



HOUSE OF LORDS

Report from the Commissioner for Standards

The conduct of Lord Pendry

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The conduct of Lord Pendry

CHAPTER 1: INTRODUCTION

1. This report deals with a complaint made about Lord Pendry by a member of staff in the Parliamentary Security Department. The complaint was made under the provisions of the Code of Conduct for Members of the House of Lords dealing with bullying. This states 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. Behaviour that amounts to bullying, harassment or sexual misconduct is a breach of the Code of Conduct.
2. In considering this complaint, I¹ have been supported by Sukie Madahar, Independent Investigator, EA Inclusion, and Donna Davidson and Connie Walsh, two of 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.
3. 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 a workplace 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.
4. **The findings and discussions in this case relate to bullying and this report contains some offensive language.**

1 This investigation and report was completed by Akbar Khan.

CHAPTER 2: EXECUTIVE SUMMARY

Complaint by DE²

5. DE submitted a complaint about Lord Pendry on 15 July 2021. They alleged that on 1 July 2021 they had encountered Lord Pendry during an incident at the entrance of Millbank House. The complaint stated that Lord Pendry was not in possession of his parliamentary pass, and when DE explained that they would not be able to let him into the building, they alleged that Lord Pendry called them “a fool”, “stupid” and used foul language in an aggressive manner including stating at one point “this is fucking ridiculous”.
6. DE said they were unhappy about the way they were treated by Lord Pendry. They told me the incident left them feeling “disheartened” “unnerved”, “not good” and that they were being “treated like a bit shit”.

Lord Pendry’s response

7. Lord Pendry confirmed that he did come into contact with DE at the entrance to Millbank House on 1 July and that he had left his pass in his office. He strongly denied that he was “rude or aggressive” and told me that he did not “use foul language nor do I ever use such language in private or public”. He felt “upset” by the allegation and admitted to being “agitated” with how the situation was handled by DE at the time.

Further investigation

8. There were no direct witnesses to the incident in question, and since the allegations made by DE were contested by Lord Pendry, I investigated several different lines of inquiry to see if any of the allegations could be independently corroborated. These included speaking to two further indirect witnesses, obtaining copies of DE’s pocketbook log, obtaining a recording of a phone call DE had made directly after the incident, and visiting the Millbank House reception to conduct tests with the intercom system.

Finding

9. On consideration of all the evidence, I concluded that a finding of bullying could not be demonstrated on the balance of probabilities. While I believe that Lord Pendry’s admitted agitation during the incident with DE may have caused him to appear abrupt or even rude, I do not consider that the evidence available is sufficient to support a finding that Lord Pendry’s conduct amounted to bullying, as defined in the Code of Conduct.

2 Where initials are used in place of names in this report this is to protect the anonymity of those involved. The initials bear no relationship to real names. In addition, throughout this report plural pronouns, rather than gendered singular pronouns, have been used also to protect anonymity.

CHAPTER 3: COMPLAINT BY DE: ACCOUNT OF THE KEY FACTS AND EVIDENCE

DE's complaint

10. I was contacted by DE by email on 15 July 2021. DE is a member of staff in the Parliamentary Security Department. They told me that they had come into contact with Lord Pendry while they were on duty in Millbank House on 1 July 2021.

11. DE made the following allegations regarding Lord Pendry's behaviour:

“Whilst I was on duty at approximately 13:25 a gentleman (now known to me as Lord Pendry) entered into the security reception area of [redacted] post and walked straight up to the search entrance door without saying anything or identifying himself.

I spoke out to the man from inside my booth asking him if I could help, and did he have a pass, whilst I gestured a pass motion with my hands, he turned his head towards me and made a dismissive wave towards me.

I realised the man may not have heard me through the glass, so I picked up the intercom phone and asked the gentleman if I could help him. He shouted at me to open the door.

I politely told the Gentleman that this building was for pass holder entry only, and the man then proceeded to shout at me “I'm a lord you fool, open the door”.

