



# The Parliamentary Commissioner for Standards



House of Commons  
The Parliamentary  
Commissioner for Standards

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**Annual Report 2018-19**

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**Presented to the House of Commons  
pursuant to Standing Order No. 150 (11)**

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## Foreword

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This is the second Annual Report of my term as Parliamentary Commissioner for Standards, and it covers my first full year in office. Throughout this year, many commentators have said “We live in interesting times”. This is true of the life and work of this office.

There has been much to welcome during the year. In July 2018 the House approved the newly agreed Independent Complaints and Grievance Scheme (ICGS), which provides arrangements to deal with breaches of the Parliamentary Behaviour Code. This showed a necessary and important commitment to shift the culture of the House of Commons following some very public exposure of such behaviour towards House Staff and MPs’ staff. And in January 2019 I was grateful to the Committee on Standards for proposing, and to the House for approving, further measures to promote my independence. While none of these changes will seem like seismic shifts to the outside world, they are important steps in improving confidence in the new arrangements.

With these advances came setbacks. In July 2018, when the House was considering the new ICGS Scheme, it imposed restrictions on the information I can publish. Since December 2010 successive Commissioners had been permitted to publish limited information about MPs under investigation for breaching the Code of Conduct. However, since 19 July 2018 I have no longer been permitted to confirm or deny the fact of an investigation into an MP who is alleged to have breached their Code of Conduct, even where this does not relate to bullying, harassment or sexual harassment. This is against the principles of openness and accountability, and in my view has undermined public confidence in the standards system.

And the new Independent Complaints and Grievance Scheme has brought other challenges. Along with the Committee on Standards, I urged the House not to rush to implement the scheme before the policy and process, including sanctions and appeals, had been fully agreed. The scheme was introduced without all the details being in place. This has meant that the various teams involved have had to develop such processes in real time, leading to critical commentary by external reviewers. In particular it would have been helpful if more thought had been given to the confidentiality arrangements under the Scheme.

Amid these changes my office has experienced a busy year. We have moved premises and adapted to new information technology. During the year I opened 18 inquiries and concluded 17. While I was able to resolve the majority of these myself, there were three cases which I considered serious enough to require a formal memorandum to the Standards Committee, for it to consider sanctions. The first of these led to the MP being suspended (without pay) for 30 sitting days, longer than any other suspension in recent years. This gave rise to the first petition under the Recall of MPs Act 2015.

But statistics about investigations completed and interests registered do not do justice to the range of work carried out by my office. In addition to our work on investigations, the team has answered over 3,000 calls and emails from the general public, many of which focus on matters which are outside my remit. The Registrar and her team have been equally busy promoting awareness of the requirements of the rules on registration and declaration, and ensuring that All-Party Parliamentary Groups and others register all the information required of them.

In March 2019 I was privileged to meet colleagues from other standards bodies in Edinburgh. I was reassured to learn that although the geography and context of their work might be slightly different, the challenges which each Commissioner faces remain the same.

Kathryn Stone OBE  
Parliamentary Commissioner for Standards

17 July 2019

# 1. Review of the year

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1. This Report covers the year which began on 1 April 2018 and ended on 31 March 2019. It has been dominated by the troubled plans for the UK's departure from the European Union. Following the referendum on 23 June 2016, the Prime Minister wrote to the European Council on 29 March 2017 to trigger Article 50. She expected that the UK would leave the European Union two years later. In the event, since Parliament was unable to agree the terms of our departure, that date has been deferred. At the time when I write, it is now expected to happen no later than 31 October 2019.

2. The controversy about Brexit has given rise to many of the emails and phone calls we have received during the year. Members of the public have emailed and called us about different aspects of the campaigns leading to the June 2016 vote, particularly the use made of statistics, and about their dissatisfaction with actions of government and its ministers since then. None of these are issues I can look into. Nor can I dissolve Parliament or prosecute MPs as traitors, two of the more extreme remedies which have been proposed to me. My remit is to inquire into allegations that MPs have breached their Code of Conduct and the supporting rules. It does not extend to intervening in policy matters, assessing political campaigns or investigating criminal matters.

3. Social media has also played a large part in our work. Engaging with online dialogue is a valuable way of connecting with the electorate in a digital age. But MPs' hasty remarks on platforms such as Twitter quickly go viral and can generate a large-scale response to my office. MPs and others would be well to bear in mind that while it is quick to post material on social media, but the repercussions can be long-lasting. Material shared on social media is unlikely to remain private. These things have the potential to damage the reputation of MPs and of Parliament more generally.

4. In 2018–19 we also saw orchestrated social media campaigns resulting in mass emails to my office. We are modestly staffed and this increased our workload hugely. We currently reply to each individual who writes to or emails us. But if the volume of emails we receive continues to increase, this may not always be feasible in future.

5. Throughout the year my office continued to receive a steady stream of phone calls from the general public. Often callers have complex problems and have sought the help of their MP in resolving these, or in submitting a case to the Parliamentary and Health Service Ombudsman. Many people think that their MP is under a legal obligation to provide them with unlimited help and advice, or to support every local cause. This is simply not the case. MPs have many other roles, such as scrutinising legislation and holding the Executive to account. And no MP can support every cause in their constituency. It is for each MP to use their own judgement in deciding how best to use their efforts. I have no powers to intervene, and it would be wrong for me to do so.

6. Another area where I cannot intervene is what might be called "standards of service" issues. I sometimes receive complaints from constituents who allege that their MP has not replied to their letter or email, or will not see them. Sometimes it is plain that the MP has engaged with the person concerned over a long period and is unable to do more; or sometimes the constituent has behaved unacceptably to hard-pressed staff. But in other



cases it is hard to see why the MP's office has not replied. Some MPs' offices publish their standards of service and set out how quickly they will reply to correspondence. I welcome this initiative which is helpful to all concerned.

7. If Brexit has preoccupied those outside Parliament, many of those working in Parliament have followed with great interest the new Independent Complaints and Grievance Scheme (ICGS) which began on 19 July 2018. On that date the House resolved to introduce new arrangements for investigating allegations of bullying, harassment and sexual harassment by those within the parliamentary community. The Scheme provides for complaints by members of the parliamentary community and those visiting the parliamentary estate to be investigated and determined.

8. If someone alleges bullying, harassment or sexual harassment by an MP they are first directed to a specialist helpline which can provide general support and advice on the way forward. If someone makes a valid complaint which could be investigated, an independent case manager will conduct an investigation. The procedure is the same, no matter who is alleged to have been responsible for the acts complained of. But the decision maker will be different according to whether that person is a staff member, a contractor, or an elected representative. I have the responsibility of determining ICGS complaints against MPs.

