

# Independent Complaints and Grievance Scheme (ICGS)

**Independent Review of the ICGS**

13 May 2024

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**Paul Kernaghan CBE QPM**

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# Foreword

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1. This review follows on from two conducted by Alison Stanley CBE in 2019<sup>1</sup> and 2021<sup>2</sup> and builds on that work. However, the ICGS has now been in existence for five years and I have consciously sought to reflect the greater maturity of the Scheme in my review.
2. My terms of reference are set out in Chapter 1. In view of the allocated timescale and resources, I determined that my review would, as far as was possible, focus narrowly on the terms of reference, whilst recognising that the review would sometimes necessarily touch on wider aspects of Parliamentary life and culture. Equally, I have sought to focus on higher-level issues, as opposed to more tactical or detailed points, but have - on occasion - reported on points specifically raised with me by consultees.
3. Parliament is a complex organisational environment, composed as it is of MPs, Members of the House of Lords, staff, other passholders (such as contractors and journalists) and visitors. A scheme like the ICGS must recognise the different working cultures and constitutional requirements, whilst at the same time contribute to a non-negotiable objective of helping to deliver a modern environment in which everyone is respected and valued. The Royal Military Police's motto is *Exemplo Ducemus* – 'By example shall we lead'.<sup>3</sup> I have taken the view that Parliament's internal arrangements should also, as far as possible, lead by example. I have consciously sought to make recommendations that are both practical and reflect the highest possible standards. These are standards that I believe are fully supported by all of those consulted during my review.
4. The ICGS is still unique, in that only the UK Parliament has created such a comprehensive scheme with a view to tackling the particular challenges that occur in a legislature.<sup>4</sup> There are obvious power imbalances and elected members are subject to intense pressures arising from their positions. Inevitably, most public and media attention focusses on MPs, but the ICGS covers everyone in the Parliamentary Community.<sup>5</sup>
5. I have been impressed by the dedication and professionalism that I have encountered during my review. I hope that my recommendations will result in further improvements to the Scheme, whose very creation was a significant achievement.

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<sup>1</sup> Alison Stanley, CBE FCIPD, [Independent 6-month Review: UK Parliament Independent Complaints and Grievance Scheme](#), (31 May 2019)

<sup>2</sup> Alison Stanley, CBE FCIPD, [Independent Complaints and Grievance Scheme: Independent 18-Month Review](#), (22 February 2021)

<sup>3</sup> Regimental Headquarters Royal Military Police, [The Centenary of a Military Police Association 1913 – 2013](#), accessed 9 April 2024

<sup>4</sup> ICGS, [4<sup>th</sup> Annual Report: July 2021-June 2022](#), 25 October 2022, pp 36-37

<sup>5</sup> ICGS, [ICGS – Frequently asked questions \(FAQs\)](#), accessed 9 April 2024

## Executive summary of findings

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6. In response to the allegations and testimony about inappropriate behaviour and a culture of bullying and harassment in Westminster, the ICGS was introduced in July 2018. Previous reviews were conducted 6 and 18 months thereafter. The Scheme and the ICGS helpline are now well-established features of the Parliamentary landscape.
7. My review started on 23 October 2023. Within a 4-month timeframe, I gathered information and feedback from across the Parliamentary Community in several ways:
  - I have held or attended meetings with various stakeholders.
  - I launched a call for written evidence to all members of the Parliamentary Community.
  - I launched a short survey about the ICGS, open to anyone in the Parliamentary Community. To facilitate comparisons over time, the survey was designed around previous versions from the ICGS reviews that were published in 2019 and 2021.
  - Finally, I also reviewed written documentation related to the ICGS (ensuring that any material relating to individual cases has remained confidential) and associated cultural, HR, and diversity and inclusion initiatives.
8. In this report:
  - I have recommended a new governance model that I believe would be more agile, responsive, and facilitate rapid change to procedures. In addition, I have recommended that the existing ICGS Assurance Group should be re-established as a permanent ICGS Assurance Board. I recommend that the ICGS Assurance Board should conduct assurance on behalf of the Parliamentary Community, thereby creating clear lines of accountability that do not currently exist;
  - I have made a recommendation that would make explicit the role of political parties when they are approached by an individual who wishes to lodge a complaint that falls within the scope of the ICGS. This seeks to respond to the almost universal feeling that I encountered that the ICGS is best placed to investigate such complaints;
  - I have made various recommendations that seek to improve the timeliness and quality of investigations. They range from the provision of interview transcripts to a more streamlined initial assessment stage;
  - I have considered the linked issues of confidentiality and transparency and made several recommendations that seek to provide pragmatic improvements in these areas. Specifically, I recommend that the

confidentiality requirement should not be applied to complaints which are not accepted for full assessment. I also recommend that decision-making bodies (DMBs) should notify the ICGS team of the outcome of all investigations, including any appeal and sanction;

- After careful consideration of the evidence, I have recommended that the ICGS helpline facility continues to be provided by an external supplier; I conclude that the scope of the Scheme is reasonable and valid, but I have proposed a recommendation that aims to bring greater clarity and expediency to the interpretation of scope, so that cases brought under the Scheme can make more timely progress;
  - I explore the topic of resolution outside of the Scheme and I endorse the 'restorative practice' proposal of the recent Speaker's Conference on employment conditions of Members' staff;
  - I considered the experience and wellbeing of service users and I have made recommendations arising from that interaction and focus;
  - I have recommended a major focus on training for **all** members of the Parliamentary Community (except visitors), with a view to ensuring that inappropriate behaviour is prevented as opposed to tackled after the event.
9. I conclude by saying that the ICGS is making a difference. Of course, it will continue to need to be monitored and amended in the light of experience and be kept in alignment with changes in the wider environment within which it operates. I hope that my report and recommendations help contribute to the further improvement of the ICGS.

# Chapter 1: Terms of reference for the ICGS Review 2023

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## *Quality and timeliness*

1. Drawing on internal data and external benchmarking data, act as a critical friend to the ICGS Director in her efforts to improve the timeliness and quality of investigations, providing assurance in relation to their initial impact and potential for longer-term improvement.

## *Confidentiality*

2. Consider the role of confidentiality within the Scheme. Specifically, consider how more transparency can be built into the Scheme without compromising the right to confidentiality of all parties to a complaint; and how individual breaches of confidentiality are handled.

## *Independence*

3. Consider how the concept of ICGS independence is interpreted, to ensure an appropriate balance between independence and operational effectiveness.

## *Governance*

4. Make recommendations for how the governance of the ICGS can be clarified and improved. In particular, to consider:

- a. How decisions are made about changes to the ICGS;
- b. Clarity and transparency about how the constituent parts of the ICGS and related bodies work together; and
- c. Clarity and transparency about the relationship between the ICGS, the criminal justice system and political party complaints processes, including the involvement of the party whips.

## *Scope*

5. Consider whether the scope of where and to whom the ICGS applies is sufficiently clear and subject to consistent interpretation.

## *Resolution outside of the Scheme*

6. Share observations with the relevant parties (for example those responsible for culture change or implementing the Speaker's Conference) about how low-level disputes might be resolved outside of the Scheme, where appropriate.

## *Service user experience*

7. Consider the experiences of service users, including support available to all parties and the role and skillset of those providing this support.<sup>6</sup>

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<sup>6</sup> UK Parliament, [ICGS Review 2023: Agreed Terms of Reference](#), 23 October 2023

## Chapter 2: Methodology

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10. My review started on 23 October 2023.<sup>7</sup> Within a 4-month timeframe,<sup>8</sup> I gathered information and feedback from across the Parliamentary Community in several ways. A summary of my approach is set out below. Also, a privacy notice was drawn up for the review, to describe how I would collect, use, and store personal data for the purpose of conducting my review of the ICGS.<sup>9</sup>
11. I have held or attended meetings with the following stakeholders to discuss and take detailed information and feedback on the Scheme within the scope of my terms of reference:

Director, Deputy Director and other members of the ICGS team; Director of Members Staff Engagement (HoC); Director of Members' Services Team (HoC); ICGS Assurance Group; Head of Members' HR Services (HoC); Chair of the Independent Expert Panel; President of Trade Union Side; Members' and Peers' Staff Association (MAPSA); Clerk Assistants (HoC & HoL); Office of the Parliamentary Commissioner for Standards (HoC); Director of Member Engagement (HoC); Cultural Transformation Director (HoC); Director of Culture Change (HoL); Speaker of the House of Commons; Liberal Democrat Shadow Leader (HoC); ICGS Stakeholder Forum; Co-Chair of ParliGender; House of Lords Commissioners for Standards; Leader of the House of Commons; Steering Group for Change (HoL); Labour Shadow Leader (HoC); Labour Whips Office (HoC); Liberal Democrat Whips Office (HoC); Office of the Speaker's Counsel (HoC); Chair of the Committee on Standards (HoC); Head of HR Policy, Advice and Business Partnering and Head of HR Policy and Projects (HoC); Director of Inclusion and Diversity (HoC) and Head of Inclusion and Diversity (HoL); Lord Speaker; Managing Director of People and Culture (HoC); Director of Security for Parliament; Independent Parliamentary Standards Authority (IPSA) Director of Policy and Engagement; Leader of the House of Lords; members of ParliCare and ParliREACH; Director of HR and Deputy Director of HR (HoL); Conduct Committee Chair (HoL); Scottish National Party Chief Whip; Labour Shadow Leader of the House of Lords; Government Whips Office; ICGS Independent investigators; various Members of Parliament; various staff of Members of Parliament; and various ICGS users.

12. In total, I had over 72 meetings with key stakeholders across Parliament. On 9 January 2024, I launched a call for written evidence to all members of the Parliamentary Community to seek their feedback and views (this was open for a period of one month).<sup>10,11</sup> I invited those wishing to submit evidence to provide answers to a series of questions<sup>12</sup> based on the review terms of reference.<sup>13</sup> I

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<sup>7</sup> UK Parliament, [Paul Kernaghan to lead next review into Parliament's Independent Complaints and Grievance Scheme](#), 23 October 2023

<sup>8</sup> UK Parliament (ParliNet), [ICGS review 2023](#), 23 October 2023

<sup>9</sup> UK Parliament, [ICGS Reviewer Privacy Notice](#), 8 November 2023

<sup>10</sup> UK Parliament, [Review of the Independent Complaints and Grievance Scheme launches call for evidence](#), 9 January 2024

<sup>11</sup> UK Parliament (ParliNet), [ICGS review: share your views](#), 9 January 2024

<sup>12</sup> UK Parliament, [ICGS Review call for written evidence: guiding questions](#), 9 January 2024

<sup>13</sup> UK Parliament, [ICGS Review 2023: Agreed Terms of Reference](#), 23 October 2023



advised that respondents could choose which questions to answer, noting that there was no obligation to answer them all. I also invited respondents to raise any other issues that related to the terms of reference.

13. As part of launching that call for written evidence, I set up a dedicated email account to receive the written submissions. I also invited members of the Parliamentary Community to get in touch using that email account, should they have any other concerns or queries relating to my review. In total, I received 13 confidential written submissions.
14. On 9 January 2024, I also launched a short survey about the ICGS.<sup>14</sup> The survey was designed to help me assess the performance of the ICGS and identify opportunities for further improvements. To facilitate comparisons over time, the survey was designed around previous versions from the ICGS reviews that took place in 2019 and 2020. Some changes were made to reflect the contemporary environment and to elicit further information of use to the ICGS team.
15. Fieldwork for the survey took place between 9 January and 6 February 2024 and was hosted by the House of Commons Insight Team. The survey was widely promoted,<sup>15</sup> and was accessible through mobile devices. QR codes and links to the survey were circulated via various channels to estate-based staff, who may not have regular online access.
16. The survey was open to anyone in the Parliamentary Community to provide feedback as part of the review and received a total of 416 responses. The full methodology, anonymised results, and analysis of [the survey](#) can be found on ParliNet
17. To ensure that the review was accessible for all members of the Parliamentary Community, I invited requests for meetings - virtual or in-person - from people for whom submitting written evidence or completing the survey may not have been easily accessible. I met with everyone that requested such a meeting.
18. Finally, I also reviewed written documentation related to the ICGS (some of which was prepared specifically for the purpose of my review and has remained confidential) and associated cultural, HR, and diversity and inclusion initiatives.
19. I was supported in various aspects of my review by staff from the Information Compliance Service (HoC), Internal Communications teams (HoC and HoL) and Insights team (HoC).
20. I would like to thank all those who contributed to or otherwise supported my review. In particular, I would like to thank Hasan Al-Habib for his invaluable support, ably assisted by Virginia Griffin. Nigel Sequeira and Lucy Valenza provided much appreciated administrative support and proof-reading.

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<sup>14</sup> UK Parliament (ParliNet), [ICGS review: share your views](#), 9 January 2024

<sup>15</sup> I worked with the Internal Communications teams of both Houses. The survey and reminders were emailed to all Parliamentary email accounts and it was promoted on the Parliamentary intranet (ParliNet) and through newsletters for both Members and staff.

# Chapter 3: Governance

Make recommendations for how the governance of the ICGS can be clarified and improved. In particular, to consider:

- a. How decisions are made about changes to the ICGS;
- b. Clarity and transparency about how the constituent parts of the ICGS and related bodies work together; and
- c. Clarity and transparency about the relationship between the ICGS, the criminal justice system and political party complaints processes, including the involvement of the party whips.

## How decisions are made about changes to the ICGS

21. The key recommendation on governance contained in Alison Stanley's 18-Month Review was accepted but not implemented. That recommendation was set out in a table which I have reproduced below for ease of reference.<sup>16</sup>

**Table 1: ICGS 18-Month Review recommendation on governance mechanism for change to the ICGS**

Group	Purpose
<p><b>ICGS Stakeholder Group</b> Managers, representatives from teams across both Houses, representatives from employers as Decision-Making Bodies and the Trade Union Side, Members' staff representatives, MAPSA, Clerk to the Lords Conduct Committee, Lords ICGS implementation lead, member of the Parliamentary Commissioner team.</p>	<p><b>Engagement and consultation</b> provided by ICGS Director and Team on operation of the ICGS, including updates on issues arising, communications, training uptake. Taking the views of the stakeholder group on proposed process changes.</p> <p><b>Taking a decision</b>—when required a smaller subset of empowered representatives from the DMBs, a member of the trade unions, Clerk to the Lords Conduct Committee and empowered member of the Parliamentary Commissioner team meet in second part of the meeting agenda.</p> <p><b>To discuss and agree process changes</b> as proposed by the ICGS Director or other senior stakeholder, using the change control framework of:</p> <ul style="list-style-type: none"> <li>• clear statement of issue necessitating the change;</li> <li>• the purpose of the changed process step;</li> </ul> <p>How it will operate in practice and impact on timescales for investigations;</p> <ul style="list-style-type: none"> <li>• its alignment to the overarching principles of the Delivery Report of fair, independent and consistent investigations;</li> <li>• its impact on other groups, including where the change is proposed for one group only, e.g. for MPs or for Lords Administrative staff. A clear rationale for the different step and reasoned assurance that it maintains equity of treatment across all groups in the Parliamentary Community.</li> </ul>

<sup>16</sup> Alison Stanley, CBE FCIPD, [Independent Complaints and Grievance Scheme: Independent 18-Month review](#), (22 February 2021), pp 54-55

Group	Purpose
<p><b>ICGS Change Control Group meets when required</b>  <b>Membership:</b> ICGS Director, Clerks or Clerk Assistants of the two Houses, the Parliamentary Commissioner, empowered representative or Clerk of the Lords Conduct Committee, Member representative from each Commission rotated on a two-year basis  <b>Co-Chairs:</b> the Clerks or Clerk Assistants of the two Houses (or the member of the Executive Board from each House accountable for oversight of the Scheme in that House)  <b>Secretariat</b> to be provided by both Houses.</p>	<p><b>Decision making</b>  <b>Escalation from the subset from the ICGS Stakeholder Group:</b></p> <ul style="list-style-type: none"> <li>• where agreement cannot be reached on the proposed change or;</li> <li>• it is considered it may be a policy rather than process question;</li> </ul> <p>And a general responsibility for a regular review of the procedures under the Scheme</p> <p><b>Purpose</b> to agree proposed change of process for all groups of Parliamentary Community or for one group with agreed rationale.  If determined as policy issue to be handled this would go through the existing governance routes for matters going to the floor of the either House, namely through decision of the Commission and to the Conduct Committee for consideration in the House of Lords.</p> <p><b>Same change control framework to be used.</b>  Terms of reference to be developed.</p>
<p><b>Bicameral group established by respective Clerks in consultation with Leaders and Shadow Leaders in both Houses and Members of both Houses,</b> member of the Executive Board of each House accountable for oversight of the Scheme in that House, trade unions and staff representatives.  <b>Co-Chairs:</b> leaders of both Houses</p>	<p><b>To be established in 18 months' time</b>  <b>Purpose:</b> to take strategic overview of the effectiveness and impact of ICGS and of the other cultural initiatives underway to establish a working environment where all members of the Parliamentary Community are treated with dignity, respect and inclusivity.  <b>Outcome:</b> report to both Houses and make any recommendations on strategic direction of ICGS  Terms of reference to be developed</p>

22. The ICGS team has indicated that they see improvements to governance as a priority.
23. Governance has developed in a piecemeal fashion reflecting the staggered way in which the Scheme was established. The governance structure must reflect the Parliamentary Community, which includes employees of both Houses and the joint departments, and Members of both Houses and their respective staff. There are also inherent anomalies or bespoke practices in the Scheme and, whilst they may impact directly on issues such as sanctions, they should not - insofar as is possible - impact on the effective, efficient and equitable administration of the Scheme. The anomalies or bespoke practices arise from the different investigative practices and processes that relate to MPs and Members of the House of Lords.
24. An Interim Assurance Group was put in place in the absence of a consensus in favour of recommendation 23 of the 18-Month Review of the ICGS.<sup>17</sup> Currently on the Lords side, most changes to ICGS policies and procedures only require

<sup>17</sup> House of Commons Commission, [Minutes](#), (15 May 2023)

approval from the House of Lords Management Board and Commission. However, changes that impact on the text set out in the House of Lords' Code of Conduct and Guide to the Code require approval from the Lords Conduct Committee and on the floor of the House of Lords.

