



HOUSE OF LORDS

House of Lords Commissioner for Standards
Annual Report 2020–21



Foreword

This is my fifth and final annual report as the House of Lords Commissioner for Standards. My term as Commissioner for Standards ended on 31 May 2021.

During my five-year tenure there has been a rapid pace of change, in both the general working culture in the House of Lords and the nature of the matters that have come to me as Commissioner for Standards. These changes are largely the result of the incorporation of the Independent Complaints and Grievance Scheme (ICGS) into the Code of Conduct in April 2019, although questions of personal behaviour have always been covered to some degree by the requirement of members to act on their personal honour.

This rapid pace of change does not appear to be slowing, nor does the workload appear to be decreasing. When I was appointed the House anticipated the role requiring roughly five days a month of work. The last two years of term have regularly required a much greater time commitment as the number and complexity of cases has increased. The appointment of two new Commissioners—Martin Jelley and Akbar Khan—is a welcome innovation and should help to manage the increasing workload and ensure there is resilience going forward in the enforcement of the Code.

This reporting period was unusual and involved unforeseen challenges as a result of the COVID-19 pandemic. The pandemic forced my office to adapt quickly to unprecedented circumstances when members of staff were asked to work from home where possible from March 2020 onwards. My office has operated remotely throughout this reporting period. As a result, we have adapted our practices to enable our work to continue while being away from the Parliamentary Estate, including interviewing complainants and respondents during investigations via Microsoft Teams.

The purpose of the Code of Conduct and the role of Commissioner for Standards is not just to deal with breaches of the Code, but also to encourage and foster positive change to the House of Lords as a workplace. This can only happen where the Code is tested and applied. I am therefore grateful to those who have come forward with complaints. Irrespective of the outcomes of my investigations, it is clear that the individuals who have made complaints about the behaviour of members or their staff have had an effect beyond the investigations in helping the House, its members and staff, to have a better understanding of inappropriate behaviour and the steps that can be taken to challenge it.

I have been helped throughout my term by people of exceptional quality, including the Commissioner's Office staff: James Whittle, Donna Davidson, Melanie Moore, Nick Besly, Christopher Clarke, Moriyo Aiyoola and Connie Walsh; the wider Journal Office staff: Chloe Mawson, Kate Lawrence and Tom Wilson and the ICGS team: Alex Brocklehurst and Jo Willows.

I have also benefited from working on ICGS cases with independent investigators. I would like to express my thanks to Sam Evans, Suzanne Burton and David Richards from CMP Solutions, and to Quentin Colborn, Samira Cackali and Matthew Scott from Andrea Adams Consultancy for all of their help in many challenging cases.

As the culture of the workplace continues to evolve, I am encouraged that the Code of Conduct continues to evolve with it. The Code is a living document, frequently updated to ensure that high standards of behaviour are encouraged in ever-changing circumstances. I therefore wish the Conduct Committee and my successors well as they address the challenges of setting and enforcing standards for such an important and unique body.

This annual report covers the reporting period from 1 June 2020–31 May 2021.

Lucy Scott-Moncrieff CBE
Commissioner for Standards

Overview of the year

Social media

During this reporting period, I received many complaints from members of the public about comments made by members of the House on social media. Most of the complaints related to comments which had been made on Twitter.

Although tweets can be subject to the Code of Conduct, I was unable to investigate any of the complaints solely related to conduct on social media during this reporting period as they did not fall within the scope of the Code and my remit to investigate. There were three broad reasons why this was the case. Often all three reasons applied to the individual complaints.

Some complainants held opposing views to the member in question and the substance of their complaint was based on these differences of opinion. These complaints were dismissed at preliminary assessment, usually under the provisions of paragraph 127 of the Guide which places members' views and opinions outside my remit to investigate.

Some of the complaints related to negative comments made by members on social media about prominent individuals. These complaints alleged that such comments ought to be considered bullying or harassment. The Code of Conduct requires complaints of bullying, harassment and sexual misconduct to come from those directly affected by the conduct. During this reporting period, I did not receive any first-person complaints about conduct on social media.

I was unable to investigate the majority of complaints related to social media because the conduct in question was not part of the member's parliamentary duties or activities, and, as a result, fell outside the scope of the Code. Many members make their membership of the House clear in their social media accounts. However, simply identifying themselves as a member of the House is not sufficient in itself for a member's conduct on social media to be parliamentary.

