

Independent Expert Panel

The Conduct of Mr Christian Matheson MP

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

Ordered by the House of Commons to be printed 21 October 2022

HC 823
Published on 21 October 2022
by authority of the House of Commons



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), 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
Ms Monica Daley
Mrs Johanna Higgins
Rt Hon Sir Stephen Irwin (Chair)
Professor Clare McGlynn KC (Hon)
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 she has 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.¹
- 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 the decisions of the Panel on the determination of the appropriate sanction, and an appeal against that decision on sanction, following a referral from the Parliamentary Commissioner for Standards of a complaint under the Sexual Misconduct Policy that she had upheld against Christian Matheson MP, the Member for the City of Chester.
- 1.4 The complainant was a junior member of Mr Matheson's staff. The Commissioner, agreeing with the recommendation of the independent investigator appointed by the ICGS, upheld two allegations as breaches of the Sexual Misconduct Policy namely:
 - That in 2019 the respondent had invited the complainant to take a private trip to Gibraltar with him. The Commissioner found that the invitation was sexually motivated, unwanted, and had placed the complainant under pressure and intimidated her; and
 - That in January 2020 the respondent took the complainant to a work-

¹ See, UK Parliament, *Independent Complaints and Grievance Scheme*, for more detail on the ICGS and copies of the relevant policies.

related dinner, and during the evening; linked arms with her; made personal comments about her appearance while looking at her suggestively; made her hold his hand as they left and insisted on accompanying her to her bus stop; and once there invited her back to his flat, kissed her twice on the forehead and attempted to kiss her on the mouth. The Commissioner concluded that these were all unwanted and unwelcome sexual advances.

- 1.5 The Commissioner also concluded that several further incidents complained of by the complainant were breaches of the Behaviour Code, but, as she was not satisfied that they constituted “conduct of a sexual nature”, that they were not breaches of the Sexual Misconduct Policy.
- 1.6 The Commissioner referred the complaint to the Panel to determine sanction in a memorandum dated 13 July 2022. The respondent did not appeal the Commissioner’s decision to uphold the complaint.
- 1.7 I appointed the following sub-panel to determine the appropriate sanction:
- Ms Monica Daley
 - Mrs Johanna Higgins
 - Sir Peter Thornton KC, chair
- 1.8 The sub-panel’s decision on sanction dated 31 August 2022 is set out in section 2 of this report. Before the sub-panel Mr Matheson admitted he had breached the Sexual Misconduct Policy. But he maintained that his actions had not been sexually motivated and contested several of the Commissioner’s findings of fact. As Mr Matheson did not appeal the Commissioner’s decision the sub-panel was bound by her findings and conclusions in determining the sanction. Nevertheless, it found that those findings were “in any event [...] clear and reasonable”.
- 1.9 The sub-panel concluded, based on the conduct the Commissioner found to have been proved, that:

There is no doubt that [Mr Matheson] was seeking to initiate a sexual relationship with the complainant, his junior employee. This wished-for

relationship was unwanted and unwelcome throughout. The evidence confirms that his actions were entirely non-consensual, as well as threatening, intimidating, undermining and humiliating for the complainant.

- 1.10 The sub-panel agreed with the Commissioner that “the clear imbalance of power” between Mr Matheson and the complainant; her vulnerability as she was reliant on Mr Matheson for her career; and the impact on her, including feeling she had to leave her job, were all serious aggravating factors. The sub-panel further concluded that Mr Matheson has abused his position of trust as an employer, including his responsibility for the complainant’s welfare. It also found that his:

[...] continuing failure to acknowledge the full extent of his misconduct is an aggravating factor. It is insulting to the complainant. So too is his evidently false claim that he was acting only in a ‘fatherly’ or ‘friendly’ way towards her. In his excuses and denials, which he continues to persist in, he has sought to sow self-doubt and confusion in the mind of the complainant about his behaviour. That is quite unwarranted.

- 1.11 Mitigating factors identified by the sub-panel included that Mr Matheson had expressed remorse for the actions he had admitted, and their impact; stated that he had subsequently gained insight on the inappropriateness of his management style and made changes as a result; the impact of the complaint on Mr Matheson’s health, and family circumstances; and that there was no evidence before or since the incidents complained of other sexual misconduct that would fall within the remit of the ICGS.

