



HOUSE OF LORDS

Report from the Commissioner for Standards

The conduct of Lord Lea of Crondall

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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.

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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@solacewomensaid.org

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The conduct of Lord Lea of Crondall

CHAPTER 1: INTRODUCTION

1. On 30 April 2019 the House of Lords introduced changes to the Code of Conduct which, for the first time, explicitly set out that bullying, harassment and sexual misconduct were breaches of the Code of Conduct. It also introduced new procedures for dealing with complaints of bullying, harassment and sexual misconduct. Further details are given in Chapter 4.
2. This report deals with two separate complaints made about Lord Lea of Crondall under the revised Code. Both complaints were made in early July 2019.
3. Though my meetings and much of my correspondence with Lord Lea covered both complaints, the details of each have been considered separately; each complainant has been unaware of the other's complaint.
4. In considering these complaints I have been supported by Sam Evans, Associate Practitioner, CMP Solutions, and James Whittle and Moriyó Aiyeola, the Clerks who assist me in my work. I wish to place on record my thanks to them for all their help, while also acknowledging that I am solely responsible for the conclusions reached and the decisions made in this investigation.
5. I also wish to thank the complainants for their engagement in the process. I am well aware that making complaints under a new and untried process against members of the House takes courage. They have engaged with the process constructively and I thank them for this.
6. By its nature, any report into allegations of bullying, harassment or sexual misconduct will include content that some readers may find upsetting or offensive. My aim is to reflect fairly and fully the evidence I gather in the course of an investigation and not to censor or in any way minimise views expressed or material uncovered. I believe this transparency is essential to helping the House of Lords to be an institution where everyone is valued and respected, and where it is clear that bullying, harassment and sexual misconduct are not tolerated. This means that reports into allegations of bullying, harassment or sexual misconduct will often make for difficult reading.
7. The findings and discussions in this case relate to harassment associated with the protected characteristics of age and sex.

CHAPTER 2: EXECUTIVE SUMMARY

Complaint by AB

8. The first complaint in this report was made initially in December 2018. At that time, the complaint did not fall within the scope of the Code of Conduct and was therefore dismissed at preliminary assessment. The complainant, referred to as AB for the purposes of this report, re-made her complaint on 1 July 2019 under the revised Code. As a result of the expansion of the remit of the Code, the complaint passed preliminary assessment and I launched an investigation.
9. AB had accompanied a delegation of parliamentarians, including Lord Lea, on an official visit that lasted several days some years ago. During that visit she alleged that Lord Lea behaved inappropriately. That conduct was not the subject of my investigation as it occurred too long ago to fall within the scope of the Code.¹ However, in October 2018, AB received a package at her workplace from Lord Lea which included a copy of a photo taken during the visit in a silver frame and a letter from him which included a reference to an incident during the visit involving a bottle of champagne and an invitation to meet him, as she thought, at his home for a cup of tea, or “to finish that bottle of champagne”. He also mentioned in the letter that he had a copy of the photo on his piano at home. AB considered this contact, which was unexpected and unwanted in itself and even more so in recalling events that she had found disturbing, to be contrary to the Code of Conduct.

Immediate and longer-term effect on AB

10. When discussing with us the impact of receiving the letter and photo, AB, who had been quite composed in our interview until this point, became visibly upset, such that we paused the interview. She described being startled and upset at receiving the letter and photo from Lord Lea, saying it felt “slightly stalkerish ... to receive something like that with the letter after such a long time”. She said that the idea that Lord Lea had a photo of her on his piano at home was:

“just really weird and makes you think that maybe he has some kind of ... feelings towards me ... I think that it is strange to have a picture of a [woman in her twenties] that you don’t know and have no contact with.”
11. She was also concerned that her new role again brought her frequently onto the parliamentary estate and the thought of bumping into Lord Lea left her feeling uncomfortable.

Lord Lea’s response

12. Lord Lea’s initial written response to the complaint was to apologise for what he now understood was “an unwelcome intrusion”. He said that he regretted his “serious error of judgement”. During our interview his response demonstrated less understanding of AB’s point of view. When asked if he understood why his letter, some nine years after the official visit, had agitated AB, he said “not quite, unless she had some feelings of affection for me

¹ Complaints must usually be made within four years of the conduct complained of. In exceptional circumstances I may seek the agreement of the Conduct Committee to investigate conduct which occurred more than four years before the complaint. In this case, as I explain in paragraphs 99–101, I did not seek the Committee’s permission to investigate.

which she thought I had torn up or something.” He also suggested that AB was “exaggerating” or “egging the pudding in some way”, “has now put two and two together and made a lot more than four”, and that she didn’t really believe that when he wrote to her he had invited her to go to his home.

Finding

13. This behaviour met the criteria for harassment related to the protected criteria of age and sex, and was a breach of the Code of Conduct.

Outcome

14. I proposed that Lord Lea undertook bespoke training and behaviour change coaching provided by an external supplier. AB agreed to this, as did Lord Lea, and the matter was therefore dealt with by remedial action. Lord Lea is already in touch with the external supplier of the training and behaviour change coaching.

Complaint by TU

15. TU made her complaint on 3 July 2019. She alleged that Lord Lea had used the occasion of her being alone in the room where she worked to come in repeatedly to strike up conversation with her, getting her to come around the desks of the office to pass him pieces of paper and a book, and to ask her to come for a cup of tea with him. This conduct recalled earlier incidents which included Lord Lea asking TU to go for a drink with him, and promising to write her a poem referencing a sexually suggestive rhyme on her name he had created about her.
16. TU found these interactions unwanted and unwelcome and therefore contrary to the requirements of the Code of Conduct.

Immediate and longer-term effect on TU

17. TU said the immediate impact of Lord Lea’s behaviour had left her feeling uncomfortable and singled out. His behaviour was upsetting as she felt it affected how she worked and how she presented herself at work. She said:

“I just want to be able to come to work, do my job and be a work person rather than a woman at work. You don’t want to think of yourself or how you’re portraying yourself, what you’re wearing or how friendly you’re being just in case somebody might take it the wrong way.”

Lord Lea’s response

18. In his written response, Lord Lea was apologetic about how his interactions with TU had caused her upset. He said:

“I did not detect any unease or nervousness on her part and that - I now know - is my fault because clearly, I can now see that I misread that ... I was certainly not making advances, even though that was clearly how it appeared to TU. There is a misunderstanding if TU thinks that when I went towards her, it was to simply to get close to her or advance into her personal space. But again, I now realise that this is how she saw it and I am deeply sorry.”

19. His recollections of the rhyme comments were unclear, differing between his written response and our interview, but he agreed he could recall having

used that rhyme. He said that his offers to buy TU a drink/cup of tea were intended as pleasantries but that his efforts to be sociable were often “forced” and that he could be “a bit gauche on occasion”.

20. In the course of our interview we discussed the different levels of informality and sociability that might be appropriate between Lord Lea and others around the House. It was unclear whether Lord Lea fully recognised the differences between how appropriate it might be to be informal with “Michael Howard or, you know, Michael Heseltine” and House staff in a professional setting.

Finding

21. This behaviour met the criteria for harassment related to the protected characteristics of age and sex, and was a breach of the Code of Conduct.

Outcome

22. I proposed that Lord Lea undertook bespoke training and behaviour change coaching provided by an external supplier. TU agreed to this, as did Lord Lea, so the matter was concluded by remedial action. Lord Lea is already in touch with the external supplier of the training and behaviour change coaching.

CHAPTER 3: PROCESS AND CHRONOLOGY

23. Following the receipt of each complaint in July 2019 I carried out a preliminary assessment to establish if the complaints engaged the Code of Conduct, and concluded that each one did so.
24. I informed Lord Lea of each complaint, sent him the details that the complainants had provided to me, and asked for his written response. I forwarded each response to the relevant complainant.
25. I was also made aware that Lord Lea had been the subject of complaints made previously, not to me or my office but through informal routes within the House of Lords Administration recorded in the Clerk of the Parliaments' office. I considered it relevant to obtain some information about these previous complaints. The Clerk of the Parliaments, Ed Ollard, provided relevant, anonymised information, which I shared with Lord Lea, and discussed with him at interview. Details of the information from Mr Ollard are in Chapter 6.
26. Sam Evans and I, with James Whittle supporting us, interviewed AB, TU and Lord Lea in early September.
27. Each person interviewed was given the opportunity to review the transcript of their interview for factual accuracy and to clarify or add further detail if necessary. Then, in accordance with paragraph 147 of the Guide to the Code, I produced separate draft reports of the facts in relation to each complaint. I sent the relevant factual reports to each complainant and sent both to Lord Lea. In relation to the complainants, I not only asked them to let me know if they disputed any of the facts in the draft report, but also if they were satisfied that I had protected their anonymity sufficiently.
28. I had a further meeting with each complainant to discuss next steps. In each case I informed them that I had reached the provisional conclusion that the evidence justified upholding their complaint, although I could not make a final decision until after my next meeting with Lord Lea.
29. I also discussed possible sanctions and informed them, with my reasons, why I considered that bespoke training and behaviour change coaching was the proportionate sanction in response to each of the complaints and that this could be provided for by way of remedial action. Both of them agreed with this, although they were aware that they could disagree and that this would lead to the matter being decided by the Conduct Committee.
30. On 31 October I had a meeting with Lord Lea to discuss next steps. During that meeting we discussed my provisional findings and proposed remedial action. He subsequently agreed by correspondence to the remedial action proposed. In the light of this correspondence, I completed my report.
31. It was not possible to complete the report before Parliament was dissolved, and, with the agreement of the complainants, I decided to wait until House of Lords sittings resumed before publishing the report.

CHAPTER 4: RELEVANT ASPECTS OF THE CODE

32. On 30 April 2019, the House agreed a revised Code of Conduct. This included, for the first time, explicit reference to the Parliamentary Behaviour Code. Paragraph 10 of the Code says:

“Members of the House should observe the principles set out in the Parliamentary Behaviour Code of respect, professionalism, understanding others’ perspectives, courtesy, and acceptance of responsibility. These principles will be taken into consideration when any allegation of bullying, harassment or sexual misconduct is under investigation.”²

33. Paragraph 17 says that “Members are required to treat those with whom they come into contact in the course of their parliamentary duties and activities with respect and courtesy” and makes clear that “[b]ehaviour that amounts to bullying, harassment or sexual misconduct is a breach of this Code.”
34. The revisions to the Code also expanded its scope where complaints of behaviour amounting to bullying, harassment or sexual misconduct are concerned. For other types of conduct the Code’s remit is “the discharge of their parliamentary duties” and it does not extend to “duties unrelated to parliamentary proceedings, or to their private lives”. Paragraph 17 applies more broadly to “the standards of conduct expected of members in performing their parliamentary duties and activities whether on the Parliamentary estate or elsewhere.”³

Parliamentary Behaviour Code and definitions of bullying, harassment and sexual misconduct

35. The Parliamentary Behaviour Code, included as Appendix A to the Code of Conduct, sets out six principles of conduct:
- Respect and value everyone—bullying, harassment and sexual misconduct are not tolerated;
 - Recognise your power, influence or authority and don’t abuse them;
 - Think about how your behaviour affects others and strive to understand their perspective;
 - Act professionally towards others;
 - Ensure Parliament meets the highest ethical standards of integrity, courtesy and mutual respect;
 - Speak up about any unacceptable behaviour you see.

2 The complaints included in this report were made under the seventh edition of the Code of Conduct, agreed on 30 April 2019. References to and quotes from the Code in this report are from the eighth edition, agreed on 18 July 2019 and available online at www.parliament/hl-code. None of the aspects of the Code relevant to this report was revised for the eighth edition.

3 See paragraph 3(a) of the Code of Conduct

36. Appendix B of the Code defines bullying, harassment and sexual misconduct at some length, drawing from definitions included in the *Independent Complaints and Grievance Scheme Delivery Report*.⁴

Bullying

37. Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour involving an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened.
38. Power does not always mean being in a position of authority and can include both personal strength and the power to coerce through fear or intimidation.
39. Bullying can take the form of physical, verbal and non-verbal conduct.
40. Bullying behaviour may be in person, by telephone or in writing, including emails, texts or online communications such as social media.
41. It may be persistent or an isolated incident and may manifest obviously or be hidden or insidious.