I politely apologised to the gentleman and informed him if he does not have a pass I cannot allow him entry. The gentleman then called me stupid.

I told the gentleman he would need to go to Derby gate or Black Rod's Garden to get a temporary pass, but he was talking over me.

I then asked the man if he had any ID so I could check his name. The man then aggressively asked me how long have I worked here, to which I replied that I was new, and he said “well I've been here 50 years so I have more right to be in this building than you”.

I asked the gentleman again if he had any ID to confirm who he is, he told me no, and that he doesn't need to carry ID.

[...]

I then told the gentleman politely again that if he waited there I would get one of the attendants to see if they could confirm his identity.

As I was walking off the man, he then said, “this is fucking ridiculous”.

12. DE further alleged that once an attendant had confirmed Lord Pendry's identity and DE had opened the security pass door for him, Lord Pendry,

“proceeded to give me an abundance of verbal abuse and told me “what are you even doing here if you can't do the bloody job” I replied, “I'm very sorry sir but I am new here and everyone should have their pass

on them” to which Lord Pendry replied “are you an idiot, I wouldn’t get this with the regular who works here” I was trying to explain the security procedures to Lord Pendry but he just ignored me and kept walking and entered the building via the security booth doors.”

13. DE said they were “not happy at all about the way I had been treated by Lord Pendry” and felt that “Lord Pendry should have known better considering his position and the parliamentary code of conduct. No employee of the house should be treated this way.”

Preliminary assessment

14. I carried out a preliminary assessment and concluded that it would be appropriate to investigate whether Lord Pendry’s conduct constituted a breach of the Code of Conduct. I wrote to DE with information about my next steps. I also wrote to Lord Pendry on 16 July, enclosing the complaint from DE and explaining that, as a result of my preliminary assessment, I had concluded that there was sufficient evidence to establish there was a *prima facie* case to be investigated.
15. I asked Lord Pendry to send me a full and accurate account of the matter in question.

Lord Pendry’s written evidence

16. Lord Pendry emailed me his written response on 19 July. He did not dispute that the incident had taken place at the time DE alleged. He wrote:

“On entering 1 Millbank I realised I left my pass in my office on the 3rd floor. In the past security officers knowing of my membership of the House have let me through on me explaining my pass was upstairs.

On this occasion the security officer was clearly new and understandably would not allow me in without verification of membership. My first reaction was sympathy for [them] to be confronted with this situation. At no stage was I rude or aggressive nor did I use foul language nor do I ever use such language in private or public and many of my colleagues will confirm this.

I recognised [they were] doing [their] job and no way would I consider [them] to be stupid. It is true [they] asked me my name and I said to [them] the people behind the reception desk will give you ample proof of my identity and I asked [them] to do this and [they] proceeded along that course it was on my instigation not [theirs]. The person identified me, and I was let in and went up to my office and recovered my pass.”

DE’s first interview

17. Mr Madahar and I interviewed DE on 5 August, with Donna Davidson, Standards Clerk, attending. DE explained that they were not usually posted at Millbank House but that, due to COVID staffing arrangements, they had been stationed there alone on 1 July 2021.
18. DE said that other than the day of the incident, they had only been posted to Millbank House one other time to their recollection. They were usually stationed on the main parliamentary estate.

19. DE recounted the allegations as laid out in their written complaint. They said that Lord Pendry was initially dismissive when asked to produce his pass, with a “limp wave of the hands towards [them].”
20. DE said they heard Lord Pendry say “I am a Lord, you fool. Open the door” clearly through the intercom. They also said they heard Lord Pendry call them “stupid” but could not recall where in the conversation that happened.
21. I asked DE what Lord Pendry’s demeanour was like when they told him that he would need to go to Derby Gate to get a temporary pass. DE said Lord Pendry “was pissed off; agitated and starting to become sort of, I would say, forceful, kind of aggressive, in the way he was speaking.” When asked to recall what Lord Pendry said at that point, DE told me:

“I remember him calling me “stupid”. I remember the part about him asking me how long I worked here and then saying he’s been here 50 years, he has more right to be here than me. I remember him saying, “Everybody knows who I am, including the aides”, and that. “

22. DE described how they became “a bit nervous, a bit sort of anxious” and wondered “if he really is a Lord here like, am I going to get in trouble and that?” DE said that, although it was not strictly in line with protocol, they told Lord Pendry they would find an “aide” to identify him and that “as I was walking off, that’s when he said, “This is fucking ridiculous” ... And then when the aide identified who he is, the aide was clearly, “Oh yes, that’s Lord Pendry”, and that.”

23. Mr Madahar questioned DE further about this point of the incident:

“SUKIE MADAHAR: At what point did you hear Lord Pendry say, “This is fucking ridiculous”?”

[DE]: It was basically as immediately as I had got up and turned. I probably had taken one pace, if that.

SUKIE MADAHAR: Okay. And at this point, was there anything between yourself and Lord Pendry, i.e. was there a wall; was there glass?

[DE]: There was the glass, but the intercom was still on, I believe. I think I placed it on the table. So, I think I heard it through the glass and through the intercom as well, if memory serves correct—like from a table, I believe.

SUKIE MADAHAR: Okay. So, just to confirm, you heard it clearly and you heard it through the glass and also through the intercom.

[DE]: I believe I did through the intercom as well. But then again, it could be my perception because I heard a noise through, obviously, the telephone speaker and that, and then, obviously, it could just be me interpreting the noise of what I’ve heard through the glass.”

24. Finally, DE said that once they let Lord Pendry through the doors, they were subjected to “an abundance of verbal abuse”. When asked to recall what that was, DE said:

“Yeah, it was more along the lines of the same stuff of—he then again started asking me, “How long have you worked here? How long have

you worked here?” Again, it was sort of, you know, like a rolling rant. So, it was—it’s hard to determine the exact order of what he was saying, but it was, “Well, I can tell you’re new here. I wouldn’t get this with the regular. What are you doing here if you don’t even—why are they posting you here if you don’t even know how to do your job?”, and stuff along those lines.”

25. DE said the incident left them feeling “disheartened” and “unnerved” and that they had been “treated like a bit shit.” They also said that they had heard stories about Lords or MPs making complaints about security staff which explained their actions following the incident:

“I went and asked the attendant for the Lord’s name just so I could there and then make a pocketbook entry to cover my back if anything came back on me, just so that, obviously, it was there in writing in my pocketbook. And that’s part of why I phoned control to get advice off of them as well.”

26. DE said that they completed the “Valuing Everyone” training course the following day, and after that they sent an email to their supervisors detailing the incident. This was the same email which DE subsequently emailed to me and formed the basis of DE’s written complaint.

DE’s pocketbook entry

27. DE completed a pocketbook entry immediately after the incident occurred on 1 July. I obtained a copy of the entry following my first interview with them. It read:

“13.25 A now identified Lord Pendry complained that I was not doing my job properly as he had no ID or pass on him. I got the Aides out to identify him then let him through and have informed the SOC. This is also why the post should be 2 persons at all times as a witness to my actions. Control informed 14:00. Reported to SOM’s office and informed them of all of today’s issue with post.”

Lord Pendry’s oral evidence

28. Mr Madahar and I interviewed Lord Pendry on 9 August, with Donna Davidson, Standards Clerk, attending. Lord Pendry was accompanied by his solicitor, Mr Jonathan Starck. Lord Pendry acknowledged that on 1 July, he had left his pass in his office and proceeded to the security booth to be admitted through the security entrance of Millbank House. He told us that when he had forgotten his pass on previous occasions, at least one of the security guards on duty had recognised him and let him in without asking him for proof of identification. He said:

“I did make it clear that normally the security people do let me through if ever I am in a situation like that. And it’s not the first time I’ve been in that situation, let’s be absolutely clear. There are times in the past when I have left my pass upstairs because I have taken off the lanyard for whatever reason and got a taxi home without it”.

