

**Independent
Expert Panel**

The Conduct of Aaron Bell

Presented to the House of Commons
pursuant to House of Commons Standing Order No. 150A

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The Independent Expert Panel

The Independent Expert Panel was established by resolution of the House of Commons on 23 June 2020. The Panel:

- Hears appeals against decisions made by the Parliamentary Commissioner for Standards (the Commissioner), and 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; and
- Hears appeals against decisions by the Committee on Standards in cases involving an allegation against an MP of a breach of the Code of Conduct for Members of Parliament.

Current membership

Mrs Lisa Ball
Monica Daley
Mrs Johanna Higgins
Sir Stephen Irwin (Chair)
Professor Clare McGlynn KC
Miss Dale Simon
Sir Peter Thornton KC
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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Report by the Chair of the Panel

- 1.1 The Independent Expert Panel (the Panel) was established by the House of Commons on 23 June 2020. The Panel hears any appeals from decisions by the Parliamentary Commissioner for Standards (the Commissioner) on complaints against a MP, or former MP, under the Independent Complaints and Grievance Scheme (ICGS); and considers referrals from the Commissioner to determine sanctions where they have upheld a complaint in serious cases. These are cases involving an allegation of a breach of the Bullying and Harassment Policy for UK Parliament, or the Sexual Misconduct Policy for UK Parliament. It also hears appeals against decisions by the Committee on Standards from MPs who have been found to have breached the Code of Conduct for MPs.
- 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 on a referral by the Commissioner dated 29 August 2024 of a complaint under the sexual misconduct policy against Aaron Bell, the former Member of Parliament for Newcastle-under-Lyme, that he had upheld.
- 1.4 The complainant made a complaint to the ICGS helpline on 2 February 2024 that:

On the evening of 18 December 2023, in the Strangers Bar in the Palace of Westminster, [Mr Bell] touched the complainant on her left thigh, waist and bottom inappropriately and without her consent.
- 1.5 The ICGS appointed an independent investigator. Having considered the investigator's report and supporting evidence the Commissioner agreed with the investigator's recommendation and upheld the complaint. He then referred it to the Panel to determine sanction. Mr Bell did not appeal the Commissioner's decision to the Panel.

- 1.6 I appointed the following sub-panel to determine the appropriate sanction:
- Mrs Lisa Ball
 - Professor Clare McGlynn KC (Hon), chair of the sub-panel
 - Sir Peter Thornton KC
- 1.7 The sub-panel considered submissions from both the complainant and respondent as well as the investigator's report, the Commissioner's memorandum, and the evidence that had been collected. It noted the considerable and enduring impact of the incident on the complainant, resulting from the 'shock, humiliation and fear' that the respondent's conduct caused and the apprehension of the potential significant negative consequences on the complainant's professional life from having reported it.
- 1.8 In terms of mitigation the sub-panel identified the respondent's partial acknowledgement of the breach of the policy; his expressions of remorse and regret; that it was a single incident; and the impact of the investigation and the breaches of confidentiality during the process on the respondent and his personal circumstances.
- 1.9 On the other hand, in terms of aggravation, the sub-panel identified that Mr Bell:

[...] abused his position of power over the complainant. Not only was he considerably older, but he was also a Member of Parliament therefore holding a particularly powerful role. In addition, he was an Assistant Government Whip which is not only a [...] role with considerable authority, but also [...] involves upholding the highest standards of conduct.

[...] the complainant [...] felt targeted by the respondent because she was young, female and a junior member of staff who would risk considerable adverse impacts on her career if she made a complaint.

It does not reduce the seriousness of the conduct that it took place in a bar. No matter how the respondent or others may view that environment, it is in the workplace [...]. Any Member of Parliament in that setting remains a person with particular power and authority. Indeed, sexual misconduct such as this, which is both brazen and drunken, makes the conduct more

serious as the level of threat is increased.

- 1.10 The sub-panel concluded that this was ‘a serious case of sexual misconduct involving an abuse of power’ and that had Mr Bell still been a MP it would have considered a suspension for a ‘significant period’. If he had been eligible for a former Member’s pass it would have sought its indefinite removal. In the circumstances ‘this Report will stand as a published reprimand for the respondent’s misconduct’.
- 1.11 I make this Report to the House pursuant to Standing Order No. 150A(5)(d). All other information about this case except as referred to in this report, including the investigator’s report, the Commissioner’s Memorandum, and the identity of the complainant and any witnesses, remains confidential.

Rt Hon Sir Stephen Irwin
29 October 2024

Decision on sanction

Mrs Lisa Ball, Professor Clare McGlynn KC (Hon) (Chair), Sir Peter Thornton KC

Background

- 2.1 This is a decision on sanction for a breach of the Sexual Misconduct Policy by the respondent on 18 December 2023. The respondent was the Member of Parliament for Newcastle-under-Lyme between 12 December 2019 and 30 May 2024, and he was an Assistant Government Whip at the time of the incident. At the time of the incident, the complainant was working in Parliament in a junior role which involved interacting with Members of Parliament.