- 1.12 The sub-panel concluded that these mitigating factors were “significantly outweighed” by the aggravating factors. It recommended that Mr Matheson be suspended from the service of the House for four weeks, not including periods when the House is expected to be adjourned for more than four days. This reflected its view that:

[...] the sexual misconduct found proved in this case amounts to a serious breach of the Behaviour Code. It has significantly impacted the wellbeing of the complainant and has the propensity to undermine the legitimacy and authority of the House of Commons.

1.13 Mr Matheson appealed the sub-panel's decision on 13 September, on the grounds that it was unreasonable; fresh evidence had become available that could not have been presented to the original sub-panel; and that there were other compelling reasons for the appeal to be allowed.

1.14 I appointed the following sub-panel to consider the appeal:

- Mrs Lisa Ball
- Miss Dale Simon, chair
- Dr Matthew Vickers

1.15 In their decision of 14 October, section 3 of this report, the appeal sub-panel concluded that none of the grounds of appeal advanced by Mr Matheson had substance. It therefore upheld the determination of the original sub-panel. Anyone wishing to understand that aspect of this case must read in full the reasons given in paragraphs 3.2 to 3.14 below.

1.16 I make this report to the House pursuant to Standing Order No. 150A(5)(d) as the sub-panel has determined a sanction only the House can impose. 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.

Sir Stephen Irwin
21 October 2022

Decision on Sanction

Referral by the Parliamentary Commissioner for Standards dated 13 July 2022

Decision of the sub-panel dated 31 August 2022

Sub-panel members: Ms Monica Daley, Ms Johanna Higgins, Sir Peter Thornton KC (chair)

Introduction

- 2.1 On 21 May 2021 the complainant, a young woman and junior member of the respondent MP's Parliamentary team, made a complaint under the House of Commons Independent Complaints Grievance Scheme (ICGS). She alleged that the respondent had behaved inappropriately towards her on a number of occasions, each involving sexual misconduct.
- 2.2 The conduct complained of included the following: inappropriate sexual remarks about other women; invading the complainant's personal space and unwanted touching at work social events; inappropriate and unwanted hugs; a sexually motivated invitation to take a secret trip to Gibraltar; and sexually motivated incidents at and after a formal work social dinner, with personal comments about her looks, linking arms, holding her hand, holding her by the arms, inviting her to come back to his flat, two kisses on the forehead and an attempted kiss on the mouth, all of which were unwanted and unwelcome.
- 2.3 The respondent denied the more serious allegations. He accepted that he had been in breach of the Sexual Misconduct Policy after the formal dinner because he kissed her on the forehead. He also accepted that he had blurred the boundaries between employer and employee and been too 'fatherly' and 'friendly'. But he denied that he was 'sexually motivated' at any time.
- 2.4 The complaint was investigated under the ICGS and on 13 July 2022 the Parliamentary Commissioner for Standards (the Commissioner) found certain allegations of sexual misconduct proved. The Commissioner found that all conduct complained of (except the invasion of personal space) was proved and involved breaches of the Behaviour Code. She also found that the Gibraltar invitation and the incidents at and after the formal Aerospace

dinner were proved and involved breaches of the Sexual Misconduct Policy for UK Parliament.

The Commissioner's findings

- 2.5 The Commissioner's findings and conclusions are set out in her Memorandum of 13 July 2022. The two incidents of sexual misconduct were as follows:
- 2.6 (1) The Gibraltar trip. - In December 2019 the respondent invited the complainant on a trip to Gibraltar. The complainant had previously been on a parliamentary delegation to a different country. However, the respondent said that the trip to Gibraltar was not a parliamentary delegation trip but a private trip which he asked her to keep secret, even from her close family. The trip did not take place. The Commissioner concluded that the complainant's perception of the trip as being sexually motivated was reasonably held. The respondent's evidence, including his explanation as to why she should keep the trip secret (which he admitted), was held not to be credible.
- 2.7 The Commissioner concluded that the invitation was sexual misconduct which was both non-consensual and had placed the complainant under pressure and intimidated her. She found a breach of the Sexual Misconduct Policy.
- 2.8 (2) The Aerospace dinner. - On 22 January 2020 the respondent took the complainant as his guest to a formal work-related dinner at the Grosvenor Hotel in London. The Commissioner found the following conduct, being sexual misconduct, proved:
- a) The respondent linked arms with the complainant going into the dinner and on leaving it.
 - b) He made (positive) personal comments about her appearance on the way into the dinner, while looking at her suggestively.
 - c) He insisted on accompanying her afterwards to the bus stop, even though she told him that he did not need to and encouraged him to stay at the event.
 - d) He aggressively made her hold his hand as they left.

