



HOUSE OF LORDS

Report from the Commissioner for Standards

The conduct of Baroness Meacher

Published 3 June 2020

Commissioner for Standards

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

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

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

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

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

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

Advice

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

Address: Registrar of Lords' Interests, House of Lords, London SW1A 0PW

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Registers of Interests

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

Parliamentary helplines

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

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

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The conduct of Baroness Meacher

Summary of complaint

1. On 7 February 2020, Dr Gordon Macdonald, Chief Executive of the Care Not Killing Alliance, wrote to me alleging that Baroness Meacher had breached the Code of Conduct (see Appendix 1) by writing to all MPs in her capacity as Chair of Dignity in Dying using House of Lords stationery on 15 January 2020, contrary to the rules on the use of such facilities agreed by the House (see Appendix 2).
2. Dignity in Dying is a “not-for-profit membership organisation that campaigns for a change in the law on assisted dying”.¹
3. On 15 January, Baroness Meacher wrote on House of Lords notepaper to MPs in her capacity as Chair of Dignity in Dying. She ended the letter by offering to meet with MPs and provided both her Dignity in Dying email address and her parliamentary telephone extension number for further contact.
4. The *Code of Conduct*² states that:

“In order to assist in openness and accountability members shall ... act in accordance with any rules agreed by the House in respect of financial support for members or the facilities of the House.” (paragraph 11(c))
5. The *Guide to the Code of Conduct* provides further details on this provision:

“The House provides various facilities and services for members, most of which are paid for in full or subsidised by the public purse. These facilities and services are provided primarily to support members in their parliamentary work. The domestic committees are responsible for proposing rules on the use of facilities by members, and the key ones are reported to and agreed by the House. Paragraph 11(c) of the Code of Conduct states that members shall “act in accordance with any rules agreed by the House in respect of ... the facilities of the House.” A breach of such rules therefore constitutes a breach of the Code of Conduct and could lead to an investigation by the House of Lords Commissioner for Standards. The rules on the use of facilities which have been agreed by the House are set out in two House Committee reports which are in the Handbook on facilities and services for members and their staff.” (paragraph 105)
6. In this instance the relevant facility of the House was House of Lords headed paper. The rules on the use of headed paper were set out in the report of the House Committee, *Rules Governing the Use of Facilities*, which says:

“House of Lords headed paper and envelopes may be used for all correspondence relating to the work of the House, including the work of all-party groups, and for personal correspondence in modest quantities

1 Campaign for Dignity in Dying. About us: <https://www.dignityindying.org.uk/about-us> [accessed 21 April 2020]

2 Conduct Committee, *Code of Conduct for Members of the House of Lords and Guide to the Code of Conduct* (eighth edition, Session 2017–19, HL Paper 413)

but not for circulars, general correspondence (except that of an essentially Parliamentary nature) or business letters.”³

7. I carried out a preliminary assessment of the complaint and decided to investigate the allegation.

Investigation

8. I wrote to Baroness Meacher on 28 February presenting the complaint to her (Appendix 3). She replied on 2 March (Appendix 4) stating that she had considered it appropriate to use House of Lords headed paper because of her role as Vice-Chair of the APPG on Choice at the End of Life. She stated that “if you are of the view that I shouldn’t have used House of Lords note paper then I apologise to the House and guarantee that I will not do so again.”
9. I wrote to Baroness Meacher again on 4 March with some further questions (Appendix 5). I asked for her views on whether the letter in question, which began “I am writing to you as Chair of Dignity in Dying”, could be considered to be “of an essentially Parliamentary nature”. I also asked her how many letters were sent in order to determine whether the letter should be classified as a “circular”. Baroness Meacher replied on 5 March (Appendix 6) with responses to my questions. She wrote that she “could, of course, have written from the APPG and on reflection that would have been sensible. At the time it seemed to me that transparency was important though the APPG is serviced by Dignity in Dying”. In response to the second question, she said “I sent one letter to all new MPs and another to all already existing MPs, offering to meet them to discuss the Inquiry. I don’t regard a letter offering to meet people as a circular, but you may have a different view.”
10. In her letter of 2 March, Lady Meacher also noted that the complaint’s reference to her “promoting” her “business interest” was inaccurate. She clarified that her role with Dignity in Dying was voluntary.

