

The Independent Expert Panel

The Conduct of Mr Keith Vaz

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The Independent Expert Panel

The Independent Expert Panel was established by the House of Commons on 23 June 2020; its members were appointed on 25 November 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
Ms Monica Daley
Mrs Johanna Higgins
Rt Hon Sir Stephen Irwin (Chair)
Professor Clare McGlynn QC (Hon)
Miss Dale Simon
Sir Peter Thornton QC
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

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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 2020¹ its members were appointed on 25 November 2020.² 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 (ICGS).³
- 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 sanction made following a referral from the Parliamentary Commissioner for Standards (the Commissioner). The Commissioner found that the Respondent, Mr Keith Vaz, formerly the Member for Leicester East, had acted in breach of Parliament’s bullying and harassment policy.⁴ The Complainant was Jenny McCullough, a former Clerk in the House of Commons Service, who has agreed to be identified in this report.
- 1.4 The Respondent was Chair of the Home Affairs Select Committee from July 2007 to September 2016. The Complainant was the committee’s Second Clerk from April 2007 to October 2008. The Commissioner concluded that between July 2007 and October 2008, the Respondent had on several occasions breached the bullying and harassment policy in his interactions with the Complainant. This was in the context of a fuller course of behaviour, much of

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

² HC Deb, 25 November 2020, [col 887](#) [Commons Chamber]

³ See, UK Parliament, [Conduct in Parliament](#).

⁴ Bullying and Harassment Policy and Procedure, published July 2018, updated October 2019. The complaint was made and assessed under this edition of the Policy.

which the Commissioner concluded amounted to breaches of the Behaviour Code,⁵ albeit falling short of breach of the Bullying and Harassment Policy.

- 1.5 Between the beginning of the investigation in March 2020 and September 2020 the Respondent engaged with the independent external investigator appointed by the ICGS. However, prior to his scheduled interview with the investigator in September 2020, the Commissioner received medical information that the Respondent was not well enough to engage further with the investigation. She concluded, after seeking further medical reports, that she should instruct the investigator to bring their investigation to a conclusion without interviewing the Respondent. All parties were informed of that decision on 8 December 2020.
- 1.6 On 10 May 2021 the Commissioner contacted the Respondent to offer him the opportunity to review and comment on her draft memorandum. His medical adviser responded on 14 May suggesting that the Respondent remained unwell and could not contribute to the process. The medical adviser gave no indication as to when the Respondent would be well enough to review these matters. The Commissioner decided that she should conclude the matter and issued her decision on 26 May 2021.
- 1.7 The Respondent did not appeal the Commissioner's decision.
- 1.8 On 18 June 2021 I appointed a sub-panel of three members to determine the sanction to be imposed. The members of the sub-panel were:
 - Mrs Johanna Higgins
 - Sir Stephen Irwin (Chair)
 - Professor Clare McGlynn QC (Hon)
- 1.9 The Respondent has not communicated with the Panel in any way. There has been significant communication to the Panel from the Respondent's medical adviser, and also from a sister of the Respondent, Penny McConnell. The thrust of these communications was to emphasise that the Respondent was too

⁵ UK Parliament, [Behaviour Code](#)

unwell to take part in the sub-panel's proceedings, and, by inference, that therefore they should be abandoned.

- 1.10 Following a review of publicly available material demonstrating the Respondent's ongoing public media and political activity, the sub-panel concluded that it did not doubt that the Respondent has health problems, but that there was no good basis for concluding those health problems preclude him from engagement with the Panel, if only in writing.
- 1.11 Before proceeding to consider sanction the sub-panel considered whether it was in the public interest to continue. It concluded it was, in particular given the nature and persistence of the misconduct, combined with the impact on the Complainant. Although the sanctions open to the Panel in this case are constrained, they retain a real value in marking what has happened and as a contribution to improving the culture of behaviour in the House of Commons.
- 1.12 The sub-panel found that the Respondent's misconduct represented sustained and unpleasant bullying, with a real and enduring psychological impact; and that it led to the Complainant leaving her career in the House of Commons. It concluded that if he currently held a pass to the House of Commons as a former Member it would have been appropriate to remove it. His eligibility to hold a former Member's pass should never be restored.
- 1.13 It further concluded that:

The Respondent's conduct deserves a clear and formal reprimand, which we now pronounce. The Respondent's conduct to the complainant was hostile, sustained, harmful and unworthy of a Member of Parliament. He should be ashamed of his behaviour.

