

Debate Pack

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Work of the Independent Complaints and Grievance Scheme

1	Background	2
1.1	How does the ICGS operate?	2
1.2	Reviews of the ICGS	3
1.3	Annual reports	5
1.4	Statistics	6
2	Parliamentary material	8
3	Press coverage	10
	Appendix: ICGS Review 2023 – Agreed Terms of Reference	12

Summary

On 30 November 2023, there will be a general debate in Westminster Hall on the work of the Independent Complaints and Grievance Scheme (ICGS).

1 Background

Parliament's [Independent Complaints and Grievance Scheme \(ICGS\)](#) was set up in 2018. It is an independent mechanism for handling complaints of bullying, harassment or sexual misconduct in the House of Commons and the House of Lords. The ICGS provides advice and support to all members of the parliamentary community, whether an individual chooses to make a formal complaint or not.¹

The parliamentary [Behaviour Code](#) (PDF) was endorsed alongside the Independent Complaints and Grievance Scheme in July 2018. Both were developed in response to complaints about bullying and harassment in Parliament.

The Parliamentary Commissioner for Standards is an independent officer of the House of Commons. Their job is to oversee the Register of Members' Financial Interests and the Code of Conduct for MPs. The Commissioner also advises the Committee on Standards about issues relating to the Code of Conduct. The Commissioner has oversight of investigations conducted under the ICGS. The Commissioner is the decision-maker for investigations into allegations of harassment, bullying or sexual misconduct by MPs from current or former members of the parliamentary community.²

The [Independent Expert Panel \(IEP\)](#) determines appeals and sanctions in cases where complaints have been brought against MPs of bullying, harassment or sexual misconduct under the ICGS. It also hears appeals against decisions by the Committee on Standards that MPs have breached the Code of Conduct and/or an inappropriate sanction has been imposed.³

For more information on the background to the establishment of the ICGS, see the Library research briefing, [Independent Complaints and Grievance Scheme](#). For information on the establishment of the IEP, see the Library research briefing, [Independent Complaints and Grievance Scheme: independent investigation](#).

1.1 How does the ICGS operate?

The Independent Complaints and Grievance Scheme consists of:

¹ UK Parliament, [The Independent Complaints and Grievance Scheme \(ICGS\)](#)

² There is more information on the [Commissioner's website](#).

³ Following the House's agreement to the Procedural Protocol on 18 November 2022, the IEP heard its first appeal against a finding of the Committee on Standards in November 2022, see: Independent Expert Panel, [Appeal by Andrew Bridgen MP](#) [PDF], 20 December 2022, HC 991 2022-23

- [Behaviour Code](#)
- [Bullying and Harassment policy](#)
- [Bullying and Harassment Procedure](#)
- [Sexual Misconduct Policy](#)
- [Sexual Misconduct Procedure](#)

Full details of the complaints procedures are given on the [ICGS webpages](#).

There are different guides depending on who is being complained against.

[Making a Complaint, a Guide for Complainants](#) (PDF) provides an overview of the process, whoever is being complained against.

1.2 Reviews of the ICGS

The ICGS has been the subject of two independent reviews, carried out by Alison Stanley, an expert on organisational approaches to bullying and harassment.⁴ On 28 January 2019, she was [appointed](#) by the House of Commons Commission to review of the first six months of the operation of the ICGS:

- [UK Parliament Independent Complaints and Grievance Scheme Independent 6-month Review](#) (PDF), 31 May 2019

Her second review of the Scheme [began](#) in October 2020:

- [Independent Complaints & Grievance Scheme Independent 18-Month Review](#) (PDF), 22 February 2021

In the executive summary of the 18-month review, Alison Stanley commented that:

... while there has been much progress, it has become plain that several aspects of how the ICGS is operating are impacting on the success of the Scheme and the confidence in it. Its operation and processes have become over complex and there is a perception amongst the Parliamentary community that it is a stressful, isolated and lengthy process. This has been the experience of many of the contributors to the review, in particular during an investigation.

⁴ A press notice, announcing the beginning of the 18-month review, gave the following details of Alison Stanley's experience:

"Alison Stanley CBE FCIIPD ... brings substantial public and private sector experience in the development and implementation of effective and engaging people practices. This includes the review and improvement of organisational approaches to bullying and harassment."

UK Parliament news, [ICGS: 18 Month Review begins](#), 9 October 2020

Some groups are less likely to use the Scheme for confidential support and advice or to make a claim.

In its [5th annual Report \(July 2022–June 2023\)](#) (PDF), the ICGS noted that the only outstanding recommendation from Alison Stanley’s 18-month review concerned the governance arrangements of the ICGS.⁵ (More details are given in section 2.)