Finding

11. I consider Baroness Meacher’s use of headed House of Lords paper to be contrary to the rules set out by the House Committee:
 - Baroness Meacher wrote explicitly as the Chair of Dignity in Dying. It would not have been clear to a reader unfamiliar with her background and interests that the letter might also relate to her activities as a parliamentarian or the work of the APPG on Choice at the End of Life; and
 - the letter concerned Dignity in Dying’s campaign that there be a Government inquiry into the current law around choice at the end of life. While that campaign might involve and interest some parliamentarians and could ultimately result in some parliamentary activity, I consider that the purpose of the letter itself was to promote the charity’s campaign and was therefore not of “an essentially Parliamentary nature”.
12. **I therefore find that Baroness Meacher breached the Code of Conduct.**

3 House Committee, *Rules Governing the Use of Facilities* (2nd report, session 2009–10, HL Paper 47)

Outcome

13. Though I have found that Baroness Meacher breached the Code, I am persuaded that she did not intend to mislead anyone through the use of the parliamentary stationery. Dignity in Dying provides the secretariat for the APPG on Choice at the End of Life, of which Baroness Meacher is a member, and her reason for referring to her role at Dignity in Dying was, as she explained, to provide transparency, as she could as easily have written as a member of the APPG.
14. I also accept that the reference in the complainant's letter to Baroness Meacher promoting her "business activities" is inaccurate and that her role is entirely voluntary. This is clear from her entry in the register of interests where her role with Dignity in Dying is listed as a non-financial interest.
15. In the light of these factors, I considered this to be a minor breach of the Code and one which is appropriate for remedial action.
16. This was not Baroness Meacher's first breach of the code in relation to her work with Dignity in Dying. I found that Baroness Meacher had breached the Code of Conduct in May 2019 because of a failure to declare her position as Chair of Dignity in Dying while asking an oral question.⁴ That breach was resolved by way of remedial action: a letter of apology to the Chairman of the Conduct Committee. I considered this to be a breach of comparable severity and so I proposed a letter of apology would be sufficient remedial action in this case. Baroness Meacher has since written to Lord Mance, chairman of the Conduct Committee (Appendix 7).
17. I am grateful to Baroness Meacher for her cooperation with this matter.

Conclusion

18. The Code of Conduct allows me to dismiss complaints that are "complaints which are clearly trivial or vexatious". As noted in my letter to Lady Meacher on 4 March, I consider vexatious complaints to be those with no merit. This complaint raised issues that warranted investigation and therefore had merit. However, while I have found that the Code was breached on this occasion, I am concerned that the complaints process may be being used as a result of policy disagreements between complainant and respondent that would be better resolved in a different forum.
19. I recognise that some aspects of the Code of Conduct can require close reading and interpretation to ensure compliance. I would therefore encourage Baroness Meacher, and all members, to check with the Registrar if in doubt as to whether their activities might breach the Code of Conduct.

Lucy Scott-Moncrieff CBE
Commissioner for Standards

⁴ House of Lords Commissioner for Standards, *The Conduct of Baroness Meacher* [accessed 22 April 2020]

**APPENDIX 1: COMPLAINT FROM DR GORDON MACDONALD,
CHIEF EXECUTIVE, CARE NOT KILLING ALLIANCE,
7 FEBRUARY 2020**

I am writing with regard to a potential breach of the House of Lords Code of Conduct by Baroness Meacher who is also Chair of the Board of Dignity in Dying. Dignity in Dying is a ‘national campaign and membership organisation’ seeking the legalisation of assisted suicide for those who are terminally ill with a prognosis of six months or less to live. I wrote to you previously (in May 2019) about Baroness Meacher’s failure to declare an interest when acting in her parliamentary role and promoting the campaigning objectives of Dignity in Dying. It is regrettable that I find myself having to raise similar concerns with you again so shortly after the previous occasion.

Dignity in Dying recently launched a media and political campaign to push for a Government led review of, and call for evidence on, the existing law on ‘assisting dying’ - a term which can refer to either assisted suicide only or also to include euthanasia. It is within this context that Baroness Meacher’s conduct should be viewed.