- 1.14 I make this report to the House to make public this reprimand and the context in which it was given. All other material in the case, including the investigator's report and the Commissioner's decision and memorandum except as referred to in the decision, remains confidential.

Rt Hon Sir Stephen Irwin

23 September 2021

Decision on Sanction

Referral by the Parliamentary Commissioner for Standards dated 26 May 2021

Decision of sub-panel dated 19 August 2021

Sub-panel members: Mrs Johanna Higgins, Rt Hon Sir Stephen Irwin (Chair), Professor Clare McGlynn QC (Hon)

Facts and background

- 2.1 The Respondent was the Member of Parliament for Leicester East from 1987 to 2019. He was the subject of significant complaints to the Parliamentary Commissioner for Standards (the "Commissioner") in relation to other matters, the details of which were set out in a report from the Committee on Standards.¹ As a result of those complaints, on 31 October 2019 he was suspended from the service of the House for a period of six months.² Following the subsequent dissolution of Parliament, he stood down as an MP in November 2019.
- 2.2 During his time in the House of Commons, the Respondent served as Chair of the Home Affairs Select Committee ("the Committee") from July 2007 to September 2016. The Complainant worked with the Committee from April 2007 until October 2008, when she moved to the Table Office. She left the service of the House of Commons in 2011. In October 2019, the Complainant raised complaints of bullying and harassment against the Respondent relating to incidents between the autumn of 2007 and the winter of 2010.
- 2.3 In essence, the Complainant's allegations describe a course of conduct of bullying and harassment across the whole time of her contact with the Respondent. The investigation report summarised her complaint as relating to

¹ House of Commons, Committee on Standards, First Report of Session 2019-20, *Keith Vaz*, HC 93

² HC Deb, 31 October 2019, [col 562](#) [Commons Chamber]

“six broad specific time periods” amounting to bullying and/or harassment. The Complainant provided considerable detail in the course of her complaint and the subsequent investigation. On her account, the effect of the Respondent’s behaviour was to undermine the Complainant and rob her of confidence in her judgment and abilities, so that ultimately she felt compelled to leave her work in the House of Commons in 2011. In her impact statement, provided to the investigator, she outlined the far-reaching and ongoing impact of the Respondent’s behaviour on her professional and personal life as well as on her physical and mental health.

- 2.4 The matter was investigated by an independent external investigator, with an initial assessment on 12 March 2020. As part of her oversight, the Commissioner assured herself that both parties had been reminded of the availability of support for their health and wellbeing through the course of the investigation. The Complainant was interviewed a number of times and gave a full account of events. The investigator wished to interview the Respondent. However, such an interview never took place, although there was a considerable correspondence between the investigator and the Respondent. An interview was scheduled for September 2020. However, medical information was received suggesting that the Respondent was not well enough to participate in the investigation process. This meant that the Commissioner had to consider how to proceed. In her report to the Independent Expert Panel (“IEP”), the Commissioner recorded her decision as follows:

"After seeking further medical reports, and after carefully considering the options, I decided that the investigator should bring her investigation to a close without interviewing Mr Vaz. In making that decision, I was mindful that the investigator had interviewed the complainant, interviewed all the witnesses suggested by the complainant, and received extensive documentary evidence from the complainant. I was also mindful that between the start of the investigation, on 31 March 2020, and September 2020, Mr Vaz had been actively engaging with the investigator but had not suggested any alternative witnesses, submitted any documentary evidence, or provided a written rebuttal. I considered that as Mr Vaz’s medical reports did not suggest when he might become well enough to participate in the investigation, it would be unfair to the complainant to delay the investigation

indefinitely and that as there was no further known evidence to be considered the investigator should bring their work to a close.”

- 2.5 All parties were informed of that decision on 8 December 2020. The investigator’s final report was submitted on 22 March 2021. On 10 May 2021 the Commissioner contacted Mr Vaz, asking him if he was well enough to review and comment on the draft memorandum, the investigator’s report and the evidence. The Respondent’s medical adviser replied on 14 May 2021 suggesting that the Respondent remained unwell and could not contribute to the process. The medical adviser gave no indication as to when the Respondent would be well enough to review these matters. The Commissioner decided that she should conclude the matter.
- 2.6 To protect the confidentiality of the Respondent as to his health problems, we will refer to his consistent medical adviser simply as Dr B. We note that normally the identity of a medical (or any other) expert should be made public.
- 2.7 The investigator recommended that the Respondent was in breach of the Bullying and Harassment Policy in relation to four of the six allegations made.³ In considering the recommendations, the Commissioner disagreed with some of the conclusions drawn. Since the Respondent did not appeal against the decision of the Commissioner, it is not necessary to tease out the detail of this. In essence, the Commissioner reviewed the evidence submitted with a critical eye, making explicit allowance for the passage of time between the events and the complaint, particularly in relation to the evidence given from memory by witnesses. As she herself stated, she:

“also attached significant weight to the contemporaneous records made by the complainant at the time which detail Mr Vaz’s conduct. These records tally with the complainant’s account provided to the investigator and do not raise any concerns that the complainant has embellished, or added details, to the account provided to the investigator.”

