



HOUSE OF LORDS

Report from the Commissioner for Standards

# The conduct of Baroness Jay of Paddington

### *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, 18 July 2019, 16 March 2020 and 8 July 2020. 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, 18 July 2019, 16 March 2020 and 8 July 2020.

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, 18 July 2019, 16 March 2020 and 8 July 2020. 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*

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# The conduct of Baroness Jay of Paddington

## Summary of complaint and investigation

1. On 2 April 2021, I received an email from a member of the public complaining that Baroness Jay had breached the Code of Conduct.<sup>1</sup> The complainant, AB<sup>2</sup>, alleged that Baroness Jay had not acted on her personal honour when she wrote a letter to a senior police officer regarding an ongoing case involving AB and Baroness Jay's son, XY.
2. The following were the relevant key events. These are demonstrated on the balance of probabilities by the documentary evidence I have received:
  - 29 January 2021: the police were called to an incident involving Baroness Jay's son, XY, and AB;
  - 9 February 2021: AB gave a statement to the police about the incident on 29 January and relevant background;
  - 11 February 2021: Baroness Jay wrote a letter to Chief Superintendent GH;
  - 18 February 2021: XY told AB about Baroness Jay's letter to GH, apparently telling them that the police "would not be quite so keen to help [AB] again";
  - 22, 23, 24 February 2021: Baroness Jay corresponded with a police officer, IJ, via email as follow-ups to her letter;
  - 5 March 2021: the police informed AB that the case had been closed;
  - 2 April 2021: AB sent their complaint to me;
  - 8 April 2021: I obtained the letter Baroness Jay sent to the police and launched my investigation.

## Preliminary assessment and relevant aspects of the Code

3. The Code of Conduct requires that I carry out a preliminary assessment to consider whether an investigation into a complaint is necessary.
4. In order to carry out my preliminary assessment, I wrote to the police on 8 April, requesting a copy of the letter from Baroness Jay, and it was supplied to me the same day (Appendix 1) along with some other email correspondence between Baroness Jay and a police officer, IJ (Appendix 2).
5. The letter in question was sent by Baroness Jay on 11 February 2021 to a Chief Superintendent, GH, who was the Commander of the unit which had

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1 This inquiry was carried out by Lucy Scott-Moncrieff CBE and this report was finalised before her term of office ended on 31 May 2021. On the 26 May 2021 Akbar Khan and Martin Jelley QPM were appointed as new Parliamentary Commissioners for Standards to replace Lucy Scott-Moncrieff.

2 Where initials are used in places of names in this report this is to protect the anonymity of those involved. The initials bear no relationship to real names. Some who have been anonymised have also been given gender neutral pronouns, to reduce further the possibility of identification.

dealt with the incident on 29 January. It was written on House of Lords paper and began:

“I’m writing about the Report [redacted reference number] of action by your officers on January 29th which involved my son [XY], which has surprised and disturbed me. In short, my son was [redacted personal information] and I write as a Member of the House of Lords, a Member of Parliament, as [XY]’s parent. On January 29th your officers did not give any adequate explanation of their intervention in a [redacted personal information], and I hope you will be able to provide one in response to this letter.”

6. The letter then went into some detail regarding the incident on 29 January and finished as follows:

“I’m afraid that it seems to me that on this occasion your officers exceeded their authority and behaved unprofessionally in [redacted personal information] or provide reasons for their actions. I would also point out that issues relating to [the relevant legal issue] are not a police matter but rather [for the relevant dispute resolution authority].

I’d be grateful to have your response to my points as quickly as possible, and I reserve the option to take this further if I am not satisfied.”

7. Paragraph 8(b) of the Code of Conduct requires members to “act always on their personal honour in the performance of their parliamentary duties and activities”.
8. Paragraph 7 of the Guide to the Code of Conduct gives further details on the concept of personal honour:

“(7) Members are required both “to comply with the Code of Conduct” (paragraph 8(a)), and to act always “on their personal honour” (paragraph 8(b)). The term “personal honour” has been explained by the Committee for Privileges as follows:

“The term ‘personal honour’ has been used within the House for centuries to describe the guiding principles that govern the conduct of members; its meaning has never been defined, and has not needed definition, because it is inherent in the culture and conventions of the House. These change over time, and thus any definition of ‘personal honour’, while it might achieve temporary ‘legal certainty’, would quickly become out-moded ... the term ‘personal honour’ is ultimately an expression of the sense of the House as a whole as to the standards of conduct expected of individual members ... members cannot rely simply on their own personal sense of what is honourable. They are required to act in accordance with the standards expected by the House as a whole. ‘Personal honour’ is thus ... a matter for individual members, subject to the sense and culture of the House as a whole.”<sup>3</sup>

