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Independent Complaints and Grievance Scheme

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Summary

Independent Complaints and Grievance Scheme

On 19 July 2018, the House of Commons [endorsed](#) the Behaviour Code and the policies and procedures relating to bullying and harassment and sexual harassment set out in the Independent Complaints and Grievance Scheme (ICGS) Delivery Report, which was published on 17 July.

It agreed to incorporate, in the [Code of Conduct](#), the expectation that Members observe the principles of the Behaviour Code. And a new rule was added to the Code: “A Member must treat their staff and all those visiting or working for or with Parliament with dignity, courtesy and respect”.

It agreed changes to Standing Orders:

- to give lay members of the Committee on Standards an indicative vote (rather than a formal vote) before any division in the Committee; and
- to give the Parliamentary Commissioner for Standards the duty “to consider cases arising from the Independent Complaints and Grievance Scheme” and the power to rectify such cases.

The House agreed that, “to ensure complaints are handled confidentially”, “for consistency and fairness, the Parliamentary Commissioner for Standards (PCS) should no longer routinely publish information about individual investigations before those investigations are concluded”.

The House divided on whether to apply confidentiality to all investigations undertaken by the PCS. Sir Kevin Barron, the Chair of the Committee on Standards, moved an amendment to continue the existing practice, for non-ICGS matters, whereby those under investigation were identified. The House voted down the amendment, and later in the day a list of MPs under investigation was removed from the Commissioner’s webpages. Sir Kevin subsequently announced his resignation as the Chair of the Committee.

The House agreed to establish a further independent inquiry, in similar terms to Dame Laura Cox QC’s inquiry (relating to House staff), to consider allegations of bullying and harassment in respect of those not covered by Dame Laura Cox’s inquiry, including MPs and their staff.

The House endorsed the proposal for reviews of the Scheme after six and 18 months. The reviews would take into account the findings of the two inquiries into bullying and harassment. The costs of the new inquiry and the reviews would be met from the House’s Administration budget.

The new Behaviour Code was published and is now displayed widely across the parliamentary Estate. A [brochure](#) [intranet link] has also been published. It explains the Code and the accompanying policies and complaints and support processes.

Independent Complaints and Grievance Policy: Delivery Report

On 17 July 2018, the Independent Complaints and Grievance Policy (IGCP) Programme Team’s [Delivery Report](#) was published. It set out how the Programme Team, overseen by a steering group, has taken forward the House’s decision of 28 February 2018 to implement recommendations to develop a parliament-wide behaviour code and independent complaints and grievance schemes to respond to and manage complaints of (i) sexual harassment and (ii) bullying and harassment.

4 Independent Complaints and Grievance Scheme

The Delivery Report included a proposed Behaviour Code; procedures for reporting and investigating allegations of bullying and harassment; procedures for reporting and investigating allegations of sexual harassment; and a system of training to support the Behaviour Code. The Delivery Report set out steps that have been taken to ensure that a human resources support service was available for staff of MPs. It set out the role of the Parliamentary Commissioner for Standards and the Committee on Standards in investigating complaints about Members of Parliament. Before the Delivery Report was published the Steering Group had asked the Committee on Standards for comments – the Committee’s comments are taken into account. The Delivery Report confirmed that “The Steering Group has agreed that the new Scheme can investigate incidents that occurred from the start of this Parliament (June 2017)”. However, the Delivery Report also noted that “The Steering Group are determined that the new Scheme is not a ‘day zero’ approach that ignores the problems of the past”. The Delivery Report has “set out the options available to complainants to pursue a route that offers the best chance to deliver what they need to find resolution” – these noted that some pre-2017 complaints might be taken into account if they constitute “continuing acts”. Complainants bringing forward older cases that were not continuing “will be able to talk through the details with an independent adviser and be pointed in the direction of where they can get support and counselling services”. Any decision on investigation would be based on the policy or code in place at the time.

The Delivery Report set out the scope of reviews, recommended by the Working Group, that should take place six and 18 months after the Scheme’s introduction.

In a message to House of Commons staff, following the publication of the Delivery Report, the Clerk of the House stated that if the report was agreed to by the House, the Policy would be applied to House staff.

Background

In November 2017, allegations and accounts in the press of inappropriate behaviour and a culture of bullying and sexual harassment at Westminster led to the establishment of a cross-party Working Group on an Independent Complaints and Grievance Policy. The Working Group reported in February 2018. It recommended the development of a parliament-wide behaviour code and independent complaints and grievance schemes to respond to and manage complaints of (i) sexual harassment and (ii) bullying and harassment.

At the end of February, the House of Commons agreed a motion endorsing the Working Group’s recommendations and asking the House of Commons Commission to authorise officials to undertake the work to implement those recommendations. The House also agreed that the Working Group should reconvene as a Steering Group and that the officials working on the Independent Complaints and Grievance Policy should report to the Steering Group.

Independent Inquiry into bullying and harassment of House of Commons Staff

Complaints about the behaviour of Members towards staff of the House were reported by Newsnight in March 2018. Following the first Newsnight report, the House of Commons Commission agreed to establish an independent inquiry into Bullying of Staff in the House of Commons. That inquiry was undertaken by Dame Laura Cox.

Dame Laura Cox’s [report](#) was published on 15 October 2018.

On 24 October 2018, the House of Commons Commission met to consider Dame Laura's report. In a [statement](#), the Commission thanked Dame Laura for her report; acknowledged its statutory responsibility "for the employment of House staff and have too often failed to honour the responsibility to provide a workplace free from bullying and harassment"; and expressed its determination to rectify past mistakes. The Commission agreed to the three fundamental recommendations highlighted by Dame Laura:

1. We are terminating the Valuing Others Policy, and have suspended operation of the Respect Policy recommending that the House terminate it as soon as possible;
2. We recommend that the House amend the new Independent Complaints and Grievance Scheme to ensure that those House employees with complaints involving historical allegations can access the new Scheme;
3. We recommend that the House consider the most effective way to ensure that the process for determining complaints of bullying, harassment or sexual harassment brought by House staff against Members of Parliament will be an entirely independent process, in which Members of Parliament will play no part.

The Commission confirmed that it was "up to the House to take forward these recommendations to which we are fully committed".

On 25 October 2018, Andrea Leadsom announced that Dame Laura's report would be debated on Monday 5 November 2018.

1. Independent Complaints and Grievance Scheme

On 19 July 2018, the House of Commons debated the Committee on Standards' report on the Independent Complaints and Grievance Policy and the Independent Complaints and Grievance Scheme (ICGS) Delivery Report. It approved both reports.¹ The Committee on Standards' report was published on 13 July (see section 2.2); and the Delivery Report was published on 17 July (see section 2.1).²

The House endorsed the Behaviour Code (see Box 1) and the policies and procedures relating to bullying and harassment and sexual harassment associated with the Independent Complaints and Grievance Scheme set out in the Delivery Report.

