
AN INDEPENDENT INQUIRY INTO BULLYING AND HARASSMENT IN THE HOUSE
OF LORDS

REPORT BY NAOMI ELLENBOGEN QC: 10 JULY 2019

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A. INTRODUCTION

1. In December 2018, I was appointed by the House of Lords Commission to conduct an independent inquiry into bullying and harassment in the House of Lords and to report my findings and recommendations. The inquiry was set up following the Commission's concern that the prevailing culture and behaviours in the House of Lords, as a place of work, do not ensure that all those working there are treated with dignity and respect. My terms of reference are set out at Appendix A to this report.
2. The inquiry relates to all past and present House of Lords Administration staff; members of the House of Lords and their staff; and other staff within Parliament (including staff in bicameral roles), in each case in the course of their work at or with the House of Lords¹. For the purposes of the inquiry, 'past' has been defined to mean former staff and members of the House of Lords who had worked for, or in, the House of Lords within the six years preceding my appointment. Inevitably, therefore, my findings do not relate to a single point in time and not all of the issues reported by contributors will necessarily be ongoing (at least, to the same extent) at the date of this report. My findings span the full six-year period. The recommendations that I make take account of the position as matters stand and are intended to avoid recurrence, or any increase in prevalence, of issues encountered at an earlier stage. An executive summary of my findings and recommendations is set out at section C of this report.
3. A number of initiatives and programmes for change have been implemented by the House of Lords in the course of the inquiry, some of which are very new and/or works in progress. As at the date of this report, insufficient time has elapsed to enable meaningful assessment of the impact of the most recent initiatives and changes, the effectiveness of which should be kept under review.
4. All findings and recommendations in this report are my own. In considering my recommendations for cultural improvement in the House of Lords, I have been helped

¹ Terms of reference, paragraph 2(a).

immeasurably by Jane Sassienie, Global Director at Bridge Partnership, who is an independent expert in organisational transformation and culture change.

5. Notes of each contributor meeting were taken by one of the two assistants to the inquiry; Kayleigh Williams and Ciara Muldowney, both of whom also undertook the bulk of the substantial administration that the inquiry has required. I am very grateful to them both.
6. In the course of this inquiry I have been provided with a substantial volume of documentation and briefing material, some of it volunteered and some at my request. I record my thanks to the significant number of people in the House of Lords Administration who put it together and who addressed my questions and requests for further material as the inquiry progressed. I recognise and appreciate the work that has gone into providing all of it.
7. I reserve my greatest thanks and appreciation for all those who have contributed to this inquiry. I hope that they will feel that this report does justice to their contributions and to the thought and care that so clearly went into making them.
8. I have two further aspirations. The first is that the House of Lords will reflect, with equal care and attention, on all of the contributions received, when considering the way forward. The second is that it will take all necessary steps to ensure that, from now on, everyone working in and for the House of Lords will be treated with dignity and respect. My recommendations are not made with the intention that they nestle in the long grass.
9. There is much work to be done. Leadership comes from the top and is achieved by example. I very much hope that the recommendations in this report will be adopted and driven forward by the House of Lords Commission, the Management Board and all others in leadership positions, across the House of Lords.

A handwritten signature in black ink, reading "Naomi Stoughton", with a horizontal line underneath.

10 July 2019

B. METHODOLOGY

10. On 19 December 2018, my letter inviting contributions was sent out to all those who fall within the remit of the inquiry. Enclosed were my terms of reference and a privacy notice. Communications were posted on the internet and intranet and were also sent out in hard copy to those who did not have an active Parliamentary e-mail address, or who were understood to have limited access to e-mail, or the internet. The original closing date for contributions was 18 January 2019. It was later extended, by request, to 31 January 2019.
11. I have considered all of the briefing material and related documentation with which I have been provided. I have also undertaken documentary research of my own. All sources are cited in this report.
12. I received 181 written contributions in total and, between January and mid-May 2019, held 145 meetings. All but a handful of those took place in person, away from the Parliamentary Estate, and the remainder by video-link, or telephone. Not all contributors wished, or were able, to attend a meeting. In some cases, no meeting was required. Included in the total number of contributions are both those which were volunteered and those which I sought in order to obtain information relevant to the inquiry's objectives².
13. Only 10% of the total number of contributions received came from current or past members of the House of Lords. A number of those were provided at my instigation. The overwhelming majority of contributions came from current, or recently former, employees of the Administration. The remaining contributions came from staff variously employed by the House of Commons Commission; the Parliamentary Digital Service ('PDS') and directly by members of the House of Lords. All contributions were provided on a strictly confidential basis and none is attributed in this report, in which I address the information received thematically. It has not been my role to investigate, or reach conclusions about, individual concerns or grievances.

² in accordance with paragraph 6 of my terms of reference.

14. On 18 June 2019, I attended a three-hour training course, delivered by Challenge Consultancy, as an observer. The course was entitled '*Valuing Everyone*' and is discussed later in this report. The session that I attended was for managers working in Parliament. As it happens (rather than by design), it was attended exclusively by employees of the House of Lords Administration.
15. I have also spent time on the Parliamentary Estate, as an observer.

c. EXECUTIVE SUMMARY

16. For the reasons set out later in this report, I make the following findings:

16.1. Over the period to which the inquiry relates:

16.1.1. the prevailing culture and behaviours in the House of Lords, as a place of work, have not been conducive to an open and supportive culture to ensure that all those working there are treated with dignity and respect;

16.1.2. staff have bullied and harassed other staff. Members have bullied and harassed staff.

16.2. In each case, the behaviours recorded have been largely generated and fostered by the structural complexities of the organisation and its working practices.

16.3. On the whole, staff who have experienced bullying and harassment have tended not to complain, formally or otherwise, in the belief that nothing will happen and/or for fear of reprisal.

16.4. Staff policies and procedures will require some amendment, as will the rules and procedures applicable to members of the House of Lords and the staff whom they employ personally. All amendments will be designed to allay fears that any complaint will be met with apathy and/or reprisal and to instil and maintain confidence that complaints will be properly handled.

17. Arising from the findings summarised above, I have made 19 recommendations. The detail appears at paragraphs 107 and 193, and at section K, of this report. Broadly described, those recommendations are designed, first, to ensure culture change and, secondly, to enhance the options available to address inappropriate behaviour by members and staff, where it persists.

D. THE HOUSE OF LORDS

19. The House of Lords is a workplace which, like any other, should comply, not only with its legal obligations, but with all appropriate policies and behaviours to be expected and adopted in any modern, civilised place of work. Its history, function, location, governance and structure have all played a part in the way in which it currently functions. The contributions that I have received and my recommendations need to be understood in that unusual context. It is necessary, therefore, first to say something of the organisation to which they relate.

(1) The structure, governance and administration of the House of Lords

(a) *Membership and composition of the House of Lords*

20. The House of Lords is the second chamber of the United Kingdom Parliament. It makes laws, holds Government to account and debates issues of public interest. Membership of the House is not an office and does not constitute employment. There are currently 778 members of the House of Lords (excluding 22 members who are currently not eligible to participate in its work). Of those, 661 are life peers under the Appellate Jurisdiction Act 1876 (as later modified)³ or the Life Peerages Act 1958; 91 are hereditary peers; and 26 are Church of England archbishops or bishops. Data for the Parliamentary sessions spanning the period 2012/13 to 2016/17 show that, on average, in each session, between 483 and 497 peers attended the House of Lords each sitting day⁴. With effect from 1 October 2010, a new system of allowances and expenses came into effect, replacing the separate overnight subsistence, day subsistence and office costs payable under the previous system. Members may choose to make a reduced, or no, claim for each sitting

³ The number of Lords of Appeal in Ordinary was increased from time to time, finally standing at 12. The Appellate Jurisdiction Act 1876 was repealed by Schedule 18 of the Constitutional Reform Act 2005, in consequence of which there were no Lords of Appeal in Ordinary after September 2009. The appellate jurisdiction of the House of Lords was transferred to the Supreme Court of the United Kingdom from 1 October 2009.

⁴ <https://www.parliament.uk/about/fags/house-of-lords-fags/lords-sittings/>, accessed on 8 July 2019.

day on which they attend the House. Those who choose to make a claim (and who are not salaried), may claim an attendance allowance, currently payable at the flat rate of £305, together with travel expenses incurred in connection with their Parliamentary duties. Certain senior office holders receive a salary, *ex officio*⁵. Those members who are government ministers are paid by the relevant government departments. In neither circumstance is the member entitled to claim an attendance allowance.

21. The House of Lords Appointments Commission was established in May 2000, as an independent, advisory, non-departmental body. It has no statutory footing. Its two main functions are to recommend individuals for appointment as non-party-political life peers and to vet nominations for life peers, including those nominated by the UK political parties, for propriety. It interprets propriety to mean that the nominee should be in good standing - in the community in general and with the public regulatory authorities in particular - and that the nominee's past conduct would not reasonably be regarded as bringing the House of Lords into disrepute⁶. Neither hereditary peers, nor the bishops are vetted prior to appointment⁷.
22. Under the House of Lords Reform Act 2014, all members are able to retire or resign, can be disqualified for non-attendance or can be removed in the event that they receive a prison

⁵ Members in certain senior roles also have different rules relating to travel and secretarial expenses and may be eligible for an allowance for the cost of maintaining a second home in London, for the purpose of attending the House: <https://www.parliament.uk/mps-lords-and-offices/members-allowances/house-of-lords/holallowances/explanatory-notes/201819/>, accessed on 8 July 2019.

⁶ <https://lordsappointments.independent.gov.uk/vetting>, accessed on 8 July 2019.

⁷ The House of Lords (Hereditary Peers)(Abolition of By-Elections) Bill [HL] 2017-19 is currently at Report stage. It is a private members' bill, sponsored by Lord Grocott. The first day of that stage took place on 15 March 2019. The second day has yet to be scheduled.

sentence of one year, or more⁸. Resignation may not be rescinded⁹. The House of Lords (Expulsion and Suspension) Act 2015 empowered the House to expel or suspend members. Those powers may be exercised only in respect of conduct that was committed, or became public knowledge, after the Act came into force. Subject to those statutory provisions, once appointed a member of the House of Lords retains his or her membership for life. As at 11 December 2017, the average length of membership was 14 years¹⁰.

23. 26.6% of the current membership of the House of Lords is female. As at May 2019, 5.8% of members were from minority ethnic groups¹¹. As at 12 February 2019, the mean average age of members was 70, with the oldest member being 94 and the youngest 37¹². 23.5% of the membership is Crossbench, meaning that it is non-party political and, by tradition, sits on the benches that cross the Chamber of the House of Lords. A further 4.1% of members are non-affiliated, meaning that they do not belong to any Parliamentary group (that is, take any political party's whip, or affiliate with the crossbench peers, or with the Lords Spiritual (the bishops)).

⁸ In the case of a conviction outside the United Kingdom, a resolution of the House is necessary to give effect to the expulsion.

⁹ Per section 1(4) of the 2014 Act.

¹⁰ <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/LLN-2017-0098#fullreport>, accessed on 8 July 2019.

¹¹ "Minority ethnic" was defined to mean all those from non-white ethnic categories in Great Britain and all those apart from "white" and "Irish Traveller" categories in Northern Ireland <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN01156>, accessed on 8 July 2019.

¹² <https://www.parliament.uk/about/faqs/house-of-lords-faqs/lords-members/>, accessed on 8 July 2019.

(b) *Regulation*

24. Unlike the House of Commons, the House of Lords is a self-regulating house; power ultimately resting with its members, collectively. Proceedings are regulated by consensus, rather than dictated by the Lord Speaker, or the Government. A Code of Conduct for Members of the House of Lords ('the Members' Code') was agreed on 30 November 2009 and has been amended on numerous occasions since, most recently on 30 April 2019 (the seventh edition), when the latest Guide to the Members' Code was also agreed. The Members' Code and the Guide are binding on all members and are kept under review by the Conduct Committee¹³. Recommended changes are reported to, and take effect when agreed by, the House. The Registrar of Lords' Interests advises members of the House and their staff on their obligations under the applicable code of conduct¹⁴. The independent House of Lords Commissioner for Standards is responsible for considering any alleged breaches of the codes of conduct and for their independent and impartial investigation. The current Commissioner is Lucy Scott-Moncrieff, CBE. She was appointed by the House for five years, from 1 June 2016. The first Commissioner and her immediate predecessor was Paul Kernaghan, CBE, QPM, who was appointed in 2010. I shall say more about the codes of conduct and the role of the Commissioner for Standards later in this report.
25. Members of the House of Lords who are also ministers of the Crown are subject to additional guidelines and requirements, set out in the Ministerial Code, which is published and enforced by the Cabinet Office, not the House of Lords. Political parties have their own codes of conduct, to greater or lesser extent setting out the behaviour expected of party members and providing for sanction where the code is contravened. If the party whip is withdrawn from a member of the House of Lords, that member keeps his or her seat but must sit as an independent until the whip

¹³ The Conduct Committee replaced the former Privileges and Conduct Committee and the Sub-Committee on Lords' Conduct. The five Lords members of the Committee were appointed on 9 May 2019. The Committee is in the process of recruiting four lay members. The functions of the Privileges and Conduct Committee which had related to parliamentary privileges and peerage claims, will be carried out by a separate Privileges Committee, likely to be operational from September 2019.

¹⁴ Staff directly employed by members of the House of Lords are subject to a separate code of conduct; the Code of Conduct for House of Lords Members' Staff.

is restored. In addition to the Code of Conduct and related Guide, the Lords Spiritual are subject to the Clergy Discipline Measure 2003, passed by the General Synod of the Church of England to amend the law relating to ecclesiastical discipline.

(c) *The Usual Channels*

26. The Usual Channels is the term used to describe the working relationship between the Whips from different parties and the leadership, respectively, of the Government and main Opposition parties. It refers to arrangements and compromises regarding the running of Parliamentary business, agreed behind the scenes. According to the Companion to the Standing Orders and Guide to the Proceedings of the House of Lords, *“The smooth running of the House depends largely on the Whips of the main political parties.”*¹⁵ Whilst, in certain respects, the Usual Channels operate differently in the House of Commons and the House of Lords, common to both Houses is the convention that *“few records are kept of what has been agreed, and the system operates entirely informally and privately”*¹⁶. In the House of Lords, the Usual Channels are responsible for putting names forward for consideration as committee members.
27. The Convenor of the Crossbench Peers is a member of the crossbenchers elected to act on their behalf, calling their weekly meetings, attending other meetings on their behalf and providing information on Parliamentary business. For certain purposes, the Usual Channels include the Convenor of the Crossbench Peers. A Convenor of the Lords Spiritual is appointed by the Archbishop of Canterbury and co-ordinates the work of the bishops in the Lords. That role does

¹⁵ <https://www.parliament.uk/documents/publications-records/House-of-Lords-Publications/Rules-guides-for-business/Companion-to-standing-orders/Companion-to-Standing-Orders-2017.pdf>, page 34, accessed on 8 July 2019.

¹⁶ Hansard Society, ‘Opening Up The Usual Channels’, accessed on 8 July 2019: https://assets.ctfassets.net/rdwvqctnt75b/6Swj62c3Li4Qal8K8IOAQE/9a7c5ea19b4321e6e211c5a53dd20c2d/hansard-society-publication_Opening-up-the-Usual-Channels-2002.pdf.

not form part of the Usual Channels. So far as relevant to my terms of reference, I shall return to the role of the Usual Channels and the party Whips later in this report.

(d) Select Committees

28. The House of Lords Committees investigate public policy, proposed laws and Government activity. They usually comprise twelve members, drawn from each of the political parties and the crossbench peers, with no single group having a majority. Committee members and Chairs are normally appointed by the House, on the proposal of the Committee of Selection. The committees meet outside the Chamber and are appointed to run inquiries and report on issues arising within their respective specialist areas. There are currently six permanent Lords Select Committees, each reappointed at the beginning of a new session. Ad hoc committees are set up to consider particular issues outside those areas. Joint select committees will comprise members from both Houses of Parliament. Committees are assisted in their work by a team of impartial Parliamentary staff, typically comprising a clerk (a procedural expert who manages the committee and the staff), a committee specialist (a subject expert who manages and advises on inquiries and briefs the committee members) and a committee assistant (having the role of administrator).

(e) The House of Lords Commission

29. The House of Lords Commission provides high-level strategic and political direction for the House of Lords Administration (see below), on behalf of the House. It works with the Management Board to develop, set and approve the strategic business plan and the annual business and financial plans for the Administration and to monitor the performance of the Administration against agreed targets.
30. The membership of the Commission, which is chaired by the Lord Speaker, comprises the Senior Deputy Speaker; the Leaders of the Conservative, Labour and Liberal Democrat parties; the Convenor of the Crossbench Peers; the Chairmen of the Services and Finance Committees (which provide support to the Commission) plus two other backbench members

from the groups not holding the chairmanship of either such committee; and two external, non-executive members. The Lord Speaker is elected by members of the House of Lords, chairing the daily business in the Chamber and acting as ambassador for the work of the House. The current Lord Speaker is The Rt Hon The Lord Fowler, who has served in that capacity since 1 September 2016.

(f) The Management Board

31. The Management Board takes strategic and corporate decisions for the Administration, within the policy framework set by the House of Lords Commission. The Board leads the Administration's business and determines its culture. Its terms of reference are set out below:
 - 31.1. Collectively provides leadership to the Administration in accordance with the House's standards and values;
 - 31.2. Prepares the Administration's strategic plan, business plans, financial plans, annual estimates and annual report for approval by the House of Lords Commission;
 - 31.3. Manages the Administration with the resources agreed by the House of Lords Commission;
 - 31.4. Supports the Clerk of the Parliaments in the discharge of his or her functions as Accounting Officer and employer of the staff of the House;
 - 31.5. Advises the House of Lords Commission and other domestic committees of the House on issues which fall within their terms of reference;
 - 31.6. Assesses and manages risk, and maintains a transparent system of prudent and effective controls;
 - 31.7. Monitors the Administration's performance in achieving its objectives; and
 - 31.8. Encourages the process of change in order to enhance the Administration's performance.

32. The Management Board is chaired by the Clerk of the Parliaments. The other members of the Board include the directors of the key functions in the House of Lords. They comprise the Clerk Assistant (Parliamentary Services); the Reading Clerk (Corporate Services); the Finance Director (Financial Resources); the Director of Human Resources; the Director of Facilities (Support Services); and the Director of the Parliamentary Digital Service (Digital Services). There should also be up to two external (non-executive) members in attendance, although there has in fact been no such member since a vacancy arose in December 2018. A recruitment process is currently in progress and it is anticipated that two external members will take up their posts after the Conference recess (that is, in early October 2019)¹⁷.

(g) *The House of Lords Administration*

33. The Administration comprises the permanent staff of the House of Lords. Its core tasks are to support the work of the House and its committees, and the members in their Parliamentary work. The staff of the Administration are employed by the Clerk of the Parliaments. They are not Civil Servants, serve the House rather than the Government and are politically impartial. As at 14 June 2019, the Administration employed 630 staff (of whom 14 were on career break and 9 were on secondment to other organisations), across a number of departments and offices. Demographic data provided to me by the House of Lords in January 2019 indicates that, at that time, 72.6% of the Administration staff described themselves as white; 16.7% as BAME and 10.7% did not indicate their ethnic origin. 51.5% of staff were female and 48.5% male, although the number of women employed at the most

¹⁷ An earlier recruitment process concluded in March 2019. None of the candidates passed the relevant interview board. A second recruitment round commenced at the end of April 2019. Offers have been made, subject to references and security clearance.

senior HL9 and SCS grades drops, respectively, to 17% and 21%¹⁸. The average age of staff was 43-44.

(h) *Clerks*

34. Whilst clerks form only one group of employees within the Administration, I mention them separately here because they featured significantly in the contributions that I received. Clerks work in the different offices of the Administration. In broad terms, a Committee Office clerk will provide select committees with procedural and legal advice and ensure the provision of the administrative support necessary to fulfil the committees' orders of reference and assist them in disseminating their reports. Clerks will also work in offices that support the Chamber more directly, such as the Legislation Office and the Journal Office. Typically, they will acquire management responsibilities from a very early stage of their careers and at a young age.

35. Over time, the route to becoming a clerk has varied. To date, the majority of clerks have entered through the Civil Service 'Fast Stream'¹⁹, an accelerated leadership development programme which provides graduates with the experience, skills and knowledge needed to become senior leaders within the Civil Service. Applications are open to everyone who meets the nationality requirements, passes the security checks and has (or is predicted to attain) a class 2:2 degree or above. That said, the process is highly competitive, with fewer than 5% of applicants being recommended for appointment in each recruitment cycle²⁰. Since September 2018, a bicameral

¹⁸ As at 30 April 2018: https://www.parliament.uk/documents/lords-information-office/UK%20Parliament%20Gender%20Sensitive%20Parliament%20Audit_Report_DIGITAL.pdf, Appendix 20, page 44.

¹⁹ In 2018 and 2019, the Civil Service Fast Stream recruitment process was not used to recruit graduates for the House of Lords.

²⁰ Source: <https://www.instituteforgovernment.org.uk/explainers/civil-service-fast-stream>, accessed on 8 July 2019.

graduate development scheme, similar in nature to the Fast Stream process, but run by Parliament, has been in place.

36. Those recruited through the Fast Stream or the graduate development programme will undergo procedural training before sitting the same procedural interview board. At a later stage, a further progression board will assess whether they meet the HL8 grade requirements. Subject to any prior need to pass the relevant boards, clerks are moved around the various offices in the Administration by decision of the Clerk of the Parliaments. In practice, certain plum postings are considered by Administration staff to indicate that the occupant is destined for promotion to the most senior roles in the Administration. The pyramid structure of the clerking posts has a sharply narrowing apex for which there is considerable competition. Significantly, in the letter of delegation sent by the Clerk of the Parliaments to the Director of Human Resources in February 2019, the following text appears, under the heading 'People issues that are not delegated to you':

'For the avoidance of doubt, the following people issues (all relating to procedural clerks) are not currently delegated to you:

- Career development;
- Skills analysis, succession planning and talent management;
- Recruitment.'

37. The Human Resources and Finance Offices were headed by clerks until, respectively, October and November 2017²¹. The three most senior posts in the Administration (the Clerk of the Parliaments, the Clerk Assistant and the Reading Clerk) are occupied by clerks. They are usually appointed from amongst the longer serving clerks, following advertisement and interview by the party leaders, the Convenor of the Crossbench Peers and an independent panel member. An HR member will usually be present, to advise the panel.

²¹ The first Finance Director, Mostaque Ahmed, was in post until April 2019, leaving to become Managing Director of Finance, Portfolio and Performance in the House of Commons, with effect from May 2019.

38. As and when required, a direct recruitment process is run for the role of HL 8 Committee Clerk and is open to non-graduates. The application is for a fixed term appointment, with the possibility of extension and/or permanency²². Such a clerk will have overall responsibility for the delivery of effective support and advice to a committee. Procedural training and the procedural board are optional for HL8 committee clerks and some choose not to undertake them. In that event, procedural clerking roles will not be available to them²³.

