

This report follows investigations into allegations of bullying and harassment and includes content that some readers may find upsetting or offensive.

My aim has been to reflect fairly and fully the evidence I gathered in the course of the investigations and not to censor or in any way minimise views expressed or material uncovered. This means that this report may make for difficult reading.

The findings and discussions in this case relate to harassment associated with the protected characteristics of age, sex and gender reassignment. The report also includes racially offensive language.



HOUSE OF LORDS

Report from the Commissioner for Standards

The conduct of Lord Stone of Blackheath

Published 23 October 2019

Commissioner for Standards

The independent Commissioner for Standards is responsible for considering any alleged breaches of the Codes of Conduct.

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Code of Conduct for Members, Guide to the Code of Conduct and Code of Conduct for Members' Staff

The present Code of Conduct for Members of the House of Lords was agreed on 30 November 2009. Amendments to it were agreed by the House on 30 March 2010, 12 June 2014, 25 February 2016, 9 February 2017, 3 April 2017, 30 April 2019 and 18 July 2019.

The Guide to the Code of Conduct was proposed by the Committee for Privileges (2nd Report, Session 2009–10, HL Paper 81) and agreed by the House on 16 March 2010. The Guide was amended on 9 November 2011, 6 March 2014, 13 May 2014, 24 March 2015, 25 February 2016, 9 February 2017, 3 April 2017, 30 April 2019 and 18 July 2019.

The Code of Conduct for House of Lords Members' Staff was agreed on 13 May 2014. Amendments to it were agreed on 24 March 2015, 30 April 2019 and 18 July 2019.

The Codes and Guide are kept under review by the Conduct Committee.

Advice

The Registrar of Lords' Interests advises members of the House and their staff on their obligations under the Codes of Conduct.

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Registers of Interests

A list of interests of members and their staff can be found online: www.parliament.uk/hlregister

Parliamentary helplines

Independent Bullying & Harassment Reporting Helpline: 0800 028 2439 or disclosure@healthassured.co.uk

Independent Sexual Misconduct Advisory Service: 0800 1124 318 or isma@solacewomensaid.org

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The Conduct of Lord Stone of Blackheath

CHAPTER 1: INTRODUCTION

1. On 30 April 2019 the House of Lords introduced changes to the Code of Conduct which, for the first time, explicitly set out that bullying, harassment and sexual misconduct were breaches of the Code of Conduct. It also introduced new procedures for dealing with complaints of bullying harassment and sexual misconduct. Further details are given in Chapter 4.
2. This report deals with four separate complaints made about Lord Stone of Blackheath under the revised Code. Three of the complaints, by FG, PQ and XY, were made in July 2019, and one, by ZA—which arose from the same incident as one of the July complaints—was made in September.
3. Though my meetings and correspondence with Lord Stone covered all the complaints, the details of each have been considered separately. Except for complainants XY and ZA, who were involved in the same incident with Lord Stone as each other, the complainants have been unaware of the others' complaints.
4. In considering these complaints I have been supported by Sam Evans, Associate Practitioner, CMP Solutions, and James Whittle and Moriyo Aiyeola, the Clerks who assist me in my work. I wish to place on record my thanks to them for all their help, while also acknowledging that I am solely responsible for the conclusions reached and the decisions made in this investigation.
5. I also wish to thank the complainants for their engagement in the process. I am well aware making complaints under a new and untried process against members of the House took courage, and that it has not been easy reading what Lord Stone has said about them. Their willingness, despite this, to agree remedial action is a marker of the fairmindedness shown by them throughout.

CHAPTER 2: EXECUTIVE SUMMARY

Complaint by FG

6. Complainant FG reported that on 24 April 2019 Lord Stone stopped her when they were alone in the stairwell leading from the Principal Floor to the River Restaurant. He told her she was looking beautiful with her hair worn differently from her usual style. On seeing her reaction to his comments, he grabbed her arm to insist that, although it might be thought sexist to say so, she really did look beautiful. He let go of her when someone else came through the door at the bottom of the stairs.
7. This incident came after a period of time where Lord Stone had made increasingly personal remarks about FG's clothes and appearance.
8. FG considered this behaviour to be unwelcome and contrary to the Code of Conduct.

Immediate and longer-term effect on FG

9. FG's immediate reaction to the incident was to feel anxious, uncomfortable and shocked. She felt that he knew what he was doing was wrong, and that he took advantage of their encounter being in a secluded spot with no-one around. She thought that he only let go of her arm when he heard someone else enter the staircase.
10. Afterwards she felt angry at his apparent assumption that, while at work, she needed to be told by him that she was beautiful, as if he thought she was insecure and needed reassurance. She pointed out that they were not friends and had never had the sort of personal discussion that might have led to such comments.
11. She explained that as a result of this incident she was uncomfortable at the thought of having to engage with him:

“Walking around the Palace, I was always really aware of, ‘Is he going to be there?’, and I was always thinking about it. It definitely did impact the way in which I moved around at work, what I wore at work, how I looked at work, what I was thinking about at work.”

Lord Stone's response

12. Lord Stone told us that he considered it to be polite, friendly and warm to compliment people on their appearance, clothes etc. He did this frequently to men and women of all ages, including fellow members of the House and many staff. He thought that if someone misinterpreted his behaviour, this was because “there may be something inside them that has a problem with it, but not inside me”.
13. He agreed that he had been making similar comments to FG for a while, and explained that he thought she had low self-esteem, and so liked to give her encouragement.
14. On the day of the incident he had complimented her as she had her hair up. He said he had then realised that she had not taken his words as a compliment, so he had been trying to apologise, and had held her arm to reassure her that he meant no harm. He also acknowledged that he continued to try and impress

upon FG how beautiful she was, as he felt her reaction to his compliments showed she didn't believe what he had been saying.

15. He was certain that there had been nothing calculated or pre-meditated in his behaviour, and that he did not have any ulterior motive.

Finding

16. This behaviour met the criteria for harassment related to the protected characteristics of age and sex, and was a breach of the Code of Conduct.

Outcome

17. I proposed that Lord Stone undertook bespoke training and behaviour change coaching provided by an external supplier. Lord Stone and FG agreed to this, so the matter was concluded by way of remedial action.

Complaint by PQ

18. On 12 July 2019, complainant PQ wrote to complain about two examples of Lord Stone's conduct.
19. In the first, Lord Stone had replied to a professional email exchange with PQ by signing off with a kiss: "x". PQ considered this to be overly familiar and inappropriate. She could also find no example of Lord Stone having been so familiar with male colleagues. She therefore considered it to be contrary to the Code of Conduct.
20. In the second incident, PQ had done some work for Lord Stone—though nothing she considered to be particularly taxing or beyond the usual expectations of her role. He responded by coming to her desk to thank her and stroking her arm for five to ten seconds. She considered this to be unwelcome and inappropriate physical contact, and therefore contrary to the Code.

Immediate and longer-term effect on PQ

21. PQ said that the immediate effect of the email with the "x" was to make her feel uncomfortable, as it was over-familiar in the context of a professional relationship in which he appeared not to respect her professional advice.
22. The immediate effect of him stroking her arm to thank her for a piece of work she had done, was to make her feel really uncomfortable, angry, anxious and pinned in, because she could not move her chair away from him.
23. PQ told us that she had noticed Lord Stone's behaviour to female colleagues before she had had personal contact with him, which made her think he was "a bit creepy", and gave an example when he had made a "joke" to a young woman working in the same room that he hoped that a document relating to the 'Upskirting' Bill would contain photos. She had also noticed that when young female colleagues did work for him, he would sometimes then ask them to get him a cup of coffee, which she considered dismissive of their professional status. She felt he treated male and female staff differently.
24. The longer-term effect of his behaviour was that she had had to have the furniture round her desk re-arranged so that it would be less easy for someone to get as close to her as Lord Stone did. She feels anxious at the thought of having to deal with him, in case he behaves inappropriately;

professional dread in case he asks for her advice and then ignores it; anger that he does not behave in the same way to male colleagues; and worried that he might behave in the same way to junior colleagues, so that she would have to intervene without being sure what would be the right thing to say. She said that she and her colleagues did not like dealing with him or some other members: “when they come in, we just feel like hiding, and he is one of them.”

25. She also thought that he was uninterested in the effect he had on others, as he did not think their views were important, and that he deliberately took advantage of the culture of deference to upset people with impunity.

Lord Stone’s response

26. He told us he could not remember the arm stroking incident. He accepted that he had behaved in this way as it was consistent with the way he would usually behave. He felt that there was nothing wrong with what he had done, which is what he does with men and women of all ages and backgrounds. He profoundly believed that his behaviour was benign, as it was an expression and recognition of the inter-relatedness of all humanity.
27. He conceded that some people might not want to “relate to me as a human” and in those circumstances he would hold back. However, he believed it would be better if people could see “that we are all one, and if we are all one then in that case it is much better that we understand that I love you because you are part of me and we are one.”
28. He said that he had behaved as he had done to PQ with regard to the email with a kiss because he was treating her as an equal, to show that he was not expecting to be seen or treated differently because he was a peer.
29. We discussed the ‘Upskirting’ Bill “joke” that PQ had witnessed. He said he had made the joke to numerous people, and it would have been sexist if he had refrained from doing so simply because the person he was addressing was a young woman.

Finding

30. This behaviour met the criteria for harassment related to the protected characteristics of age and sex, and was a breach of the Code of Conduct.

Outcome

31. I proposed that Lord Stone undertook bespoke training and behaviour change coaching provided by an external supplier. Lord Stone and PQ agreed to this, so the matter was concluded by way of remedial action.

Complaint by XY

32. XY and ZA had been staffing a stall in the River Restaurant which, among other things, had been inviting staff and members to sign a “No Bystanders” pledge about homophobic, biphobic or transphobic behaviour. Having signed the pledge himself earlier, when other staff were on duty at the stall, Lord Stone later came back with a guest pushing his way past others and saying loudly, “He wants to sign, where does he sign ... He wants the operation, is this where he signs up for the trans operation, he wants to be trans.” XY and ZA were on duty by this time. On seeing that they had found these

comments to be inappropriate and offensive, XY also complained, he patted ZA on the arm and told her he was only joking.

Immediate and longer-term effect on XY

33. XY considered these comments transphobic and highly offensive. She said the interaction had made her feel uncomfortable at the thought of further interactions with him. She also felt that his comments had demonstrated a lack of respect for her, the Administration and its staff. As well as being offensive, his comments were undermining of the work the Administration was doing to become a more inclusive workplace and he acted as if his position as a peer made him untouchable and able to say such things.

Lord Stone's response to XY's complaint

34. Lord Stone's response was that he had considered the staff at the stall when he signed the pledge to be presenting their case "rather incompetently" and that the complainant exaggerated his actions when he returned with his guest. His intention had been to ensure that a guest of his could sign the pledge. His comments were intended to get him and his guest to the stall quickly. He considered those who were offended by his comments to be "not as enlightened as I am about the equality of gay, lesbian, trans or whatever else and therefore they see anything as some challenge to it because I think they perhaps have some problem themselves". He explained that his sense of equality with everyone, including those who were discriminated against on the basis of protected characteristics, meant that his joke was not evidence of prejudice or transphobia. He volunteered another example of his sense of equality:

"I wouldn't call somebody a 'n*****' in, like, in an aggressive way, but let us say I was at some meeting, which I often am, particularly in Israel with black people or whatever, I would say, 'We are all n*****s, I am'—what do you call it—'an honorary n*****', yes, and they would say, 'Yes, Andrew is just as n***** as we are' ... but people feel that if you are not trans or if you are not gay, or if you are not lesbian, then you are not part of that group and therefore you can't speak in an open way. No, I feel I am part of that group. I am heterosexual. There are people who are gay, there are people who are lesbian and I feel there is no difference between all of us. We have our own proclivities and we are born with our DNA and therefore I see nothing against them and therefore I am part of their group—yes, I am part of their group."

Finding

35. This behaviour met the criteria for harassment related to the protected characteristic of gender reassignment, and was a breach of the Code of Conduct.

Outcome

36. I proposed that Lord Stone undertook bespoke training and behaviour change coaching provided by an external supplier. Lord Stone and XY agreed to this, so the matter was concluded by way of remedial action.

Complaint by ZA

37. ZA gave an account very similar to that of XY, with an additional description of her challenge to Lord Stone at the time:

“I informed Lord Stone that he was very much mistaken. I was very much offended by Lord Stone’s transphobic outburst. After I spoke the second time, Lord Stone continued laughing, let go of his visitor and patted me on the shoulder as if to express the humorous nature of his outburst.”

Immediate and longer-term effect on ZA

38. ZA said the interaction had made her feel “uncomfortable, but angry”. She said she found his “intent to show other people what he [was] saying and the mickey that he [was] taking out of what we are talking about” extremely offensive. She felt his behaviour was intended to belittle her and XY and the issues they were representing:

“it was just horrible behaviour about real people’s existence and life experience, and it was just awful; but also in such public places you don’t know if there was someone around to have heard that and to have seen that it was a Lord and they are working in the House of Lords, that someone so senior can have that perspective and take such glee in expressing it, but also be allowed to get away with it in the moment”.

39. Though she did not find his pat on her shoulder hugely distressing, she considered it patronising.

Lord Stone’s response to ZA’s complaint

40. Lord Stone had nothing further to add to ZA’s complaint to what he had said in my earlier interview with him regarding XY’s complaint.

Finding

41. This behaviour met the criteria for harassment related to the protected characteristic of gender reassignment, and was a breach of the Code of Conduct.

Outcome

42. I proposed that Lord Stone undertook bespoke training and behaviour change coaching provided by an external supplier. Lord Stone and ZA agreed to this, so the matter was concluded by way of remedial action.

Conclusion

43. As noted above, I discussed with Lord Stone agreeing remedial action in relation to each complaint—bespoke training and behaviour change coaching. Lord Stone readily agreed that he would benefit from training. We agreed that we would put him and the training organisation in contact with each other as quickly as possible.
44. Lord Stone is now in contact with the training organisation.

CHAPTER 3: PROCESS AND CHRONOLOGY

45. Following the receipt of each complaint I carried out a preliminary investigation to establish if the complaint engaged the Code of Conduct, and concluded that each one did so.
46. I informed Lord Stone of each complaint, sent him the details that the complainant had provided to me, and asked for his written response. I forwarded each response to the relevant complainant.
47. I was also made aware that Lord Stone had been the subject of complaints made previously, not to me or my office but through an informal route to the Clerk of the Parliaments, Ed Ollard. I considered it relevant to obtain some information about these previous complaints, and Mr Ollard provided relevant, anonymised information, which I shared with Lord Stone, and discussed with him at interview. Details of the information from Mr Ollard are in Chapter 6.
48. Sam Evans and I, with James Whittle supporting us, interviewed the first three complainants in early September, and I interviewed Lord Stone in mid-September. Subsequently, as mentioned above, I received a further complaint from ZA. I interviewed her, and invited Lord Stone to respond to this complaint. He said he had nothing further to add to what he had said when we discussed XY's complaint.
49. Each person interviewed was given the opportunity to review the transcript of their interview for factual accuracy and to clarify or add further detail if necessary. Then, in accordance with paragraph 147 of the Guide to the Code, I produced separate draft reports of the facts in relation to each complaint. I sent the relevant factual reports to each complainant and sent all four to Lord Stone. In relation to the complainants, I not only asked them to let me know if they disputed any of the facts in the draft report, but also if they were satisfied that I had protected their anonymity sufficiently.
50. I had a further meeting with each complainant to discuss next steps. In each case I informed them that I had reached the provisional conclusion that the evidence justified upholding their complaint, although I could not make a final decision until after my next meeting with Lord Stone.
51. I also discussed possible sanctions and informed them, with my reasons, why I considered that bespoke training and behaviour change coaching was the proportionate sanction in response to each of the complaints and that this could be provided for by way of remedial action. Each of them agreed with this—although they were aware that they could disagree and that this would lead to the matter being decided by the Conduct Committee.
52. On 15 October I had a meeting with Lord Stone to discuss next steps. During that meeting we discussed my provisional findings and proposed remedial action. He agreed to the remedial action proposed. In the light of this conversation, I completed my report.

CHAPTER 4: RELEVANT ASPECTS OF THE CODE

53. On 30 April 2019, the House agreed a revised Code of Conduct. This included, for the first time, explicit reference to the Parliamentary Behaviour Code. Paragraph 10 of the Code says:

“Members of the House should observe the principles set out in the Parliamentary Behaviour Code of respect, professionalism, understanding others’ perspectives, courtesy, and acceptance of responsibility. These principles will be taken into consideration when any allegation of bullying, harassment or sexual misconduct is under investigation.”¹

54. Paragraph 17 says that “Members are required to treat those with whom they come into contact in the course of their parliamentary duties and activities with respect and courtesy” and makes clear that “[b]ehaviour that amounts to bullying, harassment or sexual misconduct is a breach of this Code.”
55. The revisions to the Code also expanded its scope where complaints of behaviour amounting to bullying, harassment or sexual misconduct are concerned. For other types of conduct the Code’s remit is “the discharge of their parliamentary duties” and it does not extend to “duties unrelated to parliamentary proceedings, or to their private lives”. Paragraph 17 applies more broadly to “the standards of conduct expected of members in performing their parliamentary duties and activities whether on the Parliamentary estate or elsewhere.”²

Parliamentary Behaviour Code and definitions of bullying, harassment and sexual misconduct

56. The Parliamentary Behaviour Code, included as Appendix A to the Code of Conduct, sets out six principles of conduct:
- Respect and value everyone—bullying, harassment and sexual misconduct are not tolerated;
 - Recognise your power, influence or authority and don’t abuse them;
 - Think about how your behaviour affects others and strive to understand their perspective;
 - Act professionally towards others;
 - Ensure Parliament meets the highest ethical standards of integrity, courtesy and mutual respect;
 - Speak up about any unacceptable behaviour you see.

1 The complaints included in this report were made under the seventh edition of the Code of Conduct, agreed on 30 April 2019. References to and quotes from the Code in this report are from the eighth edition, agreed on 18 July 2019 and available online at www.parliament/hl-code. None of the aspects of the Code relevant to this report was revised for the eighth edition.

2 See paragraph 3(a) of the Code of Conduct

57. Appendix B of the Code defines bullying, harassment and sexual misconduct at some length drawing from definitions included in the *Independent Complaints and Grievance Scheme Delivery Report*.³

Bullying

58. Bullying may be characterised 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.
59. Power does not always mean being in a position of authority and can include both personal strength and the power to coerce through fear or intimidation.
60. Bullying can take the form of physical, verbal and non-verbal conduct.
61. Bullying behaviour may be in person, by telephone or in writing, including emails, texts or online communications such as social media.
62. It may be persistent or an isolated incident and may manifest obviously or be hidden or insidious.

Harassment

63. Harassment is defined as 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.
64. It is distinct from bullying in that harassment is related to one or more of the relevant protected characteristics' which include age, sex, race, disability, religion or belief, sexual orientation and gender reassignment.
65. It may be persistent or an isolated incident and may manifest obviously or be hidden or insidious.
66. It may take place in person, by telephone or in writing, including emails, texts or online communications such as social media.
67. Harassment can be intentional or unintentional. The key is that the words or behaviour are unwanted or unacceptable to the recipient.

Sexual misconduct

68. Sexual misconduct incorporates a range of behaviours including sexual assault, sexual harassment, stalking, voyeurism and any other conduct of a sexual nature that is non-consensual or has the purpose or effect of threatening, intimidating, undermining, humiliating or coercing a person.

Anonymity

69. Paragraph 126 of the Guide to the Code of Conduct says:

“Where complaints relate to bullying, harassment or sexual misconduct the identity of the complainant will be shared where necessary with those directly involved in the investigation but will not usually be made

3 Independent Complaints and Grievance Scheme Delivery Report, published July 2018: <https://www.parliament.uk/documents/news/2018/1%20ICGP%20Delivery%20Report.pdf>.

public during the investigation, or on publication of the report, unless the complainant desires otherwise. This may involve some redaction in reports. Those involved in the investigation are under an obligation to protect the identity of the complainant and a failure to do so may constitute a breach of the Code as well as a contempt of the House.”

70. None of the complainants in this report has waived their right to anonymity. Much of the evidence quoted is therefore redacted or summarised in order to ensure the complainants cannot be identified. Copies of letters, transcripts of meetings and other evidence gathered in these investigations have not been reproduced in this report as to do so would unacceptably risk the complainants’ anonymity.

External investigator

71. Paragraph 131 of the Guide to the Code says:

“In cases involving bullying, harassment or sexual misconduct, the Commissioner is supported by independent investigators. The Commissioner may delegate to the investigator to the extent she considers appropriate any of her investigatory functions.”

As noted above, I was supported by Sam Evans of CMP Solutions.

CHAPTER 5: PRINCIPLES RELATING TO INVESTIGATIONS AND OUTCOMES

72. These are the first complaints I have investigated under the revised provisions in the Code for dealing with bullying, harassment and sexual misconduct. I therefore wish to set out the principles that I have applied, and will apply in future, in reaching decisions as to the appropriate ways to proceed and sanctions to agree or recommend.

Proportionality

73. The first principle is that of proportionality. This is implicit in the Code and the Guide to the Code, which envisage a range of appropriate outcomes in the event of a breach. Some of these can be recommended by me but must be agreed by the Conduct Committee and imposed by the House. Others can be decided by me with the agreement of the complainant and respondent.