9. I do not conduct ICGS investigations myself. Instead I supervise the work of the independent case managers. But this work has been a large part of our workload during the year. This is despite the small numbers involved (not more than 10 investigations completed in 2018–19). One reason for this is the need to consider the health and welfare of all those involved. Another is the haste with which the scheme was introduced, before detailed processes and procedures had been finalised, which has left officials to work out such detail as they dealt with casework.

10. At the time I urged the House authorities to await the report of Dame Laura Cox before implementing the new ICGS scheme. Dame Laura's review was commissioned in April 2018, and she published her Report in October 2018. Dame Laura recommended that the old Revised Respect Policy for House staff, and the Valuing Others policy, should be abandoned as soon as possible; that the ICGS Scheme should be amended to allow the consideration of non-recent cases, and that the House should explore ways of ensuring that complaints against MPs were handled in a way which was independent, with MPs playing no part in this.

11. There has been some progress with these recommendations, although slower than many would have wished. The Respect Scheme has been abandoned. I am also pleased to report that very recently, following the report of Gemma White QC, the House has resolved to open the new scheme to complaints arising from events before the 2017 Election. (When the scheme was introduced, complaints could be considered only if they related to events taking place partly or wholly since the start of the 2017 Parliament.) Dame Laura's recommendation for changes to the determination of complaints against MPs has not yet been implemented.

12. The Independent Complaints and Grievance Scheme provides for allegations of bullying, harassment and sexual harassment to be investigated under conditions of confidentiality. I would like to see these reviewed. They do not take sufficient account of the parliamentary environment. Experience shows that some people—who may on

occasions include complainants themselves—can be quick to see the advantage of placing a story in the public domain and seeking support for it. If this happens there is no easy way to correct the public record, and the disclosure can be damaging to vulnerable people. I hope that on reflection the House will review the confidentiality arrangements in order to provide better protection for all concerned.

13. In my foreword I described my disappointment at another decision of the House on 19 July 2018. The House reversed an earlier decision dating back to 2010 which allowed me to publish limited information about ongoing investigations. Those arrangements, agreed on 2 December 2010, allowed the Commissioner to post a list of current investigations on the parliamentary webpages, giving only the name of the MP and the broad area of the investigation. While an investigation was taking place, if approached by the media or others, my office would confirm whether a complaint had been received and whether it was being investigated, and the broad area covered, but without giving out any further information. However, once I had completed my inquiry, I would publish my decision in full, along with the evidence I had considered. If I submitted a formal memorandum to the Committee on Standards, the Committee would publish that along with its own report and the full evidence.

14. These arrangements were carefully considered and generally speaking they worked well, striking a good balance between an MP's privacy and the public's wish to know. But since July 2018 I have not been permitted to give out any details about investigations until they have concluded. Neither parliament nor the general public know which MPs are under investigation. Understandably the media have called this a backward step, saying that it does nothing to increase trust in Parliament and in elected representatives. I hope very much that the House will feel able to return to the greater openness which existed before July last year.

15. The cases we have resolved in 2018–19 include some complex and sensitive ones which have proved particularly time consuming. And the year has brought me and my staff into contact with an unusually large number of people with mental health conditions. Some of these are regular and persistent callers to my office; some are witnesses or complainants in cases we have investigated, and some are MPs. This is not surprising; others have commented on how vulnerable those in public life can be to fragile mental health. If this was in any doubt our recent experience bears it out. Our overriding aim is to ensure that investigations are independent, impartial, thorough and fair.

16. I am very grateful to the Committee on Standards for recommending to the House the changes made on 7 January 2019 which enhanced my operational independence. On that date the House removed the longstanding requirement that before I can begin an inquiry into an allegation referred to me, I must receive that allegation in hard copy, signed and including the name and postal address of the individual concerned. This was one of the changes which the House approved following the Report by Dame Laura Cox. The House also agreed on the same date to remove the requirement for me to consult the Committee before opening an investigation of a former MP or one over seven years old. The Committee undertook not to require me to consult them before referring a matter to the Metropolitan Police. All these measures reinforce my independence.

17. Finally, part of my remit includes the responsibility to review the Code of Conduct and Guide to the Rules. In April 2017 my predecessor submitted to the Committee, her formal proposals for revising these. The Committee on Standards was to consider these before making its own recommendations to the House. However, the Committee's consideration was interrupted by the unexpected General Election. I look forward to advising the new Committee on Standards as it considers these proposals and reports to the House.

## 2. External Relationships, Information and Advice

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### Responding to enquiries from the public

18. My office responds to large numbers of enquiries from the public by telephone, email and letter every year. In 2018–19 the office handled over 3,000 complaint-related calls, emails and letters, of which almost 2,500 contained allegations of misconduct by named MPs, and the remainder were more general in nature. Approximately 1,000 of these complaints related to one particular incident and were received in a period of approximately one week. I am therefore, pleased to report that just over 97% of all complaints received a response within 5 working days; our target is to do this on at least 95% of occasions.

19. Those figures do not include enquiries made direct to the Registry team about the four Registers, for example, enquiries about All-Party Parliamentary Groups. By 31 March 2019, the number of registered APPGs had increased to 639 from the 626 registered on 31 March 2018.

20. Very often individuals approach my office as a last resort, and the problems they raise do not fall within my remit. We try to be as helpful as possible by providing information, and where appropriate advice, to those who contact us. My staff signpost individuals to more appropriate sources of assistance where that might be helpful. Generally, this approach seems to be effective and to be appreciated, but it is resource intensive. Correspondents are sometimes reluctant to accept that their concerns are outside my remit and will engage in extensive correspondence or repeated telephone calls to try to persuade me to take up their case when I simply cannot do so.

### Responding to enquiries from the media

21. My office responded to 220 media enquiries during 2018–19, a 20% increase over 2017. Most concerned allegations I had received, or current inquiries. Until 19 July 2018, in accordance with the policy previously agreed by the House, my office would confirm whether an allegation had been received and whether I had started an inquiry. Since 19 July 2018, in accordance with the decision taken by the House, we neither confirm nor deny receipt of an allegation.

22. I expressed my concerns about the new publications policy before it was adopted, and I continue to have misgivings. I consider it to be a backward step in terms of transparency. I also think it has had unintended consequences for MPs. For example, as I and my predecessors have noted before, it is not unusual for me, and sometimes the MP concerned, to learn through the media that an allegation has been sent to me. Worse still, some of those allegations never reach me. Given I can neither confirm nor deny receipt of an allegation, the MP accused of misconduct is denied any authoritative account of the situation and the unsubstantiated allegation can remain in circulation.