(i) *The Clerk of the Parliaments*

39. The Clerk of the Parliaments is the head of the Administration and, ex officio, Chairman of the Management Board. In effect, he performs the combined roles of Chief Executive Officer and Chief Operations Officer, as well as being the Accounting Officer. He is appointed by the Crown, by letters patent under the Great Seal, must exercise his duties in person and can be removed from office only by the Sovereign upon an Address of the House of Lords for that purpose. Under the Parliamentary Corporate Bodies Act 1992, the Clerk of the Parliaments is a corporation sole, known as the Corporate Officer of the House of Lords. As such, he is empowered to acquire, hold, manage and dispose of land and other property for any purpose of the House of Lords and to enter into contracts for that purpose. He employs all of the staff in the administrative departments of the House. Clerks are appointed and removable by the Clerk of the Parliaments. He is expected to provide authoritative advice on procedural matters, on a daily basis, to the Lord Speaker, the Leader of the House and other members of the front benches, the Senior Deputy Speaker, the Panel of Deputy Speakers and Chairmen, and to individual members of the House of Lords. He sits for part of each sitting day in the Chamber of the House, announces the business of the House and

²² See, for example, the competition that closed on 20 January 2019: https://housesofparliament.tal.net/vx/lang-en-GB/mobile-0/appcentre-13/brand-3/candidate/download_file_opp/254/20709/1/0/83a48ee1299bff65752e30084d283a79dd6d9c85, albeit specifying that a 2:2 degree was a required qualification for the post.

²³ An HL8 Committee Clerk who does pass the procedural board need not subsequently pass the HL8 progression board, as s/he will have already been assessed as meeting the HL8 competencies.

participates in certain ceremonial occasions. The Clerk of the Parliaments is returning officer for elections within the House in connection with the Speakership and hereditary Members of the House and the Accounting Officer. He also issues letters of delegation to the other members of the Management Board, setting out their roles and responsibilities. The current Clerk of the Parliaments is Edward Ollard. He took office on 16 April 2017 and his current tenure will end on 15 April 2020. His immediate predecessor was Sir David Beamish, KCB who served between 16 April 2011 and 15 April 2017.

(j) *Gentleman/Lady Usher of the Black Rod*

40. Conventionally known simply as 'Black Rod', the role is a Crown appointment and entails administrative and ceremonial duties. Black Rod is ultimately responsible for organising access to and maintaining order within the Lords Chamber and the precincts. Appointed also as Secretary to the Lord Great Chamberlain, Black Rod is responsible for and participates in the major ceremonial events in the Palace of Westminster, such as the State Opening of Parliament. Black Rod is also responsible for the Queen's residual estate in the Palace (for example, the Robing Room and the Royal Gallery) and for business resilience and continuity planning for the House of Lords. Black Rod leads a department which includes the Yeoman Usher (Black Rod's Deputy) and the House of Lords Doorkeepers.

41. Sarah Clarke is the first woman to have been appointed as Black Rod in its 650-year history. Her appointment was approved with effect from 17 November 2017. She formally assumed the duties of Lady Usher of the Black Rod in February 2018. Her immediate predecessor was David Leakey CMG, CVO, CBE, who served from 21 December 2010.

(k) *The Senior Leadership Forum*

42. The Senior Leadership Forum ('SLF') comprises all senior leaders across the Administration. No member of staff is 'appointed' to the SLF; all staff at grade HL9 and above (of whom there are

currently 44) are invited to attend meetings, ex officio. The SLF has no formal terms of reference or remit. It meets at least six times a year to:

- 42.1. discuss strategic themes, how they affect teams and offices, and how all parts of the Administration contribute towards achieving them;
- 42.2. receive briefings;
- 42.3. discuss particular topics identified by SLF members; and
- 42.4. provide support and networking for senior leaders, to assist in developing a unified Administration.

(l) Bicameral offices

43. Bicameral offices work for both Houses of Parliament, providing shared services to promote the work of Parliament as a whole. The funding for their work is contributed by both Houses, typically in unequal shares. The employer of staff working in, or with, such offices may be the House of Commons Commission (for example, in Strategic Estates), the Clerk of the Parliaments, or the office itself (for example, the Parliamentary Digital Service - 'PDS'). PDS terms and conditions are based on, but not identical to, House of Commons' terms and conditions and the service has its own human resources department. There are three separate human resources teams operating in Parliament (Commons, Lords and PDS), currently headed, respectively, by Mandy Eddolls, Nigel Sully and Jonathan Seller.

(m) Members' Staff

44. Separate from the Administration are staff who are directly employed by one or more members of the House of Lords. As at 21 June 2019, 586 people possessed a members' staff security pass. Such staff fall into three categories: secretaries and research assistants; carers; and drivers. 561 comprise the first such category. There is no requirement that a member formally employ the individual to whom s/he gives a staff pass and the House of Lords does not presently collect

information regarding any employment relationship. Many of the individuals concerned are understood also to be engaged in unconnected employment outside Parliament, and use their passes to come to the House of Lords in order to brief the sponsoring member on Parliamentary matters, as required. Others work jointly for a number of members (of either House), but can only be sponsored by one member. In the case of secretaries and research assistants, the applicable rules state that passes should only be issued to those *'who genuinely and personally provide Parliamentary secretarial or research assistance to the sponsoring member'*. The sponsoring member is asked to affirm that that is the case before a pass is issued.

45. The Code of Conduct for Members' Staff ('the Staff Code') applies to staff who have a parliamentary photo-pass or e-mail account, sponsored by a member of the House of Lords for the purpose of providing Parliamentary secretarial or research assistance to the member. That includes members' spouses having an e-mail account. As noted above, alleged breaches of the Code are investigated by the House of Lords Commissioner for Standards. Separately, Black Rod or the Yeoman Usher can remove a pass, and PDS can cancel an e-mail account, in each case for security-related or other reasons.

(n) *The structural relationship between Members of the House and the Administration*

46. There is no formal relationship, nor are there any formal procedures operating, between peers and the Administration. In essence, two distinct groups occupy the same workplace and work together, in the absence of a uniform set of rules or policies applicable to all. Thus, whilst there are processes through which, at least formally, poor behaviour within the Administration can be addressed, there are no formal channels through which poor behaviour by peers towards members of the Administration can be tackled, unless the behaviour is such that it engages the jurisdiction of the Commissioner for Standards. In that event, the employee in question will need to have both the willingness and the confidence to raise a formal complaint. For reasons addressed later in this report, very few employees possess either, irrespective of their seniority. Many of the contributions and related recommendations set out in this report stem from this structural issue.

(2) Policies and Procedures

(o) *The Administration Staff Handbook*

47. The latest Staff Handbook ('the Handbook')²⁴, applicable to all staff in the Administration, was produced in 2014, although it has been updated in certain respects, on a piecemeal basis, since then. Material updates, for current purposes, were published on the intranet on 6 November 2018. The Handbook is currently under review by the Employment Policy, Pay and Reward team, within the Human Resources Office. Chapter 4 of the Handbook, entitled 'Inclusion and Diversity' includes the following paragraphs:

47.1. (paragraph 4.6) *'You have the right to work in an environment free from discrimination, bullying, harassment, sexual misconduct or victimisation, and you are also responsible for ensuring that you do not discriminate against, bully, harass or victimise anybody else. It is important, therefore, that you understand what constitutes discrimination, bullying, harassment, sexual misconduct and victimisation.'*

47.2. (paragraph 4.13a) *'Definitions of bullying, harassment and sexual misconduct are set out in Appendix 1 to Chapter 19A: the Behaviour Code for Parliament and Independent Complaints and Grievance Procedure (ICGP) Scheme.'*

48. Chapter 19 of the Handbook provides, at paragraph 19.11, *'You must behave in a courteous, considerate and helpful manner to your colleagues and to third parties. The Administration will not tolerate oppressive, bullying, threatening or violent behaviour. For more information about how you are expected to treat other people at work see chapter 4 of this handbook.'* Copies of Chapters 4 and 19A of the Handbook form Appendix B to this report. They set out and cross-refer to detailed definitions of bullying, harassment and victimisation which need not be addressed further in this report.

²⁴ [The House of Lords Staff Handbook 2014.pdf](#)

(p) *The Independent Complaints and Grievance Scheme and related initiatives*

49. In November 2017, a cross-party, bicameral working group on an Independent Complaints and Grievance Policy was formed, publishing its report on 8 February 2018. The key proposals of that report were that there should be:
- 49.1. a new Behaviour Code for Parliament, applicable to all people on the Parliamentary Estate, or engaged in Parliamentary business away from Westminster;
 - 49.2. the provision of effective support to those who feel that they may be victims of bullying, harassment or sexual misconduct;
 - 49.3. new policies and procedures on bullying and harassment and sexual misconduct, to ensure consistent and independent investigation of allegations; and
 - 49.4. a programme of culture change and training.
50. A programme team was established to implement the proposals of the working group, under the supervision of a bicameral steering group, chaired by the then Leader of the House of Commons, Andrea Leadsom MP. The programme team published its Independent Complaints and Grievance Scheme ('ICGS') Delivery Report on 17 July 2018. The House of Commons implemented a package of ICGS-related changes in July 2018 to incorporate the Behaviour Code for Parliament into its Code of Conduct. It also committed to undertake six-month and eighteen-month reviews of the way in which the new provisions were operating. In the same month, the House of Lords Commission endorsed the Behaviour Code for Parliament. The Behaviour Code is a one-page document, the content of which is set out, in full, below. It is explained in a pamphlet issued to all Parliamentary staff in August 2018²⁵, the introduction to which makes clear that it is a statement of principle and cultural intent; not a set of rules:

²⁵ Edition 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

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 – 0800 112 4318*
- *Independent Bullying and Harassment Reporting Service – 0800 028 2439*

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'

51. The same pamphlet briefly explains the new bullying and harassment and sexual misconduct policies and provides contact details, respectively, for the independent bullying and harassment reporting service and the independent sexual misconduct advisory service ('ISMA').
52. As was noted in the ICGS Delivery Report²⁶, House of Lords governance and employment structures differ from those in the House of Commons, such that implementation of the ICGS needed to be progressed in parallel in the two Houses. The ICGS was extended to cover staff of the House of Lords Administration staff in November 2018.
53. The ICGS is an extensive document, running to 25 pages. It relates specifically to bullying and harassment and its stated aim is to provide a framework within which to create a respectful and courteous working environment and to respond to any allegations of unacceptable behaviour

²⁶ Paragraph 101.

promptly, fairly and effectively. Complaints relating to sexual harassment are intended to be made under a separate sexual misconduct procedure, which includes access to specialist advice. That runs to 20 pages. Where a complaint of sexual harassment forms part of a wider complaint about bullying and harassment, the complainant can use one or other policy (but not both). Under the ICGS, it is possible to report and make a complaint about bullying and harassment where the respondent:

53.1. was working for, or with, Parliament at the time at which the alleged behaviour took place; and

53.2. is working for, or with, Parliament, or continues to hold a Parliamentary pass, at the time at which the complaint is made²⁷.

54. Paragraph 4.4 of the policy and procedure states, *'The work of the Parliamentary Community is broad and can involve office work, public facing work, travel and social events, as well as non-standard working hours. As a result, this policy and procedure applies to behaviour by members of the Parliamentary Community²⁸ anywhere where they would not be other than for the purposes of their employment or parliamentary work. For the avoidance of doubt, this includes on the Parliamentary Estate, at constituency offices or other places of work, or in the course of parliamentary duties and activities (e.g. UK or overseas travel or social events related to parliamentary business).'*

55. Paragraph 4.6 of the policy and procedure provides that it can be used to report and investigate any allegations of bullying or harassment on an individual or collective basis (for example, where a group of people alleges bullying and harassment by the same respondent(s)). Where complaints are made collectively, all complainants must provide consent for their evidence to be included in the collective complaint. The policy is not intended to replace any individual action in reporting incidents of bullying or harassment directly to the Police; the employer; an employment tribunal; a political party; the Parliamentary Commissioner for Standards; or the

²⁷ Paragraph 4.3.

²⁸ as defined at paragraph 4.2 and including peers; employees of peers, or other people working for them, such as volunteers, people undertaking work experience or interns; and employees of the House of Lords.

House of Lords Commissioner for Standards. Where a complainant chooses to use another policy to make a complaint of bullying or harassment, the Case Manager from the independent investigation service reserves the right not to investigate the same incident under the ICGS policy and procedure.

E. MATTERS AND INITIATIVES RELEVANT TO THIS INQUIRY

(1) Related independent inquiries

56. On 15 October 2018, Dame Laura Cox, DBE published a report following her independent inquiry into the nature and extent of bullying and harassment of House of Commons staff ('the Cox Report'). Amongst her three main recommendations were recommendations that the ICGS should be amended, so as to ensure that House of Commons employees with complaints involving historical allegations could access the scheme; and that steps should be taken, in consultation with the Parliamentary Commissioner for Standards and others, to consider the most effective way in which to ensure that the process for determining complaints of bullying, harassment or sexual harassment brought by House of Commons staff against Members of Parliament would be an entirely independent process, in which Members of Parliament would play no part. Following the publication of the Cox Report, Gemma White QC was appointed, in November 2018, to conduct a separate independent inquiry into harassment and bullying experienced by members of MPs' staff and others in the Commons who had been outside the remit of the Cox Report. Ms White is expected to report at around the same time as this report is published.

(2) Baron Lester of Herne Hill

57. On 12 November 2018, the Committee for Privileges and Conduct published a report into the conduct of Lord Lester of Herne Hill, following a complaint made to the House of Lords Commissioner for Standards in November 2017²⁹. The complainant had met and worked with

²⁹ <https://publications.parliament.uk/pa/ld201719/ldselect/ldprivi/220/220.pdf>

Lord Lester in connection with Parliamentary business. She was not an employee of the Administration, or of Lord Lester, neither was she a member of the House of Lords. The complaint has been widely publicised. As paragraph 1 of the Commissioner's undated report³⁰ made clear, this was the first investigation by any House of Lords Commissioner for Standards into a complaint of sexual harassment. Her conclusion³¹ was that *'the allegations of sexual harassment, corrupt inducement and threat of retaliation are more likely than not to be true and I uphold her complaint that Lord Lester breached the Code of Conduct.'*

58. The procedure applicable under the Members' Code, as it is then stood, was summarised at paragraph 2 of the report from the Committee for Privileges and Conduct. The Commissioner would report her findings to the Sub-Committee on Lords' Conduct, recommending the appropriate sanction in the event of a finding that the Members' Code had been breached. The sub-committee would report the Commissioner's findings, without amendment, to the Committee for Privileges and Conduct, recommending the sanction which it considered to be appropriate. The member concerned could appeal to the latter committee; against the Commissioner's findings, the recommended sanction, or both. As it then stood, paragraph 144 of the Guide to the Members' Code provided that, *"On appeal, the Committee will not reopen the Commissioner's investigation. Rather members of the Committee will use their judgment to decide whether, on the balance of probabilities, they endorse the conclusions of the Commissioner."* The Committee's report then fell to be debated in the Chamber, as a Motion to Agree.
59. The sub-committee had recommended that Lord Lester be expelled from the House of Lords. Lord Lester appealed to the Committee for Privileges and Conduct, against both the findings of the Commissioner and the sanction recommended by the sub-committee. The committee endorsed the conclusions of the Commissioner, but upheld Lord Lester's appeal against sanction, deciding that the appropriate recommendation was a term of suspension from the House, until 3 June 2022.

³⁰ forming Annex 2 to the report of the Committee for Privileges and Conduct

³¹ See paragraph 19 of the Commissioner's report.

60. The motion to agree the Committee's report was tabled on 15 November 2018, resulting in a lengthy debate³². Lord Pannick QC (who had advised Lord Lester throughout the process) tabled an amendment calling for the report to be remitted to the Committee for Privileges and Conduct on the grounds that the Commissioner had, *'failed to comply with paragraph 21 of the code of conduct which required her to act in accordance with the principles of natural justice and fairness'*. That amendment was agreed to, on a division, by 101 votes to 78. In consequence, the final decision of the House was deferred. The nature and content of the debate caused considerable concern amongst certain members of the House and employees of the Administration. On 19 November 2018, the Chairman of the Privileges and Conduct Committee received a letter, signed by 74 members of staff and reproduced below, which he was asked to and did circulate to all members of the committee:

'Dear Senior Deputy Speaker,

We are writing to express our disappointment in the outcome of the recent debate on the House of Lords Committee for Privileges and Conduct's report on the conduct of Lord Lester of Herne Hill, and the tone of many of the comments made in the debate.

We were dismayed to see that the result of an investigatory process which has been created and approved by Members was so easily disregarded by those same Members, none of whom had previously objected to the process and many of whom referred to their friendship with the accused.

The unique nature of our place of work creates a power imbalance between staff and Members. Instances of bullying, harassment and sexual misconduct by Members towards staff are far too common. We need to have confidence that allegations of bullying, harassment and sexual misconduct against Members in the context of their parliamentary work will be properly considered and complainants not subject to humiliation or criticism. Given the absence of any other process, a complaint to the independent Commissioner for Standards is the only available route. Following last week's debate, we no longer feel that any such complaint would result in a fair and satisfactory outcome.

³² <https://hansard.parliament.uk/Lords/2018-11-15/debates/2833F584-59E3-4E3E-89E0-4F67CEDD6635/PrivilegesAndConduct>

The House of Lords Commission has set as an objective of the Administration “Making Parliament safer” and valuing “Diversity, inclusion and respect for others”. We urge you, and the Privileges and Conduct Committee, to do everything within your power to make sure that these aims are realised.

We have signed this on the basis that our names will only be shared with members of the Privileges and Conduct Committee.’

61. Having met to consider the debate of 15 November, on 12 December 2018 the Committee for Privileges and Conduct published a further report³³, addressing ‘... *the key points raised in that debate, providing further information and analysis to help the house take what we hope will be a final decision on the case.*’ Its conclusion was set out at paragraphs 57 and 58:

‘57. The debate on 15 November seemed to be characterised as a split between the legally qualified members of the House and the Committee which by implication did not understand what constitutes natural justice and fairness. This is a misunderstanding: highly experienced legally-qualified members of the House sit on both the Sub-Committee on Lords’ Conduct and the Committee for Privileges and Conduct, including two former Lord Chancellors and two retired Supreme Court justices. These are the legally qualified members that this House chose to appoint to those committees to make decisions under the Code of Conduct applying the principles of natural justice and fairness. These are the members who looked at the whole body of evidence, including the unpublished evidence that no other member of the House asked to view.

58. We are of the unanimous opinion that the process set out by the House in the Code and Guide, and followed in this case, was fair, understood by all parties and conducted entirely appropriately. We are concerned that many of the participants in the debate on 15 November were not fully aware of the care and professionalism of those charged with operating our scheme and may have been led to substitute their own interpretation of such evidence as they heard. That led to the House undermining the processes in the Code which were put in place with some care after significant problems that came to light over a decade ago about members’ conduct. These processes were designed to be independent, transparent and credible in the House and beyond. We urge the House to support the decision reached in this case.’

³³ <https://publications.parliament.uk/pa/ld201719/ldselect/ldprivi/252/25203.htm>

The recommendation that the House endorse the conclusions of the Commissioner and that Lord Lester be suspended from the House until 3 June 2022 was then repeated.

62. On 11 December 2018, shortly before the Committee's further report was published, Lord Lester resigned as a member of the House of Lords, from which it followed that the recommendation that he be suspended became unnecessary. Nevertheless, on 17 December 2018, the Senior Deputy Speaker moved a motion that the further report be agreed to³⁴. Introducing the motion, he said:

'...Lord Lester is no longer a Member of the House and the recommendation for his suspension is unnecessary. Nevertheless, the report before us today is an important part of the process. It sets out several key points of principle which the House is invited to endorse. I urge the House to agree the report, both to deliver justice to the complainant, ..., and to give confidence to other possible complainants and respondents that we have a robust but fair process in place for investigating allegations. That point is key. Since the debate on 15 November, there have been comments in the media, and by members of the public, suggesting a loss of confidence in our ability to hold our Members to account. We must work to regain that confidence today...

...

The report before the House makes clear the committee's concern that many of the participants in the previous debate on 15 November were not fully aware of the care and professionalism of those charged with operating our scheme, which led to the House undermining the processes and the code that were also put in place with care. These processes were designed to be independent, transparent and credible in this House and beyond. In the new year, we will put forward reforms to them to address explicitly allegations of bullying, harassment and sexual conduct. We will do so not because we believe that the current system is unfair to Members—it is not—but because we need to provide better support for complainants. Some Members have suggested that we will soon scrap our processes because we do not think that they are fair to Members, which is absolutely not the case. We will bring amendments forward because, as things stand, potential complainants may be understandably daunted about exposing themselves to the glare of the media spotlight or being the subject of debate in Parliament, especially in the light of our debate on 15 November.

The House now needs to take the final decision in this case to provide resolution for the complainant, affirm our confidence in the process and demonstrate our support for the Commissioner for Standards. In her report, the commissioner made it clear that she respected both Lord Lester and the complainant as people with impeccable reputations. We should affirm the commissioner the same respect.

I end by encouraging all Members of the House who may intend to speak to the Motion to help ensure that this House maintains its respect for the complainant in this case. The debate on 15 November strayed

³⁴ <https://hansard.parliament.uk/Lords/2018-12-17/debates/E9E8AE1E-3CD4-4166-BCF9-0765260054A9/PrivilegesAndConductCommittee>

inappropriately beyond points about the process into implied and explicit criticism of the complainant. Reputation was invoked positively 15 times to describe Lord Lester; it was not invoked once to describe the complainant. Criticism of the Commissioner for Standards was also made without any apparent acknowledgement of either the procedures drawn up by the House with which she was bound to comply or the fact that she is unable to respond.

As I have said, our role today is to bring resolution to this case, but we also have a wider role to reassure: first, this House; secondly, its staff members—74 of whom wrote to me to express serious concerns about the debate on 15 November—and thirdly, the Commissioner for Standards and any potential complainants that we will investigate any complaints we receive with fairness, justice and integrity, and in line with best practice. That is what happened in this case and that is what we will continue to do. I beg to move.’

63. Following debate, the motion was agreed, a range of views having been expressed as to (1) the nature of the process required to ensure fairness and natural justice for both the complainant and the member; (2) whether cross-examination is necessary or appropriate in the investigation of a complaint (in particular, where that complaint is of sexual harassment); (3) in the absence of cross-examination, the requirement that evidence be robustly tested; (4) the standard of proof to be applied by the Commissioner; and (5) issues surrounding legal representation.