Harassment

42. Harassment is defined as any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of either violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
43. It is distinct from bullying in that harassment is related to one or more of the relevant protected characteristics which include age, sex, race, disability, religion or belief, sexual orientation and gender reassignment.
44. It may be persistent or an isolated incident and may manifest obviously or be hidden or insidious.
45. It may take place in person, by telephone or in writing, including emails, texts or online communications such as social media.
46. Harassment can be intentional or unintentional. The key is that the words or behaviour are unwanted or unacceptable to the recipient.

Sexual misconduct

47. Sexual misconduct incorporates a range of behaviours including sexual assault, sexual harassment, stalking, voyeurism and any other conduct of a sexual nature that is non-consensual or has the purpose or effect of threatening, intimidating, undermining, humiliating or coercing a person.

Anonymity

48. Paragraph 126 of the Guide to the Code of Conduct says:

“Where complaints relate to bullying, harassment or sexual misconduct the identity of the complainant will be shared where necessary with those directly involved in the investigation but will not usually be made

4 Independent Complaints and Grievance Scheme Delivery Report, published July 2018: <https://www.parliament.uk/documents/news/2018/1%20ICGP%20Delivery%20Report.pdf>.

public during the investigation, or on publication of the report, unless the complainant desires otherwise. This may involve some redaction in reports. Those involved in the investigation are under an obligation to protect the identity of the complainant and a failure to do so may constitute a breach of the Code as well as a contempt of the House.”

49. Neither of the complainants in this report has waived their right to anonymity. Much of the evidence quoted is therefore redacted or summarised in order to ensure the complainants cannot be identified. Copies of letters, transcripts of meetings and other evidence gathered in these investigations have not been reproduced in this report as to do so would unacceptably risk the complainants’ anonymity.

External investigator

50. Paragraph 131 of the Guide to the Code says:

“In cases involving bullying, harassment or sexual misconduct, the Commissioner is supported by independent investigators. The Commissioner may delegate to the investigator to the extent she considers appropriate any of her investigatory functions.”

51. As noted above, in this case I was supported by Sam Evans of CMP Solutions.

CHAPTER 5: PRINCIPLES RELATING TO INVESTIGATIONS AND OUTCOMES

52. These are among the first complaints I have investigated under the revised provisions in the Code for dealing with bullying, harassment and sexual misconduct. I therefore wish to set out the principles that I have applied, and will apply in future, in reaching decisions as to the appropriate ways to proceed and sanctions to agree or recommend.

Proportionality

53. The first principle is that of proportionality. This is implicit in the Code and the Guide to the Code, which envisage a range of appropriate outcomes in the event of a breach. Some of these can be recommended by me but must be agreed by the Conduct Committee and imposed by the House. Others can be decided by me with the agreement of respondent and, in cases of bullying, harassment and sexual misconduct, the complainant.

Remedial action

54. An outcome proposed by me and agreed to by the complainant and respondent is referred to as “remedial action”. The Guide to the Code sets out where such an outcome might be proportionate and what it might involve:

“Remedial action may be agreed if the complaint, though justified, is minor and is acknowledged by the member concerned.” (paragraph 140 of the Guide to the Code)

“In cases involving bullying, harassment or sexual misconduct any remedial action recommended at the end of an investigation will need to be agreed by both the member and the complainant and possibly negotiated through mediation. Remedial action in such cases may include the respondent apologising to the complainant or agreeing to attend appropriate training.” (paragraph 141 of the Guide to the Code)

55. “Minor”, in this context, does not mean trivial, and does not imply that the effect on the complainant has been minor. Rather, it acknowledges that in the full range of behaviours covered by the provisions, the behaviour complained of is at the lower end of the range.
56. Allegations of bullying, harassment or sexual misconduct may only be dealt with by remedial action with the consent of both the complainant and the respondent. Although their consent is necessary, it is not sufficient; I also have to decide that it is a proportionate response.
57. If the respondent is the subject of complaints relating to conduct similar to that previously dealt with by remedial action, I would take into account this apparent lack of modification in his or her conduct when considering whether further remedial action would be appropriate.

Sanctions imposed by the House

58. Some sanctions can only be imposed by the House: suspension, denial of access to the system of financial support for members or the facilities of the House, and expulsion. These are the more severe sanctions available and would be used where the behaviour complained of was at the higher end of the range.

59. It may also be necessary to resort to a sanction imposed by the House for less serious breaches if remedial action, even if considered proportionate by me, cannot be agreed by the parties or is not proportionate as it has proven to be ineffective in the past.

Agreed resolution

60. The Guide to the Code of Conduct also provides for an outcome prior to any finding by “agreed resolution”:

“At any time during an investigation involving bullying, harassment or sexual misconduct the Commissioner may reach an agreed resolution with both the complainant and the member under investigation. At the Commissioner’s discretion, such an agreed resolution can bring the investigation to an end. In this case, it is at the discretion of the Commissioner, having consulted the complainant and the member, whether a report is published on her webpages on the parliamentary website.” (paragraph 143)

61. This outcome differs from remedial action in that:
- no finding is reached;
 - no sanction is imposed (though the parties may agree to some action as part of the agreement); and
 - a report is not necessarily published. If no report is published, the existence of the complaint and investigation will remain confidential indefinitely.
62. The Guide to the Code does not stipulate when this course of action might be suitable but I would expect it to be the exception rather than the norm, and would expect it only to apply as a result of the particular circumstances of the case.
63. Two factors to which I would anticipate paying particular attention when considering a request for an agreed resolution would be the motivation behind any such request and the need for the enforcement of the Code of Conduct to be as open and transparent as possible.
64. In particular, I would want to be sure that a complainant was choosing an agreed resolution in his or her own interests, rather than those of the respondent, and that a respondent who disputed the accuracy of the complainant’s account was not agreeing to this outcome simply to avoid publicity.

Openness and transparency

65. The principles of openness and transparency may be relevant when considering proportionality.
66. If I, or the Conduct Committee, uphold a complaint, the Code requires that a report is published, naming the respondent.
67. Publication is not a sanction, but the effect of publication is, in my view, a matter that I can take into account when considering the proportionality of any sanction I may impose, as publicity may itself be a very effective catalyst for change in the respondent’s behaviour.

68. The educative benefits of openness and transparency require me in most, if not all, cases to publish in my report significant details of the respondent's agreed and alleged behaviour, and its effects on the complainant. This is the case even though the respondent may be deeply embarrassed at the descriptions of the behaviour, and the effects of the behaviour on the complainant, being made public. Publishing the details allows readers to assess whether their own behaviour requires modification to avoid the possibility of a complaint being made and upheld and allows readers who may have been affected by similar or equivalent behaviour to recognise that they have a remedy. Publishing the details also shows members of the House the behaviour of their colleagues that they should be challenging in accordance with paragraph 9(g) of the Code of Conduct which requires them to show leadership by challenging poor behaviour wherever it occurs, and the requirement in the Behaviour Code to speak up about any unacceptable behaviour they see. All these effects, over time, should improve the working environment of the House of Lords.
69. However, against these benefits has to be set the risk of causing upset or offence to some readers by setting out this material. I am convinced that my reports must reflect fairly and fully the evidence I gather in the course of an investigation, without censoring, concealing or minimising events and reactions described, or views expressed, as I believe this transparency is essential to helping the House of Lords to be a workplace where everyone is valued and respected, and where it is clear that bullying, harassment and sexual misconduct are not tolerated. To protect readers from unexpectedly coming across material which may distress or anger them, introductions to reports will contain a warning, as in this report, which will specify the nature of the material under discussion.

Fairness and natural justice

70. The Guide to the Code of Conduct states that:
- “In investigating and adjudicating allegations of non-compliance with this Code, the Commissioner and the Conduct Committee shall act in accordance with the principles of natural justice and fairness.”
(paragraph 129)
71. The question of how the rules of natural justice apply to the respondent was extensively discussed in a previous investigation, and may be consulted in the second report of that investigation.⁵
72. The requirement of fairness applies to both complainant and respondent, and here I set out how I interpret this principle.
73. I do not give any advantage to one or the other in the investigatory process; for both I offer the same options and conduct interviews in the same way. I seek documentary or third-party corroboration of any disputed evidence and assess the reliability of evidence using the same criteria for both parties, which does not include any assumption that status, power or reputation makes one person's evidence inherently more reliable than that of someone of lesser status, power or reputation.

5 Committee for Privileges and Conduct (3rd Report, Session 2017–19, HL Paper 252)

74. Where there are points in an investigation where the parties have to agree to a particular proposal, I will take particular care to ensure that agreement is freely given, and for the right reasons.
75. Paragraph 133 of the Guide to the Code says that “Members, and in cases involving bullying, harassment or sexual misconduct the complainant, are given an opportunity to review and, if they so wish, challenge the factual basis of any evidence supplied.”
76. Paragraph 147 of the Guide to the Code sets out the process for this, requiring me to “share with the member a draft of those parts of [my] report dealing with issues of fact.” The respondent then has the “opportunity to comment on it.” Though paragraph 147 does not make it explicit, it is consistent with paragraph 133, and fairness requires, that the complainant should also have an opportunity to comment on the factual accuracy of my report in every case of bullying, harassment or sexual misconduct, and where agreed resolution or remedial action are under consideration should be asked to do so before reaching their views on what is under consideration.
77. Fairness also requires that where mediation is under consideration at an early stage in the investigation, any response to the complaint by the respondent will be made available to the complainant before mediation takes place, even if no report of the facts has been prepared.

CHAPTER 6: INFORMATION FROM THE CLERK OF THE PARLIAMENTS REGARDING LORD LEA

78. In the course of my investigations, I was made aware that Lord Lea had been the subject of complaints made previously, not to me or my office but through informal routes within the Administration recorded in the Clerk of the Parliaments' office. I considered it relevant to obtain some information about these previous complaints.
79. I therefore wrote to the Clerk of the Parliaments, Ed Ollard, to discuss what it would be proper for him to provide to me. We agreed that he would not give me any information that could identify those who had raised concerns and complaints via these informal routes, but he could give me some information about the complaints.
80. I was not writing with a view to persuading previous complainants to make a complaint to me, but to understand what contact officials in the House of Lords had had with Lord Lea regarding complaints about his behaviour, and what his response had been to complaints being raised with him. I considered this to be important contextual information that would assist me in my investigation. This information was not shared with the complainants during the investigation, though a draft of this chapter was shared with them at the end of my investigation along with the other parts of the report dealing with issues of fact.
81. On 30 August, Mr Ollard wrote to me. He reported that for the period May 2011–July 2019 (a period covering his time in office and that of his predecessor), there had been 18 complaints in total about Lord Lea recorded by his office, including the complaint by AB. Those complaints had come from House of Lords Administration staff as well as bicameral staff and had been about behaviour which, if proven, could constitute bullying or harassment. They included one instance involving a racially offensive remark, 15 complaints involving shouting at staff, being aggressive and making unreasonable demands, and one occasion where a woman had been made to feel uncomfortable by Lord Lea's alleged behaviour.
82. In response to some of these complaints, Lord Lea had apologised to staff (either verbally or in writing) and had had restrictions imposed on his access to certain House services. The Administration had alerted the Labour Whips Office in the Lords to some of these complaints.
83. However, in his letter the Clerk of the Parliaments noted that the steps taken following these complaints appeared to have been "insufficient to secure a long-term change in Lord Lea's behaviour."
84. During our meeting, I asked Lord Lea if he had any comments to make in particular on Mr Ollard's comment that the steps taken, and referred to in his letter, were insufficient to secure a longterm change in his behaviour.
85. He was clearly disconcerted and upset by the contents of the document, and thought that a number of the complaints would have been from the Parliamentary Digital Service, "because I am hopeless at IT and I get very frustrated sometimes on that. But I would take that to heart."
86. He went on to name some staff with whom he gets on well, and to say that he was shocked by the content of the note and will have to make sure he does not "flare up".