9. I considered that, if demonstrated by the evidence, writing a letter in her capacity as a member of the House to an operational police officer regarding an apparently ongoing police action<sup>4</sup> involving her son could be considered contrary to the sense of the House as a whole as to the standards of conduct

3 Committee for Privileges (2nd Report, Session 2008–09, HL Paper 88)

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

expected of individual members. As such it could constitute a failure of Baroness Jay to act on her personal honour. I therefore considered there was sufficient evidence to establish a *prima facie* case that the Code of Conduct may have been breached with regard to personal honour.

### Investigation

10. I wrote to Baroness Jay on 8 April 2021 to launch my investigation and to ask her to provide a written response to the complaint. Baroness Jay replied on 20 April with her response (see Appendix 3).
11. I interviewed Baroness Jay on 30 April. She then provided a further written response on 10 May, which I have not included in this report because it largely dealt with personal information.
12. I put one final question to Baroness Jay in writing on 11 May and she provided a written response the same day (see Appendix 4).
13. I also requested and received further information from AB. Again, this has not been reproduced in this report as it largely dealt with personal information.
14. During the course of this investigation, both AB and Baroness Jay sent me large quantities of supporting evidence relating to the context and background against which the incident of 29 January took place.<sup>5</sup> While that material was important for me to understand the background to this case, this report will focus solely on whether Baroness Jay's actions in corresponding with the police were a breach of the Code. Much of the material has not been included, or its content discussed, in the report as it is not relevant to the decisions I have to make in relation to Baroness Jay's conduct, and would invade the privacy of AB, XY and others unconnected with the investigation.
15. In brief, in her responses Baroness Jay explained 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. The incident involving her son had been a case in point which she focussed on to illustrate a broader concern. It had not been her intention to seek to influence the police specifically in aid of her son. When she sent the letter she believed the police were taking no further action in relation to the incident.

### Key issues

16. In considering whether Baroness Jay's action constituted a breach of the Code, I considered the following to be the key questions:
  - Did the letter reflect Baroness Jay's stated motivation for writing?
  - Did Baroness Jay know that the police investigation was ongoing when she wrote her letter to the police?
  - Why did Baroness Jay choose to write to Chief Superintendent GH?
  - Did Baroness Jay seek to confer any benefit on her son by writing or anticipate that he might derive any benefit from the letter?

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<sup>5</sup> Much of that material was unknown to Baroness Jay prior to my investigation.

*Did the letter reflect Baroness Jay's stated motivation for writing?*

17. In her written response, Baroness Jay wrote, "May I emphasise at the start that I can absolutely assure you that I was not seeking to influence any action by the police." She explained that she sometimes pursued individual cases when she had a "special interest in the matter raised or because of a particular personal connection" and she said that:

"in these instances I would write any letter from the House of Lords and might well refer to the fact that as a Peer I am a Member of Parliament. I do this because long experience has shown me that outside agencies often don't understand that a 'Baroness' has any formal responsibilities for policy or the law."

18. Baroness Jay continued, "On the specific question of my letter of February 11th I acknowledge that my recent interest in [the relevant area of law] has been partly driven by my son's [circumstances]". She wrote that she was concerned about police practice and policy in relation to this incident and that she planned to table some Questions for Written Answer if she did not receive a satisfactory reply.

19. I followed up on some of these points during my interview with Baroness Jay on 30 April. She told me that:

"I think I made very clear in my letter—and it was certainly the reason that I wrote rather than just simply being myself disturbed by it—that it was about a policy-in-practice decision by the police on the whole and that I had been led into by many earlier reports from people about the fact that, during the pandemic, there had been an enormous rise in [redacted personal information], which were a growing concern. And I think I made that very clear in my letter."

20. Baroness Jay also mentioned that she had had conversations with lawyers who had raised concerns about similar cases with her.