The scope of the Code is a matter that the Conduct Committee and the House of Lords Commission have recently considered and may return to in the future.¹

Annual Audit of the Register

An annual audit of the Register of Lords' Interests is carried out by the office of the Registrar of Lords' Interests each year. The audit requires all members of the House to inform the Registrar's office of any changes to their entries in the Register or to confirm that no changes have taken place. The audit was carried out in July–September 2020.

¹ In November, the Lord Speaker wrote to Lord Mance, Chair of the Conduct Committee, on behalf of the House of Lords Commission to request that the Committee review the scope of the Code to include conduct which could bring the House into disrepute. (<https://committees.parliament.uk/publications/3439/documents/32847/default/>) The Conduct Committee decided that it was not the right time to put disrepute proposals to the House and instead invited the Steering Group for Change to produce some advisory social media guidance for members. (<https://committees.parliament.uk/committee/402/conduct-committee/news/153455/conduct-committee-publish-exchange-of-correspondence-concerning-extending-the-scope-of-the-code/>)

The 10th edition of the House of Lords Code of Conduct, published in July 2020, included the addition of paragraph 42 which made failure to respond to the annual audit notice a breach of the Code. Consequently, this was the first time that I had to investigate members for failing to respond to the annual audit notice because previously such a failure was not a breach of the Code.

Unusually, no complaint was required to trigger my investigation. Instead, the Registrar referred six members to me who had failed to respond to the audit within the given deadline of six weeks. I will discuss my investigation of these members in more detail later in this report.

All members of the House complied with the annual audit in 2021 so no investigation was required.

Valuing Everyone Training

In November 2020, the House agreed to insert a new paragraph into the Code which would place members who joined the House before 1 January 2021 in breach of the Code if they failed to complete the mandatory Valuing Everyone training by 1 April 2021. Valuing Everyone training is designed to help ensure that everyone working in Parliament is able to recognise bullying, harassment and sexual misconduct, and feels confident taking action to tackle and prevent it. Those that did not meet the deadline would be referred to me for investigation.

As was the case for the six members who failed to respond to the annual audit notice, no complaint was required to trigger my investigation. I will discuss my investigation of these members in more detail later in this report.

Expulsions and suspensions

In this reporting period, two of my reports included recommendations for some of the most serious sanctions available under the Code. I recommended that one member of the House be expelled, and one suspended.

In November 2020, I recommended that Lord Ahmed be expelled from the House for sexual misconduct and failing to act on his personal honour. Following an appeal, the Conduct Committee confirmed this recommendation. Lord Ahmed retired from the House before the report recommending his expulsion was put to the House. Despite his retirement, the Conduct Committee's report was put to the House and agreed without a vote. Usually, retired members of the House retain access to certain facilities and services of the House in their retirement. It was agreed that Lord Ahmed would not retain such privileges. This was the first time a report recommending the expulsion of a member had been put to the House.

In December 2020, I recommended that Lord Maginnis of Drumglass be suspended from the House for a minimum term of nine months, subject to the completion of behaviour change training, for breaching the bullying and harassment provisions in the Code in respect of four separate complaints. Lord Maginnis appealed my findings and my recommended sanction. After hearing his appeal, the Conduct Committee decided to double the recommended suspension to a minimum term of 18 months, subject to behaviour change training. The House agreed the Conduct Committee's report on a vote (though, in accordance with

Standing Orders, without debate). This was the first time the Committee had increased my recommended sanction.

I discuss both reports in more detail below.

Investigations

While I launched 10 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.

All the reports that were resolved by remedial action or dismissed may be found on my pages of the parliamentary website: www.parliament.uk/hl-standards

Where reports were made to the Conduct Committee, these can be found on the Committee's pages: <https://committees.parliament.uk/committee/402/conduct-committee>

Bullying, harassment or sexual misconduct

In this reporting period, I completed five investigations into complaints made under bullying, harassment and sexual misconduct provisions in the Code of Conduct.

Lord Lea of Crondall

I investigated a complaint I received from QR.² QR complained that Lord Lea had raised his voice at them and become “very angry” when a guest of Lord Lea was not allowed to enter the Parliamentary Estate. QR explained that the guest could not enter the Estate because Lord Lea had not booked the visit in advance. QR said that they felt “belittled and undermined” by Lord Lea’s conduct, particularly because he had raised his voice at them in front of their colleagues.

In his response to the complaint, Lord Lea explained that his guest was his contact at the company contracted by Parliament to provide behaviour change training as recommended in my earlier report into his conduct.³

I found that this behaviour met the criteria for bullying and was therefore a breach of the Code of Conduct. The incident with QR took place before Lord Lea started his behaviour change training from my previous report and it became clear during my investigation that Lord Lea had since discussed the incident as part of his behaviour change training. In the light of this, I did not consider it proportionate to require him to undertake further training. I proposed that Lord Lea write a letter of apology to QR. QR agreed to this, as did Lord Lea, so the case was resolved by remedial action.