29. Lord Pendry said that when he arrived at Millbank House, he was in a hurry to get to into the building because of a sensitive personal matter. Because of the sensitive nature of the issue, he did not discuss this with DE.
30. When asked how he felt when DE told him he would have to obtain a temporary pass from Derby Gate, Lord Pendry said, “I thought it was really quite illogical for [them] to want me to go to Derby Gate, which is, some, 400-odd yards when just behind [them] was people who could verify who I was. It just didn’t seem logical to me.”
31. Lord Pendry said that, contrary to DE’s account, it was him that suggested that DE go and fetch an attendant to verify who he was:
- “So when [they were] saying, “Well, you have to go to Derby Gate”, when I am in the situation I was in, I wanted [them] to do what I thought was the logical thing to do and it was me that said, “Will you go to the desk behind you? They will confirm who I am”.”
32. Lord Pendry vehemently denied using the language that DE attributed to him in their complaint:
- “But I didn’t use the language [they’re] talking about. No, no way did I use that. [...] A lot of my colleagues think it’s a bit of a fetish on my part, but I do not use that language. [...] I just do not use that kind of language—it’s my upbringing, I never use that language. My solicitor will tell you that I never use that language. Or any of my colleagues—never ever used that language. It is the way I’ve been brought up. And I—of all the things, I may agree with [them], the security officer, on a number of things in [their] statement, but not the language I allegedly used. I never use that language.”
33. When questioned directly, Lord Pendry denied saying “I am a Lord, you fool. Open the door”, “this is fucking ridiculous” or calling DE “stupid”. He told me “Not only did I not call [them] stupid, I did not think [they were] stupid at all” and suggested that if he used the word “stupid”, “it would be a stupid system not a person, that they cannot get out of a situation. But it is the system, not the person. I keep saying it and I’ll say it again: I didn’t think it was [them] at all.”
34. Lord Pendry also denied that he had been abusive to DE after they opened the security doors:
- “according to the statement of [DE], I was still abusive as I was walking away from that situation, which is not true. I was very relieved [...] to get out and get up to my floor.”
35. When questioned about whether he “forcefully” asked DE to open the door for him, Lord Pendry said “No, no. No, well, not quite like that. I did make it clear that normally the security people do let me through if ever I’m in a situation like that. And it’s not the first time I’ve been in that situation, let’s be absolutely clear.”

36. I asked Lord Pendry whether he was rude or aggressive to DE at any point and he replied:

“No, at no stage at all. I was a bit frustrated myself that [they] didn’t understand the logical thing to do was to go to the people behind [them] and not to go to Derby Gate. And the other thing [they] said, “Will you not find somebody else of your rank” sort of thing “who could verify?” All that was going on when I was desperate to get upstairs and knowing that behind [them] were the obvious people.”

37. Lord Pendry also denied raising his voice at DE, other than to make himself heard. He said that he might have done before “the intercom came on, to get my voice heard, yes, probably, but I don’t think afterwards.”
38. Lord Pendry conceded that he was “agitated” during the incident, both as a result of the need to attend to his personal issue and because he thought an attendant could quickly and easily be called to identify him. However, he was adamant that he did not mistreat DE, and instead felt sorry that they had been placed in the situation they were in.
39. In this regard, Lord Pendry expressed empathy with the situation that DE found themselves and said:

“I was wondering what sort of training [they] had to be put into that situation because I am not sure [they] are to blame at all for that part of it. I certainly complain about the language I was alleged to have used. That I couldn’t understand ... related to [them] who seemed very civil, very frustrated by the situation [they] were in.”

Lord Pendry added “I was very much on [their] side in so far as [they] were in a difficult situation. And I think I helped [them] out of that by suggesting that [they] go to the people behind [them].”