Paragraph 105 of the Guide to the Code of Conduct states that:

“The House provides various facilities and services for members, most of which are paid for in full or subsidised by the public purse. These facilities and services are provided primarily to support members in their parliamentary work. The domestic committees are responsible for proposing rules on the use of facilities by members, and the key ones are reported to and agreed by the House. Paragraph 11(c) of the Code of Conduct states that members shall “act in accordance with any rules agreed by the House in respect of ... the facilities of the House.” A breach of such rules therefore constitutes a breach of the Code of Conduct and could lead to an investigation by the House of Lords Commissioner for Standards. The rules on the use of facilities which have been agreed by the House are set out in two House Committee reports [6] which are in the Handbook on facilities and services for members and their staff. These reports also identify which official is responsible for the provision of each facility or service; a member who acts on the advice of that official in determining what use to make of a facility satisfies fully the requirements of the Code of Conduct in that regard.”

In relation to the use of stationery the House Committee’s report entitled Rules Governing the Use of Facilities (2nd report, session 2009-10, HL Paper 47) states:

“House of Lords headed paper and envelopes may be used for all correspondence relating to the work of the House, including the work of all-party groups, and for personal correspondence in modest quantities but not for circulars, general correspondence (except that of an essentially Parliamentary nature) or business letters.”

On 15th January, Baroness Meacher wrote on House of Lords notepaper to Members of Parliament (MPs) in her capacity as Chair of Dignity in Dying. In her letter (enclosed) she highlighted that there is an opportunity in the new Parliament to change the law, outlined developments in overseas jurisdictions and referred to a number of prominent cases which have featured in the media and which Dignity

in Dying has been publicising. Those cases included that of Geoff Whaley which I have had reason to write to you about previously in relation to Baroness Meacher's oral question to Lord Keen on 23rd May 2019. She also referred to Dignity in Dying's campaign for a Government inquiry. She ended the letter by offering to meet with MPs and provided both her Dignity in Dying email address and her parliamentary telephone extension number for further contact.

In our view it is inappropriate for Baroness Meacher to conflate her two roles as a member of the House of Lords and Chair of Dignity in Dying. Arguably this was the case in her use of House of Lords stationery and her parliamentary extension number to promote a campaign by Dignity in Dying. In addition, she should not be using Parliament's internal mail and/or email system to avoid incurring postage costs for Dignity in Dying. If she wishes to write to MPs on behalf of Dignity in Dying she should do so on the organisation's own headed paper and use the Royal Mail or some other postal service to deliver the letters. Alternatively, she should use a Dignity in Dying or private email address to contact MPs.

I would ask you to investigate this matter and in particular whether parliamentary facilities and stationery have been used by Baroness Meacher to promote her business activities as Chair of Dignity in Dying. Please advise me of the outcome of that process.

APPENDIX 2: BARONESS MEACHER'S LETTER TO MEMBERS OF PARLIAMENT, 15 JANUARY 2020

I am writing to you as Chair of Dignity in Dying. We campaign for a change in the law to allow the choice of assisted dying for terminally ill, mentally competent adults.

In this new Parliament, we have the opportunity to legalise assisted dying to allow dying people to make a choice over the manner and timing of their deaths. This is a cause that is supported by 84% of the British population (Populus, March 2019), with consistently high support across party allegiances, socio-economic status and geographical region.

Assisted dying is already legal in ten American States, two Australian States and nationwide in Canada. An assisted dying bill was passed in New Zealand last year and will come into law subject to a nationwide referendum later this year. In the UK, proposals were rejected in both Holyrood and Westminster in 2015 but the intervening years have continued to show that other countries similar to our own can legislate for a safeguarded, compassionate and progressive law.

In contrast, without an assisted dying law in this country, we will continue to see cases of huge injustice such as the Whaley and Eccleston families experienced. Some loving family members will continue to be investigated by the police for helping their loved ones have the deaths they want, whilst other cases will never come to the attention of the authorities: we cannot have confidence that the current law protects dying people and their loved ones. Furthermore, by preventing choice in this country, the law often shortens life and has created a two-tier system for those who can afford it. One Briton travels to Switzerland for an assisted death every eight days, while every day at least seventeen people in the UK will die without adequate pain relief. Hospice colleagues agree that some people's suffering is beyond the reach of even the very best hospice and palliative care.

