



DEBATE PACK

Number CDP 2018-0049, 26 February 2018

Independent Complaints and Grievance Policy

By Richard Kelly

Summary

There will be a debate on a motion relating to the Independent Complaints and Grievance Policy in the Chamber on Wednesday 28 February 2018.

Andrea Leadsom, the Leader of the House of Commons, tabled the motion for the debate following a [statement](#) (made on 8 February 2018) on the Report from the Cross-Party Working Group on an Independent Complaints and Grievance Policy.

The motion endorses the Working Group's recommendations and provides for the establishment of:

- a Parliament-wide Behaviour Code that covers bullying and harassment;
- an independent complaints and grievance scheme;
- particular procedures to deal with reports of sexual harassment;
- a system of training to support the Code;
- a human resources support service for staff employed by Members of Parliament;

and to identify any amendments that may be necessary to Standing Orders and the Code of Conduct, for the approval of the House.

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1. Background

Summary

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.

The Working Group's report was published in February 2018. 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

The motion tabled by Andrea Leadsom, the Leader of the House of Commons and the Chair of the Working Group, which is being debated on 28 February 2018, endorses the Working Group's recommendations and asks the House of Commons Commission to authorise House officials to undertake the work to take forward the recommendations.

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".

1.1 Working Group on an Independent Complaints and Grievance Policy

"Allegations and accounts in the press about inappropriate behaviour and a culture of bullying and sexual harassment at Westminster ... resulted in the setting up a cross-party, bicameral Working Group on an Independent Complaints and Grievance Policy" this is how the Working Group explained the background to its formation on 14 November 2017, in its report that was published on 8 February 2018.¹

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.²

Andrea Leadsom reported to the House on the Group's progress before the Christmas recess,³ and again when its report was published on 8 February 2018.⁴

¹ Working Group on an Independent Complaints and Grievance Policy, [Report](#), 8 February 2018

² [HC Deb 16 November 2017 c605](#)

³ [HC Deb 21 December 2017 cc1302-1305](#)

⁴ [HC Deb 8 February 2018 cc1668-1670](#)

Membership of the Working Group

- Andrea Leadsom MP (Leader of the House of Commons and Chair of the Working Group),
- Baroness Evans of Bowes Park (Leader of the House of Lords),
- Dawn Butler MP (Shadow Minister for Women and Equalities), Emily Cunningham (National Union of Journalists (“NUJ”) representative SNP staff Westminster,
- Lord Hope of Craighead (Convenor of the Crossbench Peers); Max Freedman (Unite),
- Emma Little Pengelly MP (Democratic Unionist Party “DUP”), Caroline Lucas MP (Co-Leader of the Green Party),
- Georgina Kester (Members and Peers’ Staff Association “MAPSA”);
- Liz Saville Roberts MP (Plaid Cymru);
- Jo Swinson MP (Liberal Democrats);
- Valerie Vaz MP (Shadow Leader of the House),
- Pete Wishart MP (SNP).⁵

1.2 Recommendations of the Working Group

A Behaviour Code for Parliament

The Working Group recommended 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.

The Working Group confirmed that the policies would relate “to behaviour by those working for or with Parliament which takes place on the parliamentary estate, in constituency offices or elsewhere in the course of parliamentary work or which relates to the person’s parliamentary position, including on overseas visits”.⁶

The Working Group outlined the contents of the policies and sanctions that could be imposed when allegations were upheld (see Box 1) but noted that detailed work would be required to develop the new policies and procedures.

⁵ Working Group on an Independent Complaints and Grievance Policy, [Report](#), 8 February 2018, para 10

⁶ Working Group on an Independent Complaints and Grievance Policy, [Report](#), 8 February 2018, para 21

Box 1: New policies and procedures

25. The policies will define “sexual harassment” and “bullying and harassment”, and explain their impact on complainants. The policies will make it clear that sexual harassment and bullying and harassment are unacceptable in all circumstances and explicitly acknowledge that the abuse of power can be an aggravating factor in such cases. They will acknowledge the cumulative harm of repeated inappropriate behaviours. Legal advice will be sought, as appropriate, during the development of the new policies and procedures.

26. The policies will detail new procedures for action against sexual harassment and bullying and harassment as disciplinary matters across the parliamentary community. Flowcharts will be provided as well as written procedures to ensure these can be well-understood. The process for reporting a complaint will describe the informal and formal stages for managing and resolving complaints, and the process through to the determination of complaints and imposition of a range of sanctions. In matters where formal disciplinary action upholds allegations of serious misconduct, employees may be dismissed, and MPs and Peers may be suspended from either House and face recall or expulsion proceedings. The provision of support for all parties will be described.⁷

In her 8 February statement, on the publication of the Working Group’s Report, Andrea Leadsom outlined the Group’s recommendations. In doing so, she noted that the behaviour code would “make clear the behavioural expectations of everyone in the parliamentary community”.