The complaint and investigation

- 2.2 The complaint was as follows:

'On the evening of 18 December 2023, in the Strangers Bar in the Palace of Westminster, the respondent touched the complainant on her left thigh, waist and bottom inappropriately and without her consent.'

- 2.3 Following the complaint being made through Parliament's Independent Complaints and Grievance Scheme (ICGS), and in accordance with the Scheme, an independent expert investigator was appointed to investigate the complaint. The investigation included interviews with the complainant, respondent and a number of other witnesses including two eyewitnesses to the events in question. It also included a review of WhatsApp messages between the parties and witnesses.
- 2.4 On the night in question, the respondent was in the Strangers Bar with two other colleagues having previously been at other drinks receptions. He met with other colleagues in the bar before joining the two eyewitnesses and the complainant.
- 2.5 The complainant reported that not long after the respondent had joined them, he stroked her thigh a few times, then her waist and then her bottom. These actions were unwanted. In reaction to the unwanted touching, she froze.

- 2.6 The eyewitnesses confirmed that they saw the respondent touching the thigh and the waist of the complainant. One witness was unable to see whether the respondent had also touched the complainant's bottom. The other witness saw the respondent move his hand from the complainant's thigh, 'up to her hip and then to the side of her bottom'.
- 2.7 The complainant, respondent and the two eyewitnesses left the bar very shortly after the incident.
- 2.8 The respondent stated that 'I was clearly drunk' and that therefore he could not 'recall everything about the evening'. He said he remembered touching the complainant's thigh, 'probably her waist', but he denied touching her bottom. His account was that there was mutual flirting, which led to his touching the complainant. But in relation to his suggestion of flirting, he added that: 'probably, to be fair, more from me to her than the other way round'. The complainant denied any mutual flirting or encouragement in any way.
- 2.9 The respondent did not recall that the touching was unwanted. When asked about the requirement for consent to sexual activity (which he had not sought), the respondent replied that: 'Now I've obviously read the detail of [the Sexual Misconduct Policy] about, you know, that you need to get consent at absolutely every opportunity etc etc. But realistically if you are physically flirting with someone in a bar, that's not how it works'.
- 2.10 The investigator rightly noted that it was not open to the respondent to interpret the Policy in this way. The Policy applies to all interactions between members of the Parliamentary community. The complainant also noted that had the respondent stated his sexual interest in her, she would have been able to say no. Instead, she commented that 'he didn't do that [and] he decided to touch me out of nowhere'. She reported feeling 'really uncomfortable' at his 'incredibly brazen' conduct.
- 2.11 The investigator determined that the respondent had breached paragraph 2.3 of the Sexual Misconduct Policy (2022 edition) which defines sexual misconduct as:
- *a range of behaviours including sexual assault, sexual harassment, stalking, voyeurism and any other conduct of a*

sexual nature that is non-consensual or has the purpose or effect of threatening, intimidating, undermining, humiliating or coercing a person [...]

- 2.12 The investigator determined that on the balance of probabilities it was more likely than not that all the conduct complained of took place, namely the touching of the complainant's thigh, waist and bottom, that the conduct was of a sexual nature, that it was unwanted and that it therefore breached the Sexual Misconduct Policy.

The Commissioner's decision

- 2.13 The investigator's report was considered by the Parliamentary Commissioner for Standards (the Commissioner) who decided to uphold the findings of the investigation and determined that the respondent had breached the Sexual Misconduct Policy.
- 2.14 In particular, the Commissioner noted that the complainant's account was 'consistent, detailed, and parts are corroborated by witness evidence, [the respondent's] own account and by contemporaneous messages'. The Commissioner noted that the two eyewitnesses provided 'detailed and compelling' evidence. The respondent's claim that he believed he was engaging in 'mutual flirting' was, the Commissioner noted, contradicted by the complainant's evidence and by that of the two eyewitnesses. Further, the Commissioner stated that the respondent's description of the alleged mutual flirting was 'too general to be persuasive and, in any event, would not justify touching without specific consent'.
- 2.15 The Commissioner determined that the breach of the Policy was not suitable for resolution under his powers. Accordingly, he referred the matter to the Independent Expert Panel (the Panel).
- 2.16 The respondent did not appeal the Commissioner's decision. Therefore, as a sub-panel determining sanction, we are bound by the findings and conclusions of the Commissioner.

Determination of sanction

- 2.17 We must now consider the question of sanction in this case. House of Commons Standing Orders Nos. 150A(3)(a) and 150B(1) state that it is the

function of the Panel to determine the appropriate sanction in ICGS cases referred to it by the Commissioner and that such cases shall be considered by a sub-panel of the Panel.