CHAPTER 7: COMPLAINT BY AB: ACCOUNT OF THE KEY FACTS AND EVIDENCE

87. On 5 December 2018, AB wrote to my office making a complaint about the conduct of Lord Lea of Crondall.
88. She said that some years ago she had been involved in arranging an official visit of parliamentarians, and had accompanied the delegation on the visit. During the visit Lord Lea made her very uncomfortable by his behaviour towards her, which included inviting her to his room to share a bottle of champagne that he had been given. She wrote:
- “upon arrival, the hotel presented each member of the delegation with a complimentary bottle of champagne. Afterwards, Lord Lea came and spoke to me in the hotel lobby. He said that he wanted to discuss the details of the visit program with me. He suggested that we have the discussion in his hotel room and that we could drink his complimentary bottle of champagne at the same time.
- This struck me as an entirely inappropriate suggestion; under no circumstances would I ever make or accept such an invitation in a professional setting. It felt particularly unsafe to do so given [an email exchange I had had with him before the visit that made me sufficiently uncomfortable that I reported it to my line manager] I responded that if he wished to discuss the program we could do so in the hotel lobby area. I remember that he reacted quite angrily to what I had said, as if I had accused him of acting inappropriately (which in effect I had done). As far as I recall, Lord Lea did not subsequently arrange any form of meeting or discussion with me about the program”.
89. The “champagne incident” is described here, as it is relevant to the subsequent complaint that I investigated. Other matters complained of on the official visit are not detailed here, as I have not investigated them for the reasons explained below, and it would be unfair to Lord Lea to give details of a complaint that I have not investigated.
90. AB reported her concerns to a colleague during the visit and to her line manager on her return but took no other action, as she did not know what action she could take.
91. She subsequently left her job and had no contact of any sort with Lord Lea after the visit.
92. In 2017 she took up a new post, which involved some contact with parliamentarians but not directly with Lord Lea.
93. In early October 2018 she received a package from Lord Lea at her place of work (not on the Parliamentary estate) that contained a silver-framed photograph of her taken on the official visit. It also contained a letter from Lord Lea explaining, amongst other things, that he keeps a copy of the photo on his piano at his home. He also invited me to visit him at home and referred to finishing “that bottle of champagne.”
94. She believed that this was a reference to the incident regarding a bottle of champagne referred to above. She also commented, “it strikes me that Lord

Lea went to considerable effort to find out where I was working and to send the parcel”.

95. The relevant parts of Lord Lea’s letter are as follows:

“I trust you are finding your current new role a fulfilling one: I would be glad to hear more about it.

I have this splendid photograph from our wonderful visit ... sitting on my piano in Crondall—a striking juxtaposition of you and [a large artefact of historical interest] ... it struck me the other day that you might like to have a copy of it, so here it is.

[Your new role] is not in my area of expertise—and I am not suggesting that you will wish to pontificate about it ...

It perhaps goes without saying that if you have the time and the inclination—let us say before we get to December—to come over for a cup of tea (or perhaps finish that bottle of champagne) and tell me more about where you think we are now all heading on this I would very much look forward to it.”

96. She said that she had been somewhat shaken on receipt of the package and she found “the idea that he has kept a photo of me in his home [since the official visit] very unsettling”. She wished to make a formal complaint that Lord Lea’s conduct had breached the requirement of the Code of Conduct that members should act on their personal honour, and hoped that, at a minimum, this would prevent any further contact from him.
97. I carried out a preliminary assessment, as required by the Code of Conduct, during the course of which I contacted the colleagues to whom AB had spoken on the official visit, and her then line manager. Although each had some recollection of her concerns, they were not able to give any detail, and there were no written records. This meant that there was no contemporaneous corroboration of her concerns.
98. The Code of Conduct current at the time that the complaint was made⁶ provided guidance “for members of the public as to the standards of conduct the House expects of its members in the discharge of their Parliamentary duties” (paragraph 9 of the Guide to the Code).
99. The Guide also stipulated that complaints “must usually be made within four years of the conduct complained of. In exceptional circumstances the Commissioner may investigate conduct which occurred more than four years before a complaint is made, providing that the conduct committee agrees and that it is satisfied that there is a strong public interest in the matter being investigated.”
100. I considered that, if the allegations about the official visit had been made within four years, the Code of Conduct would have been engaged, as the official visit would have been part of Lord Lea’s parliamentary duties. However, the visit had been significantly more than four years prior to AB’s complaint in December 2018.

101. In view of the specific allegations made concerning Lord Lea's behaviour on the official visit, and in view of the fact that there was no contemporaneous corroborative evidence, I concluded that there was insufficient evidence to say that there were exceptional circumstances that would have justified an investigation of the allegations regarding Lord Lea's conduct on the official visit, and that, therefore, it would not be right to ask the Sub-Committee on Lords' Conduct (then responsible for such matters) to authorise an investigation.
102. I also concluded in December 2018 that Lord Lea's behaviour in October 2018, in writing to AB and sending her a framed photo, did not fall within the definition of his parliamentary duties, and therefore could not be investigated under the Code of Conduct as it then was.
103. AB was disappointed with my decision and asked to meet me to discuss it in more detail. We met in March 2019. During the course of that discussion I mentioned other possible routes that AB could take to raise her concerns about Lord Lea.
104. On 30 April 2019 a new edition of the Code of Conduct was agreed. It made specific provision in relation to behaviour that amounted to bullying, harassment or sexual misconduct. The provisions were backdated to the beginning of the Parliament in June 2017 and the scope of the Code was extended, in relation to these matters, to cover not only parliamentary duties but also parliamentary activities.
105. On 9 May the clerk assisting me, James Whittle, having previously agreed to do so, sent AB a copy of the new Code.
106. On 10 June AB contacted Mr Whittle to ask if I could help her take the steps we had discussed in March. On 12 June she emailed Mr Whittle to say that she had looked at the new Code of Conduct, thought that it was "quite hard to tell whether it would be possible, under the new version, to investigate my complaint" and asked me for any thoughts that I had on that point.
107. On 25 June I emailed AB to explain the relevant changes in the Code, and said that Lord Lea's October 2018 letter might now fall within the Code but that "it would be inappropriate for me to seek to encourage you to resubmit your complaint under the revised code or to pre-empt any conclusions I may reach on a preliminary assessment or in the course of investigation. However, I can assure you that I would consider any complaint you might make fresh, regardless of the position reached following your previous complaint".
108. On 26 June 2019 AB emailed me with a further query about the process, and on 1 July she contacted Mr Whittle to say that she wanted to resubmit her complaint under the new provisions.
109. I agreed to reconsider AB's complaint and, once again, considered that the alleged behaviour on the official visit did not engage the Code, for the reasons given previously.
110. However, I considered that Lord Lea's behaviour in October 2018 did engage the Code. This was because the letter he wrote to AB was on parliamentary headed paper and because his only previous contact with AB had been in the course of his parliamentary duties and activities. My preliminary assessment, following discussion with Sam Evans, was that the behaviours described by

AB would, if proven on the balance of probabilities (more likely than not), fall within the expanded definitions in the Code relating to bullying, harassment or sexual misconduct. I therefore agreed to carry out an investigation into this part of her complaint.

111. I wrote to Lord Lea on 16 July, confirming that I intended to carry out an investigation, enclosing the complainant's statement originally sent to me in December 2018, explaining the basis of the investigation and asking him for a full response to the complaint.
112. Lord Lea replied on 24 July. He said that he wished to apologise to AB for sending her the photograph:

“I now clearly understand that she saw this as an unwelcome intrusion and I regret my serious error of judgement in that regard ... I thought she might find this a nice addition to her scrapbook or photo album [as not many people get to go to the place where the photograph was taken]: **it did not occur to me that she would find this an unwelcome intrusion** [Lord Lea's emphasis].

I have several photographs on my piano ... some though not all of people in politics but of skiing holidays or whatever. I added the rather striking picture of her [against a background which Lord Lea thought was unusual and historically significant]. It also brought back very happy memories.”

113. He said that he did not “go to considerable effort to find out where she was working” as she had said in her letter—it took him three seconds on Google.
114. He contested her assertion that at the end of his letter he had invited her to visit him “at home” he did not think that this would be the obvious meaning to attach to what he wrote, even though he used notepaper with both his home addresses as well as that of the House of Lords:

“If pressed to say what I assumed in the back of my mind in suggesting that she might come over for “a cup of tea” sometime “if she felt inclined” it would be that it will be back to back with her visiting her old chums [where she had worked at the time of the official visit]. It was also a courteous way of concluding my letter—a valedictory which I tend to use rather freely—indeed the absence of some such in the circumstances could easily have struck her as rather odd—**in a setting where I had no reason to believe that we were other than on good terms** ... [Lord Lea's emphasis]

I would naturally be ready to attend one of the courses about the current code of behaviour, covering ground which I think has both in rules and conventions been updated in significant ways since I first joined the House of Lords—20 years ago this week. Perhaps I might add that in those days the inference that there was a rule of “no fraternisation” is not stated or implied—it cuts several ways—but I readily accept that finding the right language to cover all of this today is quite a different balance to achieve”.

115. On 9 September Ms Evans and I interviewed AB, with Mr Whittle in attendance.

116. We asked her if she had any comment on Lord Lea's response to her complaint. She acknowledged that he had apologised for, as he described it, his "serious error of judgement", but said that she thought that most of the response was more combative than apologetic and was somewhat accusatory. He referred to actions she had taken following the official visit, and said that she had "persuaded" others to take steps that affected him:

"I felt he was implying through this language that I had some kind of agenda and was in some way out to get him. I do not feel this is a fair portrayal of my actions at all—I was simply trying to take steps to protect myself and my colleagues from experiencing more of this type of behaviour from him. The fact that his letter switched so quickly to this accusatory tone with him picking apart my arguments suggested to me that his apology was not really genuine."

117. She accepted that he had not explicitly invited her to his house, but said that his intention in the letter was not clear, and that was the interpretation that she made. She thought that she had subconsciously made the assumption because of the content of the letter and the fact that there were "two home addresses listed on the letter, while the House of Lords one just looks quite generic."
118. We asked AB what her reaction was when she received the package from Lord Lea. AB, who had been composed until this point, became visibly upset, such that I suggested she left the room for a few minutes, and when she returned we agreed that Mr Whittle and I would leave the room while AB and Ms Evans spoke about this. The conversation would continue to be recorded.
119. AB explained to Ms Evans that when she opened the package at her desk at work she was upset and taken aback:

"It was just kind of a shock to receive something like that and I think it just felt slightly stalkerish, if I am completely honest, to receive something like that with the letter after such a long time. I think that is why I said in my statement that he had gone to considerable lengths to find me; I think that is a reflection of that feeling—that you have been in some way tracked down. Because I had no contact with him and there was no obvious reason to—it was just a very odd thing to receive.

... [I] then came back into the office and explained to my two [female] colleagues who were in the office what had happened ... I think they were both quite shocked and obviously quite shocked by my reaction, because I'm usually a pretty calm and sensible person. I think they were worried. I have to say that I do not remember exactly what they said to me, but I remember them saying it was a horrible thing to have happened and that they were concerned about me. I think it was in the early afternoon, so I just went home—they told me to go home."

120. She said she felt worried and disgusted:

"It was just the idea that there was a kind of an implication of some kind of relationship or—I don't know. Maybe I am misinterpreting it completely, but the idea that he had this photo of me on his piano for almost 10 years is just really weird and makes you think that maybe he has some kind of—it's horrible even to say out loud—feelings towards

me. I know he says that he has lots of photos on his piano, but I think that it is strange to have a picture of a [woman in her twenties] that you don't know and have no contact with.

When I opened it, I was just, like, completely shocked—I suppose, shocked and upset and worried about why he had got in touch with me. It was just so weird.”

121. Ms Evans asked her what she thought Lord Lea's intention was in sending AB the letter and photo, and she said:

“I suppose to get back in touch with me, I suppose. I read it as inviting me to his house. There was not any ... In my head, I suppose that my perception of it was that he was sort of inviting me over to his house for ... If he had some kind of feelings towards me, then maybe he would want something else to happen at the house. I really do not know. But that was my interpretation of the letter. I appreciate that, according to his statement, he said he was not inviting me to his house and was inviting me to the House of Lords. But, because of what had happened previously, that is how I immediately interpreted the letter—which was not very nice.

Sam Evans: So because of what had happened previously, because of the incident all those years ago, your perception of his intent in the letter was that he was inviting you to his home.

AB: Yes—and the fact that he mentioned drinking a bottle of champagne. He referred back to something that I mentioned in my statement. So, again, there was just something that felt sort of sleazy about it, as I perceived it.”

