

**Bullying and Harassment of MPs' Parliamentary Staff  
Independent Inquiry Report**

**Gemma White QC**



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*“The life of an MP's staff member can be very isolated... The use of the term 'Parliamentary Community' in the Objectives of this Inquiry is therefore unhelpful. MPs work, eat, socialise and debate together on a daily basis when in Parliament. This is entirely different from the experience of the vast majority of MPs' staff... To a new member of staff arriving in Westminster - often arriving straight from university, moving to London for the first time, and not knowing anyone else in the city - the only 'community' you have is the MP you work for, and other staff in your MP's Westminster office, if there are any. This isolation is a professional reality as well as social reality.”*

*“My time working for [MP] was the most stressful and hostile period of my life. My entire sense of self was crushed, and by the end, I felt incapable and incompetent, despite all of the work I had done in that office.”*

*“I just want to say that during my over-30-years' association with the Houses of Parliament I did not encounter anything remotely like bullying and harassment on anyone's part and have been very surprised to know it has happened. The MP I worked for I found extremely efficient, clever and a good employer in every way.”*

*“As long as getting political jobs in Parliament are dependent on who you know and who you're related to, sexual harassment will be a necessary evil for ambitious young ... people like me who will choose our careers over our comfort every time.”*

*“Working in the Houses of Parliament is meant to be an honour, but the actions of some MPs and Staff Members destroys any sense of pride. We are expendable staffers, with no independent HR service, and therefore no recourse. Responding to this inquiry is the only action I have ever taken to report what I have seen, and so expect a vast majority of other cases are lurking below the surface elsewhere.”*

*“I worked in Parliament as a junior researcher for an MP in September 2018. I found both the office I was in and the Parliamentary estate as a whole to be remarkable for their politeness and to be by far the most courteous and least threatening environment I have ever worked in.”*

*“[The MP] absolutely crushed my confidence and made me feel worthless. Getting away from [them], that office and (I am sad to say it, but) Parliament was the best move for me. It is only in my more recent jobs that I realise actually how inappropriate [their] behaviour was and how little scrutiny process is in place”*

[quotes from contributors to the inquiry]

	<b>Key Conclusions.....</b>	<b>3</b>
<b>I</b>	<b>Introduction and Executive Summary.....</b>	<b>4</b>
<b>II</b>	<b>Methodology, Participation and Approach to this Report.....</b>	<b>9</b>
<b>III</b>	<b>Contextual Background.....</b>	<b>12</b>
<b>IV</b>	<b>Bullying and Harassment.....</b>	<b>14</b>
<b>V</b>	<b>Themes and Patterns Relating to Complaints.....</b>	<b>27</b>
<b>VI</b>	<b>Lack of Support.....</b>	<b>31</b>
<b>VII</b>	<b>Complaints Procedures Comment and Recommendations.....</b>	<b>36</b>
<b>VIII</b>	<b>The Wider Problem.....</b>	<b>43</b>
<b>IX</b>	<b>A Collective Centralised Approach.....</b>	<b>47</b>
	<b>Annex: Table of Recommendations and references.....</b>	<b>55</b>

The Inquiry's key conclusions are as follows:

- Some staff of Members of Parliament are subject to an unacceptable risk of bullying and harassment, including sexual harassment, at work. Most Members of Parliament treat their staff with dignity and respect but the problem of bullying and harassment is sufficiently widespread to require an urgent collective response.
- Recent steps taken by the House of Commons to address bullying and harassment across the Parliamentary community do not engage sufficiently with the particular issues faced by Members' staff, who are in a uniquely vulnerable position because they are directly employed by Members of Parliament. Many describe the idea of complaining about bullying and harassment under the new complaints procedure as "*career suicide*". They also often have strong party and personal loyalties which constitute significant barriers to complaint.
- To date, the group of MPs' staff who would be most likely to bring a complaint under the new Independent Complaints and Grievance Scheme, namely former staff of MPs, have been denied the right to do so. This limitation must be removed so that they have the opportunity to hold MPs to account. They must also be permitted to complain about events which took place before June 2017 (the current cut-off date) as recommended by Dame Laura Cox.
- Since few staff will complain in any event, other methods of tackling workplace bullying and harassment must be employed. Voluntary training is not the answer: only 34 out of 650 MPs and 135 out of 3200 MPs' staff have attended or booked onto the *Valuing Everyone* training designed to support the new Behaviour Code introduced in July 2018.
- There must be a fundamental shift away from regarding Members of Parliament as "650 small businesses" with near complete freedom to operate in relation to their staff. Members of Parliament must be required to adopt and follow employment practices and procedures which are aligned with those followed in other public sector workplaces.
- This shift must be supported by a properly resourced and staffed department within the House of Commons. It should develop and implement a coherent and robust approach to Members' employment practice and provide support to Members and their staff. Any necessary enforcement mechanisms (such as imposing conditions related to good employment practice on MPs' entitlement to staffing expenditure) should be considered by the Independent Parliamentary Standards Authority in conjunction with the new department.

## I INTRODUCTION AND EXECUTIVE SUMMARY

### *Introduction*

1. This inquiry is one of a number of steps taken over the past 18 months in response to public revelations of bullying and harassment in the Parliamentary community. This report focuses on the treatment of staff employed by Members of Parliament. For convenience I use the term “staff” throughout this report to include both employees and everyone who is engaged in Parliamentary work on behalf of a Member of Parliament (for example interns).
2. In November 2017, in response to press reports of bullying and harassment of MPs’ staff in Westminster, the Prime Minister convened a cross-party working group, chaired by the then Leader of the House of Commons, to produce an independent grievance procedure. The working group made recommendations to the House of Commons in February 2018. The House endorsed those recommendations and, as a result, House officials reporting to a steering group (chaired by the then Leader of the House) began the development of a Parliament-wide behaviour code, underpinned by an independent complaints and grievance scheme.
3. On 19 March 2018 the House of Commons Commission decided that there should be an inquiry into the nature and extent of bullying and harassment of past and present House of Commons staff. Dame Laura Cox was appointed to conduct that inquiry. Her inquiry report (which I refer to as “the Cox Report”) was published on 15 October 2018. In the meantime, and although Dame Laura’s terms of reference required her to make recommendations as to the way in which complaints of bullying and harassment should be handled, on 19 July 2018 the House of Commons resolved to adopt a new behaviour code and complaints procedure - the Independent Complaints and Grievance Scheme (the “ICGS”) – which had been developed by the steering group.<sup>1</sup> The House resolved that the ICGS was to be subject to review after 6 months and that there should be another independent inquiry, with terms of reference similar to the Cox Inquiry, which would examine the bullying and harassment of certain people within the Parliamentary community who had not been covered by the Cox Inquiry. I was appointed in October 2018 and this inquiry began on 7 November 2018. A separate inquiry, conducted by Naomi Ellenbogen QC, has considered bullying and harassment in the House of Lords.
4. As is immediately apparent even from the very brief description of events above, the process of examining the nature and extent of bullying and harassment in the Parliamentary community and of considering how best to respond to allegations has been fragmented. This is, in part, because the Parliamentary community itself is fragmented. Of particular relevance to this inquiry is the fact that Members of Parliament directly employ their own staff and there has historically been considerable reluctance on the part of the House of Commons to take collective responsibility for their welfare at

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<sup>1</sup> For a detailed description of the background and development of the ICGS see the [Cox Report](#), paragraphs 35 to 92.

work. Thus the Cox Inquiry was established by the House of Commons Commission in April 2018 to consider bullying and harassment of House of Commons staff but Dame Laura was not asked to consider the treatment of MPs' staff, even though many of those staff work in the Palace of Westminster alongside House staff and the Press had reported serious allegations made by them in October and November 2017. Many contributors to this inquiry, particularly those working in MPs' constituency offices, have emphasised how isolated from the rest of the Parliamentary community they feel and have said that this is the first time they feel anyone has been prepared to listen to them and take account of their views. I am grateful to all of them for their careful contributions.

### ***Evidence of bullying and harassment***

5. In the course of this inquiry I heard from over 220 people, the vast majority of whom work or have worked for Members of Parliament as office managers; senior Parliamentary assistants; Parliamentary assistants; Parliamentary researchers; caseworkers; secretaries and interns. Their collective testimony provides a solid foundation for concluding that a minority of Members of Parliament have bullied and/or harassed staff in the past and continue to do so, despite the introduction of the new Parliamentary Behaviour Code. Contributors also included staff representatives, current and former Members of Parliament, officials and staff at the House of Commons and the Independent Parliamentary Standards Authority ("IPSA").
6. By far the most common form of offending behaviour described to me was of MPs who shout at, demean, belittle and humiliate their staff on a regular basis, often in public. The constant "drip, drip", as more than one contributor put it, eats away at the employee's self-confidence until they become anxious, exhausted and ill, incapable of performing their job and (often following a period of sick-leave) resign or are dismissed. Well over half of the people who contributed to this inquiry described suffering significant mental and/or physical illness as a result of this type of bullying behaviour. Sexual harassment is also a problem, with staff being subject to unwanted sexual advances, often accompanied by touching, sometimes forceful. There is an unacceptable level of sexual "banter" and unwelcome discussion of intimate sexual details. The majority of contributors described being bullied and harassed by their MP employer. A much smaller number described behaviour of fellow staff members but in some of those cases spoke also of their MP employer failing appropriately to address complaints. Some of the worst offenders are well known as such within the Parliamentary community but, other than the odd "quiet word" from a fellow MP or the relevant Whips office, action has rarely been taken to address their behaviour. In the words of one contributor, there has been a "*general disregard for the dignity, wellbeing and employment rights of MPs' staff*".
7. This is not only a story of inexperienced bright-eyed young graduates coming to Parliament to live the "dream" and having high expectations shattered. While a number of contributors were in their first jobs at the relevant time, many had more experience of working life, either inside or out outside the Parliamentary community. Some were very experienced indeed. Many made illuminating comparisons between their working life with the MP concerned and with other MPs or in other workplaces.

8. There is no identikit offender. Contributors spoke and wrote of bullying and harassment by large numbers of men and women of all ages and levels of seniority from across the political spectrum. Some of the behaviour described to me took place long ago but most contributors described experiences dating from 2015 onwards and many described experiences in the period of the current Parliament. Some Members were the subject of contributions from a number of different contributors. While the nature of the exercise I have conducted means that I cannot precisely quantify the numbers of MPs who have bullied and harassed their staff the number of contributions is nevertheless sufficiently significant to demonstrate that bullying and harassment in MPs' offices is widespread and cultural rather than concentrated in the conduct of a few wayward individuals.

### ***A structural problem***

9. MPs' staff are in a uniquely vulnerable position in the Parliamentary community. Although their salaries are funded by the taxpayer, individual MPs have near complete discretion as to who they employ and, importantly, for how long they employ them. Despite being relatively low paid, their jobs are much coveted, and staff are often reminded that the Member will have no difficulty filling their position with someone else. There is no set of uniform employment procedures for MPs and their staff. Nor is there any collective oversight of MPs' employment practices. The combination of this lack of structure and the demands placed on the MPs themselves is fertile ground for bullying and harassment.
10. Until July 2018 any complaint about the behaviour of an MP or fellow staff member had to be made directly to the MP concerned or the relevant political party, and few complaints were made. The ICGS provides MPs' staff, for the first time, with a mechanism for having complaints of bullying and harassment independently investigated. This is a step in the right direction. However, contributors to this inquiry have expressed considerable concern about using the new procedures and scepticism as to what the ICGS can realistically achieve. Many of them told me they would not contemplate making a complaint under the new ICGS procedure, because it would be "*career suicide*". For others, personal and party-political loyalties stand in the way of reporting. Some are concerned about the independence of the ICGS process (since MPs remain involved in the process) and the lack of clarity as to the sanctions which could be imposed on an MP. Of those who said that they would consider complaining almost all had either left Parliament or were on the verge of doing so, but former employees have not been permitted to pursue complaints. I have made recommendations in relation to the ICGS designed to minimise these barriers to complaint and to enable those who would wish to complain to do so, with confidence in the process. However, on the basis of the testimony which has been provided to me I consider it unlikely that the majority of bullying and harassment suffered by MPs' staff will be reported under the ICGS. The new complaints procedure cannot itself successfully tackle the behavioural issues identified.
11. The House of Commons has accepted the need for culture change and has taken a number of steps aimed at achieving it. "*Valuing Everyone*" training has been rolled out throughout Parliament. However, the evidence I have seen suggests that MPs and their staff are insufficiently engaged. In any event none of these steps addresses at source the particular issues arising in the context of the

direct employment relationship between MPs and their staff. The scale of the problem is such that it must be met with structural change designed to support Members of Parliament in the recruitment and management of staff and, where necessary, to impose good employment practice on them.

12. Although my terms of reference refer to establishing the nature and scale of the bullying and harassment of MPs and former MPs themselves, very few of them contributed any such experiences. Of the few who did, each experience was specific and different from the others. No theme emerged. This report therefore focuses exclusively on the bullying and harassment of staff. Most MPs who contacted me did so in order to share experience and/or views in relation to issues which arise for them in managing staff. I found these contributions helpful and have taken them into account in making my recommendations.
13. It is important to recognise, as the majority of contributors to this inquiry have emphasised, that there are very many MPs who are good employers and who treat their staff with the dignity and respect that they deserve. Some of them have also provided comfort and support to those who have suffered. However, the lack of collective response to poor behaviour means that some MPs have been permitted, and enabled, to treat their staff in a manner which would not be accepted in any other public sector workplace. Time and time again contributors referred to MPs' offices as being "650 individual businesses" as a reason for the lack of any coherent approach to employment practices. To the extent that they are 650 individual businesses, they are unlike any other: they are funded by the taxpayer to work in the public interest, supporting MPs with their Parliamentary functions. As such they must be exemplars of good employment practice, not lagging behind.

#### ***A centralised solution***

14. Some contributors to this inquiry have suggested that employment should be removed from MPs entirely, with their offices being staffed by people employed by a separate body, such as IPSA or the House of Commons Commission. I do not consider that to be necessary or appropriate at this stage. Many Members of Parliament are good employers and in any event a change of employer would not itself resolve the issues which arise from the day to day working relationship between Members and their staff. Regardless of the identity of the employer, what is required is a properly resourced, proactive, department with responsibility for overseeing employment practice in MPs' offices. Amongst other things it must develop a comprehensive and coherent set of employment procedures for MPs' offices and provide assistance with recruitment (which must be open and fair), performance management and disciplinary issues. It must ensure that probationary periods are properly handled and that appraisals and exit surveys are conducted. It must collect and monitor data including in relation to equality and diversity, employee turnover and sickness absence and must have a pastoral role. The department should be centrally based in Westminster (either inside or close to the Palace of Westminster) and should have a number of regionally based staff members accessible to those based in constituency offices in that region.
15. I have made detailed recommendations as to the functions of this new department which will take some time to implement since, amongst other things, experienced staff will need to be recruited and policies and procedures produced. There are, however, actions that can and should be taken

immediately, such as inviting leavers to complete “exit surveys” and gathering and collating relevant data in relation to staff turnover, reasons for leaving employment and sickness absence. I very much hope that MPs will recognise the benefits of the new system I propose and will engage voluntarily. Those who do not must be required to do so. I have therefore recommended that IPSA consider imposing related conditions on MPs’ entitlement to staffing expenditure, such as a requirement to demonstrate adherence to good employment practice by, for example having attended relevant training.