Lord Ahmed

I investigated a complaint from a member of the public, Tahira Zaman, about the conduct of Lord Ahmed. Ms Zaman had contacted Lord Ahmed in the hope that he would be able to help her make a complaint to the Metropolitan Police about a faith healer whom she believed had exploited innocent men and women financially and sexually. Ms Zaman complained that, instead of helping her, Lord Ahmed had used the possibility of arranging a meeting with the Metropolitan Police to lure her to his house, where he had sex with her. Ms Zaman said that Lord Ahmed failed to progress her complaint with the Metropolitan

² In cases of bullying, harassment or sexual misconduct, complainants may choose to remain anonymous. In my reports I refer to them by initials that bear no relation to their actual names and use plural pronouns instead of gendered single pronouns.

³ [The conduct of Lord Lea of Crondall](#), House of Lords Commissioner for Standards, published 14 January 2020.

Police and lied to her about his actions and his intentions. She also said that Lord Ahmed had initially made unwanted and unexpected physical contact with her. Ms Zaman was receiving treatment for anxiety and depression at the time.

I concluded that Lord Ahmed provided help—or held himself out as providing help—to Ms Zaman as a parliamentarian and therefore his behaviour in relation to Ms Zaman was subject to the Code. I found that some of Ms Zaman's allegations were more likely than not to be true. I found that Lord Ahmed breached the requirement of the Code of Conduct that he should act on his personal honour when engaged in a parliamentary activity.⁴

The sanction I recommended to the Conduct Committee was expulsion from the House. Lord Ahmed submitted an appeal to the Conduct Committee on all four grounds for appeal as set out in the Guide to the Code of Conduct:

- that I was plainly wrong in my finding;
- points of process;
- the emergence of significant new evidence; and
- the severity of the sanction.

The Conduct Committee remitted the additional evidence to me for further investigation. I made a supplementary report to the Conduct Committee based on the new evidence. I concluded that the new evidence did not provide a basis for amending any of the conclusions or findings set out in my first report, nor for altering my recommended sanction.

The Conduct Committee dismissed Lord Ahmed's appeal on all four grounds and upheld my recommended sanction. Lord Ahmed retired from the House under the House of Lords Reform Act 2014 before the report by the Conduct Committee recommending his expulsion was put to the House and agreed.

Lord Maginnis of Drumglass

I investigated four separate complaints against Lord Maginnis of Drumglass.

The first two complaints related to an incident involving Lord Maginnis and Christian Bombolo, a parliamentary security officer.⁵ The first complainant, Mr Bombolo, reported that Lord Maginnis had been verbally abusive when asked to produce his parliamentary security pass in order to enter the Parliamentary Estate. The second complainant, Hannah Bardell MP, witnessed the incident with Mr Bombolo. She complained that she was treated rudely and aggressively by Lord Maginnis when she attempted to intervene. Following the incident, Lord Maginnis spoke to a journalist using disrespectful and derogatory language about Mr Bombolo and homophobic and derogatory language about Ms Bardell.

The remaining two complaints related to incidents at meetings of the All-Party Parliamentary Group (APPG) for the Armed Forces. Luke Pollard MP—one of the complainants—chaired a meeting of the APPG and reported that, after the meeting, Lord Maginnis complained to

⁴ The term 'personal honour' has been used within the House for centuries to describe the guiding principles that govern the conduct of members. It has never been explicitly defined but is an expression of the sense of the House as a whole as to the standards of conduct expected of individual members.

I considered Lord Ahmed's conduct against the personal honour provisions even where I concluded that it amounted to sexual misconduct as some of the behaviour covered pre-dated the introduction of the sexual misconduct provisions into the Code.

⁵ All four complainants in this report chose to be named.

him and made rude remarks about his chairing because he had not called Lord Maginnis to ask a question. Later the same night Lord Maginnis emailed James Gray MP (Chair of the APPG) and other parliamentarians using a homophobic subject line and including other remarks about Mr Pollard which centred on his sexual orientation and were homophobic. Lord Maginnis also copied these emails to my office.

