

**Independent Expert Panel**  
**Chair, Rt Hon Sir Stephen Irwin**

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Website: <https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/independent-expert-panel>

Chris Bryant MP  
Chair, Committee on Standards  
House of Commons

28 June 2021

Dear Chris,

I am writing concerning the application of the Recall of MPs Act 2015 to suspensions following a report from the Independent Expert Panel.

The Office of the Leader has kindly provided me with a copy of a draft change to standing orders that would achieve the effect of bring the Panel's reports within the framework of the Act. I understand that you have also received a copy of the proposed changes. While I can see that the proposals go some way towards ensuring that a report from the Committee on Standards follows automatically from a relevant report from the Panel, I remain concerned about possible risks to the Panel's independence.

Even where there is a neutrally worded report from the Committee, its members may be drawn into debate on the substance of the case in hand, and may express disagreement with the Panel's decisions during private deliberations. This could become known amongst Members or be made public. The Speaker could prevent debate on the floor of the House, but the potential would remain for the Panel's decisions to be made controversial and thus our independence weakened. In an exceptional case, the Committee could publish a report recommending a suspension equal to that determined by the Panel, but making clear their disagreement with that outcome. The House could be drawn into debate on the substance of the report. That would be a retrograde step. It risks prejudicing not only the Panel's independence, but the reputation of the House.

I also question whether the proposed changes could make us confident that any suspension following a report from the Committee would always be coterminous with a suspension following a report from the Panel. The intention is that the two suspension motions would be taken together but there may be circumstances in which the Committee is unable to report sufficiently quickly through no fault of its own (for example, if the Panel were to have to issue a report just before a long recess to avoid excessive delay). While we would all try to avoid such situations arising, I remain

concerned about the risk of a Member being subject to an additional period of suspension following a report from the Committee.

I do not at present see any way of fully mitigating these risks through further standing order changes. Although the likelihood of the risks materialising in current circumstances is very small – in this, I recognise the support that you, Mr Speaker and other Members have shown to the Panel – this might change in future. The existing arrangements carefully protect the determinations of the Panel from debate, before the vote on a resolution. I would prefer the Recall Act not to apply than to risk this changing.

My preferred option would be for a legislative amendment – one that is narrow in scope but that allows some flexibility for the House to change its standards system in the future. The Office of Speaker's Counsel has prepared a draft bill, annexed to this letter, which it seems to me would achieve this.

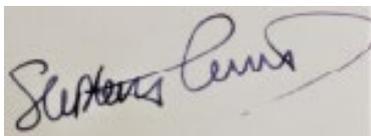
I have held discussions with representatives of staff groups. Their consistent view is very much the same as mine – that the Recall Act should apply, but only by means of an amendment to the legislation and not through a standing order change that could in any way risk the Panel's independence.

I appreciate that there is limited time available to the House to consider new legislation and that it may not be possible to introduce even such a short bill in the near future. I would be content to wait for an opportunity to do so in future sessions. The timing of any such bill would of course be a matter for the Government to consider.

I have also written to the Leader of the House to set out my views on the best way forward.

I would be happy to discuss this further with you if that would be of assistance.

Kind regards,

A handwritten signature in black ink, appearing to read "Stephen Irwin", written over a light-colored rectangular background.

**Stephen Irwin**

**Chair of the Independent Expert Panel**

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Amend the Recall of MPs Act 2015 to provide for the recall petition process to be triggered by suspension of a Member following a report from any body established by the House of Commons to consider complaints about the conduct of Members; and for connected purposes.

**BE IT ENACTED** by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: –

**1 Recall conditions**

In section 1(4) of the Recall of MPs Act 2015 (how an MP becomes subject to a recall petition process: suspension of Member) after the words “following on from a report from the Committee on Standards” insert “, or from a report from any body established by the House of Commons to consider complaints about the conduct of individual members of that House,”.

**2 Commencement, extent and short title**

- (1) This Act comes into force at the end of the period of two months beginning with the date of Royal Assent.
  - (2) This Act does not apply in relation to a report made before the date on which this Act comes into force.
  - (3) This Act extends throughout the United Kingdom.
  - (4) This Act may be cited as the Recall of MPs (Amendment) Act 2021.
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