



HOUSE OF LORDS

House of Lords Commissioner for Standards
Annual Report 2019–20



Foreword

This report covers the period 1 June 2019 to 31 May 2020. During this fourth year of my appointment, I received 79 complaints, of which I have investigated 18.

This year has seen a significant increase in the number both of complaints that have reached my office and of investigations launched. Reasons for this include the amendments to the Lords Code of Conduct and the Guide to the Code that were made at the end of my last reporting year. These included the House agreeing to the incorporation of the Parliamentary Independent Complaints and Grievance Scheme (ICGS) into the Code and Guide on 30 April 2019. The requirements of how complaints may be submitted to my office were also changed: previously complaints could only be posted to my office in writing but now may also be sent by email. For complaints alleging bullying, harassment and sexual misconduct, complaints may also now be submitted to my office via the independent helpline. To account for this increase in my workload, my office has been undergoing expansion and I am now receiving additional clerk and administrative support.

Since these changes were brought in, I have concluded my first cases under the new ICGS which produced their own challenges and matters for reflection. During these investigations and following the publication of my first two ICGS reports, gaps in the Code were highlighted where changes needed to be made to ensure ICGS investigations could be conducted more robustly and to ensure safeguards for complainants. The need for these changes was no surprise: any new process will require amendment as real cases reveal situations not fully dealt with by the existing process.

To address these matters the Code has since undergone further amendment, including granting me the power to enforce access restrictions to relevant parliamentary services and facilities on a member while under investigation. I am now also able to make it a condition of remedial action which includes training that the member must adhere to specific restrictions on their access to the facilities and services of the House until the training is complete.

One matter that arose from my report into Lord Stone of Blackheath's conduct following publication was the inclusion of Lord Stone's racially offensive language from an extended extract of a transcribed interview. Some readers of my report were understandably offended by the language used and asked whether a complaint could be made based on having read this language. Following careful consideration, I concluded that for a complaint to engage the Code of Conduct, a complaint could only have been made if that individual had come into direct contact with Lord Stone in the course of the interview of taking place. Paragraph 17 of the Code of Conduct says:

“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 breach of this Code.”

Paragraph 120 of the Guide to the Code says that in ICGS cases “only those directly affected by the alleged behaviour can make a complaint”.¹

Therefore, I concluded that a complaint made on the basis of language read via a published report did not meet these provisions.

There was also concern surrounding the inclusion of the language without any censorship or a trigger warning. I believe that it was important to include the language to reflect fairly and fully the evidence I gathered during the course of the investigation and not to in any way minimise views expressed or material uncovered. However, I did accept more should have been done to make clear the language was not acceptable, alert readers to offensive material, and that the language used would not be minimised by redaction. Therefore, the online version of my report was edited to include a warning about the report’s content and certain words were redacted, leaving only the initial letter. This will be repeated and tailored for future reports where the material so requires.

I cover the outcomes of these first investigations under the new ICGS in more detail below.

Lucy Scott-Moncrieff CBE
Commissioner for Standards

¹ *Code of Conduct for Members of the House of Lords and Guide to the Code of Conduct*, 10th edition

Review of the year

Investigations

While I launched 18 investigations in this reporting year, the investigations summarised below are only those that I completed in this reporting year. For some of the cases below, the complaints were received in the previous reporting year. Other investigations started in this reporting year and not summarised below have continued into the following reporting year and will be addressed in my next annual report.

Lord Black of Brentwood

I investigated a complaint I received from Nathan Sparks on behalf of the Hacked Off Campaign. He alleged Lord Black had breached the Code of Conduct in that his description of the role of the Regulatory Funding Company (RFC), of which he was Director, was insufficient. He also alleged Lord Black had failed to declare his interest in the RFC during a debate on the consideration of Commons amendments to the Data Protection Bill on 14 May 2018.²

I found that it was reasonable to consider the description of his role of the RFC insufficient. By only including two of the company's substantive objectives in his register entry, this was misleading by omission. I also found that Lord Black's interest in the RFC was relevant to the debate in the Commons amendments to the Data Protection Bill. I considered Lord Black had therefore breached the Code in both respects.

However, I did not believe that Lord Black intended to mislead the House so I considered the case could be resolved by remedial action. This usually involves "putting the record straight". Lord Black has therefore amended the description of the RFC in the Register and written a formal apology to Lord Mance, the Chair of the Conduct Committee.

Baroness Meacher

I investigated a complaint I received from Dr Gordon Macdonald, Chief Executive of the Care Not Killing Alliance, who wrote to me alleging that Baroness Meacher had breached the Code of Conduct by failing to declare her interest as Chair of Dignity in Dying (DiD) in relation to an oral question she asked in the House on 23 May.³

Baroness Meacher accepted that she ought to have declared her registered interest. In the light of this, I considered that the case could be resolved by remedial action. As Baroness Meacher's entry in the Register was accurate, I proposed a letter of apology would be sufficient remedial action in this case. Baroness Meacher fulfilled this remedial action by writing to the Chair of the Conduct Committee.

² Report into the Conduct of Lord Black of Brentwood, December 2019.

³ Report into the Conduct of Baroness Meacher, June 2019.

Lord Stone of Blackheath

I investigated four separate complaints against Lord Stone.

Complainant FG had reported that Lord Stone had stopped her when they were alone in a stairwell of the Palace of Westminster to comment on her appearance and also initiated physical contact with her by grabbing her arm to emphasise his comments.⁴

Complainant PQ had written to complain about two examples of Lord Stone's conduct. In the first Lord Stone had replied to a professional email exchange with PQ by signing off with a kiss: "x". PQ had also done some work for Lord Stone, nothing she considered to be particularly taxing or beyond the usual expectations of her role. He had responded by coming to her desk to thank her and stroking her arm for five to ten seconds which she considered unwelcome and inappropriate physical contact.