Box 1: Behaviour Code

Whether you are a visitor or working in Parliament at Westminster or elsewhere, there are clear guidelines in place on how you should be treated, and how you should treat others:

- Respect and value everyone – bullying, harassment and sexual misconduct are not tolerated
- Recognise your power, influence or authority and don't abuse them
- Think about how your behaviour affects others and strive to understand their perspective
- Act professionally towards others
- Ensure Parliament meets the highest ethical standards of integrity, courtesy and mutual respect
- Speak up about any unacceptable behaviour you see

Unacceptable behaviour will be dealt with seriously, independently and with effective sanctions

It agreed to incorporate the Parliamentary Behaviour Code and a new rule that "a Member must treat their staff and all those visiting or working for or with Parliament with dignity, courtesy and respect", in the Code of Conduct. An updated version of the Code of Conduct was published on 1 August 2018.³

It agreed changes to Standing Orders:

- to instruct the Committee on Standards that before a division in the Committee, "the Committee should hold an indicative vote of lay and elected members to ascertain the views on the motion of the Committee as a whole and of each member present". An indicative vote would be conducted in the same way as a formal vote and the result would be recorded; and
- to give the Parliamentary Commissioner for Standards (PCS) the duty "to consider cases arising from the Independent Complaints and Grievance Scheme" and the power to rectify such cases.

¹ [HC Deb 19 July 2018 cc627-660](#)

² Committee on Standards, [Independent Complaints and Grievance Policy: Implementation](#), 13 July 2018, HC 1396 2017-19; Independent Complaints and Grievance Policy (IGCP) Programme Team, [Independent Complaints and Grievance Scheme Delivery Report](#), July 2018

³ House of Commons, [Code of Conduct](#), 1 August 2018, HC 1474 2017-19

The House agreed that, “to ensure complaints are handled confidentially”, “for consistency and fairness, the Parliamentary Commissioner for Standards should no longer routinely publish information about individual investigations before those investigations are concluded”.

The House divided on whether to apply confidentiality to all investigations undertaken by the PCS. Sir Kevin Barron, the Chair of the Committee on Standards, moved an amendment to allow the existing practice whereby those under investigation were identified. The House voted down the amendment, by 79 votes to 22,⁴ and later in the day a list of MPs under investigation was removed from the Commissioner’s webpages. Sir Kevin subsequently announced his resignation as the Chair of the Committee. (See section 1.1 for more information on this.)

Dame Laura Cox QC is undertaking an inquiry into allegations of bullying and harassment of House of Commons staff. The House agreed to establish a further independent inquiry in similar terms to consider allegations of bullying and harassment in respect of those individuals including MPs and their staff. The new inquiry is to report in time for its findings to be taken into account in the six-month review of the scheme.

[Planning](#) for the inquiry into bullying and harassment of MPs and their staff is underway but it has not yet been announced.

The House endorsed the proposal for reviews of the Scheme after six and 18 months. The reviews would take into account the findings of the two inquiries into bullying and harassment. The costs of the new inquiry and the reviews would be met from the House’s Administration budget.

The new Behaviour Code was published and is now displayed widely across the parliamentary Estate. A [brochure](#) [intranet only] has also been published. It explains the Code and the accompanying policies and complaints and support processes.

House of Lords

At its meeting on 4 July 2018, the House of Lords Commission endorsed the Behaviour Code for Parliament and referred it to the Sub-Committee on Lords’ Conduct; and invited the Sub-Committee on Lords’ Conduct to consider and report on how to integrate any new processes and procedures for investigating bullying, harassment and sexual harassment into existing processes for investigating breaches of the Code of Conduct.⁵

1.1 Publishing information about investigations

Following a decision of the House of Commons, on 2 December 2010, the PCS routinely published the name of Members and the matter under investigation, when she initiated an investigation.⁶

⁴ [HC Deb 19 July 2018 c658](#)

⁵ House of Lords Commission, [Minutes](#), 4 July 2018, Item 3

⁶ [HC Deb 2 December 2010 cc995-1016](#); Parliamentary Commissioner for Standards, [Annual Report 2010-11](#), 6 July 2011, HC 1328 2010-12, para 1.7

In order to ensure the confidentiality of anyone under investigation and to protect complainants, under the new Complaints and Grievance Scheme, the Government proposed, in the motion before the House on 19 July 2018, that the House:

recognises the role of the Parliamentary Commissioner for Standards to consider cases arising from the Independent Complaints and Grievance Scheme; notes the arrangements about publishing the details of investigations of such cases to ensure complaints are handled confidentially as set out in the Independent Complaints and Grievance Scheme Delivery Report; *and accordingly agrees that, for consistency and fairness, the Parliamentary Commissioner for Standards should no longer routinely publish information about individual investigations before those investigations are concluded and accordingly agrees to amend sub-paragraph (b) of paragraph (12) of Standing Order No. 150 by inserting "statistical" before "information" and leaving out "and matters under investigation";*

Sir Kevin Barron, the Chair of the Committee on Standards, moved an amendment (to remove the italicised text above) to allow the existing practice whereby those under investigation were identified. He noted that apart from this issue, "the Standards Committee is completely in accord with the steering group and its delivery report".⁷ In relation to extending confidentiality beyond the Independent Complaints and Grievance Scheme, he argued that:

The difficulty for us arises from the proposal to extend confidentiality to complaints under the existing code that relate not to bullying and harassment but to financial misconduct or the abuse of House facilities. [...]

The rules were agreed by the House some years ago in the wake of the expenses scandal, and were seen then as an important way of demonstrating transparency and openness. I was on the Standards Committee from 2005 to 2010, and I was a winger during the expenses scandal. I can tell the House that there was a real need for openness at that time, and a real need to let the people of this country know that we were being transparent and open in our dealings on their behalf. We believe that transparency and openness should continue to apply. There is no doubt that if the House votes for the Leader of the House's motion today without amendment, many people outside will criticise us for rolling back the openness that was agreed back in 2010 following the expenses scandal.⁸

In her opening remarks, before Sir Kevin spoke, Andrea Leadsom, the Leader of the House of Commons, who chaired the Steering Group argued that:

I would be the last person to want to avoid transparency, but for this scheme to succeed, it is vital that we achieve consistency. The amendment by the Committee on Standards would effectively mean that there is one process for ICGP cases and a different one for non-ICGP cases.⁹

⁷ [HC Deb 19 July 2018 c641](#)

⁸ *Ibid*, c 644

⁹ [HC Deb 19 July 2018 c630](#)

Caroline Lucas, a member of the Steering Group, noted that she had not agreed on this point. She told the Leader of the House that “Consistency is not the most important issue, and the optics of this House rolling back transparency are deeply worrying”.¹⁰

In response to Ms Lucas’ intervention, Andrea Leadsom said:

I am incredibly grateful to the hon. Lady for her considerable efforts on this scheme but, very respectfully, I disagree with her on that point. She and I have had a number of conversations about the matter, and we have always been clear that the confidentiality at the heart of this policy must be observed so that a complainant will have the confidence to come forward. As I am sure Members will appreciate, a difference in process between ICGP and non-ICGP cases will be lost on those who observe it, which will inevitably lead to confusion. People will not think, “Oh well, this procedure must be for one issue, and that must be for another issue.” They will just see the naming of an individual, and that will have repercussions for those who want to come forward in confidence to a complaints procedure, feeling that their confidentiality will be upheld.¹¹

In her concluding remarks, Andrea Leadsom thanked Sir Kevin and the Committee on Standards for its work. She noted that it had been difficult to convince the PCS on this matter and told the House that the decision not to name the subject of any investigation was being introduced temporarily:

I thank the right hon. Member for Rother Valley (Sir Kevin Barron) and his Committee for their work. It took me considerable time and effort, however, to persuade the Parliamentary Commissioner for Standards and the Standards Committee even of the need not to name people when opening investigations into all ICGP cases as well as non-ICGP cases. I have asked that we temporarily suspend naming people when opening investigations for the purpose of giving ourselves a clear run at this, even if we re-implement the PCS’s ability to name non-IGCP candidates after six months. I really urge Members not to accept the amendment. We need a clear run at this, so we need confidentiality and consistency.¹²

The House voted down the amendment, by 79 votes to 22,¹³ and later in the day a list of MPs under investigation was removed from the Commissioner’s webpages.