21. Regarding the contents of the letter, I questioned Baroness Jay's assertion that it was framed equally as dealing with both her son's case and a wider police point. Baroness Jay said:

"I agree that the bulk of the text, as it were, is related to [the incident on 29 January], and I obviously agree, as I said to you in my letter to you of 20 April, that it is my style when I am, as it were, investigating or pursuing an individual case to express concern about the individual case. Now, you may indeed say that the balance of the letter in this case was weighed on the side of the personal example. I could give you, I imagine, other letters in which that would be true. As I said to you in my letter, if you feel that that style is inappropriate because it related to my son, then I can understand it. But it is not something unusual as far as I am concerned. "

22. I asked whether that meant that, though triggered by the incident of 29 January, her concern was the wider policy point. Baroness Jay said:

"I think it would be disingenuous to pretend that it was one and not the other. But it was both."



23. I followed this point up with Baroness Jay in writing after our interview. I wrote to her:

“there is one outstanding question which perhaps you would be happy to answer in writing in reply to this email. In our interview, you said:

“I think I made very clear in my letter—and it was certainly the reason that I wrote rather than just simply being myself disturbed by it—that it was about a policy-in-practice decision by the police on the whole and that I had been led into by many earlier reports from people about the fact that, during the pandemic, there had been an enormous rise in the number of challenges to [redacted personal information], et cetera, which were a growing concern. And I think I made that very clear in my letter.”

I can see your references to policy points in your email exchange with [IJ], but not in your initial letter to Chief Superintendent [GH]. Where in the letter do you consider that the wider policy point was addressed?”

24. She replied:

“I imagine you remain concerned that the letter is unbalanced in giving more space to my son’s personal experience than to my points about police practice and their legal responsibilities. As I have told you it would be disingenuous to say that my letter wasn’t triggered by the incident on January 29th, but it would also be wrong to think I was not interested in the broader issues. Perhaps I should have been more direct and reported the instances which I had heard about where [redacted personal information] become controversial during the pandemic. However, I hope it was clear when I mentioned the police exceeding their authority in relation to [redacted personal information], and I asked for the Superintendent’s response to my rhetorical challenge about the remit of the [redacted personal information] that I was making a general point, not one simply about the specific incident.”

25. Baroness Jay’s correspondence with IJ following her letter, later in February, does make more explicit references to the wider policy points (see Appendix 2). IJ’s reply to the letter of 11 February explained that the police could not offer Baroness Jay any information as she was not a party to the incident. In response, Baroness Jay wrote:

“I was also making a general policy point to which you did not respond.

My concern is that your officers were intervening in an issue of [redacted personal information] which is the responsibility of the [dispute resolution authority] not the police, and I would be concerned if this is common practice.”

26. Regarding whether it was appropriate for Baroness Jay to have written to the police about this case involving her son, she said during our interview that:

“I think—if in that instance, if you do feel that [it was inappropriate], I would ask you to, as it were, give guidance because, for example, there are several members of the House of Lords—I can refer specifically to people and I won’t do them by name, but individually, [ . . . ]—who refer to personal experience and to the personal experience of their families.”

She continued:

“I really don’t understand why it should be thought that my letter would not fall into that category. If, on the other hand, you feel that because it was a letter rather than an oral question or, you know, written or internally written memorandum or something that it is inappropriate, as I said in my letter to you of 20 April, I can appreciate that and I apologise because you are the guardian of those standards. But from my point of view that was what was consistent.”

*Did Baroness Jay know that the police investigation was ongoing when she wrote her letter to the police?*

27. In her written response to me, Baroness Jay said:

“As you are aware the incident which prompted my original letter was on January 29th. I wrote on February 11th, thirteen days later. My understanding, when I wrote the letter, was the matter was closed.”

28. I asked Baroness Jay what the basis was for her understanding that the matter was closed. She told me:

“There had been no further action. The whole point of the police activity as far as the incident at [redacted personal information] was concerned was directed at my son. As there had been no further activity involving him, I assumed that they had decided not to pursue anything. There had been no query. Nothing at all.”

*Why did Baroness Jay choose to write to Chief Superintendent GH?*

29. I asked Baroness Jay how she came to the decision that the Chief Superintendent of the unit that had dealt with the incident was the right person to write to. She replied:

“Well, initially, it was suggested to me that I write to the Commissioner [ ... ] to Dame Cressida. And I decided not to do that because I thought that, apart from anything else, it would probably be a long way down her pile of mail that she must receive on a daily basis, although I can just put in for emphasis if you like, that I would not have needed to refer to who I was in a letter to her because she would obviously be aware of that because of other connections and so on that we have had. But I decided that it was better to send it to some senior officer in the local police who would perhaps have more of a handle, as it were, on the individual behaviour and processing of his force.

[ ... ]

To be honest, I think I just probably googled the local police force and who was the senior officer.