122. As described below, Lord Lea told us that he and AB had drunk the champagne in the hotel lobby rather than in his room. We therefore asked AB to comment on this, and in an email on 17 September AB wrote:

“I am not sure why he refers to “finishing” the bottle of champagne - that is incorrect. I did not drink any of the champagne with him at any point during the trip or afterwards, in fact I remember thinking that would be a very unsafe thing to do.”

123. Ms Evans then asked about the ongoing impact of the incident, and AB said:

“Well, I was worried because, out of the blue, he got in touch with me and there was, as I perceived it, this quite sleazy undertone to the letter. My job at the time involved—my job still involves—going into Parliament quite a lot, and I was worried that I would bump into him at some point and it would be—I don't know. Perhaps I would be with colleagues and he would make some comment about it. I just did not want to see him at all, but I knew that I would be coming into Parliament, so I was worried about that.”

124. She explained that even before receiving the package she had been concerned that, when her new job brought her back in contact with parliamentarians, and onto the parliamentary estate, she might bump into him:

“you could be walking around a corridor, turn a corner and come face to face with someone who you do not want to see.”

125. This concern became more acute after she received the package:

“I suppose that was part of what was upsetting about it. I am a fairly level-headed person. You have that concern about bumping into him, but you try to rationalise it. It is relatively unlikely to happen, and then you get a parcel like that and you think, “No, maybe he’s seen me in and around the estate and that prompted him to get in touch”. It feels like you’re being watched. In my work ... you send out emails [to parliamentarians] and they get circulated. He was not a member of the [email] group, so he would not have directly received emails from me, but they get circulated around, I suppose. There is also information on the... web page. You are more visible, I guess, and to some extent I felt quite vulnerable.”

126. She said that she felt it was necessary to inform her managers at work about what had happened, “in case for example we were holding an event in Parliament and he showed up. It’s unlikely to happen, but we have agreed that if that does, I should just let one of them know, and leave the room if I need to.”

127. She said that she felt less vulnerable after informing various officials of what had happened, and after the complaint was accepted for investigation, as she felt that Lord Lea would be aware that there would be consequences if he were to approach her. She told us:

“It has definitely played on my mind and taken up a lot of energy. You feel you want to do something about it but it is also draining to take action on it. It makes me angry that it’s something that I’ve had to deal with and dedicate time and energy to.”

128. She commented about her decision to make a formal complaint:

“It is not an easy thing to do, to bring a complaint in any setting, but there is something particular about doing it in Parliament. The whole place is set up to exude power—they are the lawmakers. It is a very unique place. It is an intimidating thing to do just because of the unique nature of it as an institution. I guess that is an extra element for me, and I can imagine for a lot of people it is an intimidating thing to take on compared with other workplaces, so I welcome the change they have made to the Code of Conduct. Though of course it was long overdue. ... Anything that can be done to recognise that it is an intimidating and difficult thing to do and to make it easier for people to feel comfortable coming forward with complaints is crucial.”

129. On 9 September Ms Evans and I interviewed Lord Lea, with Mr Whittle in attendance. Lord Lea was accompanied by another member of the House.

130. He explained that the photo had not been on his piano for many years:

“it was only very recently that I was rummaging through some things and there were some photos and I thought that was nice ... [the historical artefact] and so on, and I will send one to AB. That was fairly recently.”

131. We asked Lord Lea if he understood why AB might have found it upsetting to think that her photo had been on his piano for many years and he said, “not quite, unless she had some feelings of affection for me which she thought I had torn up or something.”

132. He went on to say:

“On this champagne business, ... we had to go somewhere into the public bar and now pay corkage for this bottle of champagne because the only alternative was to go to a private room, and it came up in conversation with the commissionaire, or something like that, and it was immediately obvious that this wasn't going to be the option which would make sense. She's given the impression now that I made a straightforward suggestion “come and drink it in my room”. One of the options was not to have to pay the corkage and drink it somewhere. Obviously the hotel was supposed to be doing us a favour by giving us a bottle of champagne, but the only way you can drink it was to pay [corkage] more than the bottle was worth to drink it in the public bar. No, finally on that, it was after this thing about me trying to get her into my room, with all the connotations that are being implied by that, that we did drink this bottle of champagne and had a very nice conversation not a sense of awkwardness. First of all, I was entitled to drink a bottle of champagne, which was the best part of an hour, I would've thought, and there is the [lovely view] and there is ... And so on. So the impression that she was dead upset at that time is nonsense.”

133. He also stated that it was just the two of them drinking the champagne, and they finished the bottle between them.

134. We asked him why he had referred to finishing “that bottle of champagne” when he wrote to AB, to which he replied:

“Well, that was a joke, it was ... Well we did finish the bottle of champagne. I was just thinking of something to remember the bottle of champagne incident ... Well, we certainly finished the bottle of champagne; we probably did not leave it there. That was just a joke. My jokes aren't going down very well at the moment, I can see that”.

135. We asked him why he had not mentioned the fact that he and AB had sat down to drink the bottle of champagne. He said:

“I realised subsequently it was very significant. It certainly preposterous for AB to say—I don't know what has got into her head, but I think it is preposterous for AB to say that she was in a dreadfully fraught state because of me inviting her into my room or something.

Commissioner: She is not saying she was in a dreadful state. She just said that she did not think it was appropriate and so she didn't do it.

Lord Lea: well, she didn't do it... Do what?

Commissioner: She didn't go up to your room.

Lord Lea: No. I never suggested she came into my room. We were just “where can we drink this bottle of champagne?” She said it was a good idea to share it and I said what is the score, and I said where can we go

and drink it, and the commissioner says that the only place where you don't have to pay... For corkage is to do it in a private room, like one of your rooms ...

Commissioner: Are you saying that at no point did you suggest going to your room?

Lord Lea: At no point did I suggest it like that. It was amongst the things we could've done: we could go to someone's private room or to pay the corkage. That was the simple choice and obviously we said oh, well, in that case we will have to pay the bloody corkage which was ridiculous, but we will go and have it in the bar."

136. In relation to the effort that Lord Lea had taken to send the package to AB, he confirmed that he had written the letter, found or bought a frame to put the picture in, and gone to the Post Office to send it off, but he did not think that this counted as a considerable effort.

137. We had a further conversation about the photo, and Lord Lea said that he thought the picture was very interesting, because of the historical artefact in the background, which was why he had wanted to take the picture in the first place. We asked Lord Lea if the historical events surrounding the artefact were a particular interest of his and he said that they were, and added:

"I'm interested in philosophy, I'm interested in stamp collecting, I'm interested in how to grow dahlias, I suppose ... I don't understand why you're asking the question.

Commissioner: Well because you give great significance to the fact that there is a picture of [the artefact] in that picture and I just wondered if it had any particular significance to you.

Lord Lea: Well, yes, it had significance in the sense of if it had just been [AB] it would've been totally different ... [The artefact and what it represented] was the most interesting thing I think we probably saw [on the visit]."

138. We asked him why he had said in his response that he had no reason to believe that he and AB were other than on good terms, in the context that the only contact that they had had with each other was on the official visit many years ago. This led to rather a convoluted conversation where Lord Lea and I appeared to be at cross purposes, but he made it clear that he had not intended to be provocative, or to harass her, and that he had no idea that she might have negative feelings about him:

"I had no reason to think ... I have sent it to her, not having any reason to think that she wasn't on good terms, or putting it in a slight circumlocution, as we often use in this country, that I have no reason to believe that we were other than on good terms ... I would not have sent it unless I had thought she would enjoy... think it was nice. I thought she would just say, oh, that is wonderful, that is rather nice. That's what I thought".

139. He also said that although he had not seen her since this official visit, he had come across her in relation to her work in parliament prior to the visit. He then explained that his reference to not being on other than good terms was

not a suggestion that there was a relationship between them, but simply that he hadn't known, when he sent the letter in October, that they were on bad terms.

140. We said that we were trying to clarify what he thought his connection was with her after all the time that had gone by:

“Commissioner: Are you saying that you didn't think there was a connection but you were going to send it anyway because you thought she would like it ...

Lord Lea: Neither. Neither. That is a false binary if I may say so. What you have said is a false binary. Those aren't the only two choices.

Commissioner: No, I know and I'm trying to work out what the choice is.

Lord Lea: The third choice is somewhere in between, which is I thought it was a very nice picture and I had forgotten I had taken it, and it was very nice and I had not seen it for a long time and she might like it and I thought she would think it was a super picture, and in fact she might, metaphorically, put it on her piano. It is simple.”

141. He confirmed that there was no relationship between himself and AB after the official visit.

142. We asked Lord Lea to comment on AB's evidence that she found the idea that he had kept a photo of her in his home for such a long time “very unsettling“. Lord Lea said he found this extraordinary, and he didn't understand why AB might feel this way:

“Sam Evans: So you don't understand why she would find it very unsettling that you kept a photo of her in your house.

Lord Lea: Only we can re-wind the clock and start again ... Instead of making it go forwards, make it go backwards. Now I know what I know, that she thought I was some sort of weirdy or whatever she does think ... I don't know what she thinks, but she is obviously not wanting to, as it were, build up my morale, that's for sure ... That she has now put two and two together and made a lot more than four, that is my interpretation of it.

Sam Evans: But do you see the difference between having a photograph in a drawer or album ... and having a framed photograph on your piano?

Lord Lea: well, it is not alone on my piano. There is a photograph ... Well, [the member accompanying him] knows about my photographs, that there is a photograph of me and Jacques Delors, a photograph of me and Harold Wilson, a photograph of me and President Chirac... Photographs of all sorts of people, and there are some personal ones with certain close friends ... I would say half and half. Picture of me on the Matterhorn in my ski gear ... I think that is there. I've got a grand piano, you see ... Is quite a big thing with lots of photographs on it.

Sam Evans: Are there any other photos of Parliamentary staff on your piano?

Lord Lea: Not staff, no. There are one or two members and so on.

Sam Evans: Okay. So why did you say in your letter that you kept the photograph on your piano? Why do you tell her that?

Lord Lea: Oh, well, I will tell you again... This is about the third time... In the sequence, I found this photograph and I thought, oh [AB] might quite like that, so I got two copies done and either had it on a mantelpiece or on a window ledge and I thought, oh, I will find space for it on the piano.

Commissioner: I'm sorry, I don't understand that. You found it in a box and had two copies made... And you sent one to [AB] what did you do with the other one?"

143. Lord Lea said that he had put the other photo on his piano, where it remained as at the time of the interview, and went on to explain that he has other photos from the many years of his professional career in his home.

144. We asked him whether he could understand how him doing what he did made AB feel very unsettled and he replied:

"Well, there are two parts in answer to that question. One is that there is a possibility that she may be exaggerating. The second is, yes, indeed there may be an inference that there was a sexual relationship or some other relationship, that she was something very special to warrant being on my piano. It wasn't her being all that special, it was a combination of it being a nice picture and it was the only picture I had which has got anything about it ... And it is years later it was going to be the subject of an inquisition in the House of Lords about why I put it on the piano, but I haven't thought about it in those terms. That is the history of how it came to be there."

145. Lord Lea went on to say that he had never thought or inferred that there was any kind of relationship between himself and AB.

146. In relation to the invitation that she should come round for a cup of tea or to finish the champagne, he said the obvious meaning of the invitation was that she should come to the parliamentary estate. In relation to the reference to the bottle of champagne he said, "yes, well, that is a joke, obviously, because the bottle of champagne had been a big *casus belli* ... a big deal ... about getting this damn bottle of champagne drunk, yes, of course".

147. He did not accept that the fact that the champagne incident had included some kind of suggestion that it might be drunk in his room should understandably lead AB to the conclusion that, in mentioning the champagne again, he was inviting her to his home. He replied:

"Certainly not. Nor, frankly, do I think that she thought that is what it meant, and I think that she, for some reason, has now wanted to make a thing about all this, and I don't know why."

148. We went through again AB's expressed reaction to his actions, talking about being "somewhat shaken" and "feeling very unsettled" and that at interview she described feeling vulnerable because of what had happened. Lord Lea said that he did not totally believe what AB had said:

“Not to totally believe it. I think she is egging the pudding in some way. I can’t think of any reason why she should, if she didn’t have some feelings for me or some other reason to be disturbed. She might or might not have been surprised to receive the picture, but the fact that it could have disturbed her, I put the question the other way round: look, I’ve said to this day I can’t see why it would have disturbed her ... Unless there was something that I had not understood about she thought that there was ... Well, I don’t want to continue the speculation about what goes through a man’s mind when you actually try and understand what is going through a woman’s mind or what is going on in the woman’s mind when she tries to understand what is going on the man’s mind. I mean, this is getting a bit beyond any sort of normal, as it were, sense of professional or any other sort of degree of speculation as far as I can see.”

