

The Independent Expert Panel

The Conduct of Mr Jared O'Mara

Presented to the House of Commons
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The Independent Expert Panel

The Independent Expert Panel was established by the House of Commons on 23 June 2020. The Panel hears appeals against decisions made by the Parliamentary Commissioner for Standards (the Commissioner), considers referrals from the Commissioner and determines sanctions in cases involving an allegation against an MP of a breach of Parliament's Sexual Misconduct Policy or the Bullying and Harassment Policy, under the Independent Complaints and Grievance Scheme.

Current membership

Mrs Lisa Ball
Monica Daley
Mrs Johanna Higgins
Sir Stephen Irwin (Chair)
Professor Clare McGlynn
Miss Dale Simon
Sir Peter Thornton
Dr Matthew Vickers

Powers

The Panel's powers are set out in House of Commons Standing Orders Nos 150A to 150D. These are available on the internet via www.parliament.uk.

Publication

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Panel staff

The current Secretary to the Panel is Emily Baldock.

Contacts

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Report by the Chair of the Panel

- 1.1 The Independent Expert Panel was established by the House of Commons on 23 June 2020.¹ The Panel hears appeals against decisions made by the Parliamentary Commissioner for Standards (the Commissioner), considers referrals from the Commissioner and determines sanctions in cases involving an allegation against an MP of a breach of Parliament's Sexual Misconduct Policy or the Bullying and Harassment Policy, under the Independent Complaints and Grievance Scheme.²
- 1.2 The Panel is guided by the principles of natural justice, fairness for all parties, transparency and proportionality. We understand the seriousness of, and the harm caused by, bullying, harassment and sexual misconduct. We are rigorously independent, impartial and objective, acting without any political input or influence.
- 1.3 This is a report of a decision of the Panel on the conduct of Mr Jared O'Mara, formerly the Member for Sheffield Hallam.
- 1.4 The Reporter, Ms Jennifer Barnes, gave her consent to be identified in this report.
- 1.5 Ms Barnes was employed by Mr O'Mara at his constituency offices for a short period of time in June and July 2019; during part of that period she was directly line managed by him. On 30 July 2019, Ms Barnes raised a formal complaint under Parliament's Sexual Misconduct Policy that she had received inappropriate messages and approaches from Mr O'Mara through various media during her period of employment.
- 1.6 The investigator appointed under Parliament's Independent Complaints and Grievance Scheme found that "the Reporter felt and was subject to escalating behaviours that constitute sexual harassment."

¹ HC Deb, 23 June 2020, [col 1244](#) [Commons Chamber]

² Independent Complaints and Grievance Scheme: <https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/parliaments-behaviour-code/>

1.7 In her decision the Parliamentary Commissioner for Standards concluded that Mr O'Mara's behaviour was in breach of section 5.2 and 5.3 of the Sexual Misconduct Policy. She found that the Responder's behaviour amounted to an abuse of power, and that an aggravating factor in this case was the Responder's failure to cooperate with the investigation. On 16 December 2020, she referred the complaint to the Panel for determination of sanction.

1.8 Mr O'Mara did not appeal the Commissioner's decision.

1.9 On 19 January 2021 I appointed a sub-panel of three members to determine the sanction to be imposed. The members of the sub-panel were:

- Monica Daley (chair)
- Mrs Johanna Higgins
- Dr Matthew Vickers

1.10 The sub-panel met on 24 February. As Mr O'Mara is a former Member the options available to the sub-panel regarding sanction were limited to withdrawal of the right to hold a former Member's pass, limiting access to the Parliamentary estate. The sub-panel concluded that this was a serious sanction:

"A pass to the Parliamentary estate is a privilege and, as such, we consider that removing a former Member's pass should not be applied automatically, just because it is the only sanction which is available. That means that to recommend this sanction we must consider that it is appropriate and proportionate."

1.11 The sub-panel carefully considered all the circumstances of the case and concluded:

"in light of the aggravating features, in particular the lack of remorse or insight and the refusal to engage, that the withdrawal of the Responder's right to a pass is the only appropriate and proportionate sanction that will mark the seriousness of the misconduct, address the harm caused to the Reporter by the Responder's misconduct, and send a signal about the misconduct which declares and upholds standards of behaviour."

- 1.12 On 22 March the sub-panel reported their decision to me as Chair of the Panel. I have written to Mr Speaker requesting that he agree to the sub-panel's recommendation that the right of Mr O'Mara to hold a former Member's pass should be withdrawn.
- 1.13 Mr O'Mara did not appeal this decision.
- 1.14 These allegations have previously been made public through the press and social media channels. However, I am also mindful of the need in this case to limit the potential adverse impacts of additional publicity. I have therefore decided to publish this short report which outlines, but does not set out in full, the decision of the sub-panel. Full details of the sub-panel's reasoning and decision have been provided to the Reporter and the Responder.

Sir Stephen Irwin
19 April 2021