[ ... ]

it was initially suggested to me that I should write to Dame Cressida, to the Commissioner, because it was felt that, if this was a general matter which was being widely exploited by people in London, it would be a good idea if it was drawn to her attention. But, as I told you earlier, for reasons which I thought were fairly sensible, I decided not to bother her

but to write to the individual police commander who was in charge at this particular time.”

*Did Baroness Jay seek to confer any benefit on XY by writing or anticipate that he might derive any benefit from the letter?*

30. In their complaint, AB had said that XY had told them about Baroness Jay’s letter. They said that XY had told them that:

“The Family/His Mother had written to the Metropolitan Police in a formal capacity to demand a full investigation as to the level of their involvement, stating that the police had ‘gone beyond their remit of responsibility’ in helping [AB] that night and that [AB] would find going forward ‘they would not be quite so keen to help [them] again’.”<sup>6</sup>

31. AB said that they had reported this information to the police and sought assurances that such a letter would not affect what steps they took. They assured AB it would not. One week later, the police contacted AB again to close their case. AB believed this was due to Baroness Jay’s letter. Because of this they said, “To say I feel let down by the police does not sufficiently express my feelings of pure disappointment and helplessness”.

32. I asked Baroness Jay whether she considered that her letter of 11 February to the police “could have a chilling effect on the willingness of the police to get involved in responding to [AB]’s concerns in your son’s dealing with [them] in future”. She replied that “Since it was replied to in the way that it was both by [IJ] and by the inspector who wrote the subsequent letter to my son, I don’t necessarily do that, no. It doesn’t necessarily seem to me to follow.”

33. Following our interview, she wrote further on this point, saying:

“It is clearly difficult to speculate but I note that my letter to the Superintendent was answered by a junior officer, a police constable, by email as [they were] apparently unable to identify an address for a formal letter; to me this suggests my letter was not viewed as particularly important and certainly not intimidating.”

34. I asked further about the possibility that due to the ongoing nature of the dispute, her son might derive some benefit from her letter:

“But let’s assume that they are going to go on for a while. So, it’s not just what happened on the 29th. It’s what will happen on other occasions or what might happen on other occasions. I wonder if you accept that one consequence of your letter to the police was that in future your son may derive a benefit from you having written that letter.

**Baroness Jay:** No, I do not accept that. [ ... ] I would hope not. I would hope that the police would not behave in such a way. But if they thought there was a legitimate cause for concern, then they would act on it.”

35. Following our interview, Baroness Jay provided some further written evidence and stated categorically:

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6 When they made their complaint, AB told me they had not seen the letter to police written by Baroness Jay and only knew about it from XY. I obtained a copy directly from the police. During my interview with Baroness Jay, it became apparent that she had assumed that AB had provided us with the letter and had gained access to it from the police, but this was not the case.

“when I wrote my letter of February 11th, and the subsequent email, to the Metropolitan Police my understanding was that the matter of the January 29th incident was closed. I, therefore, was not seeking to influence their actions or seek benefit for my son in any way. I think it is common practice to raise matters of policy in the context of personal experience, as I have done many times.”

36. I asked Baroness Jay what she meant by her final line in her letter to Chief Superintendent GH, where she wrote “I reserve the option to take this further if I am not satisfied.” I asked if that referred to an intention to escalate the issue to a more senior police officer and Baroness Jay replied:

“Yes. Well, I mean, I wouldn’t have had the possibility of making the formal complaint to the police for the reason that I wasn’t specifically involved.

I wasn’t personally involved in that particular incident. I think I meant much more that I would intend to take this up in Parliament, as I in fact intended to do and have subsequently in a rather peripheral way and certainly not involving this particular incident”.

37. I questioned whether the recipient of the letter might have thought that she meant that “if they didn’t respond appropriately, [Baroness Jay] might then escalate it to somebody about this particular incident as opposed to about the more general principle”. She conceded that “they might have done”. She elaborated on this point in her further written response to me on 11 May, writing:

“At that point I was not referring to the individual case, which I understood to be closed and where, as the constable who replied said I had no locus, but to the wider questions. My letter to the Superintendent could perhaps be called ‘a first move’, and as you know I was more direct in my later email.”