Remedial action

74. An outcome proposed by me and agreed to by the complainant and respondent is referred to as “remedial action”. The Guide to the Code sets out where such an outcome might be proportionate and what it might involve:

“Remedial action may be agreed if the complaint, though justified, is minor and is acknowledged by the member concerned.” (paragraph 140 of the Guide to the Code)

“In cases involving bullying, harassment or sexual misconduct any remedial action recommended at the end of an investigation will need to be agreed by both the member and the complainant and possibly negotiated through mediation. Remedial action in such cases may include the respondent apologising to the complainant or agreeing to attend appropriate training.” (paragraph 141 of the Guide to the Code)

75. “Minor”, in this context, does not mean trivial, and does not imply that the effect on the complainant has been minor. Rather, it acknowledges that in the full range of behaviours covered by the provisions, the behaviour complained of is at the lower end of the range.
76. Allegations of bullying, harassment or sexual misconduct may only be dealt with by remedial action with the consent of both the complainant and the respondent. Although their consent is necessary, it is not sufficient; I also have to decide that it is a proportionate response.
77. If the respondent is the subject of complaints relating to conduct similar to that previously dealt with by remedial action, I would take into account this apparent lack of modification in his or her conduct when considering whether further remedial action would be appropriate.

Sanctions imposed by the House

78. Some sanctions can only be imposed by the House: suspension, denial of access to the system of financial support for members or the facilities of the House, and expulsion. These are the more severe sanctions available and would be used where the behaviour complained of was at the higher end of the range.

79. It may also be necessary to resort to a sanction imposed by the House for less severe breaches if remedial action, even if considered proportionate by me, cannot be agreed by the parties or is not proportionate as it has proven to be ineffective in the past.

Agreed resolution

80. The Guide to the Code of Conduct also provides for an outcome prior to any finding by “agreed resolution”:

“At any time during an investigation involving bullying, harassment or sexual misconduct the Commissioner may reach an agreed resolution with both the complainant and the member under investigation. At the Commissioner’s discretion, such an agreed resolution can bring the investigation to an end. In this case, it is at the discretion of the Commissioner, having consulted the complainant and the member, whether a report is published on her webpages on the parliamentary website.” (paragraph 143)

81. This outcome differs from remedial action in that:
- No finding is reached;
 - No sanction is imposed (though the parties may agree to some action as part of the agreement); and
 - A report is not necessarily published. If no report is published, the existence of the complaint and investigation will remain confidential indefinitely.
82. The Guide to the Code does not stipulate when this course of action might be suitable but I would expect it to be the exception rather than the norm, and would expect it only to apply as a result of the particular circumstances of the case.
83. Two factors to which I would anticipate paying particular attention when considering a request for an agreed resolution would be the motivation behind any such request and the need for the enforcement of the Code of Conduct to be as open and transparent as possible
84. In particular, I would want to be sure that a complainant was choosing an agreed resolution in his or her own interests, rather than those of the respondent, and that a respondent who disputed the accuracy of the complainant’s account was not agreeing to this outcome simply to avoid publicity.

Openness and transparency

85. The principles of openness and transparency may be relevant when considering proportionality.
86. If I, or the Conduct Committee, uphold a complaint, the Code requires that a report is published, naming the respondent.
87. Publication is not a sanction, but the effect of publication is, in my view, a matter that I can take into account when considering the proportionality of any sanction I may impose, as publicity may itself be a very effective catalyst for change in the respondent’s behaviour.

88. The educative benefits of openness and transparency require me in most, if not all, cases to publish in my report significant details of the respondent's agreed and alleged behaviour, and its effects on the complainant. This is the case even though the respondent may be deeply embarrassed at the descriptions of the behaviour, and the effects of the behaviour on the complainant, being made public. Publishing the details allows readers to assess whether their own behaviour requires modification to avoid the possibility of a complaint being made and upheld and allows readers who may have been affected by similar or equivalent behaviour to recognise that they have a remedy. Publishing the details also shows members of the House the behaviour of their colleagues that they should be challenging in accordance with paragraph 9(g) of the Code of Conduct that they show leadership by challenging poor behaviour wherever it occurs, and the requirement in the Behaviour Code to speak up about any unacceptable behaviour they see. All these effects, over time, should improve the working environment of the House of Lords.

Fairness and natural justice

89. The Guide to the Code of Conduct states that:
- “In investigating and adjudicating allegations of non-compliance with this Code, the Commissioner and the Conduct Committee shall act in accordance with the principles of natural justice and fairness.” (paragraph 129)
90. The question of how the rules of natural justice apply to the respondent was extensively discussed in a previous investigation, and may be consulted in the second report of that investigation.⁴
91. The requirement of fairness applies to both complainant and respondent, and here I set out how I interpret this principle.
92. I do not give any advantage to one or the other in the investigatory process; for both I offer the same options and conduct interviews in the same way. I seek documentary or third-party corroboration of any disputed evidence and assess the reliability of evidence using the same criteria for both parties, which does not include any assumption that status, power or reputation makes one person's evidence inherently more reliable than that of someone of lesser status, power or reputation.
93. Where there are points in an investigation where the parties have to agree to a particular proposal, I will take particular care to ensure that agreement is freely given, and for the right reasons.
94. Paragraph 133 of the Guide to the Code says that “Members, and in cases involving bullying, harassment or sexual misconduct the complainant, are given an opportunity to review and, if they so wish, challenge the factual basis of any evidence supplied.”
95. Paragraph 147 of the Guide to the Code sets out the process for this, requiring me to “share with the member a draft of those parts of [my] report dealing with issues of fact.” The respondent then has the “opportunity to comment on it.” Though paragraph 147 does not make it explicit, it is consistent with paragraph 133, and fairness requires, that the complainant should also have an opportunity to comment on the factual accuracy of my report in every case of bullying, harassment or sexual misconduct, and where agreed resolution

4 Committee for Privileges and Conduct (3rd Report, Session 2017–19, HL Paper 252)

or remedial action are under consideration should be asked to do so before reaching their views on what is under consideration.

96. Fairness also requires that where mediation is under consideration at an early stage in the investigation, any response to the complaint by the respondent will be made available to the complainant before mediation takes place, even if no report of the facts has been prepared.

CHAPTER 6: INFORMATION PROVIDED BY THE CLERK OF THE PARLIAMENTS

97. In the course of my investigations, I was made aware that Lord Stone had been the subject of complaints made previously, not to me or my office but through an informal route to the Clerk of the Parliaments, Ed Ollard. I considered it relevant to obtain some information about these previous complaints.
98. I therefore wrote to Mr Ollard to discuss what it would be proper for him to provide to me. We agreed that he would not give me any information that could identify those who had complained to him and his predecessor, but he could give me some information about the complaints.
99. I was not writing with a view to persuading previous complainants to make a complaint to me, but to understand what contact officials in the House of Lords had had with Lord Stone regarding complaints about his behaviour, and what his response had been to complaints being raised with him. I considered this to be important contextual information that would assist me in my investigation. This information was not shared with the complainants during the investigation, though a draft of this chapter was shared with them at the end of my investigation along with the other parts of the report dealing with issues of fact.
100. With regard to the complaint made by FG, Mr Ollard wrote on 30 August that he had been made aware of the incident involving FG by a senior colleague who forwarded a statement by FG and described Lord Stone as having been “inappropriately flirtatious for some time” prior to the incident. The senior colleague had also been made aware of another “four recent incidents” involving Lord Stone and other members of staff.
101. Mr Ollard spoke to Lord Stone about the complaint and “outlined the conduct alleged”. Mr Ollard reported that Lord Stone’s response was:
- “• He was amazed that anyone could interpret a 77-year old man touching someone as sexual;
 - He said that he was a naturally tactile person and quite a physical person;
 - He told me that when he ran Marks and Spencer he told staff to bring their whole selves to work, and not to be automatons: seeking to regulate behaviour in this way took the humanity out; and
 - He asked if I expected him to wear gloves.
- I asked him not to touch any members of staff and to moderate his interactions. Lord Stone said he would do so.”
102. Mr Ollard also reported that for the period December 2018–July 2019, he was aware of seven complaints in total being made. All seven complaints were from female members of staff and included inappropriate “communication with sexual or sexist overtones” and touching. Two of those reports had been made after Mr Ollard’s meeting with Lord Stone to discuss FG’s complaint. In one of those cases Lord Stone was reported to have “referred to his

conversation with me and indicated that he did not accept that his behaviour required modification.”

103. Mr Ollard’s note was sent to Lord Stone before his meeting with me.

CHAPTER 7: COMPLAINT BY FG: ACCOUNT OF THE KEY FACTS AND EVIDENCE

104. On 3 July 2019 FG wrote to me to make a complaint:

“On 24 April 2019, Lord Stone of Blackheath, when following me through the door to the stairs to the River Restaurant in the House of Lords, told me that he did not recognise me with my hair up, told me that I looked nice, to which I said thank you, I just decided to wear my hair up today. He then told me that he had thought I was only beautiful with my hair down but now has realised that I am beautiful with it up too. He then grabbed my arm and told me that it might sound sexist but that I am very beautiful.

I did not feel comfortable enough to tell him not to touch me or say such things as we were alone on the stairwell. To note, this stairwell is closed off at all exit points and you can hear if someone else is walking down or up it, which they were not at that time. Being aware of keeping my tone light, I said thank you and tried to pass it off lightly, another member started to come through the door at the bottom at which point he let go. I used that other member’s entry as my excuse to walk away very quickly without saying anything else.

This incident happened after months of frequent comments about my appearance, he would often stop me in corridors around the Palace to tell me that I was beautiful or comment on what I was wearing. However, this was the first time that he grabbed me.”

105. She considered that his behaviour amounted to a breach of the requirement of the Code of Conduct that members should always act on their personal honour.

106. In accordance with the requirements of the Code, I carried out a preliminary assessment and concluded that there was sufficient evidence to establish there was a *prima facie* case to be investigated.

107. Although the alleged behaviour just pre-dated the new provisions of the Code on bullying, harassment and sexual misconduct being agreed by the House on 30 April 2019, those provisions apply retrospectively to 21 June 2017. I therefore considered it appropriate to begin an investigation into whether Lord Stone’s behaviour amounted to bullying, harassment or sexual misconduct and constituted a breach of the Code.

108. I wrote to Lord Stone on 16 July, enclosing a copy of FG’s complaint, informing him of the outcome of my preliminary assessment, and requesting his written response to the complaint.

109. I also asked him to respect specific access arrangements to relevant services of the House which would prevent any interactions between him and FG while still ensuring he could access those services to support his parliamentary work.

110. He emailed the clerk assisting me, James Whittle, the same day:

“Dear James

Thank you for the letter.

I was seen and warned a few weeks ago by the Clerk of Parliament
that there had been a complaint about my behaviour
– but it was not specified with whom nor what it was about.

I could not place the incident – which incidentally shows how I didn't
think my behaviour to be 'abnormal'.

However now that you have named the person –
and sent me her description of the 'incident' –

I can recall it
and am sorry that has upset her.

I am surprised that she took it as a breach of conduct.

I don't really know how you want me to deal with this- I perhaps need
some advice.

- I won't go into that [room] again ...
- I won't interact again with the person
- I used to be a Managing director of Marks and Spencer and am always
looking at clothes, make-up, furnishings food and I have always enjoyed
being complimentary to people - women and men and of all ages – I
need to rethink how to change this behaviour?

Also by the way – I may be out of date

but I believe an organisations works best when one brings one's whole
self into work

and one doesn't turn up as a 'automated work unit'

so you will find with all the people who work in the building

[various work places and job descriptions on the Parliamentary Estate
given]

– that I am civil human friendly AND by the way -tactile.

Really ask around.....

So to conclude

- (1) I am really sorry that that person is upset – I won't name her on this
email but I apologise profusely.
- (2) I meant her no harm – quite the opposite – I was trying to compliment
her.
- (3) I will no interact with her again – but not out of spite- but out of
consideration for he feelings

- (4) I will reconsider how ‘tactile’ I should be in the future with people
- (5) And please I would like some help and advice about what you would like me to next?

Thank you”

111. Mr Whittle asked Lord Stone if he wished this email to be treated as his formal response to the complaint, and on 18 July Lord Stone responded by email:

“ (1) **Yes I’d like the content of my first reply to be part of the ‘evidence’**

(2) **That this email be added to that**

(3) I apologise profusely and unconditionally to the upset that has been caused

(4) because I realise that whatever I or an unbiased observer might see as a harmless incident –

(5) it upset ‘the victim’ so much that she felt she needed to report it

(6) and therefore it must have caused her pain

(7) and I am sorry for that.

(8) As best I can recall – *I saw the person walking in front of me down the stairs probably to the terrace bar*

and her hair style was changed from the normal way she wears it (down) to being worn up.

I tend to notice – clothes, shoes – hair – make up – food presentations etc. as for 54 years I worked in retail in these products

– and I remarked that I liked it –

it made here look beautiful....

and that she was beautiful anyway with her hair down and now that I see she is beautiful

whichever way she wears it. I said this with a smile and thought it a nice thing to say – for her to receive such a compliment in her working day.

I think I probably saw that she didn’t take it as a compliment but thought it inappropriate .

so – as I am tactile and friendly and didn’t mean any disrespect-

I reach out and touched her on the wrist - and said that I didn’t mean this in any sexually offensive way.

and she said ‘thank you’ went on her way through the door at the foot of the stairs.

I very much hope there is video footage of this – which will show what I mean.

Anyway -as I say – I am very sorry for her pain

and would like her to know that I didn't want her to be hurt

– I wanted her to feel happy and I realise that it did the opposite and I certainly will try to avoid any contact with her in the future..”

112. Lord Stone's response was sent to FG.
113. Sam Evans and I interviewed FG on 9 September, with Mr Whittle in attendance.
114. We asked her about her interactions with Lord Stone before this incident. She told us:

“Nearly every time I would see him, he would—and actually, sometimes it was perfectly fine: ‘You look very nice today, [F], I really like your dress’, and I would think, ‘Well, that’s nice. I don’t mind—that’s okay’. It started almost getting a bit more like, ‘You are really beautiful, [F]’, and, ‘Oh, you look so gorgeous today’, and then it was a bit like ‘Hmm, okay’. He was always very jovial, very jolly, so it did not come across as creepy until the incident in the stairwell.”

115. She was asked how she felt about this, and said:

“Bemused, I think. It was sort of, ‘Okay, thank you’; ‘I’m not really sure why he’s saying that to me’. But it was quite normal for him. It started quite friendly, when he said, ‘Oh, it’s you! I didn’t recognise you with your hair up’, and I went, ‘Oh, well, you know, I just felt like wearing it up today’. He said, ‘Oh, well you look very nice’, and then it was like, ‘But you are very beautiful, you are very beautiful’. So it started off with a perfectly acceptable thing, and he had always been quite a jovial character, so you sort of deal with him as that. But yes, as it went on, it became more and more not appropriate ... It became more, I guess, descriptive. It went from being, ‘Oh, your hair looks nice’, or, ‘That dress is nice’, or whatever, to, ‘You’re very beautiful and you are gorgeous’, and ‘You are, [F], you are just completely, you are.’

116. She described the incident in the stairwell in more detail:

“He had already told me, up the stairs a bit, that I was really very beautiful, and then he stopped me, grabbed me, and was like, ‘But you are really very beautiful’ ... You come down one level and then turn, then go down one level and then turn, then it was on the second landing before the door. But you cannot be seen anywhere there, so nobody can see you through the door, and that was where he had stopped me. He was just to the left of me. I was not being pushed against the wall or anything, but it is quite a confined space, so it did feel a bit aggressive to me, even though his behaviour was not—the way he was speaking was not sort of aggressive, but it did feel aggressive ... he let go when someone came to the door at the bottom; you can hear someone coming through, and that was when he let me go, and I walked down the stairs and out.”

117. She explained that Lord Stone had held her arm for less than five seconds, and seemed to be doing so to try and get her to see something:

“it was more of a holding and almost trying to get you to believe something—sort of, ‘You’re very beautiful’, a hold in that sense. But I do not need him to tell me that.”

118. She told us:

“I felt uncomfortable and quite shocked. It is funny, but when things like that happen, you do not—I wish I was more the person who instantly goes, ‘Please don’t touch me, I don’t want you to touch me’, but I am not that person. I sort of almost freeze and go, ‘Oh!’. It’s only afterwards that you really have to process it for a while and be like, ‘Oh no, that is not normal’. So yes, I definitely felt uncomfortable, and I did my classic thing—I think I thanked him and said, ‘Well, that’s very nice, thank you’, and just felt quite anxious and quite uncomfortable, and was trying to sort of anxiously laugh it off. I think I still get a bit stuck in that, ‘Oh, I don’t want to be rude’, but then you realise that that is not okay.”

119. She also felt that if she hadn’t reacted the way she did, Lord Stone might have gone further on the next occasion:

“To be honest, there is a part of me that thinks, if I hadn’t responded so—and I think it was quite obvious that I was a bit like, ‘Whoa, I don’t really know what to do with that’, walked away quite quickly and did not carry on speaking to him. It does make me wonder, if I had not reported that, what would the next thing have been? I know that is speculative, but it is a fair thing to be thinking, to be honest, because it did feel like it built, and his behaviour built over a number of months. But I think for me, I was like, ‘Well, he let go of me because he heard someone coming in, so he knows.’

When he grabbed me he said ‘It might be sexist, but’. So all those things, I’m like, ‘Well, you know that you’re not supposed to be saying this to me. Also, you know that we’re in quite a dark, dingy stairwell in a part that can’t be seen by other people’. You can hear people coming down. Because it’s a spiral you hear people and you stand in the corner so they can come past you or you can go past them. It’s sort of a known thing: you can hear everyone, you can hear which doors are opening, so he knew that there was nobody else there. To me, that made the whole situation much, much different. Had it been in the open, in a corridor, it wouldn’t have been so bad ... the setting and his behaviour had advanced, I guess, from just throwaway nice comments that he said. It wasn’t that I really appreciated his comments before, but I guess I could compartmentalise them as he’s one of those people who just likes to comment on what people look like. I thought it was a bit harmless and maybe a bit old-fashioned or inappropriate, but harmless, whereas the stairwell incident I was like, ‘No, this isn’t harmless. He knows what he’s doing’, because of the setting and because it felt—he wouldn’t have done that if we were in the middle of the River Restaurant, for example, surrounded by people. I don’t think he would’ve grabbed me and I don’t think he would’ve been so insistent. And the way that he said, ‘It might be sexist, but’, and the way that when someone opened the door, he let go. For me, the setting was the thing.

Sam Evans: And the incident in the stairwell, or on the staircase, how would you describe his demeanour, his body language towards you?

FG: At first very jovial and very friendly and jolly, and then quite—when he grabbed me it was much more serious, almost earnestly trying to convince me that I was beautiful, almost like he thought I didn't believe it but he needed to tell me so that I would, almost as if I had some insecurity or something. I'm not sure where he got that from."

120. This made her feel bemused:

"but also, I think afterwards I was a bit angry about it. Well, I was angry generally, but also well, 'It's not for you to convince me that I'm beautiful or not, because it doesn't matter because I'm at work and I don't think I'm walking around like a lost soul and that suddenly someone tells me I'm beautiful and my life's okay', because, like, no. I don't need somebody else to tell me that, especially in a work setting and someone that I work with and had done a lot of work with and we're not friends, and he had had no prior conversation about me feeling insecure about myself. Yeah, uncomfortable."

121. Her recollection was that the only time Lord Stone made personal comments was when she was on her own, and he was never with someone else when he made the comments. She went on to describe him as:

"Very sort of overly friendly, affable, quite twinkly-eyed. I think he'd always come across to me as someone who's really quite friendly and quite playful, not sort of stuffy in a way that maybe some of the other Lords might be. He's not formal, he's very easy and friendly, but he also does have almost this sort of streak to him where he's almost quite obstinate because he doesn't quite understand. He's sort of like, 'Well, I'm a Lord and I want to do what I want', and it's like, 'Well, you can't just do what you want and that's not what you come to us with. We're here to help, but'. So I think there's an arrogance there, which I think is hidden by quite like a charm, I think. Once you see through that it's sort of like, 'Oh, actually, you're not very nice, actually.'"

122. She described the effect on her of his actions:

"if he came in I genuinely did feel really uncomfortable and I didn't want to have to deal with him. Walking around the Palace, I was always really aware of, 'Is he going to be there?', and I was always thinking about it. It definitely did impact the way in which I moved around at work, what I wore at work, how I looked at work, what I was thinking about at work."

123. She also explained that, from the time she complained to Mr Ollard, arrangements had been made to ensure she was not alone in a room with Lord Stone, and how this impacted on her:

"instead of concentrating on my job you're thinking, 'Will member X come in and say this?', and, 'Who do I contact?', and, 'Who is around today? My manager's in a meeting and I have to have a backup staff', and, 'Will I be able to just walk out of the [room] and be like, 'No, I'm not dealing with you?''', which is not really the way that I work, to be honest. Yeah, I felt half anxious and apprehensive and aware, and also half I guess frustrated and feeling a bit silly and a bit overdramatic that

other people are having to help me. But everyone was really brilliant and every time I felt like that they were like, No, no, you have a right to be at work and do what you like’.”

