environment intended sits with the two Commissions and Executive Management Boards and the senior accountable role in each, currently the Clerk Assistants. This accountability for ensuring from time to time, including in the ICGS Annual Report, the review of the operation and usage of the Scheme and the trends emerging, together with a substantive discussion of its effectiveness, impact on culture and the perception of users sits with the Commission in each House. The other element of the Scheme, namely the Behaviour Code has been embedded into the culture work

being undertaken in both Houses and accountability remains with the Commissions.

211. The proposal for the governance mechanism for change builds on the effective engagement and consultation that the ICGS Director and her team currently undertake with the ICGS Stakeholder Group and senior stakeholders across both Houses.⁶⁷ It would be helpful to expressly state the importance of ensuring inclusivity in both day-to-day operations and when reviewing the operation and impact, to ensure all diverse groups in Parliament have equality of access and benefit from the Scheme.
212. In other employers, both public and private, it is usual for matters of policy intent and policy to be put to the most senior board in the organisation, while changes to process are made by a governance board overseeing people and operational matters at a management level. The governance mechanism proposed is in line with this.

Table 2: Recommended Governance Mechanism for Change to the ICGS

[Recommendation 23]

Group	Purpose
<p>ICGS Stakeholder Group Managers, representatives from teams across both Houses, representatives from employers as Decision-Making Bodies and the Trade Union Side, Members' staff representatives, MAPSA, Clerk to the Lords Conduct Committee, Lords ICGS implementation lead, member of the Parliamentary Commissioner team.</p>	<p>Engagement and consultation provided by ICGS Director and Team on operation of the ICGS, including updates on issues arising, communications, training uptake. Taking the views of the stakeholder group on proposed process changes.</p> <p>Taking a decision—when required a smaller subset of empowered representatives from the DMBs, a member of the trade unions, Clerk to the Lords Conduct Committee and empowered member of the Parliamentary Commissioner team meet in second part of the meeting agenda.</p> <p>To discuss and agree process changes as proposed by the ICGS Director or other senior stakeholder, using the change control framework of:</p> <ul style="list-style-type: none"> • clear statement of issue necessitating the change; • the purpose of the changed process step; <p>How it will operate in practice and impact on timescales for investigations;</p> <ul style="list-style-type: none"> • its alignment to the overarching principles of the Delivery Report of fair, independent and consistent investigations; • its impact on other groups, including where the change is proposed for one group only, e.g. for MPs or for Lords Administrative staff. A clear rationale for the different step and reasoned assurance that it maintains equity of treatment across all groups in the Parliamentary community.

⁶⁷ ICGS, [Independent Complaints & Grievance Scheme: Annual Report \(July 2019–June 2020\)](#), (November 2020), p 12.

<p>ICGS Change Control Group meets when required</p> <p>Membership: ICGS Director, Clerks or Clerk Assistants of the two Houses, the Parliamentary Commissioner, empowered representative or Clerk of the Lords Conduct Committee, Member representative from each Commission rotated on a two-year basis</p> <p>Co-Chairs: the Clerks or Clerk Assistants of the two Houses (or the member of the Executive Board from each House accountable for oversight of the Scheme in that House)</p> <p>Secretariat to be provided by both Houses.</p>	<p>Decision making</p> <p>Escalation from the subset from the ICGS Stakeholder Group:</p> <ul style="list-style-type: none"> • where agreement cannot be reached on the proposed change or; • it is considered it may be a policy rather than process question; <p>And a general responsibility for a regular review of the procedures under the Scheme</p> <p>Purpose to agree proposed change of process for all groups of Parliamentary community or for one group with agreed rationale.</p> <p>If determined as policy issue to be handled this would go through the existing governance routes for matters going to the floor of the either House, namely through decision of the Commission and to the Conduct Committee for consideration in the House of Lords.</p> <p>Same change control framework to be used.</p> <p>Terms of reference to be developed</p>
<p>Bicameral group established by respective Clerks in consultation with Leaders and Shadow Leaders in both Houses and Members of both Houses, member of the Executive Board of each House accountable for oversight of the Scheme in that House, trade unions and staff representatives.</p> <p>Co-Chairs: leaders of both Houses</p>	<p>To be established in 18 months' time</p> <p>Purpose: to take strategic overview of the effectiveness and impact of ICGS and of the other cultural initiatives underway to establish a working environment where all members of the Parliamentary community are treated with dignity, respect and inclusivity.</p> <p>Outcome: report to both Houses and make any recommendations on strategic direction of ICGS</p> <p>Terms of reference to be developed</p>

Chapter 6: Communication of the Scheme

213. In my previous report, I noted the importance of communication and information for the introduction, implementation and ongoing operation of a complex Scheme such as the ICGS in relation to awareness, understanding and building trust and confidence in its use. Specifically, in respect of clear communications for the individual user as to each step of the process, I recommended that policy, procedure and frequently asked questions documents be produced and that a user journey approach be followed. Partially implemented, these should be fully introduced now.⁶⁸

Communicating the ICGS

214. Since my 6-month review, much progress has been made on communicating the Scheme to all parts of the Parliamentary community. The ICGS team has worked with the Communications teams in both Houses to create a plan to ensure the sequencing of communications, the sharing of ICGS resources, and updates on progress and current work.⁶⁹

215. A combination of online and hardcopy resources and physical outreach activities which can reach a wide range of people, including non-desk based staff who do not have regular access during the working day to a computer or MPs' staff who work in constituency offices away from the Parliamentary Estate. The range of media and communication channels used to optimise communications and to reach all parts of the Parliamentary community is illustrated below.

- a) **All staff emails**—for example updates on the opening up of the Scheme to non-recent cases, promotion of the 6-month and 18-month reviews and associated surveys.
- b) **Digital screens placed across the Estate**—for example promoting the ICGS Helpline, Valuing Everyone training, ICGS drop-in sessions.
- c) **Physical stalls in Portcullis House**—for example e.g. hardcopy leaflets and contact cards.
- d) **Newsletters for Members and staff**—used to publish regular articles and information on the ICGS.

⁶⁸ Alison Stanley, CBE FCIPD, [Independent 6-month review](#), (31 May 2019), p 34.

⁶⁹ ICGS, [Independent Complaints & Grievance Scheme: Annual Report \(July 2019–June 2020\)](#), (November 2020), p 11.

- e) **Posters, leaflets and cards displayed in prominent positions**—623 ICGS posters, 3,400 ICGS contact cards and 2210 ICGS leaflets distributed across the Parliamentary Estate since the start of the Scheme.⁷⁰
- f) **Leaflets delivered to constituency/MPs' staff offices**—7,800 leaflets distributed.⁷¹
- g) **The Parliamentary intranet**—articles announcing the publication of the interactive ICGS user guides, ICGS statistics, and developments.
- h) **Everyone has a Voice SharePoint site**—information linking ICGS with House of Commons cultural change work.
- i) **Improving our workplace site**—information linking ICGS with House of Lords cultural change work.
- j) **The ICGS Annual Report 2019–20** published both internally and externally, including an article in The Times.
- k) **All staff Town Halls**—updates on new ICGS user guides, introduction of new single Helpline, and Q&As on various aspects of the Scheme.
- l) **Training sessions**—induction and Valuing Everyone training where ICGS cards, leaflets and information about the Scheme are distributed.
- m) **Workplace Equality Networks**—sharing of information and feedback between the ICGS and the WENs, including promotion of ICGS information and resources through the WENs' newsletters.