- 2.8 The Commissioner states explicitly that she bore in mind throughout that she did not have any direct evidence from Mr Vaz, that she considered how the

³ Bullying and Harassment Policy and Procedure, published July 2018, updated October 2019. The complaint was made and assessed under this edition of the Policy

absence of that evidence might affect the interpretation of events and that she “also considered whether there might be any mitigation [or] alternative explanations for Mr Vaz’s conduct.”

- 2.9 In her conclusions, we consider the Commissioner took a rigorous approach, distinguishing behaviour which she could properly conclude was serious enough to represent a breach of the Bullying and Harassment Policy, as opposed to conduct, however unkind or unpleasant, which fell short of such breach. She examined the behaviour step-by-step, episode by episode, to identify specific points where she was satisfied on the balance of probabilities that breaches were established.
- 2.10 We note that the particular episodes identified as breaches of the Bullying and Harassment Policy were set in the context of a fuller course of behaviour, much of which the Commissioner concluded amounted to breaches of the Behaviour Code. These can be summarised as involving inappropriate anger; inappropriately loud and aggressive speech to the Complainant, sometimes using foul language; demeaning references to the Complainant in front of others; inappropriate instructions (such as requiring her to perform like a “tour guide” in front of the visiting party in a bus in Washington); overly demanding behaviour, such as requiring the Complainant to attend breakfast with the Respondent whilst away on trips and requiring the Complainant to take photographs of landmarks for the private use of the Respondent.
- 2.11 The matters found to be in breach of the Policy can be summarised very shortly.
- 2.12 The Complainant accompanied the Respondent on a trip to Washington in October 2007. The Complainant is from Northern Ireland. As part of conversation with another Member during this trip, the Respondent assumed that the Complainant was a Catholic, disparaged her in front of the other Member, and remarked that that Member would have “locked up” the Complainant. The Commissioner states that “the complainant reports feeling compelled to set the record straight and confirm [her] mixed religious background.” The Commissioner concluded that this breached the Bullying and

Harassment Policy since it was mockery or inappropriate joking based on “race, religion or belief”. It was also verbal conduct in breach of paragraph 2.3 of the Policy.

- 2.13 The Complainant accompanied the Respondent on a trip to Russia in 2008. Despite being told by senior officials that he should not do so, the Respondent took a member of his own staff with him on this trip. The Respondent told the Complainant he had done so because the Complainant was not competent. Given the contemporaneous material about the quality of the Complainant’s service, the Commissioner found no basis for this suggestion, and concluded that it proceeded from personal hostility on the part of the Respondent. She concluded that it represented “inappropriate comment about someone’s performance” in breach of paragraph 2.11 of the Bullying and Harassment Policy.
- 2.14 In a separate finding, the Commissioner accepted that the Respondent had threatened to take pictures of the Complainant drinking alcohol on the Russian trip and to show them to her manager. There was documentary evidence that he did take such photographs. The implication of the threat was that she was liable to drink to excess so as to affect her performance. There was no substance to this. Here too the Commissioner concluded that this was a “psychological threat” having the effect of making the Complainant “feel vulnerable, upset, undermined, humiliated, denigrated or threatened”. This too was a breach of paragraph 2.11.
- 2.15 The Commissioner also found that, in the course of this trip, the Respondent pressed the Complainant to disclose her age, this also in a context which meant the request formed part of an unjustified disparagement of her performance.
- 2.16 In a further episode on the same trip, the Respondent accused the Complainant of not knowing how effectively to support the Committee because she “wasn’t a mother”. This was an inappropriate comment bearing on the performance of the Complainant in breach of paragraph 2.11.
- 2.17 Following the Russia trip, there was an episode where the Respondent became inappropriately extremely angry with the Complainant, after she had advised

him to avoid criticism of a judicial decision during a Committee session. He accused her of “not living in the real world” and not understanding how Members and the House worked. This was a breach of paragraph 2.11.