DE’s second interview

40. I interviewed DE again on 27 August, with Connie Walsh, Assistant Standards Clerk, attending. The purpose of the interview was to clarify some details of the incident and to see if any inconsistencies between the two accounts could be resolved.
41. DE confirmed that their written complaint was written the day after the incident occurred³ and that they “stand by everything that I wrote in that statement.”
42. On the question of whose suggestion it was to fetch an attendant to identify Lord Pendry, DE conceded that it may have been Lord Pendry who made the suggestion and not them.
43. When I asked DE how they heard Lord Pendry say “this is fucking ridiculous” when they were walking away to fetch the attendant, they said “Well, the intercom’s on the table and you can still hear people, like, if you are talking right up against the glass, you can still hear each other.”
44. When I asked DE why, in the conversations they had following the incident with the attendant and with control, they did not mention Lord

3 It was submitted to my office as a complaint two weeks later.

Pendry's abusive behaviour, they said "I did to control, yeah. I didn't use the words "he'd abused me", but I told control what he had said."

45. I asked DE if there was any reason why they did not record the alleged language Lord Pendry had used towards them in their pocketbook entry. DE said:

"Yeah, because at the time I was kind of worried that I hadn't done procedure properly, so I just wrote a brief, as you can see from the notes—it's just a brief overall just so that I've got something in there to say that he was there and that I was worried that I had, you know, I had let him into the building, and then I phoned control, and that's when I spoke to control, and that's when I told them about all the stuff he'd said and all the, like, what had unfolded."

46. I asked DE how they were able to recall with such precision and accuracy the language that had been allegedly used by Lord Pendry when they wrote up their complaint the following day. DE said, "because it was the day before and it was fresh in my mind."

Further investigation

47. Following my interviews with DE and Lord Pendry, it was clear that the parts of DE's account which could amount to a breach of the Code of Conduct were contested by Lord Pendry. Since there were no direct witnesses to the incident and the CCTV coverage had been destroyed, I followed up some other lines of inquiry to seek corroborative evidence which would support either version of events.

Millbank House attendant

48. Once I had identified the attendant who had been on duty at the reception of Millbank House at the time of the incident, I invited them to interview.
49. I interviewed the attendant, VW, on 27 August, with Connie Walsh, Assistant Standards Clerk, attending.
50. VW confirmed that they were working in Millbank House on 1 July and that at the time of the incident in question, DE asked them to come to the security entrance to identify Lord Pendry.
51. I asked VW to describe DE's demeanour when they asked them to come to the security entrance. VW said:

"[They] seemed perfectly okay at the time. [They] didn't seem sort of flustered or frustrated or upset. [They] just said it in quite a calm voice, "Would you come and confirm who this was?" [They] didn't seem angry or frustrated or in that sort of context. [They] seemed perfectly okay at the time to me."

52. When asked about Lord Pendry's demeanour, VW said "Again from what I can recall, he just seemed his normal self, he didn't seem, again, he didn't seem angry or frustrated that I was being asked to identify him. He just—from what I can recall just seemed a normal day for him."
53. VW told me that they did not hear any foul or abusive language being used and that "obviously if I had have done, I would have gone out to see what

was going on because if it's very loud it can echo quite a bit, but I didn't hear anything going on."

54. Finally, VW said that DE returned to speak to them after Lord Pendry had gone up to his office to confirm his name: "[they] just asked if I knew the Peer's name and I just said " Yes, its Lord Pendry", and that's all I said to [them]". VW was further asked if they knew why DE was not happy and said, "Not sure I can comment on that . [They] just [weren't] happy with the way [they were] spoken to by him , but, again, I don't know what was said, how it was said, or what." VW said that at that point DE "didn't seem sort of red faced or didn't seem angry or frustrated, you know. [...] It didn't seem like [they] had an issue, like being very upset."