216. The commitment to ensuring that all parts of the Parliamentary community know about the Scheme is commendable. The high levels of awareness of the Scheme across the Parliamentary community, particularly amongst non-desk based staff, many of whom have been working on site during the pandemic, and MPs' staff many working alone at home during the same period, demonstrates the success of all the hard work on communications.

Accessibility of the Scheme to all

217. Despite the high levels of awareness of the Scheme, some staff with disabilities experience difficulties in accessing the ICGS and its resources. This impacts their ability both to make full use of it and therefore their confidence in it as a means of accessing support and advice and to make a claim.

218. A common difficulty raised with me was that those who suffer from sight-related disabilities often cannot read documents on the Parliamentary intranet because it does not have embedded adaptive technology. I was told that much of this

⁷⁰ These include information on the Behaviour Code, the Helpline and Employee Assistance Programme contacts. These figures include items published up until June 2020.

⁷¹ These figures include items published up until June 2020.

related to the Parliamentary intranet's infrastructure, which is due to be refreshed in the near future. Some employee surveys are being circulated using App technology, accessed on mobile phones and with technology that makes them accessible to those with visual disabilities. It was suggested that provision of Braille documents might also help address this problem. The development and use of an 'ICGS App' may result in an appreciable improvement both for those with those disabilities where this sort of technology would help and also for those non-desk based staff for whom using mobile phones is a more convenient way of accessing information.

219. In addition, while the new Helpline now has a text relay facility, this has not completely resolved the difficulties that those with a hearing disability face when accessing the Helpline.
220. Some neurodivergent individuals found the volume of guidance and forms challenging, inducing or exacerbating anxiety which could put them off using the Scheme. I similarly heard that those who were dyslexic had significant access problems. WEN volunteers were increasingly being asked to support individuals to access the Helpline or make a complaint, which was stretching their capacity as it is being done alongside their day job. The use of video guides, other visual materials along with extra support, such as an ICGS dedicated mental health first aider, could help overcome some of these issues.
221. This includes all access to the services and all the communication products, including on the Parliamentary intranet from updates to the key information on procedure and process, guides to complainants and respondents and FAQs and early step in design and dissemination of communications and documents.
222. **Addressing these accessibility problems to the ICGS for staff with disabilities are key to ensuring the Scheme is open to all and that the support and complaints process are fair and equitable to all. I recommend that these problems are prioritised by the ICGS team working with the Diversity and Inclusion teams in each House and the Parliamentary Digital Service to produce a plan including if necessary an interim solution within a month to ensure that as early as possible accessibility is routinely available. [Recommendation 24]**
223. **I also recommend that the ICGS consult with the WENS and the Diversity and Inclusion teams in each House on developing the range of materials, including video and visual, and support, such as a dedicated ICGS mental health first aider, to allow those with neurodivergent conditions to access the Scheme with confidence. [Recommendation 25]**
224. Much work has also gone into producing a suite of resources for the ICGS, hosted on the ICGS intranet landing page, including:
 - Short interactive guides for complainants and respondents, including the various steps of the process as they apply to different members of the Parliamentary community, frequently asked questions and useful links to help and support.
 - Links to the Behaviour Code and the Bullying and Harassment and Sexual Misconduct policies.

- Information about Valuing Everyone training and links to book training through Parliament's learning management system (ACT).

225. However, I found that navigation of the Parliamentary intranet to find ICGS resources is not as easy as it should be. In addition, some of the links to the ICGS are not consistent across the Parliamentary intranet, while in some cases documents and information have not been updated as policies and services have changed. A number of people told me that they had difficulties while trying to find information. While, as can be seen from the wide variety of communication channels referred to in the section on awareness above the Intranet does not have to be the main channel for obtaining information about the ICGS, an audit of the ICGS presence across the Parliamentary intranet would ensure that the ICGS can be accessed at multiple points, that information is up-to-date, and accessible to all.
226. A consistent theme from stakeholders and contributors to the review was that the procedure and process when making a complaint to the ICGS was not available and so complainants and respondents were not clear about what to expect. I have discussed this in the section on procedures and processes earlier in this Report.
227. **I recommend that the ICGS team audit the Scheme's intranet presence, to ensure that every entry point allows users to find the information they require as quickly as possible and that it is accurate and up to date. I also recommend that all ICGS material is as a matter of course tested for accessibility by those with disabilities. [Recommendation 26]**

Chapter 7: Training

228. It is essential that the training Parliament provides focuses not only on the Behaviour Code and awareness of what is and is not acceptable behaviour, and the steps that can be taken through the ICGS to address it, but also on improving wider relationships between staff, staff and managers and the different parts of the Parliamentary community. A particular aspect of this includes improving relationships between managers and staff, wherever they sit in the Parliamentary community, to avoid wherever possible issues developing to the point that they become ICGS complaints. This requires equipping managers, but also staff, to have the confidence to have difficult conversations about performance and behaviour issues. In addition, training should encourage interactions between members of the Parliamentary community to be based on awareness of difference, dignity and respect and support early interventions by staff and management when this is not the case. Such training can be transformative, underpinning wider cultural change and allowing better relationships and informal resolutions, reducing the need for formal ICGS resolutions.

Valuing Everyone training

229. The Delivery Report identified the importance of training based around the dissemination of the Behaviour Code and interventions to address the specifics of bullying, harassment and sexual misconduct, including what is and is not acceptable behaviour and outlining the options and recourses available to those affected.⁷² The key training for delivering these objectives is *Valuing Everyone — tackling bullying and harassment and sexual misconduct*. The training was introduced in April 2019, and is run by the external training provider, Challenge Consultancy. It seeks to:

- increase awareness of the impact and implications of bullying and harassment and sexual misconduct and the factors that contribute to it;
- tackle bullying, harassment and sexual misconduct, by providing actions to prevent it occurring in the first place;
- and, highlight the responsibility everybody across the Parliamentary community has to creating a safe and positive working environment.

Quality of training

230. In my 6-month review, I reported that I found the training to be of a good quality and engaging, encouraging high levels of participation and discussion.⁷³ I have found that this remains the case. The vast majority of contributions I received relating to the training were positive and reflect analysis in the latest ICGS Annual Report, which showed that nearly all those who completed feedback, whether for face-to-face or online training, would recommend the course to others. The findings from the evaluation forms found that 99.63% who attended onsite stated

⁷² UK Parliament, [Independent Complaints and Grievance Scheme Delivery Report](#), (July 2018), p 15.

⁷³ Alison Stanley, CBE FCIPD, [Independent 6-month Review](#), (31 May 2019), pp 31-32.

they would recommend the training, while the figure for online training was 98.33%. The evaluation of the feedback also indicated that those who attended thought that the training increased their ability to recognise unacceptable behaviour and their awareness of support services and sources of help.⁷⁴ Similarly, the Committee on Standards in Public Life, who consulted key stakeholders on the ICGS during my review, found that the training was “key for engendering culture change across both Houses”.⁷⁵

231. To further strengthen the training, it was suggested to me that Members' staff could be involved in sessions for Members to highlight some of the particular pressures and issues that such staff face, which might help address and lessen potential problems between Members' staff, Members' office managers and Members.

Attendance

232. I recommended in my 6-month review that Valuing Everyone training should be mandatory for all members of the Parliamentary community. It is mandatory for the Administration staff of both Houses and for Lords Members.⁷⁶ Attendance by MPs and MPs' staff remains voluntary.