- 2.18 Following her change of role and her move away from the Home Affairs Committee, the Respondent engaged in a further conversation with the Complainant. He told her that, in relation to a meeting he had had with some prostitutes, they “had reminded him of” the Complainant. The Commissioner concluded that this episode too, constituted verbal abuse which could fairly be described as “offensive, intimidating, malicious or insulting behaviour” in breach of paragraph 2.11.
- 2.19 We consider that it will be helpful to quote the consideration of aggravating and mitigating factors which led the Commissioner to refer the Respondent to the IEP for sanction:

"Aggravating factors

"All these incidents and behaviours involve a significant power disparity and a misuse of that power. Mr Vaz was the Chairman of a Select Committee to which the complainant was the second Clerk. Mr Vaz's opinion would likely have carried great weight with the complainant's senior colleagues, and other Members of the Committee, and his unfounded criticisms of the complainant's competence could have had career changing or ending consequences for the complaint. Indeed, the evidence presented above confirms that the complainant did decide to change how they performed the role of second Clerk (by ending their attendance at team meetings) and also confirms that Mr Vaz's conduct led to the complainant leaving the role of second Clerk.

"Mr Vaz's conduct continued over an extended period and did not stop despite being told by at least one senior Clerk that his conduct on the Washington trip had been upsetting to the complainant.

"In addition to finding that Mr Vaz has breached the Bullying and Harassment Policy on several occasions, I have also found that his behaviour included several further breaches of Parliament's Behaviour Code. I consider this to be illustrative of both an overall lack of respect for the ethical and professional standards expected in Parliament and a lack of respect for the complainant.

"The complainant reports that Mr Vaz's conduct had a lasting and significant impact on the complainant's wellbeing, career, and happiness.

"Mitigating factors

"As Mr Vaz did not contribute to the investigation process, I am not aware of any mitigating factors for his conduct.

"I accept that Mr Vaz is currently unwell, but I do not have any evidence about his health, or state of mind, at the time of the incidents reported in this memorandum. As far as I know, Mr Vaz's health was therefore not a factor at the time of the incidents, and I cannot safely consider it as mitigation."

- 2.20 The Commissioner decided that, due to the aggravating factors which she found to be present, the conduct was so serious that she could not conclude the matter under the aegis of Standing Order Number 150. That was because the Respondent had "pursued a sustained course of bullying and harassing the complainant ... [and] this conduct had a significant impact on the Complainant's future well-being, career, and happiness." Hence, on 26 May 2021, the Commissioner referred the matter to the IEP for consideration of sanction.

The Respondent's engagement with the IEP

- 2.21 We have already noted that the Respondent has not sought to appeal the conclusions of the Commissioner. The Respondent himself has not communicated with the IEP in any way.
- 2.22 There has been significant communication to the IEP from the Respondent's medical adviser Dr B, and also from a sister of the Respondent, Penny McConnell, who is legally qualified. The thrust of these communications is to emphasise that the Respondent is too unwell to take part in the continuing proceedings. It is a fair reading of these communications to infer that the medical adviser and the Respondent's sister would suggest that the proceedings should be abandoned.
- 2.23 It became clear during these exchanges that there was no reasonable prospect of the Respondent engaging with the referral for sanction, even in writing.

- 2.24 We became concerned as to whether the picture presented of the Respondent's ill-health, and the suggested impact on his capacity to engage with the referral, if only in writing, was being overstated. Accordingly, we asked for an internet search to be conducted of publicly available material bearing on the Respondent's public activity over the period from the beginning of the complaint. The search demonstrated that, in addition to some limited continuing party political activity, the Respondent has been regularly presenting a radio programme from early 2020 until at least July 2021; he has been the author of a continuing series of newspaper columns in the newspaper *Asian Voice*, until at least July 2021; he has been engaged in a range of other media related and broadcasting activities until at least late May 2021; and he has been quoted in a range of publications, issuing comments or statements on political or politically related matters, until at least late June 2021.
- 2.25 We caused the activity report to be sent to the Respondent, and to Dr B who had been sending letters and reports about him. This elicited no response from the Respondent. There was a letter sent by the Respondent's sister commenting on various matters. Moreover, there was a response from Dr B dated 21 July 2021. This addressed the report in some detail, discounting the degree of activity and any implications as to the Respondent's ill-health. We can give no further detail without compromising the Respondent's confidentiality. We can say that it is our firm conclusion that Dr B has gone far beyond the proper role of an independent expert and that much of his letter is an exercise in advocacy.
- 2.26 We do not doubt that the Respondent has health problems, but we do conclude, on all the material available to us, that there is no good basis for concluding those health problems preclude him from engagement with the referral for sanction, if only in writing.