CHAPTER 8: COMPLAINT BY TU: ACCOUNT OF THE KEY FACTS AND EVIDENCE

149. On 3 July 2019 I received a complaint from TU, who works on the parliamentary estate in a role that brings her into frequent contact with members of the House of Lords.

150. Her complaint said:

“Lord Lea, on numerous occasions, has made unwelcome remarks and advances to me whilst I am at work in Parliament.

The most recent of these was on 19 June whilst I was working in [a room where members come in the course of their activities]. He made up unnecessary reasons to speak to me whilst my manager was there, asking what my name was (he has asked me this many times) and what I do. My manager had to go to a meeting, as Lord Lea was waiting [to talk to someone], we arranged that I would sit [at a different desk to my usual one] to try and prevent any unwanted conversations from Lord Lea. As soon as my manager had left he came in again and asked what my background was, to which I told him that I used to work in [a different role], he asked whether I went to university, I told him yes and [what I had studied], he then asked me to go for a cup of tea with him. His exact words were “is it allowed for us to go for a cup of tea” he stated his reason for asking was because I had told him [what I had studied] at university and he wanted to know more about it. This would be not so bad if he had not previously asked me, out of the blue in the Lords Bar with no previous conversation, in the same way whether it was allowed to ask me to go for a drink. On both times I said no, that it was not allowed and I would not go. He did not learn from the first time he asked.

Whilst my manager was out of the room on 19 June he made repeated reasons to come into the room, asking me for unnecessary things (a [book] and a piece of paper) which I believe was purely a ruse to get me to leave my seat and walk towards him. ... he would walk round [to me] so that I would have to hand those items directly to him which made me very uncomfortable.

On another occasion, I cannot at this time remember the exact date but I am sure I could work it out, whilst other staff were in the room, he noticed me and asked me for my name whilst in the middle of discussing his [business with another colleague]. When I told him he asked whether I knew if anything rhymed with [T], I tried to laugh the conversation off by saying I think [innocuous word] rhymes with [T] and that nothing rhymes with orange, he then said I have a poem for you but said he would come back later, which he did. When he came back to the room he walked [through to where I was sitting] - quite an awkward journey- to lean over me and tell me that his poem was [a sexually suggestive rhyme on TU’s name] and he said that he would write it in a letter to the Observer and that I would see it and know it was from him to me. It made me very uncomfortable ... The Code of Conduct states that members of the House should always act on their personal honour in the performance of their parliamentary duties and activities, I believe that [Lord Lea has] not acted in accordance with that aspect of the Code.”

151. I carried out a preliminary assessment with Sam Evans and concluded that the behaviour alleged in the complaint engaged the Code of Conduct.
152. I wrote to Lord Lea on 16 July, explaining that I was going to carry out an investigation, enclosing the complaint, and asking him to provide me with a response.
153. He replied on 24 July, apologising for having caused TU such upset, and explaining the circumstances of his conversation with her.
154. He explained that he had been waiting to speak to someone, and could see TU working, through an open door:

“I said hello - it might indeed have been odd if I hadn’t - but a bit later - it being very quiet - I did go on to ask how long she had been doing this job which she answered quite amicably and there was some conversation after that about how it all worked in the House of Lords so far as her work was concerned. I did not detect any unease or nervousness on her part and that - I now know - is my fault because clearly, I can now see that I misread that

I did at another point ask if I could borrow the [book to help me with my plans]

I explained - as I recall - that I didn’t want to go out of the [room as I didn’t want to miss seeing the person I was waiting for] and I don’t recall that TU said, anything like ‘please don’t come in’.

... I said hello to [another member nearby] and said something like ‘the [person we are waiting for] will be along later: TU deals with [other matters]’. I think the person didn’t quite hear me, but I think I repeated ‘this is [T], rhymes with [suggestive rhyme], It was a very stupid thing to say. I acknowledge that, and I apologise very deeply.

This is 20 years to the month that I have been a member of the House of Lords and I have clearly become less sensitised to the high degree of formality about the work of the [Administration]. But I was certainly not making advances, even though that was clearly how it appeared to TU. There is a misunderstanding if TU thinks that when I went towards her, it was to simply to get close to her or advance into her personal space. But again, I now realise that this is how she saw it and I am deeply sorry.

I think that the new Code of Conduct makes these demarcation lines clearer and I have of course studied it carefully and would of course be immediately ready to attend one of the courses on the new Code.”

155. Ms Evans and I, with James Whittle in attendance, interviewed TU on 9 September 2019. She had previously been provided with Lord Lea’s response to her complaint.
156. We asked her to comment on his response, and she told us that Lord Lea had amalgamated the time he asked her for a cup of tea with the suggestive rhyme incident:

“The thing that pushed me to complain was when he had asked me for a cup of tea again and kept coming into [the room where I was working]. The [suggestive rhyme] time was maybe even a year before that, quite a

long time before, so it was quite bizarre to read how he has just made it as if it all happened at once. It didn't. It wasn't that he was saying it to [another member], he came to my desk and told me, so I think he is a bit confused."

157. She told us that, leaving aside the surrounding circumstances, his account of the rhyme incident was inaccurate. She explained that she was working in a room and Lord Lea was having a conversation with a colleague in another part of the room when:

"he noticed me and perked up and said, "Hello, what's your name?" in the middle of his conversation with [my colleague] ... I can't remember who was speaking to him at the time ... I was sitting behind a computer screen and I think I popped up to look at [a colleague] and Lord Lea noticed me, cut off his conversation and said, "Oh, hello, what's your name?" I said, "Hello, I'm [T]", and he said, "You know, things that rhyme with ['T']—I've got a poem for you". It was a bit awkward but I didn't feel uncomfortable then because I was just like, "Well, [innocuous word] rhymes with [T] and, you know, nothing rhymes with 'orange'" and tried to deflect the conversation away."

158. She explained that he then left but returned later and walked through the room to where she was sat:

"He came to my desk, stood right next to me and said in my ear, "The poem was [suggestive rhyme on TU's name]". It was all a bit bizarre, he said he was going to write a letter to the Observer and I would know it was from him. I never looked in the Observer. It was all a bit bizarre. I think he was mentioning how he knew someone else called [T]. It was kind of hard to follow exactly what he was talking about, because it was quite disjointed, but it was definitely not the way he described it ...

There were [two colleagues] there at the time as well, and they were looking at me afterwards like, "Oh my goodness, what was that about?" ... Later I know one of them told Ed Ollard, who came to my office and said, "Are you okay? What's happened?"."

159. We asked TU why she thought Lord Lea made unwelcome remarks and advances to her and she said:

"Because I'm a woman. I know I'm not the only person who has received these sorts of remarks from him. I think he's maybe just one of those types of people unfortunately. I don't know what his reasoning is apart from that I'm a young woman, to be honest ...

Sam Evans: While he was making these remarks to you whilst you were at work, how did it make you feel?

TU: It definitely made me feel uncomfortable and also upset in the sense that I just want to be able to come to work, do my job and be a work person rather than a woman at work. You don't want to think of yourself or how you're portraying yourself, what you're wearing or how friendly you're being just in case somebody might take it the wrong way. I don't think I do anything that anybody would take the wrong way, so you don't want to have to be thinking about that all the time. But I think he's one of those people that, in terms of social cues, I'm

not sure he's quite there. Even in other times that I've seen him work, it's not always necessarily that sort of behaviour ... he's also just sort of not as socially capable as maybe other people are. He's not a very good conversationalist."

160. She explained that on 19 June she moved to a different desk to lessen the likelihood of an interaction with Lord Lea but despite this he still spoke to her.
161. We asked her why she thought Lord Lea had invited her to go for a cup of tea on 19 June and why he had previously asked her to go for a drink, and she said:

"I think he was trying to get me to go for a drink or a cup of tea with him so that he could flirt with me.

Sam Evans: So that was your understanding of his intention? Okay. You said in your letter, "He didn't learn from the first time he asked". What did you mean by that?

TU: Because it is a repeated behaviour. It is actually quite funny how all the incidents that I have had with him have started in pretty much exactly the same way—he will be in the middle of something and then notice me, cut off whatever he is doing and suddenly make a beeline. The first time he asked me for a drink, he asked me how long I had worked here and then said, "Oh, that's really interesting, I'd really like to learn more about that. Is it allowed for us to go for a drink?" I said, "No, it's not allowed, but thank you very much", and off I went. Then when he asked me for a cup of tea, he again said, "What's your name? Did you go to university? What did you read at university? Ooh, I find [your subject] very interesting. I'd really like to learn more about that. Is it allowed for us to go for a cup of tea?" So it is exactly the same behaviour and almost the same words. It feels almost like something he does quite a lot. Even with the poem thing, again, he was in the middle of a conversation but suddenly he noticed me and was like, "Oh hello, who are you? How long have you been here? What do you do here?" He almost feigns an interest so that he can grasp on to that and say, "Ah, [her degree subject]. Ah, you worked in the [her previous role]. Ah, this", and then uses that as a way to try to get you to go for a drink, a cup of tea or whatever with him. It's false; he's not interested in any of those things.

Sam Evans: So he asked you who you were and how long you had been there even though he had asked you those questions previously.

TU: Yes. He had met me loads of times."

162. We asked her why she thought, on 19 June, that Lord Lea had found repeated reasons to come into the room where she was working, which she felt was a ruse to get her to leave her seat and walk towards him. She explained:

"I don't think I was necessarily convinced that he would try anything grabby. However, it's uncomfortable when you're on your own in a room and you know that someone is like that and has displayed various bits of lecherous behaviour towards you before. Having that sort of physical barrier in place says, "This is my boundary and this is my personal space", but he would come round. When I had to get him a piece of

paper at one point, I said, “It’s here”, but I had to bring it to him, and then you get looked up and down. It’s like, “You just wanted me to get up out of my chair and come towards you”. I am not sure what that means in his head or what he thinks he gets from that, but it definitely felt like quite an aggressive behaviour to me.

Sam Evans: You said that when you got up and left your desk, you got looked up and down. Can you describe his body language? Was he behaving in a particular way towards you when you got up and handed him things physically?

TU: The thing with him—this sounds quite mean—is that he’s just quite a bizarre character and he has quite a bizarre way of standing, speaking and communicating. He would come around, I’d give him the piece of paper and he’d look me up and down—I don’t know how to describe it—and then he’d wander off again. It’s more bizarre than overtly predatory; it’s just not—

Sam Evans: And was there any attempt to make physical contact with you when you were handing him the items?

TU: No.”

163. We asked TU how she felt when Lord Lea came to her desk, leant over her and made the rhyme remarks. She told us:

“Definitely uncomfortable and singled out. It also made me realise that he knew in some part of his brain that that was inappropriate, because otherwise he would say it in front of everyone. If he had said it in front of everyone then that would be bad enough, [but in this room I was not in the place where members usually interact with staff] ... He was right here, and that is unusual. It is uncomfortable because it is unusual and also because you know that he knows what he is doing and that it is kind of wrong. That goes with the phrase, “Is it allowed to go for a drink with you?” He knows that it is not okay. It’s almost like that is his way out: “I asked if it was allowed, so that’s allowed”. No, it’s still the same question. So that made me fully realise that he was not just being a bit odd and one of those people who speaks and doesn’t really have a filter. That was the predatory thing; he knows what he is doing.”

164. She also explained that at that time her attitude towards this behaviour was “He’s one of those, whatever; let him get on with it. That’s a bit bizarre and maybe slightly funny”. However, Mr Ollard’s reaction, on being told, made her feel differently:

“It was only when Ed Ollard ... said, “Are you okay?” that it twigged with me that he was taking it really seriously. That made me think, “Well, if he’s taking it so seriously, that means Lord Lea has a track record and why is he still here?” If Ed Ollard, the Clerk of the Parliaments, is instantly going, “You are not allowed to”—He said to me, “If you’re in the room on your own, I don’t care what he wants. You must leave [and go to another room with staff in it.]”. You think, “Am I in danger?” That was the first time when I ever really felt that, and that made me more uncomfortable—weirdly protected but uncomfortable ... it went from being a bit of a funny, dodderly old man thing that ... made me uncomfortable, to “No, this is not okay”.”