233. Over the last 18 months, significant progress has been made for all groups, save for MPs' staff and Lords Members' staff. The attendance figures as of 31 January 2021 are set out below:⁷⁷

⁷⁴ ICGS, [Independent Complaints & Grievance Scheme: Annual Report \(July 2019-June 2020\)](#), (November 2020), pp 30-31.

⁷⁵ Committee on Standards in Public Life, [SUBMISSION TO THE 18 MONTH REVIEW OF THE INDEPENDENT COMPLAINTS AND GRIEVANCE SCHEME](#), (4 December 2020).

⁷⁶ House of Lords Conduct Committee, [Valuing Everyone training and ICGS investigations: former MPs](#), (HL 158; 26 October 2020).

⁷⁷ Figures supplied by House of Commons L&OD. There are a number of caveats, which might explain some variance in the figures. Headcount data for Lords and Commons staff are from November 2020, meaning that there could be variance in completion %ages reported. Headcount figures for Members' staff are from October 2020. Some of the figures may still account for staff who have completed training but are now no longer part of the Parliamentary community (e.g. Members' staff). In terms of those Commons staff still to undertake training, these figures do not take account of staff who are on secondment, a career break or who are unable to undertake training, which means that attendance %ages maybe higher than those reflected in the table.

Table 3: Valuing Everyone training attendance statistics

Participants	Completed	Booked	Total	Total Headcount	% who have attended/booked on the training
House of Commons staff	2,827 (90%)	116	2,943	3156	93%
House of Lords staff	460 (77%)	43	503	601	83.6%
MPs	575 (88%)	3	578	650	89%
MPs' staff	573 (18%)	28	601	Approx. 3,200	19%
Members of the House of Lords	544 (68%)	41	585	792	74%
Lords Members' staff	9 (2%)	0	6	Approx. 520	2%

234. It is very positive that 89% of MPs have attended the Valuing Everyone training, including the vast majority of new MPs who joined the House after the December 2019 General Election. The fact that so many MPs have attended voluntarily, should send a powerful message of their commitment to ensure a culture of professional respect and dignity in the House of Commons. The high levels of attendance throw focus onto that small number that have not. While there may be well be good reasons for non-attendance to date, there is a strong risk that staff and other members of the Parliamentary community will draw adverse inferences as to the full acceptance in the Commons of the changed culture. Contributors have told me that Covid-19 has greatly increased the constituency caseloads for MPs and their staff. However, the training can be provided online, flexibly and is also well advertised on the Members' Professional Development pages on the Parliamentary intranet with links to the training portal ACT.
235. **Building on the commitment they have already made to changing the culture, I recommend that the House of Commons take this opportunity to make a decision that all MPs attend the Valuing Everyone training on an ongoing basis. This mandating of themselves to do so will resend a clear and powerful message to the whole Parliamentary community and externally that they remain committed to an improved culture. This is seen as MPs valuing the Parliamentary community and continuing to take responsibility to establish the workplace culture of dignity and respect whether on the Parliamentary Estate or in constituency offices. [Recommendation 27]**
236. **I also recommend that the decision sets a time period for completion, namely that those still to attend the training do so within three months from the date of my**

report and that future newly elected MPs attend within six months of their election. [Recommendation 28]

237. Significant progress has been made in the attendance of Members of the House of Lords at 74%. In order to reach the target set by the House of 100% attendance by 1 April 2021, Members are regularly reminded of the need to do so by the Lords' Implementation Lead. Those who have not will be investigated by the Lords Commissioner for Standards and if there are not extenuating circumstances she will consider restricting their access to certain services until training is complete and seek to agree that they attend the training as remedial action. The Commissioner will also publish one report covering all Members with whom she agrees remedial action. This underpins the importance of this training.
238. In terms of Lords Administration staff, I was told that responsibility for enforcing attendance is delegated to Heads of Offices and Departments. While attendance rates for such staff are good, it is important that a concerted effort is made to make further progress. I was told that particular efforts were being made to ensure that non-desk based staff could attend the training, especially if their shift patterns were an issue.
239. I was reassured to hear that trainers are taking steps to make it easier for those with disabilities to attend. For instance, I heard that the provision of induction loops, support for guide dogs and comfort dogs, as well as regular breaks for those with neuro-diverse conditions could make a significant difference for attendees with disabilities. I was also told that some staff with caring responsibilities can also face challenges to attend the training depending on what time of the day it is held.
240. **I also recommend that both the Lords and Commons Administrations identify which of its staff have not yet attended the training, identifies and resolves any accessibility issues or barriers and works with Challenge Consultancy to maximise their attendance. [Recommendation 29]**
241. It is of deep concern that so few Members' staff in the House of Commons have attended the training. This is particularly worrying as a number of stakeholders, including MPs' staff representatives, in reiterating the issues raised in the White report, told me of the insecure position of Members' staff if they are subject to bullying and harassment or sexual misconduct given the small teams they are often working in. I was told that MPs' staff also often find it a challenge to attend such training because of their workload. With the training now offered online, it would appear that priority should be given to this key group attending the training, with MPs supporting their staff with the time away from their work to attend online. Participants on the training have also said that, as many are working from home, it offers a chance for such staff to engage with colleagues, albeit remotely and help avoid the isolation which Gemma White noted in her report.⁷⁸
242. **I recommend that the House of Commons commits to make attendance of Valuing Everyone training by MPs' staff mandatory with a target of 50% attendance to be achieved within a year of the publication of this report. I also**

⁷⁸ Gemma White QC, [Bullying and Harassment of MPs' Parliamentary Staff Independent Inquiry Report](#), (HC 2206; 11 July 2019), p 5.

recommend that new MPs' staff should have attended this training at the latest within six months of starting employment and that it should be made a priority for their induction. I recommend that House of Commons L&OD send regular reminders to MPs in existing communications to support and enable their staff to attend, noting the flexibility of online training alongside face-to-face. [Recommendation 30]

243. In terms of Members of the Lords staff, a particular issue is that this entails a broad variety of individuals from various backgrounds ranging from senior executives of external firms and CEOs of not-for-profit organisations to university interns and paid secretaries.⁷⁹ A number may have undertaken similar training in their own organisations. In addition, some Members do not always see those who work for them as 'staff'. The House of Lords Commission may consider the issue and the most appropriate guidance to give to Members as to the attendance of this group on the training.

Improving and refreshing Valuing Everyone training

244. The training provider has proved open to receiving and acting on ongoing feedback from attendees on improvements on the substance of the training.⁸⁰ Challenge Consultancy and the House of Commons and House of Lords Learning and Organisation Development teams have continued to regularly collect feedback to improve quality and address issues as they arise. Challenge Consultancy told me that over the past 18-months they had provided two reports to the ICGS team identifying key themes that emerged from feedback and particular issues that participants raised. The ICGS Annual Report noted over 97% of those involved in face-to-face workshops completed evaluation forms, while for the online workshops the completion rate was 88%, which indicates a positive sign of engagement with the training.⁸¹ I was told that no decisions have been taken yet on whether the training should be retaken on a regular basis, which is the case for a number of other training courses, such as fire and safety, and security. I was also told that it is yet to be decided whether the training should have a major refresh.
245. **As the Valuing Everyone training is an essential component of Parliament's commitment to an improved workplace culture, I recommend that the training should be retaken on a regular basis by all members of the Parliamentary Community, at a minimum every three years and that the training itself should take account of user feedback and include tools and examples of how to challenge poor behaviour and model good behaviour. I also recommend that the training should continue to align itself with wider cultural change and diversity and inclusion work. [Recommendation 31]**

Delivering Valuing Everyone training online

246. From June 2019 to March 2020, the training was offered as a face-to-face workshop, for up to 14 participants. Since 30 March 2020, with the introduction of remote working and restrictions as a result of Covid-19, the training has been

⁷⁹ See: House of Lords, [Register of Members' Staff Interests](#), (accessed 5 February 2021).