Third Review of the ICGS

A review of the ICGS began on 23 October 2023. It is being conducted by Paul Kernaghan CBE, QPM, a former Lords Commissioner for Standards.⁶

A news item on the review provided the following overview of the purpose of the review:

The purpose of the review is to assess the performance of the ICGS and identify opportunities for further improvements. The [terms of reference](#) (PDF) were agreed by the Commissions of both Houses. With an expectation to report in early 2024, the review timetable is in line with recommendations made in 2021 - as part of the 18-month ICGS review by independent expert Alison Stanley.

The review will not re-open any investigations but will assess how the ICGS is working as a whole.⁷

[The terms of reference of the ICGS Review 2023](#) (PDF) were agreed by the Commissions of the House of Commons and House of Lords. They are appended to this debate pack.

Reflections of the new director

Thea Walton was appointed ICGS Director in March 2023.⁸

In her foreword to the ICGS’s [5th annual Report \(July 2022–June 2023\)](#) (PDF), published in October 2023, reflected on her first three months in her role and outlined her priorities:

Reflections from my first three months in role, new to Parliament – is that I have moved into a complex landscape. The culture of Parliament, variety of employment practices and bodies give explanation to why it is sometimes necessarily complex, but not always. The more complexity we bring in, the more removed we become from the opportunity to properly make our work trauma informed. It is imperative we listen to the experiences of those in the parliamentary community and those who have been involved in our processes

⁵ Independent Complaints and Grievance Scheme, [5th annual Report \(July 2022–June 2023\)](#) (PDF), p17

⁶ UK Parliament news, [Paul Kernaghan to lead next review into Parliament’s Independent Complaints and Grievance Scheme](#), 25 October 2023

⁷ UK Parliament news, [Review of the Independent Complaints and Grievances Scheme \(ICGS\)](#), 23 November 2023

⁸ Thea Walton, [“I know what’s needed to build confidence in Parliament’s complaints system”](#), The House Magazine, 25 July 2023

– as a complainant, respondent, or witness. This will help further shape and improve the service we offer.

With that in mind I have three key priorities for the coming years:

- Supporting our service users and potential complainants
- Delivering independent, high-quality, and timely investigations
- Working with others to improve Parliament’s working culture⁹

1.3

Annual reports

Five annual reports from the ICGS review key developments over time

- [Annual Report July 2018 – June 2019](#) (PDF)
- [Annual Report \(July 2019–June 2020\)](#) (PDF), see Annex A for a timeline
- [Annual Report \(July 2020–June 2021\)](#) (PDF)
- [4th annual Report \(July 2021–June 2022\)](#) (PDF), see Annex A for a timeline
- [5th annual Report \(July 2022–June 2023\)](#) (PDF),

In the annual report covering the year from July 2021–June 2022, the ICGS Team reported two ways in which the Scheme had developed since its launch:

In April 2022, the ‘multiple complaints process’ was agreed by relevant governance bodies, allowing potential complainants to be alerted to other complaints about the same person, to help them to decide whether they want to pursue a formal complaint;

In April 2021, following the recommendation of Alison Stanley’s review, both Houses agreed to close the window to lodge complaints for non-recent cases of bullying and harassment. This came into effect on 28 April 2022. From this point on, complaints of bullying and harassment must be made within one year of the incident (or most recent incident if there is more than one). (This time limit for bullying and harassment complaints does not apply to cases that involved Members of the House of Lords or their staff). Sexual misconduct cases have no such time limit;¹⁰

⁹ Independent Complaints and Grievance Scheme, [5th annual Report \(July 2022–June 2023\)](#) (PDF), p3

¹⁰ Independent Complaints and Grievance Scheme, [4th annual Report \(July 2021–June 2022\)](#) (PDF), pp6-7

1.4

Statistics

The ICGS proactively publishes quarterly statistics on the number of calls and emails to helplines; the number of unique callers to the helplines; and the number of investigations started in each quarter. Data was last updated on 09/10/2023:

- [Independent Complaints and Grievances Scheme proactively published statistics](#) (PDF)

In the first three quarters of 2023, there were:

- 279 calls and emails to helplines, compared to 599 in 2022
- 146 unique callers to the helplines, compared to 303 in 2022
- under 30 investigations started (fewer than 10 in quarter 1, and 10 in each of quarter 1 and quarter 2), compared to 57 in 2022.¹¹

More detailed information on the outcome of investigations and the length of time investigations take to complete are presented in the Annual Reports.