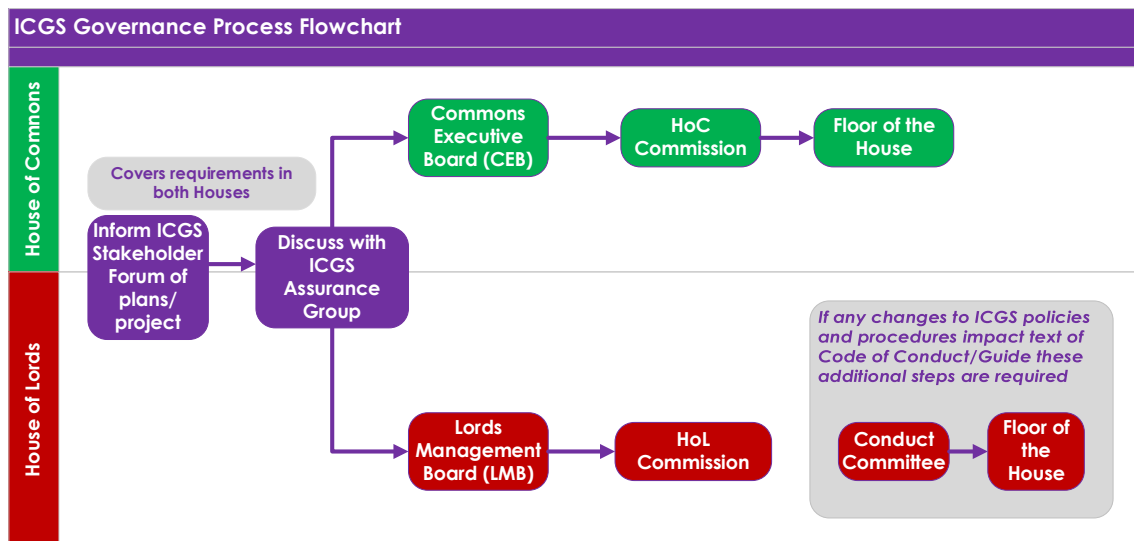
25. On the Commons side, however, any change to ICGS policies or procedures ultimately requires approval on the floor of the House of Commons, after also being considered by the Commons Executive Board and approved by the House of Commons Commission.
26. The ICGS team is a bicameral team, with the ICGS Director reporting to the Clerk Assistants of each House. The further arrangements for governance are:
  - The ICGS Stakeholder Forum, which has representation from relevant groups (e.g. Workplace Equality Networks and trade unions) across both Houses. It meets monthly to be consulted on the work of the ICGS team and to discuss related cultural issues.
  - The Parliamentary Commissioner for Standards has 'oversight' of investigations into MPs.<sup>18</sup>
  - The Lords' Code of Conduct contains provisions for the Lords Commissioners for Standards to lead investigations into bullying, harassment, and sexual misconduct by Members of the House of Lords or their staff.
  - An Interim Assurance Group was established and first met in July 2023. The membership of the Assurance Group consists of the: Clerk Assistants (co-Chairs), Parliamentary Commissioner for Standards, Chair of the Independent Expert Panel, a representative from each House's Commission, and a lay member of the Lords Conduct Committee. In addition, the Director of the People and Culture Team in the House of Commons is invited to attend.
27. Several consultees suggested that the requirement to seek approval for any changes to ICGS policies and procedures via the floor of the House of Commons is unduly cumbersome. It was also acknowledged that the House of Lords process has been more agile in its consideration and effecting of changes to ICGS policies and procedures. The former can be impacted by political considerations, lengthy Parliamentary recesses when no business can take place, and the competing demands of other important issues requiring debate. Notably, all changes to the ICGS policies and procedures must be approved on the floor of the House of Commons, despite the fact that half of the ICGS team's caseload does not involve Members as respondents.<sup>19</sup> Operational changes should not be delayed by reason of the current requirement to secure approval on the floor of the House of Commons.

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<sup>18</sup> PCS oversight is referred to in each of the policy / procedure documents for both bullying and harassment and sexual misconduct, e.g. ICGS, [Bullying and Harassment Policy for UK Parliament](#), Edition 2022, pp 2-3

<sup>19</sup> According to data I have seen from the ICGS

Flow chart 1: Current governance mechanism for change to the ICGS



28. I have sought to illustrate the current position by way of tangible examples set out in the following table. The examples are real changes that would assist in improving the operation of the ICGS, but which are not of sufficient importance, in my opinion, to justify approval being sought via the floor of the House of Commons.

Table 2: Illustrative examples of potential changes to ICGS Bullying and Harassment (BH) and Sexual Misconduct (SM) policy and procedure documents

Document and para reference	Explanation of the provision	Issue
Bullying and Harassment procedure, paras 8.3-8.4	In para 8.3, reference is made to three classes of accompanying individuals in respect of complainants and respondents, but discretion on the part of investigators to allow accompaniment as part of a reasonable adjustment for witnesses.	It would be desirable to allow more discretion to the investigator to allow accompaniment as part of a reasonable adjustment (other than interpretation) for a complainant or respondent
Bullying and Harassment procedure, para 8.5	Provision refers to requirement to attend meetings but not engagement more broadly	Delays are often due to provision of written evidence or reviewing/signing off other documents, rather than non-attendance of meetings. It would be more appropriate for references in this para to be made to engagement in general.
Annex to Bullying and Harassment policy	Standard timescales	This annex is out of date (e.g. PCS does not respond to

		comments raised during Factual Accuracy Check)
Sexual Misconduct procedure, para 6.3	States that PCS is notified of SM complaints only after initial assessment	This is inconsistent with the equivalent provision in the BH procedure (para 4.7) which provides for notifications of complaints when passed to an investigator.
Bullying and Harassment procedure 4.4ff and Sexual Misconduct procedure 3.1ff	Options for informal resolution	There are some inconsistencies in when informal resolution appears to be available between the two procedures; informal resolution is framed very differently under the SM procedure as a "pathway" despite the options available being similar to informal resolution under the BH procedure
Bullying and Harassment policy 2.17 and Sexual Misconduct procedure 5.3	Provision refers to whole complaints moving from BH to SM policy	The possibility of moving back from SM to BH is not made explicit; and the paras should refer to "allegations" rather than "complaints" because a complaint may be made up of allegations of both BH and SM

29. It was suggested by one or two MP consultees that they were unaware of any occasions when the ICGS had requested changes, or that changes had been delayed owing to parliamentary processes. Thus, was this a real problem or merely a theoretical one? Further research unearthed the following examples that I feel illustrate the problems inherent in the current system.
30. To introduce the 'facilitating multiple complaints' process, under which callers to the ICGS helpline could be alerted to the existence of other potential complainants, papers went to the House of Commons Commission, Lords Management Board, and the Lords Conduct Committee. The change to the policies was also approved on the floor of the House of Commons. The Commons Commission first discussed the ICGS paper in October 2021<sup>20</sup>; the Government tabled a motion to approve the Commission's proposals in April 2022<sup>21</sup>; and the House made the proposed changes to the ICGS policies by Resolution on 26 April 2022.<sup>22</sup> By contrast, the Lords Management Board agreed the changes in respect of Lords Administration in October 2021<sup>23</sup> and the Conduct Committee in respect of Members of the House of Lords and their staff in November 2021.<sup>24</sup>

<sup>20</sup> House of Commons Commission, [Decisions](#), (18 October 2021)

<sup>21</sup> HC Order Paper, 21 Apr 2022, Future Business B: Remaining Orders and Notices, [Item 26](#)

<sup>22</sup> HC Deb, 26 April 2022, [col 732](#)

<sup>23</sup> HL Management Board, [Minutes](#), (20 October 2021)

<sup>24</sup> HL Conduct Committee, [Minutes](#), (10 November 2021)

31. The ICGS team are currently seeking to change the operation of this policy to enable the notification of actual complaints (not just potential complaints), and to include complaints made before a potential complainant contacts the ICGS helpline. The ICGS Assurance Group deemed this change to be a matter of interpretation of the published policies and procedures, which meant that it did not need to go to the floor of the House of Commons for approval, only to the House of Commons Commission and the Lords Management Board. However, even in this case the approval process commenced with an initial paper to the Assurance Group in September 2023; the Lords Management Board considered the matter in March 2024, after which it was implemented. If the proposed change had required House of Commons approval, it would easily have delayed implementation until Easter 2024.
32. It is my understanding that Alison Stanley's recommendation for revised governance arrangements failed to secure key political support and has, in effect, been shelved. That reality has impacted, I would suggest, on the willingness of ICGS staff to advance proposed changes to the operation of the ICGS. It has been suggested that ICGS staff are of the opinion that it is better to work with imperfect policies than to seek to change them via a cumbersome and potentially risky process. The debate that surrounded the proposed suspension of Owen Paterson was raised by several consultees and has obviously cast a long shadow. The current governance arrangements, which in most cases require approval from the floor of the House of Commons, Lords Management Board and Lords Commission, are unnecessarily slow and in essence require the ICGS to travel at the pace of the slowest ship in the convoy. Indeed, there are only three instances where textual changes to the policies and procedures have been made since 2020.<sup>25, 26, 27</sup>
33. I do not believe that the status quo is appropriate or a good use of valuable parliamentary time, not least that of Members of both Houses. I also recognise that those same Members are, to a greater or lesser degree, extremely sensitive as to the work of the ICGS when it potentially impacts on them as possible complainants or respondents. Thus, I do not believe it is realistic to recommend that all ICGS matters should be delegated to the ICGS Assurance Group. However, I think it is desirable to recast the ICGS in a manner which seeks to combine administrative and operational efficiency whilst providing appropriate safeguards to recognise any legitimate policy concerns of Members of both Houses. During my consultations, it became apparent that, whilst Members of both Houses are often perceived to hold all the power in terms of parliamentary working relationships, they see themselves as uniquely vulnerable to vexatious complaints. MPs are very conscious of the potential impact of an ICGS investigation on their political careers and expressed a clear desire to ensure that changes to ICGS policies are properly considered and do not unfairly impact on them.
34. Alison Stanley differentiated between policies and processes and rightly highlighted that what are seen as policies are invariably approved by the most senior board in any organisation, whilst processes are approved by a governance board that oversees people and operational matters at a management level.
35. The ICGS Stakeholder Forum should continue to function as a body within which the ICGS Director can discuss the ongoing operation of the Scheme, consult, and

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<sup>25</sup> HC Deb, 17 July 2019, [col 919](#)

<sup>26</sup> HC Deb, 28 April 2021, [col 468](#)

<sup>27</sup> HC Deb, 26 April 2022, [col 732](#)

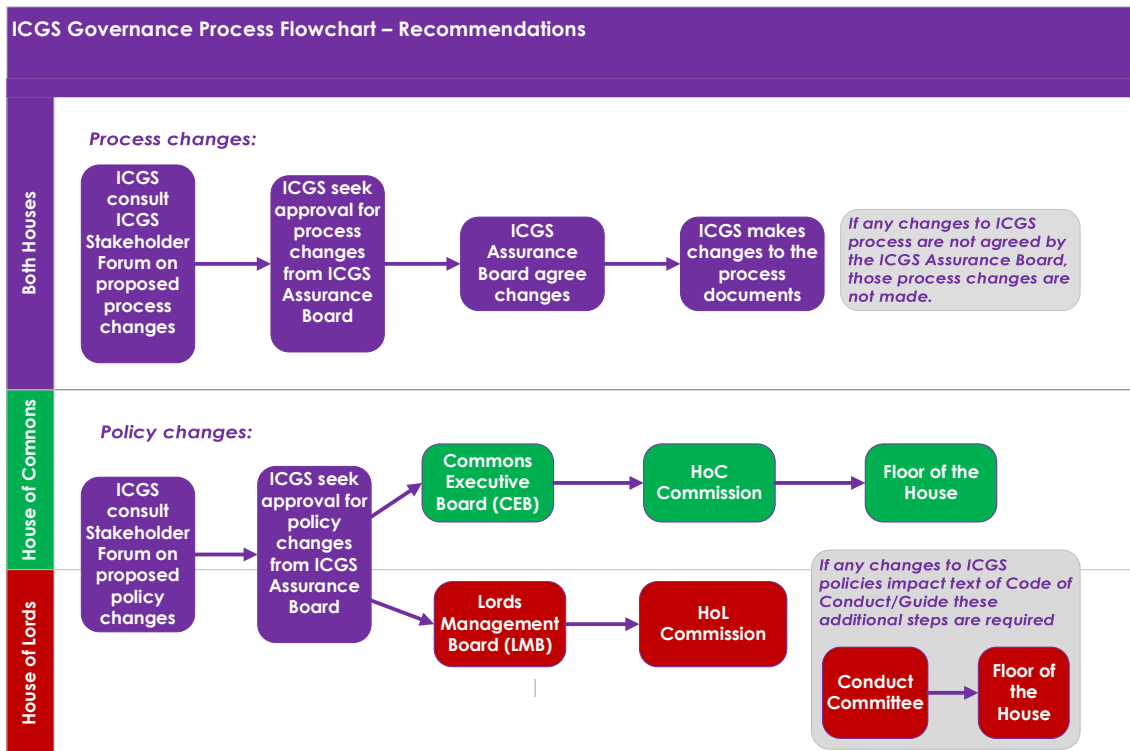
respond to concerns and ideas raised by Forum members. The Forum, which I have attended, seeks to be representative of the Parliamentary Community and appears to be invaluable as a means of ensuring that the ICGS doesn't operate in isolation. Indeed, it ensures that the ICGS is in touch with key stakeholders and promotes a vital two-way flow of information.

36. In essence, I believe that all ICGS policies and procedures need to be reviewed and then designated as either policy or process matters. The ICGS Assurance Group should be empowered to alter process matters. After consideration and endorsement by the Assurance Group, policy matters would also require approval as before (set out below in Flow chart 2), as would any future amendments. Non-policy matters, i.e. process matters, would be approved and amended by the ICGS Assurance Group. A new ICGS policy framework would contain the policy definitions; changes to the ICGS process documents would therefore not affect those definitions.
37. *I recommend that the ICGS reviews each of the four ICGS policy and procedure documents with the purpose of producing two documents. The first document should set out the "ICGS Policy Framework". The creation of and future changes to the ICGS Policy Framework should require approval through the current mechanisms. The second document should set out all of the ICGS' processes. The creation of and future changes to the ICGS Processes document should only require approval by the ICGS Assurance Group. [Recommendation 1]*
38. *I recommend that the existing ICGS Assurance Group should be re-established as a permanent ICGS Assurance Board. It should have authority to approve ICGS Processes, which would sit under a new Policy Framework. It should also be the body that holds the ICGS Director to account and scrutinises the performance of the ICGS. In essence, the Board would conduct assurance on behalf of the Parliamentary Community and create clear lines of accountability that do not currently exist. I acknowledge that for it to become a formal Board will require some formalisation of its existing membership and processes. Its current size is appropriate, subject to including permanent HR representation from both Houses. [Recommendation 2]*
39. The ICGS Assurance Board would hold the ICGS Director to account in relation to all ICGS investigations. If it takes on that role, the form of the PCS' oversight in relation to cases involving MPs will need revisiting. This would not be to diminish the PCS' oversight function, but to ensure that it dovetails well with the revised Assurance Board functions.
40. The ICGS Assurance Board, if approved, will require agreed terms of reference and quorum. It will also require agreement for additional HR Director membership (to represent the two Houses' HR DMBs) and confirmation that the Clerk Assistants will co-chair the ICGS Assurance Board, in line with current practice. The Board would



also have a clear focus on the ICGS risk register and focus work around relevant mitigations.

**Flow chart 2: Proposed governance mechanisms for changes to the ICGS**



### Clarity and transparency about how the constituent parts of the ICGS and related bodies work together

41. While consulting stakeholders, one consultee used the term 'choice fatigue' when highlighting the options open to potential complainants. In the context of administration staff that means that, in addition to the ICGS, they also have the option of either the House of Commons or Lords internal grievance scheme. Naturally, the option of reporting alleged criminal activity to the police applies to every member of the Parliamentary Community.
42. However, an additional option open to some potential complainants is to refer the alleged misconduct to the relevant political party's internal disciplinary process. I raised the political party complaints option with stakeholders and the feedback was consistent. The vast majority of consultees felt that the political party option was not preferable, since they considered parties incapable of delivering investigations in a transparent or timely manner with a range of appropriate sanctions. I should highlight that this lack of support for the political party option was cross-party. Indeed, the clearest consensus I uncovered during the review was that, for in-scope complaints, the ICGS was seen as the best investigatory option.
43. I am a lay person in the context of Parliament and assumed that the respective Chief Whips oversaw their parties' internal disciplinary processes. However, I learnt that they have a more discrete role. Chief Whips and their colleagues have a role in maintaining party discipline with regard to voting and can withdraw the party whip when that is appropriate. Political parties' internal complaints systems are, it

appears, managed externally by party staff and invariably involve personnel selected to provide a degree of independence. However, there was a striking lack of confidence voiced by most consultees that party disciplinary processes can deliver effective outcomes, not least timely or appropriate ones.

44. I recognise that political parties will need to have complaint processes to deal with complaints raised with them in relation to elected representatives at all levels, both local and national, as well as address complaints against party employees and other members. However, the ICGS provides a dedicated and taxpayer-funded process for dealing with complaints of alleged bullying, harassment, and sexual misconduct between any members of the Parliamentary Community engaged in Parliamentary work or activity. The option of recourse to a political party's internal complaints process in such cases appears redundant and undesirable.
45. There are cases in the public domain where internal party processes, from across the political spectrum, have involved delays of years or complaints that have allegedly gone missing. Equally and importantly, the only real sanction available to a political party would be to revoke the respondent's membership of the party, which may or may not be an effective sanction. I am aware of informal agreements between the ICGS team and Chief Whips to the effect that potential complainants should be directed to the ICGS if their complaints fall within its scope. However, I believe strongly that the parties should now formally adopt best practice and seek to exclude such cases, wherever possible, from their internal processes. I suggest that political parties should formally adopt a 'rebuttable presumption' that any case that *prima facie* meets the criteria for ICGS involvement should be referred to the ICGS. I recognise that some complainants may not wish to pursue a complaint via the ICGS.
46. I think it is important to note that in most, if not all, cases the complainant is the individual who decides which complaint process will be activated. However, whilst recognising that important point, I think there is an obligation on responsible bodies to try and direct complainants to the best option open to them in relation to the individual case and relevant facts.
47. The Metropolitan Police Service (MPS) has agreed that ICGS complaints that involve one of their officers as a respondent would be progressed by the ICGS. The investigator's report would be supplied to the police as the decision-making body once the investigation is concluded. Given the MPS has accepted that complaints relating to their personnel in Parliament should go via the ICGS, I would suggest that my recommendation below with regard to political parties is not unreasonable.
48. ***I recommend that an individual who seeks to make a complaint to a political party and whose allegations fall within the scope of the ICGS should be directed to the ICGS. To effect this recommendation, each political party's Chief Whip (or their nominated representative) should – with the Director of the ICGS – draft and agree a publicly accessible Memorandum of Understanding setting out the action that the Party will take when they receive an allegation that, prima facie, falls within the scope of the ICGS. [Recommendation 3]***

49. Discussions on the drafting of the Memorandum of Understanding (MoU) will need to address amongst other issues:
- a) How would complainants' wishes be recorded?
  - b) What would be the process if the ICGS initial assessment determined that the complaint was outside of scope?