165. We asked her whether other members behaved in a similar way. TU told us that they did not:

“Very occasionally there are Members who you know more ... and some who I guess I have a friendlier relationship with who might come round and I might help them, or there might be people [who come through the room] and I will help them. That is normal because they are coming for business reasons, more to discuss something with me because I have helped them with something else. They would never come round to speak to me just because they wanted to speak to me. Quite often they get confused about where to go, especially if the desk they normally go to is unoccupied. They might say, “Oh!” and go to come round. I say, “No, I’ll come to you”, and they say, “Oh, okay”, and then they wait ... Whereas Lord Lea ignores that.”

166. She was asked about the cumulative effect of his behaviour, and whether it had affected the way she behaved at work, and she said:

“I think it has. It is a result not just of Member behaviour but of the changing attitude at work. It is a big topic and has been spoken about a lot. I have definitely learned and grown a lot since I started here and have realised that as a woman at work, that is not okay. I have been growing up, as well. I have definitely come to quite a few realisations in the last year about behaviour inside and outside work where I say, “No, you can’t do that to me”. I think I’d normalised it because I have always had quite a lot of it, and I have now started to—abnormalise it. It definitely makes me very aware at work. For a time, if I was walking down the corridor on my own, it was in the back of my head: “If they’re there, I’m going to have to deal with that”. It is not that you think that they are going to grab you or assault you; it is that constant underlying knowledge that that is how you are being seen at work. I think it was subconscious, but for a bit I started being much scruffier at work and a few times not wearing make-up or, if I put on make up to come to work, I would think about it.

I tried to just say, “Well I’m allowed to do what I want”, but just being aware of yourself as almost a sexualised “thing” at work impacts everything, because you are always aware of yourself and you definitely don’t ever want to be thought of as, “Well, you know, she is very friendly”. I am very friendly and I want to keep being very friendly, and I am quite personable with lots of people, Members and non-Members. I don’t think I really need to—maybe I do—rethink the way in which I deal with people, especially people like Lord Lea, because I am actually not friendly with Lord Lea. You then have all those standard thoughts as a woman, I guess, of, “Did I do anything that might have made them think that they can do that or say those things to me? Am I displaying anything?”. I try to challenge that because I don’t think it is useful. It is difficult, but it is not just in this workplace; it is everywhere that we have to challenge that.”

167. Ms Evans and I interviewed Lord Lea on 10 September, with Mr Whittle in attendance. Lord Lea was accompanied by another member of the House.
168. We started by trying to clarify the differences between TU’s account of the incidents and Lord Lea’s account, which put the rhyme and ‘cup of tea’

incidents on the same day, 19 June 2019, and did not mention the incident in the Lords' Bar at all.

169. We had quite a long and complicated discussion. At the beginning, Lord Lea said that he could only remember two incidents, with the rhyme incident happening when he met TU in the Lords' Bar, and the other occasion being on 19 June. He said:

“I am very bad at names and I often remember names by doing a rhyme in my head, so [T]—her name is [T]—rhymes with [word]. Now, it's not the cleverest thing to say, but that was when I was introducing her to another person in the Lords' Bar, as I remember.”

170. When I pointed out that in his letter he had described this as happening on 19 June outside the room where TU was working, he acknowledged the discrepancy, and said that his memory was poor, but he could “only remember two pictures in my mind, and one was all to do with [the room where TU works] and the other one was to do with the Lords' Bar, and I remember that because it is unusual to see staff members of whatever rank in the Lords' Bar.”

171. He agreed that he had asked her to have a cup of tea with him on 19 June:

“I used the words “Am I allowed”—I was being slightly, what is the word here—uhm, I don't know what the word is—a pleasantry almost, “Am I allowed to ask you for a cup of tea, because I know there may be rules about this?”, but I didn't say it in a heavy way.”

172. He did not remember her saying that she was not allowed to accept his offer.

173. He agreed that he had asked her for a book and a piece of paper, and when she had suggested that he could get these without her involvement he had explained that he was concerned not to miss seeing the official he was waiting for. He was not sure if he then went into her office to pick up the book or whether TU brought it to him.

174. He accepted that it was possible that he might have asked TU if it was allowed for him to ask her for a drink when they came across each other in the Lords' Bar, but he cannot remember doing so, and cannot remember any comment from her that she would not be allowed to accept one.

175. We had a discussion about his comment that in his response to the complaint he had said that TU had not said “Please don't come in” on 19 June. He explained:

“I say that because I want to get out of the way the idea that I had wilfully gone in against her wishes.

Commissioner: Yes. Well, she doesn't say that you had gone in against her wishes.

Lord Lea: No, I know, but I just want to put it on record that there was no sense in my mind and there was nothing that she had said that I had deliberately bullied in some way—bullied my way in, contrary to what she has indicated that was inappropriate. That did not happen ... In some way or other in her submission there is something about she had said about [me going through the room to get to her desk] and so on as

if it was all to do with whether I somehow ought to have been there, and I only remember it was something to do with the [book being on her side of the room]”.

176. We asked if Lord Lea remembered breaking off conversations with officials to ask TU questions, and he said he did not, and that he only had these conversations “when it was all peace and quiet”. He was asked why he had had the conversations, and said:

“Like 90% of conversations with people you don’t know, you bump into them, or you are introduced to them and so on, you find a way of social/workrelated—I didn’t say, “Do you vote Labour?” Obviously, I’m aware of the sort of range of things, but certainly it was interesting enough to say a lot of people think that [your degree subject] is, you know, a subject which has outlived its usefulness, or some—I don’t know how it went, but it was, you know—and it was, well, I go back to this point about sexual something or another, you know: it was preposterously different from that.”

177. He said that he had no recollection of going to her desk and making the rhyme remarks or saying that he had a poem to recite to her, or referring to him writing to The Observer. He said: “either my brain has blanked out something that did happen or it didn’t happen.”

178. He confirmed that he had said “This is [T], and I remember it is [T] because it rhymes with [word]”. This conversation had taken place in one of the bars in the House of Lords. He said he had not intended to embarrass her. He went on to say that he must have been introducing her to someone:

“I sometimes don’t introduce people to people because I can’t remember their names, but I remember saying, “This is”—oh, clever me, Brownie points for me—“I remember, it is [T], because I remember I taught myself that—[T] it is [T]—rhymes with [word]”. I remember that, yes.”

179. He did not have any recollection of her reaction to what he said, which he described as “not the brightest remark I have ever made”.

180. He recognised, in hindsight, that his remark could be misinterpreted, but said that he was just trying to be sociable, and had no intention of embarrassing her:

“well, my attempts at sociability aren’t the most sophisticated in the world, as you’ve probably concluded already, but here’s me trying to be sociable and so on”.

181. He also explained, “I think that sometimes me trying to be sociable is a sort of stressful sort of—you know, it doesn’t come naturally to me; it is a bit forced sometimes, but I have trained myself how to do it sort of thing ... it may be that I am a bit gauche on occasion in how I go about saying things to people.”

182. We put it to him that the thought process he described in paragraph 178 suggested that he might have had an earlier interaction at which the rhyme mnemonic occurred to him, and he agreed that this might be well be the case, although he could not remember it.

183. We asked him about the comment in his response that “[t]his is 20 years to the month that I have been a member of the House of Lords and I have clearly become less sensitised to the high degree of formality about the work of the [Administration]”, and whether he meant that there were places in the House of Lords where less formality was required.

184. He replied:

“There are two points, and you have touched on both of them. One is that in the first few months in the House of Lords I was scared stiff of opening my mouth—scared stiff of whether I was saying the right thing to anybody, which corridor I could walk down and rest of it. After 20 years, you say hello and use first names of lots people, including lots of people in the corridor. You know, I have been on committees and so on, I have given evidence to things. [Staff] all shunt around different jobs and so on. So to try and contextualise this point here, familiarity breeds contempt, they say. Well, I don’t know about that, but you certainly get more casual about saying “Hello, Michael” to Michael Howard or, you know, Michael Heseltine or Michael anybody—all of that. Now, when it comes to other people, that clearly applies as well as. You chat to all sorts of people. I mean, I do to some extent. I don’t think I am the biggest—right at the end of the spectrum of chattiness. But the point I am making here is that I become casual to the point of not noticing that there has to be and is—and I have not been sort of sufficiently conscious of it—quite a lot of formality in that although I do wander into [some rooms where staff work in the House], it is very casual and they say, “Well, let’s help on this one. Can we do this, that and the other?” Now, formally speaking, we all are a bit more informal than we should be.

Commissioner: Can I just ask you about that? I am not saying that there should be or should not be a level of informality, but do you recognise that the way that you deal with your colleagues, your fellow Members of the House of Lords is on a completely—or most people would think it would be on a completely—different plane from the way that you deal with staff?

Lord Lea: I would say 80% of that I think is true, but it is not 100% of it. If I am singing in the choir, I am standing next to somebody who is a staff member in the House of Lords—male or female; it does not make any difference to me whether it is a male, female or any other gender. So, I think that in some situations there is a fairly rigid difference. I mean, no one would suggest that this is an informal chitchat that we are having round here today, and quite often this is the case, there are obviously very strict rules in the House. Sometimes they are broken, and I have noticed in the last six or seven years people who ought to say every time they get up and ask a question or make a comment, “My Lords, may I ask” and so on, and lots of people are dropping that and saying, “Is it not the case?”, “May I ask the Minister is it not the case”; they don’t say “my Lords”. In other words, things drift slightly, but I have certainly found that there is no pushback, or I haven’t noticed any pushback if I knock on the door and see if [a staff member] is there and asking, “Can you give me a steer on whether this [document] is likely to be something that you might ...”, you know, whatever. So there is a spectrum and you are making it a very sharp distinction. I would say that in many, many respects in many, many situations, it is true what you have said, but to

say we always have a very strictly formal relationship with members of staff because they are members of the staff, I don't think that is true. I think it is in the role you are playing at the time. It is whether you are singing in a choir or whether you are playing tennis and she or he is your tennis partner, obviously.

Commissioner: Obviously, I completely accept that, but would you agree with me that at least one has to consider the nature of the relationship in a different way when it is staff from when it is colleagues?

Lord Lea: In the 80% of cases that we are talking about, which is what you might call work rather than play, I accept that.

Commissioner: And do you accept that your relationship with TU was a work relationship?

Lord Lea: I accept that, but I do not infer from that that I ... But I see it all depends on—the main point, I think, that is coming out of this is I misjudged this particular person's reaction. It may have been—well, I could mention other people; I shouldn't mention too many people by name, but I remember other people, both men and women, who are senior clerks or whatever that you have informal chats with them, yes."

CHAPTER 9: ANALYSIS AND FINDINGS

Behaviour Code

185. The complainants both allege that Lord Lea breached the Code of Conduct by his behaviour towards them. Paragraph 10 of the Code provides that:

“Members of the House should observe the principles set out in the Parliamentary Behaviour Code of respect, professionalism, understanding others’ perspectives, courtesy, and acceptance of responsibility. These principles will be taken into consideration when any allegation of bullying, harassment or sexual misconduct is under investigation.”

186. The Behaviour Code is at Appendix A of the Code, and states:

“whether you are a visitor or working in Parliament at Westminster or elsewhere, there are clear guidelines in place on how you should be treated, and how you should treat others.”

Respect and value everyone—bullying, harassment and sexual misconduct are not tolerated

187. In his initial response to AB’s complaint, Lord Lea recognised that his action had been an “unwelcome intrusion” and “a serious failure of judgement”. This is, self-evidently, not respectful behaviour.
188. In his initial response to TU’s complaints, Lord Lea acknowledged that his rhyme comment was “a very stupid thing to say” and he apologised very deeply. He accepted that he had asked her if it was allowed to ask her to have a cup of tea with him, and may, on another occasion, have asked her if it was allowed for him to ask her if she could have a drink with him, but did not consider that there was anything wrong with this. He recalled asking her to bring him a book and a piece of paper on 19 June, but denied having any ulterior motive when he did this. His rhyme comment was not respectful, nor was his persistence in asking if he was allowed to ask TU to have a drink with him.