16. Although I have recommended amendments to the ICGS to enable complaints to be brought by former employees, only a few of the former staff members who contributed to this inquiry have told me that they would wish to make a complaint. For most of them, their purpose in contributing was to assist a process of change which will make things easier for those who come after them. The ICGS remains important. But it is a work in progress. Dame Laura Cox made three key recommendations in her inquiry report, two of which related to necessary changes to the ICGS. Her recommendations were accepted by the House of Commons Commission in October 2018 but have yet to be implemented over 8 months later. On one of the three key recommendations there has been very little discernible progress at all.
17. As I approached the end of this inquiry there has been welcome activity and action announced on matters related to the ICGS which should have been addressed many months ago. The momentum must now be maintained in order to give members of the Parliamentary community confidence that there is genuine commitment to change.
18. Conducting this inquiry has been a privilege. It has provided me with an insight into a world with which I was previously wholly unfamiliar and with the opportunity to hear from and meet a wide range of interesting and talented people. I know that some meetings and conversations were difficult for contributors reliving painful experiences. I am grateful to all of you for your courage in speaking to me and sharing your experiences. To those I did not meet with or speak to, thank you for the care you took with your written contributions many of which I know were difficult to write. I also thank the staff and officials of the House and IPSA for the patience with which you have responded to my many drip-fed requests for information and for your input on a wide range of matters with which I required assistance. I hope you will all feel that your time was usefully spent. As many contributors know, I have not been working alone. Joanna Pollard, the assistant to this inquiry, has provided invaluable support and assistance, for which I thank her.

Gemma White QC

11 July 2019

## II METHODOLOGY, PARTICIPATION AND APPROACH TO THIS REPORT

19. This inquiry launched on 7 November 2018. My terms of reference are as follows:

### **Objectives**

The objectives of the Inquiry are

- To establish the nature and extent of bullying and harassment (including sexual harassment and any systemic behaviours) by past and present Members of Parliament and those working on their behalf, of past and present staff of Members of Parliament and of other people engaged in Parliamentary work on their behalf, and of Members of Parliament themselves;
- To identify any themes or patterns as to how previous complaints about such behaviour were handled or how complainants were treated, or, if no informal or formal complaint was made, the reasons for this;
- To use the experiences of those offering their testimony to consider and comment on the extent to which those working in the Parliamentary Community have been treated with dignity and respect and the extent to which the Parliamentary Community has been open and supportive;
- To consider and make recommendations on the options available to the House of Commons in respect of allegations dating from before June 2017 and to consider and comment on the Independent Complaints and Grievance Scheme as a means of investigating allegations post-dating June 2017, taking into consideration the recommendations made by Dame Laura Cox in her report of 15<sup>th</sup> October 2018.

### **Scope and Methodology**

- The Inquiry will proceed in stages, focusing on the experiences of particular groups of individuals as follows:  
Stage One: present and past staff of, and others engaged in Parliamentary work on behalf of, Members of Parliament;  
Stage Two: Members of Parliament.
- At each stage, individuals will be invited to offer in writing and/or orally information about their experiences of bullying and harassment, including sexual harassment and to provide information about how any complaints were handled or, if no complaint was made, the reasons for this.
- All such contributions will be treated in strictest confidence and will not be published or liable to release. Any references to such information in any report arising from the inquiry will be anonymised. No individual will be identified or identifiable.
- No existing route of complaint open to staff will be affected by the inquiry. Contributors will be provided with information about existing complaints routes, advisory services, support and counselling services available to them.
- The Inquiry will not reopen past complaints of bullying or harassment or investigate new ones against particular individuals. Nor will it reach conclusions or make recommendations on any individual case.
- The Inquiry may invite members of the Parliamentary Community, other than those who provide information about their experiences of bullying and harassment, to provide it with any information which it considers to be relevant to the fulfilment of its objectives. Since its purpose is not to investigate and reach conclusions in relation to particular complaints it will not invite other members of the Parliamentary Community to provide information in relation

to any specific instances of bullying and harassment and/or the way in which any complaints about them were dealt with.

- The Inquiry will produce a report (or, if appropriate, reports relating to each individual stage) which will be published direct to the House of Commons. If the report is (or, as the case may be, reports are) not completed before the conclusion of the 6 month review of the Independent Complaints and Grievance Scheme the Inquiry will contribute in writing to the review in such manner as is appropriate to the stage reached.
- The Inquiry will be provided with all necessary resources under the auspices of the Clerk of the House, who will provide any necessary information and support as requested by the Inquiry in order to help it achieve its objectives.

20. On 7 November 2018 I wrote to those currently employed by Members of Parliament and all former staff for whom IPSA held contact details over the last 5 years, enclosing my terms of reference (Stage One under my terms of reference). Current staff were contacted by emails sent to their Parliamentary email addresses. Former staff were sent hard copy letters. My letters invited those who were or had been employed by Members of Parliament and had experienced bullying and harassment to provide details of their experiences in writing and/or to contact me to arrange an appointment to meet and/or speak. I followed up with a further invitation in the MPs' staff newsletter.
21. I met with contributors in rooms in Church House in Westminster, in the Palace of Westminster and in my Chambers. The inquiry assistant, Joanna Pollard, attended most of these meetings to take a note. I arranged video-conferences or spoke on the phone with those who were either unable or did not wish to come to London to see me. During this period I was contacted by, and had meetings with, some Members of Parliament who wanted to talk to me about the issues they face or had faced in employing staff (some made general points and some referred to specific cases). In February 2018 I wrote to all serving Members of Parliament and those who had been Members over the last 5 years (Stage Two under my terms of reference). In addition to inviting them to contribute their own experiences of bullying and harassment I invited them to provide me with any other information which they considered relevant to my terms of reference. I did not close Stage One and continued to hear from staff members and former staff members until June.
22. In response to a suggestion from a contributor I held "drop-in" sessions for those who did not wish to make an appointment to see me: two days dedicated to staff and one to MPs. I attended a pilot session of the "*Valuing Everyone*" training for MPs' office managers and a "constituency roadshow" (which was in fact not on the road but in Portcullis House). On each of those occasions people who had not previously responded to my communications approached me asking to meet or speak on the phone about their experiences. I have no doubt that for many people initial human contact is important and that there will have been others with relevant experience who did not come forward. Until I drew a line under the evidence gathering phase of this inquiry in June I continued to receive approaches from contributors who had heard about the inquiry by word of mouth and from others who had not felt able to contact me earlier.
23. Throughout the inquiry I have been contacting and arranging meetings with people in the House of Commons and at IPSA who appear to me to be likely to have information which will assist the inquiry. In the latter stages, as I have tried to formulate a solution to the problems which have emerged with such consistent clarity, I have tried to identify existing resources which might be employed to start the process

of moving towards the more structured employment relationship which is necessary. I have received universally prompt and helpful assistance in response to all of my requests for meetings and information.

24. In the course of this inquiry I heard from over 220 people, the vast majority of whom work or have worked for Members of Parliament as office managers; senior Parliamentary assistants; Parliamentary assistants; Parliamentary researchers; caseworkers; secretaries and interns. I heard from current and former Members of Parliament and officials and staff at the House of Commons and IPSA.
25. This inquiry launched shortly after the publication of the Cox Report which was critical of procedures and management in the House of Commons and made detailed recommendations for reform. Some concern was expressed by early contributors that pressure might be put on me to row back from some of the recommendations made in the Cox report. My terms of reference do not invite me to reconsider any of the recommendations made by Dame Laura and I have been put under no pressure to do so. My approach has been to take her report as a starting point and to cross-refer where appropriate. In some ways the themes which emerge from this inquiry are similar. However, my focus in writing this report is on the particular issues which arise in the context of a working relationship, which is very different to the relationship between House staff and their managers and/or MPs.
26. Although my terms of reference refer to establishing the nature and scale of the bullying and harassment of MPs and former MPs themselves I did not receive a sufficient number of contributions relating to their experiences of bullying and harassment to conduct any assessment of its nature and scale generally. The very few examples I received were all highly specific and very different from each other. Most of the MPs who contacted me did not do so in order to describe their own experiences of bullying and harassment. Rather, they wished either to share their experiences of particular problems with their staff, to speak generally about the issues facing them as employers and to express their concerns about the current levels of support for them and their staff. Some emphasised their vulnerability to false and malicious claims and told me of their concerns about historic complaints being revived.
27. I have adopted a structure to this report which maps my terms of reference, starting with a brief introduction to the relevant contextual background. I conclude with consideration of the wider problem which emerged from the contributions which were made and a proposed solution. Rather than make a discrete set of recommendations at the end of the report I identify in bold type throughout areas in which action needs to be taken.

### III CONTEXTUAL BACKGROUND: MEMBERS' STAFF

28. Before 2010 MPs were entitled to allowances, including for employing staff, paid in accordance with resolutions approved by the House of Commons. The "Personnel Advice Service" located within the then Resources Department of the House of Commons provided human resources support to Members of Parliament and their staff. In response to the expenses scandal of 2009 an independent expenses regulator - IPSA – was created. Under the Parliamentary Standards Act 2009 IPSA has a statutory duty to prepare, review and regularly revise the MPs' allowances scheme having consulted a range of specified individuals and bodies.<sup>2</sup> It must "*pay allowances to members of the House of Commons in accordance with the MPs' allowances scheme*".<sup>3</sup>
29. IPSA can, in particular, provide for allowances to be payable for specified expenditure and on specified conditions.<sup>4</sup> IPSA's first consultation document, published in January 2010, proposed that "*IPSA will provide funds for staff, on condition that MPs demonstrate that they are complying with employment law and acting in accordance with good practice.*"<sup>5</sup> IPSA further noted that "*one crucial aspect of good employment practice in the public sector is open and fair competition in recruitment*".<sup>6</sup> However, the first edition of the MPs' allowances scheme, published in May 2010, made provision for MPs to claim staffing costs from IPSA but contained no conditions requiring MPs to demonstrate adherence to good employment practice, in recruitment or otherwise.<sup>7</sup> No subsequent edition of the MPs' allowances scheme has imposed any such condition.
30. The present position is that, subject to limited exceptions, the salaries of staff employed by MPs after 7 May 2010 will be paid by IPSA if (a) the member of staff is employed to do work which complies with one or more job descriptions published by IPSA (b) the member of staff's salary is within the corresponding pay range published by IPSA and (c) the staff member is employed under a model contract published by IPSA.<sup>8</sup> Claims for expenditure in respect of apprentices and employed interns are not subject to these conditions.<sup>9</sup>
31. Staff salaries must not exceed an annual staffing budget set by IPSA. For 2019-2020 the annual staffing budget payable to London Area MPs is £166,930. For non-London Area MPs the budget is £155,930.<sup>10</sup> Subject to complying with the conditions referred to in paragraph 30 above, and to their staff salaries overall not exceeding the annual staffing budget set by IPSA, MPs have near complete discretion as to how, and who they recruit.<sup>11</sup> MPs are personally responsible for the management of the staff in their

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<sup>2</sup> Parliamentary Standards Act 2009, section 5(3)-(4).

<sup>3</sup> Parliamentary Standards Act 2009, section 5(1).

<sup>4</sup> Parliamentary Standards Act 2009, section 5(7).

<sup>5</sup> [MPs' Expenses](#), a consultation, January 2010, para 8.5 and further para 8.11.

<sup>6</sup> Para 8.15.

<sup>7</sup> [MPs' Expenses Scheme](#), 2010, pp36-38.

<sup>8</sup> [Scheme of MPs' Business Costs and Expenses 2019-2020](#), para 7.5.

<sup>9</sup> Paras 7.9 and 7.10.

<sup>10</sup> See Scheme of MPs' Business Costs and Expenses 2019-2020, paras 7.12 and 7.13.

<sup>11</sup> IPSA will not pay salaries and other costs of any "connected parties" employed on or after 9 June 2017: see paragraph 3.23. A "connected party" is, for these purposes "a spouse, civil partner or cohabiting partner of the

office, although many delegate much of the day-to-day management to an office manager. In short, each one of the 650 MPs has freedom to staff and run their office as they see fit, subject to financial constraints imposed by IPSA and the requirements of their own Parliamentary and constituency responsibilities.

32. MPs use their staffing allowance to employ people in a variety of roles such as office managers, diary managers, parliamentary researchers and caseworkers. Most MPs have an office in Westminster and an office in their constituency. I heard from staff who worked alone in an office and from others who were employed alongside 3 or 4 colleagues. Some MPs staff share office space with the staff of another MP. Caseworkers face particular challenges due to the nature of their role. They are generally based in the MP's constituency office and have the most contact with constituents, some of whom are vulnerable and have complex problems
33. IPSA provides a payroll service in respect of MPs' staff. There are currently around 3200 MPs' staff on IPSA's payroll at any one time. IPSA assists Members and their staff with payroll queries (such as entitlement to sick pay etc), but it does not provide human resources support to Members or their staff. The "Members Human Resources Advice Service", which forms part of the Human Resources Advice and Policy team in the House of Commons Service, consists of one Senior Human Resources Adviser who is supported full time by a Human Resources Adviser and, on an ad hoc basis, by a Human Resources Officer who is shared amongst the wider Human Resources Advice team. I have been told that the Members' HR advice service keeps a log of individual HR interventions, such as a request for flexible working or a disciplinary matter. According to this log, for the period from 1 April 2018 to 31 March 2019 211 individual MPs were supported by Members HR with 290 interventions.
34. The Members HR Advice Service does not provide advice to Members' staff and there is no Human Resources support for Members' staff within the House of Commons.
35. Until July 2018, there was no Parliamentary complaints procedure available to any MPs' staff member who wished to make a complaint about workplace bullying and/or sexual harassment. Their only options were to complain to their MP employer, party whips or under party procedures.
36. In July 2018 the House of Commons adopted an Independent Complaints and Grievance Scheme (see paragraph 3 above). The ICGS provided MPs' staff for the first time with an independent procedure under which to make a complaint of bullying and harassment. The complaints procedures are supported by a bullying and harassment helpline and an Independent Sexual Misconduct Advisory Service. Section 4 of the ICGS Delivery Report addressed Human Resources and provided for procurement of HR support for Members' staff through a third-party provider and development of a Members Staff Handbook.<sup>12</sup> HR support is provided by phone or email. I am told that it is a "signposting" service which does not provide advice on particular issues.
37. On 15 October 2018 Dame Laura Cox published her report into the Bullying and Harassment of House of Commons staff. She made three key recommendations which were accepted by the House of

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MP or a parent, child, grandparent, grandchild, sibling, uncle, aunt, nephew or niece of the MP. See *Scheme of MPs' Business Costs and Expenses 2019-2020*, para 3.20.

<sup>12</sup>[ICGS Delivery Report](#), paras 40-43.

Commons Commission very quickly. At the date of this report, two remain outstanding, namely that (1) there should be a process independent of MPs for determining complaints against them and (2) the cut-off date of June 2017 should be removed from the complaints procedure.