Sir Kevin informed the Committee on Standards of his resignation as Chair at its first meeting after the debate, on 4 September 2018.¹⁴

¹⁰ [HC Deb 19 July 2018 c630](#)

¹¹ [HC Deb 19 July 2018 c630](#)

¹² [HC Deb 19 July 2018 c657](#)

¹³ [HC Deb 19 July 2018 c658](#)

¹⁴ Dulcie Lee, “Standards watchdog head Sir Kevin Barron resigns over cover-up fears”, *Times*, 5 September 2018; Sir Kevin Barron [tweeted](#) the announcement on 4 September 2018

2. Independent Complaints and Grievance Policy: Delivery Report

2.1 The Report

On 17 July 2018, the Independent Complaints and Grievance Policy (IGCP) Programme Team's Delivery Report was published.¹⁵ It set out how the Programme Team, overseen by a steering group, had taken forward the House's decision of 28 February 2018 to implement recommendations to develop a parliament-wide behaviour code and independent complaints and grievance schemes to respond to and manage complaints of (i) sexual harassment and (ii) bullying and harassment.

Behaviour Code

The Delivery Report included a proposed Behaviour Code. It set out how visitors and those working in Parliament should treat each other.¹⁶ It was adopted by the House of Commons on 19 July and is set out in Box 1.

Procedures for reporting and investigating

The Delivery Report set out separate procedures for reporting and investigating allegations of bullying and harassment; and for reporting and investigating allegations of sexual harassment. Separate helplines are in place; and a tender has been issued for independent investigation and dispute resolution services. The tender has been split into two 'lots', "to reflect the qualitative difference between sexual harassment and other types of inappropriate behaviour".¹⁷

It set out the role of the Parliamentary Commissioner for Standards (PCS) and the Committee on Standards in investigating complaints about Members of Parliament. Before the Delivery Report was published the Steering Group had asked the Committee on Standards for comments – the Committee's comments were taken into account (see section 2.2).

Training

The Delivery Report envisaged that there would be training to support the introduction of the Behaviour Code and that training on acceptable behaviours would be put in place. It also said that a procurement exercise would be undertaken to ensure that any training recommended as a result of informal or formal processes to address behaviours related to bullying, harassment or sexual harassment would be available from September. Training would also be provided to line managers,

The Independent Bullying & Harassment Reporting Helpline and the Independent Sexual Misconduct Advisory Service are now available.

¹⁵ Independent Complaints and Grievance Policy (IGCP) Programme Team, [Independent Complaints and Grievance Policy Delivery Report](#), July 2018

¹⁶ *Ibid*, para 11

¹⁷ *Ibid*, para 18

including MPs to improve line management practice – a ‘good employer’ standard will be developed.¹⁸

Support

The Delivery Report set out steps that have been taken to ensure that a human resources support service is available for staff of MPs.¹⁹

Culture change

The Delivery Report highlighted the need for culture change to ensure that the Scheme worked. It identified the importance of embedding the Behaviour Code and encouraging speaking out when it was not adhered to. It noted that confidence in the Scheme would be important to its success. It also identified the need to promote a culture of “co-professionalism” across Parliament.²⁰

Pre-Scheme cases

The Delivery Report confirmed that “The Steering Group has agreed that the new Scheme can investigate incidents that occurred from the start of this Parliament (June 2017)”.²¹ However, the Delivery Report also noted that “The Steering Group are determined that the new Scheme is not a ‘day zero’ approach that ignores the problems of the past”.²² The Delivery Report “set out the options available to complainants to pursue a route that offers the best chance to deliver what they need to find resolution” – these noted that some pre-2017 complaints might be taken into account if they constituted “continuing acts”. Complainants bringing forward older cases that were not continuing “will be able to talk through the details with an independent adviser and be pointed in the direction of where they can get support and counselling services”.²³ Any decision on investigation would be based on the policy or code in place at the time.

Reviewing the operation of the Scheme

The Delivery Report set out the scope of reviews, recommended by the Working Group, that should take place six and 18 months after the Scheme’s introduction.²⁴

Application of the Independent Complaints and Grievance Policy

In an interview on the Policy, on the Westminster Hour on 15 July, Andrea Leadsom, the Leader of the House of Commons, who chaired the Steering Group, said that “Anybody who works in, with or for Parliament must be given the same access to an equal and fair system that gives them the satisfaction of final closure for their complaint”.²⁵

¹⁸ *Ibid*, paras 32-39

¹⁹ *Ibid*, paras 40-43

²⁰ *Ibid*, paras 73-86

²¹ *Ibid*, para 95

²² *Ibid*, para 87

²³ *Ibid*, para 93

²⁴ *Ibid*, paras 98-100

²⁵ BBC Radio 4, [The Westminster Hour](#), 15 July 2017, Andrea Leadsom’s interview

In a message to House of Commons staff, following the publication of the Delivery Report, the Clerk of the House stated that if the report was agreed to by the House, the Policy would be applied to House staff:

Last night [16 July 2018] the House of Commons Commission agreed, in consultation with the TUS, that the new policies and procedures will apply to staff of the House Service and the Parliamentary Digital Service, should they be adopted by the House.

2.2 Committee on Standards' views on implementing the Independent Complaints and Grievance Policy

In February 2018, the House agreed that the Committee on Standards and the PCS should be consulted as the Policy was developed.²⁶

In its report, *Independent Complaints and Grievance Policy: Implementation*, the Committee on Standards commented on parts of the new policy which fall within its remit.²⁷

The Committee was asked:

- Whether it will be sufficient to make minor alterations to the Code of Conduct to make it refer to the new Behaviour Code, or whether more extensive amendments will be required?
- How the Committee on Standards could enhance the powers and/or practices of its lay members to give them a meaningful role in Committee decision making?
- Whether the proposed new system of independent investigation and appeals to the PCS ... will work in practice?²⁸

In addition, the Committee considered the Working Group's proposals on not disclosing details of investigations before they were concluded.