⁸⁰ Alison Stanley, CBE FCIPD, [Independent 6-month Review](#), (31 May 2019), pp 31-32.

⁸¹ ICGS, [Independent Complaints & Grievance Scheme: Annual Report \(July 2019-June 2020\)](#), (November 2020), p 30.

offered online, with between one and 20 participants attending.⁸² It is to the credit of the training providers and Commons and Lords Learning and Organisation Development teams that they have been able to respond creatively to the pandemic and develop effective online training. It presents considerable opportunities to increase the availability and flexibility of the Valuing Everyone offer. A number of contributors told me it was particularly helpful for those groups who otherwise had struggled to find the time to attend face-to-face training, such as MPs and their staff.

247. I would encourage the use of online training, once restrictions are lifted and that it is publicised and promoted alongside face-to-face training. This should help increase attendance of Valuing Everyone training and to ensure that new starters undertake the training at the earliest opportunity.

Management practice and performance management

248. During my review I heard from managers and stakeholders, including those from HR and the trade unions, from both House Administrations about the challenges posed by performance management and that this was an area where performance management could often be perceived by staff as bullying and harassment and so ICGS complaints arise. It is crucial that managers have the skills and confidence to manage performance in a clear, fair and supportive way and seek HR advice when needed. As with many management practices, managers ability and assurance will enable them to resolve issues before they escalate into a complaint to the ICGS.
249. It is therefore critical that the initiatives that both Houses are undertaking, such as the guidance on performance management and cultural transformation, make clear that in a healthy working culture there is no conflict between performance management and wider values and promoted behaviours which stress dignity and respect.
250. The House of Commons Administration has tackled the issue of performance management and bullying head on by producing guidance which differentiates between “*appropriate and reasonable management and bullying*”, which was circulated in September 2020. It sets out with clear examples the ability of managers to give constructive feedback, set reasonable targets, goals and priorities and to discuss concerns they have about someone’s performance, capability and behaviour. It sets out and compares good management with examples of managerial actions and behaviour that would amount to bullying. It also stresses the need for openness, clarity and dialogue around agreed goal setting.
251. There is a suite of tools and techniques aimed at performance management. This includes guidance, techniques, training, and a dedicated chapter in the House of Commons Staff Handbook. There is a particular emphasis on addressing performance issues before they arise as part of wider performance and development processes. The House of Commons also provides a set of resources

⁸² ICGS, [Independent Complaints & Grievance Scheme: Annual Report \(July 2019-June 2020\)](#), (November 2020), p 30.

and training to help managers develop a coaching approach to people development.

252. A number of stakeholders in the Lords told me that the Administration is addressing performance management as a priority. It was noted in the Ellenbogen Report that a lack of proper performance management was in part due to a “fear, on the part of managers, that robust measures will lead to unfounded allegations of “*bullying*”. The House of Lords Administration has implemented a number of initiatives to address this issue for instance the Enhanced Management Development Programme, which includes a module on ‘Managing Performance’ aimed at all managers. The aim is that the training and support in this area would give such managers more confidence in having such conversations based on best practice. Other modules on the programme include developing the team and leading change. In addition to the programme, the Lords Learning and Organisation Development team run a range of other courses covering a wide selection of aspects of management and leadership. Finally, the Lords Staff Handbook also includes a chapter on managing poor performance.

Chapter 8: Outstanding policy issues

Third party reporting

253. In considering policy changes, my terms of reference ask me to look again at whether complaints from third parties should be considered and, if so, the appropriate mechanism to do so. The issue is whether, if an individual witnesses an incident or pattern of inappropriate behaviour, or otherwise becomes aware of it, by one person towards another in the Parliamentary community, that individual can make a report of that behaviour to the Helpline. If so, how will those reports be recorded and used. Further could that third party individual, who could include a manager or trade union representative, make a complaint under the ICGS on behalf of the person who has been the subject of the inappropriate behaviour.
254. My recommendation in the 6-month review was that in the House of Commons the position remains that third parties cannot formally report behaviour under the ICGS policies and procedures. This was in line with the House of Lords approval of the Committee for Privileges and Conduct recommendation in relation to Lords Members and Lords Members' staff, namely that third party complaints involving bullying, harassment or sexual misconduct are not permitted i.e. only the person who was the victim of the behaviour complained of may make a complaint.⁸³
255. The factors to consider that I set out in my earlier report remain current. The ICGS is a complaint led Scheme in which the core element is a fair and thorough independent investigation, following the principles of natural justice for both complainant and respondent. If third party reporting were permitted and the individual against whom the behaviour was directed did not him/herself want to make a formal complaint or be involved in the investigation, then the efficacy and quality of that investigation would inevitably be significantly undermined. This is particularly the case in some circumstances, where the impact on the individual of the behaviour or pattern of behaviour can be a key element.
256. The Scheme has now been in operation for over two years. As was the case previously, some stakeholders expressed concern about managing the risk that third party reporting, which triggered an investigation, would be open to misuse for those motivated by political or personal grievances. In this review, concern was again expressed about a potential complainant who may be too fearful or intimidated to make a complaint themselves, due to the power imbalance between themselves and the potential respondent. Enabling a third party to do so would bring attention to this behaviour, so it could be investigated and addressed, with the person who was the subject of the behaviour giving evidence as a witness. If the third-party complainant were a trade union representative or senior manager then that would provide an enhanced level of support to the person subject to the behaviour and the reassurance that they would have greater protection against reprisals from the respondent as a result of the complaint having been raised.

⁸³ House of Lords Committee for Privileges and Conduct, [Independent Complaints and Grievance Scheme: Changes to the Code of Conduct](#), (HL 335; April 2019), para 38.

257. The trade unions and other contributors also link this to the question of cluster reporting and argue that this would be a mechanism by which both Houses, which as employers are aware of individuals who have shown a pattern of inappropriate behaviour in a number of incidents could respond institutionally on behalf of its employees. I discuss cluster reporting in the following section.
258. Enabling a trade union or staff representative to make the formal complaint would go against the principle in workplace policies and other regulatory or legal frameworks that a representative can support, advise and attend meetings with a complainant but cannot speak for them. Moreover, throughout this review contributors from across all parties in the Parliamentary Community have emphasised the need within the ICGS process to ensure that the respondent as well as the complainant has support and that the policy or process does not appear to the respondent to have prejudged him or her before there has been a fair and full assessment of the evidence. If the third-party complainant were a senior manager there is a significant risk that the respondent would conclude that such a prejudgement had indeed been made. It is difficult to see how this suggestion could work effectively in practice.
259. For clarity, a third party can call the Helplines for advice and support as to handling their concerns. A third party could also be called as a witness to provide evidence to an investigation. In addition, if a third party is directly impacted as a result of the behaviour they witness they can report that to the relevant Helpline on their own behalf. Also, the third party/senior manager could provide support to the complainant through the process, as their companion.
260. Across the Parliamentary Community, observing inappropriate, bullying behaviour or harassment in the workplace and being clear about how to respond or support is a key part of the wider workplace environment initiatives being undertaken in each House to build a culture of respect and dignity. The strengthening of leadership and management capability and practice across the Parliamentary Community is also essential in giving managers the confidence and skills to recognise and handle incidents or persistent patterns of behaviour more immediately before the situation escalates.
261. **For the reasons set out above I recommend that it should continue to be the position across both Houses that third parties cannot formally report behaviour under the ICGS policies and procedures. I note that equipping staff and managers with the skills and confidence to constructively challenge poor behaviour in the moment is being addressed in both the Valuing Everyone training, in the training on strengthening of leadership and management capability and practice across the Parliamentary Community and cultural initiatives such as Everyone Has a Voice in the House of Commons.**
[Recommendation 32]

Cluster reporting

Previous recommendation

262. In the 6-month review, I considered the issue of cluster reporting and made a number of recommendations: on the policy decisions that would need to be made on the relevant data collection and storage and on the determination of how many reports of bullying and harassment and/or sexual misconduct would

constitute the threshold for informing the Decision-Making Bodies and taking action.