The other complainant was Toby Perkins MP, another member of the APPG. Mr Perkins said that he witnessed a heated conversation between Lord Maginnis and James Gray MP as Chair of the APPG. Mr Perkins found out that Mr Gray had told Lord Maginnis he could not attend the event due to his previous conduct towards Luke Pollard MP. Mr Perkins said that in describing the circumstances to him Lord Maginnis was homophobic, aggressive and disrespectful, including by making further homophobic remarks about Luke Pollard MP and Hannah Bardell MP. He found these remarks “offensive” and said that the comments had created “a very unpleasant environment”.

I found that Lord Maginnis’s behaviour towards Mr Bombolo and Hannah Bardell MP met the criteria for bullying and was therefore a breach of the Code of Conduct. I found that Lord Maginnis’s comments to a journalist about Hannah Bardell MP met the criteria for harassment associated with the protected characteristic of sexual orientation and were therefore a breach of the Code of Conduct. I also found that Lord Maginnis’s behaviour towards Luke Pollard MP and Toby Perkins MP met the criteria for harassment associated with the protected characteristic of sexual orientation and was therefore a breach of the Code of Conduct.

I recommended that Lord Maginnis should be suspended from the House for a minimum of nine months and that he should undertake bespoke behaviour change coaching, remaining suspended until the coaching was complete (if it took longer than nine months). I also recommended that Lord Maginnis should complete the Valuing Everyone training within one month of his return to the House.

Lord Maginnis submitted an appeal to the Conduct Committee against my findings and sanction. After hearing this appeal, the Committee decided to double the length of his suspension from nine months to 18 months.

On 7 December 2020 the House agreed to the Conduct Committee report into the conduct of Lord Maginnis.⁶ Lord Maginnis was therefore suspended from the House for 18 months subject to his undertaking behaviour change coaching.

Lord Singh of Wimbledon

I investigated a complaint I received from Preet Kaur Gill MP about the conduct of Lord Singh of Wimbledon. Ms Kaur Gill complained that Lord Singh’s conduct towards her as Chair of the APPG for British Sikhs constituted a breach of the Code of Conduct because his behaviour had been rude and bullying. Ms Kaur Gill said that Lord Singh’s behaviour towards previous chairs of the APPG, all of whom had been men, had been respectful. She considered that his conduct towards her was a result of her sex and therefore constituted harassment.

Lord Singh rejected the allegations and said that Ms Kaur Gill had misused her position as Chair of the APPG to support the Sikh Federation (UK), whose work he objected to.

6 HL Deb, 7 December 2020, vol 808, [col 962–964](#).

In the course of my investigation, it became apparent that the issue at the heart of their disagreement concerned how Sikhs were recorded on the census for England and Wales. Ms Kaur Gill had campaigned that a Sikh “tick box” ought to be included as an option in the section of the census on ethnicity, not just on religious affiliation. Lord Singh objected to the inclusion of such a tick box.

I concluded that a finding of harassment could not be supported by the evidence. While there was discourteous conduct demonstrated towards Ms Kaur Gill, the evidence did not demonstrate on the balance of probabilities that Lord Singh’s conduct was due to Ms Kaur Gill’s sex. I also concluded that a finding of bullying could not be demonstrated on the balance of probabilities: both parties had similar levels of power as parliamentarians supported by Sikh groups and both chose to escalate their policy disagreement into an argument each found insulting.

Therefore, I dismissed Ms Kaur Gill’s complaint against Lord Singh.

Baroness Tonge

I investigated a complaint from a policy advocate and activist on women’s and girls’ rights, Naasu Fofanah, about Baroness Tonge. Ms Fofanah had met Baroness Tonge in relation to the All-Party Parliamentary Group on Population, Development and Reproductive Health (APPG on PDRH). Ms Fofanah had had her photo taken with Baroness Tonge and subsequently posted the photo on Facebook. Baroness Tonge’s office received emails from activists in Sierra Leone alleging that Ms Fofanah was a proponent of female genital mutilation (FGM) and criticising Baroness Tonge for being associated with her. Baroness Tonge sent a letter to Ms Fofanah, copied to the activists, setting out her own view of FGM and that of the APPG. In the letter she referred to what she considered to be Ms Fofanah’s position as being “very ignorant and misleading” and “very irresponsible”. Baroness Tonge also arranged for a statement distancing the APPG from Ms Fofanah to be put on the APPG’s website. Ms Fofanah considered that Baroness Tonge’s conduct amounted to bullying and that she had therefore breached the Code of Conduct.

I found that that Baroness Tonge’s behaviour met the criteria to amount to bullying. Therefore, I found that Baroness Tonge’s conduct breached the Code of Conduct. I did not consider remedial action to be an appropriate outcome and reported accordingly to the Conduct Committee with a recommended sanction.