23. The change in policy has also led to complaints from individuals who believe (rightly or wrongly) that I have begun an inquiry concerning the conduct of a named MP, and who think that I might quietly discontinue an inquiry without making my decision public. This change has, I think, undermined belief in my enduring commitment to independent, fair, thorough and impartial investigations.

24. I believe it is appropriate to conduct all my inquiries in private; and it is absolutely imperative where the inquiry concerns harassment, bullying or sexual misconduct. But I am not persuaded that we have yet achieved a proper balance between transparency and accountability, while protecting the confidentiality of the parties to such allegations.

### **Freedom of information requests**

25. During the year my office responded to 16 formal requests made under the Freedom of Information Act; slightly fewer than the 21 requests answered in 2017–18. Some of the information was already in the public domain and some was exempt from disclosure. The House responded to these enquiries in accordance with the statutory requirements.

### **Relationships with standards and other bodies**

26. In March 2019 my colleagues and I attended the Standards Network conference with Commissioners across the UK and Ireland. My office continues to maintain good working relationships with other standards bodies, including those in the devolved administrations. We also maintain positive links with my counterpart in the House of Lords and with my colleagues there; with the Compliance Officer for the Independent Parliamentary Standards Authority (IPSA); with IPSA itself; with the Electoral Commission; the Committee on Standards in Public Life and the Metropolitan Police Service.

### **International work and other outreach**

27. My office and I regularly meet inward delegations from the Commonwealth and elsewhere who are interested in our structures for promoting standards. During the year I met delegations from Hong Kong, Ghana and Malta, as well as from the National Assembly in Paris. With the Registrar I attended a meeting of the Parliamentary Assembly of the Council of Europe (PACE) to share our experience of dealing with complaints. And early in the 2019–20 reporting year the Chair of the Standards Committee and I made a return visit to address the Maltese Parliament.

### **Advice to MPs and others**

28. One of my responsibilities is to provide advice confidentially to MPs and others about registration. In practice much of the responsibility for advice is delegated to the Registrar. Advice given to an MP is confidential and would be disclosed only if relevant to one of my inquiries.

29. The Registry team also provides advice on the Registers for MPs' Staff, Journalists and All-Party Parliamentary Groups.

## 3. Inquiries into MPs' conduct

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30. Since 19 July 2018 my remit in this area has been extended. I am responsible for investigating and (in all but the most serious cases) determining allegations that MPs have breached their Code of Conduct and the supporting rules. Since the Code was expanded on 19 July 2018, these responsibilities have included overseeing investigations into allegations of bullying, harassment and sexual harassment by MPs. These cases reach me by a different route. They are brought under the Independent Complaints and Grievance Scheme, and investigated by external case managers. I determine them, although in more serious cases I can submit a report to the Standards Committee for them to consider sanctions, if I consider it necessary. A subcommittee of the Standards Committee will also consider any appeals against my decisions. No appeals were made in 2018–19.

31. In this chapter I report separately on these two areas of my work.

### **Allegations brought under paragraphs 11 to 18 of the Code of Conduct and submitted to my office**

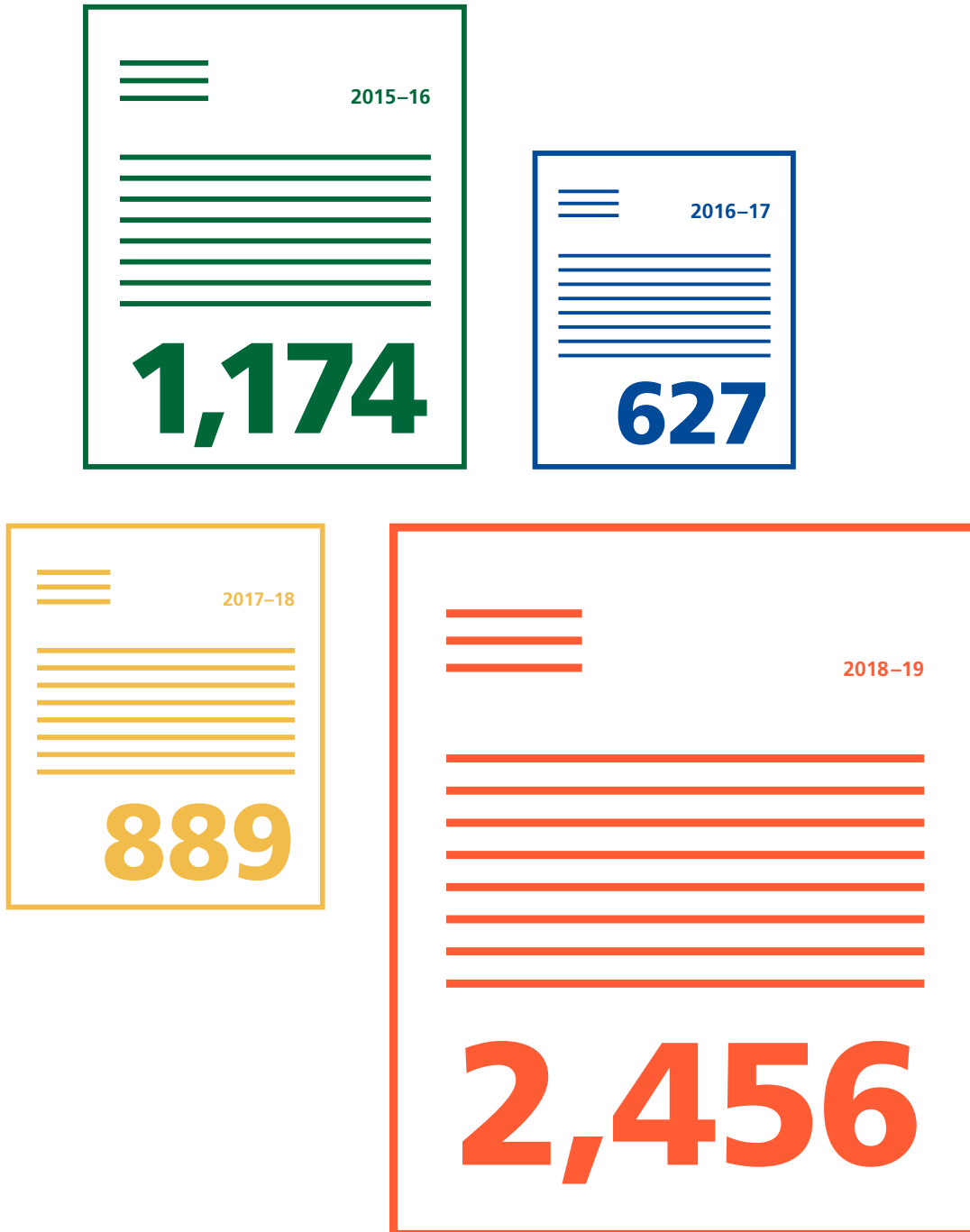
#### ***The process for considering an allegation***

32. When I receive an allegation I decide first whether it falls within the remit established for me by the House of Commons, that is, does it relate to paragraphs 11–18 of the Code of Conduct for MPs? If the allegation falls within my remit, I then decide whether the evidence justifies beginning an inquiry. I aim to make a decision within five working days of receipt. If I begin an inquiry, I tell the MP concerned and the person making the allegation. If I decide not to begin an inquiry I write to the person making the allegation and explain briefly my reasons. If I do not open an investigation I do not usually contact the MP who was complained about, although I may do so if the allegation has been put into the public domain before I have reached a decision. This happens regrettably often.