(3) Implementation of the ICGS in the House of Lords

64. Separately, in respect of House of Lords members and their staff, the then Sub-Committee on Lords’ Conduct was tasked with considering how to integrate the ICGS with the Members’ Code, the Guide to the Members’ Code and the Staff Code and how the proposed independent reporting and investigatory service could best sit with existing procedures for investigating breaches of the codes. The sub-committee reported to the Committee for Privileges and Conduct in October 2018 and, as noted above, the ICGS was extended to cover House of Lords Administration staff in November 2018. Between 12 February and 4 March 2019, the Committee for Privileges and Conduct issued a consultation for members of the House of Lords on certain matters which needed to be resolved prior to implementation. Only twenty-eight responses were received, not all of which directly addressed the specific questions asked. On 3 April 2019, the Committee for Privileges and Conduct produced a report³⁵, setting out proposals for amending

³⁵ <https://publications.parliament.uk/pa/ld201719/ldselect/ldprivi/335/335.pdf>

the codes of conduct and the Guide to the Members' Code, which was the subject of a motion to agree on 30 April 2019³⁶. Introducing the motion in the Chamber on that date, the Senior Deputy Speaker, Lord McFall of Alcuith said,

'There is a clear need for specific and appropriate processes for reporting and investigating complaints of bullying, harassment or sexual misconduct. Those processes must work fairly and effectively for Members and complainants, and provide appropriate support for both. Those processes must draw on the growing evidence base on best practice for addressing such behaviour. The package of changes set out in the report and the changes to the codes of conduct in the appendix to the report represent a significant step towards achieving that'.

He went on to summarise the key proposals:

'The Code of Conduct should incorporate the behaviour code and make explicit that behaviour by Members or their staff which constitutes bullying, harassment or sexual misconduct is a breach of the code. The requirement to comply with the behaviour code will be retrospective to 21 June 2017—the start of the current Parliament. Complaints of bullying or harassment can be made to independent helplines, as well as to the commissioner, and complainants and Members can be signposted to sources of advice and support. This requirement will apply to Members who are on leave of absence or disqualified if they are on the Parliamentary Estate or using the facilities of Parliament.

The existing requirement that a Member should act always on their personal honour should be widened to cover a Member's performance of their parliamentary activities, as well as their parliamentary duties. This wider scope will apply retrospectively.

A new conduct committee should be appointed to take on all conduct functions of the Privileges and Conduct Committee and the Sub-Committee on Lords' Conduct, both those relating to bullying and harassment and those relating to other breaches of the Code of Conduct. It will have lay members with full voting rights to work alongside the Lords members to hear appeals and oversee the Code of Conduct. This will bring more independence and a valuable external perspective to the committee's work.

The conduct committee would act as the appeal body for the Member who was the subject of a complaint and, in cases of bullying, harassment or sexual misconduct, for the complainant. Appeals would be restricted to judicial review-type grounds.

The independent House of Lords Commissioner for Standards should continue to investigate complaints to establish whether there has been a breach of the codes of conduct. In cases of bullying, harassment or *sexual misconduct, she will have the option of being assisted by independent investigators appointed by Parliament for this purpose.*

³⁶ <https://www.theyworkforyou.com/lords/?id=2019-04-30c.862.4>

The role of proposing a sanction should be carried out by the commissioner, rather than the conduct committee. This is another step forward in making the process more independent of Members.

Reports from the conduct committee relating to the behaviour of individual Members, including those imposing sanctions, should be decided by the House without debate. We recommend a new Standing Order to make that clear.

There are a number of proposals intended to provide a process better suited to dealing with complaints of bullying or harassment. These include removing the expectation that a complainant should raise the complaint with the Member in the first instance, and new provisions on protecting the identity of the complainant and the Member complained against.

This report is not intended to be the final answer. There are Members who wish us to go further and faster in delivering a system more or wholly independent of the House. That is for the proposed new conduct committee to consider, particularly in light of the report of the independent inquiry into bullying and harassment in the House of Lords, led by Naomi Ellenbogen QC, expected in July. These proposals are an important step towards improving our processes and delivering appropriate independence for dealing with complaints of bullying and harassment. They will keep the House of Lords in step with the new approach taken across Parliament. I hope that the House will support them. I beg to move.'

Following debate, the motion was agreed and the changes proposed were adopted with immediate effect.

(4) Request under the Freedom of Information Act 2000

65. On 4 January 2019, *The Sunday Telegraph* made a request, under the Freedom of Information Act 2000, seeking certain information from the House of Lords, relating to bullying and harassment and any associated settlement agreements, during the period spanning 2000 to 2018. A response ('the FOI Response') was provided on 31 January 2019. Over the period in question (which extends considerably beyond that with which this inquiry is concerned), it was said:

65.1. 'A very low number (fewer than five) of NDAs were signed and paid out to alleged victims of sexual harassment and workplace bullying....The payments were made as settlements in recognition of allegations made by the individuals, without an acceptance of liability on behalf of the Administration';

65.2. 'The House Administration holds a record of 43 allegations of bullying reported by House of Lords staff in the abovementioned period. This figure includes complaints made about both staff and members of the Houses of Parliament';

- 65.3. 'The House Administration holds a record of six allegations of sexual harassment reported by House staff in the abovementioned period. This figure includes complaints made about both staff and members of the Houses of Parliament';
- 65.4. 'In the context of your request, we have understood "disciplinary action" to mean formal action following a procedure in cases where the allegation was substantiated. For example, this could be in the form of a written warning, as opposed to an informal resolution agreed by both parties. Where complaints have not resulted in formal disciplinary action the matter will normally have been resolved via mediation and apology. It should be noted that some allegations were not substantiated:
- 65.4.1. The House Administration holds a record of three complaints about sexual harassment that resulted in some form of disciplinary action. This figure includes complaints made about both staff and members of the Houses of Parliament;
- 65.4.2. The House Administration holds a record of 25 complaints about bullying that resulted in some form of disciplinary action. This figure includes complaints made about both staff and members of the Houses of Parliament';
- 65.5. 'The Parliamentary Employee Assistance Programme (EAP) is available to staff. The House of Lords put an EAP in place over 20 years ago. The Health and Wellbeing Service also provides support and assistance to staff';
- 65.6. The process for House of Lords staff to make a complaint about bullying or harassment, including sexual harassment, is set out in the staff handbook. The staff handbook is published on the Parliament website and can be found here:

...

The House is in the process of implementing a new Independent Complaints and Grievance Scheme (ICGS) following a cross-parliamentary review of the complaints procedure and in agreement with the recognised trade unions. The new scheme allows House of Lords staff to begin to make use of the independent helplines and case managers while implementation of the wider ICGS across the House continues.

The scheme's use will be reviewed in the spring so that the House can reflect on the findings of an independent inquiry into bullying and harassment which is currently underway. The House is also considering how to implement the ICGS scheme in relation to Members and their staff. Pending those decisions, the ICGS scheme cannot currently be used to raise complaints of bullying and harassment and/or sexual misconduct against Members or their staff. However, House staff (those working for the House Administration) can use the existing complaints procedure set out in the staff handbook referred to above.

Complaints about Members of the House of Lords can also be lodged with the House of Lords Commissioner for Standards if the nature of the complaint falls within the remit of the Code of Conduct. Further guidance on the Commissioner's role can be found here:

<https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/house-of-lords-commissioner-for-standards-/house-of-lords-commissioner-for-standards-/>;

65.7. 'In the context of your request³⁷, we have understood "censored" to mean censured, or formally reprimanded. For example, this could be in the form of a written or verbal warning, a request for an apology or a request to undertake awareness training related to the nature of the complaint. We have included cases where Members of the House of Lords were spoken to by their party Chief Whip and/or Black Rod and cases where Members were asked to apologise to complainants.

The House Administration holds a record of incidents involving 11 Members of the House of Lords that resulted in an action of the type described above. Please note the following in relation to this part of your request:

- (i) This question does not specify whether it relates to complaints only reported by House of Lords staff. For this part of your request we have therefore included all records of complaints made against Members of the House of Lords, regardless of who made the complaint.
- (ii) We only hold recorded information relevant to complaints against Members dating back approximately six years. However, our records may not be definitive for this period.
- (iii) We hold a record of one case involving an allegation of sexual harassment that was investigated by the Lords Commissioner for Standards. Although the Member in question resigned from the House before any sanction could be imposed, we have included the case here as the complaint was upheld.'

(5) The 'Valuing Everyone' training course

66. The '*Valuing Everyone*' training course was designed and piloted between January and March 2019 and rolled out from April 2019. The training is being co-ordinated, across the Parliamentary community, by the House of Commons' Learning and Organisation Development team, and delivered by an independent provider, Challenge Consultancy. I was informed that Challenge Consultancy had been selected as the provider (1) by reason of its extensive experience, expertise and track record; and (2) because its proposed approach to training design and facilitation was based on safe practices (including reducing the risk of retraumatising individuals) and it had demonstrated an ability to handle sensitive issues in a skilful, non-threatening and practical way.

67. Challenge Consultancy held meetings with stakeholders across the Parliamentary community, with a view to building knowledge of that community and of the issues involved, and

³⁷ The request referred to here was in the following terms: '*Between the start of 2000 and end of 2018, how many Lords have been censored following allegations of sexual harassment, workplace bullying or racial/religious discrimination?*'

understanding the perspectives of the various stakeholders. The course was then designed and piloted, with changes being made as a result of the feedback received from the pilot sessions. I was told that, *'a very strong message to come out of the feedback was that people wanted to see that Members (MPs and Peers) and senior leaders and managers are attending the training to make "we are all in this together" meaningful.'* To date, none of the focus, or pilot, groups has included members of the House of Lords, or staff directly employed by them.

68. Training is mandatory for all House of Commons staff, to have been completed by June 2020. The House of Lords has also made training mandatory for all Administration staff, although I have been made aware of no deadline for its completion. Consultation is ongoing as to (1) the requirements for MPs; and (2) piloting for members of the House of Lords.

69. In broad terms, the training session (for all groups) covers:

69.1. awareness of the impact and implications of bullying, harassment and sexual misconduct and the factors that contribute to them;

69.2. tackling bullying, harassment and sexual misconduct and actions to prevent their occurrence; and

69.3. the responsibility that everyone has to create and benefit from a safe and positive working environment, including by recognising and challenging inappropriate behaviour.

70. Training takes place over three hours, in a classroom environment. Groups typically comprise 12-14 participants, drawn from across the Parliamentary community. Managers and non-managers are trained separately, and the course content differs accordingly, albeit that much of the training will be common to both groups of staff. Each session entails facilitated discussion (amongst the group as a whole and, at times, smaller sub-groups) of principles and their practical application, by reference to challenging scenarios which can arise in a Parliamentary context. Sign-posting to the various independent and internal policies, procedures and support systems is provided, together with related materials.

71. As at 24 June 2019:

- 71.1. 827 people had been trained and 497 had booked to attend the course; of whom, respectively,
- 71.2. 121 and 101 were employees of the House of Lords Administration, in total accounting for approximately 36% of Administration staff (by reference to a stated total headcount of 612)³⁸;
- 71.3. That compares with 33% of House of Commons and PDS non-managers and 54% of House of Commons and PDS managers;
- 71.4. 30 MPs had completed the course and no further bookings were recorded. 84 members of MPs' staff had completed the course and a further 42 had booked a place. In neither category is the percentage of each group which those numbers represent recorded³⁹;
- 71.5. Of the 650 MPs who comprise the House of Commons⁴⁰, the number stated constitutes just 13%; and
- 71.6. By department, the highest combined total for those who had completed, or booked a place on, the course from the House of Lords Administration, was the Human Resources Office (at 95%). The Library Office had the next highest total, at 81%. The lowest totals were for Catering and Retail Services ('CRS', at 6%) and the Information Office (at 11%). The combined totals for other departments ranged from 21% to 71%.

³⁸ Figures for the Administration have not been broken down for managers and non-managers.

³⁹ The source for all figures quoted in this paragraph (excluding sub-paragraph 71.5) is a document provided to me on 25 June 2019, by a Consultant in the Learning and Organisation Development team, in the House of Commons.

⁴⁰ <https://www.parliament.uk/mps-lords-and-offices/mps/current-state-of-the-parties/>, accessed on 8 July 2019.

(6) The six-month independent review of the ICGS

72. The six-month independent review of the ICGS was conducted by Alison Stanley CBE, FCIPD. Her report is dated 31 May 2019⁴¹. The focus of her review was the operation of ICGS; the outstanding issues identified in her terms of reference; and recommendations for change made in the Cox Report⁴². In summary, its key findings and recommendations were that:

72.1. Introduction of the ICGS across the Parliamentary Community was an achievement and had been seen by some as a positive sign of a change in culture, but the experience of first users had been very mixed with much of the input that she had received having been negative;

72.2. The amount of work and procedural complexity required to implement ICGS effectively had been substantially underestimated. Far too little resource had been assigned to implementation, with a lack of the change management experience and specialist capability essential to deliver such a significant set of workplace policies and services;

72.3. With sufficient focus, prioritisation, effort and expertise, ICGS could have the impact originally intended.

72.4. The Parliamentary implementation and administration ICGS team should be properly resourced, with sufficient capacity and capability to undertake the considerable remaining implementation work and contract management work for the team, at pace;

72.5. The ICGS should be positioned as a bicameral service, managed outside the Human Resources function of either House;

⁴¹ <https://www.parliament.uk/documents/Conduct%20in%20Parliament/ICGS%20six-month%20review%20-%20FINAL%20REPORT.pdf>

⁴² See paragraph 22.

- 72.6. The tensions between the importance of confidentiality and data protection and the value of sharing the usage data within the organisation need to be addressed as a matter of priority;
- 72.7. A retention policy position should be agreed with external suppliers to ensure adequate record keeping;
- 72.8. A policy decision should be made, promptly, by the ICGS team and, if necessary, agreed with the Boards of each House for the provision of anonymised data in specified categories to management teams and a plan to increase the categories of data within the next two years;
- 72.9. Building on current practice, there should be regular informal reviews by the helpline contractors, internally, as to concerns and reaction of callers, to inform improved advice and handling, if required. The ICGS team and helpline contractors should agree the content, channel and frequency of a light touch satisfaction survey of callers;
- 72.10. Staff experience and the operation and impact of the service should be fully assessed at the 18-month review of the ISMA service, together with the plans for the tender for a new three-year contract, depending on the stage that that has reached;
- 72.11. Specified actions should be taken to improve the pace, quality and consistency of investigation;
- 72.12. A clear description of the types of sanction for each user group (including MPs and Peers), with signposting to full detail, should be included in the communication material separately recommended, and updated promptly when necessary;
- 72.13. Communication of the available services should be targeted at specific groups, providing only the information relevant to each group;
- 72.14. At the 18-month review, the consistency of the policies and approach for handling complaints of bullying and harassment, or sexual misconduct, across the Parliamentary community should be examined. If the strategic intent of having a coherent approach across Parliament holds good, the 18-month review should indicate any necessary steps to realign policies and approach;

- 72.15. Specified elements of accountability should be clearly stated and attributed to roles in Parliament. (The level of seniority and/or leadership required for each area of accountability was specified.);
- 72.16. The *'Valuing Everyone'* training should be mandatory for all House, members' and peers' staff and contractors, to be completed by 31 May 2020. Bookings and attendance should be actively monitored. Training delivered to line managers should be reviewed to ensure that it covers managers' existing concerns regarding their role whilst an independent investigation is underway, or upon being informed that the helpline has been contacted;
- 72.17. Both Houses should make a decision that all MPs and Peers should attend the *'Valuing Everyone'* training by 31 May 2020, or within a year from their election or appointment, whichever is the later;
- 72.18. By 31 December 2019, the Good Employer Standard ought to be implemented in connection with employment of staff by MPs;
- 72.19. At least annually, the independent contractors respectively providing the helpline investigators, HR service for MPs' staff and the Employee Assistance Programme should take part in promotional events to raise awareness and visibility of their services;
- 72.20. Specified steps should be taken to address awareness and understanding of ICGS and improve communications relating to it;
- 72.21. To the extent that it is not already happening, senior leaders in both Houses should communicate the importance of team leaders and line managers having open discussions with their teams on working together based on the Behaviour Code and, crucially, role model doing so. An ongoing dialogue should start immediately and be built upon over the next year in the subsequent rollout of the cultural change work and initiatives, to include particular focus on constituency office staff;
- 72.22. Specified changes ought to be made to policy wording, as recommended, respectively, in the Cox Report and by Ms Stanley, and the elements set out at paragraph 229 of the

Cox Report ought to be used, on an ongoing basis, as a checklist against which to assess action taken on Ms Stanley's own recommendations and the policy, procedure, communications and operation of the ICGS;

- 72.23. Legal representation at hearings should not be permitted, although complainants and respondents may choose to seek legal advice and support, should they so wish;
- 72.24. The duty of confidentiality should be emphasised in ongoing communications and training on the ICGS and to all parties at each stage of the process. Existing contracts should be reviewed to ensure that they enable any breaches of confidentiality to be adequately addressed. The respective Commissioners and the appropriate committees in each House should review and consider the position on confidentiality in relation to MPs and Peers prior to the 18-month review;
- 72.25. Any relevant recommendations made by the White and Ellenbogen inquiries (and the responses to them) that have not been addressed by Ms Stanley's review be incorporated into the 18-month review;
- 72.26. In line with the House of Lords' Committee for Privileges and Conduct recommendation on third party reporting, it should continue to be the position that third parties cannot formally report behaviour under the ICGS policies and procedures. The role of the 'bystander' should continue to be distinguished from third party reporting, through training and other cultural change initiatives;
- 72.27. Provision should be made for 'cluster reporting', where the decision-making body should be made aware if there are a number of reports about the behaviour of the same individual. Related policy decisions first need to be made, following the gathering of reliable data. The issue should be revisited by an appropriate bicameral working group when the ICGS has been in place for at least one year;
- 72.28. The ICGS should not be extended to visitors to constituency offices at this stage. Consideration should be given to that issue again at the 18-month review, if there have been material changes in the circumstances informing this recommendation.

Statement by the House of Commons Commission

73. On 26 June 2019, the House of Commons Commission published a statement on the ICGS⁴³. It noted that, following a public consultation into its proposal to permit non-recent cases of bullying, harassment and sexual misconduct to be considered under the ICGS, it had ratified its decision, and the Leader of the House had agreed to work with the other parties to agree a motion, in consultation with the Commission, that would facilitate that change as soon as possible. Subject to approval by the House, implementation work will take place over the Summer, with the intention of opening the scheme to non-recent cases from October 2019.
74. Welcoming Ms Stanley's report, the Commission also stated that it had agreed that a programme-approach would be used to implement her recommendations, drawing on expertise from across Parliament and external specialists to improve capacity and capability. To facilitate the delivery of the improvements to the ICGS in light of the early experience of using the Scheme, the following decisions were taken:
- 74.1. Subject to discussions with the House of Lords, the current ICGS team should become a bicameral service and be expanded to enable the improvements to be implemented;
- 74.2. All MPs should undertake the '*Valuing Everyone*' training and the Commission would consider, in detail, how that could be achieved at its next meeting;
- 74.3. Subject to discussions with the House of Lords, the Commission would investigate further the establishment of a bicameral group of members, staff and other stakeholders, which would oversee delivery of the action plan, and the future operations of ICGS.
75. The Commission also recorded its agreement with the view of Gemma White QC, who had written to Ms Stanley suggesting that former members of the Parliamentary community should be able to have their complaints heard under the ICGS (which is, at present, restricted to those

⁴³ <https://www.parliament.uk/business/committees/committees-a-z/other-committees/house-of-commons-commission/news-parliament-2017/i-c-g-s-26-06-2019/>, accessed on 8 July 2019.

who are currently in post). That decision has been taken in principle, pending the outcome and recommendations of Ms White's inquiry.

F. WORK UNDERTAKEN BY THE HOUSE OF LORDS

(1) Staff surveys

76. I have been provided with staff survey reports for the years 2012, 2014, 2016 and 2018⁴⁴. In each case:

76.1. the survey was circulated amongst all staff employed in the Administration;

76.2. the total response rate was in the region of 60% (although not all respondents answered every question and certain offices had a higher response rate than did others);

76.3. the survey was self-completed and compared with the results of earlier surveys;

76.4. results were benchmarked against (between 2012 and 2016) those available for other public sector organisations and (in 2018) those available for the Civil Service; and

76.5. a narrative report identified the themes emerging from the responses received.