Baroness Tonge appealed against my findings and recommended sanction to the Conduct Committee. Having considered representations from Baroness Tonge and Ms Fofanah, the Conduct Committee decided to uphold Baroness Tonge’s appeal and overturn my finding. This was the first time a finding by the Commissioner for Standards has been overturned.

Lord Singh of Wimbledon

I investigated a further complaint about the conduct of Lord Singh of Wimbledon received on 12 August 2020.

The complainant said that over the course of a number of emails they had experienced bullying by Lord Singh when they were made to feel undermined in front of their peers and subject to inappropriate comments about their performance.

However, the complainant also said that while they considered that Lord Singh was trying to bully them, they did not in fact feel bullied. They repeated this on a number of occasions, telling me, for example, that “he maybe was trying to bully me, I don’t feel that he succeeded in making me feel bullied.”

Lord Singh denied that he had bullied the complainant, suggesting instead that the complaint was made as a result of his ongoing dispute with the complainant’s employer, an MP. Lord Singh described his email exchange with the complainant as “firm but respectful” and did not consider there to be any power imbalance between them.

I found that on the balance of probabilities a finding of bullying could not be demonstrated. Contrary to Lord Singh’s assertions in his evidence, I believed that the complainant acted in good faith in making their complaint. I also did not agree with Lord Singh’s assertion that there was not a power imbalance between the complainant and himself. However, I did not consider that the evidence available supported a finding that Lord Singh’s conduct amounted to bullying, as defined in the Code of Conduct.

The complainant appealed my finding on the grounds that the finding was “plainly wrong”. The Conduct Committee considered the complainant’s appeal and decided that, on the balance of probabilities, my finding was not plainly wrong. On 23 June 2021, the Conduct Committee published a report in which they rejected the complainant’s appeal and upheld my finding.

Declaration and registration of interests

Lord Smith of Kelvin

I received a complaint from a member of the public alleging that Lord Smith of Kelvin had failed to register his directorship of Otter Ports Limited, which I concluded merited investigation.

Lord Smith responded that he was Chair of Forth Ports Ltd and that, as Chair of that parent company, he was also a director of its subsidiaries. Lord Smith was listed as the director of the subsidiaries—Otter Ports Ltd, Otter Ports I Ltd, Otter Ports II Ltd and Forth Ports Finance Plc—on Companies House but none of these roles appeared on his entry in the Register of Interests. Lord Smith considered the requirements of the Code to have been met by his entry as Chair of Forth Ports Ltd and that he did not need to register his directorship of the subsidiaries.

I found that Lord Smith breached the Code by failing to register his directorship of the subsidiaries with the Registrar of Lords’ Interests: paragraph 54 of the Guide to the Code explicitly requires members to register directorships of subsidiaries as well as directorships of parent companies. I did not believe that Lord Smith intentionally withheld information from the Register, so I considered that the case could be resolved by remedial action. Lord Smith updated his entry in the Register and wrote a letter of apology to Lord Mance, Chair of the Conduct Committee. The case was therefore resolved by remedial action.

Lord Adonis

I received two complaints from a member of the public about Lord Adonis’s registration and declaration of interests. I also received one complaint from Sir Christopher Chope MP

which included some of the same allegations as the complaints from the member of the public.

I decided that three elements across the different complaints engaged the Code of Conduct. First, I investigated Lord Adonis's failure to register his membership of the Advisory Board of Sharetego—a train ticket booking company—in the Register of Interests. Secondly, I investigated whether Lord Adonis had breached the Code by voting three times on the High Speed Rail (London–West Midlands) Bill while he was a Non-Executive Director of HS2 Ltd. Thirdly, I investigated Lord Adonis's failure to declare his interest as a Non-Executive Director of HS2 Ltd when he spoke at the Report Stage and Third Reading of the High Speed Rail (London–West Midlands) Bill.

I found that Lord Adonis's membership of the Advisory Board of Sharetego constituted a non-financial interest which ought to have been included in the Register. Therefore, I found that Lord Adonis had breached the Code by failing to register this interest.

I found that Lord Adonis's participation in the passage of the High Speed Rail (London–West Midlands) Bill did not breach the Code of Conduct. This is because HS2 Ltd is a non-departmental public body, and the rules on using parliamentary influence do not apply to members or employees of non-departmental public bodies (whether commercial or non-commercial in character) in relation to those specific roles.

I found that Lord Adonis's failure to declare his interest as Non-Executive Director of HS2 Ltd during Report Stage and Third Reading of the High Speed Rail (London–West Midlands) Bill was a breach of the Code of Conduct.

