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CONTRIBUTION

by

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on

“Code of Conduct”

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Code of Conduct

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The Prime Minister and the Committee of Privileges

On 21 April 2022 the House of Commons made the following reference to the Committee of Privileges:

“That this House:

- (1) notes that, given the issue of fixed penalty notices by the police in relation to events in 10 Downing Street and the Cabinet Office, assertions the Rt hon Member for Uxbridge and South Ruislip [Boris Johnson] has made on the floor of the House about the legality of activities in 10 Downing Street and the Cabinet Office under Covid regulations, including but not limited to the following answers given at Prime Minister’s Questions:

1 December 2021, that “all guidance was followed in No. 10”, Official Report vol. 704, col. 909;

8 December 2021 that “I have been repeatedly assured since these allegations emerged that there was no party and that no Covid rules were broken”, Official Report vol. 705, col. 372;

8 December 2021 that “I am sickened myself and furious about that, but I repeat what I have said to him: I have been repeatedly assured that the rules were not broken”, Official Report vol. 705, col. 372; and

8 December 2021 that “the guidance was followed and the rules were followed at all times”, Official Report vol. 705, col. 379,

appear to amount to misleading the House; and

- (2) orders that this matter be referred to the Committee of Privileges to consider whether the Rt hon Member’s conduct amounted to a contempt of the House, but that the Committee shall not begin substantive consideration of the matter until the inquiries currently being conducted by the Metropolitan Police have been concluded.”

Since the House agreed the referral, the police inquiries into alleged breaches of pandemic lockdown regulations have concluded. Rt Hon Boris Johnson MP has resigned as Prime Minister. Some have suggested that the Committee’s inquiry is no longer necessary. The Committee’s inquiry, however, is into the question of whether the House was misled, and political developments are of no relevance to that. The House charged the Committee with a task with which it is obliged to continue. Unlike other Committees, the Committee of Privileges does not set its own agenda.

Chris Bryant (Labour) who was Chair of both the Committee on Standards and the Committee of Privileges, stepped down from the latter position in order to recuse himself

from the inquiry, since he had made public comments about the truthfulness of the Conservative Prime Minister. His place as Chair (normally held by an Opposition Member) was taken by a former Labour Solicitor General who as the woman MP with the longest continuous service is “Mother of the House”.

The Committee of Privileges set out its proposed approach to the inquiry in a Special Report of 21 July 2022. Before Boris Johnson left office the Government commissioned an independent legal opinion at the cost of some £130,000 which (in breach of normal protocol) was published on the Government website before it had been received by the Committee of Privileges. The legal opinion criticised the Committee proposed method of inquiry as unfair.

The Committee of Privileges published another Special Report on 26 September 2022 refuting the legal opinion as founded on a systemic misunderstanding of the parliamentary process and misplaced analogies with the criminal law.

The Committee of Privileges is expected to take evidence from witnesses, including the former Prime Minister, later in 2022.

The Code of Conduct and the Committee on Standards

In the course of each Parliament, the Committee on Standards considers a review of the code of conduct carried out by the Parliamentary Commissioner for Standards. In its First Report of 2021-22, dated 24 May 2022, the Committee invited views on a revised code promoting appropriate values, attitudes and behaviour in Parliament. On 4 July 2022 the Committee published its Second Report on a Procedural Protocol, containing detailed information about the House’s standards procedures incorporated in one document, plainly and accessibly written, to implement a recommendation in the recent review by a former judge Sir Ernest Ryder of fairness and natural justice in the House’s standards system. On the same day the Committee’s published its final proposals on the code of conduct in its Third Report.

In September 2022 the Government’s reply to the Reports broadly endorsed the Committee’s proposals. The Government continues to have reservations about whether it is appropriate to regulate the terms of employment contracts between individual MPs and outside employers. The Government supports the proposed rule prohibiting MPs from doing any paid work to provide services as a parliamentary strategist, adviser or consultant and providing that outside work should be undertaken only within “reasonable limits”.

A debate on approving the revised code of conduct and guide to the rules with the new procedural protocol is expected to take place before the end of 2022.

The Behaviour Code and the Independent Complaints and Grievance Scheme

The Behaviour Code applies to everyone visiting or working in Parliament at Westminster or elsewhere. The Code sets out guidelines how everyone should be treated, and how everyone should treat others:

Respect and value everyone – bullying, harassment and sexual misconduct are not tolerated

If you have experienced bullying, harassment or sexual misconduct, you are encouraged to report it and/or seek support by contacting:

- Independent Sexual Misconduct Advice Service – <free telephone number>
- Independent Bullying and Harassment Reporting Service – <free telephone number>

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.