In the last Parliament, we made the case for Government to hold an inquiry into assisted dying, a call that was endorsed by Police and Crime Commissioners and cross-party MPs, and agreed by the previous Justice Secretary. We will be calling for such an inquiry over the coming months as we believe it is incumbent on Government to gather all the evidence on how the blanket ban on

assisted dying in this country is affecting dying people, their families and the public servants who must enforce it

I would be delighted to meet with you to discuss this further. You can reach me at [redacted: Dignity in Dying email address] or by telephone on [redacted: Parliamentary phone number]. I look forward to hearing from you.

APPENDIX 3: LETTER FROM THE COMMISSIONER FOR STANDARDS TO BARONESS MEACHER, 28 FEBRUARY 2020

I am writing because I have received a complaint from Dr Gordon Macdonald, Chief Executive of the Care Not Killing Alliance, alleging that you have breached the House of Lords Code of Conduct.

The complaint relates to a letter you sent to parliamentarians in your role as the Chair of Dignity in Dying. A copy of the complaint is enclosed.

I have carried out a preliminary assessment of the complaint. I have decided that there is sufficient *prima facie* evidence to investigate whether the House of Lords Code of Conduct may have been breached. In particular, I intend to investigate whether the following provisions of the Code of Conduct have been breached:

“In order to assist in openness and accountability members shall ... act in accordance with any rules agreed by the House in respect of financial support for members or the facilities of the House.” (paragraph 11(c))

The Guide to the Code of Conduct provides further details on this provision:

“The House provides various facilities and services for members, most of which are paid for in full or subsidised by the public purse. These facilities and services are provided primarily to support members in their parliamentary work. The domestic committees are responsible for proposing rules on the use of facilities by members, and the key ones are reported to and agreed by the House. Paragraph 11(c) of the Code of Conduct states that members shall “act in accordance with any rules agreed by the House in respect of ... the facilities of the House.” A breach of such rules therefore constitutes a breach of the Code of Conduct and could lead to an investigation by the House of Lords Commissioner for Standards. The rules on the use of facilities which have been agreed by the House are set out in two House Committee reports which are in the Handbook on facilities and services for members and their staff. These reports also identify which official is responsible for the provision of each facility or service; a member who acts on the advice of that official in determining what use to make of a facility satisfies fully the requirements of the Code of Conduct in that regard.”

In this instance the relevant facility of the House is House of Lords headed paper. The report of the House Committee, *Rules Governing the Use of Facilities*, says:

“House of Lords headed paper and envelopes may be used for all correspondence relating to the work of the House, including the work of all-party groups, and for personal correspondence in modest quantities but not for circulars, general correspondence (except that of an essentially Parliamentary nature) or business letters.”

Dr Macdonald alleges that by writing on House of Lords headed paper in your role as the Chair of Dignity in Dying you breached this rule and therefore the Code of Conduct.

I invite you to respond in writing with a full and accurate account of the matters in question; this response may be by email or letter and to whatever length you feel necessary. A response by 6 March would greatly assist me in investigating this matter in a timely fashion.

I would also wish to draw your attention to paragraph 136 of *The Guide to the Code of Conduct*:

“From the point that the Commissioner decides to undertake an investigation all evidence and correspondence relating directly to the inquiry is covered by parliamentary privilege. It must remain confidential unless and until it is published. If such evidence or correspondence were to be published or disclosed to anyone else without the agreement of the Conduct Committee or the Commissioner, this would be a contempt of the House. An attempt to obstruct an investigation is a contempt of the House.”

In accordance with paragraph 125 of the Guide to the Code of Conduct a webpage on the parliamentary website will include basic information about the case.

APPENDIX 4: LETTER FROM BARONESS MEACHER TO THE COMMISSIONER FOR STANDARDS, 2 MARCH 2020

I have received the complaint from the campaign body – Care not Killing.

I had considered it acceptable to write to MPs on House of Lords notepaper as a longstanding member (now Vice Chair) of the APPG on Choice at the End of Life, and having spoken in the House of Lords on this subject on a number of occasions over the years. The work is relevant to Parliament. There have so far been three Private Members Bills introduced to Parliament pressing for the right to a dignified death for terminally ill, mentally competent adults who are suffering unbearably. There have also been two debates in the Commons in the past year. We are in discussion with Ministers about an Inquiry into the consequences of the current law and plan a further Bill during this Parliament. All the meetings referred to in the letter will be undertaken by me and other parliamentarians, keen to be involved.