- e) At the bus stop (which was in a quiet and dark place), where the complainant tried to keep apart from the respondent, he invited her back to his flat (which was in the opposite direction to where she wanted to go).
 - f) At the bus stop, he held her in place by her arms and kissed her twice on the forehead. She described the first kiss as lasting 'a really long lingering time'. She pulled away but had to wipe away his saliva from her forehead. He pulled her to him again for the second kiss, and she pulled away again.
 - g) At the bus stop, he attempted to kiss her on the mouth, but she jerked away from him.
- 2.9 According to the complainant, these were all unwanted and unwelcome sexual advances, which she did her best in difficult circumstances to resist. The respondent had been drinking heavily, he was persistent in his pursuit of her (he had earlier rebuked her publicly and aggressively at the dinner table for texting), whereas she just wanted to get away from him, get on the bus and go home. A witness at the dinner had warned him that he was being over-familiar with her and making an idiot of himself. Later that night he sent her a text saying 'Don't be angry with me'.
- 2.10 The respondent claimed that he had not invited her back to his flat or tried to kiss her on the mouth. Everything else, such as he could remember, he was minded to admit. He has claimed throughout that he was only taking care of the complainant, protecting her because there had been a protest against the arms trade outside the hotel before the dinner. His concern for her welfare had been nothing more than 'fatherly', as if to a daughter. (The respondent, in his 50s, is a married man with children.) He denied any sexual motivation.
- 2.11 The Commissioner considered the differing accounts given by the complainant and the respondent. The Commissioner preferred the complainant's evidence and rejected the respondent's account of events as not being credible. She found the complaint proved. The respondent's behaviour was found objectively to be conduct of a sexual nature. It was unwanted and unwelcome.
- 2.12 The Commissioner found that the complainant did not consent to any of his sexual conduct and it had an intimidating effect upon her. The

Commissioner therefore found a breach of the Sexual Misconduct Policy.

- 2.13 Sexual misconduct is defined in the Sexual Misconduct Policy (Edition 2021). The essence of the definition is set out at paragraph 2.3:

Sexual misconduct describes 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.

- 2.14 Applying the test correctly, the Commissioner concluded, on a balance of probabilities, that sexual misconduct (as defined in the Policy) had been proved, both in relation to the proposed Gibraltar trip and the Aerospace dinner.
- 2.15 As a result of her findings and conclusions, on 13 July 2022 the Commissioner referred the case to the Independent Expert Panel (the Panel) for consideration of sanction.

No appeal

- 2.16 The respondent did not appeal the findings or conclusions of the Commissioner. The consequence is that, as a sub-panel considering sanction, we are bound by the findings and conclusions of the Commissioner, which in any event we find clear and reasonable.

The role of the Panel and sub-panel

- 2.17 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 Part D of the Panel's *Appeals, referrals and sanctions: Guidance for the parties*, (October 2021), sets out guidance on *Referrals and determination of sanction*.¹

¹The Independent Expert Panel, *Appeals, referrals and sanctions: Guidance for the parties*, version 2, October 2021.

- 2.19 Sub-panels considering sanction will always bear in mind the Panel's guiding principles, as set out in Part A of its published guidance (above), and will apply the further principles that:
- (1) the sanction should reflect the impact of the conduct on the complainant;
 - (2) the sanction should reflect the nature and extent of the misconduct proved; and
 - (3) 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. (paragraph 52)

Determination of sanction

- 2.20 We must now consider the question of sanction in this case.
- 2.21 We asked the respondent to prepare a reflective statement for our consideration before sanction was determined. He provided one. 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 24 August 2022. We also invited the complainant to submit a statement setting out the impact of the respondent's actions on her, which she did prior to the oral hearing.
- 2.22 We take into account the impact statement from the complainant, the respondent's written statement in response, his reflective statement and his submissions to us at the oral hearing. We have also read the extensive evidence in the case and the Commissioner's Memorandum.
- 2.23 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. But before we go further, we feel it is important to report at this stage, that the respondent continues to deny that he was ever sexually motivated. In his reflective statement, he seeks to 'challenge some of the findings of the Commissioner'. In particular, he denies that he had any sexual motivation in suggesting the Gibraltar trip. He did nothing wrong at all in relation to the trip, he claims. And he denies that he had any sexual motivation in the events after the Aerospace dinner.