### Analysis and findings

38. Paragraph 8(b) of the Code of Conduct requires members to “act always on their personal honour in the performance of their parliamentary duties and activities”.
39. The first question is whether Baroness Jay was performing a parliamentary duty or activity.
40. The letter she sent to Chief Superintendent GH was on House of Lords paper and she explicitly wrote “I write as a Member of the House of Lords, a Member of Parliament, as [XY]’s parent.”
41. **By writing the letter to Chief Superintendent GH on 11 February, Baroness Jay was performing a parliamentary activity and was therefore bound by the requirement to act on her personal honour.**
42. The next issue is whether Baroness Jay intervened in an ongoing police investigation, and whether she knew this to be the case.
43. The evidence I received shows that the police were still investigating the incident at the time that Baroness Jay wrote to them and that the case was

closed after her letter had been received and she had corresponded by email with a police constable.

44. Baroness Jay told me that she assumed that the matter was closed as her son had not heard from the police since the incident on 29 January when she wrote to GH on 11 February.
45. **I accept that Baroness Jay believed that the incident of 29 January was closed as far as the police were concerned. However, I note that her understanding was based only on an assumption; she made no efforts to confirm this understanding before deciding to write to Chief Superintendent GH on headed paper, emphasising her status as a member of the House.**
46. Baroness Jay said that while the letter to GH on 11 February was primarily focused on her son's case, her intention when writing the letter was to highlight policy issues rather than to seek any particular outcome for her son. In both her interview and in writing afterwards, Baroness Jay confirmed that her decision to write was triggered directly by her son's case, not just a wider policy concern.
47. It was not clear to me—nor, based on the initial reply, was it clear to IJ who responded to Baroness Jay's letter—that her initial letter was making wider policy points. While she mentioned in interview that she had heard about similar cases from lawyers, these were not mentioned in the letter. While the letter of 11 February included a brief reference to wider policy, this was phrased in incidental terms towards the end of a letter focussed on her son's case. The first clear indication that Baroness Jay was concerned with wider policy implications of the police's actions was in her follow-up correspondence with the police constable.
48. Baroness Jay's decision to write to Chief Superintendent GH as the senior officer responsible for those who had been involved in the incident of 29 January but with no wider responsibility for police policy also suggests a focus on her son's case. This is underlined by the fact that Baroness Jay considered writing to Dame Cressida Dick, who might reasonably have been thought to be able to speak to broader policy issues, but decided not to do so.
49. **I accept that Baroness Jay's intention was also to raise issues of policy, as was evident in the follow-up communication. However, this was not her sole intention and the contents of Baroness Jay's letter on 11 February, which focused almost exclusively on her son's case, coupled with her choice of Chief Superintendent GH as the recipient, lead me to conclude that in that letter Baroness Jay was primarily concerned about the incident involving her son.**
50. Finally, I considered whether Baroness Jay intended to gain an advantage for her son by writing the letter, or whether she considered he might attempt to use it to do so.
51. Baroness Jay was clear that she thought that the case was closed and that there was no benefit to be gained by writing to the police about his case. She also did not think that her son would be able to use the letter to his advantage in any way.

52. In their letter of complaint to me, AB wrote that XY had told them about the letter, and that the police “would not be quite so keen to help [AB] again”. I accept that XY was the source of AB’s knowledge of the existence of the letter,<sup>7</sup> but I do not have independent evidence of what XY said to AB, and even if I did have such evidence, this would not be evidence of what Baroness Jay intended in writing the letter. However, it is clear from the evidence I have received that AB considered Baroness Jay’s letter had had an effect on the police and that this affected AB’s faith in the police to act properly with regard to XY.
53. **Whatever Baroness Jay was hoping to achieve with her letter, the reality was that the incident of 29 January had not been concluded and therefore the tone and content of the letter appeared to be seeking to influence an ongoing situation. Baroness Jay does not appear to have considered that XY would tell AB about the existence of the letter, and therefore the impact her writing with the status of a parliamentarian might have on matters between AB and XY generally and AB’s confidence in seeking police support particularly.**
54. In the light of these findings, I must consider whether writing as she did was an appropriate parliamentary activity and one consistent with personal honour. In particular, I must consider whether her actions were in accordance with “the sense of the House as a whole as to the standards of conduct expected of individual members ... members cannot rely simply on their own personal sense of what is honourable. They are required to act in accordance with the standards expected by the House as a whole.”
55. There is an important and necessary constitutional separation between Parliament and independent law enforcement agencies, comparable to the relationship between Parliament and the courts which is governed by the *sub judice* rule. Erskine May, in reference to the contents of members’ speeches in the House of Commons, says that the Chair has ruled that “where matters are not within the terms of the *sub judice* resolution, but discussion could prejudice ongoing police or other law enforcement investigations, Members should exercise caution in how they raise such matters.”<sup>8</sup> Due to the procedural nature of the House of Lords there is no similar chair’s ruling in this House. However, the ruling in the House of Commons is derived from its *sub judice* ruling. According to the *Companion to the Standing Orders of the House of Lords*, “The House has agreed that the practice governing motions and questions relating to matters *sub judice* should be similar in both Houses of Parliament”.<sup>9</sup> I consider it reasonable, therefore, to conclude that similar caution is required of members of the House of Lords and that this ought to apply to all parliamentary activities.
56. In interview, Baroness Jay made a comparison between her using her son’s case as the backdrop to raise wider issues with police to other members of the House talking about personal cases when speaking during proceedings of the House. I consider these to be manifestly different circumstances. Members raising their personal experiences during debates is a transparent process in a forum that is designed to influence policy as its stated objective.

