



HOUSE OF LORDS

Report from the Commissioner for Standards

Failure to attend

Valuing Everyone training

Commissioner for Standards

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

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

The present Code of Conduct for Members of the House of Lords was agreed on 30 November 2009. Amendments to it were agreed by the House on 30 March 2010, 12 June 2014, 25 February 2016, 9 February 2017, 3 April 2017, 30 April 2019, 18 July 2019, 16 March 2020 and 8 July 2020. The Guide to the Code of Conduct was proposed by the Committee for Privileges (2nd Report, Session 2009–10, HL Paper 81) and agreed by the House on 16 March 2010. The Guide was amended on 9 November 2011, 6 March 2014, 13 May 2014, 24 March 2015, 25 February 2016, 9 February 2017, 3 April 2017, 30 April 2019, 18 July 2019, 16 March 2020 and 8 July 2020.

The Code of Conduct for House of Lords Members' Staff was agreed on 13 May 2014. Amendments to it were agreed on 24 March 2015, 30 April 2019, 18 July 2019, 16 March 2020 and 8 July 2020. The Codes and Guide are kept under review by the Conduct Committee.

Advice

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

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Registers of Interests

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

Independent Complaints and Grievance Scheme helpline

Telephone: 0808 168 9281 (freephone)

Email: Support@ICGShelpline.org.uk

Failure to attend valuing everyone training

Background

1. Valuing Everyone is a Parliament-wide training programme. It is designed to help ensure that everyone working in Parliament is able to recognise bullying, harassment and sexual misconduct, and feels confident taking action to tackle and prevent it.
2. The initial sessions in 2019 were provided face-to-face. Due to the COVID-19 pandemic, the sessions were moved online at the end of March 2020.
3. On 5 March 2020, the Conduct Committee published a report which explained the Committee's expectation that all members of the House would attend the course and that if necessary it would "consider making non-attendance a breach of the Code of Conduct or attaching other sanctions."¹
4. The Conduct Committee reported again on 26 October 2020.² By the end of the 2020 summer recess, 47.8 per cent of members had attended the course. Recognising that the training was a key element of the efforts to reduce the incidents of bullying, harassment and sexual misconduct in Parliament, the Committee recommended that the training be made mandatory under the Code.
5. On 3 November 2020, following a short debate, the House agreed the Committee's recommendation without anyone calling a vote.³

Provisions of the Code of Conduct

6. When agreeing the Conduct Committee's report, the House agreed to add the following provision to the Code:

"Members must attend the mandatory training established by the House to raise awareness of, and to prevent, bullying, harassment and sexual misconduct. Failure to attend the training by 1 April 2021 constitutes a breach of this Code for all members who joined the House before 1 January 2021 and are not on Leave of Absence or otherwise disqualified from attending the House. For new members and those returning from Leave of Absence/disqualification it is a breach not to attend the training within three months of introduction or return from Leave of Absence/disqualification."

1 Conduct Committee, *Progress report and amendments to the rules of conduct* (1st Report, Session 2019–21, HL Paper 34).

2 Conduct Committee, *Valuing Everyone training: ICGS investigations: former MPs* (5th Report, Session 2019–21, HL Paper 158).

3 HL Deb, 3 November 2020, [cols 637–644](#).

7. The Committee’s report also set out how these new provisions would be implemented. In brief, they were:
- the Lords ICGS Implementation Lead,⁴ who holds records on which members have taken part in the training, would send monthly reminders to those members who had not yet completed or booked into the training;
 - after 1 April any members who had still not completed the training or signed up to a specific training date would be referred to me;
 - I would have the discretion to “excuse particular members from investigation due to exceptional circumstances such as ongoing serious health problems”;
 - I would then write to those members referred to me who were not excused from investigation, seeking an explanation of their failure to attend the training.
8. This report covers the following members referred to me by the Lords ICGS Implementation Lead, whose breach of the Code I have concluded may be resolved by remedial action:⁵
- Baroness Adams of Craigielea;
 - Baroness Afshar;
 - Lord Alli;
 - Lord Archer of Weston-Super-Mare;
 - Lord Bach;
 - Lord Bamford;
 - Lord Bhatia;
 - Lord Brennan;
 - Lord Carter of Barnes;
 - Baroness Cavendish of Little Venice;
 - Lord Currie of Marylebone;
 - Lord Dixon-Smith;
 - Lord Drayson;
 - The Earl of Dundee;
 - Lord Eatwell;
 - Lord Elis-Thomas;

4 The ICGS is the Independent Complaints and Grievances Scheme. Established in 2019, it is Parliament’s mechanism for handling complaints of bullying, harassment or sexual misconduct. Its standards apply to all members of the parliamentary community.

5 The Guide to the Code describes remedial action as involving “putting the record straight”. It is an outcome that is appropriate where a breach is minor and acknowledged.