## Chapter 4: Quality and timeliness

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*Drawing on internal data and external benchmarking data, act as a critical friend to the ICGS Director in her efforts to improve the timeliness and quality of investigations, providing assurance in relation to their initial impact and potential for longer-term improvement.*

### Background

50. The ICGS complaints process includes four key stages: disclosure to the helpline; an initial assessment; the full assessment; and the completion and outcome.
51. The ICGS helpline, delivered by the independent charity Victim Support, provides advice, support, and signposting about incidents of bullying, harassment, or sexual misconduct on the Parliamentary estate, in constituency offices or while undertaking parliamentary work. Any member of the Parliamentary Community (i.e. people who work for or with Parliament, including visitors) can contact the helpline. The helpline staff ask the complainant about their complaint and pass on the main details to the ICGS team, who allocate an independent investigator to investigate the complaint.<sup>28</sup> For complaints about Members of the House of Lords or their staff, the information is instead passed on to the House of Lords Commissioners for Standards; they investigate such complaints, usually supported by an ICGS investigator.<sup>29</sup>
52. The investigator conducts an initial assessment to establish whether the complaint can be considered under the ICGS and proceed to full assessment. The investigator will also explore with the complainant as to whether informal resolution may be appropriate.
53. At full assessment stage, the independent investigator will carry out an investigation, interviewing the respondent, witnesses and possibly the complainant for a second time. After reviewing all the evidence, the investigator will produce a draft report, a copy of which will be sent to the complainant and the respondent. This is an opportunity for both parties to check that facts and dates are correct and request corrections, to raise concerns if relevant evidence has not been considered or relevant witnesses have not been interviewed, or to raise other concerns about the process of the investigation; this is the Factual Accuracy Check.<sup>30</sup>
54. The independent investigator's report outlining the findings of their full assessment, and recommendations as to whether the allegations should be upheld, will be shared with the decision-making body (DMB), who will follow their own internal policies. DMBs (see table 3, Chapter 6 for a full list) are the people or organisations within the Parliamentary Community who are responsible for the complainant or respondent (usually the employer). DMBs, and not the ICGS team, are also

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<sup>28</sup> ICGS, [Making a Complaint, a Guide for Complainants](#), February 2024

<sup>29</sup> ICGS, [ICGS – Frequently asked questions \(FAQs\)](#), Jan 2024

<sup>30</sup> ICGS, [Making a Complaint, a Guide for Complainants](#), February 2024

responsible for deciding and implementing appropriate actions and/or sanctions when a complaint is upheld.<sup>31</sup>

## Quality

55. The ICGS was designed and commissioned at speed, and it is unsurprising that some early investigations did not achieve an appropriately high standard. On occasions, quality problems persist with regards to MPs cases and meeting the requirements of the PCS. However, time has moved on and the ICGS team currently have a real focus on quality and timeliness. I should highlight that this review is reporting at a time when the ICGS team is in the process of delivering significant change. Thus, some recommendations may have already been superseded by internal ICGS team actions before this review is published.
56. I have tried, where possible, to discuss the ICGS as a single scheme but, in the context of quality, I have focused on three distinctive investigative primary pathways:

### *Investigations into Parliamentary staff, MPs' staff and others*

57. I use the term 'staff investigations' to delineate those investigations that do not involve MPs or Members of the House of Lords as respondents. The relevant DMBs are usually senior HR personnel. I encountered relatively few quality complaints overall about such investigations. Indeed, one DMB consultee praised the quality of ICGS reports. Published statistics show that staff investigations take significantly less time than those involving MPs.<sup>32</sup>

### *Investigations into Members of the House of Lords and their staff*

58. ICGS investigations in the House of Lords that involve a Member of the House of Lords or one of their personal staff are conducted by one of the Commissioners for Standards, assisted by the Clerk and an ICGS investigator. The Clerk assists the Commissioners in drafting and reviewing the investigation report. The ICGS investigator may bring specialist experience to bear, e.g. by having familiarity with allegations of sexual misconduct, assisting with interviews, and reviewing questions to witnesses and drafting reports. The results of this 'integrated team' approach appear to enjoy universal credibility, in that their reports are produced rapidly and are invariably accepted.
59. The only delay factor mentioned to me was the availability of the ICGS investigator that had been allocated to a case. In terms of investigation and report quality, I received no negative feedback. I was much taken with the House of Lords' model; however I recognise that they are dealing with much smaller numbers of ICGS complaints. In the year July 2022 to June 2023, the House of Lords Commissioners investigated three ICGS complaints, one of which was resolved by agreed resolution (referred to as informal resolution under the ICGS framework).
60. The use of an ICGS investigator to assist the Commissioner for Standards in ICGS cases is discretionary. I am only aware of one instance where they were not used (in that case, the complaint was resolved by way of an agreed resolution). I would,

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<sup>31</sup> ICGS, [ICGS – Frequently asked questions \(FAQs\)](#), Jan 2024

<sup>32</sup> ICGS, [5th Annual Report: July 2022-June 2023](#), 17 October 2023, p 19

however, commend it as good practice as it helps to ensure that learning is shared within the ICGS community and to reinforce data capture. It also ensures that all bullying, harassment and sexual misconduct cases are investigated as advertised to the Parliamentary Community – through the ICGS.

## Investigations into MPs

61. Investigations involving MPs are conducted by ICGS investigators but under the 'oversight' of the Parliamentary Commissioner for Standards (PCS). This category of investigation naturally attracts the greatest media attention. It is also subject to the most extensive form of oversight, supervision, and scrutiny. The PCS, if they agree with the investigator to uphold a complaint, can determine the appropriate sanction. However, if they judge that a serious sanction is warranted then they refer their decision to the Independent Expert Panel (IEP), who can recommend suspension or expulsion from the House of Commons.<sup>33</sup> The complainant or respondent in an ICGS case can also appeal against the PCS' decision to the IEP. In my opinion, the IEP has adopted the most rigorous judicial approach to its task. I applaud that approach, given their power to recommend the suspension or expulsion of democratically elected MPs. However, its approach has implications for the entire investigative process, including its supervision.
62. 'Oversight' of ICGS investigations by the PCS is undefined and each PCS to date has adopted a significantly different approach, in liaison with the ICGS Director:

In respect of members of the House of Commons, this policy and the associated procedures apply with some modifications. The Parliamentary Commissioner for Standards has oversight of investigations of allegations of bullying and harassment by Members of Parliament... Once the independent investigator's initial assessment has been completed, the investigation will be overseen by the Commissioner in accordance with the Standing Orders of the House of Commons and with any agreement made between her and the ICGS team.<sup>34</sup>

The above extract sets out the current policy regarding the 'oversight' function. This also applies to complaints of sexual misconduct. An updated oversight agreement was agreed between the OPCS and the ICGS team in April 2024.

63. In the early days of the ICGS, several investigations were of insufficient quality and the causes of that failure are complex and multi-faceted. I have reviewed several ICGS cases, though not to second-guess how they should have been managed at each stage of the process. I have instead focussed my attention on the future and longer-term improvement.
64. That said, the ICGS team has demonstrated a readiness to identify problems and to address them. The ICGS team has undertaken several internal reviews to address the issue of quality and timeliness, incorporating feedback from service users, stakeholders, and investigators. The ICGS Hub and Investigators Portal now provide full guidance on the investigative and wider ICGS process. The ICGS independent investigator is truly independent regarding decision-making but the ICGS team,

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<sup>33</sup> ICGS, [Making a Complaint, a Guide for Complainants](#), February 2024, p 9

<sup>34</sup> ICGS, [Bullying and Harassment Policy for UK Parliament](#), Edition 2022, pp 2-3

whilst respecting that independence, are now far more proactive regarding both supplying support and quality assuring individual investigations.

65. I should record that I have looked at a sample of ICGS cases and was very impressed by the efforts taken to review investigations, learn lessons and identify areas for corporate improvement. Equally, the degree of detailed scrutiny applied by the OPCS (Office of the Parliamentary Commissioner for Standards) was demanding and involved detailed scrutiny of the independent investigator's judgments, for example regarding which nominated witnesses to interview. I recognise that in an inquisitorial system that is a particularly key issue, as in the adversarial system the defence can be relied upon to produce their own witnesses to refute prosecution evidence and to advance their own arguments.
  
66. The ICGS team is undertaking the following actions (in their words) to improve quality:
  - a. We have introduced a second investigator on cases with a separate contract. This is to conduct joint interviews, discuss the case and support the lead investigator as well as provide resilience.
  
  - b. We recruited a policy and guidance advisor. This is to act in quick time on policy issues arising in cases and create guidance to assist on areas of tension/delay.
  
  - c. We recruited a Data lead – who started at the end of October 2023. This role is to design a performance framework, design data collection and management information to support delivery (as well as develop measures for the Quality Assurance Framework)
  
  - d. We have changed contracts and data sharing arrangements to allow us to assess evidence as it is collected, rather than solely at the end of an investigation - allowing us to identify and remedy issues in real time (in place since October 2023)
  
  - e. We produced a number of guides for service users, and guidance for investigators on the portal.
  
  - f. We have held keep in touch days with investigators to share learning from cases and increase knowledge.
  
  - g. To address delays related to wellbeing concerns, we have developed a Memorandum of Understanding (MoU) with Parliamentary Health and Wellbeing Service to improve engagement with complainants and respondents through more regular occupational health assessments.
  
  - h. We have recruited a Senior Operations Manager to oversee all investigative and operational work. They started in November 2023 and they are responsible for introducing the new Case Management Approach – including ensuring staff are trained and supported, and Quality assurance tools are properly in place for all stages.

67. Crucially, the ICGS team has recently drawn up a draft Case Management and Review Process, which appears to cover all the essential points required to deliver a quality service:

The purpose of a new case management and review process would be to introduce a robust and quality focused review of independent investigations, which would fulfil and demonstrate the assurance function of the ICGS.<sup>35</sup>

68. I was pleased to note that it includes a 'decision log', which is akin to a policy log that is commonly used in major police investigations. This will provide a clear audit trail regarding the investigator's decisions and the rationale underpinning them. However, I am clear that the ICGS team should report to the ICGS Assurance Board on the impact of their new case management and review process.
69. ***I recommend that the ICGS team should review the progress on quality and timeliness of cases submitted between October 2023 and March 2025 and report their findings to the ICGS Assurance Board (see Recommendation 2) in April 2025. [Recommendation 4]***
70. One specific area I was invited to look at was the question of bringing investigators in-house. I tested the proposal with most stakeholders. Whilst there would be advantages to a small cadre of full-time investigators employed by the ICGS team, I have decided not to recommend a change to that model at this time.
71. The current pool of investigators is diverse and is comprised of skilled individuals who value their ability to work part-time. I detected no enthusiasm for moving to a full-time arrangement and their ability to work for other employers means that some can bring relevant external experience to bear in the fields covered by the ICGS. However, a small number of investigators employed full-time by the ICGS team would enable those investigators to build up more experience and more rapidly than the current larger pool of freelance investigators is able to.
72. I am concerned that the number of cases involving MPs is limited, relative to the number of investigators, and that means new investigators have limited opportunities to gain experience of such cases. In theory, it would be ideal if every investigator could take on such cases but, in practice, I think there is an argument for such investigations to be allocated to investigators experienced in such cases.
73. The ICGS team is currently allocating two investigators to all cases. The expectation is that alongside other benefits, the 'second investigator' in MP cases will in due course become a lead investigator, supported by an already experienced MP case investigator. This 'see one, do one' concept should produce a larger group of investigators with the relevant experience to take on MP cases. The key managerial challenge will be to develop and maintain such a cadre, which has both the relevant experience and availability to meet whatever caseload demands arise.
74. I want to be clear that I do not believe that investigator independence is dependent on how they are employed or engaged. The current model involves

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<sup>35</sup> Draft document provided by the ICGS



'freelance' investigators and I have commented on the pros and cons of that arrangement above. I am hopeful that the new case review process will deliver improvements in the quality of investigations, but acknowledge that an alternative model that utilised a smaller number of full-time investigators would be, in many ways, easier to manage. However, at present the importance placed on 'independence' by many consultees has persuaded me that the current model is valued by many service users. In this context, independence was perceived by many consultees to be enhanced by using external freelance investigators. I do not necessarily agree with that rationale, but I recognise the sincerity of those who do hold that opinion.

75. I received some representations suggesting that a greater knowledge of Parliament was required by both investigators and the helpline staff. One scenario was advanced where detailed knowledge of the Parliamentary estate would assist anyone handling the complaint. However, as mentioned elsewhere in this report, I would expect any professional investigator to 'walk the ground' in such a case. I can see enhanced pre-existing knowledge might appear an attractive option but, after discussion with many consultees, I am clear that independence is seen as the key attribute required in both the helpline and investigatory functions.
76. It was clear that the ICGS was created to address longstanding problems in Parliament, not least a widely held belief that those in power could not always be counted on to defend the rights of junior personnel. Thus, the importance placed on independence by most consultees, particularly those from and representing the junior grades, was self-evident. Independence was prioritised not only by junior personnel but also by many DMBs and other consultees, who felt that it was important and helpful; in essence, it was felt that the investigators' freelance status provided an appropriate distance from the Parliamentary establishment.
77. Retaining independent investigators on a part-time basis, who are allocated cases on an *ad hoc* basis, does not preclude some discrete investigatory functions being brought in-house.
78. I strongly commend any move towards the 'investigation team' approach. Independent, contracted investigators should continue to be responsible for decision-making in an investigation, i.e. deciding lines of inquiry and deciding on findings and recommendations as to whether a complaint should be upheld or not. However, to improve timeliness, many investigatory tasks to assist the primary investigator could be undertaken within the ICGS team, without this infringing on independent decision-making.
79. ***I recommend that in-house assistance be provided to support investigators in consistently applying ICGS policy definitions and process. This change should assist with respect to both quality and timeliness. [Recommendation 5]***
80. One innovation that I believe would be warmly welcomed by the independent investigators would involve the provision and checking of interview transcripts. Currently, each investigator is responsible for obtaining and checking their own transcripts. This arrangement seems inefficient and uneconomic. I understand that the ICGS team are conducting a pilot of this approach. A centrally contracted transcript service should be both more economic and assist in quality assurance.

81. *I recommend that the ICGS team should seek to provide a centrally contracted transcript service to support their investigators. Such an innovation would also assist in delivering a quality assured output. I believe that the ICGS team is putting in place a pilot of this approach, which I welcome. [Recommendation 6]*

## Office of the Parliamentary Commissioner for Standards/ICGS

82. I will now focus on the Office of the Parliamentary Commissioner for Standards (OPCS)/ICGS relationship, as I see it as a critical relationship. Staff investigations do not appear to produce many problems and, as highlighted above, the House of Lords investigative model is seen as operating well. I have already mentioned that ICGS investigations into MPs are subject to the most intense scrutiny.
83. The PCS is not only responsible for providing 'oversight' to ICGS investigations involving MPs; they also conduct all investigations involving alleged breaches of the Code of Conduct.<sup>36</sup> Such investigations are carried out by their own team of investigators.
84. The PCS uses ICGS reports to enable them to reach a decision on whether to uphold a complaint. Previously, however, ICGS investigations have not always provided reports of sufficient quality so that the PCS can decide whether a complaint should be upheld. There have also been occasions when the ICGS independent investigator, the PCS, and the IEP have come to different conclusions in the same case. That is not necessarily a bad thing as each body has a distinct role in the process. However, such differences can impact on the confidence of complainants and/or respondents.
85. The OPCS has previously provided the ICGS team with guidance on applying and analysing the behaviour complained about against the relevant tests and definitions from the sexual misconduct and bullying and harassment policies. That step was taken in response to ongoing problems identified by the OPCS. The former PCS also raised concerns in a letter dated 14 December 2022. The then ICGS Director did not accept all of the concerns, but they included:
- Irrelevant lines of enquiry have been conducted;
  - Witnesses have been asked 'leading questions', potentially corrupting their evidence;
  - Contradictions or inconsistencies in evidence have not been followed up;
  - Insufficient detail in evidence to allow a decision as to whether the policies have been breached, due to poor witness management and relevant questions not being put to witnesses; and

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<sup>36</sup> House of Commons, [The Code of Conduct together with the Guide to the Rules relating to the Conduct of Members](#), HC 1083 2022-23, 10 February 2023

- The majority of ICGS investigations are also very slow, relative to accepted investigation standards.
86. As part of considering all feedback, and the current ICGS Director's own assessment, the ICGS team has made the following changes:
- The ICGS team now requires two investigators to conduct interviews and such interviews are subject to an agreed interview plan.
  - Since November 2023, the ICGS team has changed investigators contracts to allow it to access and review all evidence, including interview transcripts. This provides an early quality check facility.
  - The case review process ensures that the ICGS team has sight of all interview plans, and the team has now recruited a Senior Operations Manager, experienced in evidence assurance. They have provided relevant training to the case managers.
  - The ICGS team is considering recruiting staff to support investigators in particular areas of their work with specialist skills.
87. The issue of applying and analysing behaviour against the relevant tests and definitions is not a straightforward one. There have been cases where the PCS has rejected the investigator's analysis, but the IEP has preferred the investigator's analysis or advanced their own analysis. A newly created post within the ICGS team of Policy and Procedures Advisor (October 2023) will highlight areas of policy and process that require amendment in the light of operational experience.
88. Evidence being weighed inconsistently, one account being preferred over another with insufficient or no rationale, and lack of analysis are all areas acknowledged by the ICGS team in the context of MP cases. To address those criticisms, templates and guidance are currently being changed. Crucially, moving forward, ICGS team members will assist investigators in drafting the reports required. A second ICGS team manager would review the draft with a view to ensuring appropriate quality control.
89. The question of slowness in ICGS MP cases is recognised and is being addressed on various levels. Revised governance arrangements would enable procedures and processes to be altered more rapidly.
90. In reviewing the ICGS, I have noted that - whilst it is and was designed to be a workplace scheme - in cases involving MPs as respondents, the ICGS is held to unusually high standards (e.g., *de facto* judicial supervision) when compared to other workplace schemes. That reality doesn't excuse poor quality (where that occurs) but the challenges of operating in that space do require recognition. The PCS quite rightly requires the independent investigator's Full Assessment Reports to be of a quality to enable them to reach decisions supported by evidence and analysis.
91. The ICGS team's Case Management and Review Process, which is currently being implemented, should address many of the concerns identified by the OPCS. However, I feel that whilst, recognising and respecting the distinct roles of the ICGS

team and PCS, there should be a conscious move towards a more collegial or collective approach. I would like to see regular feedback sessions between OPCS personnel and ICGS investigators and case managers. These would not be case specific but would be designed to ensure that the ICGS personnel were seized of the PCS' requirements, and any common or generic problems could be rapidly addressed. Responsibility for ICGS investigations rests with the ICGS team and specifically with the independent investigator in each case. I am not looking to dilute that arrangement in any way. However, I believe that anything which promotes mutual understanding between investigators and DMBs is to be encouraged and welcomed. Each party has their own distinct role to play in the ICGS process, but an awareness of the challenges faced by one's colleagues is an essential part of any professional relationship.