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 behaviours. 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, he patted ZA on the arm and told her he was only joking.

For the first two complaints, I found that the behaviour met the criteria for harassment related to the protected characteristics of age and sex and was a breach of the Code of Conduct. For the final two complaints I found that the behaviour met the criteria for harassment related to the protected characteristic of gender reassignment and was also a breach of the Code.

To account for all complaints, I proposed that Lord Stone undertook bespoke training and behaviour change coaching provided by an external supplier. All complainants and Lord Stone agreed to this, so all the complaints were concluded by way of remedial action.

Lord Stevens of Kirkwhelpington

I investigated a complaint about Lord Stevens I received from a member of the public. The complainant alleged that Lord Stevens had breached the Code in two respects. The first concerned Lord Stevens's entry in the Register of Lords' Interests for "Stevens Consultancy". This entry did not indicate the nature of the consultancy or advice given required by paragraph 53 of the Guide to the Code of Conduct. The second concerned Lord Stevens's position as a person with significant control in relation to Quest Global

⁴ Report into the Conduct of Lord Stone of Blackheath, October 2019.

Holdings Limited which was not registered, as required by paragraph 60 of the Guide to the Code of Conduct.⁵

Lord Stevens did not contest the allegations made, so it was clear that the Code was breached. However, I did not believe that Lord Stevens intended to mislead the House or intentionally withhold information from the Register. I therefore considered the case could be resolved by remedial action. Lord Stevens updated his entry the Register and wrote a letter of apology to the chair of the Conduct Committee.

Lord Lea of Crondall

I investigated two separate complaints made about Lord Lea. The first complainant, AB, had accompanied a delegation of parliamentarians, including Lord Lea, on an official visit that lasted several days some years ago. She alleged that Lord Lea had behaved inappropriately throughout the visit. The conduct was not the subject of my investigation as it occurred too long ago to fall within the scope of the Code. However, in October 2018, AB received a package at her workplace from Lord Lea which included a photo taken during the visit in a silver frame and a letter from him which included a reference to an incident during the visit involving a bottle of champagne and an invitation to meet him, as she thought, at his home for a cup of tea, or “to finish that bottle of champagne”. He also mentioned in the letter that he had a copy of the photo on his piano at home and had included a copy of the photo for the complainant. AB had made an earlier complaint to my office based on the above which at the time it did not fall within the scope of the Code. However, after the changes to the Code were introduced in April 2019, AB submitted another complaint based on these matters that did pass my preliminary assessment.

The second complainant, TU, alleged that Lord Lea had used the occasion of her being alone in the room where she worked to come in and repeatedly strike up conversation with her, getting her to come around the desks of the office to pass him pieces of paper and a book, and to ask her to come for a cup of tea with him. The complainant recalled earlier incidents which included Lord Lea asking TU to go for a drink with him and promising to write her a poem referencing a sexually suggestive rhyme on her name he had created about her.⁶

Both complaints met the criteria for harassment related to the protected characteristics of age and sex and were a breach of the Code of Conduct. To conclude both cases I proposed that Lord Lea undertake bespoke training and behaviour change coaching provided by an external supplier. Both complainants agreed this, as did Lord Lea, so the matter was concluded by remedial action.

⁵ Report into the Conduct of Lord Stevens of Kirkwhelpington, February 2020.

⁶ The Conduct of Lord Lea of Crondall, January 2020.

Complaints in general

61 complaints were received which did not pass preliminary assessment and were not investigated. As with previous years, these complaints were not investigated for a variety of reasons, often falling outside the scope of the Code of Conduct and therefore my remit of investigation.

Complaints dismissed which did not pass preliminary assessment often concerned a member's views or opinions expressed on Twitter, and other conduct relating to roles outside their parliamentary duties.

It is still the case that the House of Lords Code of Conduct covers members' parliamentary duties only, except where it relates to bullying, harassment and sexual misconduct where it extends also to parliamentary activities. It does not encompass their performance of duties unrelated to parliamentary proceedings. Members' views and opinions are explicitly ruled outside my remit by the Code. Therefore, their views and opinions, which I interpret as including the way they express such views and opinions, are not within the scope of the Code, unless they relate to their parliamentary duties and activities and are alleged to constitute bullying, harassment or sexual misconduct. It should be noted that where a complaint relates to bullying, harassment and sexual misconduct, I can only accept first-party complaints where the complainant has been directly affected by the alleged conduct. Third-party complaints are not permitted by the Guide to the Code. Accordingly, although it is possible for comments on Twitter and other social media platforms to be covered by the Code of Conduct, none of the comments referred to me fell within the Code and so I could not investigate them regardless of how offensive they were perceived to be.

The Complaint Process

If an individual is considering making a complaint it is important to note that by seeking support from sources including the independent helpline, they are not committing themselves to making a formal complaint but can also simply raise concerns.

Any complaint alleging that a member of the House of Lords, or a member of their staff, has breached the Code of Conduct may be made by email or in writing, to:

The House of Lords Commissioner for Standards
House of Lords
London SW1A 0PW
lordsstandards@parliament.uk.

Anyone making a complaint about bullying, harassment or sexual misconduct by a member, or a member of their staff, may also choose to submit their complaint by calling the new independent helpline provided by Victim Support. They provide immediate support and information about the two ICGS policies (the bullying and harassment policy and the sexual misconduct policy) and other available support. They can be contacted on the freephone number 0808 168 9281 and support@ICGShelpline.org.uk.

Lucy Scott-Moncrieff, 25 September 2020