263. I further recommended that when the ICGS had been in place for at least one year, with the resulting data, trends and experience available, an appropriate bicameral working group be established to consider how cluster reporting would operate fairly and effectively in practice.

Current position

264. There has been some progress on the recommendations, in that a threshold number of reports to trigger an alert to the ICGS Director is in place with the Helpline. In summer 2019 a protocol on multiple complaints was agreed with the then providers of the two Helplines. It provided that in the event of the Helplines receiving two or more references to a named person in relation to sexual misconduct or five or more to a named person in relation to bullying and harassment, they would inform the nominated case manager in the ICGS team. The caller information is anonymised, unless there is a safeguarding issue concerning vulnerable adults or children. A protocol in the same terms was agreed in August 2020 with Victim Support, the new provider of the single Helpline covering both areas. While the ICGS Director would speak confidentially to the HR Director of the relevant Decision-Making Body about the alert from the Helpline, the challenge remains as to what action could be then taken. The bicameral group has not been set up and the issue of cluster reporting was remitted to this 18-month review.
265. This is a difficult and complex area but of significance in respect of both sexual misconduct (where behaviour can be predatory, isolating and repeated with a number of targeted individuals) and bullying and harassment (with manipulative patterns of behaviour). There is no simple process answer to deal with the issue. Whilst positive progress has been seen in the work to improve culture across Parliament embedding the Behaviour Code, addressing cluster reporting has been a consistent issue raised with me by stakeholders during the review.
266. The situation described to me is where there is a repeated pattern of poor behaviour by an individual towards staff and in most instances it is raised with managers. It may also have been seen by the manager themselves. The individuals causing concern are on occasions Members but also staff or managers, usually where the individual is in a more powerful position. Staff may take action to try and avoid the behaviour, often supported by immediate managers if they are aware of it and on occasion new members of the team are warned about it. Contributors have spoken about the oppressive and demeaning working environment this can create.
267. Within this context, I am told that staff do not make a formal complaint to the ICGS Helpline for a number of reasons. They are unsure if the level of each individual instance of behaviour of itself would constitute bullying and harassment. Making a complaint is seen as a lengthy and daunting process, where they feel unprotected and unsure of the support they would receive, particularly if they were the only person to make a complaint. Some may be more confident to do so if they knew others had also formally complained. The issue of having still to work with the respondent during the investigation, when he/she knew that the staff member had made a complaint against them was mentioned by a number of individuals. Contributors raised with me that those

who may have a complaint of bullying based on one or more protected characteristics can feel particularly isolated. Most significant is fear of the consequences for their career and, in particular for MPs' staff that, even if the complaint was upheld, their continuing employment would be unfeasible.

268. Given this concern some have argued that, where a senior leader in either House Administration has been made aware of these cluster of concerns, he or she should lodge the formal complaint with the ICGS and trigger an investigation on behalf of the staff themselves who have been subject to the behaviour. Those staff would then participate as if witnesses. It has been argued that this would demonstrate the senior leaders support for staff, rather than them having to make a complaint themselves and that they would have greater protection against reprisals from the respondent as a result of the complaint having been raised. For the reasons I give when discussing third party reporting in the section above, I do not see that this would work effectively in practice.
269. It should be noted that such behaviour comes from only a small number of individuals and contributors have also spoken to me about the positive and respectful behaviour of Members and managers towards them.
270. At the same time, as the most effective way of addressing this type of behaviour is a formal complaint, it is crucial that potential complainants receive sufficient support to give them more confidence to make a formal complaint and that they will not suffer reprisals from the respondent for doing so. A senior or other trusted manager can offer ongoing support to the potential complainant, either accompanying them to meetings with the Investigator as their named work colleague or otherwise and ensuring they are aware of the EAP. If the respondent is a Member of the House of Lords, the Lords Commissioner for Standards has powers to restrict access or service to that Member both during the investigation and as part of the sanction. If the respondent is a staff member then they will be in breach of the disciplinary policy if they in effect victimise the complainant for bringing a complaint and their manager would be expected to take appropriate disciplinary action.
271. Other organisations focus on supporting potential complainants to bring a complaint but also on putting in place a data protection compliant process to enable a potential complainant to be informed if others have made a similar complaint against the same individual. For example, the relatively recently introduced Bar Council Spot online tool designed to help people working at the Bar to record and report any incident.⁸⁴ An individual may make a report of behaviour they believe to be bullying and harassment or sexual misconduct by a barrister, whether on an anonymous or named basis. The individual may then use that dated report in any subsequent complaint to their Chambers or employer. Where the reporting line receives more than one complaint against a named barrister, it will contact each of those who have made a report to let them know that others have also done so and can give the contact details of individuals who have agreed to have them shared.
272. At the moment it is not possible to do this using the ICGS Helpline and for complaints against Members of either House either Commissioner is permitted to communicate that they are investigating a particular Member. I am told that

⁸⁴ See: Bar Council, [Bar Council launches anti-harassment and bullying online tool](#), (9 September 2019).

senior leaders in either House do talk informally to Members about incidents of behaviour reported to them by staff, but they do not keep a record of repeated incidents or clusters of complaints against the same Member. There were challenges expressed about the feasibility of having a fair policy approach that would allow informal action to be taken against an individual even where data on repeated instances of behaviour had been kept. If the complaint has not progressed to a formal stage, the individual would not have had the opportunity to respond. In the high visibility environment of parliament there are also concerns about unmerited adverse publicity or collusion by complainants with their own political or personal grievances.

273. **Given the challenges, I would recommend that the bicameral working group is set up to consider how cluster reporting would operate fairly and effectively in practice. In particular to consider how a fair and data protected complainant reporting procedure can be operated for collecting and storing the data and informing other potential complainants if a complaint is made. Also, to review if and how other organisations deal with a cluster of complaints informally as well as through a formal complaints' procedure. [Recommendation 33]**
274. In her report on the House of Lords, Naomi Ellenbogen QC emphasised the importance of identifying hotspots whether there were concerns being raised about the same person or multiple people.

'In light of the real concerns that many employees have expressed, and pending a meaningful change in culture, cluster reporting seems to me to be essential. I agree with Alison Stanley, that the relevant data set first needs to be identified and collated. I would suggest that it include material gathered by department and catering outlet, as a means of identifying hotspots'.⁸⁵

It is crucial to note that all data collected by the ICGS Helpline is kept securely, with individual details kept confidential at all times. Any aggregated data or trends is provided only on an anonymised basis with strict protocols to ensure that individuals cannot be identified from that anonymised data for instance not showing data for particular areas where numbers of callers in very low. Callers are not obliged to give any personal data when they make a call if they do not wish to do so and this will not impact the advice and support given to them.