Recognise your power, influence or authority and don’t abuse them

189. Lord Lea’s power, influence and authority while he is in the House of Lords, and particularly when he is dealing with staff in the House of Lords, are manifest and real. He does not need to assert them or refer to them for them to have an effect.
190. His letter to AB reveals a sense of entitlement that she would be pleased to hear from him, an expectation that she would remember with pleasure an incident that had disturbed her, and a belief that she would respond to his invitation for a meeting. It is hard to escape the conclusion that, consciously or not, Lord Lea considered his status, power and influence as a member of the House of Lords to be factors in allowing him to make this unwelcome and intrusive approach with confidence.
191. TU works in the House of Lords, and is therefore fully aware of the culture of deference towards members that is a well-known feature. It is difficult to believe that this would not have been a factor in Lord Lea’s belief that he could make the rhyme remark with impunity.

Think about how your behaviour affects others and strive to understand their perspective

192. Lord Lea acknowledged that social interaction does not come naturally to him, and he can be socially gauche. However, he completely failed to understand why AB should be disturbed by his action in writing to her, enclosing a photo of her and letting her know he had a copy of the photo on his piano at home. His suggestion that she might have had feelings for him and somehow experienced the letter and photo as rejection is not only very far from the truth, but also a remarkably unlikely explanation. If he has striven to understand her perspective, the results of his efforts seem to suggest that he is incapable of doing so.
193. Lord Lea claimed to be unaware at the time of the effect on TU of his rhyme comments, although once he received her complaint, he recognised that his words had been “very stupid”. This requirement of the Behaviour Code expects people to think about their behaviour in advance, not retrospectively, by which time the damage is done.

Act professionally towards others

194. AB’s only contact with Lord Lea, prior to the letter, was professional. His letter to her, many years after their last contact, assumed a familiarity that did not exist and had never existed. It was therefore unprofessional.
195. His interactions with TU—such as asking her for a drink and using a sexually suggestive rhyme of her name—were also unprofessional.

Ensure Parliament meets the highest ethical standards of integrity, courtesy and mutual respect

196. Some of the comments on previous requirements also apply here.

Speak up about any unacceptable behaviour you see

197. This is not relevant in this case.

Bullying, harassment and sexual misconduct

198. Though the Code of Conduct provides for the Behaviour Code to be taken into consideration in an investigation, paragraph 17 says that it is only behaviour that amounts to bullying, harassment or sexual misconduct that constitutes a breach of the Code of Conduct.
199. At the preliminary assessment stage I concluded, with the assistance of Sam Evans, that in each case the behaviour complained of could amount to bullying, harassment or sexual misconduct, if proved on the balance of probabilities.
200. Both complainants alleged that Lord Lea had failed to act on his personal honour. Acting on personal honour is an ancient requirement for members of the House of Lords and is largely undefined. It serves a useful purpose when other requirements of the Code cannot be brought into play, but where there are specific and carefully defined requirements that also cover the situation, I consider that it is best to use those requirements, not least because the procedures for investigating bullying, harassment and sexual misconduct include provisions to protect the interests of both complainants

and respondents over and above the provisions that apply in relation to other complaints.

201. Furthermore, I must assume that other complaints will be made about the conduct of members towards staff, and I consider it important to try and establish appropriate consistency in investigations, findings and outcomes.
202. As I have upheld the complaints under the provisions covering bullying, harassment or sexual misconduct, it has not been necessary to consider if Lord Lea's behaviour amounted to a failure to act on his personal honour.
203. In both complaints Lord Lea accepted, fully or significantly, that he had behaved as set out in the complaints, thereby proving the alleged behaviour more conclusively than on the balance of probabilities. However, he did not accept that this behaviour amounted to bullying, harassment or sexual misconduct. I have therefore tested each complaint against the relevant definitions in the Code.
204. The criteria for bullying and harassment largely overlap, such that a finding of harassment will often automatically provide good evidence of bullying. However, as a matter of fairness, where behaviour meets both definitions, I have only made a finding on one of the definitions.
205. In both these cases, the evidence strongly suggests that Lord Lea's behaviour was influenced by the fact that the complainants are young women. So the starting point was to consider whether his behaviour amounted to harassment.
206. Harassment is defined as "any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of either violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them". Under the Equality Act 2010, harassment is related to one or more of the relevant "protected characteristics" which include age and sex.

Complaint by AB

207. AB complained that Lord Lea's conduct on an official visit, and his conduct in sending her a letter and photo in October 2018, breached the Code of Conduct. For the reasons given at paragraphs 99–101 above, I have only investigated the part of the complaint that relates to the letter and photo, but have also looked at one event on the official visit as it provides necessary context for the later complaint.

The 'champagne incident' on the official visit

208. As set out in the narrative, Lord Lea disputes aspects of AB's recollection of the 'champagne incident', but does not dispute that he offered to share a bottle of champagne with her. He clearly remembered the incident, as he referred to it in his letter to her in October 2018.
209. AB's recollection is that Lord Lea behaved inappropriately, both in relation to the 'champagne incident' and in other ways. Her subsequent actions in discussing the matter with her manager, who then took steps involving Lord Lea, shows that Lord Lea's behaviour gave AB cause for concern that was shared by others. This concern was re-ignited for AB when Lord Lea wrote to her in October 2018.

210. The event regarding the bottle of champagne was recalled differently by AB and Lord Lea, but because it does not form part of my investigation, I have not reached a finding on it, and it formed no part of the conduct that led to the remedial action.

The letter and photo

211. In relation to the letter and photo, Lord Lea did not dispute that he sent these to AB, but he seemed to have had real difficulty understanding why AB reacted badly to him doing so. He was also sceptical of the extent of her upset, suggesting that she might be exaggerating her reaction, and suggested that she seemed to be good at “gaming’ the system”.

Did Lord Lea’s behaviour amount to harassment?

212. For a finding of harassment to be made out, it is not necessary to show that Lord Lea intended to violate AB’s dignity, or intended to create an intimidating, hostile, degrading, humiliating or offensive environment for her; it is enough to show that his behaviour had this effect on her. As shown in the narrative, AB felt shocked, worried, quite vulnerable, disgusted and very unsettled.
213. I do not consider that AB exaggerated her response to the letter and photo. As referred to above, she became visibly upset, and briefly speechless, when we interviewed her and asked about the effect of receiving the letter and parcel. She then made it plain that this reaction, even some time after receiving the package from Lord Lea, was unexpected, as she thought she had managed to deal with her feelings. This came across as spontaneous and genuine. Ms Evans and I also found that AB’s account of the effect of receiving the letter and photo at work to be entirely plausible, particularly in light of the strong emotional reaction we observed when she was asked to speak about it again at interview.
214. Ms Evans and I are both satisfied that Lord Lea’s conduct amounted to harassment and that he acted as he did by reason of AB’s age and gender. AB’s clear perception was that Lord Lea behaved towards her as he did because she is a young woman. She referenced this in different ways when we interviewed her. Lord Lea’s actions appear to have been motivated by a desire to re-establish contact with AB after some considerable time and draw her into an unnecessary social situation unrelated to her professional role or his parliamentary interests. He was unable to offer, in his written response or at interview, a credible alternative explanation for his actions towards AB. Nor did he offer evidence that he acts routinely in this way towards older or male members of House staff, which was the only context in which he had known her. In all the circumstances of the case, it is more likely than not that Lord Lea behaved as he did towards AB because she is a young woman and that his intention was to flirt with her. It is also reasonable, in the circumstances, for AB to have interpreted his actions in that way and for her to have reacted as she did. On the basis of the evidence, I consider it more likely than not that Lord Lea’s behaviour was related to AB’s age and sex.

Finding

215. **I find therefore that his conduct towards AB amounted to harassment related to both age and sex.**

Did Lord Lea's behaviour amount to sexual misconduct?

216. Sexual misconduct is described in the Guide to the Code as incorporating “a range of behaviours including sexual assault, sexual harassment, stalking, voyeurism and any other conduct of a sexual nature that is non-consensual or has the purpose or effect of threatening, intimidating, undermining, humiliating or coercing a person.” Behaviour that can constitute sexual misconduct includes “sexual remarks including those about appearance or clothing ... verbal advances ... touching, groping ... Uncalled-for physical contact ... Unwelcome and inappropriate touching ... grabbing” where such behaviour occurs “inappropriately or without explicit full and freely given consent.”
217. The sexual misconduct definition, as with the other definitions, looks at the “purpose or effect” of behaviour in deciding whether sexual misconduct has occurred. So, if AB felt threatened, intimidated, undermined, humiliated or coerced, this would meet the relevant criterion, even if Lord Lea had not intended to have this effect. However, the requirement that the conduct has to be of a sexual nature does not have this subjective element. It is necessary to establish whether, objectively, the behaviour was more likely than not to be of a sexual nature.
218. It was perfectly reasonable for AB to have thought there was a sexual element (what she described as “stalkerish”) in Lord Lea’s behaviour. However, he flatly denied any sexual motivation or intent, and the language in his letter was not overtly sexual. He also said that the reference to finishing the bottle of champagne was a joke.
219. I am not satisfied that the evidence shows that Lord Lea’s behaviour was more likely than not to be sexual.

Finding

220. **I find that his conduct towards AB did not amount to sexual misconduct.**

Did Lord Lea's behaviour meet the criteria for bullying?

221. I have explained above why I do not intend to make two findings on the same facts, and therefore I have not carried out an analysis to establish whether this is the case.

Complaint by TU

222. TU complained that Lord Lea made unwelcome remarks and advances to her while she was at work in Parliament. She gave three examples of this behaviour, all of which I considered engaged the Code of Conduct.
223. Lord Lea did not accept some of the details of the incidents given by TU, but acknowledged that his memory could have been at fault, and did accept that once, and possibly twice, he may have said to TU that [“T rhymes with suggestive rhyme”]. He also accepted that this was a “stupid” thing to say, but he had not intended to embarrass her and was only trying to be sociable.
224. He accepted that he had asked her if he was allowed to ask her to go for a cup of tea, but said that this was just a pleasantry, and not meant in a “heavy” way.

225. He agreed that he had asked her to hand items to him on 19 June 2019, but was not sure if she did so or if he went and picked them up. He could not really remember what had happened, but was sure he had not intended to make her uncomfortable.
226. His written and oral evidence on these events was contradictory at times, which he put down to his poor memory. I accept that this may be the case.
227. TU had a more detailed recollection of events, and her written and oral evidence was consistent.
228. In view of the fact that Lord Lea acknowledged the ‘cup of tea’ incident and the rhyme incident, and as he acknowledged that his memory is poor, I consider that TU’s account of these matters is more likely than not to be an accurate account of what took place.
229. As Lord Lea accepted that he had asked TU for a book and a piece of paper, I consider it more likely than not that TU’s recollection that she had to come from behind her desk to give them to him was correct, particularly as it was one of the incidents on 19 June that made her decide to make a complaint.
230. Lord Lea said that he did not find socialising easy, so he had tried to train himself to make social small talk, and recognised that he could be “a bit gauche sometimes.” I am willing to accept that, not least because TU commented on his manner in her interview:
- “But I think he’s one of those people that, in terms of social cues, I’m not sure he’s quite there. Even in other times that I’ve seen him work, it’s not always necessarily that sort of behaviour; he’s also just sort of not as socially capable as maybe other people are. He’s not a very good conversationalist.”
231. However, I also bear in mind that Lord Lea has been made aware of several other complaints about his behaviour, and had had discussions with the Clerk of the Parliaments and other senior managers about these complaints. It would appear that most of the complaints about his behaviour related to him shouting at staff, being aggressive and making unreasonable demands, but on one occasion he made a racially offensive remark and on another made a woman feel uncomfortable by his behaviour, so taking it all in all, he was aware that in a variety of situations his behaviour had led to complaints and yet Mr Ollard commented that the various steps taken in response to these complaints did not seem to have altered Lord Lea’s behaviour.
232. Although I accept that Lord Lea may not have recognised that asking TU if it was allowed to ask her to have a cup of tea, and requiring her to bring him items so that she had to come out from behind her desk, made her uncomfortable, I consider that he must have known that his suggestive rhyme comment was inappropriate in the work environment and crossed a professional boundary.