- Lord Grabiner;
- Baroness Greenfield;
- Lord Hameed;
- Lord Heseltine;
- Lord Hoffmann;
- The Earl of Home;
- Lord Loomba;
- Lord Marland;
- Baroness McDonagh;
- Baroness Morgan of Drefelin;
- Baroness Morgan of Ely;
- Lord Morgan;
- Lord Owen;
- The Earl of Oxford and Asquith;
- Lord Patel of Bradford;
- Lord Pendry;
- Lord Prior of Brampton;
- Lord Rana;
- Lord Rees of Ludlow;
- Lord Renfrew of Kaimsthorn;
- Lord Ricketts;
- Lord Stern of Brentford;
- Lord Taylor of Warwick;
- Lord Trimble;
- Lord Turnbull;
- Lord Turner of Ecchinswell;
- Lord Tyrie;
- Baroness Valentine;
- Lord Whitby;
- Lord Wigley;
- Baroness Worthington.

9. Regrettably, one member—Lord Nash—was incorrectly included in the referral to me. An administrative error meant that his attendance on the training on 16 March 2021 was not properly recorded. Lord Nash informed me of this promptly on 16 April and his name was removed from the list of those under investigation published on the parliamentary website.⁶
10. As explained above, I excused some members due to exceptional circumstances before beginning my investigations. In addition, on the basis of information I received during my investigations, I also decided to excuse the following members:
 - Baroness Boothroyd;
 - Viscount Falkland;
 - Baroness Flather;
 - Lord Kestenbaum (though Lord Kestenbaum has also since attended the training);
 - Lord Oxburgh;
 - Lord Paul;
 - Lord Woodley (though Lord Woodley has also since attended the training).
11. Four cases were not appropriate for remedial action. They will be covered in a separate report in due course.

Investigations

12. On 1 April 2021, the Lords ICGS Implementation Lead referred a list of members to me. I reviewed this list, removing those not subject to the deadline⁷ or who had given notice to the Clerk of the Parliaments of their intention to resign from the House.⁸
13. My office consulted the offices of the main political parties and the crossbench peers to discuss any members referred to me who had not participated in proceedings for the last 12 months (on the assumption that this absence might indicate exceptional circumstances that would justify excusing them from investigation) and to invite those offices to volunteer any other members I ought to consider excusing from investigation. I accepted the recommendations of those offices and excused a number of members.
14. I wrote to the remaining members on 15 April 2021 (see template letter in Appendix 1), asking for a response by 30 April 2021.

6 A list of members who have completed the training is maintained and published on the parliamentary website by the ICGS Team, see ‘Members of the House of Lords: attendance at Valuing Everyone training’: <https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/house-of-lords-commissioner-for-standards-/members-of-the-house-of-lords-attendance-at-valuing-everyone-training/>.

7 These included those on leave of absence, those returned from leave of absence less than three months previously, those who had yet to take the oath during this session, and those who had been introduced to the House after 1 January 2021.

8 Under the House of Lords Reform Act 2014, members may resign from the House by giving written notice to the Clerk of the Parliaments. Such notice cannot be rescinded. Notice of intention to resign from the House is listed in the House of Lords Business: <https://lordsbusiness.parliament.uk>.

15. In accordance with the requirements of the Guide to the Code of Conduct, the names of those under investigation were published on the parliamentary website (www.parliament.uk/hl-standards).
16. The members listed in paragraph 10 above provided explanations which I considered warranted using my discretion to excuse them from investigation. Had I been made aware of the circumstances of these members before 15 April, I would have used my discretion at that point.

Extenuating circumstances

17. Almost all of the members covered by this report replied to my letter of 15 April 2021 explaining why they had not met the provisions of the Code.
18. Some members explained that their careers outside the House and personal lives had occupied their time and attention. For some, matters had been exacerbated by the COVID-19 pandemic. As a result they had been inattentive of parliamentary communications and had overlooked or been unaware of the requirement to attend the training.
19. Some members explained that they do not routinely use their parliamentary email addresses. Members are not required to use their parliamentary email address. For various reasons they may choose to use personal accounts or email addresses related to their outside interests or careers. Some members also explained that they had had difficulties with their IT which prevented them from receiving emails.
20. In some cases, even where members provided explanations, they did so with only minimal details which suggested a rather casual approach to being in breach of the Code. In addition, some members offered no response to my letter at all (though these members have now either done or booked to do the course).
21. Other than where prevented by exceptional circumstances, members who maintain an active membership of the House⁹ have a clear responsibility to take sufficient steps to ensure they are able to remain in compliance with the Code of Conduct.
22. While I accept the extenuating circumstances set out by members, I bear in mind that over 400 members had completed the training by the time the House decided to make the training mandatory and over 700 members in total met the deadline. I also bear in mind the steps the Administration and party and group offices took to communicate with members¹⁰ and the length of time members have had to attend the training.¹¹

9 That is to say those who are not on leave of absence, disqualified or suspended, or have not taken the oath in the current session.

