Dear Andrea,

Working group report on independent complaints and grievance policy

The Committee on Standards has now had an opportunity to discuss the report of the Working Group on an independent complaints and grievance policy, and it has asked me to write to you, as the Chair of the Working Group, to express its views. You will be aware that the Committee is unique in being a Select Committee with lay members.

My colleagues and I were unanimous that this is an important report which sets out a welcome commitment to zero tolerance of sexual harassment, harassment and bullying. We regard it as very helpful that the Working Group included membership from both Houses and the political parties, and had representatives from external organisations, including trade unions and charities. We note that the report has the full support of the Prime Minister, Leader of the Opposition and other party leaders; and that there is support across the House for a speedy implementation of its recommendations.

The Committee discussed how it can best contribute to taking forward the proposals in the report. As you know, the House has given the Committee, along with the Parliamentary Commissioner for Standards, important roles in relation to the existing standards system. The Committee also contains a pool of expertise, both on the part of the elected members and the independent lay members, which we hope will prove valuable in this developing process. We note that the Working Group’s report envisages both the Commissioner and the Committee playing a significant role in the new system in respect of complaints against Members.

The Committee felt that, as is inevitable with such ambitious and far-reaching proposals, there are a number of challenges concerning detail and process, as well as some issues of principle, that will need to be addressed as part of the implementation. These include the following:

- The standards system has evolved as a series of reactive measures, the new arrangements will likely work alongside existing systems, and it will be important that care is taken to address overall coherence. It should be a priority that the new aspects generate confidence that complaints will be dealt with fairly and impartially.
• The proposals concerning the future role of the Commissioner and the Committee require further consideration and this should involve both the Commissioner and the Committee.

• The new arrangements must be seen to respect the rights of all involved, including both complainants and the subjects of complaints, recognizing the need for investigations to be impartial and conducted in accord with due process. The proposal that a parliamentary investigation might proceed in parallel with police inquiries would represent a major change from the existing practice which is set out in a concordat between the Committee, the Commissioner and the Metropolitan Police. The Committee is also anxious that a clear distinction should be maintained between grievance procedures (which give the complainant a voice and focus on a resolution) and disciplinary procedures (which may arise from a grievance procedure, but which need to be completely impartial).

• The proposed arrangements for anonymity during investigations would represent a major change from the existing system (approved by the House) whereby the Commissioner announces publicly that she is conducting an investigation into a named Member or Members. Hitherto, this practice has been seen as consistent with the Nolan principles. The Committee would want to consider the implications carefully. If it is proposed that the new arrangements apply to the existing Code of Conduct, e.g. in relation to allegations about Members’ use of facilities, there might be a significant backlash on the part of the media and the general public.

• Some legal implications of the proposals (on which we are seeking the advice of Speaker’s Counsel) and the implications for parliamentary privilege (which will also be a matter for the Committee of Privileges) will need further scrutiny.

My colleagues and I would be grateful for an early opportunity to meet you to discuss, at an informal private meeting, how best the Committee can contribute both to the decision-making process as the Working Group’s recommendations are developed, and to the subsequent operation of the new system. If you are able to accede to this request, the Committee secretariat will make contact with your office to set up such a meeting. (We anticipate that the meeting would also be attended by the Parliamentary Commissioner for Standards, who has a standing invitation to attend meetings of the Committee on Standards.)

Yours

Kevin Barron

CHAIR