## **IV BULLYING AND HARASSMENT**

### ***Introductory observations***

38. For the reasons I have explained in Section II (paragraph 26) I do not have sufficient evidence to carry out any analysis of bullying and harassment of MPs. This report therefore focuses solely on the bullying and harassment of MPs' staff. My assessment of the nature and scale of such bullying and harassment is necessarily based on what I have been told by those people who chose to share their experiences with me. Some of the contributions I received were general and wide-ranging descriptions of the type of behaviour commonly experienced by MPs' staff. Most, however, were detailed personal descriptions of contributors' experiences working for particular Members of Parliament.
39. Most contributors wrote or spoke to me about their own personal experiences, although many of them described behaviour which was not only directed at them but was part of a more general pattern of workplace bullying and harassment by a particular MP. A smaller number wrote or spoke to me about specific cases of bullying and/or harassment of another person which they had observed and often felt powerless to prevent.
40. My invitation to contributors was in open terms. I did not ask them to state whether they had experienced particular types of behaviour but left it to them to describe their experiences to me in their own words highlighting those aspects which were significant to them. Some wrote to me asking for my working definition of bullying and harassment so that they could assess whether their experiences qualified. I did not work to any set definition at this point but responded asking them to tell me of the behaviour which they regarded as bullying and harassment.
41. Towards the end of the evidence gathering period, with considerable assistance from my inquiry assistant, I conducted an analysis of the contributions received, identifying particular types of behaviour which were most frequently reported.
42. In all but a very small number of cases I have only heard one side of relevant events.<sup>13</sup> There may well be cases in which I have assessed an experience as constituting bullying and/or harassment which I may have regarded differently had I conducted an investigation. Since my role was not to investigate any incidents I did not ask for corroboration of what contributors told me, although in many cases they voluntarily provided me with supporting documentary evidence. I did, however, ask those

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<sup>13</sup> On a few occasions I was provided with information about the same working relationship from different sources.

who came to talk to me to recount events in as much detail as they were able to and, in this limited way, was able to test what they were saying. Overall, I found contributors to make contributions which were balanced and measured, often understating the significance of what had happened to them compared to other people. I have no doubt that they perceived matters in the way in which they described them to me.

43. On the other hand there are reasons for which the numbers arising out of the reports made to me are likely to be under-representative. Because I invited people to describe experiences of bullying and harassment in their own words rather than to say whether they had experienced particular types of behaviour, there are likely to be others, even amongst those who did contribute, who experienced particular behaviour but did not tell me about it. Some contributors could not bear to describe their experiences, preferring instead to make general suggestions for reform. A number wrote to me to tell me that they could not describe their experiences because they had signed non-disclosure agreements and others named people they knew of who had experiences to relate but who had not contacted me.
44. I cannot begin to discuss the experiences of bullying and harassment provided to me without first inviting the reader's attention to the many positive contributions which I received.

### **Positive experiences**

45. I received a number of written contributions from people who wrote only to tell me about their positive experiences in Parliament. One wrote:

*"I just want to say that during my [long] association with the Houses of Parliament I did not encounter anything remotely like bullying and harassment on anyone's part and have been very surprised to know it has happened. The MP I worked for I found extremely efficient, clever and a good employer in every way."*

46. Others, while not surprised to hear of bullying and harassment, were concerned that I should be provided with a balanced view.

*"Whilst I doubt the information I have shared [about a positive experience] is particularly useful to the inquiry, I do hope it can provide some balance to some of the more awful experiences some of my colleagues may have had. I am incredibly proud to be able to say I worked for an MP at the Houses of Parliament, so it upsets me to know that such inexcusable abuses of power may have taken place."*

47. Such contributions are important. The fact that they were only received in small numbers is not significant because my correspondence did not invite people to tell me about their positive experiences. The terms in which I invited contributions asked only for people to *"provide me with any information you have about bullying and harassment, including sexual harassment, in the course of your work for a Member of Parliament."*

48. More significantly, the majority of those who shared experiences of bullying and harassment with me told me that they had worked for other Members of Parliament about whom they had no complaint. In some cases this was because contributors felt that the behaviour of those Members was within the range of what was acceptable in a highly pressured working environment. However, in many cases contributors went much further and could not speak highly enough of some of their MP employers and ex-employers. Amongst the many descriptions of this type that I heard or read were of MPs who were “a model employer”, “a fantastic boss”, “the best employer I have ever had”, and even “the nicest person I have ever met”.

49. A contributor who had resigned from working for one MP as a result of their treatment said this of their next employer:

*“In contrast, working in [MP’s] office was the dream that Parliament had always been sold to me as. [The MP] never once shouted at me in the two and a half years I worked for [them], was genuinely interested in making sure [they] paid us properly, gave us the right amount of holidays, allowed a degree of flexible working and was interested in our career progression too. If you ever made a mistake, you could go to [the MP] and [they] would help you sort it rather than scream at you.”*

50. The positive experiences related to me by so many contributors are significant for three reasons.

50.1. First, the fact that so many people who spoke to me about negative experiences with certain MPs also spoke about positive experiences with others provides a solid foundation for concluding that the behaviour they described to me as bullying and harassment has been measured against a reasonable benchmark rather than being so described due to an over-reaction by the contributor or determination to find fault where none existed.

50.2. Second, the large number of positive experiences demonstrates that it is perfectly possible, despite the pressures of working in Parliament, for an MP to be a fair and reasonable employer. There is nothing inherent in the nature of their position as an MP which could justify or excuse poor treatment of their staff.

50.3. Third, it is very important not to lose sight of the fact that many Members of Parliament treat their staff with the dignity and respect that they deserve. Members of Parliament as a whole therefore should not, (to use the words of one contributor) be “demonised” as a result of the conduct of some of their colleagues. However, Members of Parliament as a whole must now collectively commit to taking firm action to eradicate such behaviour. If they do not, they are properly to be regarded as collectively responsible for permitting and enabling the behaviour which I describe below to continue.

### ***Bullying and harassment: overview***

51. My terms of reference do not define bullying and harassment and, as I have explained above, I have not worked to any particular definition while conducting this inquiry. I consider it to be of fundamental

importance to the successful application of any bullying and harassment policy that definitions are applied flexibly and that the focus is on the effect of the relevant behaviour on the person concerned. I have, however, analysed the contributions made to me by reference to the definitions of bullying and harassment contained in the ICGS Bullying and Harassment policy. That policy defines bullying<sup>14</sup>, as “*offensive, intimidating, malicious or insulting behaviour involving an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened.*” Harassment under the policy is<sup>15</sup> “*any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of either violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.*”

52. Most of the contributions I received described specific experiences of bullying and harassment which would, as related to me, constitute bullying and/or harassment as defined above (I consider sexual harassment separately). Some of these contributions described behaviour of more than one MP or member of staff. Of these, the vast majority of contributions described bullying and harassment of an MP or MPs<sup>16</sup> (sometimes in combination with other members of their staff). The remaining contributions were about the behaviour of staff colleagues.

53. I have been impressed by how eloquently and clearly those who have contributed to this inquiry describe their own experiences. I have also been struck by the similarity of the experiences of so many contributors. Rather than attempting my own description of the shared experience of many, I set out below several descriptions of their experiences as an employee of a Member of Parliament. I have selected these passages because they are broadly representative of what most contributors wrote to me or said to me. I have changed them only insofar as is necessary to prevent identification of the contributor or MP in question.<sup>17</sup>

### ***Bullying and Harassment: Members***

54. The words of one contributor neatly set the scene.

*“MPs offices are run more-or-less independently. This is entirely understandable and necessary, reflecting the different circumstances of each Member and constituency. In consequence, although the Independent Parliamentary Standards Authority already sets salary bands and can provide generalised employment contracts and job descriptions, members of staff are employed by, accountable to, and report solely to one individual – their MP. While, for some, this can enable an efficient, close working relationship, for others this one-to-one relationship can set an unpleasant backdrop for bullying, harassment and exploitation to take place unchecked. When this happens, members of staff are put in an impossible position. They may fear being perceived as a whistle-blower or, worse, may fear losing their job, yet have nowhere else to turn.*

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<sup>14</sup> [ICGS Delivery Report](#), para 2.9.

<sup>15</sup> [ICGS Delivery Report](#), para 2.3

<sup>16</sup> A number of contributors described the behaviour of 2 or more MPs.

<sup>17</sup> In order to minimise the risk of identification I have used the pronoun “they” throughout.

*Working as part of a small team, members of staff expect and are prepared to be flexible. But this flexibility can quickly lead to staff being expected to undertake tasks well outside the scope of their employment contracts. Helping an MP make preparations for a reception in [their] Parliamentary office, for example, is a normal part of a Parliamentary Researcher's work. But when the MP requests that the Researcher should vacuum clean and dust the Member's flat ahead of a private party, a line has been crossed. The staff member is placed in a very difficult position. If they agree, they give themselves a task beyond the terms of their employment at no gain to themselves. If they refuse, they risk souring a working relationship which is necessarily a highly personal one. Similarly, while anyone in politics will expect to work on occasional evenings or weekends, staffers can work up to 20 hours per week more than their contracted hours and are expected to be "on call" to the Member at all times, including Saturdays and Sundays. As an example, it is possible to receive dozens of missed telephone calls and text messages on an early Sunday morning, so that the MP can discuss their online or social media output. While the Member may be under pressure from the constant news cycle and ever-changing vents, this expectation of being "flexible" and "willing" can be pushed to the limits of reasonable behaviour towards exploitation. This can make for a very stressful situation, which persists both inside and outside of the work environment."*

*"Overtime and statutory annual leave are simply not mentioned in practice, and, in such an environment, the staffer has little opportunity to raise them. In some cases, statutory annual leave or overtime payments are neither acknowledged nor paid. Even on occasions when a member of staff schedules a day's leave, some MPs will often be in contact regardless or else be frustrated and angry if the member of staff is uncontactable. Unrealistic expectations from a very small office can foster a tense working environment."*

*"...All too often, therefore, the staffer's job is one that, though comparatively poorly paid, is nonetheless all consuming and demands duties well outside the scope of the employment contract."*

55. Against that background, this passage written by another contributor captures the experience of many:

*"[The MP] would intimidate, mock and undermine me every day, often shouting at me. On one or two occasions staff members from nearby offices came to check on me, after [the MP] had left. On one particular occasion, [the MP] stood directly over shouting at me for over ten minutes on end. The relentless daily nature of this intimidation and bullying, coupled with the fact that it seemed unconnected with the quality or delivery of my own work (or anything else I did), left me frightened each day, and made even normal conversation with my boss an uncertain and intimidating experience. I don't think of myself as a particularly soft individual, but there were occasions I found myself crying on the way to work, the only time I have cried since I was a child."*

56. As does the following, from a different contributor:

*“During these months, I was repeatedly bullied and harassed by [the MP] in a way that had a significant impact on my mental health, eventually leading to my resignation. [The MP] hired me after a short recruitment process. Within less than a month of employment, I was in tears on an almost daily basis as a direct result of [their] behaviour. [The MP] regularly undermined me and my work, both in one-to-one meetings and in front of other employees.....[They] would send emails at all hours of the day, including weekends, expecting an immediate response, and would accuse me of letting [them] down if [they] didn't get one. This included contacting me when I was on a planned holiday, and when I had to urgently visit a dying family member as part of compassionate leave. [They] frequently used manipulation and gaslighting tactics to set [their] office staff against each-other. This included alleging to another member of the team that [...] a claim that had no basis whatsoever and that I believe was malicious in nature. [They] would also leave lengthy complimentary voicemails to me after a day of relentless bullying: I believe this was [their] way of apologising for [their] behaviour, although I never actually knew [them] to apologise to any staff member....On a regular basis, [the MP] would disclose to staff that [they were] planning to terminate the employment of another staff member. These threats never came to fruition, and I believe they were made with the intent to sow seeds of discord and mistrust among [their] employees.”*

57. Another wrote:

*“... I began to feel I was being targeted by [MP], and treated unfairly in relation to my colleagues. [They] often spoke to me in an exasperated and rude tone, including raising [their] voice, and I felt I was constantly being pulled up for what [they] perceived were mistakes in my work. These “mistakes” would typically relate to an issue with responding to an email, printing out documents in a certain way, or another small administrative task that was not carried out to [their] exact specifications. No doubt there were occasions where I misheard [them], or made errors, but the pattern of criticism was noticeable firstly because I do not believe my work was of noticeably lower quality than my colleague's, and secondly because the majority of the work was familiar to me from my previous job carrying out casework and diary management for a different MP. It was hard for me to believe that I was either seriously underperforming in relation to my colleague, or that the tasks I'd carried out quite easily in a previous role were suddenly of such poor quality that my job itself seemed in jeopardy.”*

58. The vast majority of those who wrote and/or spoke to me about their negative experiences of MPs' behaviour described a number of the types of behaviour highlighted in the submissions I have quoted above which combined to make their working environment intimidating and hostile.

59. Certain main themes emerged. If the relevant behaviour was viewed in isolation some of it (for example having an unreasonable workload or being asked to campaign for an MP) would not necessarily constitute bullying and/or harassment. However, this behaviour was not isolated. It took

place in the context of a working relationship in which the contributor felt unable to object or raise concerns about it.

60. I have arranged the themes in descending order of the frequency in which they were raised by contributors. The first two were by far the most prevalently reported.

### **Public undermining and criticism**

61. Many contributors reported being publicly criticised and/or undermined by their MP employer in front of colleagues and sometimes visitors. One wrote: *"[The MP] regularly spoke to staff in a sarcastic, dismissive, mocking or belittling manner, which clearly undermined people's confidence, including my own."* Another contributor said: *"The worst part of working for [the MP] was that [they] would make you feel worthless, that you were not good enough, [the MP] would make fun of you in front of others...."* Contributors spoke and wrote of a lack of clear instructions, followed by excessive (and often aggressive) criticism when they had not done what the MP wanted. One person spoke of never knowing what was acceptable and what was not. Another wrote: *"I regularly witnessed colleagues being given ambiguous instructions, before being admonished for not listening when they sought clarification. [The MP] would then admonish them for failing to carry out the task in the highly particular way [they] had envisioned but had been either unable or unwilling to properly explain."* One person memorably described feeling that their MP enjoyed undermining and criticising them until they broke down, describing the MP as being like a cat playing with a mouse, disappointed when it dies.

### **Shouting and/or swearing at employees (and throwing objects)**

62. Contributors reported being shouted at and/or sworn at by their MP employer on a regular basis, some daily (and 2 contributors reported being shouted/sworn at by an MP who was not their employer). Some contributors described Members expressing uncontrollable rage, screaming that staff were "f\*\*\*ing useless" or "f\*\*\*ing idiots" in front of other staff, other Members and/or constituents. One contributor wrote that the MP would *"scream and shout at me, make me cry and slam the office doors and storm out"*. A recurring theme was of staff being on the receiving end of displays of anger and frustration from MPs over mistakes which MPs perceived that they had made, often in respect of diary entries. These staff spoke of having to accept that such mistakes were their fault in order to avoid confrontation/humiliation. Some contributors who reported shouting and screaming also reported being present when objects (usually pieces of office equipment, sometimes heavy) were thrown in anger by their employer MP, in some cases at them.