#### ***Allegations received in 2018–19***

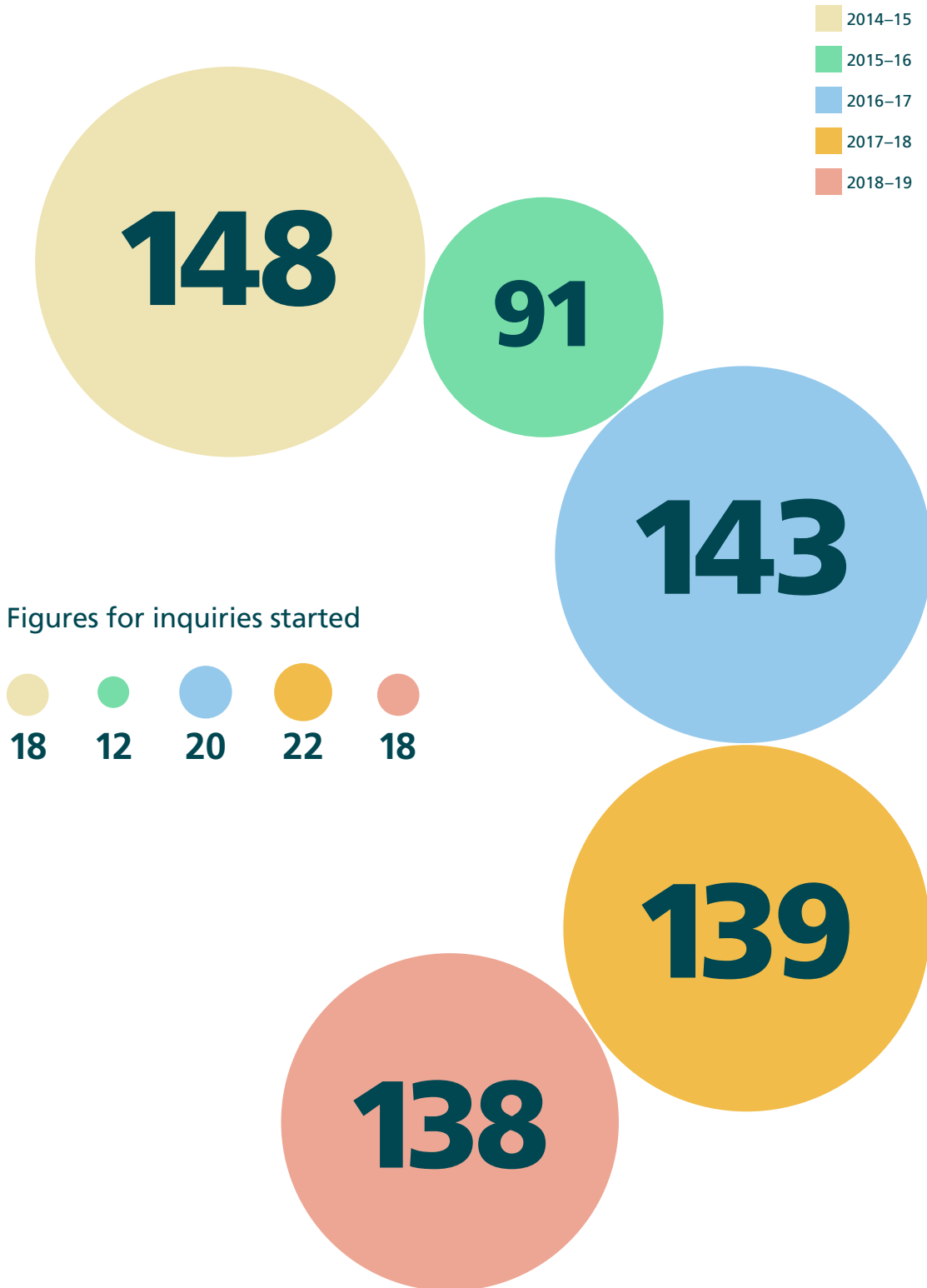
33. In 2018–19 we received 2,456 allegations against named MPs. 2,357 of the allegations received were either out of remit or related to something which, if proven, would not have amounted to a breach of the rules. 2018–19 was not significantly different from other years; since the office of the Commissioner was first created most of the allegations received have been about matters which the Commissioner cannot investigate.

**Total number of allegations received in any format in each of the last four years**



34. The vast majority of the allegations received during 2018-19 were submitted by email and telephone. Until January 2019 allegations were only treated as “formal” if they were sent in hard copy, signed and bearing the name and postal address of the individual. To help compare statistics we have continued to record separately the hard copy allegations received in 2018-19, even though since 7 January 2019 we have accepted allegations for investigation if they were submitted in other formats. 138 of the allegations received in 2018-19 were in hard copy and met the criteria for formal complaints which existed until 7 January. This is very similar to the number of allegations which met the criteria for formal complaints in 2017-18 (139).