Control operator

55. DE called the control room at approximately 2pm on 1 July, as detailed in their pocketbook entry. Once I had identified the operator that they spoke with, I invited them to interview.
56. Mr Madahar and I interviewed the control operator, LM, on 1 October, with Donna Davidson, Standards Clerk, attending.
57. LM explained that their role is as an "Operator within the Security Operation Centre. I deal with alarms, radio transmissions and incoming telephone calls to the Security Control Room and then, sort of, deal with those accordingly."
58. LM said that DE called them on 1 July about the incident involving Lord Pendry:

"the Security Officer is at Millbank House on post and [they were] concerned that [they'd] done the wrong thing. [They] called the Control Room up because a Lord had come, had approached [them] to gain access to the Parliamentary Estate, the outbuilding Millbank House, and he didn't have no ID. He didn't have his parliamentary pass with him. Well, this is what the officer had told me, [they'd] asked to see his parliamentary pass and he couldn't supply [them] with it. After sort of— [they'd] initially refused entry and [they] told me that [they'd] asked him to see if [they] could see any other forms of ID and the Lord was getting really agitated."

59. When asked whether DE had made an allegations against Lord Pendry, LM said "Not that I can remember, no. The phone call was more along the lines of, like, [they] thought [they'd] done the wrong thing and [they were], sort of, asking a bit of guidance from me as to, sort of, what [they] should do next, basically."
60. LM felt confident that they would have remembered if any allegations of verbal abuse had been reported during the phone call and that they would have tagged it appropriately.
61. Following the interview with LM, I was able to obtain a recording of DE's phone call with LM. DE reported the incident to LM as follows:

"a now identified Lord Pendry came up to the window, and just walked up to the door of Millbank, and obviously I was trying to wave his attention and he was just standing there. And then I just asked him through the phone, "Oh, I'm very sorry, sir. Do you have a pass at all?"

He stated his name as Lord Pendry. I just said, “Oh, have you got any identification?” He said, “No, I haven’t got any identification”, obviously giving me lip about it, and started getting a little bit irate. So, he was, like, “Oh, I don’t have this problem with people, like the regulars, and duhduhduh.

And I said, “Well, I’m very sorry sir, I’m not”—“I can’t let you through unless you’ve got any ID”. And he’s, like, “Oh, this is ridiculous”. I said, “Just bear with me, sir”, and this is where obviously I’m calling you up because—as in protocol. I’ve gone to get the aides behind the desk who have identified him as a Lord Pendry, so I’ve let him through on the fact that the aides have identified him. Obviously, that’s not protocol, but as he come through he was just giving me, you know, a load of, sort of, you know, “Oh, why are they sending you here if you can’t do your job properly?”, and all this. So just to give you a heads up in case he lodges a complaint against me.”

Site visit

62. I visited the security entrance of Millbank House with Donna Davidson, and asked Donna to visit again with Ali Drabu, Assistant Standards Clerk. We conducted some tests of the intercom system and with one of us talking and shouting from the position that Lord Pendry would have been in. We were able to hear shouting through the glass, but none of us were able to make out the exact words being said. When we left the intercom receiver off the hook but took a step away, we could not hear what was being said through the intercom system, but could hear the shouting through the glass.⁴

⁴ DE disputed this. They said “When [I] tested it, with my colleagues and the SOMS tested it you they and I could clearly hear what was being said even with just a slightly raised voice, when up close to the glass, you can clearly hear what is being said with normal voices and even clearer with slightly raised voices.” I cannot account for this discrepancy in our experiences.

CHAPTER 4: FINDINGS AND OUTCOME

63. Paragraph 11 of the Code of Conduct for Members of the House of Lords 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.”

64. Paragraph 18 of the Code of Conduct for Members of the House of Lords provides that:

“Members are required to treat those with whom they come into contact in the course of their parliamentary duties and activities (including parliamentary proceedings) with respect and courtesy. Behaviour that amounts to bullying, harassment or sexual misconduct is a breach of this Code.”

65. Therefore, while all Members ought to adhere to the principles and standards of behaviour set out in the Parliamentary Behaviour Code, it is only behaviour that amounts to bullying, harassment or sexual misconduct that constitutes a breach of the Code of Conduct for Members of the House of Lords.