275. **I would also recommend that the ICGS team agree the data they are collecting, including that of protected characteristics and other diverse groups and obtain from the ICGS Helpline analysis to identify hotspots, including by department and catering outlet to identify trends, always ensuring that the data is anonymised so that individual complainants cannot be identified. The frequency of the analysis to be agreed to give the most meaningful picture. [Recommendation 34]**

Limitation period for non-recent cases

276. I have been asked to consider if a limitation period should be introduced for non-recent cases. Up to July 2020, six complaints of non-recent complaints of bullying

⁸⁵ Naomi Ellenbogen QC, [An Independent Inquiry into Bullying and Harassment in the House of Lords](#), (July 2019), para 200.

and harassment or sexual misconduct have been made,⁸⁶ and in total 39 calls were received by the Helpline.⁸⁷ After the first six months of the change in eligibility, the receipt of non-recent complaints by the Helpline dropped off significantly.⁸⁸

277. Introducing a time limit within which non-recent complaints can be made is ultimately a policy question for any organisation. From my discussions with stakeholders and contributors, I set out the various considerations when looking at time limits. If Parliament wish to introduce a limitation period I have made recommendations. However, the other reasonable option in all the circumstances is to continue the current position for a period of five years from its introduction in October 2019 and review the question then.
278. **Availability of evidence:** Managing these non-recent cases present particular challenges, including evidential and in looking at the issue of a limitation period I have taken account of the very helpful consideration of non-recent cases and potential time limits in Dame Laura Cox's report.⁸⁹ The key factor in investigating a non-recent case is the availability and quality of the evidence available and whether a just and fair determination of the complaint can be made upon it. The age of the incident(s) complained of does not itself dictate whether such evidence will be available and there are examples in other fora of successful complaints being made from many years ago.
279. In practice however during the review I have heard that there can be evidential challenges in considering older complaints, particularly where one or both of the parties is no longer a member of the Parliamentary Community. In a workplace setting, retention of emails, electronic diaries and other internal documentation relating to former employees or generated in the normal course of business in that workplace, are subject to the retention of records and data protection policies of an organisation. As an example, I understand from stakeholders that email accounts for former MPs are closed six months after the date of their ceasing to be an MP.
280. Whether referring to recent or non-recent events, the nature of complaints of bullying, harassment and sexual misconduct is that the main source of evidence is the complainant, both their account of the incident(s) of behaviour and the corroborating evidence that they have. With older complaints, memories can fade, and the availability of corroborating evidence reduce. Weighing the nature and relevance of direct and indirectly corroborating evidence can also become more difficult.
281. **Cost:** as with other employers and regulatory bodies, it is reasonable for the House Administrations to weigh the cost, resource and time in investigating older non-recent cases not only with the likelihood of there being sufficient evidence to

⁸⁶ ICGS, [Independent Complaints & Grievance Scheme: Annual Report \(July 2019–June 2020\)](#), (November 2020), para 13.

⁸⁷ UK Parliament, [Independent Complaints and Grievances Scheme proactively published statistics](#), (accessed 3 February 2021).

⁸⁸ ICGS, [Independent Complaints & Grievance Scheme: Annual Report \(July 2019–June 2020\)](#), (November 2020), para 38.

⁸⁹ Dame Laura Cox, DBE, [The bullying and harassment of House of Commons staff: Independent report](#), (15 October 2018), paras 149 and 132.

make a fair assessment in a complaint's procedure and the seriousness of the allegations but also of reaching a satisfactory resolution. Inevitably that resource and time is not limited to the Investigator but also current employees, office holders or Members checking if evidence is available such as searching older records or diaries.

282. **Sexual misconduct:** during my review I had the opportunity to talk to a group of external experts in the areas of sexual harassment and discrimination, who are already working with Parliament on another issue and to hear their views on introducing a time limit for complaints. It is generally accepted as a result of research and events over recent years, that those who have experienced sexual harassment or misconduct may not make complaints for a considerable time. My view is in the context of a time limit complaints of sexual misconduct can be differentiated from those of bullying and harassment. For this reason, I would not at this stage recommend the imposition of a time limit on complaints.
283. **Bullying and harassment:** a time limit could be introduced for non-recent cases. The length of that time limit is ultimately a policy issue for Parliament. Looking at employment legislation as a reference point, the time limit for a claim to an Employment Tribunal is generally 3 months, with a discretion of the Tribunal to accept late claims in certain instances. From the findings of Gemma White QC's report about the impact on MPs' staff of poor behaviour resulting in their leaving their job, I would be concerned that to allow no claims after leaving employment or limited to 3 months would not be a sufficient time for a potential complainant to be in a position to bring a complaint. The time limit in law for bringing personal injury claims is three years, again with the court having a discretion to accept late claims for good reasons.
284. On the other hand, I am also mindful of the experience to date in the ICGS of individuals bringing a complaint of bullying and harassment as an opportunity to reopen issues that have already been decided in internal proceedings over two years earlier and the adverse impact on respondents. While my recommendations on amending the Initial Assessment should improve the position, complaints from former employees that ultimately are found to be without substance may still be made. At the same time some stakeholders raised the issue of cluster reporting, where some of those who have been subject to the pattern of behaviour from the same individual do not make a complaint until more than a year after the incident(s) occurring because they were wary of doing so until others also made claims.
285. Balancing the various factors, I would propose a time limit of 2 years for bullying and harassment claims from the date of the incident[s], whether made by current or former staff. This is significantly longer than the time limit for bringing a complaint to an Employment Tribunal of 3 months but should allow for some evidence to still be available and memories to be fresher. The House of Commons may well wish to hold an internal and external consultation on the introduction of a time limit or not, including the detailed aspects.
286. As noted by Dame Laura Cox, many legal time limits give the Court or Tribunal a power of discretion to allow late claims in set circumstances and she recommended that such a discretion should be given in the ICGS. If a time limit was introduced for bullying and harassment non-recent cases, criteria would need to be considered and decided and who would exercise the discretion. This

discretion would be particularly important in a cluster reporting situation raised above.