Allegations received in hard copy, and number of inquiries started in each of last five years





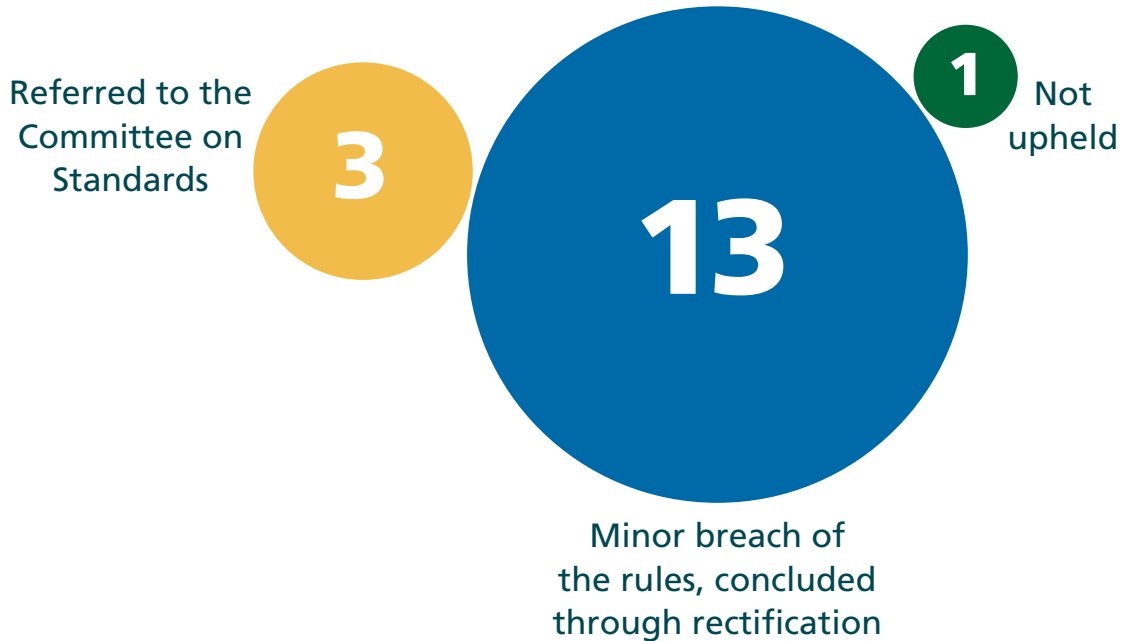
### ***Inquiries opened in 2018–19***

35. I opened 18 new inquiries in 2018–19. Since 2010 Commissioners have been able to open an inquiry upon their own initiative, without waiting for allegations to arrive from the general public. Six of the 18 inquiries I opened in 2018–19 were “own initiative” inquiries, not founded upon a complaint or allegation from someone else. All of these related in some way to the registration of interests.

### ***Inquiries resolved in 2018–19***

36. In the year ending 31 March 2019, 17 inquiries were concluded. I started the year with 9 inquiries on hand, and accepted a further 18 for inquiry. Of the 17 inquiries I completed, I resolved 13 allegations through the rectification procedure; I submitted three formal memoranda to the Committee on Standards, and I did not uphold the remaining allegation. I carried forward 10 inquiries into 2019–20.

#### **How inquiries were resolved in 2018–19**



### ***Inquiries concluded by rectification***

37. The first possible outcome to an inquiry is a “rectification”. I may conclude an inquiry through this procedure if it is established that an MP has acted in breach of the rules of the House, provided the MP acknowledges their breach of the rules, apologises and takes appropriate action to put the matter right, for example, by a repayment for misused resources, registering an interest which had been omitted from the Register, or by making an apology to the House for not declaring a relevant interest during proceedings. When an inquiry is concluded in this way, the outcome is published on the Parliament website on my webpages. The reason for the decision and the evidence associated with it are also published. The Committee on Standards is informed of the outcome.

38. Thirteen inquiries were concluded using the rectification procedure in 2018–19. Five of these concerned the misuse of House-provided stationery and/or postage pre-paid envelopes; one related to a breach of the rules for All-Party Parliamentary Groups; and seven were breaches of the rules on disclosure of interests. The details of each of these inquiries can be found on my webpages.

### *Inquiries referred to the Committee on Standards*

39. Following an inquiry, I must submit a formal Memorandum to the Committee on Standards if I find a serious breach of the rules. If I identify an issue of wider significance I may also send a Memorandum to the Committee. Minor breaches of the rules are otherwise referred to the Committee only if the MP does not accept, will not apologise for, or will not take the required action in respect of, the breach identified. When I refer a matter to the Committee on Standards, the Committee—which includes lay members as well as MPs—will reach its own conclusion on whether there has been a breach of the rules of the House. The Committee publishes its own report on the allegation, together with its findings. The evidence is also published. In such cases, it is for the Committee to decide what further action, if any, to recommend to the House. It can recommend a range of sanctions, including an apology, repayment of money or a period of suspension from the House.

40. I referred three inquiries to the Committee on Standards in 2018–19. The first inquiry concerned an MP who had failed to register substantial overseas visits. He had then written to the then Prime Minister, without declaring the visits, and in a way which broke the rules on paid advocacy. The second and third memoranda concerned a single MP who had failed to register interests within the 28 day timescale required by the House.

41. Following the first inquiry I found that the MP had breached the rules on paid advocacy; had failed to declare the personal benefit and hospitality they had received, and had breached the House rules on registration of interests. I found that this was a serious breach of the Code of Conduct and the rules. The Committee agreed, adding that his conduct was such as to cause significant damage to the reputation and integrity of the House and of other MPs. He apologised by personal statement and was suspended for 30 sitting days. This was sufficient to trigger a recall petition under the Recall of MPs Act 2015. If 10% of the electorate in his constituency had voted for a by election, he would have been required to stand down and face an election. In the event no by election was triggered.

42. Following the second inquiry I found that a well-known and senior MP had breached the House rules on registration of interests on nine occasions in the previous nine months when he had been late in registering his earnings. While I had no evidence that he intended to mislead or to avoid disclosure, the number of late registrations and the high value involved (over £52,000) meant that I could not regard the breach as minor or inadvertent. I therefore reported my findings to the Standards Committee for their decision. The Committee agreed with me and required the MP to apologise formally on a point of order, which he did. His late entries in the Register were shown in bold italic typeface.

43. This MP had told me in October 2018 that all his financial interests had been disclosed. In February 2019 I was therefore disappointed to learn that he had been late in registering a property interest. That interest had arisen in January 2018. It amounted to a share of

a home, which by itself did not exceed the financial threshold for registering property. However, the MP was required to register this because he had already registered property interests which exceeded the relevant financial threshold. The threshold applies to an MP's total property portfolio rather than to individual properties. The MP immediately acknowledged and apologised for this additional late registration when I brought the matter to his attention. I might, in other circumstances, have concluded an inquiry into a single late registration by way of the rectification procedure, but I did not consider that to be appropriate on this occasion.

44. I again submitted a formal memorandum about this MP to the Committee on Standards. In my previous memorandum I had said that the facts suggested "a lack of attention to, or regard for, the House's requirements rather than oversight or inadvertent error". I was concerned that this MP's failure during that inquiry to check properly that he had brought his Register entry up to date might be regarded as showing a lack of respect for the House's rules and for the standards system. I accepted that on this occasion he had misunderstood the House's rules in relation to the financial thresholds, but he should have checked more carefully what was required of him.