I considered that the two breaches were minor, for which remedial action was an appropriate outcome. Lord Adonis corrected his entry in his Register of Interests and wrote a letter of apology to the Chair of the Conduct Committee, Lord Mance.

Benedict Rich

I investigated a complaint from a member of the public about Benedict Rich, a member of staff sponsored by Lord Lansley.⁷ The complainant alleged that Mr Rich had breached the Code because the description of his employment in the Register of Interests—to "self-employed consultant"—was not sufficiently clear.

I found that Mr Rich had breached the Code of Conduct for Members' Staff by failing to register adequately the details of his employment. However, I considered this breach of the Code to be minor and inadvertent. Therefore, I proposed that the case be resolved by remedial action—namely, through Mr Rich amending his entry in the Register.

Mr Rich promptly contacted the Registrar of Lords' Interests to amend his entry in the Register, providing a detailed description of his various roles and employing organisations. The case was therefore resolved by remedial action.

⁷ A member of the House may sponsor someone for a parliamentary pass and email account for the purpose of providing parliamentary secretarial or research assistance to the member. Those sponsored by members are listed on the parliamentary website and are subject to the Code of Conduct for House of Lords Members' Staff. These individuals are not employees of the House of Lords Administration.

Failure of six members to respond to the Annual Audit Notice

I investigated six members of the House who failed to respond to the notice of the annual audit of the Register of Lords' Interests within the given deadline of six weeks. The six members were:

- Baroness Adams of Craigielea;
- Baroness Billingham;
- Lord Glasman;
- Baroness Hilton of Eggardon;
- Lord Moonie; and
- Lord Taverne.

The Registrar referred these members to my office; no complaint was required to trigger the investigation. Unusually, in this investigation it was apparent from the start that members were clearly in breach of the Code: they had not responded to the audit and were therefore in breach. Therefore, the focus of my investigation was not *whether* the respondents breached the Code, but rather *why* the respondents breached the Code.

Baroness Adams, Baroness Billingham and Lord Moonie failed to respond to the annual audit notice because they had had difficulties accessing their parliamentary email accounts remotely during the national lockdown due to the COVID-19 pandemic. As a result, they had missed the emails from the Registrar of Lords' Interests about the annual audit.

Baroness Hilton, Lord Glasman and Lord Taverne all said that they did not always read their parliamentary emails because they frequently used personal email addresses for correspondence, so they also missed emails from the Registrar about the annual audit.

I considered that remedial action would be an appropriate outcome for all six members because their breach of the Code was minor and inadvertent. I therefore proposed that a letter of apology to the Chair of the Conduct Committee, Lord Mance, would be sufficient remedial action. All six members wrote to Lord Mance to apologise for their breach of the Code and to explain why they failed to respond to the annual audit notice. The case was therefore resolved by remedial action for all six members.

In the course of my investigation, it became clear that some members were failing to register changes to their interests within one month of the change taking place as required by the Code. Such omissions were not the subject of the referral to me by the Registrar and were therefore not issues I formally investigated. However, I would take this opportunity to remind members that they must update the Registrar of any changes to their interests within one month of the change occurring. Waiting until the annual audit to inform the Registrar of any changes to their interests is not sufficient.

Lord Botham

I investigated a complaint from a member of the public about Lord Botham. The complainant alleged that Lord Botham should have registered his directorship of the company Newschoice Limited as remunerated because accounts available on Companies House showed that he had an outstanding director's loan from the company.

The Guide to the Code defines remuneration as “not only salaries and fees, but also the receipt of any taxable expenses, allowances or benefits”. Lord Botham said that he had not realised an outstanding director’s loan was classed as a benefit in kind, and, as a result he had not registered his directorship as remunerated because he did not receive any other payment from Newschoice Limited.

I found that Lord Botham’s director’s loan constituted remuneration according to the Code. Therefore, Lord Botham’s failure to register his directorship of Newschoice Limited as remunerated was a breach of the Code of Conduct. I did not believe that Lord Botham intentionally mis-registered his directorship, so I considered that the case could be resolved by remedial action. Lord Botham re-registered his directorship of Newschoice Limited as remunerated in the Register. He also wrote a letter of apology to Lord Mance, Chair of the Conduct Committee. The case was therefore resolved by remedial action.

Lord O’Neill of Gatley

I investigated a complaint from a member of the public that Lord O’Neill of Gatley had not registered his status as a person with significant control of Thames Temese Management Limited on the Register of Interests.