77. The 2018 survey was the first expressly to explore levels of bullying, harassment and sexual harassment in the workplace and to record in the report strategic recommendations made by the researcher. Amongst the seven recommendations made were the following:

77.1. (recommendation 2) *‘There has been a positive shift in opinion of a number of core measures. Of particular note, 70% now feel valued and recognised for the work they do, which has increased by 8% points since 2016. Three quarters (75%) feel proud to work for the Administration; up from 68% in 2016 and 13% points higher than the Civil Service*

⁴⁴ The last such survey was conducted by DJS Research Ltd, in October and November 2018. All others were conducted by BMG Research Ltd.

benchmark. 64% would also recommend the Administration as a place to work, which is 9% points higher than across the Civil Service. These findings suggest the organisation is moving in the right direction and that it should recognise and celebrate this with staff.’;

- 77.2. *(recommendation 4) ‘...there is still some way to go in tackling the widespread perceptions of inequality. A theme that runs through a substantial number of the open text comments is the perception that internal recruitment and progression processes can be unfair, there is a divide between Clerks and the rest of the workforce, and it can be elitist’;*
- 77.3. *(recommendation 5) ‘At 20%, the proportion of staff who say they have experienced bullying or harassment (excluding sexual harassment) is 9% points higher than across the Civil Service and 2% points higher than at the House of Commons. This is a clear area for attention, particularly focusing on the treatment of staff by members. Alongside this, it is important to review the way in which incidents of bullying or harassment are managed, to improve confidence in the system and therefore reporting levels.’;*
- 77.4. *(recommendation 6) ‘In stark contrast to the positive views held of other office and Administration-wide processes, there is notable discontent with the way poor performance is managed. This issue is viewed by some to be managed inconsistently, linking to the previous point regarding inequality and fairness, and the culture doesn’t encourage staff to speak up and challenge inappropriate behaviour.’; and*
- 77.5. *(recommendation 7) ‘More than a third (35%) of staff do not feel informed about what is going on across the Administration. Linked to this, just 48% of staff believe members of the Management Board are good at communicating decisions and progress. Communication is a clear area for improvement, particularly greater transparency in why certain decisions are made at a senior level. We see that confidence in the effectiveness of the Management Board is the biggest driver of employee engagement, so getting this right will have a big impact on key outcomes such as motivation and commitment.’*

78. Elsewhere in the report, the researcher reported that:

- 78.1. (at page 20) employee engagement is far higher where staff have a regular catch up with their manager (77% compared with 62% who do not). Employee engagement was defined (at page 17) to mean *'the emotional commitment one has to their organisation and its goals, bringing with it higher discretionary effort'* (sic). Employee engagement differed according to the office/department in which respondents were employed (varying from 65% to 83% - page 19);
- 78.2. (at pages 23 and 25) 70% of respondents to the survey had responded positively to the statement, *'I feel valued and recognised for the work I do'*, an increase of 8% points on the level of positive response to the same statement in the 2016 staff survey and 20% points higher than the House of Commons benchmark;
- 78.3. (at pages 24 and 25) 75% of respondents to the survey had responded positively to the statement, *'I feel proud to work for the Administration'*, an increase of 7% points on the level of positive response to the same statement in the 2016 staff survey and 13% points higher than the Civil Service benchmark;
- 78.4. (at pages 24 and 25) 46% of respondents to the survey had responded positively to the statement, *'I feel the Administration acts fairly with regard to recruitment'*, a decrease of 10% points on the level of positive response to the same statement in the 2016 staff survey;
- 78.5. (at page 28) *'Just 41% of staff feel there are opportunities to develop their career at the Administration, which is 6% points lower than across the Civil Service. Disagreement with this statement is high in Communications (53%), Committee Office (45%), Library (48%) and Journal Office (43%)'*;
- 78.6. (at page 30) *'There are notably more positive views held of Heads of Offices than members of the Management Board. As high as 81% believe their Head of Office is interested in listening to staff concerns and 71% have confidence in their Head of Office...Just 39% have confidence in the effectiveness of members of the Management Board. As highlighted earlier, employee engagement increases significantly among staff*

who have such confidence, so action is required to improve perceptions of senior leadership’;

78.7. (at pages 31 to 33):

78.7.1. 48% of respondents to the survey had responded positively to the statement, *‘My line manager deals with poor performance effectively’*, a decrease of 3% points on the level of positive response to the same statement in the 2016 staff survey, albeit 8% points higher than the Civil Service benchmark. *‘It is interesting to note that this decreases to 38% in Clerk of the Parliament’s Office; a relatively positive office on most other measures’;*

78.7.2. Whilst 83% of respondents had responded ‘yes’ to the question, *‘Do you have regular catch-ups with your line manager?’*, that marked a decrease of 5% points when compared with responses to the 2016 staff survey. Responses were low in Hansard (58%) and CRS (72%): *‘It is important to highlight that feelings of value and recognition are far higher amongst staff that have a regular catch up (74% cf. 51% do not), which in turn means employee engagement is higher (77% cf. 62%)’;*

78.8. (at pages 34 and 35) 61% of respondents to the survey had responded positively to the statement, *‘I can speak my mind without fear of any negative consequences’*, an increase of 6% points on the level of positive response to the same statement in the 2016 staff survey. *‘Nearly a quarter disagree with this however, increasing to 45% in Black Rod’s Office’;*

78.9. (at page 38) *‘Awareness of the Diversity and Inclusion Plan is high (81% of the workforce). However, this drops to just 68% of staff in CRS and 73% on grades HL1/2/3’;*

78.10. (at page 41):

78.10.1. *‘It is clear that perceptions of diversity and inclusion have improved over the past two years. Featured as the most improved indicator in this year’s survey, 73% now agree that the Administration provides an environment where they*

feel free to be themselves (+18% points). More staff also feel their line manager respects diversity and inclusion (+5% points)';

78.10.2. *'There have been marked improvements in perceptions of how well certain processes are managed within offices, particularly flexible working, sickness absence and poor performance (all improved by 12% points)...';*

78.10.3. *'Just 27% of staff believe inclusive behaviours are demonstrated by the majority of Members; the lowest scoring indicator in the survey. A higher proportion disagree with this (29%). Agreement with the statement decreases markedly in Communications (10%), Library (7%) and Parliamentary Archives (10%);*

78.11. (at pages 42 and 45) 47% of respondents to the survey had responded positively to the statement, *'I feel the Management Board leads and manages the Administration well'*. *'More than half the workforce do not feel the Administration deals well with poor performance (56%) and the recruitment and retention of staff (53%). This increases to 78% of staff in the Committee Office. 76% of staff in Property and Office Services do not feel poor performance is managed well and 75% in PPCS⁴⁵ feel the same about recruitment and retention';*

78.12. (at page 53):

78.12.1. *'At 20%, the level of reported experience of bullying/harassment (excluding sexual harassment) is 9% points higher than across the Civil Service and marginally higher than the House of Commons (+2% points)';*

78.12.2. *Of the 13% of staff who have reported an incident of bullying/harassment/sexual harassment, 43% were not content with the way it was handled'; and*

⁴⁵ The Parliamentary Procurement and Commercial Service

78.12.3. *'Close to two thirds (63%) of staff believe that bullying/harassment/sexual harassment is taken seriously by the House of Lords Administration.'*

79. The following data on bullying and harassment (amongst others) appeared in the 2018 report (at pages 49 to 51), in which the percentages quoted are of the stated sample size:

Question Asked	Yes	No
Have you personally experienced bullying and/or harassment (excluding sexual harassment) at work in the last 12 months?	20%	80%
<p>If yes, who was the perpetrator? (sample size = 62)</p> <p>(a) A member of Parliamentary staff</p> <p>(b) A member of the House of Lords</p> <p>(c) Members' staff</p> <p>(d) Contractor</p> <p>(e) Visitor</p> <p>(f) Other</p>	<p>60%</p> <p>26%</p> <p>5%</p> <p>2%</p> <p>0%</p> <p>8%</p>	
Have you witnessed bullying and/or harassment (excluding sexual harassment) at work in the last 12 months?	23%	77%
<p>If yes, who was the perpetrator? (sample size = 72)</p> <p>(a) A member of Parliamentary staff</p> <p>(b) A member of the House of Lords</p> <p>(c) Members' staff</p> <p>(d) Contractor</p> <p>(e) Visitor</p> <p>(f) Other</p>	<p>67%</p> <p>24%</p> <p>4%</p> <p>0%</p> <p>0%</p> <p>6%</p>	

Question Asked	Yes	No
Have you personally experienced sexual harassment at work in the last 12 months?	3%	97%
If yes, who was the perpetrator? (caution: sample size = 11)		
(a) A member of Parliamentary staff	64%	
(b) A member of the House of Lords	18%	
(c) Members' staff	18%	
(d) Contractor	0%	
(e) Visitor	0%	
(f) Other	0%	
Have you witnessed sexual harassment at work in the last 12 months?	7%	93%
If yes, who was the perpetrator? (sample size = 23)		
(a) A member of Parliamentary staff	48%	
(b) A member of the House of Lords	39%	
(c) Members' staff	9%	
(d) Contractor	0%	
(e) Visitor	0%	
(f) Other	4%	

(2) Staff Survey 2018 Action Plan

80. In March 2019, the Management Board agreed and circulated the Staff Survey 2018 Action Plan, setting out the four clear areas which it considered needed to be addressed: career development and recruitment; perceptions of inequality; Management Board leadership and transparency; and bullying and harassment. The action plan set out the actions (new and in progress) for three of those areas; their 'owner' and the intended timescales. All actions are intended to be complete (and, thereafter, continue) by 2020.

81. The plan expressly did not address actions relating to bullying and harassment which, it considered, should be informed by this report. Bullying and harassment actions, it was said, would either be included in the action plan at a later date, or in a separate plan. The measures for all stated actions would be improvements in the survey results of the 2020 survey, together with additional measures, where stated.
82. In relation to career development and recruitment, actions included making it easier to find the training that staff need in order to develop; the expansion of procedural training to staff recruited externally, or promoted, into HL8 posts, with a defined policy and process in place aligned to the training of graduate clerks; the provision of more detailed information regarding potential career paths through the organisation; the publicising and celebration of the different routes that staff in the Administration can take to develop their careers; the restarting of management training and the sourcing/development of leadership training, following the arrival of the Head of Organisational Development; management training to drive the behaviours that will help staff to obtain new or better jobs; and ensuring that each office's response to the staff survey includes how it will ensure that staff are able to take up the training opportunities available to them.
83. In relation to inequality, actions included clarifying access provisions in key areas and making access arrangements fairer and more consistent in others (communicating the rules and their rationale to everyone); and clarifying rules and 'mythbusting' – what do people believe about working in the House of Lords which is not actually true?
84. In relation to Management Board transparency, leadership and communications, actions included creating a communications plan for Board communications throughout the 2019/20 financial year (into which many of the other stated actions would feed); creating a communications plan for the staff survey action plan which demonstrates what is being delivered and what is happening as a result of the survey; creating accessible communications about Board discussions, including a managers or SLF briefing for all managers to use with their teams; and promoting Management Board Alerts (e-mails to which staff can sign up, alerting them to the publication of minutes and agendas).

(3) Initiatives and Change Programmes within the Administration

85. In addition to the staff survey 2018 action plan, I have been made aware of the following initiatives and programmes for change within the Administration, at least part of each of which is relevant to my terms of reference:

85.1. *A People Strategy for the Administration 2018-2021*⁴⁶. It is said that an organisational development approach will be adopted, set out under three key themes: ‘listening to our people’; ‘attracting, developing and retaining our people’; and ‘valuing and recognising our people’s accomplishments’. Within each theme, a list of actions to be undertaken during the lifetime of the strategy, together with the measures of success, are identified;

85.2. *Changes to the appraisal system, known as the Personal Development Review (‘PDR’)*. The focus is on the results that staff achieve in their jobs. The key change is that, instead of one full performance review at the end of the reporting year (which runs from April to March), the PDR will now comprise three development conversations; in July, November and March. Each conversation will be based upon the job holder’s self-assessment of development, achievements and progress against previously agreed objectives and duties. Outside these three conversations, there should be frequent ongoing dialogue between job holder and Reporting Officer (the line manager), as needed, about performance and personal development. All comments by both parties should be fair, objective and based on supporting evidence. Four specified competencies apply to all Administration staff: leadership and management; focus on delivery; professional and personal development; and collaboration and teamwork. Each competency has three levels, comprising sub-competencies, some of which apply to everyone and others only to, respectively, managers and leaders (senior managers). The PDR guidance notes state⁴⁷, *‘Managers should be assessed as managers. Managing people is a major element of a manager’s workload and you should have at least one SMART management objective if you are a manager. A “SMART” objective is an objective that is Specific, Measurable, Achievable, Relevant, and Time-bound. The*

⁴⁶ [A People Strategy For The House of Lords Administration 2018 - 2021](#)

⁴⁷ at paragraph 32

recommended default management objective is “manage staff appropriately to ensure delivery of the team’s objectives”. You may substitute this objective for another which is particularly relevant to your own personal development or the needs of your office or include an additional management objective.’ A portfolio of mandatory training for all Administration staff, together with its required type and frequency, is agreed by the Management Board and may change in content from time to time. It currently includes annual classroom training on bullying and harassment and the Behaviour Code for Parliament and a half-day classroom course, every 3 to 4 years, on diversity and inclusion. All new staff are required to complete basic training on using the appraisal system for the 2019-20 year. Further, optional, training has been made available since March 2019 on SMART objectives and constructive conversations. Appraisals can be used as part of the interview process for internally advertised roles only and where all applicants are employed in the Administration (as distinct from PDS);

- 85.3. *A culture audit, conducted in February and March 2019, resulting in a confidential report, analysing its outcomes, in March 2019. Contributions were made by over 150 Lords and bicameral staff, in response to a short ‘culture quiz’ and through five subsequent workshop consultations with 33 House of Lords staff, across offices at grades HL1-8. Each Management Board member was consulted individually. In addition the Senior Leadership Forum and the WENs⁴⁸ were invited to respond to certain questions. As part of the exercise, the 2018 staff survey comments were also reviewed. A brief, two-page summary of the results from the quiz and workshops was circulated to staff during the week commencing 10 June 2019. Three adjectives describing things which respondents would like to keep were noted as being: ‘friendly’; ‘professional’; and ‘supportive’. In the ‘top 10’ list of things to change were the adjectives: ‘hierarchical’; ‘traditionalist’; and ‘formal’. The summary noted, ‘As with the things to keep, it will be important to explore these themes further, so that the next stages of our work on culture develop the trends we all want to see. This will need to apply both to what changes we make and the way we make them’, and concluded with the following text:*

⁴⁸ See paragraph 85.5, below.

‘What’s next?’

The quiz and workshops were a starting point and enabled us to dig a bit deeper, rather than just go on the basis of the staff survey results. Thank you to everyone who participated. The next steps are to use these findings to build on the positive aspects to retain and the negative aspects to change.

Our recent work on values, in the context of the new Administration strategy, will support and develop the work to improve our organisational culture. We will be stepping up that work in the months ahead and will be seeking help and involvement from colleagues across the Administration, including bicameral teams. See further details below on how to get involved. We already know we want to improve the House as a place to work. The way we do this will need to take account of any relevant recommendations from the inquiry by Naomi Ellenbogen QC, which is expected next month.

Get involved

In the weeks and months ahead your views and involvement will be crucial to planning what we do and how we do it. We aim to set up a working group on organisational culture, which will ensure broad representation from teams across the House of Lords. There are also likely to be a series of associated strands of work, for which we will want as much input and engagement as possible. If you want to express your interest at this stage in being involved in any of this work, or just to hear more about it please contact Duncan Sagar or Maggie Barnes.

Email us at hlbic@parliament.uk or pop in to room 4-57 Millbank House to have a chat.

We look forward to hearing from you soon.’;

85.4. In connection with the above, *an initiative to shape organisational culture change*, the terms of reference of which have yet to be finalised and will be influenced by the recommendations set out in this report;

85.5. *A Focus on Inclusion Strategy 2019-2021*⁴⁹. Building on the House of Lords’ Diversity and Inclusion Action Plan for 2017-2019, the express focus of this strategy is to embed

⁴⁹ [Focus on Inclusion Strategy 2019 - 2021](#)

inclusion and diversity, with a view to making it central to everyone's work, challenging old ways of thinking that get in the way and holding people to account for meeting diversity objectives. Improving culture, inclusion and diversity forms part of the Business Plan of the House of Lords Administration 2019/20⁵⁰. The Inclusion and Diversity Team is supported in its work by the Human Resources Office; the five Workplace Equality Networks ('WENS')⁵¹; and Inclusion Champions (of which each Office should have at least one). Work is to be carried out collaboratively with the Business Improvement and Change team, to ensure that the change programmes and initiatives delivered by that team are inclusive;

85.6. *A revised House of Lords Administration Strategy 2019-2025*, issued on 6 June 2019⁵². Amongst the stated priorities of the Administration is the achievement of a positive and respectful workplace culture and the effective addressing of bullying and harassment;

85.7. *The Response to the UK Gender-Sensitive Parliament Audit 2018*, agreed jointly by the House of Commons Commission and the House of Lords Commission, published on 11 June 2019⁵³. The 2018 audit had been undertaken by a panel established by both Commissions and had made recommendations which included action in response to the Cox Report, and the two independent inquiries which would follow; and

⁵⁰ [Business Plan of the House of Lords Administration 2019-20](#)

⁵¹ WENS are open to all pass holders in the Commons, Lords, Parliamentary Digital Service, contractors employed by Parliament, MPs, Peers and their staff. Membership is not restricted to people who share a protected characteristic to which the WENS relate, but those involved are required to respect the aims of the networks. The five WENS are: ParliAble; ParliGENDER; ParliREACH; ParliOUT; and ParliON.

⁵² [House of Lords Administration Strategy 2019-2025](#)

⁵³ [Response to the UK Gender-Sensitive Parliament Audit 2018](#)

85.8. On 27 June 2019, the House of Lords Services Committee published its endorsement of the Management Board’s proposed changes to rules governing access by Lords and bicameral staff to two House of Lords’ catering outlets (the Terrace and the Bishops’ Bar), access to which had previously been restricted by staff grade⁵⁴. Those restrictions had been criticised as being hierarchical and, in any event, difficult to enforce. In the case of the Terrace, the changes will be subject to review in November 2019⁵⁵: *‘In the event the changes cause overcrowding we would reserve the right to reintroduce restrictions in some form although it is not our expectation that this will be necessary.’*

G. RULES APPLICABLE TO MEMBERS OF THE HOUSE OF LORDS

(1) Induction pack

86. Upon their appointment, members of the House receive an induction pack comprising:

- 86.1. A welcome letter from the Clerk of the Parliaments;
- 86.2. A Guidebook for new Members of the House of Lords;
- 86.3. The Members’ Code and the Guide to that code;
- 86.4. A short guide to practice and procedure in the Chamber and Grand Committee, together with a checklist of ‘dos and don’ts’ regarding conduct in those areas;
- 86.5. A House of Lords Library Briefing on maiden and valedictory speeches;
- 86.6. A fact sheet on data protection legislation;

⁵⁴ <https://www.parliament.uk/documents/lords-committees/services/2017-19/June-Access-Rules.pdf>

⁵⁵ *Ibid*, at paragraph 8.

- 86.7. A handbook on facilities and services for members and their staff;
 - 86.8. An example of the formal document entitled 'House of Lords Business', produced every sitting day and on certain days during recess;
 - 86.9. A Members' photobook;
 - 86.10. The Companion to the Standing Orders and Guide to the Proceedings of the House of Lords;
 - 86.11. 'The Grey Book', subtitled 'Who Does What in the House of Lords'; and
 - 86.12. A Houses of Parliament pamphlet, entitled 'Parliamentary Health and Wellbeing Services for Members of Both Houses'.
87. Training is offered on fire safety and health and safety. Advice is given about security.

(2) The Members' Code and related Guide

88. In the paragraphs which follow, I describe the purpose and relevant content of the Members' Code, in its latest edition, agreed on 30 April 2019. That edition incorporates changes, in particular (for current purposes) relating to bullying, harassment and sexual misconduct.
89. As part of the ceremony of taking the oath upon introduction, and at the start of each Parliament, members sign an undertaking to abide by the Members' Code. The express purpose of the Members' Code is to provide:
- 89.1. guidance on the standards of conduct expected of members in the discharge of their Parliamentary duties. With the exception of paragraphs 17, 18 and 19, the Code does not extend to members' performance of duties unrelated to Parliamentary proceedings, or to their private lives. Paragraph 17 applies to the standards of conduct expected of members in performing their Parliamentary duties and activities, whether on the Parliamentary estate or elsewhere; and

89.2. the openness and accountability necessary to reinforce public confidence in the way in which members of the House of Lords perform their Parliamentary duties⁵⁶.

90. The Members' Code applies to all members of the House of Lords who are not: (a) on leave of absence; (b) suspended from the service of the House; or (c) statutorily disqualified from active membership. However, members in each such category and retired members are subject to the provisions of paragraph 17 when on the Parliamentary estate, or using the facilities of Parliament⁵⁷. Paragraph 17 provides:

'Members are required to treat those with whom they come into contact in the course of their parliamentary duties and activities with respect and courtesy. Behaviour that amounts to bullying, harassment or sexual misconduct is a breach of this Code. The bullying, harassment and sexual misconduct provisions apply to behaviour that took place after 21 June 2017 (the start of the 2017 Parliament). Behaviour that took place before this date may still constitute a breach of the personal honour provision if undertaken in the performance of the member's parliamentary duties and activities.'

91. Members of the House '*should act always on their personal honour in the performance of their parliamentary duties and activities*'. They should also observe the seven general principles of conduct identified by the Committee on Standards in Public Life (often referred to as 'the Nolan Principles'). These principles will be taken into consideration when any allegation of breaches of the provisions in other sections of the Code is under investigation and should act as a guide to members in considering the requirement to act always on their personal honour. Amongst the seven principles are:

91.1. *Accountability*: holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this; and

91.2. *Leadership*: holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs⁵⁸.

⁵⁶ Introduction, paragraph 3.

⁵⁷ Introduction, paragraph 4.

⁵⁸ General Principles, paragraphs 8 and 9. Note that complaints will not be entertained solely on the basis of alleged failures to abide by the seven principles (unsupported by specific evidence of a breach of the Members'

92. Members of the House should observe the principles set out in the Parliamentary Behaviour Code, which forms Appendix A to the Members' Code, of respect, professionalism, understanding others' perspectives, courtesy and acceptance of responsibility. These principles will be taken into consideration when any allegation of bullying, harassment or sexual misconduct is under investigation⁵⁹.

93. Paragraphs 20 to 25 of the Members' Code deal with enforcement. Paragraph 20 records the appointment of the House of Lords Commissioner for Standards to investigate alleged breaches of the Members' Code, or of the rules governing members' financial support or use of Parliamentary facilities. Any such investigation is conducted in accordance with procedures set out in the Guide. Paragraphs 21 to 25 of the Members' Code provide:

'21. After investigation the Commissioner makes a report of her findings. If the member is found not to have breached the Code, or if the member and the Commissioner have agreed remedial action, the report is normally published only on the Commissioner's webpages. The Commissioner has discretion to submit a report in such instances to the Conduct Committee. If the member is found to have breached the Code and remedial action is inappropriate or has not been agreed, the Commissioner's report including any recommended sanction goes to the Conduct Committee. The member concerned has a right of appeal to the Conduct Committee against the Commissioner's findings and any recommended sanction. In a case of bullying, harassment or sexual misconduct, the complainant has a right of appeal to the Conduct Committee against the Commissioner's findings.

22. The Conduct Committee, having heard any appeal, and having agreed any appropriate sanction, reports its conclusions and recommendations to the House. The final decision rests with the House.

23. In investigating and adjudicating allegations of non-compliance with this Code, the Commissioner and the Conduct Committee shall act in accordance with the principles of natural justice and fairness.

24. Members shall co-operate, at all stages, with any investigation into their conduct by or under the authority of the House.

25. No member shall lobby a member of the Conduct Committee in a manner calculated or intended to influence their consideration of a complaint of a breach of this Code.'

Code). However, the principles are taken into account when investigating any alleged breach of the provisions in other sections of the Members' Code. (See the Guide, at paragraphs 10 and 11.)

⁵⁹ General Principles, paragraph 10.

94. Like the Members' Code, the Guide is adopted by resolution and binding on all members. The following paragraphs of the Guide bear reciting in full:

'Personal honour

6. In accordance with paragraph 5 of the Code of Conduct, members are required to sign an undertaking to abide by the Code as part of the ceremony of taking the oath upon introduction and at the start of each Parliament. A member who has taken the oath but who has not signed the undertaking is therefore deemed to have breached the Code, and it will be for the Conduct Committee to consider an appropriate sanction.
7. Members are required both "to comply with the Code of Conduct" (paragraph 8(a)), and to act always "on their personal honour" (paragraph 8(b)). The term "personal honour" has been explained by the Committee for Privileges as follows:

"The term 'personal honour' has been used within the House for centuries to describe the guiding principles that govern the conduct of members; its meaning has never been defined, and has not needed definition, because it is inherent in the culture and conventions of the House. These change over time, and thus any definition of 'personal honour', while it might achieve temporary 'legal certainty', would quickly become out-moded ... the term 'personal honour' is ultimately an expression of the sense of the House as a whole as to the standards of conduct expected of individual members ... members cannot rely simply on their own personal sense of what is honourable. They are required to act in accordance with the standards expected by the House as a whole. 'Personal honour' is thus ... a matter for individual members, subject to the sense and culture of the House as a whole."⁶⁰

8. ...