92. I understand the importance that the PCS places on independent investigation, but I feel it only right that I pass on the reflections of some of the independent investigators. They feel that, on occasions, an overly purist view is taken of 'independence'. They are quite clear that they alone are responsible for their reports and the judgements contained therein. However, they would welcome the ability to discuss contentious points with staff from the OPCS prior to submitting their reports. I am clear that an appropriate dialogue between professional independent investigators and DMBs is valid. However, I am aware that the PCS is acutely conscious of the need to ensure fairness and procedural regularity and would want any such discussions to be properly recorded and disclosed.
93. In relation to Full Assessment Reports, I think that it is important that the PCS can obtain additional information, clarity, and confirmation from the Independent Investigator without having to reject the report. This would apply in cases where the PCS' queries do not affect the substance of the conclusions and findings from the independent investigator. I am aware of ongoing discussion between the PCS and the ICGS team to formalise this option.
94. ***I recommend that the PCS is provided with a mechanism to seek additional information from the ICGS independent investigator in appropriate cases, as an alternative to having to reject the Full Assessment Report. That mechanism will, I suggest, require changes to existing ICGS procedures. [Recommendation 7]***

### **Initial assessment (IA) stage**

95. The initial assessment stage is conducted by the independent investigator and is designed to ensure that any complaint is both within scope and is *prima facie* credible. Allegations are defined in the context of the bullying harassment and sexual misconduct policies and whether they would breach, if proven, the relevant thresholds.
96. I should also highlight that, on occasions, the requirement to re-formulate complainants' allegations at initial assessment stage has impacted on the relationship between investigator and complainant. If the complainant's account *prima facie* indicates that a possible breach of the relevant bullying, harassment or sexual misconduct policies took place, should a more precise formulation of the allegations not take place during the full assessment phase? I appreciate that respondents need to know in what respect their conduct is being investigated, but the current practice can seem overly legalistic and alienating to complainants.

Under a triaged, eligibility-focussed IA, precise allegation drafting would take place when it is known that the case is progressing to full assessment. No additional allegations would usually be accepted after the IA stage to ensure procedural fairness.

97. However, the ICGS team suggest that the current IA process is mandated in very restrictive terms. I was advised that IA reports include pages of details from the complainant's interview used in analysis against the definitions and eligibility criteria outlined in the ICGS policy and procedure documents. The IA is now less of an eligibility check and has become an overly complicated process. The analysis, drafting, feedback and resubmitting can take weeks (months in some cases). I was advised by the ICGS team that, from July 2023 to date, 21 IAs were completed and they took, on average, 35 working days to complete; I do not believe that it is appropriate or necessary to spend that amount of time.
98. ***I recommend that the purpose of the initial assessment (IA) should be clarified. Its purpose should solely be to determine whether a complaint is eligible to be investigated under the ICGS, and it should normally be a very short stage in the process. The ICGS team would triage complaints to determine whether a rapid 'short proforma' assessment could be made, or whether an independent investigator would need to be appointed at IA stage, for example, to interview a complainant. However, an independent investigator would formally decide whether to move to a full assessment. IAs conducted by the House of Lords Commissioners for Standards follow this pattern, in that they are light touch and rapidly conducted. The goal would be to conclude such IAs within one or two days. Under such a revised IA process, the PCS would not review the IA. The PCS currently reviews IAs but is not a decision-maker at that stage. I envisage most IAs being completed within one week of the complaint/disclosure being received. [Recommendation 8]***
99. I recognise that the recommended change might give rise to unintended consequences, such as an increase in cases moving to full assessment. However, careful monitoring should ensure prompt corrective action could be initiated.
100. The issue of IAs is also discussed in the [Scope chapter](#).

## Timeliness

101. "ICGS investigations take too long"; that was a view regularly expressed during my consultations, although many consultees qualified their views by highlighting that their opinion/judgment was formed some time ago. Equally, whilst everyone wants ICGS investigations to be concluded as soon as possible, it was also clear that they expected and demanded high quality investigations that were independent and fair. In some cases, that focus on quality will inevitably impact on timeliness. It should also be acknowledged that timeliness can itself be a factor of quality.
102. One response to my call for evidence noted the myriad of factors that can impact on timeliness, identifying the key factors that determined the experience of the process as:

- having access to a clear explanation of the process;
- the investigator taking a fair, balanced and impartial approach;
- notes that accurately reflect the evidence given and
- conclusions which are well-argued and clearly supported by the evidence.

I think that is the standard approach that most people would expect of ICGS processes. However, many consultees appeared unaware of the time that would be taken to deliver a service compatible with the factors listed above.

103. The ICGS is a unique scheme given its parliamentary environment and diversity of personnel covered. Thus, I was unable to identify relevant external benchmarking data which would assist me in forming judgments. I adopted an alternative approach that involved fully engaging with the ICGS team and, crucially, the pool of independent external investigators.
104. The ICGS Annual Report provides data on performance and highlights that in the year July 2022 to June 2023 the average time taken to complete an investigation was 184 days, as opposed to 210 days in the previous year (July 2021 to June 2022).<sup>37</sup> That reduction is to be welcomed. I am, however, aware that on occasions the ICGS team will pause investigations for entirely legitimate reasons, for example in response to a police investigation or for welfare reasons. Currently, such pauses are not incorporated into investigation timescales, although they are recorded. The ICGS are producing a clear policy on pauses to ensure consistency and rigour. I am of the view that pauses should not feature, as currently, in investigation timescales, but an authoritative record should be maintained of pauses. In essence, investigations will be paused when no ICGS investigative activity can appropriately take place.
105. I looked at other timescale data but was made aware that the ICGS team and others had low confidence in its quality and completeness. However, it highlighted that the ICGS team are not informed when a DMB concludes a case, a point I address elsewhere in this report. The IEP publish their reports so authoritative figures can be produced regarding MPs cases. Historically, the ICGS team did not maintain records of when cases were submitted to DMBs.
106. It should be noted that the ICGS investigator pool has undergone a major change in recent times, with only 4 of the original pool of investigators remaining. 25 new investigators were appointed during the reporting year July 2022 to June 2023. I met with two groups of investigators consisting of newly appointed investigators and some of the original cohort. I was impressed by them; they came from a wide variety of investigative backgrounds and displayed very professional attitudes towards their role with the ICGS. However, at one point in time ICGS investigations could only be allocated to one of a very small pool of investigators, and that will undoubtedly have impacted on timeliness. Equally, new investigators naturally take some time in adapting to their new environment. I have no doubt that, subject to the number and variety of complaints received, we will progressively see improvements in terms of timeliness. I should acknowledge that individual

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<sup>37</sup> ICGS, [5th Annual Report: July 2022-June 2023](#), 17 October 2023, p 19

investigators undertake relatively few ICGS cases in a year, which hinders them in acquiring in-depth experience.

107. The current ICGS Director is, in my judgement, fully committed to addressing the issue of timeliness. I also commend her for a case specific approach. All too often there is a temptation to set generic targets, with no regard for the circumstances of a specific case. I much favour a pro-active management approach, which closely monitors progress and ensures any delays are highlighted and justified. I understand that the Case Management and Review Process being developed by the ICGS team will incorporate a log which clearly shows progress chronologically. That will be an important tool in helping the proactive management of investigations.
108. I would highlight an important ruling<sup>38</sup> by the IEP that endorsed a decision made by the PCS in the case of Mr Keith Vaz (a former MP). The Commissioner directed in that case that the ICGS investigator should conclude their investigation without speaking to the respondent, because of medical submissions. That ruling refutes the common misconception that a refusal to engage in the ICGS process, even on medical grounds, can indefinitely delay the process.
109. One factor that was highlighted as creating delay was how some complainants and respondents reacted to the request to factually assure the investigator's draft full assessment report (the Factual Accuracy Check). It appears that instead of simply highlighting factual errors or differing views, it is particularly common for respondents to supply substantial documents, many obviously drafted with legal advice, which seek to challenge nearly every point made by the investigator. The investigator then must work through every point contained in the Factual Accuracy Check response. I recognise that respondents, not least MPs, may feel that they are defending their careers, but I am clear that a stronger line needs to be taken on this point. In addition to matters of fact, it is totally reasonable for either party to highlight their view that the draft full assessment report contains material that is either unreasonable or perverse. However, investigators indicated that - on occasions - the complainant or respondent's submissions go far beyond legitimate points.
110. One other issue raised with me in connection with the Factual Accuracy Check, was that of the supply of (redacted) bundles of evidence. Currently, complainants and respondents are not provided with such bundles by the independent investigators as part of the FAC process. However, the bundles are provided by the PCS together with their decision memorandum. The PCS is clear that the provision of such documentation is necessary to avoid any questions arising about the fairness of the process. It appears that a change in policy by the ICGS team and their investigators would require a change to the published policies and procedures. Current policy states that only the draft assessment report needs to be sent to the complainant and respondent at the Factual Accuracy Check stage.<sup>39</sup> Revealing and disclosing evidence is both a central and potentially fraught area in many legal processes. It appears that current ICGS practice is based on common HR practice. However, I have sympathy with the PCS' position. I have no doubt that a change to current practice would be far easier to achieve if my

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<sup>38</sup> Independent Expert Panel, [The Conduct of Mr Keith Vaz](#), HC 731 2021-22, 23 Sept 2021

<sup>39</sup> ICGS, [Bullying and Harassment Policy for UK Parliament](#), Edition 2022, pp 18 (7.1)

primary governance recommendation (Recommendation 1) is agreed and implemented.

111. I realise that there is a natural presumption in favour of ICGS processes applying to all ICGS cases. Thus, it might be considered inappropriate to recommend changes to one group of cases but not to another. That said, cases involving MPs are subject to a very different process that affords respondents to those cases the right of appeal to the IEP. A similar right of appeal applies to Members of the House of Lords. Respondents in all other ICGS cases have no such rights. On that basis:
112. ***I recommend that the requirements placed on independent investigators in MP respondent cases to respond to matters that are not strictly matters of fact should be reviewed. I recommend no such change in respect of all other ICGS cases, as in such cases there is no effective ICGS appeal mechanism, and any procedural flaws might only be addressed during disciplinary proceedings or via an Employment Tribunal case. Neither would be desirable. [Recommendation 9]***
113. ***I recommend that the 'Factual Accuracy Check' be renamed 'review of draft full assessment report stage'. [Recommendation 10]***
114. I remain optimistic that ongoing changes within the ICGS team and investigative process will deliver improvements to both quality and timeliness. However, I suggest that ongoing improvements are carefully monitored by both the ICGS Director and the PCS and reported to the ICGS Assurance Board. I trust that close liaison between the ICGS team and the OPCS will help deliver report outcomes that meet the needs of both parties. I have already highlighted my view that cases involving MPs are subject to particularly high levels of scrutiny and, to a degree, that is right and proper. However, the process does seem to be possibly over-engineered. There would be merit in comparing the paperwork streams of cases involving MPs as respondents, and those where the respondent is a member of the House of Lords.



## Chapter 5: Confidentiality

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*Consider the role of confidentiality within the Scheme. Specifically, consider how more transparency can be built into the Scheme without compromising the right to confidentiality of all parties to a complaint; and how individual breaches of confidentiality are handled.*

### The working environment

115. Numerous consultees raised the importance of problems associated with and difficulty in delivering confidentiality. Many consultees highlighted the close and longstanding working relationships that they felt characterised Parliament. I do not accept that such a culture is unique to Parliament. However, I do think that it is important to recognise that Parliament is a complex and unusual working environment. Several consultees highlighted the friendship networks that develop in such an environment and suggested that those networks could impact both on complaint resolution and on the danger of complainants being isolated in the workplace.
116. In relation to MPs, Members of the House of Lords, and their staff, close working relationships were seen as both essential and pervasive. An MP relies on their office staff and many MP consultees highlighted that they and their senior staff had been an effective working team, in some cases for decades. Whilst not all MPs' staff were necessarily ideologically aligned with their employer, such an alignment was, not surprisingly, very common. Some staff working for MPs also had their own political career aspirations. In essence, the ties which bound MPs and their staff together were characterised by many consultees as incredibly close. I have no reason to doubt that internal office relationships between staff members were of a similar nature. Fewer Members of the House of Lords employ staff in connection with their parliamentary duties and I received no submissions or evidence on their working relationships.
117. The picture I am trying to portray is of an institution that has clusters of close working relationships, which is both a strength and potentially a weakness in the context of anyone raising a formal complaint against a colleague, manager, or employer. Raising a complaint in any organisation can be a difficult and challenging experience, but in an environment with such close working relationships it can be even harder. Many consultees felt that raising a formal complaint under the auspices of the ICGS was difficult and might lead to them being socially or professionally excluded if anyone became aware of their complaint. That said, there was a consensus that confidentiality *per se* was desirable.
118. Whilst I have sought to paint a picture above of an unusually close working environment, and an ICGS that seeks to cover a very professionally diverse workforce, it is important to note that confidentiality is a common feature of most workplace schemes. However, the public and media interest in Parliamentary life and attendant pressures cannot be over-emphasised. Indeed, I know that the ICGS team and other stakeholders are acutely aware of the significant media interest in cases involving MPs or Members of the House of Lords.

## ICGS' stance on confidentiality

119. The ICGS team's stance on confidentiality is spelt out on their website:

Confidentiality is vital to the integrity of all ICGS cases. Divulging the details of an ongoing investigation can pose a risk to the wellbeing of others involved in that process and can inflict reputational damage before a fair and thorough investigation is carried out. Any breach of confidentiality will be treated seriously and may be considered as an aggravating factor in a case.<sup>40</sup>

## ICGS Disclosure form – confidentiality provisions

120. The following is the text from the ICGS Confidentiality agreement that complainants, respondents, and witnesses under the ICGS must sign:

### Confidentiality

Confidentiality is vital to the integrity of all ICGS cases. Divulging the details of an ongoing Investigation may make it difficult to carry out the investigation fairly and thoroughly, pose a risk to the wellbeing of others involved in the process and damage their reputation and that of the ICGS. Any breach of confidentiality by you will be treated seriously. The ICGS team may take the decision to discontinue the investigation. In a particularly bad case, a breach may be dealt with as a disciplinary or even a legal matter.

This confidentiality obligation applies indefinitely.

We do understand that you may wish to discuss your complaint with trusted individuals including trade union representatives, your party whip (if you are an MP), your line manager or very close friends or family. We ask that you keep contacts to a minimum and carefully consider what information you share. You must inform any such trusted individual that the ICGS complaint is confidential, and that they are strictly forbidden from sharing any information with anyone else. The consequences referred to above may follow if information about the case that came from you is shared more widely.

You retain the right seek legal advice and to discuss matters with the police or with health and wellbeing services.

The information you provide to the investigator will be used only for the purposes of dealing with the ICGS complaint. The investigator is likely to share it with the ICGS team and the decision-making body (DMB) and it may ultimately be seen by the respondent. All these persons are also bound by a duty of confidentiality. In limited circumstances, the

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<sup>40</sup> UK Parliament, [How the ICGS works: ICGS – Confidentiality](#), accessed 9 April 2024

investigator, ICGS team or DMB may need to disclose some information to other parties for safety, duty of care, safeguarding or legal purposes.<sup>41</sup>

121. I believe that the wording set out above is appropriate, but there was a degree of ignorance apparent when I engaged with several consultees. Confidentiality is important, but it doesn't preclude anyone seeking support and advice from a trusted source. I know that message is reinforced by an ICGS guidance note: 'A guide for Trusted Supporters'.<sup>42</sup> I think that note is to be welcomed as, in addition to providing useful guidance, it helps dispel prevalent myths about confidentiality.
122. I have looked at the issue primarily in three sections: (a) defining the parameters of confidentiality; (b) confidentiality breaches (their impacts and actions being taken to address and minimise breaches) and; (c) sharing information (how current conceptions of confidentiality may constrain operational effectiveness of the Scheme and the ability to share learning and scheme outcomes).

### Defining the parameters of confidentiality

123. Many consultees perceived confidentiality as being absolute and universal; this is not an accurate reflection of ICGS policy. However, it highlights an ongoing need to ensure that a more accurate picture is widely disseminated and understood.
124. The term 'indefinitely' is used in the ICGS Confidentiality agreement, and it can come over as oppressive and, I would suggest, unrealistic. Yet there are agreed exceptions to the duty of confidentiality.<sup>43</sup> Details of a complaint/investigation can be discussed with:
  - a) Staff / trade union representatives / MAPSA
  - b) A trusted person - friend / colleague / family member
  - c) Your party whip (if you are an MP)
  - d) Your line manager, or someone else in your management line
  - e) Relevant professional advisors, such as legal and medical personnel, at your own discretion

125. The ICGS team are considering a revised approach to confidentiality, whereby it is not lifelong. Lifelong confidentiality is, in practice, impossible to enforce in circumstances where a case has concluded, and the individual has left Parliament.