The Committee concluded that the Behaviour Code, if approved by the House "should also be incorporated into the Code of Conduct."²⁹

The Committee recommended that lay members should be able to vote on motions relating to a draft report. Because lay members cannot participate in formal divisions in the Committee, it recommended that "before dividing on any motion not related to a draft Report, the Committee should hold an indicative vote of lay and elected members to ascertain the views on the motion of the Committee as a whole and of each member present". After this indicative vote, which would be recorded in the Committee's minutes, the Committee may or may not proceed to a formal division, involving only the MPs on the Committee. The Committee recommended that Standing Orders should be changed to "entrench 'indicative votes' in the rules of the House". It added that

²⁶ [HC Deb 28 February 2018 cc866-904](#)

²⁷ Committee on Standards, *Independent Complaints and Grievance Policy: Implementation*, 13 July 2018, HC 1396 2017-19

²⁸ *Ibid*, para 6

²⁹ *Ibid*, para 13

this was an interim measure and also recommended the introduction of primary legislation “to allow the extension of full voting rights to lay members”.³⁰

The Committee outlined the Steering Group’s proposals for dealing with complaints of bullying and harassment and sexual harassment, and proposed some “significant revisions to the process”. The table below compares the Steering Group’s proposals with the Committee’s.

Steering Group process³¹	Committee on Standards revisions
1. Helpline/Independent investigation	Commissioner should be involved in oversight of all investigations into Members’ conduct and in drawing up the protocols under which investigations are carried out. ³²
2. Appeal to the PCS, who can reinvestigate if necessary. PCS can impose a penalty or, if conduct requires a penalty beyond her powers, she refers the matter to the Committee on Standards.	If the Commissioner has an oversight role, she would not be able to carry out an ‘appeal’ function. “It would logical for this function to be carried out by the Committee”. ³³
3. “Committee on Standards considers the initial investigation report and the Commissioner’s report and recommends an appropriate sanction to the House. (It is not an appeal body.)”	
4. House votes on the sanction (without debate)	House should take decisions on sanctions on the basis of a report from the Committee. ³⁴

The Delivery Report confirmed that the Steering Group accepted the Committee on Standards approach:

After engagement with the Commons Committee on Standards and the Parliamentary Commissioner for Standards and the Lords

³⁰ *Ibid*, paras 32-36

³¹ *Ibid*, para 15

³² *Ibid*, para 17ff

³³ *Ibid*, para 26ff

³⁴ *Ibid*, paras 44-45

Commissioner, it became clear that the relevant Commissioner should have oversight of the investigation process.³⁵

The Committee also expressed concern that the Steering Group's requirement for confidentiality in relation to investigations could affect the PCS's current practice of publishing the names of Members who are under investigation. It argued against such a change in practice.³⁶

In the Delivery Report, the ICGP Programme noted that in many cases, no information will be in the public domain but when the Commissioner is formally involved, she would take into account the privacy of complainants.³⁷

2.3 Reaction to the Delivery Report

Before publication

Before the Delivery Report was published there were a number of reports about its contents and reactions to what was expected to be in the report.

Chris Cook, the Newsnight reporter whose investigations led to the establishment of Dame Laura Cox's inquiry, reported under the headline "Parliament harassment plans fall short of staff hopes", on 10 July 2018.³⁸

The *Guardian* and the *Financial Times* reported that some members of the Steering Group and the FDA had expressed concern that the new policy would not cover pre-2017 cases.³⁹

Dave Penman, the General Secretary of the FDA, one of the unions representing staff of the House blogged on the *Huffington Post* website. He welcomed the extension of the Scheme to cover everyone in Parliament but argued that the Scheme should have taken into account Dame Laura Cox's conclusions before being issued. He also welcomed the role of the PCS in overseeing and resolving "minor misdemeanours" but expressed concern that Members would judge more serious cases. The "most problematic issue" for Penman was the decision not to allow investigations into pre-2017 cases.⁴⁰

After publication

In an Institute for Government blog post, Hannah White, the Institute's Director of Research, formerly a clerk in the House of Commons, suggested that the proposals "may make matters worse". She said that while objectively it was a good thing that there would now be a system,

³⁵ Independent Complaints and Grievance Policy (IGCP) Programme Team, [Independent Complaints and Grievance Policy Delivery Report](#), July 2018, para 50

³⁶ Committee on Standards, [Independent Complaints and Grievance Policy: Implementation](#), 13 July 2018, HC 1396 2017-19, paras 41-42

³⁷ Independent Complaints and Grievance Policy (IGCP) Programme Team, [Independent Complaints and Grievance Policy Delivery Report](#), July 2018, paras 69-70

³⁸ BBC News, [Parliament harassment plans fall short of staff hopes](#), 10 July 2018

³⁹ Rajeev Syal, [Bullying by MPs before 2017 election likely to escape scrutiny](#), *Guardian*, 11 July 2017; [Westminster sex harassment inquiry will exclude pre-2017 claims](#), *Financial Times* [subscription required], 11 July 2018

⁴⁰ Dave Penman, ["It Shouldn't Take Public Airing Of Ruined Lives To Shame MPs Into Acting On Harassment"](#) *The Blog*, *Huffington Post*, 13 July 2018

where before there was none, to protect MPs' staff, the changes were not enough.

She was critical that the Committee on Standards would still be responsible for making recommendations concerning the behaviour of Members. She did not believe that the report represented a change in culture, saying that "the working group seems to have started with the status quo and asked itself what is 'achievable' politically". She also expressed concern that by implementing the Scheme now, it would not take into account the findings of the Independent Inquiry into bullying and harassment of House of Commons Staff.⁴¹

The FDA, one of the recognised unions representing staff in the House of Commons Service has criticised the proposals in the Delivery Report. It has concerns about the scheme not allowing investigations into pre-2017 cases; that the new scheme is being launched before Dame Laura Cox has published the report of her inquiry; and that decisions on sanctions are not independent of Members of Parliament.⁴²

Other unions representing House staff have not commented publicly on the Delivery Report.

⁴¹ Hannah White, "[Bullying in Parliament: new measures may make matters worse](#)", Institute for Government, 17 July 2018

⁴² The union's concern about the Scheme not covering pre-2017 was highlighted in a *PoliticsHome* article: John Johnstone, - [Union bosses slam Westminster sex abuse complaints procedure for excluding historical allegations](#), *PoliticsHome*, 17 July 2018

3. Background to the Delivery Report

A Working Group on an Independent Complaints and Grievance Policy was formed in November 2017, following allegations and accounts of inappropriate behaviour and a culture of bullying and sexual harassment at Westminster.

Before the Working Group was formed, the Prime Minister had convened a meeting of party leaders. They agreed that swift progress should be made on an independent grievance process.⁴³

The Working Group's report was published in February 2018.⁴⁴ The Working Group called for the development of:

- (a) A Parliament-wide behaviour code
- (b) An independent complaints and grievance scheme including two new Parliament-wide policies for responding to and managing complaints of
 - i. Sexual harassment; and
 - ii. Bullying and harassment

On 28 February 2018, the House debated the Working Group's report. The House endorsed the Working Group's recommendations and asked the House of Commons Commission to authorise House officials to undertake the work to take forward the recommendations.⁴⁵

The Working Group said that it would "reconvene for a limited period of time as a Steering Group to oversee the progress of the workstreams put in place by the House of Commons Commission in accordance with an agreed timetable".⁴⁶

The work recommended by the Working Group was undertaken by the Independent Complaints and Grievance Policy (ICGP) Programme, which was overseen by the Steering Group.⁴⁷

⁴³ [HC Deb 16 November 2017 c605](#)

⁴⁴ Working Group on an Independent Complaints and Grievance Policy, [Report](#), 8 February 2018

⁴⁵ [HC Deb 28 February 2018 cc866-904](#). Background information, prepared for the debate on 28 February 2018 can be found in the Library Debate Pack, [Independent Complaints and Grievance Policy](#), CDP 2018-0049, 26 February 2018

⁴⁶ Working Group on an Independent Complaints and Grievance Policy, [Report](#), 8 February 2018, para 48

⁴⁷ House of Commons, [Independent Complaints and Grievance Policy Programme](#) [intranet pages]

4. Independent Inquiry into bullying and harassment of House of Commons Staff

Complaints about the behaviour of Members towards staff of the House were reported by *Newsnight* in March 2018.⁴⁸ Following the first *Newsnight* reports, the House of Commons Commission agreed to establish an independent inquiry into Bullying of Staff in the House of Commons:

INDEPENDENT INQUIRY

In Mr Speaker's absence, the Commission was chaired by Tom Brake.