9. The Code of Conduct has been agreed by resolution of the House, with a view to providing guidance for members and the public as to the standards of conduct the House expects of its members in the discharge of their parliamentary duties. But a written Code can never cover every eventuality. Paragraphs 8(a) and 8(b) of the Code, taken together, mean that members are required not only to obey the letter of the rules, but to act in accordance with the spirit of those rules and the sense of the House. This includes the rules agreed by the House in respect of financial support for members or the facilities of the House. In addition to the specific rules on registration and declaration of interests, there is a more general obligation upon members to bear in mind the underlying purpose of the Code as set out in paragraph 3(b), namely, to provide "openness and accountability".'

95. Paragraphs 106 and 107 of the Guide deal, respectively, with (1) financial support and (2) use of facilities and services. There is a separate guide setting out the rules and available support for the former. Rules relating to the latter are set out in the relevant handbook (see paragraph 86.7

⁶⁰ Committee for Privileges (2nd report, session 2008–09, HL Paper 88).

above). Rule 11(c) of the Members' Code obliges members to act in accordance with any rules agreed by the House in respect of financial support for members, or the facilities of the House. As paragraphs 106, 107 and 113 of the Guide make clear, a breach of such rules, therefore, constitutes a breach of the Members' Code and could lead to an investigation by the House of Lords Commissioner for Standards.

96. Paragraph 108 of the Guide indicates that the definitions of bullying, harassment and sexual misconduct were set out in detail in the Independent Complaints and Grievance Scheme Delivery Report, published in July 2018, and that the full definitions are set out at Appendix B to the Guide (which runs to 5 pages). Much shorter summaries of the behaviour characterising each such form of inappropriate conduct are set out at paragraphs 109 to 111 of the Guide.
97. Details of the procedure relating to a complaint and investigation of an alleged breach of the Members' Code are set out at paragraphs 112 to 162 of the Guide. Certain modifications apply to the standard procedure where the complaint relates to bullying, harassment or sexual misconduct. Those are:
 - 97.1. Third party complaints are not permitted and only those directly affected by the alleged behaviour can make a complaint⁶¹;
 - 97.2. If the complainant is a member of House of Lords, it is not necessary first to raise the complaint with the member the subject of complaint, or otherwise with that member's party Leader or Chief Whip, or with the Convenor of the Crossbench Peers, in (unspecified) circumstances in which it is inappropriate to do so. A complaint may be made directly to the Commissioner, or through the independent helplines established by both Houses to receive such complaints and provide support to complainants⁶²;

⁶¹ Guide, paragraph 113.

⁶² Guide, paragraphs 114 and 116.

- 97.3. In the interests of natural justice, the specific allegation made should be made in private and not publicised until the complaint has been finally determined⁶³;
- 97.4. For most complaints, the Commissioner publishes a webpage setting out basic information about a case when she has decided to investigate a complaint. For complaints involving bullying, harassment or sexual misconduct, basic information will not be published on the website unless or until a report is published⁶⁴;
- 97.5. The identity of the complainant will be shared, where necessary, with those directly involved in the investigation, but will not usually be made public during the investigation, or on publication of the report, unless the complainant decides otherwise. This may involve some redaction in reports. Those involved in the investigation are under an obligation to protect the identity of the complainant and a failure to do so may constitute a breach of the Members' Code, as well as a contempt of the House⁶⁵;
- 97.6. The identity of a member being investigated will not usually be made public until the publication of any report at the conclusion of proceedings⁶⁶;
- 97.7. The complainant has a right to appeal to the Conduct Committee, if his or her complaint is dismissed by the Commissioner after a preliminary assessment (conducted in accordance with paragraphs 118 to 120 of the Guide)⁶⁷;

⁶³ Guide, paragraph 117.

⁶⁴ Guide, paragraph 126.

⁶⁵ Guide, paragraph 127.

⁶⁶ Guide, paragraph 128.

⁶⁷ Guide, paragraph 129.

- 97.8. The Commissioner is supported by independent investigators to whom she may delegate any of her investigatory functions under paragraph 131 of the Guide, to the extent that she considers appropriate;
- 97.9. Unlike in complaints of a different nature, a complainant has formal *locus*⁶⁸ once an investigation is underway and is given an opportunity to review and, should s/he so wish, challenge the factual basis of any evidence supplied⁶⁹;
- 97.10. At the discretion of the Commissioner, the complainant may withdraw the complaint at any point during the investigation, thereby bringing the investigation to an end⁷⁰;
- 97.11. If a complaint alleging a breach of the personal honour provision involves bullying, harassment or sexual misconduct, the process of investigation, reporting and appeal is the same as that followed for a case of bullying, harassment or sexual misconduct that occurred after 21 June 2017⁷¹;
- 97.12. In all cases in which the Commissioner upholds a complaint, the Commissioner will make recommendations to the Conduct Committee on any sanction that the House should apply, included in a report which will also contain the Commissioner's findings. The task of the Conduct Committee is to hear any appeal against the Commissioner's findings, or recommendations. It sends a copy of the report to the member concerned

⁶⁸ In this context, seemingly meaning the right to be called as a witness.

⁶⁹ Guide, paragraph 134.

⁷⁰ Guide, paragraph 139.

⁷¹ Guide, paragraph 140.

and, in cases of bullying, harassment or sexual misconduct, also to the complainant, each of whom is informed of the deadline by which an appeal may be lodged⁷²;

- 97.13. When the Conduct Committee reports a case to the House, the committee clerk should show both the complainant and the member the report, shortly before publication⁷³. (In other cases, the complainant will only be shown a copy on publication.)

H. RULES APPLICABLE TO MEMBERS OF THE HOUSE OF LORDS' STAFF

(1) Code of Conduct for House of Lords' Members' Staff

98. It is convenient here to summarise the latest edition of the Staff Code, which is shorter than that applicable to members and has no accompanying guide. As paragraph 2 of the Staff Code notes, members do not receive a specific allowance for employing staff; consequently, the level of staff support for members varies widely and many staff working for members obtain income from sources outside the House.
99. The General Principles contained in the Staff Code are contained in three paragraphs, set out, in full, below:

'General principles

3. Members' staff should at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the House of Lords.

4. Members' staff should observe the principles set out in the Parliamentary Behaviour Code of respect, professionalism, understanding others' perspectives, courtesy, and acceptance of responsibility. These principles will be taken into consideration when any allegation of bullying, harassment or sexual misconduct is under investigation.

⁷² Guide, paragraphs 151 to 154.

⁷³ Guide, paragraph 161.

5. Members' staff should not take any action which would risk undermining any member's compliance with the Code of Conduct for Members of the House of Lords.'

100. Paragraph 11 additionally provides:

'Behaviour Code

11. Members' Staff are required to treat those with whom they come into contact in the course of their parliamentary duties and activities with dignity, courtesy and respect. Behaviour that amounts to bullying, harassment or sexual misconduct is a breach of this Code.'

101. Enforcement is addressed at paragraphs 13 to 17 of the Staff Code, providing that an alleged breach of that code is investigated by the Commissioner, in accordance with procedures set out in the Guide to the Members' Code, *mutatis mutandis*⁷⁴. Where a breach of the Staff Code is found and the case is not suitable for agreed remedial action, available sanctions may 'include' suspension, or withdrawal of the individual's pass and cancellation of the individual's e-mail account. No other sanction is referred to and nothing in the Members' Code or Guide independently renders the member personally responsible, or subject to sanction, for a breach by that member's staff of the Staff Code.

I. INITIATIVES AND CHANGE PROGRAMMES FOR/BY MEMBERS OF THE HOUSE OF LORDS

102. In marked contrast to the various initiatives and programmes for change in place/progress in the Administration, I have been made aware of no such initiatives or programmes relating to – still less, initiated by – members of the House of Lords. Whilst the Parliamentary Behaviour Code applies to everyone and the '*Valuing Everyone*' training is compulsory for all employees in the Administration, there is no compulsory training in place, or currently planned, for the members themselves.

103. Time and again, when I asked contributors what it was that explained the above state of affairs, I was met, variously, with a wry smile, a rolling of the eyes, and comments such as, '*Good luck*

⁷⁴ As with the reference to '*locus*' in the Guide to the Members' Code, it might be thought preferable to substitute this term with plain English, in accordance with modern practice and the 'Focus on Inclusion' strategy.

with that recommendation!, or, simply, *'They won't do it and we can't make them.'* A number remarked that members were too busy (depending on the contributor, either by way of perceived justification, or with frustrated resignation). Other contributors told me that a significant number of members failed to attend compulsory fire training, so what hope could there be of getting them to attend the *'Valuing Everyone'*, or other appropriate, training? I was informed that a member holding a senior leadership role had indicated that any training that might be suggested as appropriate for members would need to take no longer than 15 minutes to complete. Other contributors (none of them a member of staff), considered that training was unnecessary because the significant majority of members did not need it and those who did need it either would not attend, or would not meaningfully engage. One contributor suggested that member reluctance to attend training in a classroom environment (whether in a group comprising other members and/or staff) might reflect a nervousness at the prospect of showing themselves up and associated reputational damage; a concern thought to be more likely to affect very elderly members. The current absence of available sanction, or consequence, arising from non-participation in training and the perceived lack of mechanism through which to compel member engagement were repeatedly raised. I return to this topic and my related recommendations later in this report.

J. THE INQUIRY'S OBJECTIVES

104. I have set out above the structure, rules, policies and initiatives in the House of Lords, in some detail. They explain both the contributions received and my recommendations. The five objectives of the inquiry overlap. They are set out at paragraph 2 of my terms of reference. In this report, it is convenient to address them in a different order and I therefore make clear which objective is being addressed at each stage. All recommendations appear in bold text.

Objective 4⁷⁵: Consider and comment upon the House of Lords as a place of work, with regard to ensuring that staff are treated with dignity and respect and maintaining an open and supportive culture, with a view to making relevant recommendations for improving the culture.

Objective 1⁷⁶: Establish the nature and extent of any bullying and harassment (including sexual harassment and any systemic behaviours) experienced by past and present: House of Lords Administration staff, members of the House of Lords and their staff, and other staff within Parliament, including staff in bicameral roles, in the course of their work at or with the House of Lords.

THE HOUSE OF LORDS AS A PLACE OF WORK: CULTURAL THEMES AND SYSTEMIC BEHAVIOURS

105. Inevitably, given the number of contributors, many views and incidents were recounted to me, both positive and negative. I collate and analyse those views thematically below, mindful of my duty of confidence to contributors. The themes identified are those which consistently emerged and which, therefore, give a fair insight into the culture of the House of Lords over the relevant period, as distinct from accounts of isolated events, or circumstances, which might justifiably be said not to be representative of that culture. Unless otherwise indicated, each theme reflects the position throughout the entirety of the period to which the inquiry relates.

106. In response to the obvious challenge that contributors' perceptions do not necessarily reflect reality, I would make three observations. First, the prevalence and consistency of the views expressed, in my judgment, is such as to indicate that those views are held with justification. Secondly, in certain respects the contributions received resonated with my own experience in dealing with and/or observing the House of Lords, for the purposes of the inquiry. Thirdly, the contributors' perception is their reality. If there are widely held misconceptions, that is a cultural issue in itself and steps need to be taken to ensure both that perceptions are aligned with the truth and that the truth is positive.

⁷⁵ See paragraph 2(d) of my terms of reference.

⁷⁶ See paragraph 2(a) of my terms of reference.

107. Throughout this inquiry, I have been struck by the sincerity and even-handedness apparent in the overwhelming majority of contributions. All contributors had put a great deal of time and thought into their contributions, both written and oral. It was far from uncommon for accounts of poor behaviour to be balanced with comments such as, '*In fairness, I should say that [the same person] was very kind to me when...*', or for contributors to draw my attention to other, positive aspects of the working environment. Almost all contributors asserted (in my assessment, genuinely) that they had come forward in the hope that an organisation in which they took great pride would be improved. That said, many expressed deep reservations as to the likelihood of meaningful change. I hope that they will be proved wrong. **My first, and overarching recommendation is that things need to change.**

(1) Staff

108. My general assessment of the Administration, amply evidenced by virtually all of the contributors to the inquiry, is that it is staffed by highly able, motivated and driven individuals who take great pride in their own work, the work and achievements of their colleagues (being the staff and members of the House) and the constitutional role of the Upper House. Staff work very hard, often for low remuneration, and consider themselves privileged to work in the rarefied environment of the House of Lords. Many individuals will commence employment straight from university, or at the same age, and will spend their entire careers there (perhaps, but not always, with short secondments to the Civil Service).

109. These features have both positive and negative aspects. The quality and volume of work generated is, typically, high and most employees bring significant knowledge, skill, expertise and experience to their roles. Strong and loyal friendships and personal support networks are formed, over the course of long careers. Members are served by a highly-dedicated team of staff, who have a deep understanding and appreciation of the ways in which the House of Lords functions.

110. Corollaries are that staff can become institutionalised, bad habits can become entrenched, poor behaviour can go unchecked, urban myths can develop and beliefs which may once have been justified can survive and flourish when no longer warranted. Structures, working practices and approaches to staff recruitment can ossify.

111. In the course of this inquiry, the prevalence of all such aspects has been apparent. Below, I identify some of the key issues arising and their underlying causes, which inform many of the recommendations made later in this report. Whilst each is addressed in turn, it also has a compounding effect on the others.

(a) *Politeness*

112. Contributors, both staff and members, repeatedly told me of the politeness with which people treat one another in the House of Lords. Many felt that it stemmed from the formal courtesies which members are obliged to extend to one another in the Chamber and which the Administration is expected, generally, to display towards members. Nonetheless, such politeness was considered to hinder people's willingness to engage in straightforward, constructive and courageous conversations, particularly in relation to difficult, or sensitive subjects (such as performance management, or inappropriate behaviour). Mannered discussions were also seen as an aspect of the deference expected of junior staff towards senior staff, and by non-clerks towards clerks⁷⁷, mitigating the risk of causing offence and leaving room for manoeuvre.

113. In my own experience, all my dealings with the Administration have been unfailingly courteous, but, in a few instances, it has seemed to me that courtesy was proffered as a substitute for the substantive information requested, in the hope (possibly subconscious) of masking its absence, or reducing the risk of any negative conclusion that I might draw.

114. It would be perverse for me to suggest that people should not behave respectfully towards one another, but that is not synonymous with observing superficial social niceties, or avoiding necessary discussion and/or conflict.

(b) *Length of service in the Administration*

115. I have referred to the length of service of many staff in the Administration, including its most senior employees. Whilst that brings with it clear positive aspects (chiefly, a deep understanding of the House of Lords, its personnel, practices and procedures), it also narrows people's range of

⁷⁷ See below.

knowledge, expertise and experience. Few of the most senior employees have worked other than in Parliament, for any substantial length of time (if at all), and those who have done so tend to have worked on secondment to the Civil Service. It is not surprising, therefore, that working practices and employees have tended to become institutionalised, partly because ‘this is the way that things have always been done’, but also for lack of exposure to fresh and different approaches adopted by other organisations, including those in the private sector. Some of the senior staff in the Administration have been offered and taken the opportunity to acquire an MBA. Whilst of value, I do not consider that qualification to be a substitute for meaningful work experience outside the Houses of Parliament.

116. The institutionalisation mentioned above takes a number of forms. Perhaps of greatest significance is the working assumption that the most senior roles in the Administration need to be occupied by clerks and approached with that mindset and range of skills (see further below). And yet, by way of example, only 30% of the Clerk of the Parliaments’ time is devoted to procedural matters (and much of that is spent sitting in the Chamber). Furthermore, in practice, the three most senior posts are open only to internal applicants. To date, those who have progressed to that level have been strikingly similar to their predecessors. All have been white and male. This homogeneity partly reflects the length of service required to attain leadership positions at that level and, partly, a lack of diversity in recruitment, but is also consistent with the widely held view, amongst contributors, that those who come into the organisation as modernisers either tend to leave, when their ideas are knocked back, or get drawn into the traditional way of doing things (whether by choice or subliminally) in order to progress through the ranks.
117. Approach to change and the willingness to embrace it can be slow. The Management Board was described as being highly risk averse. I received numerous accounts, from senior individuals, of circumstances in which it had been considered politic to await and observe implementation of initiatives by the House of Commons (in order to learn from its mistakes/avoid any brickbats aimed in its direction), rather than be in the vanguard of change. Implementation of the ICGS is an example. Others are the timing and pace of diversity and inclusion initiatives; review of staff access restrictions; and the harmonisation of terms of conditions, in particular as to staff holiday entitlement and when it can be taken. Curiously and, perhaps, counterintuitively, an explanation offered for this by a number of contributors was a prevalent feeling in the Administration that the House of Lords is unjustly seen and treated as the junior partner in Parliament. One way of flexing its muscles is to distance itself from work suggested and/or being undertaken by the

House of Commons. A senior contributor told me, *'They are willing to talk a lot, which is great, but arguments for change have to be strongly made and are made over a long period of time. [For] organisational change of any kind [arguments have to be made to] the Board and Ed Ollard'*.

(c) *Clerks versus non-clerks*

118. A recurrent theme amongst contributors, employed in the Administration and shared services, was the difference in treatment of, and behaviour by, clerks, by comparison with other employees. The following quotes typify the views expressed:

118.1. *'This staffing structure is oriented exclusively towards the career development of (particularly "fast-stream") clerks, to the detriment of the health, well-being and professional advancement of all other members of staff. All positions of power within the administration are filled by Clerks and, as a consequence, clerks are favoured in every aspect and behave inappropriately without repercussions, with other staff being side-lined on important decisions regarding their work, scapegoated to protect clerks' reputations and generally made to feel inferior in a multitude of other ways. The injustice of this seeps into staff relations at all levels. Civil Service fast-stream clerks, without any experience of leading teams or managing people, are brought in to manage experienced members of staff (in the case of policy analysts, often people with PhDs and many years of professional experience), with little to no guidance from management and, in a form of lottery, being rotated to new teams at the whim of management and with no regard to the implications for team relationships. At the House of Lords, the fast-stream recruitment process itself produces either privileged, homogenous OxBridge candidates who believe themselves to be above other staff, or diversity hires who are later not supported and left to either become overwhelmed or suffer the (unconscious) bias of other staff... For all fast-stream clerks, this system and the built-in stress factors leads to clique-y, immature and competitive behavior, to the detriment of the staff they manage';*

118.2. *'I cannot overestimate the embeddedness of the culture that the clerk is supreme and everyone else is superfluous. Everything comes round to protect the clerk.';*

- 118.3. *'There are two tiers; an us and them thing – clerks and then us. When I first came, there were clerks who would look the other way and it's happening now again. ...They see that we are beneath them. Some clerks aren't like that, but most are...So, if you go up against a clerk, you're never going to win.';*
- 118.4. *'The perception is borne out by the fact that the plum roles went to people from the clerk staff that aren't always the best qualified to lead teams. Often, they're in the gift of individuals...';*
- 118.5. *'The perception is that clerks look after their own. If you speak to a clerk's manager about a clerk, the clerk will treat you worse. It's not that the manager doesn't speak to them; it just doesn't resolve the problem';*
- 118.6. *'I complained about [clerk X] to X's boss and X was moved to another team. Moving someone is not good enough. X did not even know that X was being moved for a reason (and has been moved before, in similar circumstances). I doubt anyone spoke to X about X's behaviour, or even considered giving X a formal warning';*
- 118.7. *'There is a snobbery around intellect and education. Most people who work here are incredibly bright – you just have to find and tap into it';*
- 118.8. *'Nobody will challenge the clerks and they most definitely recruit in their own image';*
- 118.9. *'They all eat together and you feel uncomfortable joining the group'.*
119. It is important to record that some contributors noted that they were aware of the viewpoint that clerks looked after their own and were a protected, exclusive group, but had not experienced that personally, and/or disputed its validity. Those expressing such a view were in the significant minority and, typically, were either clerks or very senior Administration staff themselves. One clerk told me, *'I do think that [there is a legacy belief in 'them and us']. So, one of the reasons I came to speak to you about culture is I have a great sense of injustice that I have inherited a legacy of something in which I played no part. I work with colleagues who are – I can be really blunt, you can take this as you see fit – they are quite home counties, middle class, very white. One senior colleague, he doesn't say it but everyone knows he went to Eton. Great, good luck to you, well done. I didn't; I went to a State school and I was the first one in my family to go*

to university. I am from a working class background, very much so. When I enter an organisation and inherit baggage, I don't like that and I think it is unfair.'

120. Asked how representative that clerk's background was, the clerk told me, *'It is going in one direction and the balance is being redressed. At senior levels, I don't know. I can make a good guess and it isn't a background like mine. In terms of my level downwards, listening to people, it has to be changing; I can tell it is. I don't know where the balance [between assumption and actual experience of clerks' behaviour] is. This factors in the way in which the organisation treats clerks and has given them privileges and segregated them in an unhelpful way; it is a big factor. So, regardless of personalities and backgrounds, the actions of the Administration, or the House – whatever that means – are a big thing, and who is allowed on the bloody Terrace and to sit at which table and all that nonsense.'*
121. Outside the clerking structure, many senior employees considered that they were not viewed as being of equivalent rank, or importance to the organisation. The Chief Information Officer and Managing Director of PDS has a seat on the Management Board of both Houses. Nonetheless, a number of contributors considered that, in the House of Lords, she was not accorded the same status as other Board members who were clerks and that, in general, PDS was overlooked, or seen as the poor relation.
122. I was informed that, when concerns about the divide between clerks and non-clerks had been expressed in the 2018 staff survey, the Clerk of the Parliaments had been reluctant to publish them, considering that the culture had moved on. If so, that is not the experience of many contributors to the inquiry.

(d) Clerks as managers

123. As noted earlier in this report, clerks typically acquire management responsibility at a very early stage in their careers. Those whom they manage commonly include staff who are older, highly qualified and possessed of considerable experience in their own fields of expertise. That is, by its nature, a challenging situation for a young and inexperienced manager, and one not of the junior clerk's making, but the way in which it is handled came in for considerable criticism. That criticism, broadly put, related to a combination of a lack of timely and adequate management

training and an unwarranted over-confidence, on the part of the junior clerk, in his or her innate ability and status within the Administration. Both issues were said to result in poor behaviour towards other staff. Stories of truculence, poor communication, over-reliance on other staff and unwarranted casting of blame (where the clerk had been criticised) were commonplace. Sudden and explosive losses of temper, by even senior clerks, were regularly mentioned to me. They were, typically, attributed to stress and/or a distaste for the approach adopted towards a piece of work by a member of staff, where it differed from the approach that the clerk would have adopted. Many contributors' reported experience was that such inappropriate behaviours and sense of self-belief go unchecked and uncorrected, meaning that they perpetuate and are compounded throughout the clerk's career. Clerks are reluctant to challenge one another given their desired career path and the fact that they will need to work closely together throughout their careers. All of this serves as a negative role model for more junior clerks and normalises the behaviour.