She also noted that “the new complaints and grievance procedure will be independent of political parties”.

Andrea Leadsom noted that there would be different procedures for sexual harassment and for bullying and intimidation. She commented that “This is an important distinction and, although everyone has acknowledged the severity of complaints of sexual harassment, evidence from staff made it clear that instances of intimidation and bullying are in fact more prevalent”.

Andrea Leadsom also acknowledged that “MPs’ staff require proper HR advice—something that has previously been lacking and will go a long way to helping to resolve workplace grievances”.⁸

In November 2017, in response to questions following her statement on the formation of the Working Group, Andrea Leadsom reported that some additional support for Members staff had been provided:

Mr Speaker arranged today for confirmation to be sent to staff in both Houses that the existing complaints helpline has been rolled out not just to House of Commons staff, but to staff in the other place, and, in addition, that face-to-face counselling will be available on the parliamentary estate from Monday 20 November. An e-mail has been sent to all staff giving specific details of how to express a complaint, how to receive counselling and signposting, and so on.⁹

Making a complaint against an MP

Andrea Leadsom outlined the procedure for making a complaint against a Member of Parliament:

⁷ Working Group on an Independent Complaints and Grievance Policy, *Report*, 8 February 2018, paras 25-26

⁸ [HC Deb 8 February 2018 c1669](#)

⁹ [HC Deb 16 November 2017 c607](#)

It is intended that the House authorities will procure two independent services: one to consider allegations of sexual harassment and violence, and the other to consider workplace bullying and intimidation. Both avenues will provide support and, where needed, will investigate the complaint. Where informal resolution is not possible and the complaint is upheld, it will be referred to the Parliamentary Commissioner for Standards in the case of a Member of this House. The working group proposes that the commissioner's role will be expanded and reformed. She will have access to legal advice, and will be able to impose a new range of lower-level sanctions that may include a written apology, mandatory training or future behaviour agreements.

The Commissioner will be able to review any finding by the independent investigator, and where she does so, she will ensure that her investigations are also strictly confidential, that both the complainant and alleged perpetrator have access to all evidence, and, crucially, that each has the right to representation or to represent themselves. Those measures will ensure fairness.

In the most serious of cases, the Commissioner will refer her findings to the Committee on Standards. The Committee will be able to recommend to the House that an individual is suspended, and the House will vote on the recommendation. It is through this route that the existing Recall of MPs Act 2015 could be invoked. The trigger for recall will remain the same as it is now, and there is no plan for changes to primary legislation.¹⁰

Box 2: How does the suspension of an MP trigger the Recall of MPs Act 2015?

Under the *Recall of MPs Act 2015*, if the House of Commons suspends an MP for a period of at least 10 sitting days, or a period of at least 14 days, following a report from the Committee on Standards, the MP becomes subject to the recall petition process. (The Act contains two other triggers: an MP is convicted of an offence and sentenced or ordered to be imprisoned or detained; or an MP is convicted under section 10 of the *parliamentary Standards Act 2010* (offence of providing false or misleading information for allowances claims).)

Under the process, the Speaker has to give notice to the petition officer, who is the returning officer in the constituency. The petition officer then has to make a recall petition available for signing for six weeks; and give notice to electors that the petition is available for signing.

If at least 10% of the number of registered electors in the constituency sign the petition, the MP's seat becomes vacant. The former MP is allowed to contest the resulting by-election.

Confidentiality

In her statement, Andrea Leadsom noted that "the working group fully recognised the fact that those who work in this place are often in the media spotlight, and that vexatious and malicious complaints are a risk. The new procedures will therefore ensure that checks and balances are in place to guard against such complaints".¹¹ The Report stated that "Confidentiality will apply at all stages of the process".¹²

¹⁰ [HC Deb 8 February 2018 cc1669-1670](#)

¹¹ [HC Deb 8 February 2018 c1670](#)

¹² Working Group on an Independent Complaints and Grievance Policy, *Report*, 8 February 2018, para 32

1.3 Next steps

The motion sets out the way in which the Working Group recommendations will be implemented:

That this House endorses the recommendations of the Working Group on an Independent Complaints and Grievance Policy; and asks the House of Commons Commission to authorise House officials, reporting regularly to a steering group of Members and others, to undertake the work necessary to establish:

1. a Behaviour Code for Parliament that covers bullying and harassment, and sexual harassment, and applies to all persons working for or with Parliament, or who are lawfully on the parliamentary estate;
2. an independent complaints and grievance scheme to underpin the Code, together with associated policies, appropriate sanctions and the contractual arrangements necessary for delivering the scheme;
3. particular procedures to deal with reports of sexual harassment, including the provision of a specialist Independent Sexual Violence Advocate;
4. a system of training to support the Code;
5. a human resources support service for staff employed by Members of Parliament or jointly by political parties, delivered by a third-party provider, and a handbook for these staff;

and to identify any amendments that may be necessary to Standing Orders and the Code of Conduct, for the approval of the House.¹³