The Commission agreed that an inquiry into the bullying and harassment of House staff should be initiated immediately, and tasked its Non-Executive members with appointing an independent expert to lead the inquiry and with developing terms of reference.

[Statement on bullying of House Staff.](#)⁴⁹

Janet Gaymer and Jane McCall, the non-executive members of the House of Commons Commission, appointed Dame Laura Cox QC to lead the Inquiry. The appointment and the Inquiry's terms of reference were announced, in a press release, on 23 April.⁵⁰ The press notice described Dame Laura's role and set out an initial timetable for the Inquiry:

The findings of Dame Laura's inquiry will be laid before the House of Commons. It is hoped that preliminary findings will be available before the summer recess with a final report produced in the Autumn.

The Inquiry will consider issues impacting directly on House of Commons staff (those employed directly by the House of Commons rather than by Members of Parliament). It is an inquiry, not an investigation. Dame Laura will not be investigating any individual complaints or reopening past cases. The Inquiry will, however, consider what options are available for resolving current or historical allegations and the support available to those affected. No Parliamentarians will be involved in the conducting of the Inquiry.

In this press notice, the closing date for submissions to the inquiry was set as 8 June 2018.

The Inquiry's Terms of Reference were also set out in the press notice and are quoted in full in Box 2.

⁴⁸ Chris Cook and Lucinda Day, "[Bullying and harassment at the House of Commons](#)", *BBC News*, 8 March 2018

⁴⁹ House of Commons Commission, [Decisions – 19 March 2018](#), Item 1

⁵⁰ House of Commons, [Independent Inquiry into Bullying and Harassment of Commons Staff](#), 23 April 2018 [intranet link]

Box 2: Independent Inquiry into the Bullying and Harassment of House of Commons Staff – Terms of Reference

The Inquiry's Terms of Reference are as follows:

Objectives

The objectives of the inquiry are -

- to establish the nature and extent of bullying and harassment (including sexual harassment and any systemic behaviours) of past and present House of Commons staff;
- to identify any themes and patterns regarding how previous complaints about such behaviour were handled or how complainants were treated, or, if no formal or informal complaint was made, the reasons for this;
- to assess previous, existing and any proposed policies and procedures relating to bullying or harassment and to complaints about such behaviour, comparing them to current best practice, with a view to making any recommendations for improvement in the way in which such complaints are handled or will be handled in the future, including the availability of appropriate internal or external support; and
- to consider and comment upon the House of Commons as a place of work with regard to ensuring the treatment of staff with dignity and respect and maintaining an open and supportive culture.

Scope and Methodology

- The Inquiry will invite past and present House of Commons staff and others with relevant perspectives (including staff representatives) to offer in person or in writing their experiences of perceived bullying and harassment, including sexual harassment.
- All contributions will be treated in strict confidence and will not be published or liable to release. Any references to such information in any Report arising from the Inquiry will be anonymised. No individual will be identified or identifiable.
- It is not the purpose of the Inquiry to reopen past complaints of bullying or harassment or to investigate new ones against particular individuals. It is hoped that the opportunity offered to House of Commons staff to reflect on the House of Commons as a place of work and to present their experiences to an independent third party in confidence may help them to achieve closure, where appropriate.
- No existing route of complaint open to staff will be affected by the Inquiry, and those submitting experiences will be given details of any existing routes which may be pursued, and of available support or counselling services or other pathways for the resolution of such complaints.
- The Inquiry will be provided with all necessary resources under the auspices of the two non-executive members of the House of Commons Commission, who will provide any necessary guidance and support as requested by the Inquiry in order to help it achieve its objectives.
- The Inquiry will aim to present preliminary findings to the House of Commons before the summer recess, depending on the numbers of people who come forward, and a Final Report as soon as reasonably practicable thereafter.

On 9 May 2018, Dame Laura Cox wrote to all staff of the House of Commons and extended the deadline for the submission of relevant information to 29 June 2018:

Please note that the numbers of people who have already come forward, and the numbers of those who have now indicated to me their intention to do so, mean that I have decided to extend the time for written submissions to be sent to me and for meetings to be held to Friday 29 June 2018. On 26 June 2018, Dame Laura issued a further statement. She said that "The first stage of the Inquiry, involving the gathering of information from present and former members of House staff, is not expected to end until 13 July 2018". She also announced

that she no longer intended to issue preliminary findings before the summer recess and that her report would be completed in September:

In view of the close proximity of that date to the summer recess, I will not now be issuing any preliminary findings before 24 July. My full report will therefore be laid before the House in September.

Dame Laura's report was published on 15 October 2018 (see section 5).

5. Dame Laura Cox's Inquiry Report

5.1 Introduction

The Bullying and Harassment of House of Commons Staff – Independent Inquiry Report, by Dame Laura Cox was published on 15 October 2018.⁵¹

Dame Laura did not provide an Executive Summary. She commented that:

The problem with merely summarising a set of recommendations at the conclusion of this lengthy report is that it seems to me to undervalue the deep-rooted problems that lie at the heart of all these issues.⁵²

However, in a statement at the beginning of her report, she suggested that “those looking to see if changes are being made over the coming weeks” should “look for progress as regards the following fundamental recommendations”. She said that they merited “urgent consideration”, before the six-month review of the ICGS:

- The “Valuing Others Policy” and the “Revised Respect Policy” should both be abandoned as soon as possible, and members of House staff wishing to complain about bullying, harassment or sexual harassment should no longer be required to use them.
- The new Independent Complaints and Grievance Scheme should be amended, so as to ensure that those House employees with complaints involving historical allegations can access the new Scheme.
- Steps should be taken, in consultation with the Parliamentary Commissioner for Standards and others, to consider the most effective way to ensure that the process for determining complaints of bullying, harassment or sexual harassment brought by House staff against Members of Parliament will be an entirely independent process, in which Members of Parliament will play no part.⁵³

5.2 Existing policies

The existing policies and procedures – Valuing Others Policy and the Revised Respect Policy – will continue to operate “as an alternative [to the ICGP] for the time being” and for complaints about allegations that pre-date the start of the 2017 Parliament.⁵⁴ Dame Laura commented that:

Given that, in their statement issued in July, the House appears to accept that these policies do not provide “*robust processes for dealing with bullying and harassment*” this is a deeply unattractive

⁵¹ Dame Laura Cox, [The Bullying and Harassment of House of Commons Staff – Independent Inquiry Report](#), 15 October 2018