124. A representative selection of contributions received on this topic is set out below:

124.1. *'There was a lack of respect by clerks for other disciplines. When I first joined, one of my direct reports said, 'What you have to understand about the clerks is that they think they can do absolutely everything – they are writing Select Committee reports about everything. They will read a book on brain surgery on a Friday afternoon and quite happily go into operating theatre on Monday morning.' That equated with my own experience in many cases. I don't want to exaggerate it too much as some were very good. Almost all of them had no external experience; it's not very healthy';*

124.2. *'He is technically brilliant; he's a clerk who looks into every detail and that is what makes him such a good clerk, but I'm not sure that the most suitable role for him is as a manager. He is very good at exceptionally technical work; it's just he has such a lot of behavioural issues that really need to be dealt with. His lack of ability to control his anger is really worrying. It can be likened to an abusive relationship, particularly where you are sharing a small room and his veins go red and pop out';*

124.3. *'Clerks are there for the procedure. So, they reach the top on the basis of their knowledge of procedure, but they shouldn't necessarily be in charge of staff';*

124.4. *'If you are a clerk and you have a problem with an employee, or structure or process, there is a temptation to babysit it, but leave it for the next person to deal with, as you know your next role is around the corner... People absolutely give into it; it would be a temptation in any system where people move on with frequency'; and*

124.5. *'When I left university, I spent a couple of years stuffing envelopes And that is quite healthy, in some ways. Whereas, someone who has been wowing the examiners in how good they are at Greek and then comes to the House of Lords – they aren't confronted with their own limitations and are put in charge. They are often self-confident – you have to be to get through – and so one of the problems ...is poor relationships between the policy analyst, who doesn't think the clerk understands the complexities, and the clerk, who doesn't understand why they won't just do what they're told.'*

(e) *Paternalism*

125. The following quote eloquently articulates an issue identified by many contributors: *'One thing I have found since I've been here is that, in my last organisation the incidents of bullying and harassment were really, really low. Even if you factor in a level of not knowing what you don't know, actually the organisation was mature enough to resolve things for themselves. In this organisation, that kind of maturity of approach I don't think is there. I think that Parliament as a whole, on a dial from 'not taking this seriously' to '150', [is] taking everything seriously. I don't actually think it ... has found a happy medium and where its dial is. So, what is it that's acceptable and what are we doing about it? The needle on the dial is still wavering. For me, there are quite a number of [situations] that ...I look at and think, "Why on earth aren't they having a conversation just to say what is going on – can you sort yourselves out?" They are not confident to do so, or not empowered to do so. I think ... part of the culture is transactional in nature; that it is quite paternalistic. It plays the role of parent, and staff are the children. So, if you've done something wrong, you are punished. It is kind of the norm that...someone swears at someone else, [that is] unacceptable and [the] person on the receiving end doesn't like it. Instead of saying, "I didn't like that", or asking the manager to speak to them to knock it on the head, it becomes a complaint to HR and, because it's become a complaint, if people don't, or won't, address it informally, [results in] a formal process; an investigation and hearing and an outcome, which sucks up time and effort, which could be resolved earlier by sensible*

people.' The transactional, paternalistic relationship described is a further aspect of the culture of deference (considered further below). That culture is at its most obvious between the Administration, on the one hand, and members of the House on the other, but is endemic within the Administration, too.

(f) *Micromanagement*

126. Across all departments, but particularly in those directly serving the work of the Chamber, concerns were regularly expressed at the tendency of Heads of Office and senior managers to micromanage their direct reports. There was a consistency of views as to how this had come about. Impressed upon clerks, from the outset and throughout their careers, is the need for absolute accuracy and compliance with all procedural rules and requirements of the House. Errors in the advice given to members, or approach taken, can have far-reaching political consequences and are not tolerated within the Administration, or by members of the House. Thus, procedural clerks are, by nature and nurture, detail-orientated, meticulous and perfectionist. As the senior roles in the Administration, including the most senior, are held by clerks, this approach tends to percolate through all aspects of the Administration's work. Managers are fearful of being criticised for careless errors (however minor), or for work produced by their direct reports which might be imperfect, in content or format. They, therefore, tend to micromanage and triple-check the work of more junior employees, eroding their autonomy and increasing bureaucracy.
127. Regrettably, the drivers for this behaviour do not, in the experience of contributors, lead to improved and constructive training or development of staff. Instead, they result in very senior employees poring over repeated iterations of documents and annotating corrections in a manner better suited to the classroom than the workplace. This is inefficient, for all concerned. It is also demoralising and demotivating for those on the receiving end and promotes hyper-vigilance, creating a vicious circle and a fertile environment for (other forms of) bullying behaviour.

(g) *Poor performance management*

128. Allied to the above is a lack of proper performance management of underperforming staff and a fear, on the part of managers, that robust measures will lead to unfounded allegations of bullying (although very few contributors could point me to an instance in which such allegations had, in fact, been made or upheld).
129. It is axiomatic that poor performance needs to be addressed in a timely and appropriate manner, if individuals and the organisation are to flourish. However, representative of the many contributions that I received on this subject were comments to the effect that underperforming staff were simply side-lined, or moved to another role or department (including by way of promotion). Managers would complain about them, informally, to others, but would not address the issues directly with the individuals concerned, either at all or until the end of the appraisal year, by which time the level of concern would have escalated and the employee would be met with a barrage of unheralded criticism, which earlier development conversations might have avoided. The work of the underperforming employee would either be reallocated to others in the team, breeding resentment on the part of those individuals too, or be undertaken directly by the manager, increasing his or her own duties and commitments. Contributors who had themselves come in for criticism indicated that a large part of the problem was poor communication on the part of their managers, who held the unreasonable expectation that their direct reports should 'just know' what was expected of them, or acquire the necessary skills through observation of others and osmosis.

(h) *'We are a lean organisation'*

130. Not all of the above can be laid at the door of managers, or Heads of Office. The phrase, *'We are a lean organisation'* was a constant refrain amongst contributors. It was said with pride and a recognition of the need to spend public money responsibly, but it was also offered by way of explanation of under-staffing and excessive workloads, particularly in the Committee Office. Committee work, in particular, can be arduous and run to tight deadlines, some of them considered by contributors to be arbitrary. Certain committee members make significant demands on staff, without appreciating the workload created; considering the reasonableness

of the deadline set; or first ascertaining their existing workload. Rather than push back, and as a further feature of the culture of deference, it is not uncommon for staff to work very long hours, including through the night, and to cancel personal commitments, in order to meet the relevant deadline. This was not seen as being an unusual state of affairs, generated by urgency, or a previously unforeseen issue; it was the means by which to complete the standard workload. Complaining to, or seeking assistance from, Heads of Office, in such circumstances, is seen as both a sign of weakness and pointless. Whilst tea and sympathy may be offered, nothing practical is achieved, because the issues arise from demands imposed by members of the House, who are thought to be unchallengeable, or, at least, unchangeable. This facilitates ongoing demanding behaviour by those members.

(i) *Lack of (timely/appropriate) training*

131. Over the period to which the inquiry relates, training has been available, to varying extents and of variable quality, but has either not been compulsory, or, where in theory compulsory, only patchily undertaken and inadequately monitored. Many contributors noted the premium placed, to date, on specialist technical skills, over management skills. Indeed, where technical skills are seen as very strong, poor management skills are overlooked or forgiven. This is consistent with other contributions received in this inquiry. Certain names, accused of bullying behaviour and poor management, cropped up frequently and, in a noteworthy number of cases, had been moved from one office to the next, only to repeat the behaviour in relation to different members of staff, who gave me strikingly similar accounts.

132. Whilst appropriate training ought to be identified as part of an employee's objectives for each appraisal year, the time devoted to that obligation, and the value placed on it, was said to be highly variable. Contributors told me of managers failing to set objectives at all, or setting them very late in the year, and of training recommendations that did not correspond with their job requirements, or which, as the manager should have realised, they had already undertaken. For the most part, contributors considered that they were left to identify and undertake appropriate development training for themselves, much of it delivered online, rather than in a classroom environment. Whilst there was a development programme for aspiring managers, I was told that numbers were restricted and that the support of the line manager was required in order to be offered a place, which would not be forthcoming if the relationship had broken down. In any

event, many contributors told me, actual opportunities for career advancement for non-clerks were limited.

133. Depending on the date of recruitment, most newly recruited clerks had attended either a week's residential, or a two-day non-residential, management training course, in each case delivered by the Civil Service. Often, those clerks had been given management responsibilities considerably in advance of undertaking the course. Each course was directed at new managers and comprised (to greater or lesser extent) training on how to manage difficult situations; allocation of work; and the dynamics of new relationships in a team. Contributors rated these courses as good, so far as they went, but in the (representative) words of one contributor, *'quite basic and elementary'*. There was no (enforced) requirement to attend any follow-up management training and, if a clerk chose not to do so, no consequence or sanction would follow. The underlying assumption appears to be that clerks should be able to acquire the majority of the skills required of them through experience gained by moving from one post to the next and observing their more senior colleagues.

134. In May 2019, a new Enhancing Management Skills Programme was introduced, for managers in the House of Lords. Four modules comprise the 'learning pathway': managing performance; personal impact; developing the team; and leading change. Whilst such a programme is to be welcomed, it is not compulsory and there is no requirement that refresher training be undertaken at a later stage. It is too early to assess how effective this training is (for clerks and non-clerk managers).

(j) *The Human Resources Office*

135. Human Resources came in for almost universal criticism amongst staff contributors. One individual told me, *'I don't want to be brutal about HR, but most people in the House of Lords try not to use them; there is no feeling of confidence in them.'* Many contributors echoed that sentiment, albeit that there was a generally held view that the arrival of a professionally qualified and experienced Human Resources Director, as distinct from a clerk, to head the team was a mark of progress and appeared to be resulting in improvement, if slowly. Prior to 2014, I was told, few members of the team had held professional HR qualifications and the responsibilities of individual team members had been divided up in a somewhat unorthodox fashion. The

department had been lacking in structure. It was substantially reorganised, by the Human Resources Director, on his arrival in 2017.

136. Contributors told me, variously, that the Human Resources Office was not suitably visible, embedded within the organisation, or proactive; that its role was to support management; and that it did not provide truly impartial advice or support to junior staff. Many people spoke of its poor reputation. A number of senior managers told me that Human Resources increasingly delegates its functions to the Heads of Office and that the quality of its advice is variable.
137. A significant number of contributors raised a concern that the Human Resources Office did not keep matters confidential. One contributor told me that a long-serving member of the team had developed close relationships with other Administration staff, over many years, and improperly discussed confidential matters with them. A matter that the contributor had only discussed with Human Resources had been relayed to her by an employee outside that team. Another told me that, having sought advice and support from an employee in Human Resources, at a time when she was considering whether to bring a grievance against her manager, she had been very troubled and surprised to find that same employee supporting her manager, when the manager had called her to a formal meeting, arising from the same circumstances.
138. Many staff told me that Human Resources' overarching aim, when made aware of a problem, appeared to be to sweep things under the carpet, rather than tackle the matter head-on. A particular individual's name was regularly given as someone who would receive concerns sympathetically, but then devote most of the ensuing discussion to dissuading individuals from bringing a formal grievance, expressly because it would get them nowhere. Thus, I was told, poor behaviour goes unchecked and there is no proper focus on appropriate personal development or sanction, with a view to avoiding its recurrence. Wherever behaviour, as reported by management, was acknowledged to be very poor, Human Resources' focus was said to be on removing the individual concerned (whether from the relevant department, or the organisation), rather than on following an appropriate process. Another contributor told me that, in the course of various dealings with Human Resources, *'They have proven themselves manifestly not fit for purpose. Like Alice in Wonderland, how they deal with issues is off the wall; nothing is dealt with sensibly or logically, it is shrouded in mystery.'* Other contributors felt that the Human Resources Office was inadequately staffed (both numerically and in terms of competence) and

unempowered to make decisions or drive change and noted that the three separate Parliamentary HR teams worked in silos, with no collaboration.

139. A surprising number of contributors told me that they did not know where the Human Resources team was physically located, or how to identify and contact the relevant individual(s) within it. For those who were aware of it, the HR Business Partnering team (currently comprising only two people and never having comprised more than three) appeared to operate simply as a support system for Heads of Office. Contributors told me that the HR Business Partners are only aware of issues known to the Heads of Office and which those Heads of Office choose to draw to their attention (and, then, only from the perspective of management). Information about the remit of the business partnering team is available, as is information about the Human Resources Office generally⁷⁸, but the intranet is widely considered to be clunky, and/or infrequently updated. I was told that departmental induction training (where delivered) did not inform people of the available resources, or indicate how to find them.
140. Contributors also told me that the Human Resources Office was not proactive in developing or delivering appropriate training and policies. The general view, as summed up by one long-serving and senior member of staff, was, *'There is a way to go and [Human Resources is] also hampered by old employment practices and attitudes in the House.'* Contributors also referred to dysfunction and inadequate training within the HR team itself, adversely affecting the proper and smooth performance of its work. It is worth noting that a number of the frustrations set out above were not experienced or articulated exclusively by staff outside the Human Resources Office.
141. In my own experience, record-keeping by the Human Resources Office to date has been very poor and falls considerably short of best practice. Excessive reliance has been placed on the knowledge and recollection of long-serving staff. There has been insufficient, if any, recording of formal conversations, meetings and/or outcomes. Records of grievance or disciplinary matters, where kept, are generic in the extreme and are not readily searchable, nor do they serve as an adequate audit trail of the steps taken and the reasons for them. Leaving aside the obvious lack of resilience in such an approach, it inevitably impairs the operation of the team's case-handling

⁷⁸ There is a House of Lords pamphlet, entitled 'Who are my HR contacts?', identifying the centres of expertise, summarising what they do and providing contact numbers.

responsibilities and the confidence that staff can be expected to have in that key function. Whilst there has been some, recent improvement apparent in the team's record-keeping, it has a long way to go before it approaches best (or even good) practice.

142. Such information as I have been shown relating to grievance and disciplinary processes concerning bullying and harassment during the period to which the inquiry relates have taken far too long to run their course, ranging from one month to three years and two months, with a mean average of six and a half months. I am told that the duration of the longest-running cases was the product of the absence from work of complainants, respondents and/or relevant witnesses (through ill-health and/or during Parliamentary recess) and that there is no existing provision in employees' contracts entitling the employer to require that an employee undergo examination by an appropriate medical specialist. Such a contractual term is commonplace in other workplaces. If an employee involved in any such process goes on sick leave, no attempt is made to ascertain whether that individual remains capable of attending meetings and/or providing relevant information in an alternative way (such as in writing, or by video link), even if not fit to undertake the duties of his or her job. Responsibility for updating and driving these processes and for advising on any appropriate changes to employee terms and conditions, lies, in the first instance, with the Human Resources team, though, of course, any such advice and proposed amendments would need to be accepted by the Management Board/the Clerk of the Parliaments.
143. Whilst the above paints a bleak picture, it is right to note that improvements are being made. In December 2018, the Management Board appointed a Human Resources sub-group which meets once a month, to review papers which will go before the Board, together with the sub-group's recommendations. That sub-group comprises selected Heads of Office and is intended to give Human Resources a wider perspective on existing and prospective policies and their impact on particular offices. Available training is being improved in quality and quantity. The Handbook (the bulk of which is five years old and significantly out of date) is being reviewed and the structure, processes and training within the Human Resources Office are gradually being improved. But, the pace of progress is slow and too many of the resources newly, or shortly to be made, available to staff are optional, restricted to certain groups and/or inadequately publicised.

(k) *The trades union*

144. The Administration recognises three trades union for the purpose of discussing staff pay and conditions of service: Prospect (representing professional staff and those in specialist posts); Public and Commercial Services Union (representing the majority of Staff in pay-bands HL4 to HL9 and Housekeepers at HL1 and HL3); and GMB (representing CRS Catering Staff in bands HL1 – HL3). In addition, the FDA union has very few members in the House of Lords, amongst the senior and professional staff. Trade union membership is expressly encouraged in the Handbook⁷⁹. There is also a cross-party organisation, ‘run by and for Members’ staff’⁸⁰, known as the Members and Peers’ Staff Association (‘MAPSA’ – see below), membership of which costs £1 per year.
145. It is significant, to my mind, that no-one on behalf of the recognised trades union proactively contacted me to make a contribution to the inquiry. When I wrote to each of the national officials having responsibility for House of Lords staff, asking if he or she would be willing to make a contribution, only one did so. I received no contribution, or acknowledgement of my e-mail, from the other national union officials. Whilst I can only speculate as to the reasons for that, it is at least consistent with many contributors’ description of the unions as being ‘supine’ and ‘not a visible presence’. Many contributors reported union officials as being unwilling to offer practical assistance in resolving workplace issues, or as adding minimal value when they did. Union involvement in staff policies and in response to staff survey results tends to come at the instigation of management, rather than being proactively offered, I was told.
146. The contribution that I did receive from one of the recognised trades union indicated that the relevant official had known ‘*little to nothing of what was allegedly going on in the Commons and even less has ever been mentioned to me personally about bad behaviours in the Lords...It is extremely disappointing to us, the unions, when members don’t tell us their problems. Also, if members then say they do not then have confidence in us to help them. We can’t help them if*

⁷⁹ See paragraph 8.2.

⁸⁰ described as such on its website: <http://www.w4mp.org/library/2010-guide-to-working-for-an-mp-for-new-staff/groups-which-staff-can-join/representation/the-members-and-peers-staff-association/>, accessed on 8 July 2019.

they don't tell us!. The official told me that approximately 50-60% of the workforce in the House of Lords were members of a union and that member engagement was at its highest when pay and grading reviews were being undertaken. Relationships with management were described as being very good. Over the last 5 to 6 years, the official had been made aware of two instances of alleged bullying or harassment, respectively of and by a union member. The first was by a peer and the second by a member of staff, in the context of a personal friendship which had soured. The former matter had taken place four years ago and had been dealt with by the local union representative who had contacted the Human Resources team, on an informal basis. The national official had heard nothing further, but, it was said, would have been involved had a formal grievance been lodged. The national official's understanding is that, where an issue arises with a peer, *'words are had'*. The second issue had been the subject of an independent investigation by which the national official had been unimpressed. In the official's opinion, it had taken a very long time and been badly conducted. The trade union member the subject of complaint had found another job before the process had ended. The Human Resources team was said to be *'good most of the time... a bit slow at certain things'*. Since the arrival of the Director of Human Resources, monthly/six-weekly meetings between Human Resources and the unions had been instituted and there were regular ad hoc conversations. Difficulties were created for the unions by the need to liaise with three, separate human resources teams, each making different decisions about terms and conditions, across the Parliamentary estate.

(I) MAPSA

147. MAPSA is an organisation of unpaid volunteers, having a committee of nine members. Whilst MAPSA has a memorandum of understanding with the House of Commons, there is no equivalent document with the House of Lords. The organisation's remit extends to staff directly employed by peers, though I was told that, *'It is impossible to work out who they are, let alone contact most of them'*. Similarly, an intern working for a peer would, theoretically, have access to MAPSA, but, I was told, would be unlikely to know of its existence. The role of a MAPSA committee representative is to feed back any issues on which they pick up, to be the point of contact for staff and to promote MAPSA. There is currently no House of Lords representative on the committee (and that has been the position for over eighteen months). I was told that advertisements had been sent out, but no-one had responded. Candidly, I was told that the

absence of such a representative means that the House of Lords tends to be overlooked in MAPSA's work.

148. MAPSA undertakes inductions for staff newly employed by members of the House of Commons, but has not inducted peers' staff, though I was told that it would happily do so. In the past, MAPSA has tended to refer any issues that have arisen in the House of Lords to Black Rod, for informal resolution. When problems have been drawn to MAPSA's attention, its primary role has tended to be signposting and offering moral support. A MAPSA representative will accompany staff to meetings, if asked to do so, though had not in fact performed that role within the House of Lords. There is no relationship between the House of Lords' Human Resources Office and MAPSA and that office has no role to play for staff directly employed by peers. In short, within the House of Lords, MAPSA appears to be a dormant organisation, of which peers' staff are largely ignorant and/or with which they feel no need or desire to engage.

(m) The Palace of Westminster

149. The formality and traditionalism of Parliament are nowhere more apparent than in its location. The Palace of Westminster is not designed to accommodate, or inculcate, modern ways of working. Staff work in small rooms (often housing only two individuals), on long corridors and can be physically distant from their managers and other colleagues. Contributors told me that, in particular when doors are closed, the environment can feel threatening and inappropriate behaviour can go unobserved by colleagues. The temporary decanting of Parliament into modern premises, as part of the Palace of Westminster Restoration and Renewal Programme⁸¹, will provide an opportunity for open-plan working and, it is to be hoped, will help to foster and consolidate greater cohesion and improved working practices. That said, it is unlikely to take place for five years and significant progress must be made in the meantime.