287. In introducing such a limitation period, care would need to be taken not to offend against the principle of retrospectivity, in that a person who could bring a non-recent complaint now would find themselves not able to do so as a time limit had been imposed. This could be answered by setting a period, say 6 months or a year, within which any outstanding non-recent complaints about incident(s) or behaviour whenever it occurred could be made.
288. Having a time limit for claims under one policy and not the other puts a focus on those instances where there may be complaints that may involve gendered bullying or other forms of intersectionality of complaints. Care needs to be taken to avoid a claim of this sort that would otherwise warrant investigation being disbarred due to the time limit. It would seem unreasonable that a complaint of substance made in good faith under the Sexual Misconduct Policy, that is then found on investigation to be one of bullying should not be disbarred from further action because it would have been out of time under the Bullying and Harassment Policy.
289. I note that the position in respect of complaints against Members of the House of Lords is currently materially different in that older complaints under the Code of Conduct could already be investigated under other provisions against a current Member of the House of Lords. In March 2020 the House agreed amendments to the Code to make such investigations align more with the ICGS on 16 March 2020, by implementing a six year limitation period for complaints to be made to the Lords Commissioner, with discretion exercised by the Conduct Committee to allow late complaints for both ICGS and non ICGS cases. Complaints cannot be made against someone who is no longer a Member of the House of Lords.⁹⁰ Given the principle of the ICGS Scheme being Parliament wide, this would presumably be a matter for consideration as to the rationale for the differing approach.
290. **I would propose that no time limit is imposed on non-recent at this moment for sexual misconduct but that the House of Commons Commission and the House of Lords Commission should consider this issue in 3 years' time, taking into account the original policy intent of the House in permitting non-recent cases and the number and pattern of complaints that have been made. [Recommendation 35]**
291. **On complaints of bullying and harassment if Parliament do wish to implement a time limit on non-recent cases I would propose 2 years from the date of the incident(s) or behaviour complained of, with the exact detail of the operation of the time limit to be determined. To avoid the risk of unfair retrospective impact, a period of 1 year from the date of decision on the limitation period, within which any remaining non-recent claims can be made, whenever they occurred.**
292. **Alternatively, the current position could be continued for a period of five years from its introduction in October 2019 and the question of time limits on both sexual misconduct and bullying and harassment considered then, taking into account**

⁹⁰ House of Lords, [Code of Conduct for Members of the House of Lords Guide to the Code of Conduct Code of Conduct for House of Lords Members' Staff](#), (HL 99; July 2020), para 128 and para 5.

the original policy intent of the House and the number and pattern of complaints made. [Recommendation 36]

Chapter 9: Cultural context for ICGS

293. The ICGS, as with any workplace complaints and grievance Scheme, does not sit in isolation. It is part of a wider set of organisational initiatives and practices which help shape workplace culture and behaviour. Appreciation of its interdependence with the wider workplace environment is crucial if it is to work properly and in turn underpin changes in behaviour. A number of stakeholders made this point when speaking to me. They see the ICGS as both providing fair and independent investigation of complaints but also as a key tool to deliver cultural change by indicating the seriousness with which Parliament is now addressing poor behaviour. Equally, the Delivery Report and the Cox, White and Ellenbogen Reports were clear about the importance of significant cultural change, noting that a complaints procedure alone would not address the problems of bullying and harassment and sexual misconduct.
294. The Code and cultural change should also work in tandem with the steps to improve management covered in the training chapter of this report. Managers need to have the skills, tools and confidence to model, drive and embed cultural change. As this embeds and matures it should reduce the potential for problems, widen the space for informal resolution and reduce the number of cases needing formal resolution through the ICGS.
295. A key vehicle for changing behaviour and effecting cultural change is the Valuing Everyone training, which I cover in detail in the training Chapter of this report.
296. Both Houses have shown their strong commitment to changing their workplace cultures by the significant amount of work they have carried out and their continued focus. Both Houses have established sets of values such as courage, respect and inclusiveness to encourage people to speak out when they see poor behaviour and to be mindful of the impact of their behaviour on others. The two Houses have indicated the importance of cultural change by prioritising it within their strategies and business plans and by developing specific programmes, such as Everyone has a Voice in the Commons. They have established steering groups to oversee and track cultural change activities and implement recommendations, such as those from the Ellenbogen report in the Lords, involving staff and other key stakeholders. Importantly, both Houses are working hard to enable leaders, managers and staff to model the values and the cultural change they are seeking to embed. For example, in the Commons, almost 40 staff volunteers have been recruited as Voice Champions to exemplify the values and what having a voice might mean. Their efforts are also reflected by the resources hosted on the two Houses' cultural change intranet hubs and on work to bring the values and the Behaviour Code to life for operational teams. In addition, both Houses are monitoring progress as well as tracking impact through surveys, focus groups and workshops.
297. Making Parliament more inclusive and diverse is crucial if cultural change is to be authentic and take account of the lived experience of the whole of its community. Both Houses have placed diversity and inclusion (D&I) at the heart of the wider cultural transformation work they are carrying out, symbolised by inclusion being a value in both Houses. Diversity and Inclusion is baked into the corporate priorities of both Houses and underpins the importance assigned to D&I strategies and activities. Both Houses are monitoring their diversity and are taking

steps to ensure that their HR processes, especially their recruitment and leadership programmes, are more inclusive and improve diversity, especially amongst senior staff.

298. They also have diversity and inclusion training, such as the mandatory Diversity and Inclusion and You in the Lords, while a wide range of resources and materials for leaders, managers and staff are available on the Parliamentary intranet, such as those hosted on the Commons Diversity and Inclusion Hub. For instance, one focus is to encourage and enable leaders and managers to open up safe inclusive spaces for staff, irrespective of grade or social background, to speak out and raise issues. Other specific examples include reciprocal mentoring and LGBT Allies in the Lords and the setting up of a BAME Advisory Group in the Commons.
299. It is important that the desire to improve the culture of both Houses I have seen in my review from the many stakeholders I spoke to is maintained.

Appendix 1: ICGS 6-month review

1. The 6-month review was tasked with considering a number of issues, including:
 - Ownership and accountability for the effectiveness of the Scheme.
 - The operation of the ICGS, specifically bullying and harassment and sexual harassment policies and the ISMA (Independent Sexual Misconduct Advisor) Service pilot.
 - The wording and interpretation of the Behaviour Code.
 - The Take-up of training and development relating to the Scheme.
 - The effectiveness of the support provided to complainants and those subject to complaints.
 - The equality and impact of sanctions.
 - Outstanding issues currently not dealt with by the Scheme, namely third party reporting, cluster reporting and visitors to constituency offices.
 - Recommendations for changes to the Scheme made by Dame Laura Cox, Gemma White QC and Naomi Ellenbogen QC.

2. The key recommendations in my 6-month review related to the following areas:
 - ensuring continued focus, drive and coherence of the Scheme, by identifying the key accountabilities of senior leaders across the Parliamentary Community;
 - creating a fully resourced bicameral ICGS team, with requisite skills and experience to ensure effective implementation and streamlined operation;
 - a new dedicated approach to communication of the ICGS accessible to all and focussed on each user group within the Parliamentary Community clearly setting out the end-to-end processes;
 - proactively using the Behaviour Code to improve ways of working in teams, for example as part of the wider cultural work being led by the new independent Director of Cultural Transformation in the House of Commons;
 - building on the solid start on the training programme, ensuring the equal importance of training for all members of the Parliamentary Community is addressed.

Appendix 2: Terms of reference for ICGS 18-month review

Purpose

1. The review will assess whether the Independent Complaints and Grievance Scheme (“the Scheme”) delivers a fair, thorough and consistent process for addressing bullying, harassment and sexual misconduct that has the confidence of the Parliamentary Community.
2. In assessing this, the review will examine and, where appropriate, make recommendations regarding:
 - a) The effectiveness and impact of the Scheme;
 - b) Policy changes to the Scheme, including changes to the Scheme's governance;
 - c) The processes of the Scheme and their operation; and
 - d) Any other matters the reviewer considers relevant.
3. The review will not:
 - Consider the sanctions available under the Scheme and their implementation;
 - Consider matters falling with the remit of the work of the Independent Expert Panel, the Conduct Committee, the House of Lords Commissioner for Standards, the House of Commons Committee on Standards and the Parliamentary Commissioner for Standards. But the reviewer may consult these groups as part of the review; or
 - Reopen or re-examine individual cases. However, the reviewer will be able to invite these stakeholders to provide their views of the Scheme.