### **Unreasonable workloads**

63. Contributors reported excessive workloads. One wrote: *"We all appreciate that this kind of job can involve working long hours when necessary, and we understand if at times we need to be in the office beyond our contracted hours. However, some MPs take this too far, and expect their staff to regularly work evenings and weekends with no change to their contract or overtime pay; often they will bully*

or fire staff who take issue with this kind of excessive working.” Others told me that they were unable to raise concerns about workload for fear of their performance being called into question. Workload was a particular issue for contributors who were or are caseworkers. Some felt that MPs did not understand the demands which were placed on them by the number and complexity of issues raised by constituents.

### **Setting staff up to fail**

64. Contributors described a feeling of being “set up to fail” by their MP either by being given unclear/inconsistent instructions or an unreasonable workload. Some contributors described the MP deliberately requiring more than could be properly done in the available time in order to support a case for dismissal.

### **Non-Parliamentary work**

65. Contributors reported being required to undertake non-Parliamentary work for the MP. The issues raised fall into two broad categories: political work and personal/domestic tasks. Some contributors raised both.

65.1. **Political work.** The main theme in this group was contributors being required to campaign for the MP prior to general elections. Since MPs are not entitled to funding for such work under the MPs allowances scheme,<sup>18</sup> most contributors reported being required to use annual leave or accrued time off in lieu (for overtime previously worked) for these purposes. Others told me that their employer required staff to campaign during regular working hours, directly contrary to IPSA’s rules. Others said that they were threatened with being fired if they did not, being told that if they didn’t “go the extra mile” it would mean they were not serious about the job. Another told me they were required to travel to and from the MP’s constituency at considerable personal expense. One person went as far as to say on the basis of their own experience that staff of certain MPs are essentially used as party political workers, with another telling me that they felt like they were working for the party rather than for Parliament. “Party first, Parliament second” was how one put it. Contributors reported often working excessive hours during election periods , which in some cases led to mental breakdown.

65.2. **Personal/domestic tasks.** I have been provided with many examples of tasks which contributors have been asked to carry out for their employer MPs which are plainly not Parliamentary work within their job descriptions. Recurring themes are looking after children and pets, carrying out domestic tasks at the Members’ homes, waiting for domestic deliveries, accompanying the Member on personal business, organising personal events for the Member

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<sup>18</sup> Activities whose purpose is to give the MP a campaigning advantage are expressly excluded from “Parliamentary activities” which are funded by IPSA. See, for example [Scheme of MPs’ Business Costs and Expenses 2019-2020](#), paragraph 3.5.

and running personal errands for the Member.<sup>19</sup> I emphasise that no-one complained of having to assist a Member with the occasional personal or domestic task, or to provide substantial assistance with such tasks in an emergency, which many expressly told me they had done and were happy to do. Contributors who raised this issue did so because the tasks in question were a significant part of what the Member required them to do on a regular basis. One said “[w]ith the job of Parliamentary Assistant or Researcher you do become their bitch. It’s a bit like *The Devil Wears Prada*<sup>20</sup> – you end up just doing personal stuff, no respect for hours, annual leave. You are expected to put 100% of your life into it”.

### **Private criticism of colleagues**

66. Contributors described an environment in which their employer MP routinely criticised colleagues to them in private. In some cases colleagues’ performance was discussed by MPs in a way which made contributors feel complicit in the MP’s attempts to undermine their position. Contributors spoke of a number of different ways in which their employer sought assistance from them in firing their colleagues.

### **Blurred boundaries**

67. Contributors described a relationship in which their employer MP failed to respect personal boundaries. Contributors were subject to unwelcome comments about their clothing, their weight and their looks. They described being required to go to, and sometimes stay at, the Member’s home and to socialise with them. Others described being invited out for dinner and on trips, sometimes on the false pretext they were work-related events. A number of contributors described being plied with alcohol on these occasions. One contributor referred to a particular Member of Parliament as having “*confused being an employer with being a friend*”. It is a description that applies to many of the relationships contributors have described. A recurring theme was that staff members felt unable to decline “invitations”. In some cases reluctance on the part of the employee led to comments about their level of commitment to the job.

### **Unreasonable contact**

68. Contributors reported being contacted at all hours of the day and night in their own “free” time by text, email and phone call. For some, contact continued throughout weekends and when they were on holiday. Contributors understand that their jobs will on occasion require urgent work and did not regard weekends or holidays as times when they should be completely uncontactable. The issue for them was that the contact was part of a routine pattern rather than necessary as a result of some unexpected development with which the MP required urgent assistance from them.

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<sup>19</sup> Contributors provided me with an enormous amount of specific detail which I have not included here in order to avoid the risk of identification by the Member in question of the relevant contributor.

<sup>20</sup> A number of other contributors referred to this film.

## **Problems with contractual leave entitlement**

69. The standard IPSA employment contracts provide for contractual annual leave and time off in lieu of notice ("TOIL"). Contributors described either being criticised for taking annual leave, or the office environment being such that they felt it was clear they were not permitted to take it. Some contributors told me that they frequently worked overtime but that the Member would not permit them to have the TOIL to which they were contractually entitled. I was also told of people being made to feel guilty for taking their contractual annual leave entitlement which had been arranged.

## **Money issues**

70. A number of people wrote or spoke to me about money. MPs failed promptly to sign-off the required paperwork for IPSA with the result that staff members did not get paid on time. Some described not being able to afford anywhere to live in London at the beginning of their working life as a result. Some contributors spoke about the knock-on effect of the expenses scandal in 2009. I was told that some Members were so concerned about appearances that they spent considerably less than their annual IPSA staff salary entitlement by employing people on contracts which did not accurately reflect the work they were doing in practice. Staff reported spending their own money on office stationary and other items and feeling too frightened to ask for repayment.

## **Discrimination**

71. Some contributors reported discriminatory behaviour on the part of an MP. This included making racist, antisemitic and Islamophobic comments and choosing to employ, or not to employ, people because of their sex, sexuality, race or religion. Others told me of unfavourable comments about homosexuality in general and their homosexuality in particular. Some contributors perceived there to be a gender pay-gap in their office. Some contributors reported disability-related harassment and a failure to make reasonable adjustments for their disability. Apart from disability discrimination I did not hear a sufficient number of specific experiences to consider any particular form of discrimination as a theme in its own right. **On the basis of the contributions I received, I recommend that the fair recruitment and management of staff with disabilities is specifically covered in future training.**

## ***Bullying and harassment by colleagues***

72. Reports of bullying and harassment by colleagues were of similar behaviour, but in significantly smaller numbers. Most reported being publicly undermined and criticised, accompanied by shouting and/or swearing. Complaints in this category were generally made about the behaviour of an office manager. I heard from a number of contributors with mental health conditions who reported hostility from their peers.

## **Sexual harassment**

73. Sexual harassment<sup>21</sup> featured sufficiently significantly in the contributions which were made to me to merit separate consideration.

### **Overview**

74. While some of the behaviour described to me took place many years ago, the majority of contributors in this category wrote or spoke of experiences which took place within the last five years. What follows is a broad analysis of their contributions which I am able to provide consistently with maintaining confidentiality.

75. Consistently with the widely recognised under-reporting of sexual misconduct, some contributors wrote or spoke of knowing people who had been subject to sexual harassment but who did not want to come forward. I nevertheless received detailed contributions from a number of individuals who described specific experiences of sexual harassment to me. Of these, most people described being sexually harassed by Members of Parliament, with some individual contributors describing sexual harassment by a number of different MPs.

76. The behaviour described to me ranged from “jokes” regarded by those making them (and in one case the MP to whom the member of staff complained) as acceptable workplace banter, all the way through to conduct which can only be described as very serious sexual assault. Although some of the behaviour described to me was very specific<sup>22</sup>, most of it falls into one (or both) of two general categories, which I discuss below. Most, but not all, of those who spoke to me about experiencing this type of behaviour were women and most, but not all, of those described as engaging in it were men. Most, but not all, of the behaviour described to me was directed at a member of the opposite sex.

### **Sexual advances**

77. Many of the experiences related to me were of unwelcome sexual advances, often accompanied by attempts at kissing. Many involved some form of unwanted touching: for example breasts being grabbed, buttocks being slapped, thighs being stroked and crotches being pressed/rubbed against bodies. Most of these experiences were isolated, but some were part of a course of conduct on the part of a Member or fellow member of staff.

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<sup>21</sup>Unwanted conduct of a sexual nature which has the purpose or effect of violating a person's dignity, or of creating an intimidating, hostile, degrading, humiliating or offensive working environment for that person: see Equality Act 2010 s26(2).

<sup>22</sup> And cannot be described consistently with maintaining confidentiality.

## Sexual and sexist comments

78. The other main group of experiences is of sexually inappropriate and/or sexist comments. Contributors wrote and spoke to me of a working environment in which derogatory comments were regularly made about particular women (including themselves), or about women in general. They were subject to comments about their bodies and their sexuality, and to innuendo-laden conversation. Some were required to listen to discussion of others' sex lives and relationships and were subjected to intrusive questioning about their own. A recurrent theme amongst the experiences related to me (usually in combination with sexual advances) was of MPs volunteering intimate details about the problems they were experiencing with their own personal, and sex, lives.
79. A factor common to many of the more serious incidents related to me was the fact that the staff member was with the perpetrator in a private space such as a car, a hotel room or the perpetrator's home.
80. Although most of the experiences of sexual harassment which were described to me were about the behaviour of MPs, a number of them were about staff. One, who worked in a shared office, described being subjected to "*relentless intimidation, sexual aggression and bullying*" by a member of staff of another MP. I received a number of contributions from staff members reporting sexual harassment of one colleague in the office by another.
81. Many of the incidents related to me occurred following consumption of alcohol and some contributors raised concerns about conduct in the Parliamentary bars. One contributor, who started work in Parliament a few months after the introduction of the new Behaviour Code, wrote as follows:<sup>23</sup>

*"... I personally don't like to drink but I took it up anyway in order to meet Members' staff, make connections and hopefully be able to obtain a job at the end of it. In the Parliamentary bars myself and other young men interning here have been sexually propositioned by older men, and I've witnessed inappropriate comments being made to women colleagues too.*

*My approach has been to brush it off and to pretend it's all a joke but it's not a joke – these are senior Members' staff (senior advisors, office managers, senior party staff) who use the bars to meet young men like me or young women in the hopes that we will have sex with them to further our careers. I would never in a million years dream of coming forward to lodge a formal complaint against any of the men who have touched or propositioned me because I actually want to have a career in Parliament at the end of my internship. As things stand now sexual harassment is just something young, working class people with no connections have to tolerate because networking in Parliamentary bars is our only route to a permanent role.*

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<sup>23</sup> I have generally not referred to the time when contributors started employment because it could create a risk that they could be identified. I have included it here, with the express consent of the contributor concerned, because I consider it particularly important to emphasise that this conduct was continuing despite the introduction of the Behaviour Code a few months earlier.

*As long as getting political jobs in Parliament are dependent on who you know and who you're related to, sexual harassment will be a necessary evil for ambitious young ... people like me who will choose our careers over our comfort every time."*

### **Effects on contributors**

82. *"After I resigned I suffered a breakdown which I have never recovered from"* wrote one contributor. Well over half of the people who I heard from described a serious negative effect on their mental health with some experiencing what they described as very severe mental illness and/or breakdown. Many others suffered from a lack of sleep and exhaustion. While some were interns and recent graduates, others were experienced professionals well accustomed to a demanding workplace. Some experienced related physical symptoms. Many contributors displayed clear symptoms of illness and/or distress when they came to see me. One contributor described being sick every day on the way to work, crossing the road thinking if they were run over they would not need to go in to work. *"Put it this way, I wasn't on anti-depressants before I started working for [x]"* were the words of another. Another wrote: *"My time working for [MP] was the most stressful and hostile period of my life. My entire sense of self was crushed, and by the end, I felt incapable and incompetent, despite all of the work I had done in that office."*
83. Many contributors decided to leave their jobs for health reasons. Some found jobs with other MPs. Others decided to leave Parliament altogether in the interests of their health and/or because there was no other way of remedying the situation in which they found themselves. These staff members all felt vulnerable and unprotected. One wrote: *"[The MP] absolutely crushed my confidence and made me feel worthless. Getting away from [them], that office and (I am sad to say it, but) Parliament was the best move for me. It is only in my more recent jobs that I realise actually how inappropriate [their] behaviour was and how little scrutiny process is in place"*.
84. Contributors spoke of having their confidence knocked to the extent that they questioned whether they were capable of completing basic tasks, despite having performed well in previous jobs. Many of these people spoke of having had to move on, often to jobs outside Parliament, before realising that they were in fact competent and capable. One who came forward towards the end of the Inquiry told me that they had not come to speak to me earlier because of a "residual niggle" that it was in fact all their fault. Another wrote *"I started work in Parliament for [the MP] ... as an eager graduate and hard-working [political party] activist in my first permanent job. I left [the MP]'s employment after three months, with my professional self-confidence at rock bottom and full of self-doubt."*
85. In paragraph 42 above I have touched on the fact that people may have described experiences to me which I would not have met a technical definition of bullying and harassment had I heard the other side of the story. What cannot be disputed is the effect that behaviour had on these contributors. There is something wrong with a working environment which leaves anyone in the condition in which the majority of contributors found themselves whether or not the behaviour in question is assessed as meeting a bullying/harassment threshold. In many of the cases I considered I was able to identify a point at which a different approach or a facilitated conversation may well have made a difference.

Opportunities to prevent such serious damage must not be missed in the future. The recommendations I have made in section IX below will provide a structure in which issues can be identified and addressed at an early stage.

## **V THEMES AND PATTERNS RELATING TO COMPLAINTS**

86. Before July 2018, the options available to MPs' staff who wished to bring a complaint about bullying and harassment were either to complain to the relevant political party or to complain to their employer MP.

### ***Complaints: themes***

87. Complaints were made by only a small proportion of those who contributed experiences of bullying and harassment to this inquiry. From those who did complain, the following main themes emerged.

#### **MP failing to deal with complaint about colleagues**

88. Some contributors complained to MPs about the behaviour of their colleagues who were members of that MP's staff. I heard of a number of cases, including reports of sexual harassment, in which the complaint was deliberately ignored or brushed aside by the MP and of others in which complaints were insufficiently rigorously dealt with. In one case an employer MP told a person complaining of sexual harassment that it was their responsibility to address the issues with their colleague. In one case the MP regarded sexist comments complained about as acceptable "banter" and in another the MP made light of serious sexual harassment. A number of contributors commented that the relevant MPs were uncomfortable addressing these types of workplace complaint and were ill-equipped to do so.

89. Although it cannot be considered to be a theme of what I heard I highlight two particular examples in which contributors felt that their MP had dealt with complaints well. One contributor told me about their MP conducting a mediation between staff members which enabled the staff member, who had been on sick leave suffering from stress as a result of their colleague's conduct, successfully to return to work. Another described a situation in which they believed that an MP had made a sexual gesture directed at them as they walked down the corridor. The contributor, who was upset, told their employer MP whose response was to immediately find and confront the offender. This resulted in an apology, which the contributor accepted.