124. She also said that there has been some unproblematic contact since she complained:

“I have seen him around the Palace. He has spoken to me a couple of times, but they’ve actually been totally fine things. I know I was going to report if he had spoken to me or said anything untoward, but there was one time I was struggling with a [piece of equipment] and he actually just quickly helped me and then walked on—fine. And I think he knows that it’s me that’s complained about him. I’ve sort of seen him in a doorway and been like, ‘Ooh’, and have to get round him. He’s smiled. He’s not made me feel like he’s grumpy with the fact I’ve complained about him or anything at all.”

125. She felt that his reaction, or lack of it, meant that future contact would become normal:

“I wouldn’t feel particularly comfortable dealing with him, but I think since I’ve seen him a bit around the Palace I was worried that I’d be so aware of the repercussions of me reporting him and him treating me differently or whatever. Actually, I sort of realised that he’s just sort of ignored it and carried on, so I feel like I can just ignore it and carry on. But every time I see him I am like, ‘He’s there, errr’, and sort of look away. I do feel awkward, but I’m sure that will fizzle out at some point, maybe. We’ll see.”

126. I explained to FG that, if I upheld her complaint, one possible outcome would be remedial action, to which she would have to agree. We went through the various options, and FG said that she was not looking for an apology, but felt that it would be appropriate for Lord Stone to have some training. She thought that his response indicated that he wanted to understand why someone might not like his behaviour:

“So I think that that would be quite a good thing for him to do ... I couldn’t work out whether [his response showed whether he] was sort of genuinely completely confused and befuddled, but then also very slightly argumentative. But I think if he was really taught about what all of this means then hopefully that will make a difference.”

127. She felt that he had apologised in his response so a further apology was not necessary.

128. I interviewed Lord Stone on 13 September, with Mr Whittle in attendance. Lord Stone was unaccompanied, and I explained to him that if at any time he decided that he wished to be accompanied, we would end the interview and reschedule to allow this.

129. I started by asking him whether it was correct, as FG had said, that he had made comments about her appearance for months before the incident complained of: “He would often stop me in corridors around the Palace to tell me I was beautiful or comment on what I was wearing.”

130. Lord Stone agreed that this was correct, and explained:

“Because I have spent my entire life in the textile fashion industry ... and I look at clothes, I look at hair, I look at make up, and I think it is a pleasant thing to do to say I might, you know, see you and say, oh, you know, ‘I saw you when we were working and you had your hair down, but now that I see you going out this evening, my goodness, your hair looks fantastic and I love that cummerbund you’ve got’, so that’s what I do, yes. I thought it was a polite, friendly and warm thing to do. Um, yes, I think if people interpret that in a different way, there may be something inside them that has a problem with it, but not inside me okay?”

Commissioner for Standards: Do you comment on the personal appearance and clothing of others at work?

Lord Stone: Most certainly. Only two days ago, Baroness [RS] was going out to dinner and she was wearing something very attractive and I said, wow, it’s amazing how wonderful you look! And, you know, when you are formal you have one appearance and then when you are informal the other, yes. Not only women, men as well, you know, a fantastic suit. I was, you know, responsible for menswear. I spent a month in Italy with Angelo Vetucci, who was the tailor to the Pope, to work out how we could make our clothes look better, so yes. I think it is a pleasant thing to do.”

131. He agreed that it was possibly correct that he had only complimented FG when she was on her own, but said that this was co-incidental, as he had only seen her when she was on her own, and he would have complimented her in front of others if he had seen her in the room where she worked.

132. I told him that FG had said that he had changed from making comments about her hair or dress being nice to making more personal comments:

“She said that your behaviour escalated over a number of months and you moved on to comments like ‘You are very beautiful’ and ‘You’re gorgeous’. Do you agree with that?”

133. He replied:

“I think there was a time when I had seen her you know, because, she obviously pays attention to her appearance and she unusually in, like, [the room where she works] you know, has this beautiful sort of [description of colour] hair and it is always down and then once I saw her with it up and so, yes, I moved from ‘Your hair looks good no matter how you look’, to, ‘My goodness’, you know, ‘It’s just amazing! Your hair looks good down but it looks good up. You are very beautiful’, yes.”

134. Lord Stone agreed that he might have been making comments like this before the incident complained of.

135. He thought that she enjoyed what he was saying to her, and explained:

“I see many people, particularly in clerical and administrative jobs, and I hear many, many people who talk to me who have a very low opinion of themselves and don’t realise how wonderful they are not only in beauty but in intelligence, in perception and in spirituality and everything, and

I like to give them encouragement, to say, you know, ‘Do you realise how terrific you are?’”

136. He explained that he had received encouragement from senior people in his life, which had helped him believe in himself after a difficult start to his working life, “so I like to give people that”:

“Commissioner for Standards: And did you think that [FG] was in that category of people with low self-esteem?

Lord Stone: Yes, because in that [room] well, I think it is probably because of these rules and regulations, in that [room] everybody is, you know, not talking to each other as humans but they are like automatons and they are sort of head down, doing their stuff and, you know, they [carry out their work] in a very formal way and speak to you in a very formal way. Yes, and, I mean, that is one of the problems, I think. I might have to leave this place because I think that what you are doing here with the system is saying, ‘Don’t bring your humanness into work. We just want you to do your function, be there, do it and go home. If you want to be a human, be it and do it at home’. I think it is destructive, and, you know, I think it is possibly I mean, that is a bigger issue, but I think it is possibly why this place is a bit toxic.”

137. He did not think that any of his compliments to her created any kind of relationship with her.

138. I then asked him about the incident, and he explained that he had made the remarks about her hair and her beauty because he thought it would be peculiar not to, when he recognised her, had spoken to her on other occasions and was behind her on the stairs. He realised that she did not take his remarks as a compliment because:

“I feel people’s energy: she might have looked, you know sort of looked at me you know, instead of, with a compliment, instead of thinking, oh, thank you, she might have I don’t know what she might have done but I felt that she didn’t take it, well she obviously didn’t, so I’m quite perceptive. I understood that she didn’t take what I was saying as a compliment, but she took it in a different way, and, therefore, as an apology I wanted to say, look, I’m sorry, I didn’t mean anything other than, you know, so, therefore, A, I spoke and, B, I probably reached out and touched her, yes.”

139. He felt that an apology was necessary, rather than saying nothing:

“I mean, if you go into the Tube and you push somebody and they push you, you know, and you are, ‘I’m sorry, I didn’t mean to do that; go in before me’, you know, rather than, oh, I’ll stop. If I stop, it is aggressive, you know.”

140. I asked him to comment on FG’s account that he had grabbed her by the upper arm and held her in place for a few seconds. He said that he hadn’t been able to remember when he responded to the complaint where he had held her, but accepted that if that was her recollection it was, “obviously burnt in her memory and therefore it is right.”

141. He went on to say:

“The fact that she thought that this person was in some way calculating that you can’t be seen to hold her shoulder to apologise for saying that she was beautiful, I think there is something therefore inside her which is interpreting this this way and I can see therefore that that is upsetting to her. What I’m saying is, from my point of view, there was no intention of anything other than making a remark which I thought would have been acceptable and happy and then apologising for the fact that it seems as if it was received in a different way... if I was anywhere at any time and somebody felt that I had done something that was upsetting to them, then, as a way of saying ‘I mean no harm’ and ‘Are you okay?’, then I would hold their arm, or whatever, and say you know, if we were to go out of this room now, except that now I’m in this building so I’m scared, if we were to go out, and you have been helpful, we just went out together and I would say, ‘By the way’ I mean, almost, ‘By the way, that was really helpful, thank you for being so ‘, that is what I would do. I don’t see it is an offence.”

142. He said he would behave in this way regardless of the age or gender of the person he was with, and felt that if this was unacceptable on the parliamentary estate he would have to not come in as often as he had been used to.

143. He was asked to comment on FG’s perception that he had been holding her to try and get her to believe what he was saying about her, and he told us that this was correct:

“this is, yes, I suppose complicated, in that, and I tried to explain it just earlier on, that, and it is clear that, well, it is clear to me that she has some problems in that sometimes people don’t realise that they don’t have to be, you know, head down and trying not to be seen because, you know, maybe earlier on they were told that they weren’t beautiful or whatever, and I was trying to say, ‘Listen, you are unbelievably you are very beautiful’ and, you know, ‘so enjoy it and live with it’ rather than but I think that her response to that shows that there is something in her that so I was trying to help her, yes.”

144. He said that he could not actually remember the details of the incident, but was sure that there was nothing calculated about the fact that it took place in an otherwise deserted stairwell, or that he let her go when someone opened the door, as it was more the case that the conversation was over, so they both moved on. He was sure that he had no ulterior motive, and that he had no intention of doing more than he did.

145. He agreed that he might well have prefaced his remarks to her by saying “this might be sexist but...”, and went on to say:

“That’s really clever of me. I didn’t realise that I knew so much about this, because what I probably was saying was ‘I don’t want you to interpret this in the wrong way, I’m making a comment aesthetically and also I don’t only make these comments to women, and therefore it is nothing do with a relationship between me and you and the fact that you are a pretty woman. I’m trying to say to you that you look amazing and maybe you don’t know that’, yes.”

146. When it was put to him that FG's interpretation was that his use of the word sexist suggested that he knew what he was saying was inappropriate, he replied:

“How clever. So, yes, what I was saying was, ‘Don’t misinterpret this. I’m trying to say something to you, which is not sexist, not inappropriate, I’m not making a move on you, I just want you to know that that is what I am seeing’, yes.

Commissioner for Standards: Okay. So when you said, “It might be sexist”, were you really saying, “Don’t take this as sexist”?

Lord Stone: Yes.”

147. I asked him about FG's perception that there had been a gradual increase in the level of personal comments in the months prior to the incident, and he said:

“I think at some stage when I wrote something to whoever was doing this I said, ‘Perhaps you would like to ask the people at the Peers’ entrance and the police and the doormen, anybody in this building, what I am like’. I would love to be able to have some sort of survey and say, ‘What do you think of Lord Stone?’ And I think that what would happen is you would get a higher proportion than almost anybody else to say, ‘Oh, he’s lovely, he’s always got a nice comment’, and whatever, you know, ‘We see him around, it’s really you know he lifts us’.

So, what I like to do with the people with whom I am working and the people that are in different places is to develop a relationship so that instead of just being Lord Stone and being official exactly the opposite to this being able to say ‘I am a Lord and you are’, you know, ‘a servant and therefore you should do this’, sort of thing I try to treat people as if they were equal and have a relationship with them, not a sexual relationship but a relationship of friendship and mutual caring. And so that is what I was you know, I go into that [room] quite often. I don’t know many of them, but she was there and helped me... and therefore I was sort of, in the same way as [another complainant] saying, you know, I am really grateful because I can’t do this because I am dyslexic.... and, ‘By the way, you are also beautiful’, yes, or nice or charming, or whatever. Anyway.”

148. We then discussed the note I had received from Mr Ollard (see Chapter 6). He agreed that he had responded as recorded, and said this was because he was exasperated, although he apologised for the remark about wearing gloves, which he described as “passive-aggressive”.
149. He did not remember having spoken to anyone else after the incident, and said that he would not have done so as the requirement on him once the complaint had been made to my office was not to discuss the complaint at all.

CHAPTER 8: COMPLAINT BY PQ: ACCOUNT OF THE KEY FACTS AND EVIDENCE

150. On 12 July 2019 PQ made a complaint to my office against Lord Stone:

“I am writing to make a formal complaint against Lord Stone. I believe that certain actions Lord Stone has committed amount to bullying as they have left me feeling uncomfortable, upset and dreading having to deal with him in the future. I believe he uses his position as a Member to make people feel uncomfortable, believing that they will not comment on it.

There have been two particular incidents I would like to highlight:

- 28 January 2019: Lord Stone sent me an email thanking me for work which ended with a kiss (x).
- 13 May 2019: Lord Stone thanked me for [some work I had done] by rubbing my arm for 5 to 10 seconds.

I would also like to say that in general I try to avoid dealing with him as I find him patronising and over familiar. As a result, I have previously asked male colleagues to email him on my behalf in order to minimise contact. I also find his behaviour undermining, as I believe he acts the way he does towards me because I am a young woman. I have also witnessed him acting inappropriately towards female colleagues, whereas male colleagues do not seem to experience the same issues.

I would be happy to provide more detail on these incidents. I look forward to hearing from you.”

151. The email PQ sent to Lord Stone was responding to a request from him, and was entirely factual and formal. She addressed him as Lord Stone, and signed off ‘Yours sincerely’ followed by her first name and surname. His email reply, dated the same day, was:

“Wow Great [PQ’s first name]

Thank you

If you’re still there can you do me a favour and print this

And I’ll pick it up in an hour ? X”

152. I carried out a preliminary assessment, with the assistance of Sam Evans, and concluded that there was sufficient evidence to justify an investigation. I wrote to Lord Stone on 1 August to inform him of this, and to explain that I intended to investigate whether the following provisions of paragraph 17 of the Code of Conduct had been breached:

“Members are required to treat those with whom they come into contact in the course of their parliamentary duties and activities with respect and courtesy. Behaviour that amounts to bullying, harassment or sexual misconduct is a breach of this Code. The bullying, harassment and sexual misconduct provisions apply to behaviour that took place after 21 June 2017 (the start of the 2017 Parliament). Behaviour that took place before this date may still constitute a breach of the personal honour provision

if undertaken in the performance of the member's parliamentary duties and activities."

153. I also asked him to respect specific access arrangements to relevant services of the House which would prevent any interactions between him and the complainant while still ensuring he could access those services to support his parliamentary work.

154. Lord Stone replied on 5 August, saying:

"Well, I am surprised and upset at the complaint made by [PQ].

I don't like treating people as automatons.

I treat everyone as a human being with compassion and love.

Mostly they respond in the same way.

Enclosed are some recent examples of how I correspond with

- A 65 year old male rabbi in Israel
- A 65 year old MALE businessman in Egypt
- [A male peer]
- and my female PA
- And a recent – what I thought was warm – exchange with PQ

However – as you have said – my natural warmth and friendliness and treating people as equals is not seen that way.

So I am sorry for any hurt I have caused and

I will not going into [the room where PQ works] at all any more except when [a specific reason] – and I won't speak to anyone there."

155. The email to the rabbi simply said: "I've found it!! X". On the email Lord Stone had hand written, "This is what I sent to Rabbi [G] when I found something he asked for. I am neither bullying him nor do we have any sexual connection. When I meet him here or in Jerusalem WE HUG."

156. The email exchange with the Egyptian business man has an email from Lord Stone, in which he does not have a salutation to the recipient, and signs the email "Love Andrew", followed by a one line reply from the businessman with neither salutation nor valedictory, to which Lord Stone responded with 2 emojis of a smiley face and a heart.

157. In the email exchange with a fellow peer, Lord Stone used the peer's first name in the salutation and signed off "Love Andrew". The peer replied using "A" in the salutation, and signed off "Love [the initial of his first name]".

158. The email to his secretary simply said, "He got it xx"

159. The email exchange with PQ took place a few days before she made her complaint, and consisted of another formal communication from her addressed to "Dear Lord Stone", and was signed off:

“Yours sincerely,

[PQ’s first name]

[PQ]

[Job description]”

160. On 5, 6 and 9 September PQ forwarded to James Whittle emails from colleagues noting that Lord Stone had been in the room where she works on each date, but not while she was there.

161. On 9 September Lord Stone emailed Mr Whittle to make arrangements for an interview, and started his email:

“Dear James

(I hope you don’t find that address to intimate)”

162. On 10 September PQ emailed Mr Whittle to say:

“I just wanted to let you know Lord Stone spoke to me this morning. He asked for directions to the ... visitor entrance when I came across him by chance.... Not sure if it’s because he doesn’t know who I am.”

163. Also on 10 September, Ms Evans and I interviewed PQ, with Mr Whittle in attendance. PQ was accompanied by a colleague.

164. We started by asking her about her interactions with Lord Stone since she has worked in the House of Lords. She told us that although she had seen him around, she had little to do with him until she took on a new role which meant she was often on her own, dealing directly with members. She said that his interactions with colleagues made her start to think of him as “a bit creepy” and she gave an example of when the ‘Upskirting Bill’ (Voyeurism (Offences) (No.2) Bill) was going through Parliament and:

“he came up to another female colleague who is around my age. I can’t remember what he initially said to her about it but he asked her about [a document relating to the Bill] and then asked if pictures would be included ... So I can only assume that he was talking about taking photos looking up women’s skirts. I just looked at my colleague and saw her looking very uncomfortable. She made some comment, laughing it off by saying, ‘We don’t have pictures in [the relevant papers] so there won’t be anything’, and he kind of walked away. I remember that being a real moment that was not nice. I asked my colleague if she was okay and she felt almost a bit shaken by it.”

165. She also said:

“There is something that I have not seen in person but I am aware of it. If he comes up with [issues] that are simple from our point of view and we deal with them quite quickly, I know because I have heard it from other female colleagues that he will then ask you to go and get a cup of coffee ... ‘You’ve done this for me, now go and get a cup of coffee’, type of thing. It is a bit dismissive. Things were said among female staff in the [room where we work], and it was generally a thing there that he is not great to female staff. When I spoke about it to some managers, their

response was, ‘He’s not got a very good reputation. He’s known to deal with quite young women if he has the choice’. So it built up as a bit of a thing.”

166. She found him difficult to work with as she felt he did not seem interested in her professional advice on complex issues:

“But he’s just not interested in engaging with it; he just wants to talk over you. He likes getting the last word generally, and I don’t feel that he particularly respects professional opinion.”

167. She also felt that he behaved differently to male and female staff. She had discussed his email interactions with male colleagues, and asked them if he had ever put a kiss on a reply, which they said he had not:

“I feel generally that in the way he talks to women and deals with them, he seems to single you out if he wants to make what he thinks is a funny comment, which isn’t normally that funny ... Like that time he went up to my colleague for the upskirting thing. He made a real beeline for her and spoke to her, when I think there was also a male colleague there.”

168. She said that she and her colleagues did not like dealing with him or some other members: “when they come in, we just feel like hiding, and he is one of them.”

169. She also worried about what he might do while she had a student shadowing her, as did another colleague:

“my initial thought was, ‘Oh God, he’s going to say something really demeaning and embarrass me in front of my student. He’s not going to be very respectful towards me’. I said as much to my colleague and she said the same had happened to her, but she had a young female student with her—15 or 16 years old—and her first thought was, ‘I’ve got to get him away from her. I don’t want him talking to her or engaging with her. I don’t want him anywhere near her’. She almost felt really protective, and felt really uncomfortable about it. When you see him coming, there is the initial thought, ‘Oh God, what is he going to give me today?’, but the other half is, ‘Is he going to be polite? Is he going to touch you? What emails is he going to send you?’ This has led to me and [a colleague] joking a few times about us wanting to put up the ‘Don’t touch the staff’ signs.”

170. Lord Stone did approach her when she had her student with her:

“He spoke to me. I can’t remember what he asked me but it was something very simple that I could answer, and he walked off. But there was that moment in your stomach of, ‘God, what’s he going to say?’ Then it was fine.”

171. We asked her why the ‘kiss’ email had made her uncomfortable, and she replied:

“I guess I view it that I am in a professional environment, he is contacting me as a professional, it was almost like, ‘All right love, go print this for me’. I saw it and I just thought, ‘Eurgh, gross’. I think it was one of those things. I dealt with him. The [work the email related to] was one of the

times where I really felt that he hadn't listened to me, he had spoken over me a lot, he had been quite dismissive of me. I had gone and done the work, which was hard, especially because I felt that it was pointless, and then it was the fact that he then... no 'Thank you for your work. If you're in, I would really appreciate it if you or one of your colleagues could print this for me'. I guess it was overfamiliar in a way. I don't want to have that relationship with him, I want him to treat me as a professional, I want him to address me as a professional, but instead he is overfamiliar.

With some members, you build up really good individual relationships, where they speak to you a lot, they know who you are, they know your name, they always want you to do the work for them. I guess it would be one thing if it came from someone who I had a relationship like that with, but I do not feel that I have a good relationship with him. I do not feel that he knows who I am, so why does he then feel that it is appropriate to do that?"

172. We asked her about the occasion when he stroked her arm, and she explained that she had provided him with some information at short notice and then went back to her desk:

"As I was sat down, he came back, stood very close to me and just went, 'Oh thank you, that's really appreciated' ... I did try to shuffle away, and it didn't make him stop touching me... he went for the back of my arm because I was sat against the back of the chair. That was the bit he could almost get at. It was not even like a pat.

Commissioner for Standards: He was stroking up and down the back of your arm, that is what your gesture was just now?

PQ: Yes, and I found that really uncomfortable—'Please do not touch me' type thing—but I didn't have the guts to say it, and I also found it quite patronising. If you really want to thank someone professionally, give them a handshake, but otherwise just say, 'Thank you' and leave."

173. We asked her how she felt when she was told he had been coming to the room she works in despite my request that he would not do so except after her working hours or by arrangement during the investigation:

"I think it is probably a really good example of his attitude towards this. I don't think he takes this seriously. I don't think he has any respect for my opinions on how I would like to be treated and I think that is probably a really good example of that view—the fact that he thinks that as enough time has gone now he can just sneak in, or he is important enough that he can do it."