- 2.24 This causes us some difficulty. Since the respondent did not appeal the Commissioner's findings and conclusions, we are bound by them. So too is the respondent. He cannot now claim that the Commissioner got it all wrong in finding that he was sexually motivated. That is a clear finding that stands. At the oral hearing, we pointed out that paragraph 46 of the guidance for the parties states in clear terms that:

Your reflective statement is not an opportunity to re-open the Commissioner's decision.

Undeterred, the respondent proceeded on the basis that he had not been sexually motivated. In view of the Commissioner's findings we are unable to accept that. This means that the respondent remains in denial as to what he did and its true impact. This is not a point in his favour.

- 2.25 Furthermore, his denials make a nonsense of his 'reflection' upon his conduct. In his reflective statement he does not reflect upon what has been proved. He reflects only upon what he claims happened, which is considerably less. That, in our view, is not true reflection. His remorse, such as it is, and his apology to the complainant, such as it is, are limited to his assertion of the facts, not those found against him.
- 2.26 It is of note, for example, that, in his oral submissions to us, the respondent said that people may understand what happened about the proposed Gibraltar trip when he explains what happened. In other words, there is, and is likely to continue to be, a deliberate and continuing denial of the truth. We must therefore approach the question of sanction with this in mind.

The proved conduct

- 2.27 First, we must consider the nature of the conduct proved. We have already set out the findings and conclusions of the Commissioner (above). In our view this amounts to serious sexual misconduct. There is no doubt that the respondent was seeking to initiate a sexual relationship with the complainant, his junior employee. This wished-for relationship was unwanted and unwelcome throughout. The evidence confirms that his actions were entirely non-consensual, as well as threatening, intimidating, undermining and humiliating for the complainant.

The impact upon the complainant

2.28 Secondly, the impact upon the complainant has been considerable. We do not repeat the details provided by the complainant in her evidence and her impact statement. But it is clear that these events have had a profoundly painful impact upon her (and her family), causing her serious harm and affecting her health and wellbeing. She felt that she was belittled and humiliated by his conduct, exploited by his use of the power dynamic between them, and in the end preyed upon.

Aggravating factors

2.29 The Commissioner considered the following to be aggravating factors. We set them out in full.

- a) *The clear imbalance of power, as [the complainant] was not only [sic] an inexperienced junior member of staff, who looked up to [the respondent] as her MP, employer and her mentor.*
- b) *[The complainant] was in a vulnerable position because she was dependent upon [the respondent], not only for her career but also economically and socially.*
- c) *The impact on [the complainant], who said that she felt she had no choice but to leave her job because of [the respondent's] conduct.*

2.30 These are serious aggravating factors. We would add that the respondent abused his position of trust as an employer of a member of staff (potentially vulnerable because of her young age and inexperience, this being her first job), and as such responsible for her welfare in the workplace and at work-related events. There was also a substantial age difference between them. She had trusted and respected him as her first employer and as a family friend. That trust was shattered by these events.

2.31 We also find that his continuing failure to acknowledge the full extent of his misconduct is an aggravating factor. It is insulting to the complainant. So too is his evidently false claim that he was acting only in a 'fatherly' or 'friendly' way towards her. In his excuses and denials, which he continues to persist in, he has sought to sow self-doubt and confusion in the mind of the complainant about his behaviour. That is quite unwarranted.

Mitigating factors

- 2.32 The respondent has expressed some remorse for what he has done and its impact upon the complainant. But that remorse is half-hearted, because it extends only to the conduct he admits, which is limited. We are not persuaded that he has genuine insight into the impact his conduct has had upon the complainant. Or if he does, he is deliberately keeping it hidden, in order to maintain his incorrect version of the facts.
- 2.33 We accept that there is no evidence of any other sexual misconduct that falls within the remit of the Sexual Misconduct Policy, either before or since.
- 2.34 He quickly went on the Valuing Everyone training programme which he says gave him some insight and showed how he had behaved inappropriately. He says he has changed his management style in relation to dealing with staff. He recognises, at least, that boundaries were blurred between his working, professional life and his personal life.
- 2.35 The fact of this complaint has undoubtedly impacted on his health (of which we have seen professional evidence). There are also consequential family and personal circumstances.
- 2.36 We take all of this into account.

Sanction decision

- 2.37 This case involves a serious breach of the Sexual Misconduct Policy, with several aggravating factors. The impact of the misconduct has been significant. While the respondent has taken some positive steps aimed at improving his behaviour, he has demonstrated limited insight into the nature and extent of his misconduct.
- 2.38 Although we conclude that there are some mitigating factors in this case, they are significantly outweighed by the aggravating factors. We therefore agree with the Commissioner's assessment that her powers of sanction under Standing Order No. 150 were insufficient in all the circumstances of this case, and conclude that a period of suspension is appropriate to reflect the nature and extent of the misconduct proved and the impact of it on the complainant.