⁵² Ibid, para 412

⁵³ Ibid, p6

⁵⁴ Ibid, para 220 citing the House of Commons *Staff Handbook*, chapter 6

option for those staff with historical complaints. The House is effectively requiring those whom it employs to use procedures accepted to be inadequate and ineffective for that purpose.⁵⁵

She said that the Valuing Others Policy, “In its present form it does not provide either an accurate summary of the legal position or an effective policy for dealing with bullying, harassment and sexual harassment occurring within staff relations”.⁵⁶ In relation to the Revised Respect Policy, she said that “I’m afraid that the Revised Respect Policy badly fails the test it was set. It is simply not an effective policy for addressing the bullying, harassment or sexual harassment of members of staff by Members of Parliament”. She continued that:

There are serious issues of substance, which I shall deal with first, but there are two fundamental concerns, namely the lack of independence in the procedures dealing with such misconduct by Members, and the inability of the policy to address historical patterns of such behaviour. And regrettably these concerns apply to the new Scheme in addition.⁵⁷

5.3 Independent Complaints and Grievance Policy

Dame Laura welcomed much of the new scheme:

There is much to be welcomed in this new Scheme, reflective of the careful attention paid to current good practice in these areas. The development of a code of behaviour, bullying and harassment and sexual misconduct policies, and recognition that sexual harassment is a separate and distinct form of harassment are significant improvements. So too are the following: the introduction of anonymous reporting to the helplines for monitoring purposes; the stated intention to provide greater support for those wishing to pursue complaints; and recognition that unfounded complaints should not be conflated with malicious complaints. The tendering process for both the specialist investigation and dispute resolution services is apparently under way and the independence of those services is a significant improvement.⁵⁸

But, as noted above, she expressed concern about consideration of historical allegations and the involvement of MPs in the process:

Given these obvious improvements, it is a matter of regret that serious concerns as to how complaints of historical allegations are to be dealt with, and as to the lack of independence in procedures involving Members of Parliament, are serving to damage the prospects of success for this new Scheme, in generating staff confidence that their complaints will be dealt with fairly and impartially, and in restoring public confidence.⁵⁹

She made both very specific recommendations about the wording of particular aspects of the policy and more far-reaching recommendations about the nature of the policy. This note does not report them all.

⁵⁵ Ibid, para 223

⁵⁶ Ibid, para 235

⁵⁷ Ibid, para 273

⁵⁸ Ibid, para 289

⁵⁹ Ibid, para 291

Confidentiality

Dame Laura welcomed the decision to make the investigative stage of the process confidential. However, where no objection to publication was raised, “the retaining of confidentiality of the investigative proceedings should in my view depend on the stage of the process reached and the nature of the allegations”. She recommended that:

Confidentiality should be retained in all cases until a decision has been made that there is a case to answer and the complaint has been sent for full investigation by the independent investigator. I do not consider that a complaint which involves, for example, an alleged incident of “low level” rudeness, which is capable of being resolved informally with an apology, requires publication of the incident or the identity of the alleged perpetrator. However, in those more serious cases, where the allegations indicate a pattern or a series of abusive acts over a period of time, or where there is a single but more serious allegation, then in my view the name of the alleged perpetrator and the nature of the allegations made should be published if the matter proceeds to full investigation. In cases involving serious or persistent abusive conduct, there is in my view a legitimate public interest in transparency and in public awareness of alleged misconduct in violation of the Code.⁶⁰

She stressed the importance of clarifying the ownership of the Scheme. She said that:

it is unclear at present who exactly is to have ownership of the new Scheme and where responsibility for its success or failure will lie. Accountability is crucial. Those with responsibilities for its delivery and for monitoring its progress should be identified within the policy itself, and it is essential in this case that ownership of the new Scheme in its entirety is invested at the highest levels of the House, with the obligations for the Speaker, the Commission, the Clerk of the House and the Director General all clearly identified.⁶¹

Dealing with the past

As indicated above, Dame Laura wrote that “the decision that the new Scheme will apply only to complaints about misconduct occurring since June 2017 is a regrettable one and I strongly recommend that it be urgently re-considered”.⁶²

Dame Laura reviewed the advice from Counsel that the Steering Group obtained before deciding that the scheme should not be retrospective:

Counsel was instructed to advise on whether the common law presumption against retrospective effect would *of itself* prevent the new Scheme being used to investigate complaints relating to events which occurred before the date when new Scheme came into force. His conclusion, with which I entirely agree, is that it would not, and that it is debatable whether the presumption against retrospective effect has any relevance at all in these circumstances.⁶³

She argued that:

⁶⁰ Ibid, para 297

⁶¹ Ibid, para 301

⁶² Ibid para 315

⁶³ Ibid, para 320

321. Essentially, the new Scheme does not set any new rules or standards for Members, which did not already apply at the time when older complaints arose. The new Scheme is to be used to investigate complaints about bullying, harassment and sexual harassment, and abusive conduct of this sort has always been unacceptable behaviour in Parliament. There may not have been written policies in place expressly prohibiting such conduct, but it is obviously not the case that such conduct was acceptable among the Parliamentary Community in the past and will now be rendered unacceptable by the new Scheme.

She noted that:

322. The law does not protect against subsequent procedural changes where the substantive standards have not changed. As counsel points out, where procedural changes in the decision-making process occur through legislation, the presumption is that they are in the interests of justice because they will improve the quality of that decision-making. The aim of this new Scheme is to ensure better quality of decision-making in relation to complaints of bullying and harassment. Consequently, using the new Scheme to investigate older complaints would be more rather than less fair, to both the complainant and the alleged perpetrator.

She also considered whether there should be a requirement on anyone wishing to have a historical complaint investigated to lodge their complaint within a published period. She acknowledged that “There is a need to take stock in each case before a full investigation takes place”. She saw no objection to potential complainants taking advice first. She suggested complaints should be lodged with the investigation service within a reasonable period after that advice and support phase has ended. But Dame Laura did not specify how long that period should be, saying “What that period should be will be a matter for discussion and agreement”.⁶⁴

Oversight of the scheme

Dame Laura highlighted call for “independent and impartial procedures for investigation and sanction”. She said that these calls were driven, “essentially, by the principle that justice must not only be done, but that it must also be seen to be done, and by the belief that only such mechanisms will restore the confidence of staff and public alike”.

She noted that under the ICGS, “Members of Parliament on the Committee of Standards will continue to sit in judgment on their colleagues in these difficult and sensitive cases”. But she found that “A careful analysis of all the material presented to this inquiry leads to the firm conclusion that the internal mechanisms for adjudicating on complaints in these cases are no longer tenable”.

She said that as well as being independent and impartial, “any change should also command the respect and confidence of Members of Parliament”.

However, in her view, “the new Complaints Scheme does not meet these tests”.⁶⁵

⁶⁴ Ibid, paras 332-333

⁶⁵ Ibid, aras 359-363

She set out some observations “to assist in any consideration of how an independent process might work”:

399. There is no reason why the Commissioner should not retain her present powers of informal resolution for those cases which are appropriate for such a course, where the complainant agrees, or which are insufficiently serious to require full investigation.

400. Where it is necessary to proceed to a full investigation, the investigation process should oblige all parties to participate, and render them subject to penalties for failure to do so. The standard of proof would be the balance of probabilities, as it is now. But in my view some adjustments would need to be made to the current investigation procedure as set out in the Scheme.