174. She said that one of her colleagues had noticed that he was only using a piece of equipment which is available elsewhere in the House, so it was not necessary for him to be in the room where she works.

175. We asked her how she would feel if he came in while she was there:

"Awkward. If he then comes up to me, I am going to have the moment of deciding what I do: do I ask him to leave, do I just get up and walk away, do I deal with him and then just deal with it later by letting you know?"

176. She also explained that she was very conscious of the confidentiality requirement, and also of the fact that she is more senior than colleagues working with her and may need to help with work that they cannot deal with. She felt that by his actions he was, “putting me in a position where I am having to worry about things that I shouldn’t have to worry about.”
177. She then described the moment on the morning of her interview when he had spoken to her, in the context of work being carried out in that building making it difficult to navigate on parts of the ground floor:

“I walked through today and normally I would walk round the lift to go up the stairs ... and as I got there I saw him, and did a moment of, ‘Er, do I go?’, because the last thing I wanted was to press the lift button and then end up stuck in the lift with him, so I thought I would put my head down, just walk round, and hopefully he would not notice, but then he, I cannot remember exactly, but he basically asked me if I knew where the new visitor entrance was, so I said, ‘Yes, through there, go left’, and walked off. So I do not know whether it is just because, again, as I said to you, when I first met you, I was worried that he potentially would not recognise me, so I don’t know if it is a case that he does or does not.”

178. We asked her for her reaction to Lord Stone’s response to her complaint. She told us that she felt “quite surprised and a bit confused”:

“I read it as almost being my fault for not reacting to his ‘compassion and love’ and ‘natural warmth and friendliness’ in the way he wants me to react to it. I find it strange that he is comparing it to interactions he has with people who he actually has a personal relationship with. That’s fine. You can say you love someone in those emails if they are okay with that ... I mean, you know them. I find it a bit disappointing that he has said that he will not go into [the room where I work] any more. Obviously, he has just ignored what he said and kept doing it. That also makes me, you know, trust him even less than I already did. He has obviously found an email that I sent him and he has described it as a ‘warm exchange’ while I would describe it as a professional email: ‘Dear Lord Stone ... Yours sincerely’. It asked him a question. Does he want me to send him rude emails? I am not quite sure what he wants from me with this. While, yes, I do not want to be rude to members because I want to be seen as being helpful and approachable, that does not give them permission to then push it. I worry slightly that he is almost giving the impression that no matter what potentially happens with this, he has got his views and they ain’t changing. Obviously, he is of the opinion that he is treating people in a nicer way that I guess I am treating people. I guess that for me it is the professional boundary again, which in my opinion he has missed about this.”

179. We asked her to say a little more about the way in which Lord Stone made her feel uncomfortable:

“I keep getting anxious about the way that, when he approaches you, you’re never quite sure of what you are going to get. There is that thing of ... a bit of professional dread: ‘If he does ask me something difficult, I am not going to be able to have a conversation with him because he doesn’t listen to me.’ Then there is that thing of, ‘I am going to have to email him. What is he then going to email me back? Is it going to be

inappropriate? Am I going to have to make a complaint again?'. Then a little bit of it is anger that I feel that he doesn't do this to male colleagues. In my opinion, he does it to me because I am a young woman and, to be quite frank, I am a bit fed up with it. It is a bit of an ongoing experience with lots of different members, to be quite frank. It is just that kind of ongoing dread of, 'What's he going to do next?' I think it is that thing of, okay, you play it over in your head as he comes up to you: 'If he comes up to me, what if he, like, touches me again? What do I say? Do I just sit there and take it? Do I say, 'Please do not touch me again' or do I then end up in what might now clearly be a weird argument with him about it [because of the approach set out in his response]? If he then said something to one of my colleagues which I think is inappropriate, do I step in and say something or am I then treading on their toes?' There is that eternal fear, which probably most women—and probably men—have as well, of, 'Am I taking this the wrong way? Am I missing something?' It is that self-doubt thing, and I do not like the fact that he makes me doubt myself because I feel like I do know what is appropriate and what is not. I do not feel that he is appropriate, but because of his position and the weird way this place works, I feel that we have to be so deferential to people no matter how they behave that it kind of plays into a bit of a power dynamic where I definitely feel like I do not have the power potentially to act in the way I would like, which is to say to him, 'Please go away. Please don't touch me'. I would never even think about sending an email back to him saying, 'Please send me more professional emails'. I would always be worried that if I did that, I would get into trouble, which I know is probably a really silly view, but I feel that he is abusing some of the structures of this place where we do have to be so deferential."

180. In relation to the arm stroking incident, she said that she felt pinned in by Lord Stone, such that she has since asked for the furniture to be rearranged so she has more room to evade any future attempt to get so close to her.

181. She went on to say:

"it was just gross—almost like, 'When does he feel that this is enough?' Also, again, a little bit of anger: 'Why does he feel the need to thank me in this way? Why is he touching me like a reward? That's weird. If you mean 'thank you' and you really wanted to thank me, you would just shake my hand'. A thank you is more than enough. It was just a very uncomfortable feeling and it did lead on to that thing of, 'Oh God, is he going to do this every time I do [work] for him, in which case I never want to do [any other work] for him'."

182. She believed that she attracted this behaviour because she was a young woman:

"I've seen him be inappropriate—or what I feel is inappropriate—to other female colleagues. I've never seen him act that way towards any male colleagues. I've never heard any male colleagues complaining about him apart from in relation to what he has done to female staff. So, my view is that it is not just my view. That kind of makes me feel more reassured that it is there. And obviously, I have heard rumours from [colleagues in the House of Lords] that he has been inappropriate towards women [where they work]. I have a manager telling me that

there are rumours about him employing young female PAs and being inappropriate towards them at times. This is one of those things where ... it is not entirely based on fact. It is just a feeling I have that that is why he does it.

Sam Evans: Okay, and when you have observed how he has been with other young female colleagues, what kind of reaction do you observe from them? What do you see happening?

PQ: I see them feeling very uncomfortable, a bit fed up; probably with the same feelings as me. With my other colleague, after the upskirting thing, she almost looked shaken by it. She was feeling very uncomfortable about it. I have got other colleagues who are just like ... they will come back from dealing with him and say, 'Guess who came in again today. Guess what he said today'. It will be one of those ongoing things."

183. We asked her why she thought Lord Stone used his position as a member to make people feel uncomfortable, and she replied:

"one of the things I was told, that after he was told specifically by Ed Ollard that he was making people uncomfortable, he purposely then made someone else feel uncomfortable. Apparently, he went up to some woman, some other young colleague, and said I don't know exactly what, but was almost like, 'You don't have a problem with it, do you?' I feel that he has been explicitly told and he is saying he is surprised. I want to say, 'Why are you surprised? You have been told that people don't like your behaviour. They got to the point where they had a list of complaints against you, keeping us all anonymous, and you're still saying you're surprised?' I just feel that he hears other people's views on the way he treats them and thinks, 'Not important—I'm right. I think the way I deal with people is appropriate. I'm not going to change.' I do still worry that even should this go well—I hope it will—his behaviour at the end of the day will not massively change. It might change towards me personally if he finally works out who I am."

184. I interviewed Lord Stone on 13 September, with Mr Whittle in attendance.

185. I began by pointing out that, in his response to the complaint, he had not dealt with the allegation that he had stroked PQ's arm for five to ten seconds. I read out what she had said about this in interview, set out at paragraph 172 above. His initial response was to challenge the suggestion that he typically required things to be done for him in a hurry, but he conceded that on this particular occasion he had needed help at short notice, and was very grateful for the efforts made by PQ to help. He could not remember stroking her arm:

"but if she's saying that is what happened, yes, that would be typically what Andrew would do.

Commissioner for Standards: Okay, so you can't remember it so that means you can't remember her reaction.

Lord Stone of Blackheath: No.

Commissioner for Standards: Okay. Did it occur to you that she might not like being stroked by a man with whom she did not have a personal relationship?

Lord Stone of Blackheath: No.

Commissioner for Standards: Do you agree that stroking somebody's arm for five to ten seconds is quite a long time and quite different from just a pat?

Lord Stone of Blackheath: No.

Commissioner for Standards: So you don't think it is quite a long time? You don't think it is different from a pat?

Lord Stone of Blackheath: No."

186. He said that he behaved in the same way to male and female staff, and to people of all ages and levels of seniority.

187. I asked him if his comments in his response—that he was a tactile person, who didn't like treating people as automatons and treated everyone as a human being, with compassion and love—were intended as a justification for stroking PQ's arm. He said that it was, and gave an example when he had put his arm round another member in the Chamber who was criticised in a debate, and who Lord Stone knew had recently suffered a bereavement:

"I got from my chair, next to him, and put my arm round him and said, you know — he said, 'It's okay' but he was, right, and I held him and stroked him for a lot more than five minutes. It is the sort of thing that I would do. So, yes — so, yes, it is the type of thing that I would do and I don't believe that it is offensive or whatever. I think you have to have a particular mindset to have that on your mind that that is offensive and I actually think it is something that is wrong with the world that we are becoming more and more separate, whereas I think we should become more and more unified, but, okay, what I am saying is I am not decrying them. I understand they are from that mindset and I understand that they are upset by it".

188. I asked him if anyone had ever objected to his tactile behaviour and he said they had not. I asked if there was anyone he was not tactile with, and he said he would not be tactile with the Queen, but otherwise no.

189. I asked if he accepted that being tactile is a personal choice and other people make different choices on whether or not to touch others and when to touch them and what is acceptable for them. The following extract from the transcript is given in full, as I considered that it would be difficult, or perhaps impossible, to paraphrase accurately:

Lord Stone of Blackheath: I do understand that people—it is quite clear, I do understand. Because I am dyslexic and slightly autistic I feel that I have developed an antennae to be able to detect who may or may not be receptive to such a thing, so if it there was somebody who I could feel absolutely didn't want to relate to me as a human, then in that case I would relate to them in a different way. But more, I suppose—and I must perhaps change my behaviour in this—I go the other way: I believe more often than not that people are okay about it and only if I was detecting that thing would I not do it, but now, well certainly in this building, but I—and actually maybe because, as one gets older, one isn't

so clever at reading that, I should think, ‘Andrew, you might be out of date’, you know, ‘Just don’t do that’.

Commissioner for Standards: I am very interested that you describe people who, as it were, don’t want to be tactile as not wanting to relate in a human way.

Lord Stone of Blackheath: Yes.

Commissioner for Standards: It sounds as if you are thinking that their choices are not as human as your choices. Is that what you think?

Lord Stone of Blackheath: Well, we are into psychology and philosophy, but, yes, I think that modern western society and science saying that everything is separate and that this is a table and that is you and that is him, and Newtonian physics was totally wrong and that now quantum physics is now realising in the old philosophies of Daoism, Buddhism, Judaism, that we are all one, and if we are all one then in that case it is much better that we understand that I love you because you are part of me and we are one—that is what Judaism is based on—and therefore because of that I want to be warmer and, you know, love all beings for all time and behave like that instead of being at my amygdala level and my reptilian brain to say, ‘Only me and my family now and next week and you are the enemy’, and, therefore, the more one expresses that, the more there will be unity and we might save the planet and save humanity. So, I am sorry that is a bit of a speech, but—

Commissioner for Standards: No, no, that is very helpful. But I come back to the question. You appear to recognise that some people are not so keen on tactility or in the way—yes, lovely picture.⁵

Lord Stone of Blackheath: Yes, so—no, I would like it recorded, so there is me being tactile with the Dalai Lama. You are asking me is there anybody that I wouldn’t be tactile with. There is the Dalai Lama, and compassion and love. Anyway, sorry, yes.

Commissioner for Standards: But I come back to the question: do you accept that people who don’t want tactility generally or in particular situations—perhaps in professional relationships—that those choices are as valid as your choices?

Lord Stone of Blackheath: I think they are valid, yes, and I would not want to do anything ‘tactiley’ or to argue with them or break that. What I hope is that my whole behaviour would allow people—and I am sorry that I have messed it up in this case—to realise that they are human and that we can interrelate in a different way, yes.

Commissioner for Standards: Once again, I come back to it, so you are suggesting that people who, let us say, in a professional relationship don’t want any touching—

Lord Stone of Blackheath: Yes.

Commissioner for Standards:—you are saying they are not as human as you are?

5 Lord Stone showed me a photo of him with the Dalai Lama.

Lord Stone of Blackheath: I am not saying they are not as human as I am. I am saying that they are part of a movement which you can see is thinking that people are separate entities, they have got to be professional, they shouldn't be—when I say 'human', they shouldn't have normal human interaction with others but should play their part and do their siloed job in a formal way, and what I think has happened because of that is that we have got businesses who treat people as automatons and we have got leaders like Trump and Netanyahu and Boris as playing on that and saying 'The other is the other and I am me and I have got to look after me' and I think it is destroying the planet.

Commissioner for Standards: Yes, I understand your general point. I am getting down to the specifics here of if somebody working professionally doesn't want to be touched—

Lord Stone of Blackheath: Yes.

Commissioner for Standards:—by professional contacts, do you accept that that is a valid choice for them to make?

Lord Stone of Blackheath: It is for their choice, yes.

Commissioner for Standards: Do you think that if in that situation you impose your tactility on others without checking whether it is welcome or not, do you think that you are treating them like automatons?

Lord Stone of Blackheath: I think that you would—you used that word 'impose'. I think that if I knew that somebody was of that mindset and I touched them nevertheless and imposed it, then in that case it would be offensive.

Commissioner for Standards: Do you think you have any obligation to check with somebody whether—

Lord Stone of Blackheath: I think that if I were to say, 'Do you mind if I touch you?', then I think that implies something—yes, because it is not premeditated. It is what I normally do, it is not premeditated. Yes, so I am not going to touch you, but I get the impression that had this conversation been something slightly different and we weren't talking about that, and as we went out I would have said that was really helpful, I could touch you. I would guess that. Now, how would I not guess that? Yes—I don't know. I feel—but I am obviously wrong—that I can read that, but I obviously can't. That is what I am saying—maybe I could and maybe I am getting too old that I can't yes.

Commissioner for Standards: Yes, I mean, you are talking about something not being premeditated. Do you think that actually it would be wiser to be premeditated; to think, 'Is this a good idea?'

Lord Stone of Blackheath: How amazing. Again, I am sorry this is being recorded—I know it is official—but I am just trying. I am sorry, no, right. I don't behave in that way. You can see I don't behave in that way. I don't behave in a premeditated way. I try to prepare for this and I can't. I just do things because my intention—yes, because my intention is clean and good, and I meditate for an hour at four o'clock every morning and I try to help heal the world and do small acts of kindness.

I will tell you, actually, you know what, as an example, and I don't think it is premeditated, but these are in my pocket. Why are they there? Because I like to do small acts of kindness every day and as I go through the Tube station, if I see Chinese or Italian people looking at the map and not knowing where they are, I say, "There's a map" and I give it to them, and they say, 'What?' And I say, yes, and I actually touch them and say, yes, and they go, 'Wow! Isn't that fantastic'. So what I'm doing—so people who I totally don't know and don't know whether they want to be touched and don't know whether they want a free map, I do it because I enjoy helping people to feel better in the day. So, yes, that is—sorry."

190. We discussed the email with the "x" at the end, and I quoted PQ's comments given at interview and shown at paragraph 171 above. Once again, his response is quoted without paraphrasing, for the same reason as previously:

Lord Stone of Blackheath: Okay, so on this I really, really don't understand. I can understand that people have within them something different from my interiority, but for me to say, 'Wow, great, [PQ's first name], thank you. If you are still there, can you do me a favour and print this? I will pick it up in an hour', is, 'Wow, you have already done an amazing lot, but can you print it for me and, please, please, you know', I don't how to say 'even more please'—a kiss, you know—like, it would be really good for you to do that to me, and, yes, I have the same thing with the men [in a similar role], you know, ... and I have done the same quite often with the men saying, 'That is really good, I can't understand how you do that so well and that is so helpful for me, thank you very much'. So, no, I see absolutely—I mean, when you come to then further, I think it was later, I touched her, but for her to have said that about that type of thing, so I don't know what—so I would just say, right, I won't even call her [PQ's first name]. What I should have done is to say 'Okay, print it. I will be there in an hour'.

Commissioner for Standards: I am not saying what you should have done. I am trying to establish what the 'x' was all about.

Lord Stone of Blackheath: It was because she went—she did something that I couldn't do and it was amazing and she did it in good time and—

Commissioner for Standards: But, Lord Stone, you know that 'x' means kiss.

Lord Stone of Blackheath: Yes.

Commissioner for Standards: She is a [member of House staff]; you have a professional relationship with her. Why do you think it is appropriate to put a kiss signifier?

Lord Stone of Blackheath: I send a kiss, it is not like (the interviewee made a kissing sound)—it is not like a kiss; it is, uhm, you know, an emoji-type thing, you know, like people send out a heart. Every time I send something to my secretary, with whom I have no relationship and she has been my secretary for 20 years, I may get something I don't understand and say 'I don't understand this'—kiss kiss. If I really am confused, I might say, 'Look, really can you do this for me?'—kiss kiss kiss, right? And to various—and to men.

Commissioner for Standards: So let us just stick with your secretary. She obviously—you don't have a personal—you don't have an intimate relationship with her—

Lord Stone of Blackheath: Yes.

Commissioner for Standards: It is a work relationship.

Lord Stone of Blackheath: Yes.

Commissioner for Standards: But after 20 years, it must be a close relationship where you understand each other—

Lord Stone of Blackheath: Yes.

Commissioner for Standards:—really well.

Lord Stone of Blackheath: Yes.

Commissioner for Standards: Okay. So things are acceptable in that kind of context, of course. She is not complaining about the kisses, she knows what they mean, but do you think — do you recognise that someone with whom you have no personal relationship at all, just a professional relationship, might perceive a kiss as crossing a line?

Lord Stone of Blackheath: I can see that that is what might occur in her mind because it does, so I can see it and I have an understanding that that is where it is coming from. I am surprised and appalled by the fact that somebody should have misinterpreted my email, which was warm, grateful and asking them to do an even further favour by trying to show some warmth, that she thought that it was—I don't understand why she thinks it is inappropriate. Is it bullying or is it sexual harassment? Is that what she's saying it is, that kiss?

Commissioner for Standards: Let us just work through what you — she felt that you were crossing a line.

Lord Stone of Blackheath: Crossing a line in what way?

Commissioner for Standards: In that you were bringing something inappropriately personal into a professional exchange.

Lord Stone of Blackheath: I don't understand what that means.

Commissioner for Standards: Well, I can't say more than that. Let me ask you another question. You say that when the [male staff in similar roles to PQ] work for you, you say thank you and so on and so forth. Do you do kisses to them?

Lord Stone of Blackheath: No—not—I can't think of a [male member of staff in a similar role to PQ] that—I have done something like that, but yes to other men, yes.

Commissioner for Standards: Yes, but let us stick with the [male staff in similar roles to PQ]—why not to them as well as to this [PQ]?

Lord Stone of Blackheath: (Pause) I can't think of a time that I had, but, on the other hand, I could think that I would. So I can't think of a

[male member of staff in a similar role] that has sort of gone out of their way, as she went out of her way on this thing. But would I have sent a kiss to a [male member of staff]? Yes—possibly, yes.”

191. We discussed his relationships with the people with whom he had had the email exchanges he had sent in with his response. The rabbi is someone he has known for three years, who has produced material to help young children treat others with love, respect and compassion. Lord Stone had worked with him to spread awareness of the scheme, and has invited him to speak at an event at the House of Lords:

“So, yes, here is a rabbi—married, two kids, heterosexual, and a rabbi—and I am hugging him and sending him kisses. So that answers your [PQ’s first name] story, yes. So it is nothing to do with the fact that he is female or anything like that or that he is gay or that I fancy him: I give him a kiss and I give him a hug.”

192. He agreed that his relationship with the rabbi was warm as well as being professional.
193. He explained that the peer whose email exchange he shared was someone he had known for some time, who has an illness: “I know that there are certainly yoga treatments that can help [the symptoms of this illness], so I asked somebody if they could help him and they said they would go to him and he said in the email, ‘You are very nice’ or very lovely or whatever, ‘love’ and I sent him a ‘love’ back. So this is a man, heterosexual, a Lord, so what I am saying is it is not just [staff] who are female—”
194. I established that the Egyptian businessman has helped him in his attempts to bring people of different nationalities together in Jerusalem, where Lord Stone has a flat, and on this occasion was trying to help him effect the release of two people in prison in Egypt:

“therefore I’m thanking him in the same way as I would [PQ’s first name] by saying “Thank you—kiss kiss”.

Commissioner for Standards: Right, okay.

Lord Stone of Blackheath: So that is exactly what you are asking. Yes, I would ‘kiss kiss’ a man who was heterosexual and even an Egyptian who is 65 who is doing me a big favour and going out of his way. I must stop being aggressive with you.

Commissioner for Standards: Who — me?

Lord Stone of Blackheath: Yes.

Commissioner for Standards: I don’t think you are being aggressive—don’t worry.

Lord Stone of Blackheath: All right, good, because what I would normally do is rub your arm and say, ‘I am sorry for being aggressive’.

Commissioner for Standards: Actually, what you—it wasn’t ‘kiss kiss’, it was a smiley face and a heart, but you are saying same difference.

Lord Stone of Blackheath: Right.