Public interest considerations

- 2.27 Before proceeding to consider sanction, we concluded that a principled decision should be taken as to whether it was right, in the public interest, to continue.

- 2.28 A number of considerations are potentially relevant to such a decision in this case: fairness and natural justice, proportionality, the aim of improving culture and behaviour within the House of Commons, the nature and extent of the misconduct established, the impact of the Respondent's conduct on the Complainant, the potential for any ongoing or future risk from similar behaviour in the future, the sanctions available to the Panel in the particular case, the need to reach as timely as possible a conclusion, the extent to which the Respondent has the capacity to engage with the sanctions process, any failure by a party (in this instance the Respondent) to engage in the process, and the health or infirmity of the Respondent.
- 2.29 Here we found that there was significant misconduct, which had had a real impact on the Complainant. That favoured continuation. As indicated above, we concluded that the Respondent had not shown he was incapable of engaging with the sanctions process, albeit perhaps only in writing. Even accepting that the Respondent has health problems, we did conclude that he had failed to engage with the process, both before the Commissioner and in relation to the IEP, to the extent he could and should have done. Those factors also favoured continuation. We were moreover convinced that the Respondent would not in fact engage, and so no further delay would serve a useful purpose. Because of the problems with engagement, this matter has already taken longer than desirable. Achieving a reasonably timely outcome was also consistent with continuation.
- 2.30 There are factors which we recognised favoured a decision not to proceed further. The Respondent is no longer a Member of the House of Commons, nor is there any immediate prospect that he will seek to return to the House. He has already been severely sanctioned in respect of other matters, and he has already had his eligibility to be granted a former Member's pass to the Palace of Westminster removed.⁴ These factors must significantly reduce any ongoing or future risk to those within the House of Commons. We also bore in mind

⁴ Resolution of the House endorsing the recommendation of the Committee on Standards, First Report of Session 2019-20, [Keith Vaz](#), HC 93, paras 99-101; HC Deb, 31 October 2019, [col 562](#) [Commons Chamber]

that the sanctions available to the IEP in respect of a former Member are limited to withdrawal of the pass and reprimand.

- 2.31 We considered whether there was any unfairness in proceeding. For reasons which will now be obvious, we concluded there was not. The Respondent has been given every opportunity to take part but has not done so, when he could have done so, at least to the extent indicated. There has been no indication that he has any material challenge to the conclusions of the Commissioner.
- 2.32 We have concluded that it is right to proceed to sanction. The balance of considerations favours that outcome. In particular, the nature and persistence of the misconduct, combined with the impact on the Complainant, strongly favour proceeding. Although the sanctions open to the IEP in this case are constrained, they retain a real value in marking what has happened and as a contribution to improving the culture of behaviour in the House of Commons.

Sanction

- 2.33 We consider that this misconduct represented sustained and unpleasant bullying, with a real and enduring psychological impact. It was hostile and harmful behaviour. This behaviour exemplifies the kind of conduct identified by Dame Laura Cox in her report of October 2018 which she described as resulting in "the stifling of potential, the blighting of careers and the loss of talented and dedicated employees, many of them women."⁵ We accept that it led to the Complainant leaving her career in the House of Commons.
- 2.34 There can be no justification for such conduct. As the IEP said in the case of Daniel Kawczynski MP:

"We fully grasp that the life of an MP can be highly pressurised, and we accept that the circumstances which arose ... were difficult. But they were difficult for everyone, as common sense would have told the Respondent. While the particular characteristics of an MP's life are unique, the level of pressure upon them is not. Many public servants bear comparable levels of

⁵ Dame Laura Cox DBE, [The Bullying and Harassment of House of Commons Staff: Independent Inquiry Report](#), 15 October 2018, para 31

pressure, whether in the military, the emergency services, the senior civil service or the judiciary, and in this instance, as staff in the House of Commons. The responsibilities and stresses of being an MP do not justify a loss of courtesy, an exaggerated sense of importance or entitlement, or bullying.”⁶

- 2.35 Had the Respondent held a pass to the House of Commons as a former Member, we would have determined that it was appropriate to remove that pass. As things are, we determine that eligibility to hold a former Member’s pass should never be restored.
- 2.36 The Respondent’s conduct deserves a clear and formal reprimand, which we now pronounce. The Respondent’s conduct to the complainant was hostile, sustained, harmful and unworthy of a Member of Parliament. He should be ashamed of his behaviour.

⁶ The Independent Expert Panel, [The Conduct of Mr Daniel Kawczynski MP](#), HC 326, para 3.31