⁸¹ <https://restorationandrenewal.parliament.uk>

(2) Bullying and harassing behaviours within the Administration

150. The systemic issues discussed above collectively generate and fuel an environment which is output driven, in which tensions readily arise and are difficult to defuse. A number of contributors told me, candidly, that, having been bullied themselves, they recognised that they had manifested the same, learned behaviour towards others.
151. From the contributions received, it is clear that bullying behaviours occur across the Administration and, for the most part, I have not detected greater prevalence in any one department than in any other, although there is one office in which working relationships appear to have broken down across the team.
152. In addition to the matters highlighted above (overbearing and unnecessary supervision; exclusionary behaviour; and verbal abuse) much of the bullying behaviour took the form of adverse comments on performance which were considered to be unwarranted per se and/or inappropriately delivered. Allied to that were petty acts of reprisal, if the recipient sought to defend his or her position. Examples are set out below:
- 152.1. *'In terms of the work I prepared, it was, 'Oh no; this is all wrong!' That was the kind of attitude and, if I tried to ask what was wrong, she was unable to explain that and that was a consistent pattern throughout. It was constant questioning of any judgment I made or tried to make. I'd ask for feedback, formally and informally. It started out - because it's a working relationship between two people - you have a conversation and the best way to do it is to get verbal feedback, act on it and see. But one of the things that was the problem and really difficult for me, over a period of time, was that I could just never get it right. The feedback was always that it was wrong, I tried to act on it and then just nothing; it was just wrong. It was always what I had done was still wrong. Occasionally, [I would receive recognition, or praise], but usually after something had been such a bitter and difficult process that it meant nothing and it was clearly not real. But what I did after that was [say], 'Can I have feedback in writing, please, so I can refer to it?' and it just didn't make any difference... Sometimes, it was just a big line through, with the word 'confusing' on it, and other times,.. there was this whole thing about bullet points. It was inconsistent: if I used them, I was too informal and should*

paraphrase things... and, if I did do that, it was 'confusing'. That was how feedback was given';

152.2. *'I had another line manager for a few weeks ...He was incredibly stressed and it came out as control, micro- managing and he would shout at me. He would get angry and explode if I asked him an innocuous question. He would belittle me. I once came into a meeting with his policy analyst. It was [clerk X's] and the policy analyst's office; quite small and awkward for seating. They were already sat down and I said, "Should I grab this chair?" and he went, "Oh no, you can have my seat." So, I started moving it back and he was like, "Sit down!" like I was a dog. The analyst never stuck up for me - they could have done. They could have done, because I would have. They had been there a long time, not on probation. They could have made light of it and said, "Hey, chill out!" They weren't being bullied in the way I was....I was really scared of him; I was about to have a panic attack before I sat down with him';*

152.3. *'I remember my apprenticeship as being a roller-coaster. There were times when I felt competent and some others where I felt incompetent and useless. My supervisor left..., as she found another job, and I was left alone to take over all her duties... I remember my supervisor being happy for me to apply for her job. Slowly, her attitude changed when she realised there were things we never did together and that she never explained, such as writing reports, agendas and articles. ... I went through mood swings; one day I would feel good and the other day a complete disaster.... So, I'd make silly mistakes which would come out more often in speaking than writing, as I would feel inadequate in certain situations or next to some people. The situation became worse when I shared privately my frustrations with my line manager, as I saw the people I had spoken to my manager about changing their behaviour towards me. They became very nasty against me and some of them would almost avoid me. I remember sitting alone on repeated occasions in the River restaurant, where all staff would go for lunch. People lost trust and respect as they saw me as incapable of coping with problems'.*

153. Other contributors were keen to point out that bullying could, and did, take the form of subtle manipulation. I was given a number of examples of circumstances in which clerks who were working late applied pressure (not always tacit) to their direct reports to do likewise. The implication was that the direct reports lacked appropriate dedication to their jobs, or were not

pulling their weight; a form of emotional blackmail, exploiting the professional and personal pride that staff take in doing a good job. By way of example:

153.1. *'The hours were quite long and stressful... and, at the time, I had no children and so, maybe, I was married to the job a little bit. But there were a number of times that I had to cancel social occasions ...There is very rarely a time when you would do a job and think you could just do that tomorrow; the nature of the job means that you have to do certain stuff on a certain day and that is non-negotiable, so it is more a case of how you manage the team on how to do that. I had been there a long time and I was good at my job, so people tended to rely on me to sort things out and get things done; even people that were in a more senior grade would do it, as a compliment to me. I suppose the other side of it was the weight of expectation that was put on my shoulders. When I last had to cancel a social event, my wife said, "Why don't you just say, 'I need to leave at 6:00pm?'" But I just can't; I don't feel comfortable doing that. There was also an element of personal pride and commitment, as I don't like to walk away from things that are unfinished. On the other hand, the job permeated into my life. For [clerk X] there is one way to do things. That is just the way he is and how he wants to behave. I suppose it was ultimately me that was forming that view but, because of the culture of the place, it was difficult to stand up to him. There was a definite culture of "them and us"; the Clerks against the Administrative staff. It was something we heard constantly in terms of the staff survey... I think the staff find it difficult to stand up and be assertive and put their point of view across to the clerks, as that body of people are extremely powerful. I think they fear repercussions if they did do so. I didn't stand up, as I had that fear';*

153.2. *'Sometimes, I would say, "I really must go", and [clerk X] would say, "It will only take another ten minutes." But it would never be only ten minutes, and then, after half an hour, I would say, again, that I needed to go and he would look surly and disappointed in me. When he needed to go, he always left on time.'*

154. I received numerous contributions to the effect that certain doorkeepers had, over the period to which the inquiry relates, adopted a high-handed and inappropriate attitude, in particular frequently challenging younger female and/or BAME colleagues, who were in the vicinity of the Chamber, and despite the fact that those colleagues had been displaying their security passes.

The tone adopted on such occasions was said to have been aggressive and accusatory, 'throwing their weight about' and leaving staff feeling humiliated in front of colleagues, members and guests. I was told that a meeting had been convened, in 2018, attended by the Clerk of the Parliaments and the Yeoman Usher, at which the Yeoman Usher's principal suggestion had been that staff should take time to get to know the doorkeepers better. This had been seen as a wholly inappropriate response, placing the onus on junior staff to modify their own behaviour, rather than on the relevant doorkeepers to behave appropriately. In more recent times, the behaviour criticised is said to have improved, though not to have ceased altogether. Generally, contributors referred to the hierarchical, 'military' approach adopted by some of the doorkeepers (including towards one another), noting that a significant number of them had formerly served in the Armed Forces.

(n) *Sexual harassment by staff*

155. I received very few contributions relating to sexual harassment by staff of other staff during the period to which my inquiry relates. That is not to minimise the gravity of those that I did receive: a single instance is one too many. Nonetheless, it is right to note that the proportion of contributions received containing accounts of this nature was very small. The seniority, roles and status of those of whom the behaviour was alleged were, however, particularly troubling.
156. Certain female contributors relayed accounts of gender-related behaviour or comments by male (usually senior) colleagues, such as (on entering a room), '*Gosh, you look almost grown up!*', together with 'handsy' behaviour, such as repeated touching of a female colleague's knee, whilst sitting next to her in a meeting. I also received accounts alleging that each of two different individuals had groped an employee of a different gender. In one case, the alleged perpetrator was male and, in the other, female. One of the alleged perpetrators no longer works in Parliament. Each allegation was serious and, manifestly, a source of considerable concern and distress to those who relayed it to me. My duty of confidence to those contributors (and their fear of reprisal) precludes me from elaborating further.

(3) Members' conduct towards staff

157. Some contributors had little, or no, contact with members of the House in the course of their work. Those who did typically described members' behaviour towards staff, as being generally pleasant, or civil and business-like. A small minority described their interactions and relationships with members as being *'helpful'* and *'extremely positive'*. One contributor in this group told me that his experiences had been, *'fine, absolutely fine; yeah, I can't knock them in any way whatsoever'*.
158. However, significant concern was repeatedly raised regarding the conduct displayed by a substantial minority of members. Almost uniformly amongst those raising concerns, it was estimated that approximately 20% of members behaved in an inappropriate and high-handed way, with peers who were former members of the House of Commons being amongst the rudest⁸². One contributor described a *'hard-core'* of offenders. In that contributor's view, members displayed a persistent, low-level rudeness and dismissiveness towards staff. Even those who typically behaved professionally would take their frustrations with the political process out on staff, particularly on those working in the Table Office: *'It can be quite fractious in the Table Office; tabling business and questions. It's just sort of an arrogant obnoxiousness that you can detect. It's quite pervasive and there are certain members you avoid, or dread giving bad news, as you'll get a difficult response.'*
159. With depressing predictability, the same members of the House were named by contributor after contributor as *'known offenders'* and I received many first-hand accounts of poor behaviour by those individuals. Examples are:

⁸² In this connection, one contributor told me, *'I perceived there to be a deterioration of members' behaviour to one another. That was something that was specific to the House of Lords, as so many ex-MPs had come in. They imported House of Commons' behaviour into the House of Lords. Before 1999, when the hereditaries were kicked out, the place was extremely different. Then, the hereditaries were kicked out. There was then the creation of dozens of new Lords... and, now, the only source into the House, or a principal source into the House, is former party politicians, or MPs, or people who worked for political parties behind the scenes.'*

- 159.1. *'X is Parliamentary royalty in many people's minds – never meet your heroes, I've decided. She has a reputation, but she's untouchable. She is very rude and no-one knows how to deal with her'; and*
- 159.2. *'Y is revered by [specified groups] outside Parliament, but he is awful to the staff – hideous, rude and haranguing over basic information'.*
160. Repeated criticism was made by virtually all contributors (including some members of the House) of the culture of deference, with contributors remarking on the excessive formality and hierarchy which pervades the House of Lords, and particularly characterises the relationship between members of the House and the Administration. This was thought to be reinforced by certain rules or practices, for example, designating particular lifts, staircases and lavatories⁸³ as being for members' exclusive use (whether at all, or at specified, times). One contributor told me, *'Personally, I feel anxious receiving emails from my Chairman, even though he is perfectly civil (though a little demanding). I do not feel I can disagree with him for fear he would complain about me, and I do not think if he complained about me I would receive any support from senior management. As a result, I remain deferent. In doing so, I feel belittled and dehumanised. It is very easy to see how such a culture can invite bullying and harassment.'* Whilst all contributors recognised the prevalence and advantages of hierarchical organisational structures, across the public and private sectors, they were clear that expectations and norms in the House of Lords were of a wholly different character. One contributor put the matter in this way: *'It's like a feudal state and the peasants need to stay out of the way.'* Another told me, *'It makes my skin crawl when people say "M'Lord"'*.
161. I received numerous examples of some members' sense of superiority and entitlement and associated lack of due courtesy and respect for staff:
- 161.1. *'You get a few who think they are a lot bigger than they are and they act accordingly. It is their House and they can do what they want';*

⁸³ Two, very senior contributors told me that, in fact, there are no lavatories designated solely for use by peers. Whether or not this is true, there is a widely-held understanding to the contrary, seemingly amongst peers and staff.

- 161.2. *'Most of the dealings I had with peers were respectful. Some of them would come in and their attitude would be that they didn't want to waste any time. So, they only wanted to speak to [the most senior staff member] and, if he was not available, then you would try and help them out. Some of them felt that they had a certain privilege and right, which was archaic, but you went along with it, until they became blatantly rude. It's a silly example really, but it was my birthday and so I was going out after work for a dinner. So, I was wearing a nice suit. A peer said to me - and he sounded almost disgusted - how was I able to afford such a nice suit? So, with some of them it just felt like they were better than you, and one or two of them were known to be aggressive. There were known offenders, absolutely. The known offenders would dominate and talk down to you and other members of staff would give in to them so that they wouldn't offend them. There was no sense of the managers or the Clerk of the Parliaments standing up to them; none whatsoever.'*;
- 161.3. *'Z, as Chairman of the committee, would say awful things about staff in committee meetings and they would not be allowed to have a view on what had just been said'*;
- 161.4. *'[Treatment by committee members of clerks, policy analysts and committee assistants] is mixed. My first [committee] was chaired by Baroness X,... and she had a reputation for not being nice. My experience in the first 9 months was horrific. I was humiliated for my work, shouted at, I received extremely curt emails, which scared the life out of me... I can't remember the exact words but I nearly welled up with tears and I had to go and see my line manager, who said, 'You've done nothing wrong; she's like that.' There was no suggestion that anything would be done about that... I had an absolutely appalling experience of members in those first 9 months. I earned my stripes and I use that phrase knowingly. We laugh in the bar about it. Looking back, it was not appropriate. That was 2013 - there is a sharper focus now and it was damn inappropriate. She knew what she was doing'*;
- 161.5. *'I think it is the lack of professional respect and not being treated as a professional. I was chatting the other day to [a CRS employee] and what he said winds him up is when people come to the desk and won't look up from their phone to order. There is something about that; the lack of respect people in the service environment are shown'*;

- 161.6. *'In the Division lobby, people are exceptionally rude. They don't notice you as people; they just walk along and hold up their pass. The nicer ones say "hello" and it makes the process nicer, but that gets forgotten and people bark at you. There is an invisibility when you are doing that';*
- 161.7. [Of behaviour by certain members of a committee towards staff, whilst on a foreign trip] *'It is part of a pattern of behaviour, which is "you are a minion and I am important"'*;
- 161.8. *'We need to end the imperative voice in the Palace – there is no please or thank you';*
- 161.9. *'There are many repeat offenders. We also have to deal with situations where failing health and, possibly, dementia contributes to some of the more demanding behaviour. This is especially compounded by the decreasing ability to use their computer equipment, with no means for us removing either the devices or adjusting support. In my list of those [from whom] I have most recently witnessed unacceptable behaviour, Lord A tops it, however there are others, such as Lord B; Lord C; Baroness D; Baroness E; Lord F; Lord G; Lord H; Lord I; Baroness J; Lord K. Typically, behaviour can range from insults, shouting and threatening to take it (whatever the situation, not caused by you) higher, not wanting to deal with a particular member of staff etc. In the past, I have also been subjected to having someone thumping their fists on my computer screen';*
- 161.10. *'The most recent and worst incident of behaviour - there is a particular peer who was incredibly rude, face to face, with staff - Baroness [X]. She destroyed Parliamentary property; she ripped a phone out of a wall. The Chief Whip dealt with her, but it has not stopped her poison';*
- 161.11. *'I was travelling from the second floor to the ground floor, as I was leaving for the day. I was stepping out of the lift and [Lord X] must have been waiting for the lift, as he grabbed me by the shoulders and forced me out of the lift. I had been facing him at first, then he grabbed me and shoved me from behind while saying something along the lines of, "Get out of the lift – there's a Division on"'*;
- 161.12. *'...Baroness X is a bully. I have known several people who worked in her office, who said she would come in screaming, shouting, throwing things and regularly telling people they're idiots. I had an interview for a position in her office and I had to meet her ahead*

of the interview, as she personally vets applicants, which is not meant to be a part of the process. If she didn't like you, that was clear. I knew I hadn't got it and it wasn't great as she left me waiting for thirty minutes and, when she did appear, she just said, "Come on, then." We had a ten-minute chat and then she said, "That is fine - you can leave now." Everyone knows. It's tolerated... They are not expected to behave and people just accept it. The presumption with those roles ... is that it will be hell and it will eat into your life, but you do it for [X] years and get it on your CV and then you get out. A member of ... staff... worked for her ... Baroness X would send messages to the WhatsApp chat, on a Saturday or a Sunday, and this person replied, saying that she was with her family and the response was, 'Shall I delete you from this e-mail chain, if you are not prepared to commit?'; and

- 161.13. [Of the person described immediately above, a different contributor said,] *'It was the type of behaviour that you wouldn't expect in any office in 2018; so, being yelled at in front of colleagues, constantly undermined and she was drunk fairly often. Very unprofessional behaviours. Others recognised and were also recipients of this behaviour.'*
162. A substantial number of contributors commented on members' lack of insight into their own demanding behaviour, referring to the inability, or unwillingness, of many members to recognise the distinction between staff serving the needs of the House and serving the desires of individual members. This could take the form of requests for research, or other assistance, which had nothing to do with Parliamentary business (but which, for example, related to the private business interests of the member concerned), or of seeking assistance from PDS in connection with a faulty personal car-phone, or of asking for help with renewing a passport. Contributors who recounted these experiences told me of their reluctance to decline such requests. That was partly out of a desire to be as helpful as possible, but partly through fear of the reaction that they would receive and a feeling that they were not empowered by the Administration to challenge poor behaviour: *'I was told, on day one, that you don't challenge the peers and it's obvious from the way everyone behaves.'*
163. The Library was an area in which poor behaviour by certain repeat-offenders was frequently encountered by staff. The behaviour criticised ranged from low-level snappiness to people shouting at, and/or making inappropriate comments towards, staff. One member, in particular,

was repeatedly described as being arrogant and unpleasant towards many of the library staff. I also received accounts of sexual harassment (see below).

(o) *Sexual harassment by members of the House*

164. Inappropriate behaviour by members of the House included sexual harassment, towards male and female staff, as the following contributions indicate. I received a significant number of accounts of behaviour of this type, for which a small number of members (all of them male) was said to be responsible:

164.1. *'In comes this elderly gentleman, reeking of alcohol at 6:30pm. He said, 'Oh! I say, the [occupant of role X] has turned into a girl! Can I kiss you? I told him, 'No; that's not in my job description.';*

164.2. *'In the Division lobby, one of my roles is taking votes and members divide into two lobbies. You have a laptop and you take the names. They file past you in alphabetical order. It is quite a constrained, confined space. You go from a pat on the shoulder, a pat on elbow, to lower. One member just started grabbing my backside and I had to tell him to stop it';*

164.3. *'[Lord X] doesn't make me feel uncomfortable in that I think he is a danger, but he is chauvinistic. He will comment on my weight; he will say we are all nice and slim, so we don't have to worry about that and ask, 'Are you going to give up smoking - but you don't want to get fat?' He comments on what I'm wearing. I think he found out I'd lost a lot of weight and he said, "You must have been an absolute Michelin man". I know that it comes from a place of being very old fashioned and he doesn't quite know what is correct and I don't want him to feel bad... That's a bit bizarre isn't it? There are other members who make me feel downright uncomfortable. [Lord Y] is particularly bad... He is a known member to have difficulty with and I think we have a desk that is cut off because of him, as he'd come round and put his arm round you... He's creepy...It's definitely sexual harassment. He's also quite rude, so you don't trust him. It's hard to say, "Do not say that", because he also can explode, which I haven't experienced. There is a real sexual theme in [what he said] and he's like [in his eighties] and it's not okay. I*

didn't even know what to say - I don't think I said anything. He went away and came back and walked around everyone... to my desk... It is quite bizarre behaviour, but it made me deeply uncomfortable';

164.4. [Of the same Lord Y, by a different contributor] *'He's a notorious bullying pervert, ... you need to be careful and not be in a room alone with him...The onus is on you to protect yourself from them. The way the Table Office is designed, there is a door, a desk that you sit behind. It used to be open and they rearranged it so a member would stop leaning over to look down your shirt ';*

164.5. *'When I first started,... I was told if I was ever in a lift with [the same Lord Y], I had to get out. It's more the comments on either what I look like or what I'm wearing. You know, when someone just leers at you and when you're in a confined space. They are quite small lifts and it is intimidating. I didn't know which member it was, as I was new, but I was carrying a lot of envelopes and it's like when someone has x-ray goggles on and looks me up and down and is standing close to me. It is still intimidating';*

164.6. *'I was aware, first-hand, of poor behaviour by members to members of staff; elderly members looking up female members of staff's skirts, whilst they were up a ladder';*

164.7. *'When people would bring in cakes and biscuits there would be an e-mail that would go round. I was in there and one member said, "You don't want to have a biscuit and ruin that little figure of yours". He also said that I reminded him of a girlfriend he had had years ago, who was a thin little thing like me and 'did I go to the gym?' and that he supposed I did... I think [these incidents] are quite isolated and it is always the same offenders each time. People have reputations for being a bit "handsy" or a bit creepy'; and*

164.8. [by a member of staff, of the peer by whom she was directly employed] *'One aspect of his behaviour was to make frequent inappropriate comments to the women he employed (including myself), who were all several decades his junior and in the early stages of their careers. These included making comments about people's weight, such as compliments on weight loss, or suggesting that people refrain from eating certain*

foods, to avoid weight gain. He would comment on people's appearance in particular clothes, such as telling one member of staff that he liked it when she wore short skirts. He also made prurient comments and asked inappropriate questions about people's personal lives, for example speculating as to the reasons for medical appointments; suggesting that sickness absence was due to "hormonal issues"; and asking intrusive questions about new relationships and people's sex lives....It was just part of an inappropriate sexual atmosphere, where people said openly that Lord X had a practice of employing young, attractive women as he liked the company of young, attractive women. He liked the fact that he could make people feel uncomfortable...'

165. In the Library, inappropriate behaviour by one male member of the House included commenting on the appearance of younger female staff; making proprietorial comments about such staff; asking a young female researcher to make him cups of tea; and offering to walk a female member of staff back to her office after her shift was over. I was also told of a male member of the House who had cornered a younger female member of staff in a stairwell, grabbed her arm and told her that she was beautiful. That same member, I was informed, has a reputation for being generally over-familiar with younger female members of staff and *'a sleaze'*. A number of contributors raised a concern that there was no lone working policy to protect them in such circumstances and that the concern was particularly acute for those working late in the evening, when it was not uncommon for only one member of staff to be present in the Table Office and/or the Library when a member walked in. Several contributors told me of a member who had been accused of pinching the bottom of a female clerk when passing through the crowded Division lobby to vote.
166. Not one of these alleged acts of sexual harassment has resulted in the making of a formal complaint, for reasons which I explore later in this report.

(4) Declining health

167. A number of contributors indicated that, amongst the recidivist members were a few individuals who appeared to be in declining physical and/or mental health. It was suggested that this might have contributed to, or explained, their inappropriate behaviour. It was also noted that, other than with their consent, there was no mechanism by which such members could retire from the House. In the past, the Chief Whips, or the Convenor of the Crossbench Peers, working with one or more of the Clerk of the Parliaments, the Lord Speaker and other senior individuals, had been

reliant upon persuading family members to bring some pressure to bear. Whilst contributors expressed sympathy for members who found themselves in this position, they were also clear that the resulting behaviours could not and should not be tolerated in the workplace.

(5) Members' staff, and other staff within Parliament, including staff in bicameral roles, in the course of their work at or with the House of Lords

168. The scope of this inquiry expressly extends to staff in the above categories, but the number of contributions received from each such group was very low, and, on occasions, arose from behaviour by House of Commons, or PDS, staff, and/or in connection with work at or with the House of Commons. It is, therefore, difficult to draw reliable inferences or conclusions as to the experiences of each group, as distinct from those of individual members of staff. No contributor suggested that he or she had been bullied or harassed by a member of staff directly employed by a peer. No member of staff directly employed by a peer suggested that he or she had been harassed by any other peer, or by any member of the other groups of staff who fall within the scope of the inquiry. Indeed, it was rare for there to be much, if any, contact between peers' staff and other staff.

169. Amongst the very few staff who are, or were, directly employed by a peer and who contributed to the inquiry, a significant concern was the absence of guaranteed employment status (with its associated protections) and the associated scope for exploitation. This was coupled with the firm belief that, if they were to step out of line, or seek to assert their rights, patronage would be withdrawn and the relationship would be terminated, along with any prospect of working for any other member of either House. Here again, recognition and fear of the power enjoyed by members and the imbalance of power in the relationship resulted in resigned, deferential behaviour.

(6) The impact of the cultural themes and behaviour identified

170. All contributors who had experienced, or witnessed, inappropriate behaviour spoke movingly of the depth of their concern and demoralisation, but also of their bewilderment. Many had joined

the House of Lords with a sense of excitement and enthusiasm, which had then ebbed away and been replaced with varying degrees of cynicism and despair. A number had felt compelled to leave their employment. Few of those had been offered an exit interview, or gained any impression that a note would be taken of the reasons for their departure, or that anyone in a position of authority would care. A significant number of contributors described the anxiety and depression which their experiences had caused them to suffer, leading to a need for counselling and, in some cases, psychiatric help. All were palpably bruised by their experiences and inclined to blame themselves for not having stood up to the bullies, or having been more robust. One contributor told me, *'I'd done [many] years in the army and [several] other civilian jobs before. Never in my life have I been treated like that before'*.

171. Self-evidently, the majority of the contributions and cultural themes summarised above do not speak of a place of work in which staff are treated with dignity and respect, or the culture is open and supportive. It is in the context of those findings that I go on to address the remaining objectives of the inquiry.

Objective 2⁸⁴: Identify any themes and patterns in connection with 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.