45. The Committee said that the second breach reinforced the view, expressed in their previous Report, that the MP had displayed "an over-casual attitude towards obeying the rules of the House", in conjunction with "a lack of effective organisation within [his] office". They noted his apologies and asked for him to receive a briefing from the Registrar of Members' Financial Interests about his responsibilities to register interests. His late entry was again shown in the Register in bold italic typeface.

46. The Committee published its reports on these three cases on its webpages, alongside my formal Memoranda, and the evidence I had considered.

### ***Inquiries not upheld***

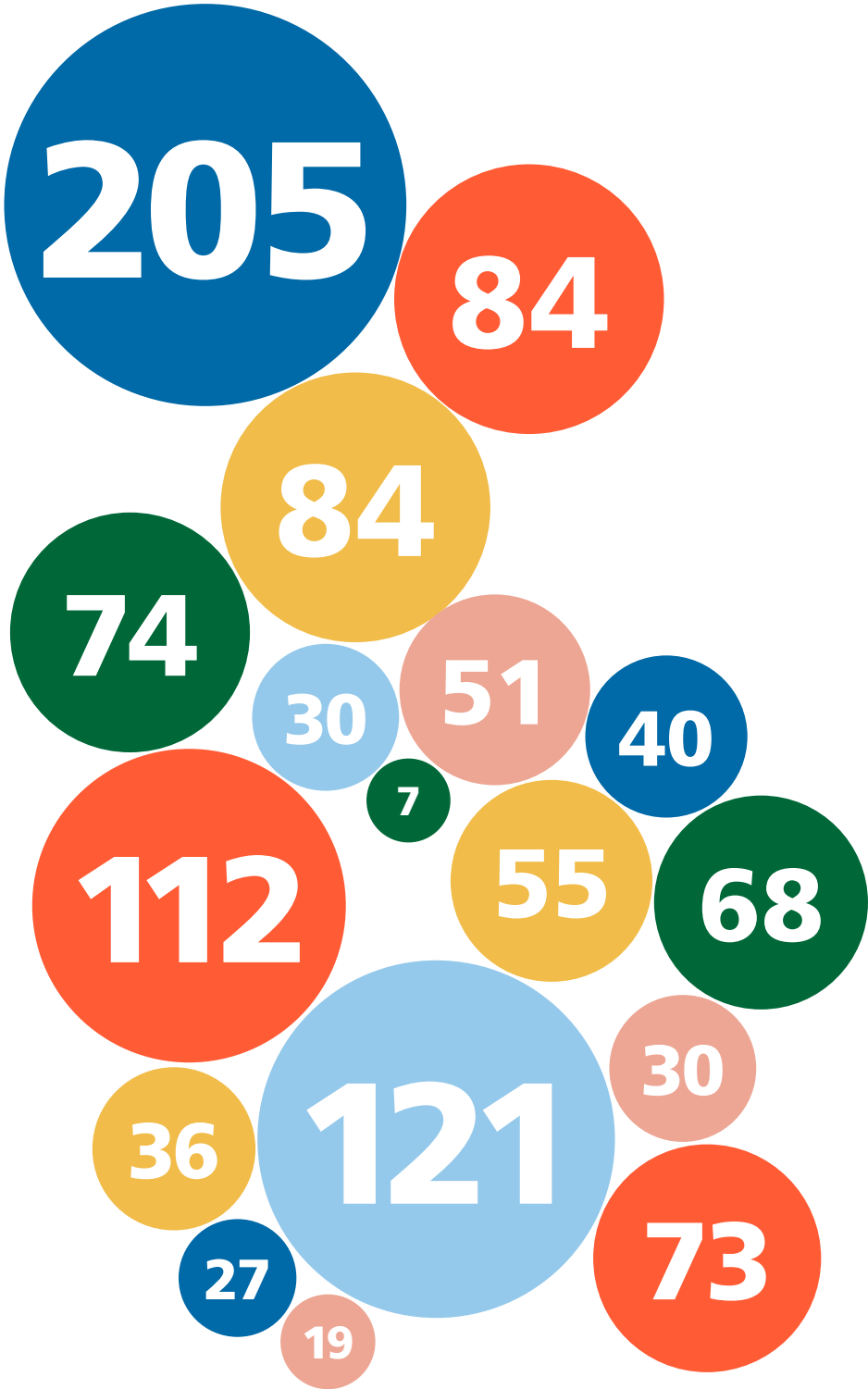
47. If, after investigation, the alleged breach of the rules has not been established, I do not uphold the allegation. I write to the individual who made the allegation and to the MP concerned to explain the decision and I inform the Committee on Standards of the outcome. The decision, the reason for it and the relevant evidence are published on the Parliament website on my webpages. During the year 2018-19 I investigated one allegation which I did not uphold.

### ***Time taken to complete inquiries***

48. The time to conclude an inquiry varies enormously. The shortest inquiry in 2018-19 took just seven working days. In that case, immediately the matter was brought to the MP's attention, he acknowledged and apologised for his breach of the rules, he updated his entry in the Register, and the matter was concluded by way of the rectification procedure.

49. The longest inquiry completed in 2018-19 took 204 working days to complete. There are many reasons for the variation in the time taken to conclude inquiries. These include: the complexity of the matter under inquiry; whether there is a need to seek evidence from third parties; the co-operation of the MP and other witnesses; whether the matter is suitable for the rectification process; the impact of parliamentary recesses on the availability of MPs; and whether there is agreement on the interpretation of the rules.

Number of working days taken to complete inquiries in 2018-19



### **Time taken to decide whether to inquire into allegations received in 2018–19**

50. The Commissioner's office is small and fewer than half of the staff are deployed on this aspect of my work. The decision to accept an allegation for inquiry is for me alone, and my role was until December 2018 part-time. The complexity of each referral and the volume of supporting evidence to be considered both have an impact on the amount of time necessary to decide whether to begin an inquiry.

51. Our aim is to give decisions on 95% of allegations within 5 working days of receipt. During 2018–19, of the 2,455 allegations received in all formats, 97% were decided within that timeframe.

### **Complaints of bullying, harassment or sexual harassment submitted via the Independent Complaints and Grievance Scheme**

52. Following the Resolution of the House on 19 July 2018, I oversaw a small number of investigations into bullying, harassment and sexual harassment by MPs. As expected, staff and others have been slow to gain the confidence to use the Scheme. As there were so few (not more than ten) investigations it is not appropriate to give any breakdown of the subject matter, although I can say that they related to different MPs.