Commissioner for Standards: Okay. So in that email you had been very helpful to him and he had said “I am happy to do whatever you want” and then you had sent him the little smiley face and the heart, and obviously he was—well, apparently he was—fine with that.”

195. We discussed the email exchange between PQ and Lord Stone, that he submitted with his response, and which he described as “warm”. He agreed that her email was neutral and professional, and that it was his reply that was warm.
196. We discussed the email that he had sent Mr Whittle, when arranging his interview with me, which he had started, “Dear James (I hope you don’t find that address too intimate)”, and asked what he intended when he wrote this:

Lord Stone of Blackheath: I was being, again, passively aggressive because if you can’t say ‘Thank you very much—kiss’, and, oh, I am really grateful about that, then if I say ‘Dear James’, maybe I should say, ‘James’. I was being sarcastic.

Commissioner for Standards: Okay.

Lord Stone of Blackheath: Because, yes—because James, you know, has been very helpful and, you know, so I am being warm—

Commissioner for Standards: Is it being warm? I mean, I put ‘Dear’ to all sorts of people who I don’t know, it is just that is what you do, isn’t it—it is formal? And I agree that if you say, ‘Dear James [...] lots of love Andrew’, that is being very warm, but “Dear James”—it is just how you start a letter, isn’t it?

Lord Stone of Blackheath: This is a group of people round the world who are trying to educate kids to understand respect, compassion and love in classrooms and these are the sorts of, these are people I don’t even know who are sending me these messages and I am sending them back. That is how I correspond with people. As I say, compassionate politics—I do a lot of peace in the Middle East. Generally, people, as I say, know me as being somebody who, you know, the all-party parliamentary group on mindfulness, we have had 500 people doing mindfulness classes—it is—

Commissioner for Standards: But I come back to—I am not criticising the way that you engage with people or the way that you address people, but don’t you agree that ‘Dear James’ is a perfectly ordinary, straightforward salutation at the beginning of a formal letter?

Lord Stone of Blackheath: I absolutely thought that until you started this investigation, or the House of Lords started this investigation. I thought it was perfectly okay to say, ‘Dear James’, and I thought it was perfectly okay to say, ‘Thank you very much. Are you still here? Could you do this for me?’, with a kiss and to go and thank somebody. I thought that was perfectly okay. Now, I am suspecting all that in this building and now I am thinking that I will speak to people with my hands by my sides and say, ‘I don’t know what—’, you know, so, no, I mean, I was exaggerating what I am saying, which is, ‘My goodness! Is this a place where you can’t even say ‘Dear James?’ I was being sarcastic and perhaps disrespectful, but I was angry and upset, and I’m sorry, yes.”

197. I said that the impression I had received when I read what he had written was that he might be indicating that he thought the complaint about the “x” was petty and unreasonable, and he replied:

“Lord Stone of Blackheath: I don’t think they’re petty and unreasonable because I think the people who are making them—internally, inside them, it hurts. What I think—they think I am overly tactile and, I don’t know, whatever, intimate, and I think they are overly the other way around. So I can understand their pain and I don’t know their condition, and I won’t make any remarks on their condition, but, yes.”

198. He went on to say that because PQ had been helpful to him, he felt that she was part of his team. We asked him if he felt that in doing her job she was being partisan and so joining his team. He said that he recognised that she was just doing her job:

“All I am saying is those people who do, even if they are not part of what I am doing, they are an asset and a colleague.

Commissioner for Standards: Absolutely, yes.

Lord Stone of Blackheath: A colleague, yes.

Commissioner for Standards: Okay, right.

Lord Stone of Blackheath: No, there is a difference between an asset and a colleague and I feel them to be a colleague but now I must treat them as an asset. That is what you are asking me to do. You are treating them as assets.

Commissioner for Standards: I am not telling you to do anything.

Lord Stone of Blackheath: This is a thing, it is not a machine, it would be better if it was not a human, it was a machine, I would press the button and say, ‘Answer this question’. So I should go to them and say, ‘Answer this question’, right, do I say thank you? I don’t have to; that is their job. I will take it, that is it, that is how I should behave.

Commissioner for Standards: Well, I am not saying that.

Lord Stone of Blackheath: Okay.”

199. He said that he accepted that his perception of his natural warmth and friendliness could be perceived or experienced differently by others. When we asked him if he had anything to say about her comment that his actions had left her feeling “uncomfortable, upset and dreading having to deal with him” he said:

“I can accept that that is what is coming out of her and therefore because of that I am upset that she is upset about that. While I try to look at it objectively and see a cross/kiss and a five-second rubbing of the arm as leaving her feeling in that way, I just wonder what is going on in her brain and—what I am saying is I accept that is how she feels and I am sorry that something that I have done has made her feel that way, but what I feel is that she is—something in her history and background has

made her interpret something, as can happen with anybody who has a history of whatever, as a phantom thing, yes.

Commissioner for Standards: Okay. She says that she finds your behaviour patronising and overfamiliar and she attributes your behaviour to the fact that she is a young woman as she has seen you behaving inappropriately with young women in her team but not with the men in her team. Do you have any comment on that?

Lord Stone of Blackheath: Yes, I think possibly I do (Pause)—yes, I probably do have a different way of behaving, I am not sure, but, on the other hand, it is really interesting, that I have a lot of researchers working for me because I like to give them work experience and people send me really intelligent people—girls or boys—and last night I went to dinner with [a young man in his twenties], a very clever guy who was researcher to me and he liked it so much and he liked our relationship so much he invited me to go to dinner with his mother and father and his sister in [London] because he wanted to thank me for having done that. So my relationship with him, you know—so he is a boy—is how my relationship might have been with a girl. Yes, I mean, I think young, old, boy, girl, I probably have a different relationship, yes.”

200. Because he mentioned that he was being accused of sexual behaviour, we asked if he knew the difference between *sexual* behaviour and language and *sexist* behaviour and language, and he said that he did.

201. We asked him if he remembered the incident described by PQ regarding the ‘Upskirting Bill’. He said:

Lord Stone of Blackheath: I don’t remember it but I can imagine saying it and I think it is funny.

Commissioner for Standards: Okay. Do you accept that the obvious meaning of this remark was that the pictures would be of upskirting?

Lord Stone of Blackheath: Yes.

Commissioner for Standards: Why do you think that would be funny being said to a young woman in a subservient position to you?

Lord Stone of Blackheath: Well, it does not necessarily have to be a young woman—I would say it to you, I would say—

Commissioner for Standards: Let us say it that you did say it to a young woman in a subservient position to you.

Lord Stone of Blackheath: And if I said it to an old man and gay man—

Commissioner for Standards: Let us just deal with—

Lord Stone of Blackheath: No, because if I only said it to a young woman, then I would say, ‘Oh, what is he doing? He is focusing and going to do that with young women’, but I would say it to the newspaper, you know, so, ‘Oh, there is a big [document] on upskirting. Oh, are there any pictures?’—ha ha. Right, if people don’t think that is funny, if

they think it is offensive, if they think it is rude, then in that case I think they are oversensitive.

Commissioner for Standards: So you don't think, you don't tailor your conversation in any way between, say, colleagues, Peers of your own age—

Lord Stone of Blackheath: It was probably about the sixth time I said it in the day. I might have said it to Lord [F], I might have said it to, you know, Lord [B], you know, 'I am going for the [information] on the upskirting. I hope there's photographs there'. No, I was not saying it particularly, I was not, because she is a young woman. Then in that case I am saying it to a young woman, but, no, it was not tailored to be said to a young woman.

Commissioner for Standards: But as the whole upskirting thing is trying to deal with something which is extraordinarily offensive and demeaning to women, and let us assume ... that the main victims of upskirting are attractive young women, which seems quite likely really, don't you think it is grossly insensitive to make a joke like that in those circumstances? Well, clearly you don't, but do you think that that is an issue, that you don't tailor your conversation to the status and age and gender of the people you are talking to?

Lord Stone of Blackheath: I think if I did that would be very sexist.

Commissioner for Standards: Okay.

Lord Stone of Blackheath: Do you see what I mean?

Commissioner for Standards: Yes, I do. I understand what you mean. I am not sure that I agree with you, but that is what you mean.

Lord Stone of Blackheath: If I speak to everybody in the same way, then that is not sexist, but if I think, oh, I will speak to him because he is a man and I will speak to him in a different way, then that is saying, oh, she is a girl so she couldn't take this joke.

Commissioner for Standards: You say—

Lord Stone of Blackheath: I think that is a big issue for, you know, feminine—for the women's movement, that if you can't speak to them—anyway, okay, I will calm down."

202. I asked him if his behaviour towards PQ was because he was treating her as an equal, and he said it was.

203. I asked if he accepted that in his relationship with PQ he had power and status arising not only from his position as a Peer but also because he is an older man and also because it is her job to try and help him. He replied, referring to the dinner he had had with his ex-researcher's family:

"When I meet people like his parents last night, I am at pains to say I was dyslexic, I was expelled from school, I used to work in a street market for 10 years. Okay, I found my way up to Marks & Spencer and Tony Blair made me a Lord, but really I want you to know I am Andrew, I am equal with you, I am not superior. Some people say, 'It's a Lord'. So, no,

for somebody to be working ... for a dyslexic and be able to do that job and to have her function while my function is something else, no, I do not feel that I am superior, I do not feel that I should have power. What I feel—and that is exactly what I was trying to say—is I am equal and you are equal and you are, I know, I am really grateful for what you do and that is exactly—well, so that is my belief, yes.

Commissioner for Standards: Okay, but, I mean, whether or not you feel equal on a human level, the fact of the matter is you do have status and power that she doesn't have. Do you accept that?

Lord Stone of Blackheath: Yes, and in which case—but I don't understand how that is relevant to the complaint.

Commissioner for Standards: Because her perception of equality is clearly different to yours.

Lord Stone of Blackheath: Yes, so what she's saying is because I am superior in her mind then, if I touch her what I am saying is 'You'd better not do anything about this' because I am touching her; is that what you mean?

Commissioner for Standards: I am not saying—

Lord Stone of Blackheath: Or what she means.

Commissioner for Standards: I am not saying that she thinks that you are superior, but she thinks that you have status that she doesn't have, you are higher up in the hierarchy and her job is to help you.

Lord Stone of Blackheath: Yes.

Commissioner for Standards: And that is a difference between you. Your job is to ask for help and to expect it. Her job is to offer it and that is a difference between you as well. Do you accept that?

Lord Stone of Blackheath: Well, that is amazing and that is crucial — that is a crucial point of this thing, that everything that this conversation is about is the fact that I want to negate that. I am saying, 'Look, I am not telling you to do this, I am not a Lord and 77 and you are there and you have got to do this job'. I am saying, 'Thank you, that is amazing', you know.

Commissioner for Standards: Lord Stone, I do understand what you are saying but the fact that you are trying to negate it doesn't mean it is not there. Whether or not you wish that you were completely equal—

Lord Stone of Blackheath: I don't believe it should be there. I accept that that might be—

Commissioner for Standards: But it is there. I mean, that is the difficulty, isn't it? You may want to undermine all of that, but the fact of the matter is you and she are in very, very different positions in your interactions in the House of Lords, whether you like it or not.

Lord Stone of Blackheath: ... yes, I accept that she believes that there is a hierarchy and that that is her function and that my relationship with

her should be just to ask her to do the thing and receive it. I find that to be uncomfortable because I don't believe that I deserve to have that and therefore to negate it and to take that away I am saying, 'Thank you, I know what you are doing and I am very grateful for it'. If that has been misinterpreted, I apologise. We are saying it is not sexual, we agree—we think it is maybe a gender issue and then we are talking about the hierarchy. Okay.

Commissioner for Standards: Okay, all right. Let me tell you her take on this. Her take on her contact with you—

Lord Stone of Blackheath: Yes.

Commissioner for Standards: 'I keep getting anxious about the way that when he approaches you, you are never sure of what you are going to get. There is this thing of part of it is a bit of professional dread. If he does ask me something hard, I'm not going to be able to have a conversation with him, because he doesn't listen to me. Then there is the thing of I am going to have to email him, what is he then going to email me back? Is it going to be inappropriate? Am I going to have to make a complaint again? Then a little bit of it is anger that I feel he doesn't do this to male colleagues. In my opinion, he does it to me because I am a young woman and, to be quite frank, I am a bit fed up with it. It is a bit of an ongoing experience with lots of different members, to be quite frank. It is just the kind of ongoing'—

Lord Stone of Blackheath: "Lots"?

Commissioner for Standards: 'Lots' yes.

Lord Stone of Blackheath: So, you see, she is saying it is the same with lots of different members; is that what she's saying?

Commissioner for Standards: Yes. 'It is just the kind of ongoing dread of what's he going to do next, I think it is that thing of okay, you play it over in your head as he comes up to you. If he comes up to me, what if he like touches me again, what do I say? Do I just sit there and take it? Do I say please do not touch me again, or do I then end up in what might now clearly be a weird argument with him about it? If he then said something to one of my colleagues which I think is inappropriate, do I step in and say something or am I then treading on their toes?'

Lord Stone of Blackheath: Okay, uhm—

Commissioner for Standards: Hang on. 'There is that eternal fear, which probably most women and probably men have as well, of am I taking this the wrong way? Am I missing something? It is that self-doubt thing and I do not like the fact that he makes me doubt myself because I feel like I do know what is appropriate and what is not. I do not feel that he is appropriate, but because of his position and the weird way this place works, I feel that we have to be so deferential to people, no matter how they behave, that it kind of plays into a bit of a power dynamic where I definitely feel I do not have the power potentially to act in the way I would like, which is to say to him, please go away, please don't touch me. I would never even think about sending an email back to him saying please send me more professional emails. I would always be

worried that if I did that I would get into trouble, which I know may be a silly view but I feel that he is abusing some of the structures of this place where we do have to be so deferential?... Do you just want to give a response to that?

Lord Stone of Blackheath: Yes. I think that reveals something about her, about her problem with the hierarchical nature, the fact that she feels—I wondered about that, about how many other people she believes that. And what is amazing—my answer to that is that I’m pleased that you told me that and that genuinely and seriously and authentically and truly I feel I detected that she had this problem and that what I was trying to do in my iteration with her was to say, don’t worry about me being senior or older or male or whatever, you are a colleague of mine, I am really grateful for what you are doing, you are doing a fantastic job and thank you, my dear, or whatever and touched her, so exactly what I was doing was actually to turn that into something different for her and give her a better experience and she, as you can see, has misinterpreted it in a different way and added it to all those other problems she has of getting into trouble, offending me and all the rest of it. So it is a miscommunication. I am sorry that she is upset. I realise that my intention was not only good but in fact it read something in her which I felt needed something, and I was trying to provide it but I did it clumsily and I apologise.”

204. I asked him about the reports that he had been in the room where she works on 4, 6 and 9 September, in circumstances other than those suggested by him in his response and set out in detail by me in my initial letter to him (see paragraph 160 above). He agreed that he had been there on those dates, and went on:

“I didn’t realise that it was a judgment or a rule. It was me saying, okay, I won’t go there, but what I thought was doing was saying, okay, I will try and avoid her. If it is a rule, then, okay, so, what we are saying is that the summation of this judgment is that I have committed something which is against the Act.”

205. He accepted that there were other places on the parliamentary estate where he could conduct the business he had been engaged in in her workplace, but pointed out that they were less convenient when the House was sitting, as he could be required to attend to vote.

206. I explained how PQ felt about knowing he was coming in to her workplace, as set out at paragraph 173 above, and asked him to comment. He said:

“I don’t want to make a comment on what I feel about her mental state, but to have said all that following the email that you have seen and a five-second touch of her arm is surprising and extraordinary to me and therefore there is something within her which is extremely disturbed by my presence and—

Commissioner for Standards: Lord Stone, I think you are missing the point. The point is that when this investigation started, she was told not to have contact with you, just as you were told not to have contact with her. And she is expressing her concerns about what happens if you are in [the room where she works] and she is there and she is compelled

to have contact with you even though it has been agreed that she should not.

Lord Stone of Blackheath: Okay. Then, yes, I am upset and annoyed myself about this, which I think I am entitled to be if she is, but to make it easier for her and for you, I won't go."

207. I told him about the complainant having told us that he spoke to her on the morning of her interview with us, and he said:

"I had some guests coming to have a meeting here ... and I wanted to be able to inform them that it was in [part of the parliamentary estate] and I knew how to get in, on my own, but I didn't know where the visitors was, so there was this women who was getting in and I asked, 'Where is the new visitor centre?' I didn't know who she was, no."

208. On 25 September, Lord Stone wrote to ask that the photo he had shown us of his meeting with the Dalai Lama should be included in the file, saying:

"I was thanking HHDL and

in so doing, as one can see –

I held his hand and stroked his arm for about 5 seconds

and he was not in the least bit offended."

CHAPTER 9: COMPLAINT BY XY: ACCOUNT OF THE KEY FACTS AND EVIDENCE

209. On 12 July I received an email from XY, making a complaint against Lord Stone:

“On the 26th June, [ZA] and I were in the River Restaurant, operating a table which displayed various Stonewall activities that the Administration is involved in ... Colleagues, Members, Guests were free to come over for information, there was opportunities to sign up for events etc, the main interaction we had with people was them coming over to sign the Stonewall ‘No bystanders pledge’ which stated that people would step in if they heard homophobic, bi phobic or transphobic bullying ... (some irony coming up).

Lord Stone came in and signed the pledge, before leaving to get his lunch. Several minutes later he reappeared, but at this time both [ZA] and I were engaged talking to other people who had approached the table. Lord Stone bullishly pushed his way forward, bringing with him a visitor. He was loudly shouting ‘He wants to sign, where does he sign ...’ the visitor looked embarrassed, Lord Stone continued ‘He wants the operation, is this where he signs up for the trans operation, he wants to be trans.’ [ZA] and I were taken a back and visibly unimpressed, at which point Lord Stone put his hand on [ZA’s] shoulder to patronisingly tell her that he was joking.

I understand this will be classed as ‘low- level’ but I think it’s important to consider that this was a public place and making a joke about being trans, diminishing the issue to a sign up sheet and an operation, could have been incredibly hurtful as well as offensive. I don’t think it’s workplace appropriate, my thoughts are that at least it’s bad judgement and at the worst its intended to embarrass, undermine or frustrate colleagues. I feel this would not be acceptable if done by a member of staff.”

210. I carried out a preliminary assessment with the assistance of Sam Evans and concluded that the behaviour described was a potential breach of the Code.
211. I wrote to Lord Stone on 1 August, enclosing a copy of XY’s complaint, informing him of the outcome of my preliminary assessment, and requesting his written response to the complaint.
212. Lord Stone replied on 5 August:

“These two people were manning the table,
actually rather incompetently.

Because they were there for explaining what they were promoting
and they weren’t telling people much about what they were doing
but I signed for them because I believe in the cause, as you will see
by my voting record!

I happened to be with a very influential guest who, after our lunch,
I dragged him to the table also to sign.

He was in a hurry, so I wanted us to get through fast for him to sign
and I made a joke to get to the signing book
and he was not embarrassed.
He enjoyed it.

I think that sometimes people who are there for a cause,
are so wrapped up in the seriousness of their cause
and they feel that everyone else doesn't understand
and is inferior

I don't accept their criticism.

I've been fighting for this cause longer than they have
and they got out of me – two signatures which is what they were there
for.

But again, I won't sign any more petitions for them nor talk to them.”

213. We sent Lord Stone's response to XY. On 10 September Ms Evans and I interviewed her, with James Whittle in attendance.
214. We started by asking her to comment on her interactions with Lord Stone before and after the incident. She explained that “other colleagues will sometimes come to me if something weird has happened or if they've had an interaction that they kind of say, ‘Oh, that's not quite right’. His name has come up a few times to me”, but said she had not had any personal interaction with him before the incident. She said the colleagues who spoke to her about Lord Stone were all women in their twenties and thirties.
215. She also said:

“Having said that, he's obviously somebody who's around a lot, and I see him quite a lot. I saw him today, literally just as [ZA] and I were crossing the road coming back from the Palace and he was crossing the road also. He kind of made a bee-line towards us. We were mid conversation, so I was kind of trying to look at [ZA] to say, ‘I think he's coming to talk to us, this is a bit odd’. But he just came over and made a joke. He made a joke about ‘Is that coffee for me?’, kind of thing—the coffee she was carrying ... and she kind of acknowledged him and walked off. There are little things like that. I don't know that he knows who we are.”

216. She went on to explain that, as she knew she was to be interviewed about her complaint later that morning, she felt uncomfortable “because I knew this was happening today, so I didn’t know what interaction we were going to have, or what he was going to say, if he does know who we are, or not.” Because she had watched him approach, she was certain that he had “made an effort to cross paths with us and make that joke.”
217. We discussed her complaint and her statement that Lord Stone’s actions “could have been incredibly hurtful, as well as offensive”. We pointed out that it was unclear whether she had been personally affected by his behaviour, as required by the Code which does not allow third party complaints regarding bullying, harassment and sexual misconduct—i.e. does not allow complaints solely on the basis of the effects behaviour has had on others. XY explained that she had been offended and made to feel uncomfortable by Lord Stone’s behaviour:

“to the point where, I’m just crossing the road today, just trying to get to [where I work], and I’m worried about what’s going to happen in that interaction. Again, as you said, it could have been nothing; nothing really happened, he just made a joke about coffee. But, I think, obviously it has stayed with me, so that I think, ‘Oh, I don’t enjoy being around this person’. And yeah, I do feel uncomfortable.”