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7 As far as I am aware, AB has still not seen the letter.

8 <https://erskinemay.parliament.uk/section/4868/matters-awaiting-judicial-decision-and-matters-under-investigation/>

9 Paragraph 4.64, Companion to the Standing Orders

This is quite different to writing privately as a member of the House to the police as a result of an incident involving a family member.

57. Further, I consider there to be a difference between members assisting someone unconnected to them in a representational role, and members acting on behalf of a close family member. The Code requires members to “observe the seven general principles of conduct identified by the Committee on Standards in Public Life”, and these principles are to be taken into account where other parts of the Code are under investigation. In accordance with these principles, members are expected to “act solely in terms of the public interest” and are expected not to “act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends.”
58. Baroness Jay wrote a private letter to a senior operational officer drafted in terms almost exclusively concerned with her son’s affairs on an assumption that the police action was finished based only on the passage of 13 days and the fact that there had been no further police contact with her son following the incident. In doing so, she did not consider the propriety of appearing to seek to use her status as a parliamentarian to influence matters between the police, her son and AB.
59. Her actions suggest:
- (1) an insufficient regard for the need to avoid appearing willing to use her status as a parliamentarian to benefit a close family member; and
  - (2) a carelessness about the potential for her actions to have such an effect.

As such, her conduct falls short of the standards expected of the House.

60. **I find that by sending the letter to Chief Superintendent GH on 11 February 2021, Baroness Jay failed to meet the standards of conduct expected of individual members.**
61. **I therefore find Baroness Jay to have breached the Code of Conduct by failing to act on her personal honour.**

### **Outcome**

62. Baroness Jay has explained her reasoning for sending the letter, but she has also accepted that it may not have been appropriate.
63. I consider that this breach can be resolved by “remedial action”. Remedial action usually involves “putting the record straight”.
64. In considering an appropriate remedial action in this case, I have taken account of the following relevant facts in mitigation:
- Although she took no steps to confirm her belief, I accept that Baroness Jay believed the police action was complete when she wrote her letter;
  - While it ought to be self-evident that parliamentarians should not intervene in ongoing law enforcement actions and should take care to ensure they do not do so, this principle is perhaps less apparent to members than the explicitly stated *sub judice* rule;

- The issues involving Baroness Jay's conduct do not concern matters of wider public interest.
65. **Given the above, I consider a letter of apology to Lord Mance, Chair of the Conduct Committee, would be an appropriate outcome in this case.**
66. Baroness Jay has written to Lord Mance and her letter is included at Appendix 5.



**APPENDIX 1: BARONESS JAY'S LETTER TO CHIEF  
SUPERINTENDENT GH, 11 FEBRUARY 2021**

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I'm writing about the Report [reference number] of action by your officers on January 29th which involved my son [XY], which has surprised and disturbed me.

In short, my son was [redacted] and I write as a Member of the House of Lords, a Member of Parliament, as [XY]'s parent. On January 29th your officers did not give any adequate explanation of their intervention in [redacted], and I hope you will be able to provide one in response to this letter.

To give you some background [ ... ] He was therefore extremely shocked to be met by your officers [ ... ]

[ ... ]

[ ... ]

I'm afraid that it seems to me that on this occasion your officers exceeded their authority and behaved unprofessionally in failing to uphold [redacted] or provide reasons for their actions. I would also point out that issues relating to [redacted] are not a police matter but rather a [redacted].

I'd be grateful to have your response to my points as quickly as possible, and I reserve the option to take this further if I am not satisfied.

I look forward to hearing from you.