I object to the reference in the Care not Killing letter to me “promoting my business interest”. This is inaccurate and knowingly so. Of course my work on the question of unbearable suffering of a minority of terminally ill people is not a business interest. It is a moral issue of considerable interest to Parliament and to the public, 85% of whom support the need for law change. My role is entirely voluntary.

However, if you are of the view that I shouldn’t have used House of Lords note paper then I apologise to the House and guarantee that I will not do so again.

Incidentally, I would be interested to know whether there is a procedure for dealing with malicious complaints against Peers.

APPENDIX 5: LETTER FROM THE COMMISSIONER FOR STANDARDS TO BARONESS MEACHER, 4 MARCH 2020

Thank you for your prompt reply to my letter and for your offer to apologise to the House. Before concluding, it would be useful for me to understand a little more about the nature and purpose of your letter.

In your reply you mention writing as a long-standing member of the APPG on Choice at the End of Life and as someone who has spoken on such matters in the House on many occasions. However, the copy of your letter provided by Care Not Killing begins, “I am writing to you as Chair of Dignity in Dying” and describes the campaign “we” (Dignity in Dying) wishes to pursue. Although I accept that Dignity in Dying’s campaign will involve meetings in parliament and parliamentary activity, the letter appears to be couched in terms related more broadly to the organisation’s campaign. I therefore need to consider whether the letter is “of an essentially Parliamentary nature”. I would be grateful for your views on this.

The rules agreed by the House Committee ban “circulars”. I have only been provided with one copy of your letter. I would be grateful if you could let me know how many of these letters were sent and what determined the mailing list.

I note your objection to the complaint’s reference to promoting your business activities. I do not consider that the evidence supplied to me suggests that the letter was sent for any sort of personal or financial gain.

You also ask about dealing with malicious complaints. I have the discretion to screen out vexatious complaints. I consider a vexatious complaint to be one which has no merit. Though I realise that this and the previous complaint from Care Not Killing may be motivated by a fundamental policy disagreement, the motivation behind complaints is not a matter for me. Wherever a complaint is made which falls within the scope of the Code of Conduct and which is supported by evidence sufficient to establish a prima facie case that the Code has been breached, I must investigate.

APPENDIX 6: LETTER FROM BARONESS MEACHER TO THE COMMISSIONER FOR STANDARDS, 5 MARCH 2020

Thank you for your further letter. You ask me to respond to several points. First, that I said I was writing as a long-standing member of the APPG on Choice at the End of Life etc. This is true though in the letter I have made clear my involvement with Dignity in Dying as their Chair and that it is in that role that I am writing. I could, of course, have written from the APPG and on reflection that would have been sensible. At the time it seemed to me that transparency was important though the APPG is serviced by Dignity in Dying and is Lords closely associated with the call for an Inquiry.

I sent one letter to all new MPs and another to all already existing MPs, offering to meet them to discuss the Inquiry. I don't regard a letter offering to meet people as a circular, but you may have a different view.

The last two paragraphs of the letter make clear that the purpose of writing concerns the proposed Inquiry. I have a meeting scheduled with the Secretary of State for Justice, Robert Buckland, to take this matter forward. We will be discussing whether the Inquiry might be undertaken by a Select Committee and, if so, which Select Committee will be most suited to the task. The point here is that the Inquiry will be a Parliamentary initiative or a Ministerial initiative in which MPs will have a considerable interest. My aim in writing to them was to ensure that they were properly informed of the facts.

I had a meeting yesterday with an MP who is seriously considering tabling a private members bill on assisted dying. Alternatively he will throw his weight behind the Inquiry. Either way, this is a very live issue in Parliament at the moment. A debate on assisted dying some weeks ago involved a considerable number of MPs.

**APPENDIX 7: LETTER FROM BARONESS MEACHER TO LORD
MANCE, CHAIRMAN OF THE CONDUCT COMMITTEE, 26 MAY 2020**

I apologise unreservedly for unwittingly breaching the House of Lords Code when writing to MPs on House of Lords headed paper on 15 January 2020, as Chair of Dignity in Dying. I should have done this from the APPG or not at all. I did wonder at the time whether this was acceptable and should have checked. I will take more care in future.