- 2.18 Sub-panels considering sanction will always bear in mind the Panel's guiding principles, as set out in Part B of its published guidance, and will apply the further principles that:
- a. the sanction should reflect the impact of the conduct on the complainant;
 - b. the sanction should reflect the nature and extent of the misconduct proved; and
 - c. where possible, the approach to sanction should incorporate positive steps aimed at improving the culture and behaviour of Members, staff and the wider Parliamentary community.
- 2.19 The respondent prepared a reflective statement for our consideration before sanction was determined. We also offered him the opportunity, which he accepted, to attend an oral hearing in order to make submissions on sanction. That hearing was held online on 14 October 2024. The complainant also submitted a statement setting out the impact of the respondent's actions on her.
- 2.20 We take into account the impact statement from the complainant, the respondent's reflective statement and his submissions to us at the oral hearing. We have also read carefully the evidence in the case and the Commissioner's Memorandum.
- 2.21 We will now look at the conduct which has been proved, the impact it has had upon the complainant and the aggravating and mitigating factors.

The proved conduct

- 2.22 The respondent has been found responsible for a breach of the Sexual Misconduct Policy, namely that he engaged in sexual conduct by touching the thigh, waist and bottom of the complainant that was of a sexual nature and unwanted.

Impact on the complainant

- 2.23 The complainant has reported that the impact of the events has been considerable and are on-going. She has experienced significant adverse physical effects related to the stress of the event, its aftermath and the investigatory process. These adverse physical impacts are on-going and result from the shock, humiliation and fear that the events have caused. It has also adversely impacted on her personal relationships.
- 2.24 The sexual misconduct has also had, and continues to have, significant negative consequences on the complainant's professional life. There is a continuing apprehension of how colleagues will react to her reporting this incident and the extent to which this may affect her workplace relationships. She also has ongoing concerns of the risk of similar incidents arising. She has lower levels of trust in others with consequences for building relationships with colleagues and politicians.
- 2.25 While this was a single event, the adverse impacts on the complainant are enduring.

Mitigating factors

- 2.26 We note a number of mitigating factors.
- 2.27 The respondent has made a partial acknowledgement of his breach of the Sexual Misconduct Policy, and he has not appealed the decision of the Commissioner.
- 2.28 He has expressed regret and remorse for his actions.
- 2.29 We acknowledge the challenging personal circumstances that have arisen since his conduct has been reported.
- 2.30 This is a report of a single incident.
- 2.31 We note the serious breaches of confidentiality that took place during this process and the adverse impact this has had on the respondent. The Commissioner determined that these breaches did not materially affect the investigation, particularly because they took place after the evidence-gathering phase of the investigation and there is no conclusive evidence about the source of the breach of confidentiality. Further, the Commissioner

also noted that the breaches did not undermine the credibility of the evidence itself that was presented during the investigation. We agree.

Aggravating factors

- 2.32 The most significant aggravating factor is that the respondent abused his position of power over the complainant. Not only was he considerably older, but he was also a Member of Parliament therefore holding a particularly powerful role. In addition, he was an Assistant Government Whip which is not only a senior ministerial role with considerable authority, but also a role that involves upholding the highest standards of conduct.
- 2.33 We can understand the complainant's view that she felt targeted by the respondent because she was young, female and a junior member of staff who would risk considerable adverse impacts on her career if she made a complaint.
- 2.34 It does not reduce the seriousness of the conduct that it took place in a bar. No matter how the respondent or others may view that environment, it is in the workplace and is governed by rules and policies on appropriate behaviour. Any Member of Parliament in that setting remains a person with particular power and authority. Indeed, sexual misconduct such as this, which is both brazen and drunken, makes the conduct more serious as the level of threat is increased.

Sanction

- 2.35 As the respondent is no longer a Member of Parliament, we are limited in the sanctions available to us as a sub-panel.
- 2.36 If the respondent had been a sitting Member of Parliament, we would have considered his suspension from Parliament for a significant period. This is a serious case of sexual misconduct involving an abuse of power.
- 2.37 It is also a form of sexual misconduct that is often not taken seriously by respondents or society more generally. It is commonly described in terms which minimise and trivialise workplace sexual misconduct that may have lasting and significant adverse impacts on complainants.
- 2.38 In addition, its trivialisation contributes to a workplace culture that fails to take such harassment seriously, legitimising a sense of entitlement

amongst some individuals and risks sustaining an intimidating and unwelcoming workplace environment. In this regard, we note that the Sexual Misconduct Policy states that: 'Sexual misconduct is both a cause and a consequence of inequality and power differences'.

2.39 The respondent does not hold a pass to the House of Commons as a former Member (as he served for fewer years than necessary to be entitled to a former Member's pass). Nonetheless, we note that if he had held such a pass, we would have sought its indefinite removal.

2.40 In the circumstances, therefore, we conclude that the contents of this Report will stand as a published reprimand for the respondent's misconduct.