401. The investigation into the conduct of a Member of Parliament should be carried out by someone whose status, independence, expertise and experience are beyond question, and who has power to take evidence and require the production of documents. Distinguished senior lawyers or retired judges, highly experienced in handling these sensitive cases and in analysing evidence and finding facts, would ensure that the investigations and conclusions were treated with respect. Such a system would, or should command the confidence of any Member who considers that he or she has been falsely accused.

402. The investigator would send a provisional report to both parties, enabling them to comment on factual accuracy, and then provide the full report with reasoned findings to the Commissioner. And such an investigator, who has heard the evidence, conducted a fair investigation and given a reasoned decision upholding the complaint is more than capable of recommending an appropriate sanction.

403. The decision as to sanction would then be taken by the Commissioner herself, as the independent officer for standards in the House. Before that decision, there could be provision for either party to make written or oral representations to the Commissioner about the investigation or the report, or to make representations about sanction, with an oral hearing before the Commissioner as appropriate, either on her own or sitting with an independent legal adviser, to determine whether the report should stand and to consider sanction. If the report stands, the Commissioner can proceed to sanction. And her decision is final.

404. One of the problems with the current system is the absence of a range of specified sanctions for cases where these complaints are upheld. Leaving aside the extreme case of triggering a recall petition, with all its difficult democratic implications, there is obviously a broad range of possible sanctions to be considered, apart from apologies or attendance on training or behaviour programmes, including for example the imposition of fines, disqualification from, or suspension of membership of select committees or membership of overseas delegations; the withdrawal of services by House staff, or the withdrawal of financial support for visits abroad or other activities. Only if a very serious question was raised during the process as to someone’s fitness to serve as a Member should consideration be given to a report to the House to determine any question of recall.

405. These brief observations are offered simply to assist in any consideration of how an independent process might work, and to indicate that there are no insuperable barriers to such a process. Others may have different views as to how such a process could

work. But the keys to reform are independence and impartiality, if the staff are to have faith in the process and if public confidence is to be restored. And an independent investigation by someone whose status, integrity and expertise are beyond question is a process in which all Members of Parliament can have confidence, and which I would regard as providing safeguards which are very much in their best interests.

5.4 Culture change

Dame Laura reviewed the contributions she had received from staff and noted a number of references to the culture of the House of Commons. She also noted that there had been an acknowledgement from Members that the culture of the House needed to change:

During the debate in the House on 28 February there was frank acceptance by some MPs that the culture of an organisation was the responsibility of its leaders, that there had been "*a failure of our own governance*" and that "*a culture of tolerance towards bullying and harassment had become embedded and left substantially unchallenged until now.*"⁶⁶

In other paragraphs, she noted the consequences of the culture that existed in the House, for example:

These institutional failings are symptomatic of the general culture that has long existed in the House, and that has led to the present inquiry.⁶⁷

At senior management level, the culture of tolerance towards bullying and harassment by some Members, and the failure to tackle it has influenced both the substance and implementation of the Respect Policy, in which many members of staff have no confidence.⁶⁸

She made a number of comments about systems in place in the institution, including:

I have also referred throughout this report to systemic or institutional failings and to a collective ethos in the House that has, over the years, enabled the underlying culture to develop and to persist. Within this culture, there are a number of individuals who are regarded as bearing some personal responsibility for the criticisms made, and whose continued presence is viewed as unlikely to facilitate the necessary changes, but whom it would also be wrong for me to name, having regard to the terms of reference for this inquiry. I hope, however, that the findings in this report will enable a period of reflection in that respect in addition.⁶⁹

⁶⁶ Ibid, para 47

⁶⁷ Ibid, para 57

⁶⁸ Ibid, para 68

⁶⁹ Ibid, para 420

5.5 Urgent Question on Dame Laura Cox's Report

On 16 October 2018, John Mann was granted an Urgent Question, "To ask the Leader of the House to make a statement on "The Bullying and Harassment of House of Commons Staff Independent Inquiry Report".⁷⁰

Before calling Mr Mann, the Speaker made a short statement. He told the House that

... Without seeking to pre-empt what the House might ultimately decide, I firmly believe that the only possible way to resolve this matter is the establishment of a body that is both entirely independent of and external to Parliament to hear and adjudicate on all allegations of bullying, harassment and sexual misconduct, including deciding how far to investigate past misconduct. Whether the allegations involve MPs or staff, the same entirely independent body should be in complete control of the process from start to finish.⁷¹

In response to the Urgent Question, Andrea Leadsom thanked Dame Laura for her report and reviewed the work that had been done in developing the ICGP. She outlined the elements of the ICGP and noted that it was to be reviewed after six and 18 months. She said that "Dame Laura's inquiry report will be central to shaping those views". She also announced that the House of Commons Commission would meet on Monday 22 October "to consider this report".⁷² (The Commission's meeting was subsequently postponed to Wednesday 24 October to allow Jane McCall, one of the external members of the Commission, to chair the meeting.)

In response to questions following her answer to the Urgent Question, Andrea Leadsom acknowledged Dame Laura's call for a culture change in the House and said that the ICGP steering group would accept that.⁷³ She said that calls on senior management to consider their positions meant "She is essentially urging all hon. Members to allow senior management to consider not only their own views on their own involvement, but what action needs to be taken by senior management to ensure that change is forthcoming".⁷⁴ She agreed that the question of using the new procedures to investigate pre-2017 allegations should be considered in the six-month review.⁷⁵

Andrea Leadsom highlighted the complexities in "the House" taking forward Dame Laura's recommendations:

In this place, we are all aware that a number of issues are "matters for the House". That is quite a tricky concept, because nowhere in the workplace are things simply a matter for all those who are involved in that workplace. So we have some unique challenges in trying to deal with Dame Laura's recommendations, but deal with them we must. As I have said, the starting point will

⁷⁰ [HC Deb 16 October 2018 cc529-548](#)

⁷¹ Ibid, c529

⁷² Ibid, cc529-530

⁷³ Ibid, c531, c536

⁷⁴ Ibid, c533

⁷⁵ Ibid, c535, c538

be the House of Commons Commission meeting on Monday, after which we will have a clearer way forward in what is not a matter for me, as Leader of the Commons, but a matter for the House. I, as Leader of the Commons, will make sure that I facilitate whatever the House decides.⁷⁶

Training would form part of the sanctioning process but there was also voluntary training for managers. Andrea Leadsom said more need to be done to encourage the take-up of such training by MPs. Compulsory training for new Members would be introduced after the next election but there had been “no consensus in favour of compulsory training for those who were already Members”.⁷⁷ The Leader of the House undertook to let the House know when the training on harassment and bullying was available.⁷⁸

The Committee on Standards expects “the Commissioner to consult it before exceptionally initiating an inquiry into a former Member or in respect of a matter which goes back more than seven years”.⁷⁹ Sir Paul Beresford questioned whether the rule should be rethought. Andrea Leadsom thought that the Commission should consider this when it met.⁸⁰

Chris Bryant asked whether the Commission, which was criticised in Dame Laura’s report was the appropriate body to consider the report. He suggested that more backbenchers should be involved. Andrea Leadsom thought the review had to start somewhere: “I think it needs to start with the House Commission discussing how we take this forward.”⁸¹