66. There are no allegations of sexual misconduct or harassment in this investigation. The following paragraphs assess the evidence gathered against the definitions of bullying set out in Appendix B to the Code of Conduct.

67. The fact that Lord Pendry and DE came into contact at the Millbank House security entrance on 1 July is not contested. However, almost all other elements of DE’s account are strongly contested by Lord Pendry.

Finding

68. The Behaviour Code, incorporated into the House of Lords Code of Conduct, describes bullying 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. 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.”

69. For a finding of bullying to be made, all elements of this definition (the behaviour, the misuse or abuse of power and the effect on the complainant) must be proven by the evidence to the required civil standard of proof.

70. In investigating and adjudicating allegations of non-compliance with the Code, I am bound to act in accordance with the principles of natural justice. It is also a requirement that the civil standard of proof (balance of probabilities) is adopted by me to find the allegation proven against a member.

71. While Lord Pendry conceded that he was in an agitated state during the incident, almost all specific elements of the incident were contested and there were no direct witnesses. I have therefore had to rely on other information

gathered from people who spoke to DE following the incident to make a determination of the facts.

72. Having assessed the evidence it is clear that none of the specific language contained in DE's written complaint was reported to anyone in the immediate aftermath of the incident. Nor did they record any foul language or make any reference to being verbally abused in their contemporaneous account of the incident made in their pocket book. Although DE wrote the email comprising their complaint with the allegations the following day, I am not confident that they would be able to recall with such accuracy the words that Lord Pendry said. My visit to Millbank House also raised some material inconsistencies in DE's account which I was unable to resolve in my further interview with them.
73. I further considered whether, in the absence of evidence of the specific language used, there was enough evidence to suggest that Lord Pendry still behaved in an "offensive, intimidating, malicious or insulting" manner. While I believe that Lord Pendry did show his agitation and impatience during the incident, I am not of the view that would meet the threshold for a complaint of bullying to be made out.
74. **I therefore conclude on the balance of probabilities that Lord Pendry did not exhibit "offensive, intimidating, malicious or insulting behaviour."**
75. **VW's and LM's testimonies regarding DE's demeanour during and after the incident also did not lead me to conclude on the balance of probabilities that Lord Pendry's behaviour left DE feeling "vulnerable, upset, undermined, humiliated, denigrated or threatened."**
76. **I therefore do not consider that Lord Pendry's conduct towards DE meets the criteria for it to amount to bullying. It does not, therefore, constitute a breach of the Code.**

Conclusion

77. The Parliamentary Behaviour Code requires all members of the parliamentary community, among other things, to:
- think about how their behaviour affects others and strive to understand their perspective;
 - act professionally towards others; and
 - ensure Parliament meets the highest ethical standards of integrity, courtesy and mutual respect.
78. **Although I have found that his behaviour towards DE did not meet the criteria necessary to constitute bullying—and therefore did not constitute a breach of the Code of Conduct for Members of the House of Lords—I would respectfully remind Lord Pendry, and all members of the House, to ensure that the way in which they engage with staff of the House meets the expectations set out in the Behaviour Code. Members must always wear their passes and should not expect to be given special treatment when their pass is not visible.**

79. **Finally, I anticipate that the outcome of this complaint will come as a disappointment to DE who stated in their complaint that it is “seen as common knowledge by PSD staff that if a complaint is made about an MP or a Lord that their side will be taken or the complaint dismissed”. I wish to express my sincere thanks to DE for their moral courage and confidence in bringing forward their complaint as they felt they had been poorly treated by a Member of the House.**

80. **I wish to reiterate the process I have followed is independent and impartial and it is important that if any staff member feels that they have been subject to bullying, harassment or sexual misconduct that they bring forward their complaint for investigation and do not suffer in silence. In this way, my office can play its full part in ensuring that a Member whose conduct falls below the requirements of the Code of Conduct is held to account which is necessary to eliminate unacceptable behaviour and to promote respect and value everyone.**