126. Other objections to lifelong confidentiality include:

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<sup>41</sup> ICGS, [Example Confidentiality Statement](#), accessed 12 April 2024

<sup>42</sup> UK Parliament, [Independent Complaints and Grievance Scheme: A Guide for Trusted Supporters](#), accessed 9 April 2024

<sup>43</sup> UK Parliament, [How the ICGS works: ICGS – Confidentiality](#), accessed 9 April 2024

- a) The agreements have the effect of applying even if, following initial assessment, a complaint is found to be outside the remit of the Scheme.
- b) It may run contrary to a trauma-informed approach by preventing complainants from discussing the behaviour they may have experienced in other forums (particularly where the complaint is unable to proceed to full investigation under the ICGS – which effectively ‘gags’ a complainant in relation to behaviour that has not been subject to investigation or resolution).
- c) It is also arguably asymmetric given that there is no bar in principle to complainants making allegations public before making a complaint, and subsequently signing a confidentiality agreement in order for an investigation to take place - despite the impact on respondents of publicity before a complaint is lodged being similar to breaches of confidentiality that occur during or after an investigation.

127. The parameters of confidentiality could potentially be revised to, for example:

- a) place greater emphasis on the confidentiality of certain details of a case or investigation, for example, the identity of the complainant, respondent and witnesses;
- b) have stricter rules on disclosure during an investigation, with more proportionate restrictions once a case has concluded (particularly where some details are properly published, e.g. in MP cases);
- c) be lifted when a case is unable to proceed to full assessment by reason of falling outside of the scope of the Scheme.

128. I do not believe that confidentiality can or should be enforced if the complaint is not accepted for a full assessment. The complainant in such a case may well feel that they must have recourse to other options, including publicity. That is to be deprecated, but it is important that the ICGS operates in the real world and does not advance the ‘indefinite’ duty of confidentiality knowing that it is akin to the ‘wooden lie’, which suggests trespass is a criminal offence when it is in fact not. To be clear, in an ICGS case that proceeds to a full assessment, the identity of the complainant, respondent, and witnesses *should* remain confidential and both parties need to be left in no doubt as to that reality. However, in the case of MPs and Members of the House of Lords, it should also be acknowledged that - in an upheld case - the name of the respondent will be officially published.

129. ***I recommend that if a complaint is not accepted for a full assessment then no obligation of confidentiality arises with regards to the ICGS complaint. [Recommendation 11]***

130. The issue of an MP, for example, being allowed to acknowledge that they are a respondent was raised with me. Currently, the PCS has the power to issue an extremely limited statement to correct inaccurate information in the public

domain, if they feel that would be appropriate.<sup>44</sup> Several MP consultees, when asked about providing more freedom to MPs to issue a statement acknowledging an ICGS complaint, were dismissive of the suggestion. Many argued that such a statement, even if well intentioned, would simply result in the swift withdrawal of the party whip. Therefore, I am not persuaded that providing such freedom would be of any value.

## Confidentiality breaches

131. Currently, on becoming aware of a breach of confidentiality, the ICGS Deputy Director contacts all parties to an investigation and seeks to establish if anyone has spoken about the case to an unauthorised person. That step has rarely been productive. It has been suggested that a breach or leak inquiry might be launched using the ICGS team's investigative capability. I do not favour such an approach as, in practice, it would not apply to all ICGS cases – staff on staff complaints are unlikely to engender any publicity and office gossip doesn't require a leak inquiry to be initiated. A breach of confidentiality is to be regretted but, in practice, little can be done retrospectively to correct the actions of anyone who flouts the rules. Having said that, I should highlight that the IEP is quite clear that a breach of confidentiality by the respondent, if established, might well lead to an increased sanction being applied. In one case where the complainant breached the confidentiality requirement, the IEP reduced the period of suspension in recognition of that breach and the impact it had on the respondent.<sup>45</sup> The House of Lords Conduct Committee operates in a similar manner.
132. Several consultees, in most cases those who had been respondents in ICGS cases, argued strongly that a breach of confidentiality should lead to the immediate dismissal of the complaint under investigation. I reject that proposal. Such an option would potentially reward unscrupulous behaviour and deny an appropriate outcome to the complainant or respondent, owing to circumstances outside their control. A breach of confidentiality is wrong, but it should never lead to the automatic dismissal of a complaint, unless of such an egregious nature that an objective investigation was rendered impossible. I am confident that DMBs, not least those adjudicating on complaints involving MPs and Members of the House of Lords, are more than capable of assessing breaches of confidentiality and responding appropriately.

## Sharing information on ICGS complaints

133. The ICGS team does share information on complaints in certain circumstances and I have briefly outlined those circumstances below:

(iA) The helpline will automatically contact the ICGS team if a specified number of bullying and harassment or sexual misconduct reports, rather than actual complaints being launched, are recorded about the same individual. This process is referred to as the 'Repeat Respondent Protocol'. The ICGS Director would then inform the relevant DMB, or in the case of MPs the Speaker's Office, who can then make a risk assessment regarding the individual.

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<sup>44</sup> UK Parliament, [The Parliamentary Commissioner for Standards: Annual Report 2022–23](#), HC 1519 2023-24, 12 July 2023, para 48

<sup>45</sup> Independent Expert Panel, [The Conduct of Mr Patrick Grady MP](#), HC 368 2022-23, 14 June 2022

(iB) An individual can choose to have their interest in making a complaint about an alleged breach of the bullying, harassment, or sexual misconduct policies recorded and held by the helpline for 12 months. If no further reports are received about the alleged respondent, then the record is removed. If, however, further potential or actual complaints of bullying, harassment, or sexual misconduct are received (or were received in the previous 12 months) then the individuals who registered a potential complaint are advised of this. The aim is to inform potential complainants, if they are not sure whether they wish to make a formal complaint, that another report has been received. This is referred to as the 'Facilitating Multiple Complaints process' and is designed to give potential complainants the confidence to come forward. I commend this protocol as good practice.

(ii) Criminal activity – if a complaint includes information about apparent or potential criminal activity then the ICGS team will share anonymised information with the Metropolitan Police's Parliamentary Liaison and Investigation Team (PLAIT).

(iii) Safety/risk of harm – Any information received by the ICGS team, including complaints deemed out of scope, that indicate a risk to others on the Parliamentary estate will be shared with others. Third party reports have featured in the decision-making process regarding risk.

134. I agree that the above are the circumstances in which information should be shared by the ICGS team. The ICGS team should operate in a confidential manner, but it is important that criminal matters are reported to the police and there is a wider policy consideration, namely the safety and wellbeing of the Parliamentary Community. There may be merit in explicitly recognising the obligation on the ICGS Director to share appropriate information with the police or other parliamentary partners in the interests of reducing risk and minimising harm to members of the Parliamentary Community. Although I am pleased to note that the ICGS team does notify the Speaker of such information (in accordance with the Repeat Respondent Protocol), I believe that an explicit mandate and framework in this crucial area can only assist in terms of transparency and reassurance. Indeed, I believe that there should be a formal protocol between the political parties and the Parliamentary authorities to address the issue of risk assessment. This is such an important area that a clear protocol is required that sets out the obligations of all concerned. I am aware of ongoing discussions on such a policy but feel that it is such an important area that I have made a recommendation on the subject.

135. Concurrently with this review, the House of Commons Commission has considered and published updated proposals on the issue of excluding MPs charged with violent or sexual offences.<sup>46</sup> The latest position (April 2024) is that a revised motion to approve the Commission's proposals has been tabled by the Leader of the House on 21 March 2024<sup>47</sup> (further to an original motion tabled on 31 January 2024).<sup>48</sup> Since the revised motion was tabled, further amendments have been put down.<sup>49</sup> Risk-based exclusion is designed to address cases that fall within the scope

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<sup>46</sup> The House of Commons Commission, [A risk-based exclusion policy for the House of Commons – updated proposals](#), HC 386 2023–24, 14 December 2023

<sup>47</sup> HC Order Paper, 21 March 2024, Future Business B: Remaining Orders and Notices, [Item 36](#)

<sup>48</sup> HC Order Paper, 31 January 2024, Future Business B: Remaining Orders and Notices, [Item 54](#)

<sup>49</sup> HC Order Paper, 15 April 2024, Future Business B: Remaining Orders and Notices, [Item 31](#)

of the criminal justice system, but I felt it was right to highlight this development as it forms part of a wider Parliamentary effort to address unacceptable behaviour and to keep everyone on the estate safe. The House of Lords has already introduced 'temporary exclusion' provisions that apply to any member of the House of Lords "who has been charged with a serious violent or sexual offence".<sup>50</sup>

136. ***I recommend that representatives of the political parties and the Parliamentary authorities (the Speakers and Clerks of both Houses, the Director of the ICGS and the Director of Security) should draft and agree a formal protocol that sets out the rights and obligations of the Parliamentary Community with regard to identifying and managing risks arising from information received by them. This action should be led by the Speaker and the Lord Speaker. [Recommendation 12]***

## **Outcome of ICGS investigations**

137. The final outcome of ICGS investigations involving MPs or Members of the House of Lords is, if upheld, ultimately reported on publicly by House authorities. Naturally, the confidentiality of the complainant is maintained, but the public will learn via the IEP adjudication or the Conduct Committee's report as to how the MP or Member of the House of Lords misbehaved and, crucially, what sanction was imposed.
138. I was surprised to learn that the ICGS team is not advised of the outcome of their investigations upheld by all the other DMBs. I am clear that sanctions imposed not only have a deterrent value but can also play a part in fostering and maintaining confidence in the ICGS throughout the Parliamentary Community. I recognise that the DMBs dealing with staff groups are more akin to DMBs in any other organisation. Common practice is generally not to publish sanctions levied against named individuals. However, I think it is important for the ICGS team to be informed of all sanctions imposed by any DMB and that they should then have the discretion to publish sanctions in a manner which preserves the confidentiality of the respondents concerned.
139. I have experience of organisations that both published a list of 'prevalent offences' and the anonymised sanctions imposed. The 'prevalent offences' approach ensures that everyone in an organisation knows what misbehaviour has occurred and alerts them to the need to address the area of concern. The 'anonymised sanctions' approach provides limited information on the behaviour sanctioned and the penalty awarded. I have recommended that the ICGS team should have discretion over what information is published, as in some cases the circumstances may be so unique as to effectively mean that publication would amount to naming and shaming. Discretion might mean that if several cases were decided by several DMBs, then an ICGS Annual Report could highlight a form of misbehaviour and set out the range of sanctions awarded. The goal, as ever, would be to bolster confidence in the ICGS and the creation and maintenance of a suitable culture within the Parliamentary Community. I note the relevant key finding from the survey for this ICGS review found that:

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<sup>50</sup> HL Deb, 28 February 2024, [cols 1044-1045](#)

The statements that best reflect respondents' views towards the ICGS were around confidence; while many feel confident they would use the ICGS if needed and that it would be fair and independent, many others indicated a lack of confidence that the ICGS will make sure efficient sanctions are imposed for unacceptable behaviour.<sup>51</sup>

140. ***I recommend that in all ICGS investigations where a complaint is upheld, the relevant DMB should put in place mechanisms to enable them to report the outcome of the investigation to the ICGS team, including of any appeal and sanction. The ICGS Director should have the discretion to highlight forms of misbehaviour and sanctions awarded to better inform the Parliamentary Community. However, publication must not infringe on the confidentiality of any party to a complaint. [Recommendation 13]***
141. I believe that this recommendation echoes one made in the 18-Month Review (Recommendation 20).<sup>52</sup> I am aware that work to progress that recommendation was undertaken and there was agreement in principle from the DMBs, but it has nevertheless not been implemented.
142. I highlighted above the close working relationships which characterise Parliament and the concerns expressed by staff about raising ICGS complaints. One specific point that was raised by several consultees was the lack of information about the outcome of upheld ICGS complaints. I have addressed the wider issue of personal confidentiality, but I detected a desire for public acknowledgement of misbehaviour by staff, rather than just that of members of either House.
143. There is a careful balance to be struck between the need for personal confidentiality and the need to promote confidence in the ICGS by appropriate promulgation of outcomes arising from investigations.
144. One suggestion that was made during the consultation phase has - I feel - some inherent merit but would be a radical departure from current practice; namely, that the complainant would be advised as to the outcome of disciplinary proceedings arising from their complaint. This is totally at odds with current practice, but I can see advantages in terms both of transparency and engendering complainant confidence in the ICGS. Once a complaint is upheld, the complainant effectively leaves the process, with the focus now being solely on the respondent, their misbehaviour, the wider picture, and how best to address the failures uncovered. It was suggested to me that some organisations have moved towards advising the complainant of the outcome of disciplinary action. The complainant would have to treat the outcome as confidential, but they at least would know how their complaint was concluded.
145. I recognise that this would truly be innovative and there may be downsides of which I am unaware. However, I would commend this idea to the ICGS team and the ICGS Assurance Board as one worthy of further discussion. I must record that

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<sup>51</sup> Independent Review of the ICGS 2024, [Survey Results](#), 13 May 2024

<sup>52</sup> Alison Stanley, CBE FCIPD, [Independent Complaints and Grievance Scheme: Independent 18-Month Review](#), (22 February 2021), para 179



several consultees responded to this proposal negatively and indicated their concerns that it would go against current good practice or even legal requirements.

## Chapter 6: Independence

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*Consider how the concept of ICGS independence is interpreted, to ensure an appropriate balance between independence and operational effectiveness.*

146. The concept of independence has always been at the heart of the ICGS and was further enhanced in response to the recommendations of Dame Laura Cox.<sup>53</sup> It was obvious from my engagement with consultees that all sections of the Parliamentary Community place great importance on the ICGS being operationally independent. However, we heard various views as to how independence was best achieved. In this chapter, I review the ICGS process from an independence perspective. It is worth stating that many consultees interpret independence to mean independence from any political input. There was a clear consensus that politicians, specifically MPs, should not have any role or influence in the investigation of ICGS cases, nor should they have any role in decision making in cases where an MP is the respondent. The current arrangements deliver that objective. Thus, as long as the process is free from any political input, then no one should feel inhibited from suggesting innovations to the investigative process. Independence is not dependent on how investigators are employed or to whom they report or seek guidance from.
147. The first stage of the ICGS process, in most cases, is when someone approaches the independent helpline, currently operated by the charity Victim Support. The helpline provides advice and support and can, if requested, either supply a disclosure form (a document to lodge a complaint under the ICGS process) or even complete that form on behalf of the complainant over the phone. Experience shows that most complainants opt to receive the ICGS Disclosure form and then return it to the helpline. In turn, the helpline advises the ICGS team of the complaint. For alleged sexual misconduct, the services of an Independent Sexual Misconduct Advisor (ISMA) are offered to the complainant.
148. The issue of accessibility of the ICGS was raised by several consultees, with particular concern being expressed about the ability of staff, who are not confident with paperwork or for whom English is a second language, to utilise the service. I am aware of a pilot of drop-in sessions – now entitled Information Sessions – that are being delivered by the ICGS team; one of the goals behind this is to improve accessibility and I commend that approach.
149. Over the last two reporting years (July 2021 to June 2023), there have been 16 disclosures of alleged sexual misconduct: 5 complainants took up the offer of ISMA support provided by the helpline. Some consultees indicated that they felt that the helpline staff required more knowledge of Parliament to enable them to provide relevant advice and to allow the helpline staff to better engage with members of the Parliamentary Community.
150. One option to deliver a more informed service would be to bring the helpline function in-house. Whilst this may enable a more bespoke service to be provided, I believe that it would raise questions as to the independence of the helpline. A lack of Parliamentary knowledge could result in helpline staff being disadvantaged

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<sup>53</sup> Dame Laura Cox, DBE, [The bullying and harassment of House of Commons staff: Independent report](#), (15 October 2018)

when seeking to provide support and assistance to callers. However, I am aware that a tailored training package, designed by the ICGS team, is delivered to helpline staff to ensure that such staff are aware of the basic realities of working within the Parliamentary Community.

151. ***Recommendation: That the ICGS helpline facility continues to be provided by an external supplier and that their staff continue to receive appropriate training on the composition of the Parliamentary Community and their working relationships. [Recommendation 14]***
152. I am aware that the ICGS team are currently working to enhance the support initiated by the helpline and that will include contact with ICGS team members and agreed escalation routes. The ICGS team has described their new approach as 'multi-channel'. To this end, the ICGS team has introduced 'Information Sessions' as an alternative route of entry into the process. The helpline will remain an important first port of call for many potential complainants.
153. I was impressed by the respect afforded by the ICGS staff to the independent investigators. It was clear that, whilst there was an improved dialogue regarding the needs of DMBs concerning the content of Full Assessment Reports, there was also an understanding that the Full Assessment Reports and the judgments contained therein were ultimately a matter solely for the investigator. I do not believe that utilising ICGS staff to undertake tasks that do not require the skills of an investigator will in any way diminish the vital element of investigator independence. Rather, it will hopefully assist in further expediting the process and provide appropriate support to investigators.
154. The model utilised in the House of Lords regarding ICGS investigations into Members of the House of Lords and their staff, outlined elsewhere in this report, was the subject of no criticism during our consultations and appears to work well in practice. However, I recognise that the House of Lords environment is very different to that of the House of Commons, not least regarding the level of media interest and the 'recall' procedure.<sup>54</sup>
155. In every ICGS case (except in cases involving visitors), there is a decision-making body (DMB, [see Table 3, Chapter 6](#)) and they range from the Parliamentary Commissioner for Standards to individual MPs (the latter regarding their own staff). These are the organisations within the Parliamentary Community that have responsibility for the respondent. Different people within the Parliamentary Community have different DMBs.
156. The DMBs are not part of the ICGS team, and the ICGS team has no influence over either a) the sanction or b) the related appeals processes, including their duration.
157. In cases where an MP is the respondent, the DMB is the Parliamentary Commissioner for Standards. Additional independence is provided by the IEP

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<sup>54</sup> Recall allows voters to remove an elected representative between elections by signing a petition. See: House of Commons Library, Research Briefing: [Recall elections](#), (26 March 2024)

determining serious sanctions in such cases, since the IEP is entirely independent of both MPs and the House of Commons Service.