#### **External grievance investigations**

90. I heard about a number of cases in which contributors raised formal grievances about their colleague(s) and/or MP employer which were handled by external Human Resources service providers or firms of solicitors. Some contributors shared documentation generated through these

processes with me. MPs' staff who wrote or spoke to me about such grievances generally perceived the process to have been unfairly skewed in favour of the MP who had appointed the particular provider. On the basis of the information and documentation shared with me I understand those concerns. However, as a matter of principle, the appointment of an external lawyer or HR expert to consider a sensitive grievance is a sensible way for the MP to organise independent investigation of a complaint about their own behaviour.

### **Complaints to whips**

91. A number of contributors spoke of reporting behaviour to their party whips. Some, and one in particular (whose name came up time and time again), were considered to have been very kind and supportive. However, in most cases no concrete resolution to the problem was provided. Some contributors felt that rather than helping them the whips were more interested in gathering information to use against party members for political purposes. One contributor described the whips as *"logging ammunition for future whipping"*.

### **Barriers to complaint**

92. After July 2018, those who remained employed in the Parliamentary community had the option of bringing a complaint under the Independent Complaints and Grievance Procedure, provided that the conduct about which they wished to complain took place after June 2017. Most of the contributors who described individual experiences of bullying and harassment to me have not made any complaint about the behaviour whether it occurred before or after June 2017 and many told me they would not do so. I address their reasons below.

#### ***"Career suicide"***

93. A number of different contributors used the words "career suicide" when explaining why they did not complain but the words are an appropriate shorthand for the explanations provided to me by very many more. This theme has a number of different elements.

- 93.1. **Continued employment in the particular role would become practically impossible.** Contributors emphasised that they were directly employed by an individual Member of Parliament and felt that any complaint about the conduct of that Member, even if justified, would make their continued employment by that Member untenable. In the absence of any mechanism for transferring their employment to another Member or body, contributors were concerned that the practical effect of making a complaint would be unemployment. This concern was also expressed by some of those who experienced bullying and harassment by a fellow member of the same MP's staff, particularly in cases in which the person about whom complaint would have been made was a family member of the MP in question, a friend or simply a longstanding and well-trusted employee.

- 93.2. **Risk of dismissal.** Contributors were concerned about the ease with which they could be dismissed from their jobs. Many referred to the ease with which their contracts could be terminated (in particular during a probationary period) the lack of clarity as to what was required of them and the absence of any structured approach to assessment of their performance and the provision of support. Contributors spoke of the large numbers of applicants for any position working for an MP as a factor which enhanced their concerns about being dismissed.
- 93.3. **Effect on prospects of being employed by another MP.** Contributors were also concerned that if they made a complaint about their employer, they would have far reduced (or no) prospects of being employed by another MP. Many spoke about a practice of MPs taking informal references from each other in connection with ex-staff and felt that potential employers would be warned off employing them if they had made a complaint.
- 93.4. **Little prospect of future career in politics.** Many contributors from whom I heard, hold (or held) political ambitions of their own. They universally describe loyalty to the party and references from senior figures within the party as being required for progression. Contributors spoke of the need to be seen by the party to be a “team player” and a feeling that bringing a complaint, even against an MP who had bullied and harassed them, would damage their career prospects.

### **Party Loyalty**

94. Staff employed by Members of Parliament are often members, or at least committed supporters of, the Member’s party. Quite separately from concerns about their own career prospects a significant number of contributors explained that they would not make a complaint against their Member (or any other Member of the party) because it could affect that Member’s reputation, and consequent chances of re-election. This concern is heightened in cases in which the MP occupies a marginal seat and in the current political climate. Contributors were also concerned about long-term damage to the party which would result from complaints being made.

### **Loyalty to Member**

95. For some contributors, continued loyalty to the particular Member in question was a reason for not complaining. Notwithstanding the way in which they (and often their colleagues) had been treated, contributors spoke of the valuable work carried out by the Member on behalf of constituents and/or in changing the law as a reason that they did not, and would not, complain. Others spoke of being very conflicted, not just because of party loyalty but because they had come to consider the Member to be a friend, yet realised they were in an abusive relationship.

### **Non-disclosure agreements/confidentiality clauses.**

96. A number of contributors referred to not being able to make a formal complaint because they had signed a non-disclosure agreement. In some cases the contributors were referring to an agreement they had signed on termination of their employment with an MP. In other cases they were referring to a confidentiality clause contained in their standard IPSA contract of employment. **IPSA should consider amending the wording of the standard confidentiality clause to make it clear that it does not prevent employees bringing a claim of bullying and harassment.**

### **Complaints about family/friends**

97. Most contributions I received related to behaviour of MPs rather than colleagues. Of those who spoke to me about colleagues' behaviour the most common reason for not complaining (either to the MP or under the ICGS) was there was a concern about complaining where the relevant colleague was either a partner, family member, friend, or longstanding employee of the MP concerned. This was most often the case where the person concerned was the MPs' office manager.

### **Concern that they would not be believed**

98. Contributors spoke of a fear that they would not be believed, if it was "their word against the MP". Some believed that the MPs were clever and manipulative and would succeed in rebutting any complaint made against them.

### **Self-doubt**

99. A number of contributors told me they had reached the point, as a result of being persistently undermined, where they did not have any confidence in their own abilities. Contributors described taking a considerable time for their confidence to be restored after they had left the MPs' employment and found that they were able to perform well in other jobs.

### **Lack of faith in the process**

100. Many contributors referred to the fact that at the relevant time any complaint about their employment had to be brought to the MP themselves. The view expressed by the majority of them was that there would be no point complaining to the MP about that MP's conduct. A number of contributors expressed similar concerns about the ICGS procedures because of the ultimate involvement of Members of Parliament in deciding upon the sanctions to be imposed on their colleagues. Others referred to the lack of an appropriate range of sanctions short of suspension or expulsion of the Member and wondered (rhetorically) what would be the point of bringing a complaint.
101. Overall there were, and are, considerable barriers to Members' staff making a complaint of bullying and harassment, even under the ICGS.

## VI LACK OF SUPPORT

102. One positive point made by most contributors was that they had been well supported by their office colleagues. Many reported camaraderie amongst staff and “survivors groups” of ex-employees. In the words of one person, “*we became very close as an office due to the abuse we received – and that those still working there continue to receive to this day*” but as they rightly observed “*our supporting each other is not the way for this to be resolved.*” Colleagues generally were not able to provide practical assistance as to the ways in which bullying and harassment could be addressed and were often subject to the same treatment themselves.
103. Many contributors described kind and supportive Members of Parliament who were aware of their treatment but were unable to prevent it. Contributors were frequently advised by colleagues and MPs that the best thing for them to do would be to leave their jobs, which they often did. Contributors who spoke of events which occurred before the ICGS was adopted in July 2018, described feeling let down by the lack of any recourse against MPs who had harassed them.
104. A number of contributors had received support from the Members and Peers Staff Association (“MAPSA”) and from their union representatives. Most spoke very highly of the support and guidance they received.
105. Other contributors emphasised how isolated they feel. One wrote to me as follows:

*“The life of an MP's staff member can be very isolated. MPs' offices are atomised; they are 650 individual offices which rarely have to work collaboratively on anything. Indeed, many if not most staff will never need to work with another office, beyond the occasionally calling to ask if the MP will support a debate or ask a question. The use of the term 'Parliamentary Community' in the Objectives of this Inquiry is therefore unhelpful. MPs work, eat, socialise and debate together on a daily basis when in Parliament. This is entirely different from the experience of the vast majority of MPs' staff. The few exceptions are found in those offices which share a space (such as in the basement of the Palace of Westminster, two floors below the House of Commons Chamber) or some of the older corridors (such as Upper Committee Corridor South) which are more sociable because of the lack of privacy and space. To a new member of staff arriving in Westminster -often arriving straight from university, moving to London for the first time, and not knowing anyone else in the city - the only 'community' you have is the MP you work for, and other staff in your MP's Westminster office, if there are any. This isolation is a professional reality as well as social reality....”*

106. Contributors working in constituency offices reported this sense of isolation more frequently and felt it even more acutely, isolation often being enhanced by their geographical distance from Westminster.

Many of them had concerns about security, being located – sometimes alone - in an office directly open to the street.

107. In recent years there have been pockets of activity within the House of Commons which are designed to bring MPs' staff into the Parliamentary community. The Customer Team run a programme of "constituency roadshows", travelling to different parts of the country holding events for constituency staff and since February 2018 they have worked with the Learning and Organisation Development Team to provide a Members' Staff induction course at Westminster. However, the induction events are very poorly attended. There are on average at least 50 new Members' staff starting employment every month<sup>24</sup> but just over 100 of them have attended the induction course since February 2018. Other parts of the House Service such as the Communications Office and the Research and Information Team (i.e. the Library) make their own arrangements for introducing House services to Members' staff but there is no person or team with overarching, direct, responsibility for Members' staff.
108. On the basis of my conversations with contributors to this inquiry, in particular those working in constituency offices, it appears that staff often overlook communications from the House Service because they receive large volumes of emails from constituents which they (naturally) prioritise.
109. While some contributors did not know about the events at all, others told me that their employer MPs were not keen on them attending, regarding them as a "waste of time". One told me that their employer MP did not like them mixing with staff from other MPs' offices.
110. MPs' staff do have available to them an Employee Assistance Programme, and bullying and harassment hotline but a number of staff I spoke to were unaware of them. Of those who had used the services, some spoke highly of them while others said it made them feel worse. One contributor said they called the helpline but put down the phone because the person on the other end gave the impression they did not "give a damn". One spoke of seeking to use the EAP counselling service to assist with the mental health problems and was told that they were too ill for help to be provided. In contrast, another told me that they were told that unless they were suicidal there was nothing that could be done for them. They did not get the support they ought to have done.
111. By far the most frequent comment from contributors on this theme was the lack of HR advice and support available to them. Many contributors perceive there to be an unjustifiable imbalance between the support that is provided to Members by the Members Human Resources Advice Service and the lack of Human Resources support for them. A number of contributors described contacting Human Resources at the House of Commons and being told that they could not help. Since the Members Human Resources Advice Service is there to support Members and will not engage with MPs' staff many of them perceive the HR service as one which assists the Member in taking the action they want to take, rather than ensuring that the Member acts fairly and appropriately. Since I have not

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<sup>24</sup> This is a very conservative estimate based on figures for staff turnover provided by IPSA (of around 100 per month) and the numbers of new staff receiving a security pass, which I am told can be between 50-80 each month, and sometimes more. The IPSA figures are higher because they include members of staff who move from one Member of Parliament to another.

investigated any particular cases I express no view on the extent to which this perception might be accurate. It is, however, inevitable that Members Human Resources Advice Service will to a certain extent see matters from the MP's point of view because it is an entirely reactive service and dependent on the information which the MP decides to share with in any given case. It has no overarching and continuing role in relation to any individual MP's office or staff.

112. As part of the ICGS an HR helpline has been made available to Members' staff. In general, contributors to this inquiry who told me they have used the service said that they did not find it particularly helpful since it is a "signposting" service and does not give case-specific advice. One told me that they had phoned the HR service to ask whether there were any mechanisms in place in order to ensure that pay rises were awarded. The person at the end of the phone said they didn't know and asked the contributor "which barristers' chambers?" they were calling from. This type of response does not engender confidence in the service and only serves to underline the lack of any human contact.
113. Overall, my assessment based on the contributions received is that the Parliamentary community has been insufficiently supportive and that contributors have not been treated with appropriate dignity and respect.

## VII COMPLAINTS PROCEDURE COMMENT AND RECOMMENDATIONS

114. My terms of reference require me to "*consider and make recommendations on the options available to the House of Commons in respect of allegations dating from before June 2017 and consider and comment on the Independent Complaints and Grievance Scheme as a Means of investigating allegations post-dating June 2017, taking into consideration the recommendations made by Dame Laura Cox in her report of 15th October 2018.*"
115. I consider and comment on the ICGS as a means of investigating allegations before turning to the question of allegations dating from before June 2017.

### ***The Independent Complaints and Grievance Scheme (ICGS)***

116. The ICGS was adopted by resolution of the House of Commons on 18 July 2018. It represents a very important step for the Parliamentary community and for Members' staff in particular. The first six months of its operation have recently been subject to an independent review process, led by Alison Stanley CBE.<sup>25</sup> In her report Ms Stanley observes that "*both the Behaviour Code and the policies represent in some aspects leading edge practice*" but that "*the experience of the first users of the*

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<sup>25</sup> [Independent 6-month Review, UK Parliament Independent Complaints and Grievance Scheme](#), 31 May 2019, which I refer to as "the Stanley Report".

*ICGS has been mixed, with much of the input I received being negative*".<sup>26</sup> While the number of contributors to this inquiry who have used the ICGS procedures has been limited, the information I have received from those who have used them is consistent with the overall picture described by Ms Stanley.

117. Subject to the important points I make in paragraphs 119 to 141 below I consider the ICGS – on paper - to be an appropriate and relatively sophisticated means of investigating allegations. Whether it is appropriate in practice depends upon the way in which it is implemented on the ground. Ms Stanley has identified a number of shortcomings in the operation of the ICGS and made detailed and carefully considered recommendations for improvement. She concludes that *"with sufficient focus, prioritisation, effort and expertise this position can be turned around and the Scheme can have the impact that was originally intended."*<sup>27</sup> In a statement of 26 June 2019 the House of Commons Commission welcomed the Stanley Report and reported a series of decisions taken to facilitate the necessary improvements to the ICGS.<sup>28</sup> **This swiftly stated response to the Stanley Report must be followed with swift action in order to generate confidence in the effectiveness of the new procedures following a rather slow and shaky start.**
118. Since this inquiry was not complete before the conclusion of the 6-month review, on 13 May 2019 I wrote to Alison Stanley contributing to her review as required by my terms of reference. My letter to her is annexed to her report. As I explained in that letter, three main ICGS-related themes arise out of the contributions that have been made this inquiry: the need for clear procedural documentation, the need for clarity as to the range of possible sanctions and the need for the ICGS to permit investigation of complaints made by former employees. I consider them in turn below adopting, and expanding where appropriate on the text of my letter to Ms Stanley. In addition I comment on Dame Laura Cox's second recommendation, which did not form part of the 6-month review.

### **Procedural documentation**

119. In the course of discussions with contributors about the ICGS I have frequently been asked for details of the procedure which would be followed in the event that a complaint was made. Understandably, contributors are concerned about setting a process in motion without knowing precisely how their complaint will be handled. There is currently no single, easily accessible document which sets out to an appropriate level of detail the procedure which will be followed when a complaint is made. I have been provided with a leaflet dated 1 August 2018 entitled *"Introducing the new Independent Complaints and Grievance Procedure"* which describes itself as a "brief guide" and encourages readers to read the full Independent Complaints and Grievance Scheme Delivery Report. The Delivery Report is 113 pages long. It is unrealistic to expect potential complainants to digest such a document and in any event the procedures, and their application to the different categories of complainant/respondent covered by the scheme, are insufficiently clear. By contrast, the Committee

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<sup>26</sup> Stanley Report, para 26.