10 The House Administration published multiple news items on the parliamentary intranet and in members' newsletters, Parliamentary Notice emails, and monthly emails from the ICGS Implementation Lead to those who had yet to complete or book a session. These were accompanied by communications from the party whips' offices and the office of the Convenor of Crossbench Peers to the members in their groups, including via email, at group meetings, and in some cases through targeted phone calls. Most of the communications from the House Administration were sent to parliamentary accounts (with follow-up emails sent to non-parliamentary accounts where there was an automatic response to that effect). However, I understand that the party and group offices are likely to have also sent emails to members' preferred email addresses.

11 Over a year since the Conduct Committee indicated that it would recommend making the training mandatory, and around five months from the House agreeing to make it mandatory.

23. Despite these extenuating circumstances, it remains the case that by failing to attend the course before the deadline, the members covered by the report breached the Code of Conduct.
24. With respect to those who provided no explanation, the Code requires members to co-operate with any investigation. Although these members have rectified the breach by attending, or booking to attend, the course, it is disappointing that some members have not found themselves able to comply fully with these investigations under the Code. However, in the interests of proportionality, I take their steps to rectify the breach as acknowledgement of it.

Outcomes

25. **In all of the cases listed in paragraph 8, it is clear that the members are in breach of the Code by their failure to attend the Valuing Everyone training by the deadline of 1 April.**
26. **However, I consider these breaches to be minor and acknowledged, and therefore suitable for remedial action.**
27. **Although the report by the Conduct Committee proposed that I consider restricting members' access to services and facilities until the training is complete, I do not consider taking this step to be necessary or proportionate in these cases.**
28. **All of the members listed in paragraph 8 have now done the training, made a booking to do the training or given me an assurance that they will very soon make such a booking. I consider this to be sufficient remedial action.**
29. In all cases where members have not yet done the training, I expect them to:
- book themselves on to the first course it is possible for them to attend;
 - seek any help they may need in terms of IT support; and
 - have done so within one month of their next taking part in any proceeding of the House, either virtually or physically.¹²
30. As set out above, I used my discretion to excuse a number of members from investigation due to exceptional circumstances. However, I would note that the requirement under the Code to attend the Valuing Everyone training remains. I would therefore expect those members excused from investigation due to exceptional circumstances to attend the training when their circumstances allow.

¹² In this case, I take proceedings to include debates in the Chamber or Grand Committee, meetings of select committees or tabling business or amendments. I do not include remote voting in divisions.

APPENDIX 1: TEMPLATE OF LETTER

The following is the text of the letter sent on 15 April 2021 to those referred to me by the Lord ICGS Implementation Lead. Where members had attended or booked to attend the training course since 1 April, this letter was modified to reflect this fact.

Other than where the text is necessarily specific to the failure to attend Valuing Everyone training, this is my standard letter when launching investigations. All letters launching investigations include:

- A request for a full and accurate account of the matters in question;
- A deadline for response, typically two weeks;
- A reference to the Guide’s provisions on confidentiality; and
- When not in relation to the complaint of bullying, harassment or sexual misconduct, a reference to the Guide’s provisions on information to be put on the parliamentary website.

Text of letter

On 3 November 2020, the House approved the report from the Conduct Committee proposing that it should be mandatory for members of the House of Lords to attend Valuing Everyone training.

This report provided that members had until 1 April 2021 to attend a session of the Valuing Everyone training, with failure to complete a session constituting a breach of the Code of Conduct.

The report said that after 1 April any member who had still not completed the training or who had not signed up to a specific training date would be referred to me for investigation.

The report went on to say:

“The Commissioner will write to those members under investigation, seeking an explanation. Unless there are extenuating circumstances, she will consider restricting their access to certain services until training is complete and seek to agree that they attend the training as remedial action.”

As a member who has been referred to me under these provisions, I therefore invite you to respond in writing with a full and accurate account of the matters in question. This response may be by email or letter and to whatever length you feel necessary.

A response by Friday, 30 April would greatly assist me in investigating this matter in a timely fashion.

I would also wish to draw your attention to paragraph 144 of the Guide to the Code of Conduct:

“From the point that the Commissioner decides to undertake an investigation all evidence and correspondence relating directly to the inquiry is covered by parliamentary privilege. It must remain confidential unless and until it is published. If such evidence or correspondence were to be published or disclosed to anyone else without the agreement of the

Conduct Committee or the Commissioner, this would be a contempt of the House. An attempt to obstruct an investigation is a contempt of the House.”

In accordance with paragraph 133 of the Guide to the Code of Conduct a webpage on the parliamentary website will include basic information about the case.