158. In cases involving staff, normal professional HR policies ensure that the relevant DMB is independent and impartial.
159. The legacy option of allowing MPs to employ family members<sup>55</sup> does raise the risk that some internal office ICGS complaints could not be said to be adjudicated on by an independent DMB. I am making no recommendation on that point but suggest that it is worthy of consideration by MPs individually, the House of Commons at large, and the ICGS Assurance Board.
160. The IEP can impose sanctions on MPs in less serious cases under its own authority. The House of Commons is responsible for imposing the most serious sanctions on MPs; the IEP's recommendations in such cases are put to the House for agreement without amendment or debate.
161. The Parliamentary Commissioner for Standards and the House of Lords Commissioners for Standards are appointed by their respective Houses. Their independence from political pressures and distance from the respective House administrations was recognised, with no consultees raising any concerns regarding those offices' independence. However, I felt that I should also look at the role of the ICGS Director.
162. The Parliamentary Commissioner for Standards and Lords Commissioners for Standards are not managed by House staff and cannot be removed without a motion on the floor of their respective Houses. Does their employment status mean that the ICGS Director is therefore less independent, since they are an employee within the line management chain of the House of Commons?
163. The fear of political interference is most relevant regarding complaints against MPs and Members of the House of Lords. Parliament has addressed that through the systems described above, involving the Commissioners for Standards and the IEP. The ICGS is essentially a workplace scheme and most other respondents in ICGS cases are employees in more conventional arrangements, be they employed by an individual MP or by the House administrations. In every organisation that employs staff there will always be concerns about independence as it affects complaints and disciplinary processes. I would suggest that Parliament is no different.
164. It may be that the post of ICGS Director requires skills not conventionally found amongst the senior cohort of Parliamentary staff, in which case it may invariably be filled by an external appointment. It should also be recognised that the senior cohort may, on occasions, produce an individual well equipped to fill that appointment as part of their wider parliamentary career. However, if it is accepted that an ICGS Director may not desire or be equipped to move on to another Parliamentary appointment, then suitable contractual terms and conditions should

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<sup>55</sup> Independent Parliamentary Standards Authority, [The Scheme of MPs' Staffing and Business Costs 2024-25](#), HC 616 2023-24, 14 March 2024, para 7.11

be determined to ensure that Parliament can secure suitably qualified personnel to fill this crucial post.

165. I should record that the current ICGS Director enjoys a very favourable reputation within the Parliamentary Community and is recognised as providing strong leadership to the ICGS team during its current phase of development. I do not believe that altering the appointment of the Director of the ICGS to the same basis as those of the Parliamentary Commissioner for Standards and the House of Lords Commissioners for Standards is necessary or desirable.

## **Analysis of independence**

### ***Independence from political control***

166. The PCS and House of Lords Commissioners for Standards are independent, as is the IEP. Where the IEP determines a sanction that affects the core functions of a MP, including suspension or expulsion, the House must agree to a motion implementing the recommendation (with such a motion subject to Standing Order No. 150D).<sup>56</sup> Similarly, in House of Lords cases, any sanction involving suspension or expulsion must go to the floor of the House of Lords.<sup>57</sup> That procedure has generally worked well.
167. The IEP has effectively removed politics from the ICGS disciplinary process for MPs. In the House of Lords, the Conduct Committee is composed of five Members of the House and four lay members, and they hear appeals in ICGS cases. However, only three of the Members of the House of Lords on the committee are affiliated to political parties, with the other two being crossbenchers. I believe that the current membership structure and composition enjoys the confidence of the House of Lords and has demonstrated its objectivity and independence.

### ***Independence from the permanent administrations of both Houses***

168. The ICGS team and many DMBs are employed by the House administrations or on a bicameral basis. Thus, there will always be an argument about the independence of such personnel. However, I have discovered no evidence of bias or of inappropriate influence being brought to bear in relation to the ICGS team and its work. Equally, subject to my earlier comments about the longstanding and close working relationships that characterise Parliament, I am unaware of a feeling that the DMBs lack independence.

### ***Independence of investigators***

169. I have already addressed this issue in the context of contractual arrangements, but what are the implications of investigator independence for operational effectiveness? The investigator is the decision-maker in relation to their individual assigned case, but I have detected that, historically perhaps, that view almost

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<sup>56</sup> House of Commons, [Standing Orders: Public Business 2023](#), HC 1932 2023-24, 23 October 2023, 150D

<sup>57</sup> House of Lords, [Standing Orders of the House of Lords: Public Business 2021](#), With amendments agreed on 13 July 2021, 25 October 2021, 1 December 2021, 10 January 2022, 22 February 2022, 25 October 2022, 4 July 2023, and 28 February 2024, HL 232 2021-22, 22 February 2021, 11 Expulsion or suspension of a member [16 July 2015]

amounted to a 'hands off' approach by the wider ICGS team. That attitude has certainly changed, and I am confident that the current ICGS Director and her wider staff are now committed to what I would call the 'ICGS Team' or supported investigator model. Investigators can be supported and held to account in a manner which does not impinge on their independence. 'Case Managers' must do exactly that: manage cases in liaison with the independent investigator. In most contemporary cases, the investigator is now assigned a second investigator to assist them. However, the 'lead investigator' remains the sole investigative decision-maker in the case.

170. The PCS conducts Code of Conduct investigations utilising employees of the House of Commons Service, and I am unaware of any criticisms of their operational independence, as ultimately all decisions are taken by the PCS.
171. Independence is not delivered simply by way of structural and/or contractual arrangements. A key factor is individual professionalism. In the context of the ICGS, I am satisfied that the independent investigators are truly independent. I found no evidence that the ICGS team or others seek to influence their investigations.
172. There are two key planks to the independence of the ICGS. First, in line with a key recommendation of the Dame Laura Cox report<sup>58</sup>, MPs play no part in deciding on cases where an MP is a respondent. Second, key investigative decisions in ICGS cases sit with investigators who are independent and external to Parliament: independent investigators are, and should be, responsible for deciding lines of inquiry, making findings, and deciding on recommendations as to whether a complaint should be upheld.
173. In essence, independent investigators decide on initial assessments and lead on Full Assessments. The findings and conclusions are those of the investigator alone. I am satisfied that changes to the support provided to investigators will in no way impinge on their operational decision-making independence.
174. I would conclude this section by reiterating the importance assigned to ICGS independence by multiple consultees during this review. Every stakeholder should ask themselves when considering changes to the ICGS: does this change in anyway diminish the independence of the Scheme? Does this change assist one individual at the potential cost of diminishing wider Parliamentary Community confidence in the Scheme's independence? I have raised the issue of independent investigators submitting their reports to the independent PCS in [Chapter 4](#).

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<sup>58</sup> Dame Laura Cox, DBE, [The bullying and harassment of House of Commons staff: Independent inquiry report](#), 15 October 2018

# Chapter 7: Scope

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*Consider whether the scope of where and to whom the ICGS applies is sufficiently clear and subject to consistent interpretation.*

## Geography and membership of the Parliamentary Community

175. Several interviewees raised the issue of geographical limits or, more accurately, the perception that there were geographical limits that impacted on whether a complaint was within the scope of the ICGS. All were agreed that a complaint arising from an interaction on the Parliamentary estate was covered by the ICGS, but almost identical hypothetical scenarios were then advanced that inevitably featured public houses close to the Palace of Westminster and then public houses more geographically distant. There are in fact no geographical limitations to the scope of the ICGS. The key issues are rather the status of the potential complainant and respondent and whether their interaction could be said to have occurred in the context of parliamentary work or activities.
176. The 'Making a Complaint, a Guide for Complainants' document advises that "the ICGS helpline provides advice, support and signposting about incidents of bullying, harassment, or sexual misconduct on the Parliamentary Estate, in constituency offices or whilst undertaking parliamentary work".<sup>59</sup> This is helpful guidance and makes it clear that there are no geographical limitations.
177. Incidentally, the ICGS website is freely accessible and the fact that only a member of the Parliamentary Community can utilise the ICGS should be clearly spelt out. I would suggest that the ICGS website should be amended to make it clear that only members (or former members) of the Parliamentary Community can access the ICGS. It should also advise members of the public as to the avenues open to them to lodge relevant complaints.
178. An issue that was frequently raised across consultations with stakeholders concerning scope was the issue of parliamentary work or activities. The House of Commons Library publishes data on MPs parliamentary activity and the Office of the Leader of the House of Commons has published a 'Guide to Parliamentary Work.' However, neither provides a definitive, relevant, or authoritative definition of parliamentary work or activities. There is no such definition in the House of Lords either. I believe that scope will be decided on a case-by-case basis, an approach which I endorse. I am also aware of the Employment Appeal Tribunal (EAT) case (CC Lincolnshire Police v Stubbs) which suggests a more liberal interpretation of parliamentary work/activities than might be imagined:

When there is a social gathering of work colleagues, it is entirely appropriate for the tribunal to consider whether or not the circumstances show that what was occurring was an extension of their employment. Each case will depend upon its own facts and the tribunal's exercise of judgement as an industrial jury. Whether a person is or is not on duty, and

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<sup>59</sup> Independent Complaints and Grievance Scheme, [Making a Complaint, a Guide for Complainants](#), February 2024, p 5

whether or not the conduct occurred on the employer's premises are but two of the factors which will need to be considered.<sup>60</sup>

179. In any event the Independent Expert Panel (IEP) when addressing the case of, and appeal by, Mr Peter Bone (formerly the MP for Wellingborough) quoted paragraph 4.1 of the Sexual Misconduct Policy for the UK Parliament, namely:

This policy applies to acts of sexual misconduct by and against any member of the Parliamentary Community on the Parliamentary estate or elsewhere in connection with their Parliamentary activities.<sup>61</sup>

180. The appellant argued that an All-Party Parliamentary Group (APPG) trip was not in connection with their Parliamentary activities. The IEP endorsed the judgement of the Parliamentary Commissioner for Standards that the trip was in connection with Parliamentary activities. I deliberately used the APPG trip scenario as some consultees made the erroneous assumption that such trips did not fall within the scope of the ICGS. The IEP has now given a definitive ruling that such trips do fall within the scope of the ICGS.<sup>62</sup>

181. One other scenario advanced by several consultees involved allegations of misconduct at a political party's conference. If both individuals were, at the time of the incident, members of the Parliamentary Community,<sup>63</sup> then *prima facie* an ICGS complaint could be made. Naturally, the respondent might be able to argue that at the time of the incident they were not involved in parliamentary work or activity. However, that position should be advanced to the independent investigator.

## Definitions

182. The terms 'Parliamentary work' and 'Parliamentary activities' are used interchangeably and the ICGS team currently work on the basis that the terms are two phrasings of the same test. I have considered whether a single definition of the scope of the Scheme would add clarity and be more authoritative.
183. However, this question of definition also highlights another issue that runs through the ICGS and this review. A plumber, for example, employed on the Parliamentary estate is probably very clear as to when they are working and when they are not. Thus, a definition which seeks to address the various unique roles that many within the Parliamentary Community perform may not be more widely appropriate or applicable. Parliament is an unusual working environment; people often work long hours and across a range of locations. It involves a variety of interactions, from constituency surgeries to debating matters of both national and international

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<sup>60</sup> Extract from EAT judgement, Chief Constable of the Lincolnshire Police v. Stubbs and others (1999) IRLR 81

<sup>61</sup> Independent Complaints and Grievance Scheme, [Sexual Misconduct Policy for UK Parliament](#), Edition 2022, para 4.1

<sup>62</sup> Independent Expert Panel, [The Conduct of Mr Peter Bone MP](#), HC 1904 2023-24, 16 October 2023, p26

<sup>63</sup> Independent Complaints and Grievance Scheme, [Making a Complaint, a Guide for Complainants](#), February 2024, p 5



importance. However, there are other working environments that share some of those characteristics, not least the military, for example.

184. In view of the reality of Parliamentary life, there may be merit in adopting a wider interpretation of scope. On balance, I feel the terms 'circumstances relating to their Parliamentary work' and 'in connection with their Parliamentary activities' are mutually compatible and easily understood.
185. For example, is an MP covered if they are attending a fete in their constituency? In essence, are they at an event in their role as an MP or in a private capacity e.g. at a school that their child attends? In the context of the ICGS, the answer to that hypothetical question may be easier to answer once the identity and role of the other member of the Parliamentary Community is also known. Once again, I would highlight that the ICGS is a workplace scheme and wider issues of misconduct are covered by other processes such as the Codes of Conduct of both Houses.
186. If an interaction between two members of the Parliamentary Community gives rise to an ICGS complaint, the circumstances of the interaction will normally assist in determining if the complaint is within scope. I acknowledge that occasionally a scenario may arise where the facts are more nuanced in terms of determining scope or eligibility. I have indeed reviewed one ICGS case where extended legal advice was sought in relation to a social event. However, I remain of the view that, in most cases, the current definitions work well.

## Process and delays

187. This term of reference is about the scope of the ICGS, but I am aware that the determination of scope and thus eligibility of a particular complaint can, on occasion, create significant delay and thus elongate the overall ICGS investigative process. One example quoted to me involved a delay of some ten weeks. There is a danger that an overly legalistic approach may result in perfection being the enemy of action. Several consultees indicated that they would welcome a broadening of the scope of the Scheme. Equally, I recognise that the ICGS is essentially a workplace scheme and the right of individuals to a private life is a major consideration. The ICGS does not and should not regulate anyone's private life, but it should ensure that workplace interactions are conducted in a properly professional manner.
188. I am sympathetic to the case for ensuring that the scope meets the needs and demands of the Scheme. If an initial disclosure is about allegations of bullying, harassment, or sexual misconduct and both the complainant and respondent were members of the Parliamentary Community engaged in what could be seen as parliamentary work or activity at the time in question, is there not a case for the complaint to be accepted and progressed straight to a full assessment? This amended process would have real advantages in terms of speed of response and ensure that questionable behaviour was fully explored.
189. If a respondent in an ICGS case does not feel that the complaint against them is within scope, then they can advance their argument in full during the full assessment phase of the investigation.
190. I am of the view that cases that meet the ICGS criteria and for which there is an arguable case that the alleged misbehaviour took place in connection with

parliamentary work/activities should proceed to full assessment. This would avoid a source of delay and reassure the complainant that their concerns are being taken seriously.

191. The current initial assessment stage is time consuming, and I suggest that a simple proforma type document would be preferable. If a case is borderline, I think there should be a presumption that the case progresses (on the basis that the risk of prejudice is greater than if those cases don't proceed). I acknowledge that there is a possibility that this change may increase the number of ICGS cases accepted for full assessment, but a careful implementation stage could identify and potentially resolve any such problems.
192. ***I recommend that a complaint made under the ICGS should proceed directly to a full assessment if both the complainant and respondent were members of the Parliamentary Community engaged in what would prima facie appear to have been parliamentary work/activity on the date and at the time the alleged behaviour took place.***

***This principle should be extended to other eligibility issues beyond the 'parliamentary activities' test where appropriate – e.g. where it is difficult to establish how long a course of conduct may have been for the purposes of the one year bullying and harassment time limit; or where it is not clear if there is a parallel investigation (and what the outcome was).***

***The alleged misbehaviour would have to meet the criteria set out in the policies on bullying, harassment, or sexual misconduct. [Recommendation 15]***

193. The initial assessment process is also addressed in the [Quality and Timeliness chapter](#).

## Decision-making bodies (DMBs)

Table 3: List of all decision-making bodies

Respondent type	Decision-making body (DMB)
Members of Parliament (MPs)	<i>Identified:</i> Parliamentary Commissioner for Standards
Members of the House of Lords	<i>Identified:</i> Lords Commissioners for Standards
Employees of MPs or other people working for them, such as volunteers, people undertaking work experience or interns	<i>Identified:</i> The employing MP
Employees of Members of the House of Lords or other people working for them, such as volunteers, people undertaking work experience or interns	<i>Identified:</i> Commissioner for Standards
Employees of the House of Commons	<i>Identified:</i> House of Commons HR team (Head of People Management or their delegate)
Employees of the Parliamentary Digital Service (PDS)	<i>Identified:</i> House of Commons HR team (Head of People Management and / or their delegate)
Employees of the House of Lords	<i>Identified:</i> House of Lords HR team
Employees of other Parliamentary organisations (e.g CPA UK, BGIPU, APPGs)	<i>Issues with identifying DMB:</i> Assumed to be those organisations – i.e. CPA UK, BGIPU, the employing APPG respectively.
Specialist Advisers and others supporting parliamentary work, including people employed by political parties or collectively employed by MPs (e.g. PRU, PRS and Group staff)	<i>Issues with identifying DMB:</i> It is unclear who the DMB would be in each case. "Specialist adviser" has been interpreted in the past as referring to a "Special adviser" (within Government) but may be a reference to select committee specialist advisers.
Members of the Press Gallery	<i>Identified:</i> Their employer
Contractors, agency workers, inward secondees or interns to any of the relevant bodies above	<i>Issues with identifying DMB:</i> The contracted firm or agency which employs the contractor, the employer of a secondee or intern
Police officers	<i>Identified:</i> Metropolitan Police Service
Visitors to the Parliamentary estate	No assigned DMB

194. The DMBs for most respondent groups are set out above. For example, Members of the House of Lords have the Lords Commissioners for Standards as their DMB. DMBs are marked in green where there is no concern over the identification or role of the DMB. Those marked in orange indicate there are some issues with identifying, or the role of, the DMB. Those marked in blue currently have no assigned DMB.