The [5th annual Report \(July 2022–June 2023\)](#) (PDF) provides a comparison over the three most recent years.

- In 2020-2021 of the 48 completed investigations, 20 were upheld and 28 not upheld
- In 2021-2022 of the 23 completed investigations, 15 were upheld and eight not upheld
- In 2022-2023 of the 16 completed investigations, nine were upheld and seven not upheld

In the same three years, the average time taken to complete investigations varied according to whether the investigation was under the sexual misconduct or bullying and harassment policy, with sexual misconduct cases taking slightly longer to investigate. Cases where the respondent was an MP took longer to complete than cases in which the respondent was either an MP staff or House of Commons staff.¹² The average length of time taken to complete cases was:

- In 2020-2021, 189 days (48 cases)

¹¹ [Independent Complaints and Grievances Scheme proactively published statistics](#) (PDF)

¹² Independent Complaints and Grievance Scheme, [5th annual Report \(July 2022–June 2023\)](#) (PDF), p19

- 233 days for four sexual misconduct cases
- 185 days for 44 bullying and harassment cases
- In 2021-2022, 210 days (23 cases)
 - 218 days for six sexual misconduct cases
 - 208 days for 17 bullying and harassment cases
- In 2022-2023, 184 days (16 cases)
 - 202 days for five sexual misconduct cases
 - 176 days for 11 bullying and harassment cases¹³

In her foreword to the [5th annual Report \(July 2022–June 2023\)](#) (PDF), Thea Walton, the ICGS Director, said:

The recruitment, training, and induction of a new pool of investigators, from a variety of backgrounds and skills, has been a considerable success – and is beginning to bear fruit – seeing a reduction of time taken in investigations by over a month.¹⁴

¹³ Independent Complaints and Grievance Scheme, [5th annual Report \(July 2022–June 2023\)](#) (PDF), p19

¹⁴ Independent Complaints and Grievance Scheme, [5th annual Report \(July 2022–June 2023\)](#) (PDF), p3

2

Parliamentary material

[Members of Parliament: Risk-based exclusion](#)

12 June 2023 | House of Commons | 734 cc80-128

General debate on the House of Commons Commission Report, Risk-based exclusion of MPs: consultation response and proposals.¹⁵

The relationship between ICGS investigations and risk-based exclusion was raised in the course of this debate, as were the forthcoming (now underway) review of the ICGS and issues relating to confidentiality and the ICGS.

[Independent Complaints and Grievance Scheme: facilitating multiple complaints](#) (PDF)

30 March 2022 | House of Commons Commission report | HC 1244 2021-22

The House of Commons Commission report, [Independent Complaints and Grievance Scheme: facilitating multiple complaints](#) (PDF), published on 30 March 2022,¹⁶ was agreed to by the House of Commons on 26 April 2022, without debate or division.¹⁷

[Governance of the Independent Complaints and Grievance Scheme](#) (PDF)

19 October 2021 | House of Commons Commission report | HC 809 2021-22

The proposals for changes to the governance of the ICGS made by the House of Commons Commission stemmed from Alison Stanley's 18-month review of the ICGS. They were not put to the House of Commons for approval.

In its [5th annual Report \(July 2022–June 2023\)](#) (PDF), the ICGS noted this was the only outstanding recommendation from Alison Stanley's 18-month review and that it would be considered in the Kernaghan review, and an interim governance arrangement has been established.¹⁸

¹⁵ House of Commons Commission, [Risk-based exclusion of MPs: consultation response and proposals](#) (PDF), 5 June 2023, HC 1396 2022-23

¹⁶ House of Commons Commission report, [Independent Complaints and Grievance Scheme: facilitating multiple complaints](#) (PDF), 30 March 2022, HC 1244 2021-22

¹⁷ [HC Deb 26 April 2022 c732](#)

¹⁸ Independent Complaints and Grievance Scheme, [5th annual Report \(July 2022–June 2023\)](#) (PDF), p17

Interim assurance arrangements

In its [5th annual Report \(July 2022–June 2023\)](#) (PDF), the ICGS described the interim assurance arrangements that had been put in place:

A key aspect of the upcoming ICGS Review is to consider the governance arrangements of the ICGS, how they can be clarified and improved and how decisions about changes to the ICGS can be made. To support this an interim assurance group has been set up for:

- Providing a sounding board for the external ICGS Reviewer
- Reviewing monitoring data about the ICGS
- Making recommendations to committees and boards of both Houses about any policy or process changes required to the ICGS; and
- Resolving or escalating any concerns about the operation of the ICGS that cannot be resolved by the Director alone

This group met for the first time in July 2023. The membership of this group includes:

Co-chairs:

- Commons Clerk Assistant
- Lords Clerk Assistant

Group members:

- Member representative from the House of Commons Commission
- Member representative from the House of Lords Commission
- Representative of the Lords Conduct Committee
- Parliamentary Commissioner for Standards
- Chair of the Independent Expert Panel
- ICGS Director¹⁹

¹⁹ Independent Complaints and Grievance Scheme, [5th annual Report \(July 2022–June 2023\)](#) (PDF), p17

3

Press coverage

[ICGS Director Wants To Reduce Bullying Complaints Threshold](#)

Politics Home | 20 Nov 2023

Parliamentary authorities want to lower the threshold for launching bullying investigations at Westminster to deal with the “horror stories” of persistent offenders.

[Westminster drinking culture blamed for bad behaviour](#)

BBC News | 18 Oct 2023

A culture of drinking is fuelling inappropriate behaviour in Westminster, according to Parliament's behaviour watchdog.

The Independent Complaints and Grievance Scheme (ICGS) found drinking in Parliament's many bars often led to “intimidating behaviour”.

[I know what's needed to build confidence in Parliament's complaints system](#)

The House | Thea Walton (ICGS Director) | 25 July 2023

The working culture in Parliament – and Westminster more generally – has been in the news a lot over the past year.

We've seen several high-profile cases of individuals facing repercussions for workplace behaviours that we would not expect of anyone, let alone our elected officials.

[Westminster: House of Commons culture still 'predatory', say staff](#)

BBC news | 5 July 2023

A “predatory culture” still exists around the House of Commons, with inappropriate flirting and sexual misconduct still prevalent, staff say.

Six members of staff told BBC Newsnight that abuses of power by male MPs and senior staffers remained common, and a new complaints process was too slow.

[House of Commons watchdog denies claims from ex-Tory MP](#)

The Standard | 19 June 2023

A House of Commons watchdog has denied criticisms from a departing Conservative MP after an investigation by the Independent Complaints and Grievance Scheme (ICGS) into allegations of sexual harassment and cocaine use.

[Scrutiny of behaviour in parliament has come a long way — but there's more to be done](#) [subscription required]

Times | Jo Willows [Then ICGS Director] | 14 Dec 2022

Parliament is often described as a unique institution, and it is certainly an unusual workplace with a great deal of public scrutiny, potential power imbalances and a culture where people work late into the night, under significant pressure, sometimes far from home.

[Fears for victims as parliament sleaze probes take up to two years](#)

Independent | 3 Jul 2022

Investigations by parliament's misconduct watchdog are taking up to two years to reach their conclusions, prompting fears victims may be deterred from making complaints.

[Shirking Self-Regulation? Parliamentary Standards in the UK](#) [subscription required]

Public Integrity journal | 10 Jun 2022

In autumn 2021, the system for regulating the conduct of Members of Parliament in the UK House of Commons was briefly plunged into crisis.

[The Times view on MPs' misconduct: Chamber of Horrors](#) [subscription required]

Times | 2 May 2022

A tougher disciplinary process might improve Westminster culture. But the real problem lies in a sense of entitlement among MPs unwilling to uphold standards

Appendix: ICGS Review 2023 – Agreed Terms of Reference

Quality and timeliness

1. Drawing on internal data and external benchmarking data, act as a critical friend to the ICGS Director in her efforts to improve the timeliness and quality of investigations, providing assurance in relation to their initial impact and potential for longer-term improvement.

Confidentiality

2. Consider the role of confidentiality within the Scheme. Specifically, consider how more transparency can be built into the Scheme without compromising the right to confidentiality of all parties to a complaint; and how individual breaches of confidentiality are handled.

Independence

3. Consider how the concept of ICGS independence is interpreted, to ensure an appropriate balance between independence and operational effectiveness.

Governance

4. Make recommendations for how the governance of the ICGS can be clarified and improved. In particular, to consider:

- a) How decisions are made about changes to the ICGS;
- b) Clarity and transparency about how the constituent parts of the ICGS and related bodies work together; and
- c) Clarity and transparency about the relationship between the ICGS, the criminal justice system and political party complaints processes, including the involvement of the party whips.

Scope

5. Consider whether the scope of where and to whom the ICGS applies is sufficiently clear and subject to consistent interpretation.

Resolution outside of the Scheme

6. Share observations with the relevant parties (for example those responsible for culture change or implementing the Speaker's Conference) about how low-level disputes might be resolved outside the Scheme, where appropriate.

Service user experience

7. Consider the experiences of service users, including support available to all parties and the role and skillset of those providing this support

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