Did Lord Lea’s behaviour amount to harassment?

233. As previously discussed, for a finding of harassment to be made out, it is not necessary to show that Lord Lea intended to violate TU’s dignity, or create an intimidating, hostile, degrading, humiliating or offensive environment for her; it is enough to show that his behaviour had this effect on her.

234. TU provided a compelling description of the effect of his behaviour on her, including being made to feel very uncomfortable; being upset that she could not simply come to work and be a work person without worrying about what she was wearing or how friendly she was being; having to worry in case something she said would be taken in the wrong way; feeling that Lord Lea wanted to flirt with her; and feeling that he had previously displayed what she described as lecherous behaviour towards her. She considered he had invaded her personal space in a way that felt intrusive and predatory, which gave the impression she was being singled out and left her wondering if she was in danger from him. His conduct had an effect on her at work leading to her sometimes being scruffier at work and not wearing make-up, having to be aware of herself as a sexualized “thing” at work. She worried that she had done something to cause his behaviour.
235. This clearly shows that Lord Lea’s behaviour had the effect of creating an intimidating and humiliating environment for TU. If such behaviour is associated with a protected characteristic, it amounts to harassment under the Code. The relevant protected characteristics in this case are age and sex.
236. On the basis of the evidence, I consider it more likely than not that Lord Lea’s behaviour was associated with TU’s age and sex. TU’s clear perception was that Lord Lea’s conduct towards her was motivated by the fact that she is a young, woman and that he wished to flirt with her. She stated this at interview. Lord Lea made several direct attempts to draw TU into unnecessary conversations or closer physical proximity while she was going about her professional business and twice invited her to meet with him socially, having been made aware this was not permitted. He also made an inappropriate suggestive remark to her, and although he told us that he had not intended to say something inappropriate, he recognised that what he had said was “stupid”. I am satisfied that it was reasonable for TU to interpret the remark as sexually suggestive. In all the circumstances, it was reasonable for TU to have perceive Lord Lea’s conduct towards her as flirtatious or lecherous and for her to react as she did.

Finding

237. **I find therefore that his conduct amounted to harassment related to both age and sex.**

Did Lord Lea’s behaviour amount to sexual misconduct?

238. In relation to Lord Lea asking her if he was allowed to ask her to have a cup of tea with her, and asking her to bring him things, with the consequence that she had to leave her desk and walk towards him, the behaviour in question is his language in asking, and his motivation in doing so.
239. There is nothing sexual in the language he used. His explanation for the cup of tea incident is that he has some stock phrases of small talk, developed to make up for his social gaucheness. TU felt that his small talk was motivated by a wish to spend time with her away from the room where she worked so that he could flirt with her. She may well be right about this, but even if it were so, it would be a stretch to say that his opening gambit amounted to sexual behaviour, such as to bring it within the definition of sexual misconduct.
240. With regard to the request that TU should bring him items, which involved her leaving her desk and coming towards him, this undoubtedly made

TU feel uncomfortable, as she felt that he was looking her up and down physically. However, she was not sure of his motivation. Lord Lea says that his motivation was that he needed the items and could not get them himself as he might lose his opportunity to see the official he was waiting for.

241. Although TU's perception of Lord Lea's motivation is plausible and reasonable in light of her experience of him, there is insufficient evidence to show objectively that his conduct was more likely than not to have been sexually motivated.
242. Lord Lea's suggestive rhyme comments get much closer to being overtly sexual, but even here there is considerable ambiguity. TU's reaction to his comments was that his behaviour was "bizarre"; his comment about having a poem published in *The Observer* is simply odd; and his evidence in interview that the rhyme was purely a mnemonic with no sexual implications was quite convincing, particularly in light of his acknowledged social ineptness.
243. Lord Lea strongly objected to his behaviour being described by TU as "lecherous", i.e. as an expression of sexual desire. Her undeniable experience was of lecherous behaviour being directed towards her, and her interpretation was understandable. However, without unambiguous evidence, it is not possible to say that this explanation for his behaviour was more likely than not.
244. On balance, therefore, I do not consider there is sufficient objective evidence to find that this behaviour was more likely than not to have been sexual.

Finding

245. **I find that his conduct towards TU did not amount to sexual misconduct.**

Did Lord Lea's behaviour meet the criteria for bullying?

246. I have explained above why I do not intend to make two findings on the same facts, and therefore I have not carried out an analysis to establish whether this is the case.

CHAPTER 10: OUTCOME

247. Under the Code of Conduct, when I uphold a complaint of bullying, harassment or sexual misconduct, I must produce a report for publication and identify an appropriate outcome, which can range from no action to expulsion from the House. Three possibilities follow:
- if the conduct complained of, though justified, is towards the lower end of the scale of seriousness, is acknowledged by the member concerned, and is agreed by both the complainant and the member, the matter can be dealt with by remedial action;
 - if remedial action is proposed, but either the complainant or the member does not agree to it, my report and recommended sanction go to the Conduct Committee;
 - if the complaint is too serious to be dealt with by remedial action, my report and recommended sanction also go to the Conduct Committee.
248. If my report goes to the Conduct Committee, any of my findings can be appealed by the complainant and the respondent. The respondent can also appeal my recommended sanction. Nothing will be published until the outcome of any appeal, at which point the Conduct Committee will publish its own report, to which my report will be annexed. Any report of the Conduct Committee upholding a complaint and proposing a sanction would then be referred to the House for approval.
249. If the case is dealt with by remedial action, I publish my report on my webpage, and have the option of reporting to the Conduct Committee.
250. In this case, there are two separate complaints and I upheld both of them. In making the necessary decisions on outcomes, I have been guided by the principle of proportionality. The first matter for me to consider was whether either or both complaints were minor, so could possibly be dealt with by remedial action. The factors that I considered were:
- in both cases the behaviour of Lord Lea was relatively minor, although the effects on the complainants were unpleasant and long lasting;
 - Mr Ollard's report showed that he had received or been made aware of 18 complaints about Lord Lea's conduct between May 2011 and July 2019 (including the complaint by AB); and
 - the wider impact of decisions made in cases like these on the working environment and culture of the House of Lords.
251. I concluded that I should not take into account, in considering whether remedial action could be an outcome, the other complaints referenced in Mr Ollard's response. I did not have the details of all of those complaints. Other than AB, those complainants had not approached me, and I had not carried out any investigations into their complaints.
252. I considered whether the number of reported complaints about Lord Lea made remedial action inappropriate, and decided that, in these particular circumstances, it did not. All the behaviours complained of took place before Lord Lea was aware that any complaint had been made to me, so there was

no hard evidence of him knowingly flouting the Code after he knew a formal complaint had been accepted for investigation.

253. I also considered the effect on others of decisions made in this case. The purpose of the recent changes in the Code is to create a working environment in which bullying, harassment and sexual misconduct have no place. For the new provisions to work, they have to be used. This means that complainants have to have confidence in the process. I think it is reasonable to assume that many complainants will be looking for an outcome that is fair, as quick as possible, and into which they have some input. Remedial action meets these criteria, as it can only take place if the complainant agrees, and it brings an end to the process. The fact that the member has to acknowledge their conduct and agree the remedial action is further evidence of the fairness of the process and outcome. I therefore concluded that remedial action was an option.
254. In the Code, apologies and training are given as possible remedial actions. Other actions may be possible, but it seems right to consider first whether one or other, or both, of these would be proportionate. In deciding the more appropriate action to recommend to the complainants and Lord Lea, I took into account:
- the likely unpleasant consequences for Lord Lea when my report is published;
 - the complainants' wishes that Lord Lea no longer behave in the ways they had described in their complaints; and
 - the information from Mr Ollard that Lord Lea, despite apologising when told of complaints, had apparently not changed his behaviour subsequently.
255. In my meetings with Lord Lea he was profusely apologetic about the conduct leading to the complaints, but suggested this behaviour was a direct consequence of his social ineptness rather than any more sinister intent. He also considered it relevant, and wanted me to refer to the fact, that he has been diagnosed with a depressive disorder for which he is prescribed Sertraline, which he says he takes for mood swings. In the course of my investigation Lord Lea also sought further medical help for behaviour which, according to an interim report Lord Lea arranged for a psychiatrist to provide to me, he described as "troubling mood swings which were becoming more pronounced – a condition which can present itself unintentionally as discourtesy and inappropriate ways of addressing people ranging from the gauche to the overfamiliar; indeed being short tempered and unintentionally rude to people of either gender.
256. I am not in a position to form a view on the reasons for his behaviour, other than what is set out in the report, but it seems to me that Lord Lea is unlikely to change his behaviour without specialist input to address it. This input will also need to address Lord Lea's clear difficulties in understanding the effects of his behaviour on others, which was manifest in our interviews.
257. The Houses of Parliament have contracted with an external supplier to provide one-to-one training and behaviour change coaching where a complaint is upheld and this is seen as a suitable outcome.

258. I considered, and discussed with the complainants, whether they wanted an apology from Lord Lea. They did not. I then went on to discuss the possibility of training and behaviour change coaching, and described, in broad terms, what would be involved.
259. The work takes place in one-to-one sessions with someone who specialises in behaviour change coaching, and looks at all the issues revealed in my report, whether or not these were in the complaints. The purpose of the work is to achieve long term change through the member, with the help of the coach, looking at his or her behaviour and its impact on others. The sessions take place over several weeks, and, although the content is entirely confidential, a report will be sent to me about the extent to which the member has engaged.
260. I explained to the complainants that a failure to engage in agreed training, or to complete it, could amount to a breach of the Code. Also, if the training proved ineffective in changing Lord Lea's behaviour, and further complaints were made and upheld about conduct occurring after the publication of the report, the fact of the failure of the remedial action would be taken into account when considering any future sanction.
261. On this basis, the complainants agreed that Lord Lea should be given the opportunity to undertake bespoke training and behaviour change coaching to address his behaviour, and said that they would be willing to agree remedial action. They were aware that they could refuse to agree to this, which would result in the matter going to the Conduct Committee, which could decide on a different sanction. Each complainant was seen separately, and was not aware of what the other had agreed. If one had rejected remedial action, and the other agreed to it, a report would have gone to the Conduct Committee in relation to the complainant who did not wish for remedial action, and I would have continued with the option of remedial action for the other complainant.
262. The complainants were somewhat sceptical of the possibility that Lord Lea could, or would, change his unacceptable behaviour. However, they both recognised that this was the best option at this point, and I am satisfied that their consent to remedial action was genuine.
263. After the discussions with the complainants, I had a meeting with Lord Lea. I told him that I upheld all the complaints, and that his behaviour met the criteria for harassment, but not bullying or sexual misconduct.
264. I explained that there was the possibility of remedial action, and went through what this meant, and the various consequences of remedial action or a report to the Conduct Committee.
265. I told him that the remedial action I had identified, and that the complainants had agreed, was bespoke training and behaviour change coaching, and I told him some of what would be involved.
266. After giving the matter some thought, Lord Lea subsequently agreed to this outcome by correspondence. He has now been put in contact with the training organisation.

Outcome

267. **As the complainants and Lord Lea agreed that Lord Lea would undertake bespoke training to address his behaviour and its effects on others, this is the outcome to the complaints made by AB and TU.**

Conclusion

268. This is my second report of an investigation carried out under the new provisions relating to bullying, harassment and sexual misconduct. The procedure has worked well, and Sam Evans, James Whittle, Moriyo Aiyeola and I have worked well as a team.
269. I would like to repeat my thanks to the complainants, who entrusted themselves to a new process, and, by their determination, will have shown others that effective action can be taken.
270. Lord Lea cooperated with the process, and was open and frank at meetings, and I thank him for this.
271. The report would have been published sooner if it had not been for the dissolution of Parliament. My aim is always to deal with complaints as quickly as fairness and justice permit.
272. I hope that those reading the report will not seek to identify the complainants. They experienced behaviours that they considered inappropriate and unacceptable in the workplace, and had the courage to use the new process to challenge that behaviour. By doing so they have taken forward the expressed wish of the House of Lords that unacceptable behaviour should be called out.
273. They asked for privacy, and have been given it throughout the investigation. They now want to be able to continue at work normally, which will be difficult if they are identified as the complainants. Attempts to identify them will not only create awkwardness for them, but may also deter others making complaints in future. I would therefore ask their wishes are respected.