195. However, it has been pointed out that two groups pose problems in relation to determining DMBs. Some contractors may be self-employed or may be trading through a firm that they control entirely. Such a scenario may result in the perverse outcome of the respondent being their own DMB. A more appropriate position might be if the contracting party was the DMB as opposed to the contractor. That may of course require all contracts to cover the ICGS and highlight that contractors are bound by the Behaviour Code. I feel that there would be merit in that approach.
196. ***I recommend that appropriate contracts are revised to designate the parliamentary contracting party as the decision-making body in relation to ICGS complaints made against members of the contractor's workforce. The DMB's decision should also be shared with the contracted party. [Recommendation 16]***
197. The other major group with no obvious DMB is that of visitors to the Parliamentary estate, of which there are approximately 1,000,000 a year. Visitors fall within the scope of the ICGS. However, they are not currently assigned a DMB. One option would be to say that, if visitors misbehave, appropriate action should be taken at the time, including possible ejection from the estate. A second option would be to designate the Director of Security as DMB in the case of visitors. An ICGS investigation into their behaviour seems disproportionate with no realistic sanctions being available. However, it has been highlighted that there are some frequent and regular visitors.
198. ***I recommend that complaints against visitors cannot be made under the ICGS. [Recommendation 17]***
199. Another potential policy option would be to state that something would not be investigated 'if in all the circumstances it would not be proportionate to investigate' or 'no worthwhile outcome could be achieved'.
200. I would highlight one additional potential anomaly. Some MPs still employ a family member or partner ('connected parties')<sup>64</sup> in their Parliamentary staff (including in constituency offices). An MP is the DMB regarding their office staff and this could give rise to situations where the MP could not be seen to be an independent decision maker. I make no recommendation in this area but wished to highlight this issue.

### **Third party reporting**

201. This issue was not explicitly included in my terms of reference, but it has featured in discussions with some consultees. Alison Stanley was specifically mandated to address this issue in her 18-Month Review.<sup>65</sup> I address the issue of repeated respondent reporting and risk management elsewhere in this report. I remain unconvinced that the facts and arguments highlighted in the 18-Month Review have changed to such a degree as to justify third party reporting. The ICGS revolves around independent, fair, and thorough investigation, following the principles of

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<sup>64</sup> Independent Parliamentary Standards Authority, [The Scheme of MPs' Staffing and Business Costs 2024-25](#), HC 616 2023-24, 14 March 2024, para 7.11

<sup>65</sup> Alison Stanley, CBE FCIPD, [ICGS: Independent 18-Month Review](#), (22 February 2021)

natural justice for both complainant and respondent. If the individual against whom the misbehaviour was directed is not willing to come forward and make a complaint, then any investigation would be severely undermined. The direct impact of the alleged misbehaviour is crucial to many elements of the ICGS and in the absence of first-person evidence, I cannot see how an investigation could be productively pursued.

## Chapter 8: Resolution outside of the Scheme

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*Share observations with the relevant parties (for example those responsible for culture change or implementing the Speaker's Conference) about how low-level disputes might be resolved outside the Scheme, where appropriate.*

202. The ICGS provides a comprehensive framework within which to investigate and resolve complaints of bullying, harassment, and sexual misconduct. That framework includes a provision for 'informal resolution' which is designed to provide for situations where the complainant's main goal may be simply for the respondent to acknowledge their behaviour and the impact it has had on the complainant. Such an informal resolution may allow both parties to move forward together in a more harmonious working environment. The option of informal resolution remains open until the draft ICGS formal assessment has been issued for a Factual Accuracy Check. Currently, in sexual misconduct cases, the ICGS helpline facility can assist in activating informal resolution before a formal complaint is even made.
203. The House of Lords' Code of Conduct has provision for an ICGS complaint to be concluded by way of agreed resolution at any stage, subject naturally to the consent of both parties to the complaint. In the last year, two cases involving Members of the House of Lords have been resolved by way of agreed resolution. In ICGS cases four of the 20 cases closed in July 2022 to June 2023 were concluded by way of informal resolution.
204. The Speaker's Conference on the employment conditions of Members' staff recognised that "Members' staff face a range of challenges in their working lives".<sup>66</sup> They looked at how support could be provided in relation to resolving issues between Members and their staff while staff remained in employment, the focus being on repairing and maintaining working relationships. They reported that several contributors had advocated a 'mediation service', allowing both parties to reach a negotiated settlement without having to go to tribunal. The Speaker's Conference concluded that the best option with regard to Members' staff would be 'restorative practice' and they reproduced the Restorative Justice Council definition:

Restorative practice can be used anywhere to prevent conflict, build relationships and repair harm by enabling people to communicate effectively and positively. Restorative practice is increasingly being used in schools, children's service, workplaces, hospitals, communities and the criminal justice system.

Restorative practice supports people to recognise that all of their activities affect others, and that people are responsible for their choices and actions and can be held accountable for them. It enables people

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<sup>66</sup> The Speaker's Conference, [Speaker's Conference on the employment conditions of Members' staff: Second Report](#), HC 1714 2022-23, 20 July 2023

to reflect on how they interact with each other and consider how best to prevent harm and conflict.<sup>67</sup>

205. The Speaker's Conference went on, rightly, to highlight that such a mediation service would be inappropriate in ICGS cases. However, they recommended that the Members' Services Team establish a restorative practice service to deal with employment issues with a view to maintaining and repairing employment relations.
206. It was suggested that in cases involving an MP, where the behaviour complained about fell below the bar set in the Bullying, Harassment and Sexual Misconduct policies, that there might be merit in the Members' Services Team being alerted to the behaviour in question. I am not convinced that such a referral would be viable without the agreement of the MP concerned.
207. I see no need or justification for an additional 'resolution outside of the Scheme' option in respect of the matters covered by the ICGS. However, I fully endorse the recommendation of the Speaker's Conference for a restorative practice service to address matters which fall outside the remit of the ICGS. The current informal resolution option is available for the resolution of disputes.

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<sup>67</sup> Restorative Justice Council, [What is restorative justice?](#), accessed 9 April 2024

## Chapter 9: Service user experience

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*Consider the experiences of service users, including support available to all parties and the role and skillset of those providing this support.*

208. I engaged with numerous consultees during the review, but without doubt the meetings which made the greatest impact on me were those with individuals who had experience either as ICGS complainants or as respondents. I think it is important to acknowledge that an ICGS investigation is a significant event which, whatever the eventual outcome, may leave its mark on both parties.
209. I have experience of other complaint processes and I am aware that a failure to achieve the specific outcome one party wants can often lead to them being disillusioned by the process. The ICGS is a process whose purpose is two-fold: to create a respectful and courteous work environment and to respond to any allegations of unacceptable behaviour promptly, fairly and effectively.

### Culture change

210. In addition to looking at individuals' experience and the support available to them, I should highlight that many consultees recognised that the very existence of the ICGS was a step forward. However, it is important not to expect the ICGS in isolation to change the culture of Parliament. That requires a wider programme of work.
211. I am of the view that the ICGS team, led by the ICGS Director, should focus on delivering a first class ICGS and in that way contribute to changing the culture of Parliament. However, the task of changing that culture requires a far wider effort, involving everyone within the Parliamentary Community.
212. The ICGS Director currently holds a budget related to cultural change activity and they are also the sponsor of the Behaviour Code. I can see some merit in moving these responsibilities elsewhere, as the Behaviour Code is wider than the ICGS team's investigative remit, namely handling complaints relating to bullying, harassment, and sexual misconduct. However, I am conscious of feedback from various consultees who made the case that the Behaviour Code has three sponsors: the Commons Culture Lead, Lords Culture Lead and the ICGS Director. These sponsors have an established programme of work and a small bicameral team to support them. On balance, I am not convinced that changing the current arrangements would deliver a more effective or logical structure. Therefore, I am making no formal recommendation for change. I am satisfied that the task of cultural change is recognised as being far broader in scope than merely an effective ICGS. The current sponsorship arrangements do appear to bring a joined up bicameral focus to cultural change activities. However, there may be some merit in ensuring that the roles are clearly defined and agreed, and not reliant purely on the good working relationships that exist.
213. I see one of the ICGS' biggest potential contributions to cultural change being the briefing of DMBs and others of the reality uncovered by ICGS investigations. Just as DMBs should update the ICGS team with how investigations are finalised, they in turn should receive regular updates on problems identified by the ICGS team that bear on the working culture of Parliament. I acknowledge that the ICGS Annual Report already contains a 'shared learnings' section but feel that the ICGS team is



well placed to provide more regular updates to colleagues with responsibility for promoting cultural change.

214. ***I recommend that the ICGS Director should regularly update DMBs and others of cultural issues identified through ICGS investigations. [Recommendation 18]***

## **Sources of support**

### ***ICGS helpline***

215. The helpline is widely promoted throughout the Parliamentary estate and consultees were generally aware of its existence. Several consultees shared a view that it should be staffed by people with an in-depth knowledge of Parliament and how it works. However, there was also another view that the Helpline should continue to be provided by an independent body, as opposed to being brought in-house. Ideally, it should be staffed by independent people with an appropriate knowledge of Parliament.
216. Currently, the helpline is provided by the Victim Support charity and their staff receive a briefing on the work of Parliament. I would highlight the need to ensure that the facility retains its independent character, as that was seen as a key requirement by multiple consultees.
217. The ICGS team are now complementing the advice that the helpline provide by having an option to be referred to an ICGS team member, who can provide more specialist advice. This is intended to address consultees' desire for a helpline that is both independent and able to supply authoritative and relevant advice, and I support this plan of action.

### ***Individual Assistance Programme (IAP) / Employee Assistance Programme (EAP)***

218. This facility was mentioned by several consultees as a source of health, mental and emotional well-being support, as opposed to providing specific advice regarding the ICGS complaints process. I received no representations regarding the quality of the service provided, or the skills of their personnel.

### ***Parliamentary Health and Wellbeing Service (PHWS)***

219. The PHWS offers a number of services including an onsite GP and support on issues such as stress, alcohol and domestic abuse. The only comment received regarding the PHWS was from a respondent who indicated that, in the immediate aftermath of an ICGS investigation being launched, they were unaware of the many support facilities open to them. The PHWS was eventually brought to their attention by a colleague.
220. It is important that both parties to an ICGS investigation are fully briefed on the support available to them. I received powerful testimony from several respondents that they felt very isolated once a complaint was made against them. Indeed, the complaint may have directly arisen from behaviour prompted by other ongoing personal crises. It is obviously important that support is afforded to people in that

situation, notwithstanding whatever allegations have been made against them. Witnesses may also require support given the close working environment that is Parliament.

221. Support for parties to engage with an investigation is often necessary to ensure investigations are as timely as possible. Through a Memorandum of Understanding held between the ICGS team and the PHWS, there is now a structure in place to support MPs to engage with investigations. However, in line with the principle of parity in the Scheme, similar support to engage should also be made available for non-MP respondents and complainants.

### **Trade unions and Members' and Peers' Staff Association (MAPSA)<sup>68</sup>**

222. These bodies were seen as important and valued sources of support to a wide range of staff.

### **Members' Services Team**

223. This team now incorporates the Members' HR Advice Service. Consultees indicated that it was greatly valued by both MPs and their staff, who see it as providing authoritative and helpful advice on HR matters.

### **ACAS (Advisory, Conciliation and Arbitration Service)**

224. ACAS provide free and impartial advice on workplace rights, rules and best practice to employees and employers.

### **ICGS Review 2024 survey results**

225. I commissioned a survey of the ICGS with a view to helping me assess its performance and identifying opportunities for further improvements. The survey in the main followed the format and content of its predecessors conducted in 2019 and 2020. Some changes were made to reflect the contemporary environment and to elicit other information of use to the ICGS team.
226. The [results of the survey](#) are being released in full, at the same time as this review is published. Nevertheless, I have reproduced the key findings below.

### **Key findings**

#### *Familiarity with policies, procedures and the ICGS helpline*

227. Consistent with previous years, three in five respondents (60%) are aware that the Parliamentary Behaviour Code applies to everyone on the Parliamentary estate. Awareness of who the Parliamentary Behaviour Code applies to is broadly consistent across passholder types, though is highest among bicameral staff (77%).
228. Awareness of the bullying and harassment policy (96%) and the sexual misconduct policy (95%) has been consistently high since 2019. This year almost three in five (56%) respondents say they have read the bullying and harassment policy and

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<sup>68</sup> Trade unions include the FDA, Unite, GMB, PCS and Prospect.

procedure, meanwhile half (51%) say they have read the sexual misconduct policy and procedure.

229. Almost nine in ten (88%) are aware that they can report bullying and harassment or sexual misconduct via the ICGS helpline, consistent with 2020.

### *Experiences of the ICGS helpline*

230. Only 6% of respondents have had direct use of the helpline in the last 18 months, this is consistent with 2020. Amongst those who have used the ICGS helpline in the last 18 months, satisfaction with the experience is mixed; around two in five (37%) were satisfied, meanwhile another two in five (37%) were dissatisfied.
231. 15% of respondents know someone else who has used the helpline in the last 18 months, this is consistent with 2020. Those who know someone else who has used the ICGS helpline are generally unclear about how satisfied they were with the experience, two in five (40%) say they don't know.

### *Factors considered when using the ICGS helpline*

232. Respondents see both independence and expert knowledge as important factors in considering whether to use the ICGS helpline; 88% see expertise as important, meanwhile 83% see independence as important. However, respondents feel more strongly about the need for expertise: 63% feel it is very important, compared to only 56% who see independence as very important.

### *Future use of the ICGS helpline*

233. Around three in four (71%) respondents say they would be likely to make use of the ICGS helpline in the future if they had reason to. Around two thirds (69%) of those who say they would be unlikely to use the ICGS helpline if they had reason to, reference the potential impact on their employment or future career possibilities as a barrier.

### *Experiences of making a complaint through the ICGS helpline*

234. Consistent with 2020, only 3% of respondents have made a complaint that was investigated in the last 18 months. Compared to 2020, respondents are less likely to be aware of someone else who has made a complaint: only 14% compared to 19% in 2020. This suggests that whilst complaints are consistent, complainants are potentially less open about discussing them with colleagues.
235. Those who know someone else who has made a complaint through the ICGS are generally unclear about how satisfied they were with the experience, two in five (41%) say they don't know. Around a third (32%) of those who know someone else who has made a complaint through the ICGS were unsure how satisfied they were with the action taken. Amongst those who were able to answer, most felt the person was dissatisfied (30%).

### *Sentiment towards the ICGS*

236. The statements that best reflect respondents' views of the ICGS were around confidence; while many feel confident they would use the ICGS if needed and

that it would be fair and independent, many others indicated a lack of confidence that the outcome of ICGS investigations would result in effective sanctions being imposed for unacceptable behaviour.

237. Respondents' sentiment towards the ICGS is broadly consistent with 2020, however respondents are less likely to select 'I don't think I'll ever need to consult or use the ICGS'.
238. I think I should highlight that there is a degree of misunderstanding with regards to the work of the ICGS team and the outcome of their investigations. Sanctions determined by any DMB are not a matter for the ICGS team, nor are they informed of them (see [Recommendation 13](#)).
239. I will refrain from further comment on [the survey](#) other than to encourage people to read the results in full.

## Service user journey mapping

240. One current focus of the ICGS team is the service user journey, and they have conducted a process analysis of that journey. A quote from their service user feedback summary states that:

Several Service Users (SU) talked about the end of contact with the ICGS team and then the contact from the DMB. No one was critical of individuals, and most understood the process – but said they had not understood it from the outset. Some feedback said that at each stage they felt more removed from the process, with less say or agency over anything that happened to them. Many said they did not understand any rights of review or appeal or understand the role of the DMB in any depth. They largely saw the DMB as another branch of the ICGS. This was more prevalent in MP cases.<sup>69</sup>

241. In essence, the ICGS team are identifying process changes which can directly improve the SU experience. It would be a matter for each DMB to agree any process changes recommended by the ICGS team arising out of this exercise.
242. I have already addressed the need for consistent provision of health and wellbeing/welfare support.
243. A comprehensive service user journey that is known and where welfare support provision is clearly allocated to named roles would, I suggest, be an effective means of delivering the trauma-based approach promoted by the ICGS team. The goal of the ICGS team and the DMBs should be to promote confidence in the transparency and accountability of the Scheme and thus engender trust in the ICGS process.
244. I am confident that the ICGS team is moving in the right direction. However, I would highlight two areas to which I attach special importance.

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<sup>69</sup> Service user feedback summary provided by the ICGS

245. Diversity – I have already highlighted the importance of data capture regarding the ICGS. In particular, I believe that a focus on documenting and understanding the diversity of service users would be of great use. Such data should be collected and shared with the PCS, House of Lords Commissioners for Standards, IEP and all the DMBs, amongst others. Disparities in the profile of users would be of great assistance in targeting ongoing efforts to ensure all sections of the Parliamentary Community are able to both access and have confidence in the ICGS.
246. Risk – the ICGS is an investigatory process but once activated it is important that the process doesn't obscure other important dimensions of the situation being examined. It is crucial that any ongoing working relationship is reviewed from a risk perspective. That step should be mandated in appropriate guidance and would involve the affected DMB.
247. ***I recommend that all ICGS complaints that involve ongoing working relationships should be risk reviewed by the relevant DMB to establish if there is a risk of harm to any party. Consideration can then be given to appropriate measures to remove/reduce it. [Recommendation 19]***
248. One area that I would like to highlight is that of welfare or 'health and wellbeing' support. By that I mean the support afforded to complainants, respondents, and witnesses. I know that the ICGS team place a great importance on this dimension of their service. I have been struck in discussions with both complainants and respondents of the great impact that ICGS investigations have had on them.
249. The ICGS seeks to provide resolution or redress in cases of bullying, harassment, or sexual misconduct. In addition to the investigative focus, it is important to ensure that the welfare of staff is never overlooked. Some respondents have highlighted how isolated they felt once an investigation commenced and suggested that they found it hard to access all the sources of possible support. In some cases, witnesses may have particular needs also. I acknowledge the support currently provided by the ICGS Improvement and Inclusion Manager.<sup>70</sup> In essence, that postholder offers support to users throughout the process, providing impartial advice, answering questions about the process and signposting to support services.
250. However, I do not feel that the nomenclature currently employed is at all user-friendly. I recommend that a post is created or reconfigured, with the sole focus of coordinating health and wellbeing support to parties involved in ICGS cases. That support should be provided throughout the ICGS process, with a view to ensuring that it is not disrupted because different bodies take the lead in the process at various stages. I believe that the ICGS team are best placed to ensure continuity of support.
251. ***I recommend that the ICGS team designate an individual to coordinate and agree, with the relevant DMB, the provision of health and wellbeing support for the complainant and respondent in every ICGS case. [Recommendation 20]***

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<sup>70</sup> ICGS, [5th Annual Report: July 2022-June 2023](#), 17 October 2023, p 8

## Service user experience - key areas

### Helpline

252. I have already discussed the view of several consultees that the helpline staff required more knowledge of Parliamentary life in the [chapter on Quality and timeliness \(see paragraph 75\)](#).