Matt Warman asked, “Does the Leader of the House agree that in this instance, regardless of any personnel changes, we also need to change some fundamental structures if we are to change the culture?” Andrea Leadsom noted his interesting point”.⁸²

Valerie Vaz, the shadow Leader of the House, thanked Dame Laura for her report, and noted as Dame Laura had that it was an inquiry, not an investigation, into allegations. She noted Dame Laura’s criticism that the ICGP had been implemented before her report was published and asked the Leader to confirm that Dame Laura’s report would be fed into the six-month review of the ICGP.⁸³

Pete Wishart, the SNP’s shadow Leader of the House, who served on the Steering Group, reiterated the call in the report to address the culture of Westminster.⁸⁴

⁷⁶ Ibid, cc535-536

⁷⁷ Ibid, cc540-542

⁷⁸ Ibid, c545

⁷⁹ House of Commons, [The Code of Conduct together with The Guide to the Rules relating to the Conduct of Members](#), 14 April 2015, HC 1076 2014-15, Guide to the Rules, Chapter 4, para 11

⁸⁰ HC Deb 16 October 2018 cc536-537

⁸¹ Ibid, c537

⁸² Ibid, c545

⁸³ Ibid, cc531-532

⁸⁴ Ibid, c534

5.6 Management Response

Following the publication of Dame Laura Cox's report, the Clerk of the House, Sir David Natzler, and the Director General, Ian Ailles, informed all staff of the House and thanked Dame Laura for her report. They said that:

Bullying and harassment have no place in the House of Commons, and the wellbeing of our people will always be our top priority.

Staff must be confident that unacceptable behaviour will be dealt with seriously, independently and with effective sanctions. Urgent work has already been undertaken to improve internal processes – including the introduction of new confidential support services and helplines run by external, independent specialist providers and a clear pathway for the investigation of allegations.

The findings of this inquiry will be taken into careful account.

They advertised briefings on the ICGS for all staff and gave contact details for support and counselling services.⁸⁵

The Commons Executive Board told the House's Leadership Forum, on 23 October 2018, that it backed Dame Laura's three central recommendations.⁸⁶

5.7 Outcome of the House of Commons Commission meeting on the Report

At its meeting on 24 October, the Commission discussed Dame Laura Cox's report. Following its meeting, the Commission issued the following statement

Following the publication of Dame Laura Cox's report on the bullying and harassment of House of Commons staff, a meeting of the House of Commons Commission was convened to discuss the report's recommendations and consider a way forward. The meeting was rescheduled from the original proposed date, on 22 October, to ensure it could be chaired by Jane McCall, the senior external member of the Commission.

We are grateful to all of those who contributed to the report, as well as those who communicated with us directly. All views and contributions have been fully considered. This includes a representation from the Commons Executive Board which called for acceptance of Dame Laura Cox's three fundamental recommendations.

We have a statutory responsibility for the employment of House staff and have too often failed to honour the responsibility to provide a workplace free from bullying and harassment. Dame Laura Cox's report describes an institutional failure to address the problem which has undermined the legitimacy and authority of the House of Commons.

The scale of the problem and depth of hurt caused is beyond dispute.

⁸⁵ Email to all staff of the House, 15 October 2018

⁸⁶ Email to R&I staff, 24 October 2018

We are determined to take immediate steps to rectify past mistakes where and when we can and are committed to a robust effort to change the culture which has tolerated such abuses. The staff of the House of Commons are essential to the functioning of democracy. We deeply regret that their diligence has at times been so poorly repaid, and that it has taken so long for us to recognise what must be done.

It is time for a change.

We have therefore agreed to the three fundamental recommendations highlighted by Dame Laura on page 6 of her report.

1. We are terminating the Valuing Others Policy, and have suspended operation of the Respect Policy recommending that the House terminate it as soon as possible;
2. We recommend that the House amend the new Independent Complaints and Grievance Scheme to ensure that those House employees with complaints involving historical allegations can access the new Scheme;
3. We recommend that the House consider the most effective way to ensure that the process for determining complaints of bullying, harassment or sexual harassment brought by House staff against Members of Parliament will be an entirely independent process, in which Members of Parliament will play no part.

It is now up to the House to take forward these recommendations to which we are fully committed. We would expect to see them progressed as quickly as possible.

Furthermore, we are also committed to a thorough and robust response within the context of our statutory responsibility for the employment of House staff, in order to prevent the future bullying and harassment of and sexual misconduct towards staff. We have directed the Commons Executive Board to produce a timely and resourced action plan in consultation with a wide range of stakeholders. This will be taken forward under the auspices of the external members of the Commission and drawing on such independent and external advice as may be required.

These are first steps. These changes should not be limited to House staff but must encompass the whole Parliamentary community. In time, it may become clear that further changes are needed.

Bullying and harassment have no place in the House of Commons, or in any area of public life. The persistence of this problem has rightly called into question the culture and leadership of the House of Commons. We acknowledge that we have a proactive role to play in improving the culture of the House Service, and therefore are resolved to ensure that Dame Laura Cox's report marks the moment where we commit to swift and lasting change.⁸⁷

The Speaker made a short statement before Business Questions, in the Chamber, on the day after the Commission's meeting:

I am delighted that the House of Commons Commission has decided to support fully the three main recommendations of Dame Laura Cox's report, namely the removal of the previous

⁸⁷ House of Commons, [Statement from the House of Commons Commission on the Dame Laura Cox Report](#), 24 October 2018

complaints procedures that are considered not fit for purpose, the call for an entirely independent process to handle complaints, and the inclusion of historical allegations. I believe that this is an important first step in our root-and-branch reform of the culture of this House.

We need to create an internal movement that looks at everything and everyone, and ensures that we all treat each other with respect. We know that more than 200 people came forward to give their testimonies to help Dame Laura to form her opinions, and we owe it to each and every one of them to get this right. Specifically, I am very keen to see the establishment of an independent body to hear and adjudicate on all allegations of bullying, harassment and sexual misconduct as soon as possible. Knowing that there is a safe place—a haven—for staff and Members of Parliament to approach when things go badly wrong should send out the strongest signal yet that we are listening, we have heard, and we are willing to change.⁸⁸

At Business Questions on 25 October 2018, Andrea Leadsom announced that there would be a general debate on Dame Laura Cox's report on Monday 5 November.⁸⁹

Later at Business Questions, Justin Madders said that he was pleased to hear the statements in support of implementing the Cox report. He noted that "a truly independent arbitration process ... may well need legislation". He asked the Leader of the House to commit to securing enough time to implement such legislation during this Session. In response, Andrea Leadsom said that:

I am sure that the hon. Gentleman fully appreciates that I cannot stand at the Dispatch Box and determine legislation right now with no thought of either what the House wants to do, or what those we would wish to consult—the victims—would like to happen. However, I can absolutely assure him that I am determined to grasp this awful problem and to stamp out bullying and harassment once and for all, wherever we see it in this place.⁹⁰

⁸⁸ [HC Deb 25 October 2018 c448](#)

⁸⁹ [HC Deb 25 October 2018 c448](#)

⁹⁰ [HC Deb 25 October 2018 c465](#)

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