In the course of my investigation, I noticed that on Companies House Lord O’Neill was listed as the director of five companies—Thames Temese Management Limited, Thames Temese Holdings Limited, AMR Diagnostics Limited, Thames Brighton Limited and Thames Castle Eight Limited—but he had also not registered any of these directorships on the Register of Interests. I therefore also investigated Lord O’Neill’s failure to register his directorships of these companies in addition to his failure to register his status as a person with significant control of Thames Temese Management Limited.

Lord O’Neill said that his failure to register the directorships and his status as a person with significant control was an inadvertent error. He had been appointed to the directorships in September 2020 and he thought that his legal advisors had updated the Register properly when they updated Companies House.

I found that Lord O’Neill had breached the Code of Conduct by failing to register his directorships of Thames Temese Management Limited, Thames Temese Holdings Limited, AMR Diagnostics Limited, Thames Brighton Limited and Thames Castle Eight Limited and by failing to register his status as a person with significant control of Thames Temese Management Limited. Furthermore, I found that Lord O’Neill had also breached the Code by failing to register his directorships within one month of the change taking place.

I considered that the breaches were minor, acknowledged and inadvertent, for which remedial action was an appropriate outcome. Lord O’Neill corrected his entry in the Register of Interests and wrote a letter of apology to the Chair of the Conduct Committee, Lord Mance.

Other

Baroness Meacher

I investigated a complaint 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 writing to all MPs in her capacity as Chair of Dignity in Dying, a not-for-

profit organisation in favour of assisted dying, using House of Lords stationery, contrary to the rules on the use of such facilities agreed by the House.

Baroness Meacher said that she considered it appropriate to use headed notepaper because her role as Vice-Chair on the APPG on Choice at the End of Life made her work parliamentary. However, in the letter to MPs, Baroness Meacher said that she was writing “as Chair of Dignity in Dying”.

I found that Baroness Meacher breached the Code of Conduct because she wrote explicitly as the Chair of Dignity in Dying and the purpose of the letter was not of an essentially parliamentary nature. I was persuaded that Baroness Meacher did not intend to mislead anyone through using parliamentary stationery, so I considered that remedial action would be an appropriate outcome for this case. Baroness Meacher wrote a letter of apology to Lord Mance, Chair of the Conduct Committee.

Lord Freud

I received a complaint from a member of the public alleging that Lord Freud had breached the Code of Conduct. The complainant said that Lord Freud had attempted to influence the trial judge considering whether the character references written in support of former MP Charlie Elphicke should be made public. Lord Freud, along with five MPs, had signed a letter to senior judges—the Rt Hon. Lady Justice Thirlwall DBE and Dame Victoria Sharp DBE—requesting that the character references provided by members of the public in support of Mr Elphicke were not published. The letter was also copied to the trial judge, Mrs Justice Whipple. The letter was written on parliamentary notepaper and the signatories emphasised their status as parliamentarians in the letter.

I investigated whether Lord Freud had failed to act on his personal honour by signing the letters in an attempt to influence the judiciary on a live case. Lord Freud said that in signing the letters his intent was “to alert the whole of the judiciary because of the issue of principle”. He said that he was not concerned about his own character reference for Mr Elphicke being made public. During my investigation, Lord Freud volunteered that signing the letters was a mistake and one which he regretted.

I concluded that Lord Freud was performing a parliamentary activity when he signed the letters and was therefore bound by the requirement to act on his personal honour. I found that by seeking to influence the judiciary on a live case, Lord Freud failed to act on his personal honour and therefore breached the Code of Conduct.

I considered that the case could be resolved by remedial action, which usually involves “putting the record straight”. Lord Freud agreed to make a personal statement to the House on this matter, which he made on 9 February 2021.⁸ The case was therefore resolved by remedial action.

Lord MacLaurin of Knebworth

I investigated a complaint I received from a member of the public, Mr Hugh Cullen, about Lord MacLaurin of Knebworth. Lord MacLaurin retired from the House on 22 December 2017. This was my first investigation into a retired member of the House.

Mr Cullen alleged that Lord MacLaurin had used House of Lords headed notepaper to write a letter in support of a planning application. Mr Cullen suggested that Lord MacLaurin was trying to use his parliamentary headed notepaper to influence the planning application process. Mr Cullen provided evidence of the letter sent by Lord MacLaurin in relation to the planning application.

Most of the Code of Conduct is only applicable to current members of the House. However, paragraph 5 of the Code provides that some aspects of the Code continue to apply to retired members: paragraph 17 (standards of conduct) and paragraph 113 (use of facilities and services of the House). I decided to investigate whether Lord MacLaurin had breached paragraph 113 by misusing headed notepaper—a facility of the House—for general, non-parliamentary correspondence.