### Investigators

253. The feedback I encountered in relation to service users experience of investigators was unsurprisingly mixed. Some consultees were quick to highlight examples where, for example, the investigator and relevant DMB came to different conclusions. I am of the view that such differences of opinion and judgement are inevitable in any such process and the investigator and DMB have different roles to play. Equally, an investigator may see themselves as objective and dispassionate, whilst the complainant or respondent may perceive their approach to be cold and unsympathetic. I detected no widespread concerns arising for users' engagement with investigators. However, service users nearly all commented on the duration of ICGS cases and the impact that apparent slowness of finalisation had on them. I received no criticism about the investigators' awareness or lack of awareness regarding working life within the Parliamentary Community.

### Risk assessments by DMBs

254. The relevant respondent's DMB is responsible for undertaking a risk assessment once they become aware of an ICGS complaint. The ICGS team are not involved in this exercise and are unaware of the outcome.

# Chapter 10: Training and miscellaneous recommendations

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## Training

255. Training was not contained within my terms of reference as a specific item. However, my focus on creating an environment of 'leading by example' has also prompted me to ask how the delivery of the ICGS and the goal of a Parliamentary Community within which everyone is respected and valued can best be achieved. The ICGS is essentially a process through which allegations of unacceptable bullying, harassment and sexual misconduct can be investigated. I believe that prevention of such behaviour is invariably superior to detecting it. To that end, I believe that much more attention needs to be paid to the training of everyone within the Parliamentary Community.
256. As a temporary contractor, I was required to undergo compulsory training, which included learning about both the Behaviour Code (included in full below) and how to access the ICGS:

### The Behaviour Code

Our Behaviour Code outlines clear guidelines on how you should be treated, and how you should treat others.

These apply to everyone who visits and works in Parliament.

You should:

- Respect and value everyone – bullying, harassment and sexual misconduct are not tolerated
- Recognise your power, influence or authority and don't abuse them
- Think about how your behaviour affects others and strive to understand their perspective
- Act professionally towards others
- Ensure Parliament meets the highest ethical standards of integrity, courtesy and mutual respect
- Speak up about any unacceptable behaviour you see

Unacceptable behaviour will be dealt with seriously, independently and with effective sanctions.<sup>71</sup>

257. Not everyone, including long term members of the Parliamentary Community, is required to undergo such training. I do not believe that this is sustainable or compatible with the contemporary demands on all members of the Parliamentary Community. Indeed, I am conscious of recent legislation, namely the Worker Protection (Amendment of Equality Act 2010) Act, which is due to come into force in October 2024. That Act requires employers to take reasonable steps to prevent workplace sexual harassment. There is now a positive duty to prevent workplace

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<sup>71</sup> UK Parliament, [Behaviour Code](#), accessed 9 April 2024

harassment and sexual harassment. In my professional opinion, the most reasonable step that can be taken is to ensure that everyone in the Parliamentary Community receives training on the Behaviour Code.

258. I am aware that since November 2022, 160 members of MPs' staff have undergone the Essentials Training package, which covers policy information on physical safety, culture and values, security, and integrity. In addition, 432 MPs' staff received training on the Behaviour Code since December 2022.<sup>72</sup>
259. I am of the clear view that all members of the Parliamentary Community should undergo compulsory training on the Behaviour Code. I recognise that MPs are not employed by Parliament but are elected by their constituents to represent them. However, most MPs have completed the Behaviour Code training made available to them. If mandatory training is seen as a bridge too far and an encroachment on MPs' freedom of action, I would instead suggest that a list be published of MPs who have declined to undergo Behaviour Code training.
260. More fundamentally, and in fairness to both MPs and their staff, I recommend that all newly elected MPs should undergo a short training input on their role as MPs, with a clear focus on how they should create offices to support them and how they should manage staff in that environment. For the avoidance of doubt, I am of the clear view that constituency staff should be treated the same as colleagues based in Westminster.
261. I raised the issue of training with many consultees and one interesting idea was put forward by a few of them. It was suggested that training for MPs at the point of election was too late to be effective and that the induction of newly elected MPs was hectic enough without an additional training requirement being levied on them. It was proposed that prospective parliamentary candidates were the ideal group who should undergo training in their role as prospective employers of MPs' staff. I believe that idea has some merit.
262. However, I am not qualified to say whether it is a viable option. Such training could be provided by Parliament or alternatively by political parties if the relevant modules were accredited by the Parliamentary authorities. Thus, elected MPs would have received relevant training before hiring staff to assist them in their new role. Independent candidates would have access to training provided by Parliament, so would be at no disadvantage compared with candidates from established political parties. Candidate training would cover their role as an employer, including the Behaviour Code and the role of the ICGS team in investigating relevant allegations. I have no doubt that the Parliamentary Commissioner for Standards and the Committee on Standards would also have views on the syllabus.
263. I note that the Code of Conduct for Members of the House of Lords states that "New members must, within three months of introduction, arrange to attend one of the seminars established by the House to raise awareness of, and to prevent, bullying, harassment and sexual misconduct."<sup>73</sup> Indeed, a failure to undertake the

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<sup>72</sup> Information provided by the Members' Services Team

<sup>73</sup> House of Lords, Code of Conduct for Members of the House of Lords, Guide to the Code of Conduct, Code of Conduct for House of Lords Members' Staff, Thirteenth edition: September 2023, HL Paper 255 2023-24, 18 September 2023, p 4



mandatory training is a breach of the Code of Conduct for Members of the House of Lords. I wholeheartedly commend that approach.

264. *I recommend that all members of the Parliamentary Community undergo mandatory Behaviour Code training, with the exception of visitors. [Recommendation 21]*
265. *I recommend that political parties should explore the viability of training prospective parliamentary candidates with regard to their employment obligations and the Behaviour Code. Such training would be provided by political parties, subject to their training modules being accredited by Parliament. [Recommendation 22]*
266. *I recommend that all MPs' staff, both in Westminster and in constituency offices, should undergo mandatory training on the Behaviour Code within six months of their employment. [Recommendation 23]*
267. *I recommend that all MPs should undergo mandatory training on the Behaviour Code within six months of their election or re-election. [Recommendation 24]*
268. I note that my recommendations regarding training are similar to recommendations 27 and 28 of the 18-Month Review.<sup>74</sup> It is disappointing, then, that I have also had to highlight the importance of Behaviour Code training for all members of the Parliamentary Community, including MPs. All responsible employers would both ensure that their staff receive appropriate training and indeed attend such training themselves.

## **ICGS and public comments**

269. The ICGS team makes no public comments on ongoing investigations and confidentiality is taken very seriously as discussed in the relevant chapter of this report. However, the ICGS as a process was criticised in the media during 2023 (on BBC Newsnight and BBC Panorama programmes). A few consultees expressed strong views on the response to these programmes. It was suggested that no one individual or office was currently mandated to respond on behalf of the ICGS team or Parliament when such criticisms are made in the national media.
270. Unanswered criticism not only allows a contested narrative free rein but also impacts on the morale of the wider workforce. I recommend that the ICGS Assurance Board looks at this issue in liaison with other parliamentary bodies with a view to bolstering the morale and perception of potential users of the Scheme.
271. In essence, a communications strategy needs to be in place to ensure that if programmes critical of the ICGS process were broadcast in the future, then it would be clear how Parliament would respond. Would a spokesperson be nominated,

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<sup>74</sup> Alison Stanley, [ICGS: Independent 18-Month Review](#), (22 Feb 2021), pp 62-63

and would any message communicated be issued with the full endorsement of the relevant Parliamentary authorities? It appears that the default position is that the Director of the ICGS would represent Parliament in relation to ICGS matters. However, it may be more appropriate if a senior Parliamentary official or office holder engaged with the media on suitable occasions.

272. ***I recommend that the ICGS Assurance Board (see Recommendation 2), in liaison with other parliamentary stakeholders, looks at the issue of representing the ICGS in the public domain, with a view to devising a communications strategy. [Recommendation 25]***

## Data

273. I would like to emphasise the importance of the ICGS team and other stakeholders in the ICGS process agreeing a data collection plan. It is important that not only is every stage of an ICGS case tracked, but that due regard is also given to collecting data related to the diversity of service users. In my judgement, all stakeholders are keen to chart the progress of each investigation and to use that data to identify areas that would benefit from management intervention or process re-engineering. Equally, more information on the diversity of service users would assist in monitoring the health of the Scheme, not least regarding outreach initiatives. I am pleased to note that the ICGS team has now appointed a dedicated Data and Analysis lead.

## ICGS nomenclature

274. I have found that the ICGS and ICGS personnel are often, unsurprisingly, seen as one and the same entity.
275. The ICGS is more than the dedicated personnel who administer and support it. Everyone has a part to play in making it a successful part of the Parliamentary landscape, not least the various DMBs. The ICGS is part of the wider parliamentary commitment to cultural change and provides a mechanism whereby unacceptable behaviour can be reported and investigated. I have used the term ICGS team in the report when I am referring to the team under the leadership of the ICGS Director. I have considered if there would be any merit in renaming the ICGS team to differentiate it from the Scheme itself. In lieu of a better suggestion, I would propose that the ICGS team be officially branded and referred to as the 'ICGS Team' or 'Team ICGS'.
276. ***I recommend that the House Administrations, via the ICGS Assurance Board (see Recommendation 2), explore the merits of rebranding to highlight the specific role of the ICGS team. [Recommendation 26]***

## Closing remarks

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277. The final comment that I would like to make is: *the ICGS is making a difference.*
278. Those words were used by one consultee but reflected the feelings of many. The Scheme is not perfect, but no such scheme is, given the need to continuously adapt to changing times and in the light of experience. I trust that my recommendations will, in some small way, assist in its development. The ICGS is necessary and has demonstrated its ability to hold people to account for unacceptable behaviour.
279. The Parliamentary Community should take pride in the work and achievements made under the ICGS to date. I am confident that it is on the right path to deliver an ever more effective service.

# Annex: List of recommendations

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## Governance

Make recommendations for how the governance of the ICGS can be clarified and improved. In particular, to consider:

- a. How decisions are made about changes to the ICGS;
- b. Clarity and transparency about how the constituent parts of the ICGS and related bodies work together; and
- c. Clarity and transparency about the relationship between the ICGS, the criminal justice system and political party complaints processes, including the involvement of the party whips.

*I recommend that the ICGS reviews each of the four ICGS policy and procedure documents with the purpose of producing two documents. The first document should set out the “ICGS Policy Framework”. The creation of and future changes to the ICGS Policy Framework should require approval through the current mechanisms. The second document should set out all of the ICGS’ processes. The creation of and future changes to the ICGS Processes document should only require approval by the ICGS Assurance Group. [Recommendation 1]*

*I recommend that the existing ICGS Assurance Group should be re-established as a permanent ICGS Assurance Board. It should have authority to approve ICGS Processes, which would sit under a new Policy Framework. It should also be the body that holds the ICGS Director to account and scrutinises the performance of the ICGS. In essence, the Board would conduct assurance on behalf of the Parliamentary Community and create clear lines of accountability that do not currently exist. I acknowledge that for it to become a formal Board will require some formalisation of its existing membership and processes. Its current size is appropriate, subject to including permanent HR representation from both Houses. [Recommendation 2]*

*I recommend that an individual who seeks to make a complaint to a political party and whose allegations fall within the scope of the ICGS should be directed to the ICGS. To effect this recommendation, each political party’s Chief Whip (or their nominated representative) should – with the Director of the ICGS – draft and agree a publicly accessible Memorandum of Understanding setting out the action that the Party will take when they receive an allegation that, prima facie, falls within the scope of the ICGS. [Recommendation 3]*

## **Quality and timeliness**

Drawing on internal data and external benchmarking data, act as a critical friend to the ICGS Director in her efforts to improve the timeliness and quality of investigations, providing assurance in relation to their initial impact and potential for longer-term improvement.

*I recommend that the ICGS team should review the progress on quality and timeliness of cases submitted between October 2023 and March 2025 and report their findings to the ICGS Assurance Board (see Recommendation 2) in April 2025. [Recommendation 4]*

*I recommend that in-house assistance be provided to support investigators in consistently applying ICGS policy definitions and process. This change should assist with respect to both quality and timeliness. [Recommendation 5]*

*I recommend that the ICGS team should seek to provide a centrally contracted transcript service to support their investigators. Such an innovation would also assist in delivering a quality assured output. I believe that the ICGS team is putting in place a pilot of this approach, which I welcome. [Recommendation 6]*

*I recommend that the PCS is provided with a mechanism to seek additional information from the ICGS independent investigator in appropriate cases, as an alternative to having to reject the Full Assessment Report. That mechanism will, I suggest, require changes to existing ICGS procedures. [Recommendation 7]*

*I recommend that the purpose of the initial assessment (IA) should be clarified. Its purpose should solely be to determine whether a complaint is eligible to be investigated under the ICGS, and it should normally be a very short stage in the process. The ICGS team would triage complaints to determine whether a rapid 'short proforma' assessment could be made, or whether an independent investigator would need to be appointed at IA stage, for example, to interview a complainant. However, an independent investigator would formally decide whether to move to a full assessment. IAs conducted by the House of Lords Commissioners for Standards follow this pattern, in that they are light touch and rapidly conducted. The goal would be to conclude such IAs within one or two days. Under such a revised IA process, the PCS would not review the IA. The PCS currently reviews IAs but is not a decision-maker at that stage. I envisage most IAs being completed within one week of the complaint/disclosure being received. [Recommendation 8]*

*I recommend that the requirements placed on independent investigators in MP respondent cases to respond to matters that are not strictly matters of fact should be reviewed. I recommend no such change in respect of all other ICGS cases, as in such cases there is no effective ICGS appeal mechanism, and any procedural flaws might only be addressed during disciplinary proceedings or via an Employment Tribunal case. Neither would be desirable. [Recommendation 9]*

*I recommend that the 'Factual Accuracy Check' be renamed 'review of draft full assessment report stage'. [Recommendation 10]*

## **Confidentiality**

Consider the role of confidentiality within the Scheme. Specifically, consider how more transparency can be built into the Scheme without compromising the right to confidentiality of all parties to a complaint; and how individual breaches of confidentiality are handled.

*I recommend that if a complaint is not accepted for a full assessment then no obligation of confidentiality arises with regards to the ICGS complaint. [Recommendation 11]*

*I recommend that representatives of the political parties and the Parliamentary authorities (the Speakers and Clerks of both Houses, the Director of the ICGS and the Director of Security) should draft and agree a formal protocol that sets out the rights and obligations of the Parliamentary Community with regard to identifying and managing risks arising from information received by them. This action should be led by the Speaker and the Lord Speaker. [Recommendation 12]*

*I recommend that in all ICGS investigations where a complaint is upheld, the relevant DMB should put in place mechanisms to enable them to report the outcome of the investigation to the ICGS team, including of any appeal and sanction. The ICGS Director should have the discretion to highlight forms of misbehaviour and sanctions awarded to better inform the Parliamentary Community. However, publication must not infringe on the confidentiality of any party to a complaint. [Recommendation 13]*

## **Independence**

Consider how the concept of ICGS independence is interpreted, to ensure an appropriate balance between independence and operational effectiveness.

*Recommendation: That the ICGS helpline facility continues to be provided by an external supplier and that their staff continue to receive appropriate*

*training on the composition of the Parliamentary Community and their working relationships. [Recommendation 14]*

## **Scope**

Consider whether the scope of where and to whom the ICGS applies is sufficiently clear and subject to consistent interpretation.

*I recommend that a complaint made under the ICGS should proceed directly to a full assessment if both the complainant and respondent were members of the Parliamentary Community engaged in what would prima facie appear to have been parliamentary work/activity on the date and at the time the alleged behaviour took place.*

*This principle should be extended to other eligibility issues beyond the 'parliamentary activities' test where appropriate – e.g. where it is difficult to establish how long a course of conduct may have been for the purposes of the one year bullying and harassment time limit; or where it is not clear if there is a parallel investigation (and what the outcome was).*

*The alleged misbehaviour would have to meet the criteria set out in the policies on bullying, harassment, or sexual misconduct. [Recommendation 15]*

*I recommend that appropriate contracts are revised to designate the parliamentary contracting party as the decision-making body in relation to ICGS complaints made against members of the contractor's workforce. The DMB's decision should also be shared with the contracted party. [Recommendation 16]*

*I recommend that complaints against visitors cannot be made under the ICGS. [Recommendation 17]*

## **Resolution outside of the Scheme**

Share observations with the relevant parties (for example those responsible for culture change or implementing the Speaker's Conference) about how low-level disputes might be resolved outside the Scheme, where appropriate.

## **Service user experience**

Consider the experiences of service users, including support available to all parties and the role and skillset of those providing this support.

*I recommend that the ICGS Director should regularly update DMBs and others of cultural issues identified through ICGS investigations. [Recommendation 18]*

*I recommend that all ICGS complaints that involve ongoing working relationships should be risk reviewed by the relevant DMB to establish if there is a risk of harm to any party. Consideration can then be given to appropriate measures to remove/reduce it. [Recommendation 19]*

*I recommend that the ICGS team designate an individual to coordinate and agree, with the relevant DMB, the provision of health and wellbeing support for the complainant and respondent in every ICGS case. [Recommendation 20]*

**Additional and complementary Recommendations:**

*I recommend that all members of the Parliamentary Community undergo mandatory Behaviour Code training, with the exception of visitors. [Recommendation 21]*

*I recommend that political parties should explore the viability of training prospective parliamentary candidates with regard to their employment obligations and the Behaviour Code. Such training would be provided by political parties, subject to their training modules being accredited by Parliament. [Recommendation 22]*

*I recommend that all MPs' staff, both in Westminster and in constituency offices, should undergo mandatory training on the Behaviour Code within six months of their employment. [Recommendation 23]*

*I recommend that all MPs should undergo mandatory training on the Behaviour Code within six months of their election or re-election. [Recommendation 24]*

*I recommend that the ICGS Assurance Board (see Recommendation 2), in liaison with other parliamentary stakeholders, looks at the issue of representing the ICGS in the public domain, with a view to devising a communications strategy. [Recommendation 25]*

*I recommend that the House Administrations, via the ICGS Assurance Board (see Recommendation 2), explore the merits of rebranding to highlight the specific role of the ICGS team. [Recommendation 26]*