## **APPENDIX 2: BARONESS JAY'S FOLLOW-UP EMAILS WITH A PC**

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### **Email from IJ to Baroness Jay of Paddington, 22 February 2021**

*Subject: Response to letter addressed to Chief Supt [GH]*

Thank you for your letter dated 11th February 2021.

I hope this means of contacting you is acceptable as there was no return address noted.

I have read the letter you sent in detail and reviewed the relevant reports of officers attending this incident. While I am sympathetic of your situation and the fact you are writing on behalf of your son, it would be wrong of me to divulge the full details of your son's encounter with police simply due to data protection and the fact your son is an adult.

If [XY] wishes to contact me or make a formal complaint then of course, I am more than happy for him to email me direct. Alternatively, please find the link below to make a formal complaint via the Metropolitan Police Website.

<https://www.met.police.uk/fo/feedback/tc/thanks-and-complaints/>

Upon reading the report, the officers have given reason as why they asked your son to [redacted]. As stated above, if [XY] has any issues with how the situation was dealt with then he is well within his rights to log this and have our complaints team review his concerns.

I apologise I couldn't be of more help at this stage.

### **Email from Baroness Jay of Paddington to IJ, 23 February 2021**

*Subject: Response letter addressed to Chief Supt [GH]*

Thank you for your email response to my letter of February 11th. I'm surprised you did not see the address for a written response printed on my original letter.

I understand your point regarding data protection in relation to the individual incident involving [XY] and your officers but I was also making a general policy point to which you did not respond.

My concern is that your officers were intervening in an issue of [redacted] which is the responsibility of the [dispute resolution authority] not the police, and I would be concerned if this is common practice. As I am sure you appreciate these matters are [redacted]. [ ... ]

I would be grateful for your response as this is a matter related to general operational practice and not simply to one case. Although, I would suggest that the specific instance I cited in relation to my son was a very clear example of the wrong procedure being followed in transgression of [redacted].

### **Email from IJ to Baroness Jay of Paddington, 24 February 2021**

*Subject: RE: Response letter addressed to Chief Supt [GH]*

Thank you for clarifying your points.

In general terms, yes of course the common practice is for Police to honour these [redacted]

Having worked on response myself, I can tell you that it is very rare that police would go against [redacted] unless they have justifiable reasons to do so. In the specific case of your son the officers have written their rationale and whilst I was obviously not present, it seems that [ ... ].

It would be a lot easier for me to share the facts of the incident to you and explain why the officers acted as they did however, as this is not possible I can only attempt to reassure you through writing that this is an isolated case and one that is not common practice throughout the Metropolitan Police Force. We as officers have to act as independent parties and make decisions based on the information presented to us at each individual call. We are personally accountable for all our actions and decisions.

I hope this clarifies all your points below and if not, I am more than happy to continue answering any further concerns or queries that you may have.

I would like to also apologise for the confusion with the return address and sending you an email direct.

### APPENDIX 3: BARONESS JAY'S WRITTEN RESPONSE TO THE COMPLAINT, 20 APRIL

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I am writing to respond to your letter of April 8th about my recent correspondence with the Metropolitan Police. As you advise I am limiting my response to your questions about that correspondence. May I emphasise at the start that I can absolutely assure you that I was not seeking to influence any action by the police. As you are aware the incident which prompted my original letter was on January 29th. I wrote on February 11th, thirteen days later. My understanding, when I wrote the letter, was the matter was closed.

I hope it may be helpful if I explain my usual practice in dealing with House of Lords correspondence and go on to explain the circumstances of my February 11th letter.

As you know Peers receive, a large number of requests, for information and help and I often pass such requests to constituency MPs. However, there are other times when, either because I have a special interest in the matter raised or because of a particular personal connection, I pursue individual issues myself. Perhaps I can illustrate this by three examples from the last few weeks: first, because I have a long-standing connection with Zimbabwe I have been asked to act on behalf of women politicians imprisoned there; similarly I have been approached by VSO (Voluntary Service Overseas) about cuts to their funding, where it is known that I will be sympathetic as I have been a short term volunteer; third I am trying to help the parents of a child with a brain tumour and again it is a personal connection which has led them to me, in this case my close friendship with the late Tessa Jowell. In all these instances I would write any letter from the House of Lords and might well refer to the fact that as a Peer I am a Member of Parliament. I do this because long experience has shown me that outside agencies often don't understand that a 'Baroness' has any formal responsibilities for policy or the law.