218. She described in more detail what had happened in the River Restaurant:

“I think the way he approached the table was really bullish. It was kind of—

The Commissioner for Standards: Did he push past other people?

XY: Yeah, and it was quite theatrical. It was quite, you know, ‘I’m having a moment and everyone’s going to watch this happen’. I think I mentioned in the complaint about how I was actually just talking to somebody else. I don’t know who that was. I know it was a Peer because of the pass, but I hadn’t met that Peer before. We were having a discussion and mid discussion he just, yeah, he just bulls into the space and you feel a little like, ‘Ah’. So yeah, just a little uneasy is how it made me feel. Then I just felt really annoyed by the whole thing because it undermined everything we were trying to do and ... what Ed Ollard, the Clerk of the Parliaments, is saying—that we want the Administration to be doing things like this and diversity and inclusion is very important. It’s one of his four priorities for the Administration. But then it’s frustrating when you just have that—it just feels so backwards to me that he would think that that would be okay in a workplace.”

219. We asked her if she had any comment on Lord Stone’s response to her complaint. She said that his account was not very accurate, as two other people had been at the desk when he first arrived to sign the pledge, as they were working a rota. XY and ZA then took over and were there when Lord Stone came back with his guest. XY took issue with Lord Stone’s comments about incompetence, explaining that they were all mindful of the fact that people were there for lunch, and so they had a visual display making clear what they were about, “everything’s rainbow”, but they were not exhorting engagement, but leaving it to people to approach them if they wanted to. She continued:

“As I said in my complaint, we’re talking to someone else and he kind of bullishly pulls in. He admits in his thing that he does drag the guy over. He physically—it was like a theatre performance, dragging him through the River Restaurant into the table and then he makes his joke comment. I say ‘joke’ in—

The Commissioner for Standards: Did he do it loudly?

XY: Yeah. Incredibly—

The Commissioner for Standards: Do you think diners will have heard?

XY: Yeah, absolutely. I think members of staff will have heard. Yeah, I definitely do, to the point where, as I said, I was having a conversation with someone else who was at the table and we all stopped because he was talking to—he didn’t make eye contact with [ZA], who was free at the table standing next to me, he kind of announced to everybody in the area who was around. I can just describe it as bullish and kind of quite physical when he was dragging this guy over. He then writes about—he wanted him to sign, that’s why he did it in a hurry and that’s why he dragged him through. This guy didn’t sign the thing. He didn’t sign the pledge. It’s just not right. The guy couldn’t—I mean, I can’t speak for him. Obviously he’s connected to Lord Stone and Lord Stone knows more about how he felt about the whole incident—if he enjoyed it, if he was embarrassed—but I can read people and this guy couldn’t get away fast enough. He was embarrassed by the whole situation, from what I saw. He didn’t sign it, he just wanted to leave, so yeah, he left quite quickly... So Lord Stone didn’t sign it at that point when he came over to make the joke. It was just about making the joke and leaving. It wasn’t about interacting with what we were trying to do or the table in any way. And there was more than one thing on the table. It sounds like we were just there to sign this petition, but there were lots of things going on, there was loads of information, there’s all the work we do in [in the Administration] on this topic, so on LGBT. He writes a lot about—he’s repeated himself quite a lot saying, ‘I care about this cause’, and, ‘this cause’, ‘this cause’, but he doesn’t name the cause, so I don’t know if he knows what we’re actually talking about.”

220. We asked what she would feel if she knew Lord Stone’s “incompetently” comment was about her and her colleague, rather than the two colleagues present when Lord Stone first went to the desk:

“Disrespected. Yeah, I think ‘disrespected’ is the best word, but it’s obviously annoyed me—you can probably hear it in my voice—because no one likes to be called that and because actually you don’t know what we’re trying to do here. There’s been an interaction where—yeah, you clearly don’t support this cause because you wouldn’t have made that joke. He wouldn’t find that appropriate to do if he did. Yeah, of course it makes me feel disrespected and it makes me feel a little bit like there continues to be this lack of respect that we need to tackle ... between certain Peers and members of staff who are trying to support the work that Peers are doing, because there shouldn’t be that conflict and there shouldn’t be that deference and that power that some individuals think

that they have that they can speak to people like this and they can make jokes like this. It's kind of untouchable."

221. We asked her how she felt directly after the incident:

"It happened really quickly. It is hard to analyse your thoughts at the time it is happening. It was all just really, really fast. By the time the interaction is finished, you are left a little bit shocked—like, 'Did that just really happen?' Because there was another Peer there, who I was speaking to, both [ZA] and I—I am not trying to talk for her but we have obviously talked about it since—felt really bad that, in the moment, we did not and could not do more ... and the irony of the whole thing is that we are signing—this pledge that we are talking about—is about not being a bystander when you see homophobic bullying yet we just saw it at the table. Both of us were so shocked by the experience and how quickly it all happened that he had kind of gone by the time we were like, 'What?' So, that is how it made us feel, how it made me feel: just really shocked that that had just happened. You kind of think about it and you are like, 'No, that did happen. What?'"

222. She said that she and her colleague had looked shocked, disgusted and surprised at his behaviour and words, which is why she thinks he then patted ZA, who was nearer to him than XY:

"He kind of patted her on the shoulder; I say 'patronising' because it was kind of like, 'Oh, it's just a joke, love, calm down, we're all having fun here, you're part of this joke, it's not serious'. I think that is what he is saying in his response as well about how wrapped up in the seriousness of the cause—I do not know if that is what he is referring to."

223. She felt his response was patronising:

"It was like that kind of 'Calm down, love' type of thing. That is not what he said but that was his tone. His tone was like, 'This is just a joke, this isn't serious, just lighten up'. That was his demeanour. It feels quite patronising because if someone does not find your joke funny, just leave it; do not then carry on. He is never going to be someone who is going to have that awareness and apologise; he is always going to say, 'I don't accept the criticism'."

224. We asked if anyone in the vicinity had reacted to Lord Stone's behaviour, and she told us:

"The female Peer who was standing in front—that was a weird interaction because, obviously, as soon as he left, [ZA] and I just had a moment like, 'That was really weird'. I then asked her what his name was, like, 'Do you know that Peer?' and she said, 'Yeah, that's Lord Stone'—eye roll. I wish I could tell you who that Baroness was but I do not know. Then, she kind of carried on because she was talking to me ... she wanted to continue that conversation so then, straightaway, immediately after they had gone, we had that moment. I asked her who that was and she said, 'Lord Stone'—eye roll—then she went back to, 'So, I'd like to hear more about this'. It was like, 'Okay'. So, it all just moved on really, really quickly. Then, after that, after she had gone away from the table, [ZA] and I just packed up and we were like—it was time we were leaving anyway; it was not because of that."

Sam Evans: How did you interpret the eye roll?

XY: It was like a ‘Don’t worry about him; that’s what he’s like’ type of eye roll but, again, it was an eye roll. I am reading a lot into people’s body languages.

XY: Did anyone say anything to you or to [ZA] at the time or afterwards?

XY: No.

Sam Evans: Did anybody express their surprise at what had happened?

XY: No. And I wish that other colleagues we knew had been there. I know pretty much everyone who works at the Lords, but I don’t know who could hear, and I didn’t want to make a big, ‘Did you just hear that transphobic comment that Lord Stone did?’ But obviously, when I went back to [where I work], I told my boss about it, and he urged me; he was like, ‘This can’t keep happening’. The irony of the whole situation of why we were there—I’m laughing at the irony and just the ridiculousness of it.”

225. We discussed possible sanctions if I upheld her complaint, and XY said that personalised one-on-one training for Lord Stone would be her ideal solution:

“Because I just want him to understand the impact of his actions, and I want him to understand—I love the House of Lords Administration. I think it’s a great place to work, and I really believe in what we’re doing. I think that he sets things back, and it’s frustrating, and I think it makes people feel uncomfortable—I know he makes people feel uncomfortable—and I want him to know that and I want him to change. I don’t know how you’re going to find the training that’s going to do that. He may never accept the criticism and he may never change. An apology would mean nothing, because I’d know he’s not sorry—I’d know that he is not going to take that on board. But what I’d really like is for him just to stop and to change”

226. I interviewed Lord Stone on 13 September, with Mr Whittle in attendance.

227. I asked him to describe what happened in more detail than he had put in his written response:

“I don’t think I was doing anything wrong with this one. I was annoyed by her and therefore perhaps I went too far, but, right, so, there is a table where she’s got all sorts of stuff about gay and lesbian and trans whatever and so I walked in and said, ‘What’s all this?’, and she said, ‘We’re raising awareness of LGBD’—whatever, I don’t know what, so I said, ‘What is that?’ and she said something, ‘Buhbuhbuhbuh’, so I said, ‘Yes, but what is it? So what is trans’, and she said, “It’s trans!” So I said, “I thought you were supposed to be raising awareness. If you are standing there with a table, you know, with all these things, will you raise awareness, because I don’t know, I am not familiar with this stuff, I don’t really know what trans is.”

Commissioner for Standards: So was this when you first went in?

Lord Stone of Blackheath: Yes, when I first went in and saw this table. So then I thought, all right, Andrew, calm down, it is annoying that

there is a woman there sort of being militant about it rather than being cooperative about it, because that is what she should be doing rather than saying —”

228. He was not aware that XY and ZA had not been there when he signed the pledge.

229. We also asked about his understanding of the issues the stand was dealing with:

“Commissioner for Standards: Can I just ask, you don’t know what trans is?

Lord Stone of Blackheath: No—I sort of vaguely know that if you think you are another sex you can have an operation, but I don’t know—you know, she’s there, exactly she’s there to raise awareness, ‘Oh, that’s good. I didn’t know who to ask. Here you are raising awareness, tell me about it, what does it mean?’, and I’m not homophobic or transphobic, or whatever it is, because if you look at my voting record, it says—one of the major things is he voted very, very much in favour of gay legislation, you know, whatever. So I am not—so I am saying ‘Tell me about it’. Her job is sitting there—I am trying to make—and she’s like in a militant way, ‘You don’t know about it?’ Anyway, so I thought, all right, no, what do you want me to do? You want me to sign something? Fine, I will sign. Then I was having lunch with the managing director of [a bank,] who is very influential and it is a bank that does good things for everybody and I thought I will get him to sign it as well, so then I came back and, yes, I made a joke, which is the same as the upskirting, the same, ‘Right, I’ve got somebody here who wants to sign up, he wants to become trans’, you know. So what I was saying to him was, ‘Will you come and sign this thing?’, but, you know, so, right, he hasn’t got much time, we are going out, sign that thing, so then she thought that was offensive—probably it is, some of my jokes are offensive, like the upskirting thing—but what I was trying to do was to help get somebody else to sign this thing and, yes, okay, right.”

230. When I read out XY’s description of what took place, as set out at paragraphs 218 and 219 above, he said:

“Yes, I think they exaggerate the fact that I barged through. We had had our lunch, he is a very important person, he was in a hurry, I wanted him to help them in their cause, so in order to help them in their cause I just went in for them to get a signature because that is what they are there for. I didn’t barge my way in. There were a number of other people having conversations with them and I just wanted him to go and sign and go there and in terms of him looking embarrassed, that is their interpretation.

Commissioner for Standards: Okay, because you said in your response that telling the joke got you to the desk fast.

Lord Stone of Blackheath: Exactly.

Commissioner for Standards: That sounds like you were going in front of other people.

Lord Stone of Blackheath: Well—yes.

Commissioner for Standards: Okay, right.

Lord Stone of Blackheath: So I had another choice which is to say there is a queue there, they are trying to get signatures, I don't have to bother him, I can go out and they are one signature short, and what they are there for is getting signatures, so they won."

231. I asked what Lord Stone thought he was signing up to when he signed the 'No Bystanders' pledge:

"So they weren't clear. I thought I was sort of signing that there should be whatever legislation is good for feeling equal to gay and lesbian and trans people.

Commissioner for Standards: The pledge that people were signing up to was, 'I will not stand by and say nothing if I hear homophobic or transphobic comments'.

Lord Stone of Blackheath: Yes.

Commissioner for Standards: Yes? Did you realise that is what you were signing up to?

Lord Stone of Blackheath: It sounds reasonable, yes.

Commissioner for Standards: Okay. Are you aware that very often when people are challenged about something that they have said they will say, 'Oh, it was only a joke', or 'Can't you take a joke?' You are aware of that?

Lord Stone of Blackheath: Mmmh.

Commissioner for Standards: Do you still think that making that joke in that context was appropriate?

Lord Stone of Blackheath: You obviously don't and they obviously don't, so, therefore, that is their interpretation. I think the people who are offended by that sort of thing are not as enlightened as I am about the equality of gay, lesbian, trans or whatever else and therefore they see anything as some challenge to it because I think they perhaps have some problem themselves, so, no, I don't.

Commissioner for Standards: I don't quite understand that. I mean, a lot of us may believe that of course everybody is equal, but the fact of the matter is that we live in a society where people who are gay or trans can often be discriminated against. I mean, do you recognise that?

Lord Stone of Blackheath: Do you—the confusion of the word 'n*****'. So black people call people 'n*****s', and if you are part of sort of the black community, it can almost be a term of affection—'n*****'. I am Jewish, and if we make a joke about Jews and if somebody makes a joke about Jews who is not Jewish but is a friend of mine and I know them, then I see that as a term almost of endearment. So I feel I am perfectly close and in that world and society and I see them all as equal —

Commissioner for Standards: But would you call someone n*****?

Lord Stone of Blackheath: Would I call somebody a ‘n*****’? I wouldn’t call somebody a ‘n*****’ in, like, in an aggressive way, but let us say I was at some meeting, which I often am, particularly in Israel with black people or whatever, I would say, ‘We are all n*****s, I am’—what do you call it—‘an honorary n*****’, yes, and they would say, ‘Yes, Andrew is just as n***** as we are’, yes.

Commissioner for Standards: Okay. You are not trans, though, are you?

Lord Stone of Blackheath: No.

Commissioner for Standards: And your guest presumably wasn’t trans either.

Lord Stone of Blackheath: No, no, I am not trans, but what I am saying is in the same way as—I mean, people, you know—

Commissioner for Standards: I’m not Jewish and I wouldn’t make anti-Semitic jokes. If I were Jewish, perhaps I would and I have Jewish friends and they can be very funny about being Jewish, but I wouldn’t do it because I am not Jewish. You are saying that you don’t see that distinction between being part of a group and being able to make jokes about your own group and being outside the group.

Lord Stone of Blackheath: How amazing. How amazing. So you—I am sorry, not only about you, but people feel that if you are not trans or if you are not gay, or if you are not lesbian, then you are not part of that group and therefore you can’t speak in an open way. No, I feel I am part of that group. I am heterosexual. There are people who are gay, there are people who are lesbian and I feel there is no difference between all of us. We have our own proclivities and we are born with our DNA and therefore I see nothing against them and therefore I am part of their group—yes, I am part of their group.”

232. I asked why he had put his hand on ZA’s shoulder, and he started by telling of an encounter he had had with someone in the building on his way to the interview:

“Actually, what is amazing and—I mean, because of this I don’t quite know how I am going to do it; maybe I will have to go to some psychiatrist and change, I don’t know how to do it, but—I was just coming up here and there is a photocopier as you come in the back door and there was a woman there photocopying a load of stuff with another guy and I said, ‘My God, that’s a lot to do on a Friday’, and she said, ‘Yes, it’s my fault’, so I said, ‘What do you mean?’ So she said, ‘I did the wrong thing and we are doing this thing and I’ve got to do it’, so I said, ‘Don’t blame yourself’, you know. I was just saying that’s a lot to do. She said, ‘Yes, and I’m going on holiday tomorrow’. So I said, ‘Don’t do this. Don’t go on holiday feeling that you did something wrong’, and I said to him, ‘It wasn’t her fault, was it?’ And she said ‘No’, and I put my hand on her shoulder and I said, ‘Don’t do that to yourself’, you know, ‘This is a job—you can make a mistake—and just go on holiday, okay’. So what

I do when I see somebody is upset, I put my hand on their shoulder and I say, ‘Look, now this is’ —

Commissioner for Standards: But even if it is you who has done the upsetting? With [ZA], she was upset because of your joke.

Lord Stone of Blackheath: Yes.

Commissioner for Standards: So why did you put your hand on her—

Lord Stone of Blackheath: Because I could see that she was upset and therefore I was trying to—

Commissioner for Standards: All right. Would it surprise you to know that her reaction was, ‘Eeugh, he touched me’ and that she felt really uncomfortable?

Lord Stone of Blackheath: No, I didn’t realise that but now I realise that people have that feeling and—yes.”

233. I told Lord Stone that I had been told that his guest did not sign the pledge, and he said he was unaware of that.

234. I asked him to clarify the comment in his response that “Sometimes people who are there for a cause are so wrapped up in the seriousness of their cause and they feel that everyone else doesn’t understand and is inferior”, and he explained he meant that when people said that others didn’t understand their cause, this does not help the cause.

235. I asked him if it had occurred to him that he could be wrong about his view that it was the views of the complainant that were the problem, and he said:

“Yes, it could be. Yes. Having said that I am not superior and I am equal and I am with colleagues and everything, here is where I have to pull my superiority. We had 14 million customers in [the retailer where I worked], we were making £1 billion a year, we loved our customers and we were—and I was excellent at having people wanting to buy from us, and sometimes people who are trying to further a cause are doing it in entirely the wrong way saying anybody who doesn’t sign up to this is wrong and whatever, you know, and are prejudiced and everything, and maybe they should be a bit more kindly, friendly, welcoming and explaining, and they were going about it the wrong way. Maybe I shouldn’t be so annoyed about seeing such inefficiency and wrong way of marketing, so I think that I do have a point of view which could be right. On the other hand, I understand that they feel it is wrong that they should be there saying, ‘Buhbuhbuh’, so, yes, okay, I shouldn’t be so arrogant, yes.

Commissioner for Standards: I mean, you are accepting that other people have a different point of view, but I think you are also saying that you think that you are right.

Lord Stone of Blackheath: Mmmh, I think I had a point of view which I think could be seen as right. On the other hand, yes, I am wrong about a number of things and I may be wrong.

Commissioner for Standards: Okay. And you said that you had been fighting for the cause longer than they had. What cause is that?

Lord Stone of Blackheath: The equality of people's sexual whatever it is called.

Commissioner for Standards: Okay.

Lord Stone of Blackheath: And—I said about my voting record. If you Google me—

Commissioner for Standards: Yes.

Lord Stone of Blackheath:—and it looks at what Lord Stone stands for, it says has voted extremely in favour of gay rights.

Commissioner for Standards: Mmmh. Do you think that that gives you carte blanche to say things that people find—

Lord Stone of Blackheath: No.

Commissioner for Standards:—uncomfortable?

Lord Stone of Blackheath: No, but it certainly verifies what I said, that I have been working on this cause longer than they have, because there is a proof.

Commissioner for Standards: Absolutely, but I come back to it: what you appear to be saying is that because you believe in equality you can say anything to anyone regardless of how they feel about it.

Lord Stone of Blackheath: Certainly not. Certainly not.

Commissioner for Standards: So where do you draw the line?

Lord Stone of Blackheath: The line that I would draw is in my mind—I can't explain it—but you are saying no, you crossed that line. And, yes (Pause)—I don't know how to answer the question. So obviously I have crossed a line because they are upset by it. My behaviour through my life has been to say things which are out of the ordinary and from left field, and my personality and the way in which I do things is based on that. Sometimes, yes, it is wrong. Now, yes, I suppose that this system now reports every time that happens and that I am reprimanded for it, so maybe all my life I should have been more reprimanded, yes.

Commissioner for Standards: That is interesting, but it is not quite an answer to my question, which was—I mean, I was putting to you that what you have been saying would suggest to me that you feel that because of your belief in equality you can say anything to anyone regardless of whether they are going to be offended—

Lord Stone of Blackheath: No.

Commissioner for Standards: And so I asked you where you draw the line. It is not to do with what other people say. Where do you draw the line? Where do you take care not to offend people?

Lord Stone of Blackheath: I can't define the line.

Commissioner for Standards: Can you give some examples?

Lord Stone of Blackheath: Yes. So, I wouldn't say draw the line, but I can tell you something that is inside the line—

Commissioner for Standards: Yes.

Lord Stone of Blackheath: So I was with Waheed Alli the other day and I was with somebody and we were talking about how you become a Lord and I said, 'Well, when Tony Blair, you know, started to make Lords up, he wanted me in specifically because he wanted to show that there were business people who were left wing', and so with Lord Sainsbury and myself and David Puttnam from the film industry, to say 'Get me some people from business'. And I said, 'With Waheed most of the people here were white, male, over 65—and there were hardly any women—and they were all homophobic, so he made Waheed up, who is black, Muslim, gay. And I said what we thought ... we'd do is, like, break a leg and then he would be disabled as well and then we would cover all the things'. So that was a joke, which Waheed thought was funny. I am sure if they would've been listening, they would have said, that is a homophobic thing.

Commissioner for Standards: No, but I am asking you where you would refrain from saying something for fear of upsetting somebody. That is another example of you thinking you can say something and they won't be upset, and perhaps he wasn't upset.