Effectiveness and Impact

4. The review will assess the effectiveness and impact of the Scheme, including:
 - a) Awareness and experience of the Scheme across the Parliamentary Community;
 - b) The impact and effectiveness of training related to the Scheme;
 - c) The consistency and approach as between the two Houses of Parliament;

- d) The extent to which diversity and inclusion is embedded in the Scheme; and
- e) The resources available to the Scheme.

Policy changes and governance

- 5. The review will consider, and make recommendations, regarding:
 - a) Whether complaints from third parties should be considered; and, if so, the appropriate mechanism for this;
 - b) Whether and how cluster reporting should be introduced;
 - c) Whether a limitation period for historic cases is appropriate; and
 - d) The consistency of the approach of each House to complaints made by those outside the Parliamentary Community, and whether these should be aligned.
- 6. The review will consider the governance of the Scheme and, in particular, the mechanism for changes to be made to the Scheme and for the ongoing review (including against the matters in paragraph 229 of the Cox Report—see Annex B).

Process and operation

- 7. The review shall assess the processes and operation of the Scheme, in particular:
 - a) Barriers to the progress of investigations;
 - a) The operation of the new Helpline and new Independent Investigators (due to be appointed in September);
 - b) Routes by which all respondents and complainants may challenge findings;
 - c) Whether the Initial Assessment stage should operate as an eligibility check only;
 - d) The effectiveness of informal resolution mechanisms;
 - e) Support available to complainants, respondents and other users of the Scheme;
 - f) Whether any changes are required to the wording of bullying and harassment and sexual misconduct policies;
 - g) Whether any further changes are needed to ensure that complaints resolved in other fora cannot be re-opened using the Scheme; and

- h) Information sharing between the Investigators, the ICGS team, and each Administration; and
 - i) How cases are allocated to Independent Investigators.
8. The review will, subject to paragraph (3) above, consider, insofar as they remain relevant and are not covered by the above, the recommendations from the 6-month review of the Scheme and any recommendations specific to the Scheme's operation from the Cox, White and Ellenbogen reports (see Annex A).

Methodology

9. The reviewer will:
- a) Consider relevant qualitative and quantitative data; and
 - b) Consult Investigators, the political leadership and office holders and officials responsible for the strategic approach to the Scheme, and those involved in the day-to-day operation of the Scheme
10. The reviewer will engage with and invite submissions from complainants, respondents, and the wider Parliamentary Community. In doing so, the reviewer should bear in mind the importance of ensuring a range and balance of views and consider how best to balance the views of, and submissions from, complainants and respondents.
- a) Such submissions will be treated in confidence and handled in accordance with the Houses' data protection and record keeping policies; and
 - b) Whilst such submissions may be referenced in the report, no individual will be identified or identifiable, and care taken to avoid 'jigsaw' identification.
11. The report arising from the review will be published within four months of the review being established.
12. Further matters on the conduct of the review will be set out in a memorandum of understanding between the Corporate Officers for each House, and the reviewer.

Annex A: Outstanding recommendations specific to the operation of the ICGS made by the Cox inquiry and the Ellenbogen and White reviews

Cox

- Provision for an internal participatory reparative process for those unable to pursue past complaints.
- Revised definitions and wording in the new Scheme, changes to the right to representation, confidentiality and to recognise the concept of gendered bullying.

- Clearer delineation of ownership and responsibility under the new Scheme.
- Complainants should not have the right unilaterally to withdraw their complaint in all circumstances.
- Comprehensive training programmes and promotional work to maintain the importance of the new Scheme and the Behaviour Code; mandatory, targeted training for everyone on bullying and harassment and sexual harassment.
- Properly resourced support services.
- Maintaining accurate records of complaints and decisions made.

White

- Produce clear procedural documents, to include Members' role in appeals.

Ellenbogen

- Provision should be made for '*cluster reporting*'.

Annex B: Dame Laura Cox Report, paragraph 229

Any policy tackling bullying, harassment and sexual harassment needs to have:

- an acknowledgment at its head that these forms of behaviour are problems for the House;
- a clear statement at the head that such behaviour is unlawful and will not be tolerated;
- a clear statement of commitment at the head from the senior management;
- detailed examples of the different forms of unacceptable behaviour, and a statement that bullying and harassment by staff may be treated as disciplinary offences and when such proceedings may ensue;
- the pro-active steps that the House intends to take to prevent bullying and harassment, with the responsibilities of named senior managers, managers and supervisors identified, and training programmes described, with the requirement and expectation that these are to be attended by everyone;
- assurances as to the confidentiality of reports and formal complaints and how that will be maintained;
- the various support and counselling mechanisms available with contact details clearly visible and clearly described;
- the timescales for complaints procedures clearly identified;
- the nature of report logs and record keeping explained;
- a commitment to the investigations of complaints being carried out by independent and impartial Investigators with specialist expertise, in proceedings which are fair to both sides and completed within a reasonable time frame;
- a range of effective sanctions available, and published, for cases where the complaint is upheld; and
- clear information on how, when and by whom the policy is to be implemented, reviewed and monitored.

SCHEDULE 2

MEMORANDUM OF UNDERSTANDING

Purpose

To set out the expectations for the review and the resourcing that the reviewer will be allocated. The Memorandum of Understanding has been agreed between the reviewer and the Clerks of both Houses.

Expectations

Role of the reviewer

1. The reviewer's role is to provide recommendations in order to best improve the operation of the Independent Complaints and Grievance Scheme for its users; ultimately aiding culture change in Parliament.
2. The reviewer will be candid about any failings or issues with the Scheme.

Conduct of the review

3. The process of the review will be collaborative, and the reviewer will engage openly with those involved in the Scheme to ensure that conclusions take into account the full context of the Scheme in each House, and those involved in the Scheme will provide relevant fact checking.
4. The reviewer will engage with both Houses equally to reflect the bicameral nature of the Scheme and respect their exclusive cognisance.
5. The reviewer will liaise with the Cultural Transformation Steering Group (House of Commons) and the Steering Group for Change (House of Lords) and take into account their work in the findings and recommendations of their review. The reviewer will also invite views from the Commissioners, and the Conduct Committee and Committee on Standards.
6. 6. The reviewer will also consult Members of both Houses and staff representatives. Staff representation will include Human Resources, legal, the cultural transformation teams, trade unions and Member and Peers' Staff Association (MAPSA).
7. Those involved in the operation of the Scheme will be open with the reviewer, including by assisting the conduct of their review by promptly providing quantitative and qualitative data required (whilst ensuring individuals cannot be identified), and being forthcoming with their views of any issues with the operation of the Scheme. All contributions will be treated in strict confidence and will not be published or liable to release. All contributions will be treated in strict confidence, and any references to information or feedback will be anonymised.
8. The reviewer will undertake equality analyses as appropriate in the course of the review, including on the terms of reference of the review and the work plan for

engagement and evidence-gathering; on the current Scheme; and on the proposed recommendations.

The Report

9. The reviewer should draft and publish a final report, capturing all of their recommendations, by the end of the review period of four months. Prior to the publication the reviewer should provide the Commissions and House Authorities with updates as appropriate.
10. The Clerk of the Parliaments, the Clerk of the House and House of Commons and House of Lords Commissions will have prior sight of the final report 7 days before publication.

Resourcing

11. The reviewer will be provided with secretariat and other support, as determined by the House Authorities in the House of Commons and the House of Lords in consultation with the reviewer