53. It is clear from these early investigations that some issues need further consideration. One of these is confidentiality. The Delivery Report rightly stresses the importance of this. I therefore publish no information about ongoing ICGS investigations, and—as with other Code of Conduct investigations—I ask all those involved in an investigation to keep the information confidential. However, even in the first year of the Scheme, we can see that this request has not always been honoured. On several occasions information about an investigation has been publicised, sometimes by the complainant, who is the very person whom the procedures were designed to protect. I have no powers to prevent this or to discipline those responsible if they are not MPs. I very much hope that the House will take further steps to reinforce the confidentiality requirement during investigations, for the protection of all those involved, and to allow me to put the record straight if misleading information has been released.

54. Another issue which has emerged is the overlap with management procedures for poor performance. When faced with such procedures some MPs' staff have responded by contacting the helpline to complain that the MP has bullied them. In the cases I have seen so far this has not always been borne out by the facts. I hope that as the scheme develops it will become easier to distinguish these cases.

### **Feedback**

55. In November 2017 my predecessor published a statement about how complaints about the service provided by the office would be handled. I have adopted the same policy. We both undertook to publish statistics about the number of complaints received in future annual reports. In twelve months, we received complaints from two individuals.<sup>1</sup> Neither of those complaints were upheld. In the same period, we received forty-nine expressions of thanks.

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<sup>1</sup> These do not include correspondence from those who disagree with my decisions.

## 4. Registers of Members' Financial Interests, Members' Secretaries and Research Assistants, Journalists and All-Party Parliamentary Groups

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### Introduction

56. It is one of my formal responsibilities to compile and maintain the four registers of interest required by the House of Commons, which are:

- the Register of Members' Financial Interests (the Members' Register);
- the Register of Interests of Members' Secretaries and Research Assistants (the Register of Members' Staff, or the Staff Register);
- the Register of Journalists' Interests; and
- the Register of All-Party Parliamentary Groups (the Groups' Register).

57. We update and publish the Members' Register online every two weeks while the House is sitting, and less frequently during recess. We update and publish the other three registers online approximately every six weeks.

### Register of Members' Financial Interests

58. The main purpose of this register is to provide a publicly available record of the interests which might be thought to influence an MP's actions or words. MPs have to register any interest they have which falls within nine specific categories of interest which the House has approved. In addition, there is a Miscellaneous category where they must list any other interests which meet the purpose of the register but which do not fall clearly under the other headings.

59. During 2018–19 my office published 21 online editions of the Register. These contained a total of 3,384 new register items, and 279 updates to interests already registered. The 3,384 new register items included

- 2,159 items under Category 1: Employment and earnings;
- 416 items under Category 4: Visits outside the UK;
- 350 items under Category 2: Donations and other support; and
- 313 items under Category 3: Gifts, benefits and hospitality from UK sources.

60. The Register which contained the largest number of new items was that of 19 November 2018. This included 242 new Register items.

## Register of Interests of Members' Secretaries and Research Assistants

61. Anyone who has a parliamentary security pass as an MP's secretary or research assistant must record their details in the Register of Interests of Members' Secretaries and Research Assistants. They must register any other occupation from which they receive income of more than 0.5% of a MP's salary (£385 from 1 April 2018 to 31 March 2019) in the course of a calendar year, if that occupation is in any way advantaged by the privileged access to Parliament afforded by their pass. They also have to register any tangible gift (e.g. glassware) and any other benefit (e.g. hospitality, services or facilities provided) which they receive, if the value of the gift or benefit exceeds £385 and the gift or benefit relates in any way to their work in Parliament.

62. The number of registered staff on 31 March 2019 was 2,010. This included 33 staff who both held a spouse pass and worked for an MP. The number of MPs' staff with registered interests was 356 on 31 March 2019. These figures are similar to those for 31 March 2018, when 2,022 staff, of whom 354 had registered interests, appeared on the Register.

63. My office published seven editions of the Staff Register in 2018–19.

## Register of All-Party Parliamentary Groups

64. An All-Party-Parliamentary Group consists of parliamentarians who join together to pursue a particular topic or interest. Some groups also permit others to join as non-voting members.

65. There are two types of groups: subject groups and country groups. The number of registered groups rose during the year, from 626 groups registered on 31 March 2018, to 639 groups registered on 31 March 2019. Of the 639 groups, 131 were country groups (21% of the total) and 508 were subject groups (79% of the total): the same split as on 31 March 2018. The number of groups with registered financial or material benefits fell during the year from 338 (54% of the total) on 31 March 2018 to 318 (50% of the total) on 31 March 2019.

66. My office published six editions of the Groups' Register in 2018–19.

## Register of Journalists' Interests

67. Anyone who holds a pass as a lobby journalist accredited to the Parliamentary Press Gallery or for parliamentary broadcasting must record in this Register any occupation or employment which is advantaged by the privileged access to Parliament afforded by their pass, if they earn from it more than 1% of an MP's salary in the course of a calendar year (£770 from 1 April 2018 to 31 March 2019).

68. The number of registered journalists on 31 March 2019 was 426, a slight increase on the 417 registered on 31 March 2018. The number of journalists with registered interests was 84 on 31 March 2019, an increase on the 66 with registered interests on 31 March 2018. My office published seven editions of the Journalists' Register in 2018–19.



## Complaints about registration

### *The Register of Members' Financial Interests*

69. During the year I concluded ten inquiries into allegations that MPs had failed to register interests in accordance with the rules of the House. These are described in chapter 2 of this Report. While I was able to rectify most of the allegations under the rectification procedures available to me under Standing Order No 150, I considered some of the allegations to be particularly serious. I submitted three formal memoranda, relating to two MPs, to the Standards Committee. These are described in chapter 3.

### *All-Party Parliamentary Groups*

70. During the year I also received a number of complaints about APPGs. The majority of these concerned the activities of these groups, their choice of secretariat and the policies they pursued. None of these matters were things I could look into, as they did not involve breaking the rules of the House. I did however inquire into an allegation that an APPG had broken the House's rules on transparency. I found that the group had failed to publish its minutes as required, and to include the necessary disclaimer on its website. I considered that these errors fell at the less serious end of the spectrum and I was also able to resolve this allegation through the rectification procedure.

### *The Members' Staff Register*

71. The Registrar also inquired into an allegation that someone employed by an MP had failed to register a role as councillor. MPs' staff are required to register any paid occupation or employment which is in any way advantaged by the privileged access to Parliament afforded by their security pass, if their earnings in the calendar year exceed a financial threshold, which in 2018–19 over £385. Roles as councillor are generally regarded as advantaged by having a parliamentary pass, and the Assistant Registrar would normally advise MPs' staff to register these. However, the Registrar found that this particular staff member had been a councillor before he started working for an MP, and although he then gained a parliamentary security pass, his workplace was in the constituency and did not use the pass more than a very small number of times each year. For these reasons the Registrar did not consider that the employee was required to register this role, and she did not uphold the complaint.