Lord Stone of Blackheath: Right.

Commissioner for Standards: But can you think of an example where you thought, 'Actually I don't think I am going to say that because it might be upsetting'?

Lord Stone of Blackheath: To tell you the truth, I don't think of things that might be upsetting because those thoughts are not in my mind or in my consciousness, so I am—I can't think, you know—no, there isn't anything.

Commissioner for Standards: So are you saying that you assume that people won't be offended by anything you say?

Lord Stone of Blackheath: No, what I am saying is the thought does not arise in me to say something which I think is going to be offensive, because I am not offended—I don't feel anti them, I don't feel against them, so therefore there isn't anything that—I am not like, 'Oh, I can't say that because that is offensive' because I don't feel, I don't have a thought which is offensive because I love people who are gay or trans or whatever, and—

Commissioner for Standards: So you wouldn't, for instance, say to somebody who was overweight, 'Hey, fatso, you should keep off the pies'.

Lord Stone of Blackheath: What?

Commissioner for Standards: I am just asking—would you think that that was okay to say?

Lord Stone of Blackheath: Absolutely totally not.

Commissioner for Standards: Okay, so you do have a line you think —

Lord Stone of Blackheath: But what I am saying is I don't even think that. What I would think is, oh, that is one of those people, you know, there is a problem with, A, the retail and the society and the way we have been brought up which has put you in that state, which I am sure you are not happy about, and I wonder whether I could put my hand on your shoulder and say, 'Hi, how are you?' and make you feel better.

Commissioner for Standards: Okay, so I think I understand a bit better now. So what you are saying is you would never deliberately insult somebody and because of that you feel that anything you say, because it is well intentioned —

Lord Stone of Blackheath: Exactly.

Commissioner for Standards:—shouldn't be misinterpreted.

Lord Stone of Blackheath: Exactly.

Commissioner for Standards: Okay, that is fine. That is helpful, thank you."

236. Finally, I asked him about the incident when he had approached XY and ZA and asked if ZA's coffee was for him. He explained:

"Okay, so a joke I often make, when people are walking with their coffee, and, you know, and I say 'Oh, is that my coffee?', you know, like, I make a joke, 'Is that my coffee?' And some people say, 'Oh, do you want it?', or, 'No, it's not yours', right. I had no idea who they were. They were two people walking down the road with a coffee and I am happy in the morning, I make, as I say, contact with people and I just say hello and I had no idea who they were.

Commissioner for Standards: Okay, so it is something that you do with random strangers?

Lord Stone of Blackheath: Yes.

Commissioner for Standards: Okay—men, women, all different ages?

Lord Stone of Blackheath: Yes.

Commissioner for Standards: Okay, thank you.

Lord Stone of Blackheath: That's amazing.

Commissioner for Standards: Well, you say 'It's amazing'. Do you understand that for somebody who has been told not to have contact with you that it might be disconcerting to see you approaching and wonder what is going to happen? Do you recognise that she would feel awkward?

Lord Stone of Blackheath: Okay, can I ask you a question? Do you think me making that joke to somebody coming towards me—there are quite a few people holding a coffee—and me saying ‘Is that my coffee?’, do you think that is something I shouldn’t do?

Commissioner for Standards: I am not getting into that. I mean, it depends, doesn’t it, it all depends, but what I am asking you is—I accept that you didn’t know who they were—do you understand why she would feel awkward, because she knows who you are, she recognises you—

Lord Stone of Blackheath: Yes.

Commissioner for Standards: And she thought, well, you know, I am going to be interviewed about this complaint and he is walking towards me, this feels awkward. Do you understand why she would feel that?

Lord Stone of Blackheath: I do understand and because there are several people who made complaints about me and because I do have interactions with people, as I have explained before, and many other reactions, then I either can’t speak to any strangers because they may be somebody who is making a complaint about me or—

Commissioner for Standards: I am really not making that point. I am just saying do you understand why she felt awkward? Now that you know that it was—

Lord Stone of Blackheath: Yes.

Commissioner for Standards:—her?

Lord Stone of Blackheath: Yes, I do.

CHAPTER 10: COMPLAINT BY ZA: ACCOUNT OF THE KEY FACTS AND EVIDENCE

237. On 16 September I received a complaint from ZA, who was the other person involved in the incident about which XY complained. She wrote:

“On Wednesday 26th June 2019, myself and [XY] were operating a stall in the River Restaurant. The stall was full of materials referring to LGBT+ inclusion within the House of Lords, advertisements/sign-ups for Pride and Stonewall Training, and a ‘#NoBystanders’ pledge for all colleagues, Peers and visitors to sign. This pledge explicitly stated in text at the top of the poster that individuals signing would commit to stepping in and speaking up if they heard homophobic, biphobic or transphobic bullying/harassment.

Having signed the pledge earlier on, when our other colleagues were hosting the stand, Lord Stone approached the table dragging with him a gentleman in a visitor’s pass, who at this point already looked slightly uncomfortable. As myself and [XY] were engaged with another colleague (who it later became clear was a Peer), Lord Stone raised his voice whilst dragging the external visitor exclaiming ‘He wants to sign, where does he sign ... he wants the operation, is this where he signs up for the trans operation’. The visitor looked very embarrassed at this point, not saying anything as Lord Stone laughed and continued ‘He wants to be trans’. In between both exclamations I informed Lord Stone that he was very much mistaken. I was very much offended by Lord Stone’s transphobic outburst. After I spoke the second time, Lord Stone continued laughing, let go of his visitor and patted me on the shoulder as if to express the humorous nature of his outburst.

Once Lord Stone had left the restaurant with his visitor, the Peer who we had been talking to expressed an equal dislike for the behaviour of Lord Stone, and very quickly identified who he was.”

238. I did not carry out a preliminary assessment, as this had already been done with XY’s complaint, and it was clearly not a third-party complaint.
239. I sent a copy of the complaint to Lord Stone, who said that he had no comment to make other than what he had said in relation to the complaint by XY.
240. Sam Evans and I interviewed ZA on 19 September, with James Whittle in attendance.
241. She explained that she had had no personal contact with Lord Stone before the incident, but said she had:

“heard some things through friends within the Administration. I had also heard of things through the grapevine, kind of off the record, from colleagues ... of other people experiencing negative interactions with Lord Stone. But, other than that—in fact, actually on the day of this interaction I only really then put the name to the face so I hadn’t connected the dots prior to then—I had had a couple of conversations with [my boss] about it. I had also had a couple of conversations with colleagues who had witnessed other interactions with the colleagues

that had come to me ... just confirming where to go for support, what processes would look like, that sort of thing.”

242. On the day of the incident she had not been present when Lord Stone signed the pledge, but:

“When I eventually was able to get to the table—I think it was around lunchtime—I obviously read through all of the names to see if I recognised anybody, and Lord Stone was actually the first Peer, so it kind of stood out that he was the first Peer to have signed it, and they let me know that he had come over to the table and signed it.”

243. She said:

“The point at which I put the name to the face was after it happened, when the person that we were having a conversation with—who it then transpired was actually a Peer—very quickly identified him to us, so it was a face that I recognised, but at that point I didn’t recognise the name with the face.”

244. She gave a description of the incident:

“So, Lord Stone was holding the man with his left arm, holding the top of the man’s right arm, and it very much seemed like a dragging. Lord Stone was, I would almost use the word, overexcited, was quite energised, with a big grin on his face and was really projecting his voice and approached the table with quite some speed. I think he’d actually left the River Restaurant and had returned with this guest, but, yes, he was very enthusiastic in his approach to the table.

Sam Evans: Okay. You were speaking to somebody else, who you later realised was a Peer, when Lord Stone approached with this guest. How did his behaviour make you feel at the time?

ZA: I knew on his approach that there was going to be, from his perspective, some form of comedic energy to what he was doing ... my initial gut reaction was I knew it was going to be an uncomfortable situation, A, because the visitor looked so uncomfortable to be being involved in this interaction, but, B, because the way he was projecting his voice and as soon as I realised the first thing that he had said, I knew that it was transphobic in its nature, it was really, yes, uncomfortable.

Sam Evans: Okay, thank you. You said that he raised his voice while dragging the external visitor claiming “He wants to sign, where does he sign? He wants the operation. Is this where he signs for the trans operation?” And you said that the visitor looked very embarrassed, not saying anything, as Lord Stone laughed and continued ‘He wants to be trans’. You said that in between the respondent’s exclamations, you informed Lord Stone that he was ‘very much mistaken’. Can you remember exactly what you said to him the first time you spoke to him?

ZA: I know for a fact that I repeated the same phrase twice and it was very brief like that. So, on his approach, I was actually sat down next to the table and as he approached and started raising his voice, I stood up, kind of broke off conversation, and it was kind of explicitly, as I have said in there, I very solemnly let him know that he was—I think I

literally said, 'No, you are very much mistaken'. And then in between another breath somewhere along the way I repeated the same thing a second time. I very solemnly kind of stood up, yes.

Sam Evans: Okay. So, what was the message you were trying to give him? I think I know, but I just need to ask you.

ZA: I would like to think that most adult individuals would have been able to read my body language. It was very—what is the word that I am looking for here—I was very much against his approach, I was completely contrasting with his high energy and his enthusiasm and his comedic nature, I was very stern, I was very formal and very kind of monotone in my delivery. There are certain elements of me, on reflection, that think, if I hadn't known it was a Peer, I may have been slightly more enthusiastic in the way I then went back. However, I think it is twofold, because it was a Peer and because the Peer had an external guest, it was a different circumstance than I think it would have been, and I feel a little embarrassed saying that ... particularly because of the stand we were operating on the day. But, you know, they always say when those situations actually come around it is a bit different when you actually have to speak. So, I went for the stern, very short, very closed sentences kind of shaking the head in disapproval slightly approach to counteract the way he was behaving.

Sam Evans: Okay. Did he acknowledge your first comment when you said it the first time? Did he acknowledge it at all?

ZA: Mm-mh.

Sam Evans: What did he do?

ZA: Laughed.

Sam Evans: He laughed.

ZA: Mm-mh.

Sam Evans: When you said, 'You are very much mistaken'.

ZA: 'You are very much mistaken.'

Sam Evans: He laughed.

ZA: He laughed, yes, still dragging the visitor. So, for the first set of this speech he was on approach to the table and then he kind of got in between myself and [XY], and was next to the Baroness. That is when he then said the final thing to do with, 'He wants to be trans', I think it is. That is when I then again repeated, 'No, you are very much mistaken.'

Sam Evans: Okay. You also said that after you repeated that comment the second time that he continued laughing, this time let go of the visitor and patted you on the shoulder as if to express the humorous nature of his outburst.

ZA: Yes.

Sam Evans: What did you do? How did you feel at that time?

ZA: Uncomfortable, but angry, to be honest, was the overwhelming—I kind of saw red. I was seeing red anyway because of the transphobic behaviour that was literally happening at a stand that was talking about NoBystanders. I was annoyed that I felt like I couldn't do more because I, arguably, in some people's minds, was a bit of a bystander because I didn't do more, but the overwhelming emotion was anger. For me personally the pat on the shoulder wasn't hugely distressing, but I know ... that for a lot of people that would have been a real stickler, that would have been the thing that really, really bothered them. For me, it was more the patronising nature of it that was the thing that bothered me, but it did make me feel uncomfortable."

245. She was asked to explain why she had been so offended:

"I think the volume, the public display, the dragging of an external guest who was red in the face at this point. If he'd have just approached the table on his own and in a normal talking voice had said exactly what he said, I would have been offended—really offended—but I was really, as I think I said, very much offended because of the extent of the display. From my perspective, it was delivered in the way it was to draw attention and to bring people's attention to what he was saying and how he was doing it and his comedic perspective on what he was saying. If it had just been said in normal tones, I would have been offended but because so much energy was being put into the public display of it all, that is what really, really offended me, because it is an intent to show other people what he is saying and the mickey that he is taking out of what we are talking about. Uhm, yes—it is a very important subject..."

246. She described his contact with her, and her interpretation of it:

"[it was] the top of my shoulder, and it was my right shoulder, and I can't remember which arm that he did it with, but he did it in a kind of a motion just before he then left the River Restaurant. So the display happened, patted me on the shoulder and left, but it was, yes, it was one of his hands firmly—the whole hand—on the top of my right shoulder, covering my right shoulder and kind of giving it a couple of patronising pats to kind of express, or how I perceived it to be him expressing that it was just a joke and I didn't need to worry about it sort of thing..., you know, 'Get off, it is not a big deal, it's just a joke'.

Sam Evans: I think I know what the answer to this question is going to be, but I have to ask anyway. Did you welcome the physical contact?

ZA: Absolutely not—absolutely not.

Sam Evans: Did you give any indication—did you have time to give any indication that you didn't welcome the physical contact?

ZA: I was shaking my head. That was carried over from the shaking my head, from me saying 'You are very much mistaken' the second time, but it just kind of continued. I don't think I stepped back, because the chair was pushed against the wall and I was leaning against the chair with my calves, so I don't think I could kind of step back, but I was still shaking my head and I think my brow was definitely furrowed at this point because it was the second time I was having to say no ... I was [indicating], hands down, you know this is wrong; I can see it

in your face you know it is wrong; this is not appropriate at all; this is really phobic behaviour ... it was just horrible behaviour about real people's existence and life experience, and it was just awful; but also in such public places you don't know if there was someone around to have heard that and to have seen that it was a Lord and they are working in the House of Lords, that someone so senior can have that perspective and take such glee in expressing it, but also be allowed to get away with it in the moment, if you see what I mean. For a passer-by there didn't seem to be an immediate consequence to his behaviour. Hopefully, they would have seen me and heard me express a real distaste for what he had to say, but, yes, I was offended primarily on a personal level but also very much for other people that are around, because you never know who is around and what life experience they have had".

247. She was sure his words were transphobic:

"There was a determination in his approach to the table and the volume of his voice and you could see from the sheer embarrassment of his guest that he knew that what he was saying was absolutely the direct opposite of what the table's display was about and the pledge that he had signed earlier that morning, but also that it was very easy to say, which I believe to have been a signifier actually of his beliefs I think many people believe that phobic behaviours, homophobia, biphobia and transphobia, whatever it might be, need to be said really aggressively to be phobic behaviour and to be truly revealing of how somebody feels about something, but that is not the case, and there is caselaw that shows that that is not the case. This was a prime example of non-aggressive phobic behaviour because there was the mockery to it; it was mocking and poking fun and taking an active pleasure in just trivialising being trans and transitioning."

248. She felt his intention was to belittle her and XY, as well as trivialising the issue they were promoting.

249. She explained that when she had said, "You are very much mistaken" she was being formal because of the time and place of the incident and because Lord Stone was a peer, but if it had been "Joe Bloggs" in the street, she would have been much more emphatic:

"What are you talking about? This is absolutely obscene. What you are doing is really transphobic and I really hate how publicly you are trying to make a big deal out of this. This isn't funny; no one finds this funny. It is absolutely abominable that you are reducing such an important cause to something as flippant as this sort of joke".

250. She said that as a result of this incident she feels that she needs to keep an eye out for Lord Stone and feels uncomfortable at the prospect of coming across him on the parliamentary estate.

251. She confirmed the coffee incident described by XY:

"I was fully in depth in conversation with [XY] at this point—I was on the right side, she was on the left side—and I very quickly noticed her behaviour change: even though she wasn't talking, her eyes kind of went wide and she kind of stiffened up a little bit, and I looked to my right and literally, even though there's a crossing, Lord Stone was kind of, I would

almost say like skipping (there was a bit of a jump to his step) across the road and he said something along the lines of—he kind of approached with his hand to grab my coffee that I was holding (it was in a House of Lords cup, so that probably identified me as working at the House of Lords, the pass was obviously away at that point) but with, again, that really high energy, a big smile on his face—‘Oh, is that my coffee?’, sort of thing. As I said, I didn’t actually say anything, it all happened very quickly, so I carried on talking to [XY], I just kind of shook my head and furrowed my brow again and then carried on walking. But I knew that he was approaching purely from [XY]’s demeanour before I’d even looked because we have interacted—we have been in enough situations where he has been around and I spend enough time with her to know when she is uncomfortable, and, again, just weird ... It just kind of—it’s, again, uncomfortable. I am trying to find another similar word but you just kind of feel that ‘Oof, Eeugh’, it’s just a bit creepy. It makes you feel a bit, ‘Uh, that was a bit weird. Why would he run across the middle of the road when there are cars to ask me if I’ve got his coffee for him’, like it was—I am normally really eloquent, normally a lot better with my words. It’s just a distaste, again an ‘uncomfortability’, just not feeling okay with the situation.”

CHAPTER 11: ANALYSIS AND FINDINGS

Behaviour Code

252. The complainants all allege that Lord Stone breached the Code of Conduct by his behaviour towards them. Paragraph 10 of the Code provides that:

“Members of the House should observe the principles set out in the Parliamentary Behaviour Code of respect, professionalism, understanding others’ perspectives, courtesy, and acceptance of responsibility. These principles will be taken into consideration when any allegation of bullying, harassment or sexual misconduct is under investigation.”

253. The Behaviour Code is at Appendix A of the Code, and states:

“whether you are a visitor or working in Parliament at Westminster or elsewhere, there are clear guidelines in place on how you should be treated, and how you should treat others:

- Respect and value everyone—bullying, harassment and sexual misconduct are not tolerated ...
- Recognise your power, influence or authority and don’t abuse them
- Think about how your behaviour affects others and strive to understand their perspective
- Act professionally towards others
- Ensure Parliament meets the highest ethical standards of integrity, courtesy and mutual respect
- Speak up about any unacceptable behaviour you see”

254. I start this section by considering Lord Stone’s behaviour against the principles in the Behaviour Code.

Respect and value everyone

255. Lord Stone claimed that his behaviour towards FG and PQ was an expression of his respecting and valuing them. I deal with this in more detail below. He acknowledged that his behaviour towards XY and ZA was motivated by annoyance at what he felt was disrespect towards him, which led him to “go too far”. His behaviour was disrespectful towards XY, ZA and the equality, diversity and inclusion ambitions of the House of Lords.

Recognise your power, influence or authority and don’t abuse them

256. Lord Stone claimed that he was on an equal footing with the complainants, or at least that he wanted to be on an equal footing, and behaved accordingly. Whatever his intentions and wishes, he clearly was not on an equal footing and even if he did not recognise this, the complainants very much did. All of them expressed very eloquently the specific effects on them, and the constraints imposed on their responses by the culture of deference in the House of Lords and their own senses of professionalism. To the extent that Lord Stone’s wish to be treated as an equal led him to behave as he did, he

failed to recognise his power, influence and authority, and he breached the Behaviour Code by acting as though they did not exist.

257. Interestingly, in relation to XY and ZA it seems that Lord Stone was annoyed because he felt that they (actually the two staff members on duty before XY and ZA) did not sufficiently recognise and respect what he considered to be his superior knowledge and experience, such that his subsequent behaviour was intended to teach them a lesson. This suggests that his wish to be seen as an equal, and no more, to House staff is based on the interaction being initiated by him and under his control.

Think about how your behaviour affects others and strive to understand their perspective

258. Lord Stone claimed that he did think about how his behaviour affected others and, in the case of FG and PQ, intended to be entirely benign as his behaviour was intended to improve their perceived (on his part) low self-esteem. During his interview he appeared to accept that they had a different perspective, but attributed this to something problematic within them that prevented them from accepting, and benefiting from, his attempts to make them feel better about themselves.
259. When I discussed the draft reports of the facts with FG and PQ they found this belief by Lord Stone to be supremely patronising and utterly misguided. They pointed out that his observation that they behaved like “automatons” at work was a learned response when they saw him coming to minimise exposure to him and the risk of further inappropriate behaviour; it was not at all representative of their normal workplace demeanour, which is cheerful, open and confident.

Act professionally towards others

260. Acting professionally may be manifested in many ways, but putting a kiss (x) at the end of an email to a member of staff with whom you have no kind of relationship other than that arising from her having done a piece of work for you as part of her job does not appear professional. It was experienced as over-familiar, unprofessional and patronising by PQ. Although Lord Stone attempted to rebut criticism by providing details of other men and women who had received similar valedictories, the fact that all these people had quite different relationships with him from the one that he had with PQ rather underlined the point that he could not recognise the professional boundary that was crystal clear to PQ, and me.

Ensure Parliament meets the highest ethical standards of integrity, courtesy and mutual respect

261. Some of the comments on previous requirements also apply here.

Speak up about any unacceptable behaviour you see

262. This does not apply to Lord Stone in these complaints, but does raise the question as to what efforts have been made by other members, in this self-regulating establishment, to challenge Lord Stone on other occasions, which, by his account, must be numerous.

