



HOUSE OF LORDS

House of Lords Commissioner for Standards
Annual Report 2012–2013



Foreword

This report, my third, covers the period from 1 June 2012 to 31 May 2013.

In my last report I highlighted the importance of demonstrating that legitimate public concerns are addressed in a rigorous and transparent manner. It is of interest that during the year under review the number of complaints has increased and that they emanated from media investigations and complaints lodged by both members of the public and by politicians.

I believe my reports on individual cases speak for themselves. They illustrate the concerns held by the public and the application of the guidance in the Code of Conduct, which is designed to assist members in upholding the standards of conduct expected of them.

Paul Kernaghan CBE QPM
Commissioner for Standards

Review of the year

Complaints resulting in sanction

It is not my role to recommend appropriate action, including sanctions, against members who have breached the Code. I do, however, have the ability to agree “remedial action” in cases where the breach is minor and acknowledged by the member concerned. In such cases the remedial action invariably includes “setting the record straight” and making a formal apology for the breach by way of a letter to the chairman of the Sub-Committee on Lords’ Conduct. In the year under review I was able to dispose of all breaches by way of remedial action.

Complaints in general

The complaints I dealt with between 1 June 2012 and 31 May 2013 are set out in the table below. The table covers only the complaints disposed of during the last year; other complaints received but not disposed of during the reporting year will be covered in next year’s annual report.

| | |
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| Formal complaints received | 16 |
| Complaints subject to investigation | 10 |
| (a) complaints dismissed in full | 6 |
| (b) upheld in whole or in part and resolved by remedial action | 4 |
| (c) upheld and referred to the Sub-Committee for sanction | 0 |
| Complaints not investigated | 6 |
| (a) because fell outside remit | 5 |
| (b) because anonymous | 0 |
| (c) because repeating allegations of previous inquiry | 0 |
| (d) because trivial or vexatious | 0 |
| (e) because no <i>prima facie</i> evidence of breach established | 1 |

It can be seen that the number of complaints increased from 10 in 2011–12 to 16 this year. Perhaps more significantly, the number of formal investigations increased from four to 10. I found that in four cases there had been a breach of the Code but was able to dispose of the complaints by way of remedial action.

Correspondence from members of the public

I continue to receive letters from the public which either do not contain complaints per se, or which fall outside my remit. Two issues are frequently raised: the sanctions available to the House in respect of breaches of the Code; and expressions of opinion by members. I remarked on the sanctions regime in my last annual report; there were no significant developments in the year to which this report relates.

Some correspondents take issue with views and opinions expressed by members and seek to argue that those views and opinions are in themselves breaches of the Code. However, the Code is limited to the discharge of members' parliamentary duties and the Guide to the Code excludes "policy matters or a member's views or opinions" from my remit. I highlight this limitation as several letters have concerned issues of contemporary debate, including climate change and forms of medical treatment and causation. I am neither required nor qualified to adjudicate on such issues.

Meetings, etc.

In the course of the year I contributed to the Triennial Review of the Committee on Standards in Public Life and made proposals to the Sub-Committee on Lords' Conduct for changing the system of publicising complaints that are underway.

I continue regularly to meet "G7" colleagues, who hold analogous advisory and regulatory posts.

Reflections and looking forward

This report documents an increase in both complaints and complaints upheld, though all the breaches were dealt with by way of remedial action. The breaches mostly involved failures to register or appropriately declare relevant interests. The public place great store on openness and accountability and it is important that members are zealous in ensuring that they discharge their obligations in respect of registering and declaring interests. When I have drawn breaches to the attention of members, they have invariably recognised their failures and apologised without reservation. I am satisfied that in all those cases there was no intention to deceive or obfuscate; rather they simply failed regularly to review their relevant interests and ensure their compliance with the Code. I therefore encourage members to consult the Registrar of Lords' Interests if they are in any doubt as to whether to register or declare; a member who acts on the advice of the Registrar in determining what is a relevant interest satisfies fully the requirements of the Code of Conduct in that regard.

In this reporting year two investigations arose from media coverage alleging that members had breached the Code, based on interviews between the members and investigative journalists which were covertly recorded. I found that neither member had breached the Code. However, I wish to emphasise that members must ensure that their conduct, where it touches on their membership of the House, upholds the principle of personal honour at all times.