In its report, the Working Group confirmed that “Once a motion is passed by the House of Commons, and any necessary equivalent steps are taken in the House of Lords, the House Commissions would authorise the House Authorities to work up the details of the agreed processes and plan their implementation”.¹⁴

The Working Group also 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”.¹⁵

The House issued an Expression of Interest recruitment notice for a Programme Manager – Independent Complaints and Grievance Scheme, which closed on 22 February 2018.¹⁶

¹³ House of Commons, *Order of Business 23 February 2018*, see Calendar of Business, Wednesday 28 February 2018

¹⁴ Working Group on an Independent Complaints and Grievance Policy, *Report*, 8 February 2018, para 87

¹⁵ Working Group on an Independent Complaints and Grievance Policy, *Report*, 8 February 2018, para 48

¹⁶ Vacancy number: [PS2985](#)

Costs

The Working Group said that “Costs will be met by the existing budgets of the House Authorities”.¹⁷

The expected financial consequences of the motion have been set out in a memorandum prepared by the Accounting Officer (the Clerk of the House), in accordance with Standing Order No 22C.¹⁸

The Clerk’s memorandum identified the work necessary to take forward the Working Group’s recommendations:

... This work would, if approved, include procurement of services required to run an independent complaints and grievance process and provide a specialist, trained Independent Sexual Violence Advocate; establishment of a system of training to support the proposed Behaviour Code; and procurement of a human resource advice service for staff employed by Members of Parliament, Peers or jointly by political parties.

The Clerk then estimated the costs of the programme and indicated where funding would come from:

4. A Programme Manager, supported by another member of staff, will be recruited to oversee the implementation of the recommendations, and will work closely with those leading on the separate workstreams to develop a detailed project plan. Since it is envisaged that the work will be completed in the short-term, the current intention is that these tasks will be undertaken within the current staffing resource, although some modest additional staff resources may be needed. I estimate that the one-off staffing and procurement costs of implementing the recommendations of the Working Group to be around £100,000.

5. It is estimated that the ongoing costs will include additional staff resource within the Parliamentary Commissioner for Standards and HR teams, the provision of training, contract management costs, and the cost of HR advisory services and the third-party services to deal with complaints of sexual harassment and bullying and harassment. The costs are difficult to estimate accurately as the take-up of the service is unknown at this stage and may fluctuate. I therefore estimate ongoing annual costs of around £500,000.

6. In the current year the costs can be met from underspends elsewhere. In 2018-19 they will be met from contingency. Once the services are established the cost will be factored into future financial plans.¹⁹

¹⁷ Working Group on an Independent Complaints and Grievance Policy, [Report](#), 8 February 2018, para 89

¹⁸ [Standing Order No 22C](#) states that “Motions which would have a direct consequence of additional expenditure under the House of Commons: Administration Estimate estimated to be £50,000 or more shall not be considered by the House unless a memorandum setting out their expected financial consequences has been made available to the House”.

¹⁹ [Independent Complaints and Grievance Procedure – Financial Consequences](#), Memorandum by the Accounting Officer, 8 February 2018

2. Statements in the House of Commons

[Speaker's Statement](#) on allegations of sexual harassment at Westminster on 30 October 2017 [HC Deb 30 October 2017 cc577-578]

[Urgent Question](#) on Sexual Harassment in Parliament on 30 October 2017 from Harriet Harman, answered by Andrea Leadsom [HC Deb 30 October 2017 cc579-598]

[Statement](#) on Independent Complaints and Grievance Policy on 16 November 2017 by Andrea Leadsom [HC Deb 16 November 2017 cc605-617]

[Statement](#) on Independent Complaints and Grievance Policy on 21 December 2017 by Andrea Leadsom [HC Deb 21 December 2017 cc1302-1313]

[Statement](#) on publication of the report of the Working Group on an Independent Complaints and Grievance Policy on 8 February 2018 by Andrea Leadsom [HC Deb 8 February 2018 cc1668-1679]

3. Press Articles

On publication of the Working Group report

Jack Maidment, "[Identity of MPs accused of harassment or bullying to be kept secret under proposed crackdown on inappropriate behaviour](#)", *Daily Telegraph*, 8 February 2018

Lizzy Buchan "[One fifth of Westminster staff have experienced sexual harassment at work](#)", *Independent*, 8 February 2018

"Fifth of staff at Westminster affected by harassment; Parliamentary standards", *Financial Times*, 9 February 2018

Jack Maidment, "Probability test could damn MPs accused of sex misdeeds; Report sets out toughened sanctions for harassment and lowers standard of proof needed before action", *Daily Telegraph*, 9 February 2018

"[MPs accused of sex harassment won't be named](#)", *Daily Mail*, 9 February 2018

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