Lord MacLaurin did not contest the allegations made. He apologised for his misuse of headed notepaper and explained that the notepaper had been used by mistake. Lord MacLaurin also said that he had “destroyed all remaining headed paper”.

I found that Lord MacLaurin breached paragraph 113 of the Code by using headed notepaper for general, non-parliamentary correspondence related to a planning application. I considered that this breach of the Code was minor and inadvertent, so I proposed that remedial action would be an appropriate outcome for this investigation. I suggested that Lord MacLaurin should write a letter of apology to Lord Mance, Chair of the Conduct Committee. Lord MacLaurin promptly wrote to Lord Mance to apologise and to reiterate that he had destroyed all remaining headed paper. The case was therefore resolved by remedial action.

Failure of members to complete Valuing Everyone Training

I investigated 58 members of the House who failed to complete the mandatory Valuing Everyone training by the given deadline of 1 April 2021. No complaint was required to trigger this investigation.

When the Conduct Committee recommended making Valuing Everyone training mandatory (in October 2020), they also set out how this provision would work in practice:

- the Lords ICGS Implementation Lead would send monthly reminders to those members who had not yet completed or booked into the training;
- after 1 April any members who had still not completed the training or signed up to a specific training date would be referred to me;
- I would have the discretion to “excuse particular members from investigation due to exceptional circumstances such as ongoing serious health problems”;
- I would then write to those members referred to me who were not excused from investigation, seeking an explanation of their failure to attend the training.

I excused some members due to exceptional circumstances before beginning my investigations. In addition, on the basis of information I received during my investigations, I decided to excuse a further seven members.

I separated respondents into two groups: those who were willing to accept remedial action as an outcome for their breach of the Code, and those who were not. I wrote separate reports for each group.

I published my first report on 18 May 2021. This report involved 47 members whose breach of the Code I concluded could be resolved by remedial action as they had either since done, booked to do or given a commitment to do the training.

I concluded that the cases of four members could not be resolved by remedial action and therefore reported their cases to the Conduct Committee.⁹

Baroness Jay of Paddington

On 2 April 2021, I received a complaint about the conduct of Baroness Jay of Paddington. The complainant alleged that Baroness Jay had breached the Code of Conduct because she had failed to act on her personal honour when she wrote a letter to a senior police officer regarding an ongoing case involving the complainant and Baroness Jay's son.

The police provided me with a copy of the letter sent by Baroness Jay to a senior police officer. I decided that there was sufficient evidence to establish a *prima facie* case that the personal honour provision in the Code of Conduct had been breached because Baroness Jay had written to an operational police officer regarding an apparently ongoing police action¹⁰ involving her son in her capacity as a member of the House.

Baroness Jay said that her intention had been to write to the police to raise concerns about the case involving her son, as well as a broader policy and practice question of how the police were routinely acting. She said that the incident involving her son had been a case in point which she focussed on to illustrate a broader concern. Baroness Jay said that it had not been her intention to seek to influence the police specifically in aid of her son.

I determined that by writing the letter to an operational police officer in her capacity as a member of the House, Baroness Jay was performing a parliamentary activity and was therefore bound by the requirement to act on her personal honour. I found that Baroness Jay breached the Code of Conduct by failing to act on her personal honour.

In our discussion, Baroness Jay explained her reasoning for the letter and accepted that it might not have been appropriate. I accepted that Baroness Jay believed that the police action was complete when she wrote her letter. Furthermore, the issues involving her conduct did not concern matters of wider public interest. Therefore, I considered that this breach could be resolved by remedial action. I proposed that Baroness Jay should write a letter of apology to Lord Mance, Chair of the Conduct Committee. Baroness Jay wrote a letter of apology. The case was therefore resolved by remedial action.

⁹ At the time of writing, these cases are with the Conduct Committee and therefore not covered in this report.

¹⁰ Baroness Jay was unaware of the fact that the police investigation was ongoing.

The complaints 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 Commissioners for Standards
House of Lords
London
SW1A 0PW
lordstandards@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 ICGS Helpline. The Helpline provides advice and information about the two ICGS policies (the bullying and harassment policy and the sexual misconduct policy) and signposts other available support. They can be contacted on 0808 168 9281 (freephone 9am–6pm, Monday–Friday). The Helpline can also be contacted by email, on support@ICGShelpline.org.uk.

Lucy Scott-Moncrieff, 24 June 2021