On the specific question of my letter of February 11th I acknowledge that my recent interest in [redacted] has been partly driven by my sons [circumstances].  
[ ... ]

I was, therefore, very concerned indeed to hear about the incident involving my son [ ... ] on January 29th. My concerns about police practice and policy were [redacted personal information], they appeared to have exceeded their authority in connection with [redacted] which are the responsibility of the [redacted].

[ ... ] If I had not received an adequate answer to my concerns I intended, and had drafted, the following Written Questions:

[ ... ]

However, as you have seen, I did receive an adequate answer when I followed my original letter with a further email on February 23rd. I was additionally reassured by a letter from a more senior officer to my son (who was pursuing his own personal enquiries and has now lodged an official complaint). I have not taken the matter further.

I can only repeat that I had no intention of influencing police action. I hope you will accept that I saw this correspondence as being consistent in content and style with my regular correspondence, although I appreciate that the relationship with my son could be seen as too close for this type of approach. I am sorry that my initial letter has been a cause for concern.

## APPENDIX 4: EMAILS BETWEEN THE COMMISSIONER AND BARONESS JAY, 11 MAY

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### Email from the Parliamentary Commissioner for Standards to Baroness Jay of Paddington

[ ... ]

Having assessed all the evidence, I do not think we need to have another interview, but there is one outstanding question which perhaps you would be happy to answer in writing in reply to this email. In our interview, you said:

“I think I made very clear in my letter -- and it was certainly the reason that I wrote rather than just simply being myself disturbed by it -- that it was about a policy-in-practice decision by the police on the whole and that I had been led into by many earlier reports from people about the fact that, during the pandemic, there had been an enormous rise in the number of challenges to [ ... ], et cetera, which were a growing concern. And I think I made that very clear in my letter.”

I can see your references to policy points in your email exchange with [IJ], but not in your initial letter to Chief Superintendent [GH]. Where in the letter do you consider that the wider policy point was addressed?

[ ... ]

### Email from Baroness Jay of Paddington to the Parliamentary Commissioner for Standards

I am sorry I have been involved in a prolonged meeting and have only just read your email of this morning. My assistant isn't available to type a response so I hope you will accept my amateur email!

I am grateful that you think your interview questions have now been answered adequately.

[ ... ]

I will try to answer your further question about my letter of February 11th as best I can.

I imagine you remain concerned that the letter is unbalanced in giving more space to my son's personal experience than to my points about police practice and their legal responsibilities. As I have told you it would be disingenuous to say that my letter wasn't triggered by the incident on January 29th, but it would also be wrong to think I was not interested in the broader issues. Perhaps I should have been more direct and reported the instances which I had heard about where [redacted] had become controversial during the pandemic. However, I hope it was clear when I mentioned the police exceeding their authority in relation to [dispute resolution process], and I asked for the Superintendent's response to my rhetorical challenge about the remit of the [dispute resolution authority] that I was making a general point, not one simply about the specific incident.

As you have noted I concluded by saying that I could take this further. At that point I was not referring to the individual case, which I understood to be closed and where, as the constable who replied said I had no locus, but to the wider

questions. My letter to the Superintendent could perhaps be called ‘a first move’, and as you know I was more direct in my later email.

I hope I explained yesterday, by giving you illustrative examples, the way in which I would typically take such matters forward. I have explained that I didn’t table my draft written questions about the police, [redacted].

I have also previously given you the reference to the Select Committee hearing where this was raised.

I sincerely hope this does answer your question as I’m afraid I can’t offer more retrospective analysis. As I said to you when you first wrote to me my intentions in writing to the police were honourable, and I can only repeat that I intended to raise a both a general concern and individual experience together, as I have done before on other matters.

## **APPENDIX 5: BARONESS JAY'S LETTER OF APOLOGY TO LORD MANCE, CHAIR OF THE CONDUCT COMMITTEE**

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As Chairman of the Conduct Committee you will be aware that the House of Lords Commissioner for Standards has reported that my correspondence with the Metropolitan Police earlier this year was in breach of the Code of Conduct. I am pleased that the Commissioner regards the breach as a minor one. I regret this breach and respect the Commissioner's report, as I respect the institutions of the House, of which I have been a member for almost thirty years.

I do not think it appropriate to ask you and your Committee to review the Commissioner's report or re-examine my position. I am, therefore, writing to apologise to you and the Committee and hope you will be able to accept my apology.

I am, of course, readily available to answer any questions you may have.

**27 May 2021**