Bullying, harassment and sexual misconduct

263. At the preliminary assessment stage I concluded, with the assistance of Ms Evans, that in each case the behaviour complained of could amount to bullying, harassment or sexual misconduct, if proved on the balance of probabilities.
264. The initial complaints had alleged a failure to act on personal honour (FG) and bullying (PQ, XY and ZA). Although Lord Stone's behaviour may well have breached the Code in these ways, I considered that I should decide, on the facts, which requirements of the Code most accurately fitted the various behaviours complained of. I have no doubt that other complaints will be made about the conduct of members towards staff, and I consider it important to try and establish appropriate consistency in investigations, findings and outcomes.
265. Acting on personal honour is an ancient requirement for members of the House of Lords and is largely undefined. It serves a useful purpose when other requirements of the Code cannot be brought into play, but where there are specific and carefully defined requirements that cover the situation, I consider that it is best to use those requirements. I have therefore not considered whether Lord Stone's behaviour towards FG amounted to a failure to act on his personal honour.
266. In each of the four complaints Lord Stone acknowledged the behaviour alleged in the complaint, thereby proving the alleged behaviour more conclusively than on the balance of probabilities. However, Lord Stone did not accept that this behaviour necessarily amounted to bullying, harassment or sexual misconduct. I have therefore tested each complaint against the relevant definitions in the Code.
267. The criteria for bullying and harassment largely overlap, such that a finding of harassment will often automatically provide good evidence of bullying. However, as a matter of fairness, where behaviour meets both definitions, I have only made a finding on one of the definitions. No-one reading the report should be left with the impression that Lord Stone has been found to have breached the Code twice on separate matters arising out of a single incident.
268. I consider that where there is evidence that particular behaviour meets the criteria for bullying and harassment, harassment is the more serious breach of the Code. The unwanted conduct relates to a protected characteristic and necessarily involves elements of targeting or discrimination based on a protected characteristic, which is, in my view, an attack on personal identity. Therefore, when Lord Stone's behaviour appeared to meet both sets of criteria, which in all four cases it did, my formal finding has been that he has harassed the complainant.
269. On each of the definitions, a crucial element is the perception of the conduct and the effect that the behaviour has on the person on the receiving end of it, who is the only person allowed to make a complaint.
270. Harassment is defined as:
- “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. Under the Equality Act 2010, harassment is related to one or more of the relevant ‘protected characteristics’ which include age, sex, race, disability, religion or belief, sexual orientation and gender reassignment.”

271. A further provision within the UK Parliament policy (supported by the ACAS guidance on bullying and harassment at work) is that:

“A person may also be harassed even if they were not the intended ‘target’ of harassment. For example, a person may be harassed by jokes about a religious group that they do not belong to, if these jokes create an offensive environment for them.”

272. Bullying is characterised 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. Power does not always mean being in a position of authority and can include both personal strength and the power to coerce through fear or intimidation.

Like harassment, bullying can take the form of physical, verbal and non-verbal conduct but does not need to be related to protected characteristics.”

273. Sexual misconduct is described in the Guide to the Code as incorporating “a range of behaviours including sexual assault, sexual harassment, stalking, voyeurism and any other conduct of a sexual nature that is non-consensual or has the purpose or effect of threatening, intimidating, undermining, humiliating or coercing a person.”

274. Behaviour that can constitute sexual misconduct includes “sexual remarks including those about appearance or clothing ... verbal advances ... touching, groping ... Uncalled-for physical contact ... Unwelcome and inappropriate touching ... grabbing” where such behaviour occurs “inappropriately or without explicit full and freely given consent.”

FG’s complaint

275. FG complained that Lord Stone grabbed her arm when they were alone in an enclosed stairwell, preventing her from moving on, and insisting that she believe his assertions that she was beautiful. She felt he had taken advantage of the fact they were in a secluded spot with no-one around, and thought that he only let go of her arm when someone else entered the stairwell. She was shocked and anxious at his action, and subsequently worried about coming across him again.

Did Lord Stone’s behaviour amount to harassment?

Was Lord Stone’s behaviour unwanted physical, verbal or non-verbal conduct?

276. Yes, it was verbal and physical conduct, and unwanted.

Did it have the purpose or effect of either violating FG’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for her?

277. Yes.

Was the behaviour associated with one or more protected characteristic?

278. FG believed that Lord Stone's behaviour was associated with her age and sex: i.e. he behaved the way he did because she was a young woman.
279. Lord Stone said that he behaved in the same way to men and women of all ages and backgrounds. However, although he told us of compliments to others about their clothes and hair, he did not provide any evidence of having held others to insist upon their beauty. I also noted that those who had previously complained to Mr Ollard were all women.
280. **On the basis of the evidence, I consider it more likely than not that Lord Stone's behaviour was associated with FG's age and sex. I find therefore that his conduct amounted to harassment related to both age and sex.**

Did Lord Stone's behaviour meet the criteria for sexual harassment amounting to sexual misconduct?

Was his conduct of a sexual nature?

281. FG felt that Lord Stone's behaviour on the staircase was an escalation of behaviour that, when she complained to Mr Ollard, was described as "flirtatious". She was concerned that, if she had not complained, there could have been further escalation.
282. Lord Stone insisted that he had no sexual motivation, but simply wanted to get his view across to FG that she was beautiful, as he thought she suffered from low self-esteem.
283. The sexual misconduct definition, as with the other definitions, looks at the "purpose or effect" of behaviour in deciding whether sexual misconduct has occurred. So, if FG felt threatened, intimidated, undermined, humiliated or coerced, this would meet the relevant criterion, even if Lord Stone had not intended to have this effect.
284. However, the requirement that the conduct has to be of a sexual nature does not have this subjective element. It is necessary to establish whether, objectively, the behaviour was more likely than not to be of a sexual nature.
285. It was perfectly reasonable and understandable for FG to consider that Lord Stone's behaviour in the stairwell was sexually motivated.
286. However, Lord Stone denied this, and gave a 'non-sexual' explanation that is plausible, if not totally convincing in the context of an escalating pattern of behaviour.
287. In considering the plausibility of Lord Stone's explanation, I bear in mind his response to other complaints, and his views about physical contact between people who are not friends, or even known to each other. I have therefore concluded that his behaviour, although crass, intimidating and wrong, cannot be shown, on the balance of probabilities, to have been sexual.

Was Lord Stone's behaviour non-consensual?

288. Yes

Did it have the purpose or effect of threatening, intimidating, undermining, humiliating or coercing FG?

289. Yes, FG explained that she was intimidated by his actions on the staircase.
290. **Lord Stone's behaviour did not fully meet the criteria for sexual harassment, so there is insufficient evidence to support a finding of sexual misconduct.**

Did Lord Stone's behaviour meet the criteria for bullying?

291. I have explained above why I do not intend to make two findings on the same facts, and therefore, although it is likely that Lord Stone's behaviour towards FG also meets the criteria for bullying, I have not carried out an analysis to establish whether this is the case.

Conclusion

292. **Harassment is a breach of the Behaviour Code and the Code of Conduct. I therefore uphold FG's complaint that Lord Stone's behaviour breached the Code of Conduct.**

PQ's complaints

293. PQ had two complaints. First, that Lord Stone, in response to a formal work email from her, put a kiss (x) at the end of his email, which she found patronising, over familiar and inappropriate; and secondly that he had come over to her desk, so that she could not avoid him, and had stroked her arm for between 5 and 10 seconds to thank her for a piece of work she had done for him. This made her feel angry, anxious, pinned in and uncomfortable at the time, and has made her anxious at having to deal with him at work in case he behaves inappropriately in this way or in other ways that she has observed him behaving with young female colleagues.

Did Lord Stone's behaviour amount to harassment?

Was Lord Stone's behaviour "unwanted physical, verbal or non-verbal conduct" which took place in "in person or ... in writing"?

294. Yes, in one case it was unwanted physical conduct, and in the other unwanted written conduct.

Did it have the purpose or effect of either violating PQ's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for her?

295. Yes, PQ felt uncomfortable, angry, anxious and pinned in, and remains anxious about the risk of future inappropriate conduct.

Was the behaviour associated with one or more protected characteristic?

296. PQ believed that Lord Stone's behaviour was associated with her age and sex: i.e. he behaved the way he did because she was a young woman. Lord Stone said that he behaved in the same way to men and women of all ages and backgrounds, and gave examples of this. However, his examples did not include examples of him behaving towards male colleagues of PQ as he had towards her. When asked about this, Lord Stone acknowledged that he behaved differently towards male colleagues of PQ. I also note that those who had previously complained to Mr Ollard were all women.

297. **Based on the evidence gathered, I consider it more likely than not that Lord Stone’s behaviour was associated with PQ’s age and sex. I find therefore that his behaviour amounted to harassment related to both age and sex.**

Did Lord Stone’s behaviour also meet the criteria for sexual harassment amounting to sexual misconduct?

Was his conduct of a sexual nature?

298. PQ considered that Lord Stone’s behaviour was sexist rather than sexual, in that he was patronising, over-familiar and did not respect her professional status because she was a young woman.
299. Lord Stone did not agree with her perception of his attitude, but did agree that his behaviour was not sexual in nature. He asserted, as he had done with FG, that he was attempting to raise her self-esteem by being effusively appreciative of the work she had done for him.
300. **There is insufficient evidence to show, on the balance of probabilities, that Lord Stone’s behaviour was sexual in nature. Lord Stone’s behaviour did not fully meet the criteria for sexual harassment, so the evidence does not support a finding of sexual misconduct.**

Did Lord Stone’s behaviour meet the criteria for bullying?

301. I have explained above why I do not intend to make two findings on the same facts, and therefore, although it is likely that Lord Stone’s behaviour towards PQ also meets the criteria for bullying, I have not carried out an analysis to establish whether this is the case.

Conclusion

302. **Harassment is a breach of the Behaviour Code and Code of Conduct. I therefore uphold PQ’s complaint that Lord Stone’s behaviour in these two instances breached the Code of Conduct.**

XY’s complaint

303. XY complained that, while she was at a stall promoting LGBT awareness and a pledge to challenge homophobic, biphobic or transphobic behaviour, Lord Stone came to the stall with a guest and very publicly made a loud and offensive transphobic ‘joke’ about his friend wanting to sign up to have an operation to become trans. She found his comments offensive, disrespectful, and undermining.

Did Lord Stone’s behaviour amount to harassment?

Was Lord Stone’s behaviour “unwanted physical, verbal or non-verbal conduct”?

304. Yes, it was unwanted verbal conduct.

Did it have the purpose or effect of either violating XY’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for her?

305. Yes, XY was offended personally and on behalf of others, and felt angry, disrespected and undermined.

Was the behaviour associated with one or more protected characteristic?

306. Lord Stone's remarks related to gender reassignment, which is a protected characteristic. As explained above XY could be harassed even if she were not the intended target of harassment, because Lord Stone's 'joke' about gender reassignment created an offensive and undermining environment for her.

307. **Lord Stone's 'joke' and associated behaviour met the criteria for harassment related to gender reassignment.**

Did Lord Stone's behaviour also meet the criteria for sexual harassment amounting to sexual misconduct?

Was his conduct of a sexual nature?

308. There was no suggestion that his unwanted verbal behaviour was sexual.

309. **Lord Stone's behaviour did not meet the criteria for sexual harassment, so I have made no finding of sexual misconduct.**

Did Lord Stone's behaviour meet the criteria for bullying?

310. I have explained above why I do not intend to make two findings on the same facts, and therefore, although it is likely that Lord Stone's behaviour towards XY also meets the criteria for bullying, I have not carried out an analysis to establish whether this is the case.

Conclusion

311. **Harassment is a breach of the Behaviour Code and Code of Conduct. I therefore uphold XY's complaint that Lord Stone's behaviour breached the Code of Conduct.**

ZA's complaint

312. ZA was present with XY and her complaint was similar, but she also complained that Lord Stone had patted her shoulder after his 'joke'. She found his 'joke' offensive and belittling, and the unwanted pats on the shoulder patronising.

Did Lord Stone's behaviour amount to harassment?

Was Lord Stone's behaviour "unwanted physical, verbal or non-verbal conduct"?

313. Yes, it was unwanted physical and verbal conduct.

Did it have the purpose or effect of either violating ZA's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for her?

314. Yes, ZA was "very much offended by Lord Stone's transphobic outburst" which made her very angry and uncomfortable. She felt that Lord Stone intended to belittle her, XY and the cause they were promoting that day. On her own behalf and on behalf of others, she felt angry, disrespected and undermined.

315. She felt patronised and uncomfortable when he patted her on the shoulder, which she interpreted as Lord Stone telling her that his remarks were "not a big deal", and "just a joke".

Was the behaviour associated with one or more protected characteristic?

316. Lord Stone's remarks related to gender reassignment, which is a protected characteristic. As explained above, ZA could be harassed even if she were not the intended target of harassment, because Lord Stone's 'joke' about gender reassignment created an offensive and undermining environment for her.
317. His pats on her shoulder were part of the same incident, and arose from the 'joke'. Although I find it likely that Lord Stone assumed he could touch ZA without her consent because she was a young woman, it is equally likely that the pats on the shoulder related to gender reassignment due to ZA's presence at the stall and her perceived association with that protected characteristic.
318. **Lord Stone's behaviour met the criteria for harassment associated with gender reassignment.**

Did Lord Stone's behaviour also meet the criteria for sexual harassment amounting to sexual misconduct?

Was his conduct of a sexual nature?

319. There was no suggestion that his verbal behaviour was sexual.
320. Although the pats on the shoulder amounted to unwanted physical contact, there is no suggestion that the contact was sexual in nature or that it was received as such.
321. **Lord Stone's behaviour did not meet the criteria for sexual harassment, so there is no finding of sexual misconduct.**

Did Lord Stone's behaviour meet the criteria for bullying?

322. I have explained above why I do not intend to make two findings on the same facts, and therefore, although it is likely that Lord Stone's behaviour towards ZA also meets the criteria for bullying, I have not carried out an analysis to establish whether this is the case.

Conclusion

323. **Harassment is a breach of the Behaviour Code and Code of Conduct. I therefore uphold ZA's complaint that Lord Stone's behaviour breached the Code of Conduct.**

CHAPTER 12: OUTCOME

324. Under the Code of Conduct, when I uphold a complaint of bullying, harassment or sexual misconduct, I must produce a report for publication and identify an appropriate outcome, which can range from no action to expulsion from the House. Three possibilities follow:
- If the conduct complained of, though justified, is towards the lower end of the scale of seriousness, is acknowledged by the member concerned, and is agreed by both the complainant and the member, the matter can be dealt with by remedial action;
 - If remedial action is proposed, but either the complainant or the member does not agree to it, my report and recommended sanction go to the Conduct Committee;
 - If the complaint is too serious to be dealt with by remedial action, my report and recommended sanction also go to the Conduct Committee.
325. If my report goes to the Conduct Committee, any of my findings can be appealed by the complainant and the member, and the member can also appeal my recommended sanction. Nothing will be published until the outcome of any appeal, at which point the Conduct Committee will publish its own report, to which my report will be annexed. Any report of the Conduct Committee upholding a complaint and proposing a sanction would then be referred to the House for approval.
326. If the case is dealt with by remedial action, I publish my report on my webpage, and have the option of reporting to the Conduct Committee.
327. In this case, there are four complainants, and I upheld all the complaints. In making the necessary decisions on outcomes, I have been guided by the principle of proportionality.
328. The first matter for me to consider was whether these complaints were minor, so could possibly be dealt with by remedial action. The factors that I considered were:
- Each piece of behaviour by Lord Stone was relatively minor, although the effects on the complainants were unpleasant and long lasting;
 - There were four complaints;
 - Mr Ollard's report showed that seven complainants had been received (including from those who had complained formally to me) about Lord Stone's conduct; and
 - The wider impact of decisions made in cases like these on the working environment and culture of the House of Lords.
329. I concluded that I should not take into account, in considering whether remedial action could be an outcome, the other complaints included in Mr Ollard's response. I did not have the details of all of those complaints, not all of the complainants had not approached me (though some of those covered by this report had), and I had not carried out any investigations into those who had not made formal complaints.

330. I considered whether the number of complaints made remedial action inappropriate, and decided that, in these particular circumstances, it did not. All the behaviours complained of took place before Lord Stone was aware that any complaint had been made to me, so there was no hard evidence of him knowingly flouting the Code after he knew a formal complaint had been accepted for investigation.
331. Finally, I considered the effect on others of decisions made in this case. The purpose of the recent changes in the Code is to create a working environment in which bullying, harassment and sexual misconduct have no place.
332. For the new provisions to work, they have to be used. This means that complainants have to have confidence in the process. I think it is reasonable to assume that many complainants will be looking for an outcome that is fair, as quick as possible, and into which they have some input.
333. Remedial action meets these criteria, as it can only take place if the complainant agrees and it brings an end to the process. The fact that the member has to acknowledge their conduct and agree the remedial action is further evidence of the fairness of the process and outcome.
334. I therefore concluded that remedial action was an option.
335. In the Code, apologies and training are given as possible remedial actions. Other actions may be possible, but it seems right to consider first whether one or other, or both, of these would be proportionate.
336. In considering proportionality, I took into account the likely unpleasant consequences for Lord Stone when my report is published. I also took into account the complainants' wishes that Lord Stone no longer behave in the ways they had described in their complaints. I also considered the information from Mr Ollard that Lord Stone had behaved in similar ways to other staff, and had not apparently changed his behaviour when told of the complaints.
337. My experience of discussing the complaints with Lord Stone led me to believe that publicity and/or disapprobation from those around him would be unlikely to effect any lasting change.
338. I considered, and discussed with the complainants, whether they wanted an apology from Lord Stone. They did not.
339. I then went on to discuss the possibility of training, and described, in broad terms, what would be involved.
340. The House of Lords has a contract with an organisation to provide training in cases like these. The training consists of one-to-one sessions with someone who specialises in behaviour change coaching during which the member will be encouraged to look at their behaviour and its impact on others, so as to achieve long-term change. The sessions take place over several weeks, and, although the content is entirely confidential, a report will be sent to me about the extent to which the member has engaged.
341. The complainants, understandably, wanted to know whether attendance and engagement could be enforced, and what the consequences would be if Lord Stone did not complete the training, or if it did not change his behaviour. Having read Lord Stone's response to their complaints, and justifications

for his behaviour, they were somewhat sceptical as to the likelihood of Lord Stone being willing or able to change his behaviour.

342. I told them that I could not enforce attendance and engagement, but that a failure to undertake the agreed training could in itself be investigated as a breach of the Code.
343. If Lord Stone's behaviour does not change, it seems to me to be very likely that, following the publication of the report, further complaints would be made against him, which I would investigate. As I explain in paragraph 77, if the respondent is the subject of complaints relating to conduct similar to that previously dealt with by remedial action, I would take into account this apparent lack of modification in his or her conduct when considering whether further remedial action would be appropriate.
344. On this basis, the complainants agreed that Lord Stone should be given the opportunity to undertake bespoke training to address his behaviour, and said that they would be willing to agree remedial action. They were aware that they could refuse to agree to this, which would result in the matter going to the Conduct Committee, which could decide on a different sanction.
345. Each complainant was seen separately, and none was aware of what any other had agreed. If some had rejected remedial action, and others agreed to it, a report would have gone to the Conduct Committee in relation to the complainants who did not wish for remedial action, and I would have continued with the option of remedial action for the others.
346. Although it was fairly clear to me that the complainants were not totally convinced that training would be effective, I was satisfied that they recognised that this was the best option at this point, and that their consent to remedial action was genuine.
347. After the discussions with the complainants, I had a meeting with Lord Stone. I told him that I upheld all the complaints, and that his behaviour met the criteria for harassment, but not sexual misconduct.
348. I explained that there was the possibility of a remedial action, and went through what this meant, and the various consequences of remedial action or a report to the Conduct Committee.
349. I told him that the remedial action I had identified, and that the complainants had agreed, was bespoke training and behaviour change coaching, and I told him some of what would be involved.
350. Lord Stone readily agreed that he would benefit from training, and we agreed that we would put him and the training organisation in contact with each other as quickly as possible.
351. Lord Stone is already in contact with the training organisation.
352. **As the complainants and Lord Stone agreed that Lord Stone would undertake bespoke training to address his behaviour and its effects on others, this is the outcome to the complaints made by FG, PQ, XY and ZA.**

CHAPTER 13: CONCLUSION

353. This is my first report dealing with complaints made under the new provisions for bullying, harassment and sexual misconduct. The special procedure for investigating such complaints has worked well, and Sam Evans' input has been invaluable. Although the procedure allowed me to delegate any part of the investigation to her, I did not do so. We worked together throughout, ably supported by the Clerks who assist me: James Whittle and, in the later stages of the investigation, Moriyo Aiyeola.
354. I have already expressed my appreciation of the complainants, and I hope they recognise that they have not only stood up for themselves, but have shown others that change is possible.
355. Lord Stone was fully co-operative throughout, responding promptly to requests for action, attending meetings timeously and confirming the accounts of his behaviour given in the complaints. I thank him for this.
356. The investigations took longer than I would have wished, with the first complaint coming in early July. The reasons for the length of time include co-ordinating four complaints, the intervention of summer holidays and the Parliamentary recess, and pressure of work. These factors will not always apply, and some complaints should be dealt with more quickly. It will always be my ambition to do so.
357. I hope that those reading the report will not try and identify the complainants. They experienced behaviours that they felt personally were inappropriate and unacceptable in the workplace and that were contrary to efforts to bring about culture change in the House of Lords. They showed courage and principle in deciding to bring these cases, not least because they want to bring about behaviour change and prevent others being subject to similar conduct.
358. The complainants brought their cases in the legitimate expectation that their privacy would be protected. They now want to move on, continue with their professional lives in an improved working environment and do not wish to be defined by their experiences. Attempts to identify them may make that difficult for them and may deter other potential complainants from speaking out. I would ask that readers respect their wishes.