2.39 In reaching our decision on sanction we also have regard to the Sexual Misconduct Policy which states that sexual misconduct is unacceptable in all circumstances (paragraph 1.5); and that all behaviour that constitutes sexual misconduct is a breach of the Behaviour Code (paragraph 2.2). The Behaviour Code states that ‘Unacceptable behaviour will be dealt with seriously, independently and with effective sanctions.’

2.40 In the context of this case, we also note that the Sexual Misconduct Policy states (at paragraph 1.5):

Sexual misconduct can happen to anyone and can be carried out by anyone, but the research is clear that it is disproportionately carried out by men against women. Sexual misconduct is both a cause and a consequence of inequality and power differences. Abuse of power will be a relevant consideration in deciding the seriousness of misconduct.

2.41 We are also mindful of the words of Dame Laura Cox DBE in her independent inquiry report, *The Bullying and Harassment of House of Commons Staff*, which led to the establishment of the Panel, that unacceptable behaviour by some ‘inflicts damage on everyone and undermines the legitimacy and authority of the House of Commons. Parliament is diminished.’¹

Conclusion

2.42 We recommend that the respondent is suspended from the service of the House for four weeks. The period of suspension should not run over a period when the House is expected to be adjourned for more than four days.

2.43 This sanction reflects our view that the sexual misconduct found proved in this case amounts to a serious breach of the Behaviour Code. It has significantly impacted the wellbeing of the complainant and has the propensity to undermine the legitimacy and authority of the House of Commons.

¹ Dame Laura Cox DBE, *The Bullying and Harassment of House of Commons Staff: Independent Inquiry Report*, 15 October 2018, p4.

Decision on the appeal on sanction

Referral by the Parliamentary Commissioner for Standards dated 13 July 2022, and sub-panel decision on sanction dated 31 August 2022

Decision of the appeal sub-panel dated 14 October 2022

Sub-panel members: Mrs Lisa Ball, Miss Dale Simon (chair), Dr Matthew Vickers

The decision under challenge

- 3.1 The decision of the sub-panel below, which is subject to challenge by the respondent has been set out in full elsewhere [section 2 of this report], therefore it is not necessary to replicate it here. The original sub-panel concluded that the facts found proved by the Commissioner amounted to serious sexual misconduct; and that the evidence confirmed that the respondent's actions were entirely non-consensual, as well as threatening, intimidating, undermining, and humiliating for the complainant. They identified a number of aggravating and mitigating factors in the case and determined that the appropriate sanction was for the respondent to be suspended from the service of the House for a period of four weeks.

Grounds of appeal against sanction

- 3.2 On the 13 September 2022, the respondent lodged an appeal document. The grounds of appeal can be summarised as follows:

Ground (1) The decision of the sub-panel on sanction was unreasonable or disproportionate, because:

- a. The sanction is out of kilter with recent cases
- b. The sub-panel wrongly interpreted the facts in places
- c. Insufficient weight was given to the mitigation
- d. The respondent has already suffered harsh and disproportionate punishment.

Ground (2) That credible fresh evidence has become available, which could not reasonably have been presented before the sub-panel made its decision, and which, if accepted, has a real prospect of affecting the outcome.

Ground (3) Exceptional circumstances - the respondent submitted that particular aspects of his personal mitigation amounted to exceptional circumstances.

Procedure

- 3.3 As set out in paragraphs 78 to 80 of the Panel's guidance to the parties, appeals against a decision on sanction are a two-stage process.¹ First, the appeal sub-panel considers whether the issues raised in the appeal fall within one or more of the grounds set out in paragraph 74 of the guidance, and "if there is any substance to the grounds" that have been raised. If it finds that substantive grounds have been raised the sub-panel will only then consider the merits of the appeal in the second stage, normally following an oral hearing with the respondent.

Consideration of acceptance of grounds for appeal

- 3.4 On the 6 October 2022 the sub-panel met to determine whether to accept the grounds of appeal submitted by the respondent (stage one of the process).
- 3.5 All three grounds clearly fell within those set out in paragraph 74 of the Panel's guidance. The question at this stage was therefore whether they had substance.