## 5. Resourcing the work

**Table: Costs of running the Commissioner's office 2012-13 to 2018-19**

Year	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Staffing, etc.	373,987	442,733	402,551	423,838	433,556	457,933	524,460
Other running costs	5,194	3,713	4,213	1,116	415	3,525	2,164
<b>Total</b>	<b>379,181</b>	<b>446,482</b>	<b>406,764</b>	<b>424,954</b>	<b>433,971</b>	<b>461,458</b>	<b>526,623</b>

72. The costs of my office are mainly staff costs. Our non-staff costs were principally incidentals and specialist advice needed for investigations, plus the costs associated with attending a conference of Standards Commissioners. I am pleased to say that the House authorities approved three additional staff for my office in 2018-19, to reflect the increased caseload arising from the new Independent Complaints and Grievance Scheme. We were pleased to welcome two new team members in 2018-19, and a third is expected to join us in the summer of 2019.

## 6. Looking ahead

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73. I am grateful to the Committee on Standards for its establishment of an informal sub-committee, led by lay members, to review the Code of Conduct and Guide to the Rules. They have an ambitious and far reaching task to ensure that the Code and the rules are relevant and accessible in the 21st Century. I am looking forward to the outcome of this of work and to continuing a positive engagement with the Committee on our shared ambition to promote compliance with the Code of Conduct and the Behaviour Code in the House of Commons.

74. By the time I write my next annual report, decisions will have been made about our membership of the European Union and there will be other major events too. Further reports will have been published in relation to the Independent Complaints and Grievance Scheme: on the handling of non-recent cases, on MPs' staff and on Peers' staff. The first two of these will have implications for this office and are likely to result in a need for increased staffing and increased resource.

75. Whatever the challenge I know the team here are equal to the work. I want to pay tribute to them and to thank them for their extraordinary resilience in the face of some very challenging calls, letters and emails. In all our work we continue to promote the principles of independence, impartiality, thoroughness and fairness. It is what we are here to do.

76. As we move into further interesting times, I would like to pay tribute to the Committee on Standards, the Chair and the Clerks. The Committee has an important role as critical friend to the Office of the Parliamentary Commissioner for Standards. I am grateful for their challenge, for their advice and for their support. I look forward to reporting on our progress in my next annual report.

## Appendix: Standing Order No 150 as amended by the House in July 2018

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### 150. Parliamentary Commissioner for Standards

1. There shall be an Officer of this House, called the Parliamentary Commissioner for Standards, who shall be appointed by the House.
2. The principal duties of the Commissioner shall be—
  - a) to maintain the Register of Members' Financial Interests and any other registers of interest established by the House, and to make such arrangements for the compilation, maintenance and accessibility of those registers as are approved by the Committee on Standards or an appropriate sub-committee thereof;
  - b) to provide advice confidentially to Members and other persons or bodies subject to registration on matters relating to the registration of individual interests;
  - c) to advise the Committee on Standards, its sub-committees and individual Members on the interpretation of any code of conduct to which the House has agreed and on questions of propriety;
  - d) to monitor the operation of such code and registers, and to make recommendations thereon to the Committee on Standards or an appropriate sub-committee thereof;
  - e) to investigate, if he thinks fit, specific matters which have come to his attention relating to the conduct of Members and to report to the Committee on Standards or to an appropriate sub-committee thereof, unless the provisions of paragraph (4) apply; and
  - f) to consider cases arising from the Independent Complaints and Grievance Scheme.
3. In determining whether to investigate a specific matter relating to the conduct of a Member the Commissioner shall have regard to whether in his view there is sufficient evidence that the Code of Conduct or the rules relating to registration or declaration of interests may have been breached to justify taking the matter further.
4. No report shall be made by the Commissioner—
  - a) in any case where the Member concerned has agreed that he has failed to register or declare an interest, if it is the Commissioner's opinion that the interest involved is minor, or the failure was inadvertent, and the Member concerned has taken such action by way of rectification as the Commissioner may have required within any procedure approved by the Committee for this purpose;
  - b) in any case involving parliamentary allowances, or the use of facilities or services, if the Commissioner has with the agreement of the Member concerned referred the matter to the relevant Officer of the House for the purpose of

securing appropriate financial reimbursement, and the Member has made such reimbursement within such period of time as the Commissioner considers reasonable; and

- c) in any case arising from the Independent Complaints and Grievance Scheme where the Commissioner has proposed remedial action within any procedure approved by the Committee with which the Member concerned has complied or, If the remedy is prospective, undertaken to comply.
5. The Commissioner may at any time in the course of investigating a complaint, and if so requested by the Committee on Standards shall, appoint an Investigatory Panel to assist him in establishing the facts relevant to the investigation.
  6. An Investigatory Panel shall—
    - a) consist of the Commissioner, who shall be Chair of the Panel, and two assessors, one of whom shall be a legally qualified person appointed by the Commissioner and the other shall be a Member, who shall not be a member of the Committee on Standards, appointed by the Speaker; and
    - b) meet in private.
  7. The Commissioner—
    - a) shall determine the procedures of the Panel, subject to the provisions of this order; and
    - b) may appoint counsel for the purpose of assisting the Panel.
  8. Any report that the Commissioner may have made to the Committee on Standards in relation to the complaint before the appointment of the Panel shall be made available to the Panel by the Committee.
  9. Any Member who is the subject of the complaint under investigation shall, if he so requests, be heard by the Panel; may call witnesses; and may examine other witnesses.
  10. When the Panel has completed its proceedings—
    - a) the Commissioner shall report as in paragraph (2)(e);
    - b) the legal assessor shall report to the Committee on Standards his opinion as to the extent to which its proceedings have been consistent with the principles of natural justice; and
    - c) the Member assessor may report to the Committee on Standards his opinion as to the extent to which its proceedings have had regard to the customs and practice of the House and its Members.
  11. The Commissioner shall report each year to the House on the exercise by him of his functions.
  12. The Commissioner shall have leave to publish from time to time—
    - a) information and papers relating to—

- i) matters resolved in accordance with paragraph (4) of this order; and
  - ii) complaints not upheld; and
- b) statistical information about complaints received.

13. The Commissioner may be dismissed only following a resolution of the House, moved for by a Member of the House of Commons Commission, after the Committee on Standards has reported to the House that it is satisfied that the Commissioner is unfit to hold his office or unable to carry out his functions; and any such report shall include a statement of the Committee's reasons for its conclusion.