<sup>27</sup> Stanley Report, para 31.

<sup>28</sup> [House of Commons Commission statement](#), 26 June 2019.

on Standards has produced a document entitled “Guidance to Appellants”<sup>29</sup> which sets out clearly and in straightforward terms the procedure for an appeal against a determination by the Parliamentary Standards Commissioner in an ICGS case.

120. I have been told by House staff responsible for the ICGS that work on producing these documents is well advanced and that they are being developed taking account of the recommendations made by Alison Stanley. It is anticipated that they will be available before the House rises for the summer recess. **The production of documents setting out clearly and in straightforward terms the procedure for bringing a complaint should continue to be addressed as a priority. The continued absence of such documentation is likely to inhibit those who might otherwise wish to pursue a complaint.**

121. The need for clear procedural documentation is illustrated by the experiences of two contributors who spoke to me about their experiences of using the ICGS complaints procedures.

121.1. The first contributor told me that they had contacted the bullying and harassment helpline, outlined their complaint verbally and had subsequently been asked to put the complaint in writing, which they did. They received an email asking for a (further) phone conversation to discuss the complaint. The contributor questioned the need for this since they had already discussed the complaint orally at the outset, but agreed and the phone conversation took place. Consent was sought, and given, for the complaint to be escalated through the ICGS procedure. 3 weeks later, and 2 months after the contributor’s first conversation providing details of the complaint they received an email from a different person requesting an “initial discussion”. The discussion took place 2 weeks after that. 6 weeks after this discussion, following 2 chasing emails from the contributor, they received a response informing them that the complaint would not be investigated because it was made by an ex-employee. Overall it took over 4 months for the contributor to be told that their complaint was not eligible.

121.2. The second contributor submitted a complaint and was invited to meet with an investigator in person, which they did. Almost 2 ½ months after making the complaint they were informed that the complaint was not eligible as the policy only applies to those working for or with Parliament at the time they make the complaint. The contributor commented to me that *“[i]t does seem like a lot of wasted time and tax payer money to be told that outcome - an office space was rented, a lady was hired to write minutes and [the investigator] himself has travelled to/from [x] for my interview”*.

122. For the reasons I explain below such complaints should not be excluded from a procedure such as the ICGS which is designed to effect lasting change. However, if there are to be limitations on complaints which are eligible for investigation, they should be clearly identified in relevant procedural

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<sup>29</sup> House of Commons Committee on Standards, [The Committee’s Role in ICGS Appeals](#), Sixth Report of Session 2017-2019, HC 1976, Annex: Guidance to Appellants.

documentation so that they are clearly understood not only by potential complainants but by those operating the procedure. A criterion such as whether or not a person is employed in the Parliamentary community should be capable of being addressed (by a straightforward question) and answered at the outset of the complaint.

### **Scope of the ICGS: application to former staff**

123. I learned in the course of this inquiry, from the contributors I have referred to above, that former staff of Members of Parliament have been told that formal complaints from them cannot be accepted unless they remain employed in the Parliamentary community at the time their complaint is made. This is not, in my view, a natural reading of the relevant parts of the ICGS Delivery Report and I directed early contributors to this inquiry to the ICGS complaints procedure on the basis of my understanding that they would be able to bring a complaint. The fact that I was able to make this mistake underscores my point about the need for clear procedural documentation.
124. A number of Members of Parliament spoke to me about their concerns about former employees being permitted to bring complaints under the ICGS. I was referred to cases in which performance and/or disciplinary action had been taken against former employees with legal and/or HR advice. The Members who spoke to me about these cases found them very stressful and felt that it would be unfair for the employee to be permitted to revive a matter which had been dealt with in the past. While I understand these concerns, cases which have been addressed in the past with legal and/or HR advice are likely to be generally well documented so those who have taken careful and reasonable action will be in a strong position to defend themselves if a complaint is brought.
125. In any event, I consider it of fundamental importance to the success of the ICGS overall that former staff of MPs, who have left the Parliamentary community, should be entitled to bring a complaint under the procedure should they wish to do so. As I have explained in paragraphs 92 to 101 above there are very significant barriers to MPs' staff bringing a complaint against them. As a result, it is in my view highly likely that a very substantial proportion of incidents of bullying and harassment by MPs of their staff will not be reported under the ICGS and the result will be that no action will be taken against many MPs who bully and harass their staff. This was clearly not the intention of the ICGS.
126. "*Career suicide*" in one form or another was the reason contributors most frequently gave me for failing to complain (whether under the ICGS, to their party or to the MP). Those who are most likely to feel able to bring a complaint against an MP will therefore be those who have decided to leave Parliament altogether and to pursue careers outside politics. A number of contributors to this inquiry who are now in that position have told me that they would consider pursuing a complaint. Other former staff may have a range of other reasons for not wishing to complain under the ICGS but they should at the very least be permitted to do so since a complaint from them will provide an important check on the MP's future behaviour. The very fact that staff can complain under the procedure after they have left may also inhibit some of those MPs who would otherwise bully and harass their staff without fear of the consequences.

127. One contributor who spoke to me towards the end of this inquiry had called the bullying and harassment helpline and been told that the behaviour they wished to report constituted bullying under the bullying and harassment policy. The contributor decided that they wished to pursue a complaint but was suffering so badly that they had already applied for a job outside Parliament and mentioned this to the person on the helpline. The contributor was told that they would have to stay if they wished to pursue a complaint. Shortly thereafter they were offered a job outside Parliament and left. A colleague who worked in the same office also came to speak to me and described similar behaviour but was not willing to bring a complaint while they remained employed. The limitation on the right to bring a complaint meant that the departing colleague was not able to instigate a process which may have changed the MP's behaviour to the benefit of their remaining staff.
128. As the case I have described above so clearly illustrates, without extending the right to bring a complaint to former employees some bullying and harassment which would otherwise be caught by the procedures is likely to continue unchecked to the detriment of those currently working for the MP in question, and the Parliamentary community as a whole. I therefore recommend that former staff of MPs be permitted to have their complaints of bullying and harassment investigated under the ICGS bullying and harassment procedure. I note that the House of Commons Commission, in its statement of 26 June 2019 in response to the 6-month review of the ICGS has stated that it agrees with the view I expressed in my letter to Alison Stanley that former members of the Parliamentary community should be able to have their complaints heard under the ICGS. I very much welcome that agreement and note that it was expressed to be an agreement in principle subject to consideration of my report. **Swift action should now be taken to enable former staff to bring a complaint under the ICGS.**

### Remedies/sanctions

129. A question I have frequently been asked (rhetorically) by contributors in connection with bringing a possible complaint under the ICGS against a Member of Parliament is "what's the point"? Potential complainants are well aware of the constitutional obstacles to action being taken against an elected Member of Parliament and want to know what pursuing a complaint could achieve. At present the Parliamentary Commissioner on Standards has the power, under Standing Order No.150 to impose a limited range of sanctions at the lower end of the scale. Paragraph 53 of the ICGS Delivery Report provided that "*Standing Order changes are proposed to give the Commissioner the power to agree remedies within a framework agreed by the Committee [on Standards].*"<sup>30</sup> No framework of remedies has yet been agreed. As the questions to me demonstrate, consideration of the range of potential remedies will be a key consideration for anyone deciding whether to make a complaint. The failure precisely to identify available remedies is an additional inhibitor on complaints being brought.
130. There has recently been progress in this area. On 3 May 2019 the Committee on Standards launched an inquiry into sanctions which will be considering, amongst other things, whether new sanctions are needed to deal with cases of bullying and harassment. Two key issues, of particular relevance to this

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<sup>30</sup> [ICGS Delivery Report](#), pp 20-21.

inquiry, are (a) how sanctions can be imposed on MPs without disadvantaging constituents or MPs' own staff and (b) how far the imposition of sanctions should be confidential, particularly in relation to bullying and harassment and sexual misconduct cases. A number of contributors to this inquiry have cited concerns about confidentiality as a reason for which they would not complain under the ICGS. Importantly, their concern is not only that their own identity should not be revealed but that for some of them the possibility of negative publicity surrounding the Member would prevent them making a complaint because of the potential negative impact on the Member and relevant party's prospects should a general election be called. In the circumstances I welcome the Committee's decision to address this important point.

131. Under the terms of reference for their inquiry the Committee on Standards will be considering the range of sanctions available to them and to the Commissioner. Proposed new sanctions to be imposed by the Parliamentary Commission for Standards without resource to the Committee or the House<sup>31</sup> include compulsory training (including equality and diversity, dignity in the workplace, good employer and anger management) and deprivation of access to House service or facilities (for example catering facilities or library service). Other potential suggested sanctions are that the MP not be permitted to serve on select committees or to travel abroad on Parliamentary business.<sup>32</sup>
132. This development is certainly to be welcomed but it has been a long time coming. Not only was the need for consideration of a range of further sanctions highlighted in the ICGS Delivery Report in July 2018 but the absence of a range of specified sanctions was expressly highlighted by Dame Laura Cox as a problem with the ICGS system. In her report published on 15 October 2018 she listed examples of a broad range of possible sanctions which could be considered.<sup>33</sup> Those examples correspond very closely to the proposed sanctions which the Committee on Standards started to consider over 6 months later.
133. The Committee held an oral evidence session in June and more are planned for July and September. **I have been informed that the Committee is conscious of the need to put a workable package of proposals, including any necessary standing order changes, before the House for approval as early as possible in the autumn. The Committee must ensure that this timetable is met.**

### **Allegations dating from before June 2017**

134. Under the ICGS as adopted on July 2018 only complaints about conduct which took place from June 2017 can be investigated. In this context, complaints about conduct which took place before June 2017 have been referred to by some as "historical" and by others as "non-recent" allegations.
135. In her inquiry report published on 15 October 2018 Dame Laura Cox made three key recommendations, one of which was that "*the new Independent Complaints and Grievance Scheme*

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<sup>31</sup> See Parliamentary Commissioner for Standards [letter dated 2 May 2019](#).

<sup>32</sup> The proposal is that these sanctions would be imposed by the Committee on Standards. See the letter cited above.

<sup>33</sup> [Cox Report](#) para 404.

*should be amended, so as to ensure that those House employees with complaints involving historical allegations can access the new Scheme*". The House of Commons Commission issued a statement accepting these recommendations on 24 October 2018.<sup>34</sup> Over eight and a half months later, the recommendation has not been implemented. After an initial consultation conducted by the then Clerk of the House in November/December 2018 and a number of meetings at which the question of "historic" allegations was discussed, the Commission decided, on 20 May 2019, to consult on a specific proposal for dealing with historic allegations. The proposal involved *"dealing with non-recent cases, by using the existing ICGS scheme and employing specialist investigators for both assessing and investigating non-recent (and recent) cases"*.<sup>35</sup> This proposal would appear to be precisely what Dame Laura recommended seven months earlier (i.e. removing the cut-off date for complaints under the ICGS). On 26 June 2019, having considered the responses to consultation which were "overwhelmingly supportive" the Commission published a statement announcing that it had "ratified its decision". Its statement continues, *"[s]ubject to approval by the House, implementation work will take place over the summer, including the recruitment of a bank of additional expert independent investigators."*<sup>36</sup>

136. My terms of reference requiring me to consider the options in respect of non-recent allegations have been to a large extent over-taken by these events. But for the avoidance of doubt I emphasise that I agree entirely with Dame Laura's conclusions in relation to the arbitrary cut-off date of June 2017,<sup>37</sup> with her recommendation that the cut-off date be removed and with the Commission's decision that they should be considered under the (improved) ICGS. Although the focus of Dame Laura's report is on House staff there would be no proper reason for adopting a different approach in relation to MPs' staff, and none has been suggested. The Commission decision properly applies to the scheme as a whole.
137. I understand that a motion proposing implementation of the removal of the June 2017 cut-off date in respect of historic complaints is due to be put before the House shortly. **If Members do not vote in favour of the resolution, confidence in the ICGS will be seriously undermined. The length of time taken to put into effect a straightforward amendment which was accepted by the Commission in October 2018 has already led some to question the House's stated desire to address the now widely accepted problems of bullying and harassment.**
138. The sentiment applies with full force to the question of independence, which I address below.

### **Independence**

139. The third of Dame Laura's three key recommendations was that *"steps should be taken, in consultation with the Parliamentary Commissioner for Standards and others, to consider the most effective way to ensure that the process for determining complaints of bullying, harassment or sexual harassment brought by House staff against Members of Parliament will be an entirely independent*

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<sup>34</sup> See House of Commons Commission [statement](#), 24 October 2018.

<sup>35</sup> [Consultation proposal for non-recent cases](#), 21 May 2019.

<sup>36</sup> House of Commons Commission [statement on non-recent cases and the six-month review](#), 26 June 2019

<sup>37</sup> [Cox Report](#) paras 312-327.

*process, in which Members of Parliament play no part*". In a nutshell, the position is that although the Parliamentary Commissioner for Standards has the power to impose a limited range of less serious sanctions following an ICGS investigation, any sanction imposed in response to a serious case of misconduct (such as expulsion or recall) must be considered by the House of Commons following a recommendation from the Committee on Standards. The ICGS also provides for appeal from any finding of the Commissioner to the Committee on Standards, which consists of 7 lay members and 7 MPs. At the time of Dame Laura's report the lay members of the Committee on Standards did not possess full voting rights.

140. A number of contributors to this inquiry have told me that they have no confidence in a process as long as it involves MPs judging "one of their own". Against this background the lack of progress made against Dame Laura Cox's third recommendation to date is a matter of considerable concern. I fully acknowledge that devising an independent process of the type required is far more complicated than removing a cut-off date. However, the House of Commons Commission accepted Dame Laura's recommendation without reservation on 24 October 2018. It made no discernible progress in addressing the recommendation until 10 June 2019 and the progress which was announced on that date was limited to process<sup>38</sup>, namely that the Commission had agreed upon "*the creation of a staff team to lead on producing options on implementation for the Commission*". The staff team is to consult with specific bodies and individuals and present options to the Commission for its consideration. The Commission will then select a preferred option and open it for public consultation as it did in the case of non-recent complaints. The Commission has stated that it "*expects to review the options in the autumn, before putting them to the House for consideration*". The Commission's statement contains an acknowledgement that "*it has been a considerable amount of time since Dame Laura first made her recommendations, and progress has not been as rapid as was desired*". I wholeheartedly agree with that sentiment which I have expressed to a number of individuals within the House in the course of this inquiry. In order to demonstrate real commitment moving forward the Commission must now ensure that swift action is taken. I note that the Commission has referred to reviewing options in the autumn, conducting a public consultation exercise and putting the matter before the House. **That timetable for consideration of the options must not be allowed to slip and there must be prompt action taken to put the relevant option before the House. For as long as this issue remains outstanding many of those who might otherwise consider making a complaint about an MP under the ICGS will not do so.**
141. The Commission's response is to be contrasted with that of the Committee on standards. On 10 December 2018 it published a report, entitled "*Implications of the Dame Laura Cox report for the House's standards system: Initial proposals*" in which it made some "specific proposals for immediate action".<sup>39</sup> The relevant proposal was that the House should amend its Standing Orders to confer full voting rights on lay members of the Committee. The House of Commons voted to confer full voting rights on lay members of the committee on 7 January 2019. On 13 March 2019 the Committee published a further report, "*The Committee's role in ICGS appeals*"<sup>40</sup> in which it addresses the way

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<sup>38</sup> Dame Laura Cox Report [Commission statement on way forward](#), 10 June 2019.