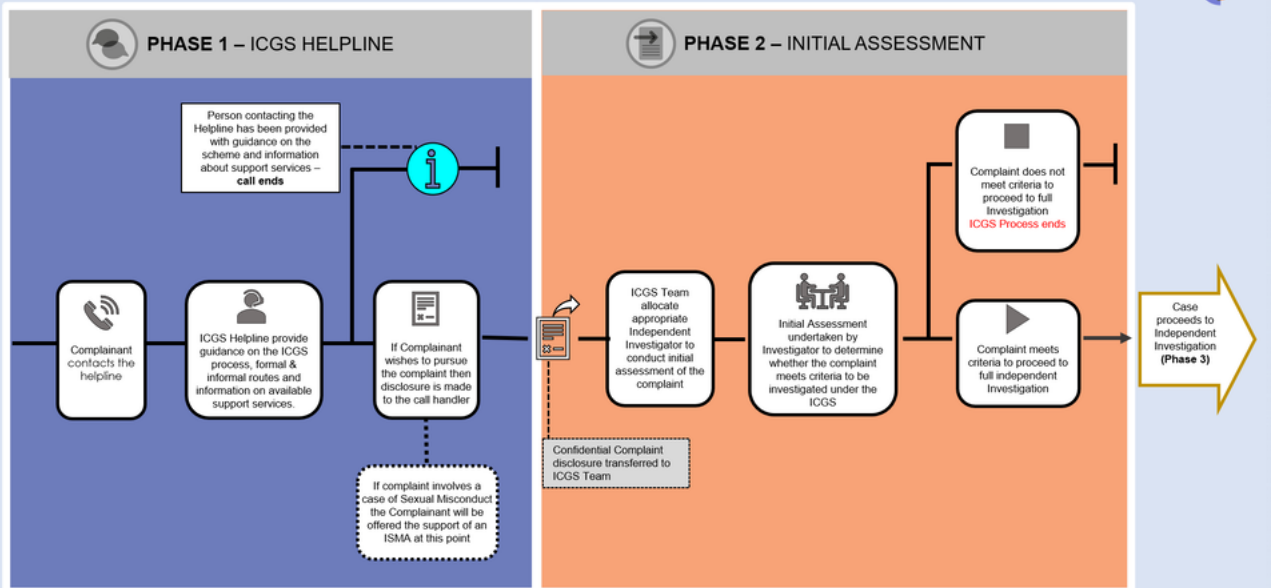
The **Independent Complaints and Grievance Scheme (IGCS)** is Parliament's independent mechanism for handling complaints of bullying, harassment or sexual misconduct.

The ICGS provides advice and support to all members of the parliamentary community, whether they choose to make a formal complaint or not.

If a person decides to make a complaint, it will be assessed by an **independent investigator**. If the investigator decides that the complaint meets the IGCS criteria, it proceeds to a full investigation including examination of witnesses, ending with a report to the relevant person: the line manager for staff of the House, or the Parliamentary Commissioner for Standards in the case of complaints about Members of Parliament.

