



**LORD PRESIDENT OF THE COUNCIL  
LEADER OF THE HOUSE OF COMMONS  
THE RT. HON. JACOB REES-MOGG M.P.**



The Rt. Hon. Sir Stephen Irwin,  
Chairman, Independent Expert Panel  
House of Commons  
London  
SW1A 0AA

Our Ref: JRM/NMP1419  
26 May 2021

*Dear Sir Stephen,*

Following the publication of the Independent Expert Panel's report into the conduct of Rob Roberts MP, I am writing to thank the Panel for its work and to confirm that a motion to agree the recommendations in the report has been tabled for agreement by the House this afternoon. I am grateful for the way in which you have overseen the establishment of the Panel and it is welcome that the Panel has now produced four reports, having concluded its work in those cases.

Concerns have been expressed by many about the fact that the Recall of MPs Act 2015 has not been engaged in Mr Roberts' case. Whilst the House agreed to the procedures to establish the IEP in the knowledge that the Recall Act would not be engaged, I am concerned about this discrepancy between ICGS and non-ICGS cases. You may be aware that the approach was agreed by the House after representations from staff groups about the need to protect complainants' confidentiality.

A case like this shows the need for us to look again at the process to make sure that it fully maintains the confidence of everyone. There is no immediate time for a legislative solution and my preference would therefore be for a non-legislative solution to deal with this issue if there is agreement this is the best way forward. For example, one approach that we may wish to consider is whether the Committee on Standards could, when asked by the IEP, prepare a report, which would trigger the Act. I would be grateful if we could meet to discuss your views on this matter and what can be done to improve the system further.

With every good wish,

*Yours sincerely,  
Jacob Rees-Mogg.*

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

Email [independentexpertpanel@parliament.uk](mailto:independentexpertpanel@parliament.uk)

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

Rt Hon Jacob Rees-Mogg MP  
Leader of the House and Lord President of the Council  
House of Commons

3 June 2021

Dear Jacob,

Thank you for your letter of 27 May noting the concerns about the application of the Recall of MPs Act 2015 to suspensions determined by the Independent Expert Panel. I would be very happy to meet you to discuss what might be done to improve the system further.

I note your preference for a non-legislative solution. In advance of meeting, it may help to give my initial reflections on the issues that have been raised.

The application of the Act to suspensions recommended by the Committee on Standards but not to those determined by the Panel appears to be an obvious anomaly, as reflected in the responses of many Members to the publication of our report on Rob Roberts MP. If the matter is judged solely by the question of the relative severity of the suspensions imposed, then it is easy to see why there are objections to the Act's provisions being invoked in some cases but not others, and specifically not to significant breaches of the kind which come to the IEP.

Your letter refers to the concerns raised by staff groups about the need to protect complainants' confidentiality. I don't feel that is a valid objection in itself. In cases where confidentiality had been properly maintained during the process, it seems to me doubtful that the invocation of the recall provisions would then lead to a breach of confidentiality. I imagine it could be that where confidentiality has already been breached, the consequences of a recall process might amplify the breach.

However, a further point has been articulated from the staff side that the campaigning during a recall petition or any subsequent by-election would likely draw the Member concerned into disputing the conclusions reached by the Panel.

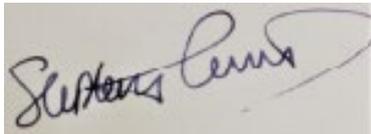
I would like to explore these issues more fully with staff groups; the Trade Union Side have asked for a consultation before any changes are agreed.

In addition, the Panel are concerned that any procedural workaround, as opposed to a statutory amendment, might imperil the Panel's independence. The existing

arrangements carefully protect the determinations of the Panel from debate, before the vote on a resolution. If a committee of the House (presumably the Committee on Standards) were called upon to endorse a determination of the Panel, so as to trigger the recall mechanism, it seems to me there is a risk that the Committee, and perhaps the House considering the recommendation or endorsement of the Committee, would be drawn into debate on the substance of the case in hand. That would be a retrograde step. If such a non-statutory solution were adopted, it would in my view be imperative that revised Standing Orders preclude the Committee from debate on the point, and the House from debating a report from any Committee whose recommendation of suspension could invoke the Act.

I would be very willing to speak to staff groups to explore their thinking on these issues further and I look forward to our meeting.

Kind regards,

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

**Sir Stephen Irwin**

**Chair of the Independent Expert Panel**