<sup>39</sup> House of Commons Committee on Standards, fifth report of session 2017-2019, [HC 1726](#).

<sup>40</sup> House of Commons Committee on Standards, sixth report of session 2017-2019, [HC1976](#).

in which it will address both appeals and any cases which are escalated to the Committee by the Parliamentary Commissioner for Standards. The Committee has decided that all ICGS cases will be delegated to a sub-committee which will have five members of which three will be lay members and two will be elected members.<sup>41</sup> The Committee will accept and act on recommendations made by the sub-committee without debate. The Committee has emphasised that this is an interim position, pending implementation of Dame Laura's recommendation that the process should be fully independent.

142. While the action taken by the Committee on Standards does not by any means fully meet the concerns expressed by Dame Laura and contributors to this inquiry about the involvement of MPs in the process, it will reduce the influence of MPs at particular stages of the process. It is possible that it will increase the confidence in the process of some of those who might wish to make a complaint about an MP. **Those responsible for producing the procedural documentation referred to in paragraph 120 should ensure that the role of MPs, and the limits on their role as a result of the Committee on Standards decisions, are clearly explained. The position must also be clearly understood by those operating the relevant helplines so that they are able to explain it to callers.**

### ***Other ICGS related issues***

143. The cross-party working group and steering group which developed the ICGS recognised that the culture change needed in Parliament could not be achieved by a complaints procedure alone. Dame Laura Cox agreed that culture change was necessary and was highly critical of senior management in the House of Commons.
144. The ICGS Delivery Report identified four training workstreams which were necessary for the culture change required. Dame Laura Cox also emphasised the importance of training. Alison Stanley has considered and reported on progress against each workstream.<sup>42</sup> Two of those areas merit attention in relation to Members and their staff.

### **The Behaviour Code**

145. The first workstream is training to support dissemination of the Behaviour Code. As to this, Ms Stanley reports as follows:<sup>43</sup>

*“The Behaviour Code has been embedded as 15-20 minutes in the Parliamentary induction process since summer 2018. This raises awareness and understanding of the expectations in the Code and includes signposting*

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<sup>41</sup> Standing Order No.149(6) requires a sub-committee of the Committee on Standards to have at least three members of which at least one must be an elected member and at least one must be a lay member.

<sup>42</sup> [Independent 6-month Review, UK Parliament Independent Complaints and Grievance Scheme](#), 31 May 2019 (“the Stanley Report”), section 4.3, pp29-33.

<sup>43</sup> Stanley Report paras 115-116, pp29-30.

*new joiners to the Valuing Everyone training programme ... This approach is based on the fair assumption that people already in the Parliamentary Community will know about the Behaviour Code via the internal Communications approach.*

*For those existing staff, a new “Essentials” module called “Our Community” is also being developed for House of Commons staff. Essentials modules are mandatory for all House of Commons, Digital Service and Security Staff. This is an e-learning module that will include the Behaviour Code. There is then an intention to roll these out for MPs’ staff and the House of Lords staff.”*

146. Whereas induction training is mandatory for House staff there is no mandatory induction training for Members’ staff and the induction training which is available has been very poorly attended (see paragraph 107 above). Furthermore, my overall assessment of the contributions which have been made to me, suggests that any assumption that Members’ staff will know about the Behaviour Code from the internal communications approached might be misplaced. **Alternative methods for embedding the Behaviour Code are therefore required. My recommendations in section IX propose a solution.**

#### **Tackling bullying, harassment and sexual misconduct – “Valuing Everyone”**

147. The next relevant workstream is the training on tackling bullying, harassment and sexual misconduct. I attended a pilot of the *Valuing Everyone* training for MPs’ office managers and, like Alison Stanley, found it to be high quality and engaging. The case studies chosen for the session were reflective of themes which have emerged in the course of this inquiry. Disappointingly low numbers of MPs’ staff and MPs have either completed or booked onto the training. The Learning and Organisation Development team has told me that the latest numbers for training to date are: 34 Members (31 completed, 3 booked) and 135 MPs’ Staff (109 completed, 26 booked). I note and endorse Allison Stanley’s recommendation<sup>44</sup>, insofar as is relevant to this inquiry, that training be made mandatory for all Members’ staff to be completed within one year of her report but question whether this can realistically be achieved for 3200 staff. In any event the real problem, as the attendance statistics show, is in securing attendance. It is not clear what “mandatory” means in the context of employment by the Member. I have been informed that non-attendance is often the result of a Member requiring the staff Member to work rather than attend training. **Unless some method of engaging Members’ staff is adopted this goal will be very difficult to achieve. My recommendations in section IX below would support this objective.**
148. I also endorse Ms Stanley’s recommendation<sup>45</sup> that the House decide that all Members should attend the training within a year. Contributors to this inquiry across the board expressed pessimistic views about securing Members’ attendance at training. I note that part of the Commission’s statement of 26 June 2019 in response to the Stanley Report says the following: *Commission members*

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<sup>44</sup>Stanley Report, recommendation 26

<sup>45</sup> Stanley Report, recommendation 27.

*wholeheartedly agreed that all MPs should undertake the Valuing Everyone training which has been put in place as part of the ICGS, and will consider in detail how that can be achieved at its next meeting.*<sup>46</sup> It is disappointing that there are such low expectations of Members in respect of training which formed a fundamental part of the ICGS. However, there may be a straightforward solution. **IPSA could consider making the receipt of staffing allowance for any new staff member conditional on a Member completing the Valuing Everyone training by a certain date. I recommend that IPSA consult on this proposed condition in advance of the next edition of the MPs' allowances scheme.**

## **The ICGS team**

149. Finally, I cannot leave this section of the report without commenting on the dedication of the very small team within the House service who have been given responsibility for IGCS implementation. Nothing I have said above should be taken as a criticism of them or their work. As Ms Stanley has emphasised, the ICGS is an ambitious project, which was significantly under-resourced at the outset. In difficult conditions the House staff have worked hard to implement the procedure and to make it a success.

## **VIII THE WIDER PROBLEM**

150. My overall comment about the ICGS as a mechanism for resolving MPs' staff allegations of bullying and harassment is that it is inadequate. This is not because the ICGS is an inherently inadequate complaints procedure. Far from it. Rather, it is because many of the barriers to complaint explained to me by contributors to this inquiry cannot be removed by a complaints procedure, however clear, robust and independent. While the recommendations I have made in relation to the ICGS will, if implemented, enhance the likelihood of complaints being made, unless further and different action is taken many incidents of bullying and harassment will continue to occur and to go unreported.
151. In order to identify what action is required it is necessary to consider the particular features of the employment relationship between MPs and their staff which not only give rise to an enhanced risk of bullying behaviour but inhibit the early identification of problems.

### **Challenges for newly elected Members**

152. Contributors across the board described the challenges faced by newly elected Members of Parliament on taking up office and considered it to be an important part of the relevant background to

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<sup>46</sup> House of Commons Commission [statement on non-recent cases and the six-month review](#), 26 June 2019.

the matters I have been asked to consider. The position was neatly summarised by the House of Commons Administration Committee, in its First Report of Session 2013-2014, as follows:<sup>47</sup>:

“Arriving at Parliament as a new Member is a daunting experience and a tough test for many. For some it is an alien working environment which is disorientating and can be difficult. Not only is there a new job to get to grips with but a vast amount of information to absorb, formal procedures to master and an Estate to navigate. There is also the expectation that a new Member can start work straight away on the Monday after a Thursday polling day. In our experience this is unrealistic.”

153. Unless newly elected Members appoint staff quickly they are at a considerable disadvantage in carrying out their Parliamentary functions. Their constituents (in particular those awaiting responses to casework enquiries) will suffer. But until they properly understand what the job will involve, appointing the right staff to assist them doing that job is incredibly difficult. The speed with which Members feel that they need to appoint staff, combined with the lack of requirements for a fair and transparent procedure (addressed below) creates a risk of poor decisions being made in relation to appointments.

#### **High pressure environment for all MPs**

154. Even for highly experienced MPs the working environment is high pressure. In the words of one contributor: *“The outside pressures [x] felt from [their] job worked their way into the office”*. Many contributors referred to the unacceptable abuse their employer received, in particular by email, from constituents. Dealing with fellow MPs is also difficult. One contributor said that the MP *“uses staff as a punchbag after a difficult time in the Chamber”*. Another said *“I felt I was a scapegoat and quite frankly an emotional punching bag for the stresses of [the MP’s] role, and that I was expected to accept this as part of my job”*.

#### **No requirement for fair and open competition in recruitment**

155. MPs are not required to follow any particular recruitment procedures and are not even required to advertise jobs to the general public (although many do). The Members Staff Guidebook, which gathers together relevant information from IPSA and the House of Commons, summarises the position as follows: *“Ideally, MPs will advertise all job opportunities but it is ultimately up to each individual MP what kind of process they go through to hire new staff”*. I have been provided with examples of MPs appointing people who have campaigned on their behalf (because they have campaigned on their behalf), appointing friends and children of friends. In the opinion of one contributor *“MPs tend to appoint the people they most trust rather than those who are best qualified to do the job.”* I have heard evidence of MPs appointing, or not appointing, for a variety of reasons such as gender, race, religion and sexuality. One contributor with no previous Parliamentary experience told me that a Member of

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<sup>47</sup> House of Commons Administration Committee, First Report of Session 2013-2014, [First weeks at Westminster: induction arrangements for new MPs in 2015](#), HC 193, summary, page 3.

Parliament offered them a job (without following any procedure), persuaded them to move to London and subsequently made sexual advances which the contributor rejected. Having rejected those advances, the contributor found themselves on the receiving end of notice of redundancy.

156. At risk of stating what will be obvious to many readers and should be well-known to all Members of Parliament, making a decision as to who to appoint because of their gender, race, religion or sexuality is unlawful. The risks posed to any staff appointed by a Member for sexual motives do not need spelling out here. More generally, however, the absence of any requirement to follow fair and open recruitment procedures risks Members appointing people who are either insufficiently qualified or experienced for the particular job and whose performance the Member will have to manage. In many cases Members are ill-equipped to do so.
157. Many contributors spoke of problems arising as a result of MPs having appointed people who were not properly qualified, trained or experienced. A particular issue which frequently arose was that of Members promising, and giving, people jobs for political reasons: election agents, campaign managers and local councillors were provided to me as examples. If they are unsuitable for the job, they cannot provide proper support to the MP and the MP's job becomes harder rather than easier. Stress is then taken out on that employee or other employees. Some contributors described the flip-side to me, which is that where an employee has strong connections to the local constituency party an MP will not feel able to take performance management steps which need to be taken and can find themselves bullied by the staff member.<sup>48</sup>

### **Absence of employment policies and procedures**

158. The lack of procedural requirements continues into the employment relationship. Much of the guidance contained in the Members' Staff Guidebook sets out bare legal entitlements and technical details such as the way in which particular payments will be calculated. There are "addenda" with disciplinary and grievance procedures which are expressly not contractual and state that they may be amended at any time. They are in very general terms and are not tailored to the specific circumstances of an MP's office. For example, the procedures provide for a right of appeal but do not address who will take the initial decision and who will hear any appeal.
159. The Members Staff Guidebook is completely silent on matters which arose with the most regular frequency in contributions which were made to me, namely the use of probationary periods and performance management. In contrast the House of Commons Staff Handbook devotes a chapter to procedures for managing poor performance<sup>49</sup> and a section to explaining how probation periods will be managed. That publication contains the following: "*The purpose of a probation period is the positive development and encouragement of new recruits while, at the same time, providing the House of Commons with an opportunity to test their suitability for continued employment*"<sup>50</sup>. Many contributors spoke of a failure satisfactorily to complete a probationary period being used as a reason for

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<sup>48</sup> I should say that none of the MPs I spoke to raised this problem.

<sup>49</sup> See Chapter 17: Managing Poor Performance Procedures (Inefficiency Procedures).

<sup>50</sup> See Chapter 3, paragraph 4.2.

terminating their employment in circumstances in which they had received no proper feedback, assistance or opportunity to address concerns. On the basis of the testimony I have heard there appears to be far too little emphasis on “*positive development and encouragement*” during probation periods and in many cases a lack of structured instruction and feedback which would provide for the required opportunity to improve.

### **Power imbalance**

160. Many MPs’ staff start their employment having held the Member in particularly high regard. One contributor commented on how unusual it would be to have the most junior member of staff working directly to, and alongside, a high powered CEO. Yet this is effectively what happens in MPs Parliamentary offices. This power imbalance can make staff feel unable to question the MP, to raise issues of concern or even to ask for necessary guidance when instructions have not been clearly explained.

### **High demand for jobs**

161. Members’ staff jobs, particularly those based in Westminster are much sought after. A number of contributors told me that there are around 200 applications for any job advertised on work4mp.com.<sup>51</sup> Some staff spoke of their MP constantly reminding them of how many other people would be happy to do the job when they sought to raise issues such as pay, potential promotion and time off.

### **Lack of relevant management experience and training**

162. There was clear recognition, throughout the development of the ICGS, that MPs and their office managers often do not have the necessary management experience or support to effectively manage Members’ staff. I discussed MPs’ management style with a large number of the contributors who came to see me. I often asked the contributor whether they thought the Member was aware of the effect that their behaviour was having on the contributor. Far more often than not the staff member answered that they thought the Member was unaware, and in more than one case thought that they would have been “horrified” if they had realised.

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<sup>51</sup> I have not verified this figure for myself but for these purposes it is the staff members’ perception that is important.

## IX A COLLECTIVE CENTRALISED SOLUTION

163. Contributors referred repeatedly to MPs' offices operating as "650 individual businesses" as a reason for the lack of a coherent approach to employment practice and the absence of any oversight.
164. The answer to the wider problem is that there must be a fundamental shift away from accepting that MPs' offices are 650 individual businesses with near complete freedom to operate. Since they are funded by the taxpayer there is no reason why they should not, collectively, be required to adhere to the same employment standards as an equivalently sized public sector body (that is, a body employing around 3200 people at any one time).
165. A number of the contributors to this inquiry have suggested that the only solution to the issues which have been identified is to move employment away from MPs to a centralised body, possibly the House of Commons Commission or IPSA. I have carefully considered this suggestion but do not consider it to be necessary or desirable at this point. Central employment has been considered in the past. In April 2009 the House of Commons resolved that MPs' staff "*should be employed by the House, as a personal appointment and managed by the honourable Member*" and that the House of Commons Commission should make recommendations as to implementation. The Commission reported in October 2009 setting out a number of reservations about central employment of staff and instead recommending that more support should be given to MPs as employers.<sup>52</sup> The reservations articulated at that point by the Commission appear to me to have some force and I am aware that many Members, individual staff members and representatives are opposed to central employment. I have not rejected the idea because of its lack of popularity, however. I simply do not believe that a change of employer alone will solve the problems which arise from the day to day working relationship between Members and their staff.
166. Regardless of the identity of the employer, what is required in any event is a properly resourced, proactive, body or department (which I shall for present purposes call "the HR department") with responsibility for overseeing employment practice in MPs' offices and supporting both MPs and their staff. Transfer of employment to another body at this stage would introduce an unnecessary layer of procedural complexity which would risk obstructing the changes which need to be made. I also note that the recent report on bullying and harassment in the New Zealand Parliamentary workplace identifies issues with bullying and harassment which are very similar to those which have emerged in the present case even though Members' staff are centrally employed there.<sup>53</sup>
167. The primary function of the HR department should be to support MPs to be good employers, but it must also have a monitoring and if necessary (in conjunction with IPSA) enforcement role, as well as a welfare function. The appropriate structure can readily be put into place without removing employment from individual MPs, many of whom are already good employers. I do not, however,

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<sup>52</sup> House of Commons Commission, "*Employment of Members Staff by the House*", HC 1059 26 October 2009.