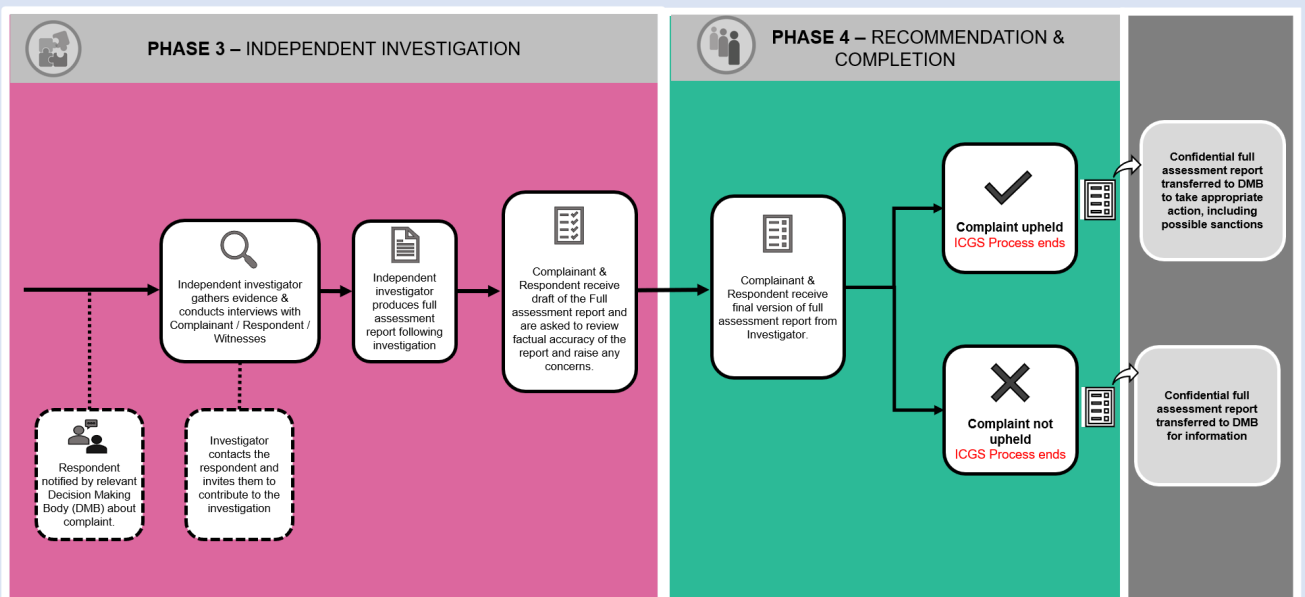
In the case of the House of Lords, reports about Members of the House of Lords or their personal staff go to the House of Lords Commissioner for Standards.

ICGS Process – Helpline – Initial assessment



Please note - This process differs for cases involving Members of both Houses and their staff. For full details on this processes please visit the [Guidance section of the ICGS Hub](#)

ICGS Process – Investigation - Completion



Please note - This process differs for cases involving Members of both Houses and their staff. For full details on this processes please visit the [Guidance section of the ICGS Hub](#)

The **Parliamentary Commissioner for Standards** is responsible for the independent and impartial investigation of alleged breaches of the House of Commons' Code of Conduct for Members. This includes overseeing the investigation of complaints from the parliamentary community about harassment, bullying or sexual harassment by MPs and deciding whether such complaints should be upheld, and imposing sanctions in less serious cases.

The **Independent Expert Panel** determines appeals and sanctions in cases where complaints have been brought against MPs of bullying, harassment or sexual misconduct under the

Independent Complaints and Grievance Scheme (ICGS). The Panel is entirely independent, with no MPs taking part in its decisions. The House of Commons MPs agreed to establish the Panel on 23 June 2020. The current Panel members were appointed on 25 November 2020.

In 2021 the Panel published decisions on 4 cases of sexual misconduct and three of bullying and harassment. Six cases were upheld with sanctions ranging from none (where the MP had since resigned from the House) to withdrawal of passes for former Members to suspension of six weeks for a sitting Member.

In 2022 the IEP has published 4 further reports: one upholding a Member's appeal against the decision of the Parliamentary Commissioner for Standards to uphold a complaint against her of sexual misconduct; one recommending a oral statement of apology and a two-day suspension for sexual misconduct; one recommending a written apology and a two-day suspension for bullying and harassment; and one upholding the findings of the Parliamentary Commissioner for Standards on complaint about bullying and harassment by the former Speaker.

Bullying complaint upheld against former Speaker

The Independent Expert Panel reprimanded John Bercow, the former Speaker of the House of Commons, for breaching Parliament's bullying and harassment policy. The IEP decided that his conduct was so serious that he should never be allowed a pass to the Parliamentary estate; and that if he were still a MP it would have recommended expelling him from the House. The Parliamentary Commissioner for Standards had upheld 21 allegations against Mr Bercow from three complainants, all House staff at the time (including former Clerk of the House Sir Robert Rogers KCB, now Lord Lisvane), relating to 2009 to 2014. The IEP dismissed Mr Bercow's appeals against those decisions, concluding in one case that:

“the respondent [Mr Bercow] has been widely unreliable and repeatedly dishonest in his evidence. He has attempted to defeat these complaints by false accusations of collusion and by advancing lies.”

The IEP decision on sanction said:

“The findings of the Parliamentary Commissioner for Standards, which we have upheld, show that the respondent has been a serial bully [...]

His evidence in the investigations, the findings of the Commissioner, and his submissions to us, show also that the respondent has been a serial liar.

His behaviour fell very far below that which the public has a right to expect from any Member of Parliament.

The respondent's conduct was so serious that, had he still been a Member of Parliament, we would have determined that he should be expelled by resolution of the House. As it is, we recommend that he should never be permitted a pass to the Parliamentary estate.”