Ground 1

- 3.6 In respect of Ground 1 (a) the respondent asserted that the four week period of suspension from the House imposed in his case was out of kilter with sanctions imposed in other 'similar' cases because "the only independent witness in my case has confirmed that [...] I was "not acting in an overtly sexual manner". We concluded that this assertion lacked any substance as it failed to acknowledge the finding of sexual motivation made by the Commissioner and the role of the sub-panel when determining sanction in cases where there has been no appeal against the decision of the Commissioner.
- 3.7 The basis on which the issue of sanction would be approached was pointed out to the respondent at length in the decision of the original sub-panel. Paragraph 16 states: "The respondent did not appeal the findings or conclusions of the Commissioner. The consequence is that, as a sub-panel

¹The Independent Expert Panel, *Appeals, referrals and sanctions: Guidance for the parties*, version 2, October 2021.

- considering sanction, we are bound by the findings and conclusions of the Commissioner, which in any event we find clear and reasonable". The original sub-panel explain their reasoning fully at paragraphs 23 to 24 of their decision. We accepted their reasoning as being clearly correct.
- 3.8 In respect of Ground 1(b) the respondent asserted that in their decision the original sub-panel wrongly interpreted the facts in places and failed to "check" alleged factual inaccuracies in the evidence of the complainant. He asked, "that weight is given to these inaccuracies to demonstrate that memory & recall is not always 100%." We determined that this ground also lacked substance as the respondent was again seeking to go behind the findings of fact made by the Commissioner.
- 3.9 In respect of Ground 1(c) the respondent asserted that insufficient weight was given to his mitigation. The original sub-panel considered the mitigation he put forward relating to his remorse and insight; the lack of evidence of any other conduct that falls within the remit of the Sexual Misconduct Policy and the training he had attended, and clearly set out their findings and reasoning in paragraphs 32 to 36 of their decision. The respondent provided no evidence or arguments that could lead us to question the reasonableness of the original sub-panel's decision.
- 3.10 The respondent also states that "Paragraph 35 is surprisingly cursory and dismissive, including dismissive of a medical consultant's opinion". We noted that the original sub-panel were presented with substantial information about the significant impact that the complaint process has had and continues to have on the respondent's health and personal life. However, in writing decisions sub-panels must be mindful of the fact that they will be published, and for that reason sub-panels have a responsibility to ensure that personal details about respondents and complainants are not unnecessarily put into the public domain. Therefore, in our opinion the respondent's objection to the wording of this paragraph was misconceived as it would have been inappropriate for the sub-panel to produce the detail of the consultant's opinion in the sanction decision.
- 3.11 In respect of Ground 1(d) the respondent asserts that the detrimental impact on his health and his personal life amount to harsh and

disproportionate punishment. Although, it is clear in this case that the respondent's health and personal life have been significantly impacted by the complaints process; this must be balanced against his proven serious sexual misconduct which led to the complaint being made; and the impact of that misconduct on the health and wellbeing of the complainant. Confidence in the complaints process would be undermined if MPs were able to avoid the imposition of a sanction that accurately reflected the gravity of the misconduct found proved because of the impact of their own actions on themselves. This ground therefore had no substance.

Ground 1 conclusion

- 3.12 The original sub-panel explained the rationale for the sanction that they imposed in this case, and the four week suspension from the House was clearly both reasonable and appropriate having regard to all of the circumstances of this case. Having considered points a) to d) we found no substance in Ground 1 of the respondent's appeal and therefore rejected it in its entirety.

Ground 2

- 3.13 The respondent asserted that he had a total of four witness statements that contained credible fresh evidence. To satisfy this ground of appeal the evidence presented must be credible fresh evidence which could not reasonably have been presented before the sub-panel made its decision, and which, if accepted, has a real prospect of affecting the outcome. None of the four statements produced by the respondent met these tests. They had no prospect of affecting the outcome because they either added nothing to evidence the original sub-panel had before it or referred to matters that were irrelevant to the sanction decision. We therefore concluded that this ground had no substance.

Ground 3

- 3.14 The respondent submitted that a particular aspect of his personal mitigation amounted to exceptional circumstances that provided a compelling reason that his appeal should be allowed. However, these details were before the sub-panel below and are referred to in the sanction decision. Therefore, this ground of appeal was rejected as having no substance as the matter raised

is incapable of amounting to exceptional circumstances upon which to accept an appeal against sanction.

Conclusion

3.15 We therefore found that none of the grounds submitted had substance, and we refused the appeal at this stage. The original sub-panel's recommendation therefore stands unchanged.