<sup>53</sup> [Bullying and Harassment in the New Zealand Parliamentary Workplace](#), Debbie Francis, May 2019.

consider that the issues which I have identified can be adequately addressed by simply providing the voluntary management training linked to the “*Good Employer Standard*” which is referred to in the ICGS,<sup>54</sup> given the generally low rates of participation in training by Members.

168. I provide a broad description of the main functions of the HR department below. Each of the functions is proposed in response to particular themes which I have identified through the contributions made to this inquiry.<sup>55</sup> The HR department can and should also have the freedom to evolve and respond to needs as they are recognised. It will be important for the HR department to have some regionally based staff in order to address the particular issues that arise for MPs’ staff in constituency offices.
169. Overall, taking this step should (a) address a number of the bullying and harassment risk factors identified in section VII above, thereby reducing the level of bullying and harassment itself and (b) provide various alternative avenues by which support can be provided to staff members and employment-related concerns raised and resolved at an early stage.
170. Progress can and should be made in some of these areas by existing House services or IPSA before the new HR department is established. I identify immediate recommended action in bold type at the end of relevant paragraphs.

### **Core Functions**

#### **Development of uniform policies and procedures**

171. The need for clear and detailed employment policies and procedures is an issue which has been raised not only by a large number of staff contributors but also by some Members of Parliament who have spoken to me. There should be a comprehensive Members Staff Handbook with mandatory procedures for MPs to follow, mapping those which are contained in the House of Commons Staff Handbook. I have addressed what I regard as some of the key deficiencies in the existing policies and procedures in respect of Members’ staff in paragraph 159 above. While the House of Commons staff handbook cannot be implemented in its entirety in view of the different employment relationship it should be taken as a starting point and adapted only so far as is necessary to reflect the fact that the member of staff is employed by the Member and not the House of Commons Commission. The different employment status should not be a justification for applying less rigour to issues such as performance management and monitoring of probationary periods.

#### **Advice and assistance with recruitment**

172. MPs should be required to recruit fairly and openly. The HR department should develop a set of pro forma forms (including person specifications) for MPs to use should they wish to do so. There also should be a simple form which should be completed and returned to the department at the end of

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<sup>54</sup> [ICGS Delivery Report](#), p17.

<sup>55</sup> I recognise that some of these functions go beyond what an HR department might usually do.

each recruitment process asking for information about the process including where the post was advertised, how many applications there were, who was appointed and whether the successful candidate was previously known to the MP in any capacity. Members of the HR department should be available to personally assist with recruitment for MPs who request assistance. The HR department should also identify (through monitoring information gathered during the process I have described above) whether there are MPs who are not operating open and fair recruitment procedures and, if so, adopt a more interventionist approach with them.

### **Proactive contact with members of MPs' staff**

173. The HR department should contact all staff members with a welcome phone call very early on in their employment. The conversation should include discussion of the Behaviour Code, relevant helplines and the ICGS to ensure that all new staff members are aware of it. Requirements to attend training (such as induction and *Valuing Everyone*) should also be discussed. A personal conversation is necessary because other methods of communicating this information to Members' staff do not appear to be successful. Some of the currently serving staff I spoke to in the course of this inquiry were unaware of the ICGS and relevant helplines despite emails having been sent, information being posted on the Parliamentary intranet and in newsletters. The phone call should also explore whether the staff member has sufficient clarity as to what is expected of them in their role (an issue which arose frequently) and whether they have any other concerns. This phone call should be the beginning of a relationship in which the HR department makes periodic contact with Members' staff.
174. I have been told that there is at present a considerable delay (of as much as one to two months) in contact details for new staff being provided to the relevant parts of the House Service. Procedures for early transfer of contact (and other relevant) details between IPSA and the HR department must be established. Sending a monthly list (which I understand the current procedure to be) is insufficient.

### **Probationary periods**

175. The HR department should proactively check that probationary periods are being properly used and monitored, for example by contacting the MP (or other person responsible in the MP's office, such as the office manager) after the first month and again at the fifth month of a six month period. Any issues should be identified and recorded, with the HR department providing the MP with assistance to "develop and encourage" the staff member. The HR department should also ensure that it receives notification of the successful completion of a probationary period. A probationary period should only be extended following advice from the HR department.

### **Appraisal**

176. The HR department should take active responsibility for ensuring that appraisals are properly and regularly conducted, with HR involvement where appropriate. One of the key issues I have identified

in so many of the many of the contributions made to me is that the contributor has felt unable to communicate any concerns to the MP or ask for assistance or training. A formal appraisal system, overseen by HR, would provide a forum in which these issues could be raised.

### **Performance management**

177. Systems should be developed which require Members to bring early performance concerns to the attention of HR so that any issues can be addressed at an early stage, constructive action taken fairly to support the staff member's development. The HR department should, if necessary, assist the MP to take firm action against those who are unable to perform to the necessary standards despite being provided with support.

### **Exit surveys/interviews**

178. Each person leaving their employment with an MP should be asked to complete a leaver's survey, followed up with an interview where appropriate. The information gathered should be analysed for themes and/or trends both in relation to Members' staff overall and in individual offices. I have been provided with an electronic leaver's survey used by the House of Commons and Parliamentary Digital Service which could very easily be adapted for use for Members' staff. The House/PDS survey contains 30 questions in total about matters such as induction, whether there was clarity in what was expected in their job, whether there were sufficient people to cover the workload and how they would rate their manager. All of the questions appear to be pertinent to the issues which contributors have raised with me in the course of this inquiry. In my view the survey could be appropriately used for Members' staff with very little adaptation.<sup>56</sup> **It is important that data gathering in relation to these issues commences as soon as possible. IPSA should invite leavers to complete and return exit surveys pending establishment of the new HR department.**

### **Oversight of annual leave and working hours**

179. Difficulty in taking annual leave was a recurring theme in the contributions made to me. As part of its regular contact with members of staff the HR department should discuss annual leave. If there appear to be problems, HR should raise this with the Member on behalf of the member of staff. The statement in the current Members Staff Guidebook that "*[s]taff members are encouraged to take their full annual leave entitlement within the leave year to ensure a healthy work life balance*"<sup>57</sup> places the onus on MPs staff and is wholly unrealistic for some staff in the context of the working relationships which have been described to me.

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<sup>56</sup> I note that there is a question about the leaver's "primary reason for leaving" which gives a wide range of options but does not specify a failure successfully to complete a probationary period. There is a blank box for other reasons but since concerns about probationary periods featured so heavily in the contributions made to me this should be a specific option to be chosen in the Members' staff leavers survey.

<sup>57</sup> Page 17, section B1.

## **Assistance with grievance and disciplinary processes**

180. The HR department should develop appropriate processes for addressing workplace grievances which fall outside the ICGS, i.e. those which are not allegations of bullying and harassment, recognising that staff will find it difficult to bring a grievance directly to the MP. It should also develop disciplinary procedures and provide assistance with taking any necessary action under them.

## **Training log**

181. The HR department should be provided with details, and keep records, of any relevant training undertaken by MPs and their staff. Where relevant mandatory training (for example the Valuing Everyone training) has not been undertaken, the department should follow up with the member of staff or Member concerned and ask for reasons, which should be recorded.

## **Data collection and monitoring**

182. The HR department should monitor data, both overall and in relation to each MPs' office, in order to assess whether Members are employing good practice. **Pending establishment of the HR department IPSA should collect relevant data in a manner which facilitates this monitoring.** The areas covered should include: equality and diversity; staff turnover; reasons for staff leaving; sickness absence; working hours; pay; appraisals conducted; performance management and disciplinary action.

## **Welfare**

183. The HR department should also have a welfare function, pointing staff and Members in the direction of any relevant existing services and considering whether any specific, tailored, services are required. The proactive approach I have suggested should mean that over time a relationship develops between a member of staff and a particular member of the HR department which might lead to them being contacted in the first instance about any concerns.
184. The HR department should also consider whether further welfare services are required by Members or their staff. A particular problem which has been brought to my attention by a number of caseworkers is the extent to which they find themselves supporting very vulnerable people in the constituency with, for example, housing or immigration issues. Some have referred to having a conversation with, on average, one person every week who says that they are intending to commit suicide. The HR department should consider whether to put in place specific counselling for caseworkers dealing with these kinds of issues.

## **Liaison role**

185. Given its overarching responsibility for all MPs' offices the HR department will be in a good position to implement initiatives which have been suggested in the past but have never been fully implemented,

for example a “buddy” system for new staff and peer mentoring for staff who might be struggling to perform in a particular role. The HR department would also be best placed to assist staff who wished to leave their employment with a particular Member to find a role with a different Member. The availability of support of this nature could reduce one of the main barriers to Members’ staff complaining about bullying and harassment.

186. The HR department would also be best placed to address staffing arrangements for the period following a general election. It could, for example, facilitate a system of short term secondments of experienced staff to the offices of newly elected Members.

### ***Mechanics: establishing the HR department***

187. If the principle that the new department should be established is accepted by the House, which I hope it will be, questions arise as to how it should be established and where it should be positioned. Since the primary function of the new department will be to provide support to Members and their staff its natural place is within the Palace of Westminster with staff employed by the House of Commons Commission. I do not consider it necessary, at this point, to recommend that it be structurally independent, for example by being part of IPSA.
188. The HR department must, however, be led by a person (who for these purposes I will call the HR Director) with sufficient experience to establish and develop this new department (HR and change management experience will be essential) and sufficient authority to provide firm guidance to MPs where necessary. In view of the culture in the House of deference to MPs reported by Dame Laura Cox<sup>58</sup> this position cannot be filled by purely internal recruitment. It will be essential to conduct an external recruitment exercise.<sup>59</sup> I recommend that the Director of Cultural Transformation and the Director of HR and Inclusion are involved in the recruitment process.
189. The HR Director should be given responsibility for creating the department and getting it up and running, with as much autonomy as is possible. Recent history in relation to Dame Laura’s two key recommendations has shown that progress can be slow if ongoing involvement of the Commission is required. An individual person, rather than a group, needs to be accountable for the delivery of this project. The HR director should be responsible for appointing staff who are appropriately experienced and skilled for their roles.

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<sup>58</sup>Cox Report, paras 155-157.

<sup>59</sup> Existing House staff would, of course, not be excluded from participating.

## **IPSA's role**

### **Data collection**

190. IPSA, as payroll provider for MPs' staff, necessarily holds a substantial amount of data relevant to MPs' employment practices but does not at present carry out any relevant monitoring. Nor does it collect any data relevant to equality and diversity.<sup>60</sup> **Its first task is to start collecting and collating data in a manner which will facilitate monitoring of MPs' employment practices. This should begin immediately.**

### **Exit surveys**

191. Pending establishment of the HR department IPSA should develop an exit survey and send it to MPs' staff who leave their employment with that MP. As I have explained in paragraph 178 above the existing exit survey used for House of Commons staff can be very easily adapted. **IPSA should begin sending exit surveys to leavers within the next few weeks.**

### **Consider conditions for payment of staff salaries**

192. Once the new HR department has been established IPSA should consider whether conditions relating to good employment practice should be imposed on the payment of staff salaries. In the same way that it currently requires staff to be employed pursuant to a model contract it may, for example, require MPs to adopt and follow standard employment procedures. **IPSA should, however, consider in light of the contents of this report whether there are any conditions which should be imposed for the next edition of the MPs' allowances scheme, in particular a requirement to demonstrate attendance at any particular training.** I would not recommend imposing any condition which affects the salaries of existing staff but conditions could properly apply to any staff employed after a certain date.

193. My conclusions as to the way forward are clear and I do not repeat them here. I have, however, included as an Annex to this report a summary of my main recommendations with a recommended target date for their implementation. Some of the targets are challenging but they are in my view realistic. There has been such significant delay with advancing aspects of the ICGS and the recommendations of the Cox Inquiry to date that it is important to restore confidence by taking swift action.

194. My final recommendation is that there should be an external review of progress against the recommendations made in this report in around 18 months. The reviewer should also assess the extent to which the HR department is carrying out the core functions listed and the extent to which those functions are successfully addressing the issues identified in this report. The independent

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<sup>60</sup> Apart from a staff member's gender, which is required by HMRC.

review would report in time to feed into any consultation IPSA might conduct in relation to imposing conditions on MPs' staffing expenditure under the 2022-2023 Members' allowance scheme.

195. I cannot conclude this report without addressing the possibility that a general election might be called at any time. This inquiry has identified particular pressure points for existing staff during general election campaigns and for newly elected MPs after a general election. Under the Fixed-term Parliaments Act 2011, the next general election in the United Kingdom is scheduled for 2022, just under three years from today. Three years would be ample time for the new systems I have outlined to be fully developed, resourced and implemented. I would expect to see significant improvements by that date.

196. If, however, a general election is called, I recommend that early consideration be given both by the House and by IPSA to the particular issues I identify in paragraphs 65.1 (political work) and paragraphs 155-157 (challenges for newly elected Members and recruitment).

**Gemma White QC**

**11 July 2019**

WHO	WHAT	BY WHEN	REF
<b>House of Commons</b>	Extend ICGS to former employees	July 2019	123-128
<b>House of Commons</b>	Remove June 2017 cut-off for complaints under ICGS	July 2019	134-137
<b>Committee on Standards</b>	Implement sanctions framework	December 2019	129-133
<b>House of Commons Commission</b>	Appoint Members' Staff HR director	December 2019	187-188
<b>House of Commons Commission and HR Director</b>	Appoint staff to Members' Staff HR department	April 2020	189
<b>IPSA</b>	Collect and collate data for MPs' staff	September 2019	182 and 190
<b>IPSA</b>	Send exit survey to all departing staff	September 2019	178
<b>IPSA</b>	Review confidentiality clause in standard contracts	September 2019	96
<b>IPSA</b>	Consider conditions on staffing expenditure in relation to good employment practice	For 2020-2021 MPs allowance scheme in the first instance	148 and 192
<b>House Service</b>	Fair recruitment and management of staff with disabilities to be included in training	December 2019	71
<b>ICGS team</b>	Produce clear procedural documents, to include Members role in appeals	September 2019	120 and 142
<b>Clerk to the House of Commons</b>	Appoint independent reviewer to report on progress against the recommendations contained in this report	March 2021	194