(7) Complaints about staff behaviour

172. I have previously described the view of the purpose, aims and competence of the Human Resources Office which has prevailed throughout the period to which the inquiry relates, as the staff survey reports also serve to indicate. A major consequence of that view was that staff who had experienced inappropriate behaviour were disinclined to seek assistance from Human Resources. Those who did were sometimes pointed in the direction of an independent counselling service, offered by the House of Lords. Accounts of the value of that service were variable. A number had found it helpful; others less so, with one describing it as having been *'as*

⁸⁴ See paragraph 2(b) of my terms of reference.

useful as a chocolate fireguard'. Whilst the availability of effective counselling was thought to be helpful, concern was expressed at the fact that employees could not self-refer, but were reliant upon referral by a manager who, more often than not, was the source of the problem. (I was told that self-referral had been possible at one time but had been removed, when too many people had contacted the service. If true, that of itself should have served as a red flag.) Moreover, counselling did not address the root cause of the issue.

173. I have noted contributors' experience of Human Resources seeking to dissuade them from bringing formal grievances, and their own independent reluctance to do so. I have noted the absence of a strong union presence. I have noted the prevailing view that clerks are untouchable and will protect their own. I have noted the excessive length of time that many grievance and disciplinary matters have taken to reach a conclusion. All such evidence is consistent with the relatively low number of grievances recorded in the FOI Response, when compared with the incidence of bullying and harassment recorded in the 2018 staff survey report and the experiences reported to me.
174. Accounts received from contributors who had felt able to raise issues directly with the offending staff member suggest that it was rare for such a person to acknowledge any wrongdoing, still less to modify his or her behaviour. I have already noted acts of reprisal experienced by some contributors. In the experience of many, other offenders would become defensive and suggest that the fault lay with the complainant. In many cases, the result was an ongoing deterioration in the working relationship. Where that relationship had completely broken down, Human Resources might 'assist' by suggesting, or facilitating, a managed move, sometimes at the request of the complainant and sometimes at the request of the alleged offender. For the most part, this left at least one party unhappy and resentful. It also left an offender free to re-offend, having received no development tools or sanction. The message transmitted to staff in the wider organisation is that one can behave badly, yet progress with impunity.
175. Some contributors noted that mediation of disputes had sometimes been provided by the House of Lords, of which experience varied. Some had found it helpful, but a number felt that the mediator had been imposed on them by a manager, against their will, reducing their willingness meaningfully to engage in the process and, thus, the value in the exercise.
176. In short, over the period to which the inquiry relates, the evidence suggests that people tended not to complain about bullying and harassment by staff, because they viewed it as largely

pointless and/or feared reprisal. The experiences of those staff who did seek to complain tended to prove them right.

(8) Complaints about member behaviour

177. During the relevant period, few employees had felt brave enough to raise complaints (formal or otherwise) about members: indeed, the more serious the behaviour, the more reluctant contributors had typically been. There were a number of reasons offered, or apparent, for this, all of them deriving from the power imbalance between members and staff and the complex structure of the House of Lords.

178. First and foremost, as all employees recognise, the Administration has no power to sanction members, or to require them (not) to conduct themselves in a particular way. Thus, whilst the Clerk of the Parliaments owes legal duties to his employees, there is very little that he can do, in practice, to safeguard them from the inappropriate behaviour of those with whom they must work.

179. Secondly, the limited levers that the Clerk of the Parliaments does have at his disposal are unfit for purpose and over-reliant on the personality and attributes of the relevant incumbent. In particular:

179.1. The Government and Opposition Chief Whips have no formal responsibility for disciplining members, outside their function to ensure that people vote in accordance with the party platform (and even that role does not operate with the force that it does in the House of Commons). The Convenor of the Crossbench Peers has no formal disciplinary function, of any nature, and neither does the Convenor of the Lords Spiritual. Thus, the disciplinary role that each can play in relation to poor behaviour by members of the group which he leads is limited and the will to do so also dependent upon the particular incumbent's personality and credo. As a matter of principle, that is an unsound basis on which to operate a regulatory/disciplinary system. One of the Chief Whips takes the view that a general disciplinary function forms no part of his role and that allegations of poor behaviour should be taken to the Commissioner for Standards (assuming that they fall within her jurisdiction). The Leader of the House

takes the same view of her own function. Other current and former Chief Whips take a different view, considering that the nature of their position lends them an authority and influence which they are expected and ought to bring to bear. Some had done so, to good effect. All recognised the difficulty in dealing with recalcitrant members. Some recognised that, in theory, party political imperatives could influence their willingness to intervene, whilst considering that to be unlikely in practice. Engaging the political party disciplinary processes, for those to whom they apply, is also of potentially limited effect. First, withdrawal of the whip removes membership of the party (which may or may not be of concern to the member), but does not remove membership of the House. Secondly, it eliminates the authority of the erstwhile party member's Chief Whip over that individual. Similarly, non-affiliated and independent peers belong to no unified group, therefore having no designated group leader to influence their behaviour. All in all, the Usual Channels are of limited and unreliable value as a means of addressing inappropriate behaviour by members towards staff;

- 179.2. Similarly, a direct approach by the Clerk of the Parliaments, Black Rod, or a Head of Office might serve to influence a member's behaviour, but is not guaranteed to do so. In particular where the behaviour under challenge is denied, or its gravity minimised, there is little that can be, or has been, achieved. The number of known serial offenders, with some of whom 'words' have been had on more than one occasion, of itself serves to indicate that the informal processes are of limited efficacy in the more serious cases. One member was spoken to by senior officials in the Administration and/or the relevant group leader, on seven occasions, over a five-year period, regarding verbally abusive and rude behaviour towards various staff. Whilst, on some of those occasions, an apology was proffered, one can only conclude that that member was unwilling, or unable, to change;
- 179.3. Save in exceptional circumstances, membership of the House of Lords is for life and, as matters stand, there is no basis upon which to withhold payment of the attendance allowance (from those who can and do claim it), if it is otherwise properly payable;
- 179.4. So much for the available sticks. There are limited carrots available too: a group leader's willingness to put forward, or withhold, a recommendation for membership of a

committee is of limited concern to many members of the House. As a number of contributors pointed out, members of the House of Lords tend to have proved themselves by the time of their appointment and, unlike members of the House of Commons, need not concern themselves with the need for re-election.

180. To be clear, none of the above is intended to suggest that the current Clerk of the Parliaments, or Black Rod, is unwilling to challenge poor behaviour by members. Indeed, many contributors praised Edward Ollard, in particular, for his willingness to stand up for staff and, in more serious cases, to encourage them to raise a formal complaint with the Commissioner for Standards. Similarly, I do not suggest that there is no place for the quiet word. It is undesirable that every instance of poor behaviour, or infelicitous remark, from the smallest to the greatest, should trigger a formal grievance and/or disciplinary process. Informal resolution, where possible and appropriate, is preferable for all concerned. It is the structural lack of suitable process of which I am critical.
181. Thirdly (and recognising that this consideration has arisen only relatively recently), many contributors described the chilling effect of what they termed '*the Lord Lester debacle*'. The debate which took place in the Chamber, on 15 November 2018 (and which gave rise to the unprecedented letter, signed by 74 members of staff) was considered to be a particular low point. On numerous occasions, I was told that any earlier belief that a complaint to the Commissioner for Standards might be worth pursuing had vanished: whatever the independent Commissioner's recommendation to the relevant committee and the committee's recommendation to the House, ultimately powerful members would protect their powerful friends, at the expense of the complainant, whose public humiliation would be immortalised in Hansard. Making a complaint was not only pointless; it was devastating, both personally and professionally.
182. In summary, over the period to which the inquiry relates, the evidence suggests that people were even less likely to complain about bullying and harassment by members than they were to complain about such behaviour by staff. Such informal processes as were said to be available were limited and inadequate. A complaint to the Commissioner for Standards was a nuclear option, in the face of which members would close ranks. Employees' trust and confidence in the House of Lords' ability and willingness to self-regulate has been undermined.

Objective 3⁸⁵: 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 relevant recommendations for improvement of the way in which such complaints are handled, or will be handled in the future, including the availability of appropriate internal or external support;

Objective 5⁸⁶: Consider and comment on the Independent Complaints and Grievance Scheme as a means of investigating allegations, taking into consideration the recommendations made by Dame Laura Cox, D.B.E. in respect of the House of Commons, in her report dated 15 October 2018, and any recommendations made by Gemma White QC, if any such recommendations have been published.

(9) Policies and procedures relating to bullying and harassment by staff

183. I begin by considering the House of Lords' internal policies and procedures, which, whilst dovetailing with the ICGS, are free-standing.

184. The revised interim disciplinary and performance improvement procedures, and an interim grievance procedure (discussed below), were incorporated into the Handbook, with effect from 6 November 2018⁸⁷. Prior to those amendments:

184.1. Chapter 4 of the Handbook provided (so far as material) that every member of the Administration staff had the right to respect and fair treatment, in all aspects of their

⁸⁵ See paragraph 2(c) of my terms of reference.

⁸⁶ See paragraph 2(e) of my terms of reference.

⁸⁷ Respectively, at chapters 20 and 21.

employment, and to work in an environment free from discrimination, harassment and victimisation⁸⁸. Each such term was defined, as was 'bullying'⁸⁹. The rights and responsibilities of all staff and of managers were then set out⁹⁰;

184.2. Chapter 19 of the Handbook set out the behaviour expected at work towards colleagues and third parties, providing that staff must behave in a courteous, considerate and helpful manner and that the Administration will not tolerate oppressive, bullying, threatening or violent behaviour⁹¹.

184.3. Chapters 20 and 21 contained, respectively, the Disciplinary and Performance Improvement Procedure and the Grievance Procedure. Gross misconduct was defined, non-exhaustively, at paragraph 20.30, to include bullying, harassment or victimisation of staff or others. Misconduct was defined, again non-exhaustively, at paragraph 20.31. Specified examples included, '*using abusive or offensive language, or other rude or disrespectful behaviour*'; and '*failing to maintain effective working relationships*'. Whilst the paragraph continues, '*Serious or repeated cases of conduct such as the above may, however, result in your dismissal*', the point at which behaviour of this type is thought to constitute bullying and harassment is not clear. Paragraph 21.3 sets out a list of complaints which constitute a grievance, including '*treatment by your colleagues, including allegations of discrimination, harassment or victimisation*' (emphasis added). There is no express reference to bullying, but the list is non-exhaustive and there is a cross-reference to paragraph 4.12, which (see above) defines that term.

⁸⁸ Paragraphs 4.4 and 4.6.

⁸⁹ Paragraphs 4.7 to 4.12.

⁹⁰ Paragraphs 4.14 to 4.18.

⁹¹ Paragraph 19.11.

185. Much of the original content of chapters 4 and 19 to 21 of the Handbook has been preserved in the revised version, considered below.
186. In each case, the amendments made to the Handbook, on 6 November 2018, take account of the ICGS policy and procedure and the Sexual Misconduct policy and procedure. Chapter 4 contains an expanded paragraph 4.6, providing that every member of staff has *'the right to work in an environment free from discrimination, bullying, harassment, sexual misconduct or victimisation, and is also responsible for ensuring that (s)he does not discriminate against, bully, harass or victimise anybody else'*. Paragraph 4.13a defines bullying and harassment by reference to the Behaviour Code and ICGS, as set out in Appendix 1 to chapter 19A.
187. Similar to the original version of chapter 20, non-exhaustive *'examples of conduct that will often amount to gross misconduct'* include *'bullying, harassment,...or victimisation of staff or others'*, and now also include sexual misconduct. As before, *'examples of conduct which may lead to disciplinary action short of immediate dismissal'* are given and the wording remains unchanged.
188. The interim policies outline the various stages of the processes to be followed. If a disciplinary matter, or grievance, proceeds to a formal hearing, a two-person panel will be appointed by Human Resources, normally comprising two members (although, in the case of a performance issue, it may simply comprise a manager). In the case of a disciplinary or performance matter, if that panel considers that action should be taken, it will make a recommendation to the Director of Human Resources, who will then write to the relevant employee, setting out the recommendation of the panel, the action that the Director has decided to take and the reasons for it. In the event of an appeal, the hearing will be conducted by a different two-person panel, appointed by the Clerk of the Parliaments. At appeal stage:
- '20.45 The procedure at the hearing may vary according to the nature of the appeal. Appeal hearings will not normally repeat factual investigations. You will, however, be given the opportunity to introduce or comment on any new evidence arising before or during the appeal before any decisions are taken.
- 20.46 At the end of the hearing, the appeal panel will normally adjourn to consider the decision. They may:
- overrule the original decision that the concerns (or some of them) were justified
 - decide to reject the appeal

- impose a less serious disciplinary sanction.’

It is not clear from the above whether appeals typically take the form of a review of the panel’s and/or the Human Resources Director’s decision, or of a rehearing. The text would seem to leave scope for either but the circumstances in which one or other process will be adopted are unspecified. The right of ‘external appeal’ to an employment tribunal is noted at paragraph 20.49. This paragraph is misleading in that it, in fact, refers to a former employee’s right to bring proceedings in an employment tribunal, alleging unfair dismissal. That is not a further right of appeal and describing it as such is apt to confuse.

189. In the case of a grievance, the original two-person panel makes a decision, communicated to the employee, together with the panel’s reasons, by Human Resources. Depending on the outcome, the panel’s decision could result in separate disciplinary proceedings. Paragraphs 21.25 and 21.26 of the interim procedure then provide:

‘21.25 If you have raised a grievance against another member of staff:

- if your grievance is upheld, that person’s behaviour may be the subject of separate disciplinary proceedings.
- if your grievance is dismissed, you have a right to appeal against the decision of the panel. If you do not appeal, or your appeal is dismissed, the person about whom you complained may have the right to seek redress from you. If it is found that your complaint was malicious or vexatious, disciplinary proceedings may be started against you.

21.26 If a grievance has been raised against you:

- if the grievance is upheld, you have the right to appeal against the decision of the panel. If you do not appeal, or your appeal is dismissed, disciplinary proceedings may be started against you.
- if the grievance is dismissed, you may have the right to seek redress from the complainant. (emphasis added)

The emphasised parts of the above provisions, in my view, are apt to discourage grievances advanced in good faith and to encourage appeals which an employee might not otherwise feel the need to lodge. The application of disciplinary proceedings, in the event of a malicious or vexatious complaint, has already been set out at paragraph 21.5 of the interim policy and need

not be repeated at paragraphs 21.25 and 21.26. In any event, the right of redress should not be dependent upon whether an appeal is brought, or the mere fact (without more) that a grievance has been dismissed (as paragraph 21.5 also makes clear).

190. Any appeal will normally be heard by a panel comprising two people, appointed by the Human Resources Director. The procedure provides:

'21.30 The procedure at the hearing may vary according to the nature of the appeal. Appeal hearings will not normally involve any factual investigation. You will, however, be given the opportunity to introduce or comment on any new evidence arising before or during the appeal before any decisions are taken.

21.31 At the end of the hearing, the appeal panel will normally adjourn to consider its decision. It may uphold or overrule the original decision. You will be informed of the panel's decision in writing.'

As with the disciplinary/performance processes, it is not clear from the above whether appeals typically take the form of a review of the panel's decision, or of a rehearing.

191. Finally, the interim grievance procedure provides:

Complaints against Members of the House

'21.33 If you have a complaint about the way in which you have been treated by a Member of the House of Lords, you should raise the issue with your line manager in the first instance. The grievance procedure set out in this chapter is not used for grievances raised against Members, but your complaint will be taken as seriously as if you had made a complaint against a colleague or the Administration.

21.34. Your line manager will pursue the complaint on your behalf, normally in collaboration with senior management, including the Clerk of the Parliaments. Your complaint will be investigated and will usually be addressed by the relevant Member's Whips' Office, or the Convenor of the Crossbench Peers.

21.35. If you believe that the way you have been treated by a Member falls within the remit of the Code of Conduct Guide to the Code of Conduct you can also write to the House of Lords Commissioner for Standards. Any complaint of misconduct against a member must fall within the remit of the Code for the Commissioner to be able to investigate (see paragraph 111 of the Guide). The Commissioner can usually only investigate complaints up to 4 years old, but if the incident happened more than 4 years ago then the Sub-Committee on Lords' Conduct can give the Commissioner their agreement for her to investigate (see paragraph 119 of the Guide). The Commissioner cannot investigate complaints about former members (see paragraph 117 of the Guide).'

192. I have been informed that the members of first instance and appeal panels are generally drawn from senior Administration staff, almost always including at least one clerk in each case. The basis on which these staff are and have been selected is unclear and no record is kept of whether they have suitable training in conducting hearings of the relevant type. In the course of the process, panel members can seek advice from Human Resources officers and often do so, but, typically, no such officer will attend the panel hearing. I gained the impression that panel members' performance and understanding of their role was variable.

(a) *Comments on the existing processes in the Handbook*

193. **Recommendation 2: In my view, the interim processes and procedures require amendment in the following respects and I so recommend:**

193.1. Paragraph 20.31 of the interim disciplinary procedure (dealing with examples of misconduct which may lead to disciplinary action short of immediate dismissal) should be qualified as follows:

'using abusive or offensive language, or other rude or disrespectful behaviour, if such behaviour does not constitute bullying, harassment, sexual misconduct or victimisation of staff or others;

'failing to maintain effective working relationships, if such behaviour does not constitute bullying, harassment, sexual misconduct or victimisation of staff or others';

I would add that any disciplinary investigation and charges should make clear whether the behaviour in question, were it to be established, is said to constitute gross misconduct or misconduct.

193.2. Paragraph 20.49 of the interim disciplinary/performance procedure should either be removed altogether, or amended. If it is to remain in some form, I suggest that it be given the alternative heading, *'Proceedings in an Employment Tribunal'*. As a matter of law, the claims potentially available are not limited to those of unfair dismissal. Thus, I suggest that the text of paragraph 20.49 be amended simply to read, *'If you are dismissed, you may decide to bring proceedings in an employment tribunal. Employment tribunal proceedings have strict time limits and do not form part of the*

House of Lords' internal processes. You can obtain further information on employment tribunals from ACAS (www.acas.org.uk).

- 193.3. Paragraphs 21.25 and 21.26 of the grievance procedure should be amended so as to remove the text underlined at sub-paragraph 189 above.
- 193.4. A decision should be taken as to whether, for each interim procedure, the intention is that any appeal should be by way of review or re-hearing. If the answer will differ according to the circumstances, then the considerations which will inform the decision as to which process will apply should be specified in the relevant procedure. Letters sent out in connection with appeal hearings should indicate the nature of the particular hearing, so that all parties are clear as to the position (rehearing or review) before the hearing takes place.
- 193.5. As a matter of urgency, all disciplinary and grievance panel members (for each stage of the process) should be trained for the purposes of sitting on such panels. That training should be delivered before staff sit in that capacity for the first time (or next sit, if they have previously done so) and should include a requirement that all panel members complete the 'Valuing Everyone' training before (next) sitting as a panel member. Refresher training should be delivered once every three years and in the event of any material change to the internal procedures and/or law applicable to the conduct of such hearings. The Human Resources team will need to monitor any such changes. They will also need to keep records of the training delivered to all panel members.
- 193.6. Whilst panel members will need to be of suitable seniority, experience and expertise, they need not be clerks. I do not suggest that clerks should be ineligible to sit as panel members; rather that there should be no presumption, or practice, that a panel should include a clerk in every case.
- 193.7. A representative from the Human Resources team should attend all panel hearings, in order to ensure due process, take a note and answer any procedural questions that might arise.
- 193.8. It is not clear to me why it is that a disciplinary/performance panel simply makes recommendations to the Director of Human Resources, who then decides on the

appropriate course of action. I recommend that, once suitable training has been delivered to panel members (but not before), the panel should assume responsibility for deciding (rather than recommending) the action to be taken (as it apparently does in the grievance procedure⁹²). The procedures will need to be amended accordingly, at that time;

- 193.9. Employee contracts should be reviewed and updated to provide for the House of Lords to require its employees to attend for assessment by an appropriate medical expert and the grievance and disciplinary/performance policies should be updated to provide for suitable adjustments to be made to each process, as required.

(b) Available sources of support

194. The above processes now operate in the context of the ICGS and the ISMA Service. The former identifies sources of advice and support which can be provided through the independent reporting helpline. The latter contains three 'pathways', the first and second of which include specialist support and advice. Separately, help, support and advice are available through Health Assured, an employee assistance programme.

(10) Recent initiatives and ongoing programmes for change

195. Each of the initiatives and programmes summarised at paragraph 85 above is, subject to my recommendations below, to be welcomed in demonstrating a commitment to change and an understanding of some of the steps necessary in order to achieve it. It is tempting to be cynical of the flurry of activity in the period immediately preceding publication of this report. I have resisted that temptation, but reiterate my earlier observation that it is not possible to assess the effect of these initiatives until they have been implemented and in operation across the

⁹² See paragraph 21.24, albeit ambiguously drafted.

Administration for a meaningful period. The review which I recommend as Recommendation 19 below should consider all of them and make all necessary recommendations for improvement.

196. At this stage, I register a concern that delivery, or, at least, 'ownership' of many of the initiatives and programmes for change rests with the Human Resources Office. Given the issues with that team and the poor regard in which it is currently held within the Administration, it will need to boost its existing capacity and expertise so that it achieves the requisite level of competence across the board and enjoys the confidence of all staff. Outreach work and improved communication of what Human Resources does and is capable of doing should be undertaken across the Administration. Business Partners should be more accessible to staff and not restrict their focus to Heads of Office, or other senior management. I have made a more radical Recommendation 15 regarding Human Resources, below, but, if adopted, that will take time to achieve. The work suggested in this paragraph should commence immediately.

(11) ICGS

197. ICGS, as it was then operating, was reviewed by Dame Laura Cox in October 2018. It was further reviewed by Alison Stanley, in her report published on 31 May 2019. It is unfortunate that the timing of those exercises, and my own inquiry, were not co-ordinated with the ongoing work on the scheme. This has led to a state of affairs in which the matters under review have moved on by the time at which either House is deciding whether to implement the recommendations made. In my view, Parliament needs to pause and draw breath on this issue, before making further changes.

198. I received minimal evidence from those who had had personal experience of using the scheme. Chief amongst the concerns of those who had were:

198.1. the length of time that the process was taking: eight months after implementation in the House of Commons, not a single complaint had reached a conclusion. That is far too long, in particular for a scheme designed to address bullying, harassment and sexual misconduct;

198.2. the absence of full independence and confidentiality: investigators were being allocated by Commons-staff who, therefore, knew that a complaint had been made

and the names of the complainant and respondent. I was shown e-mail threads corroborating this understanding;

198.3. the absence of cluster reporting; and

198.4. the fact that, if the independent investigator upholds a complaint, the process then comes back in-house, with the usual concern that nothing will be done and/or fear of reprisal.

199. Having reviewed the recommendations made by Alison Stanley, I agree with her recommendation that the existing ICGS team should become a bicameral service and be expanded, to enable the improvements recommended by Dame Laura and Ms Stanley to be implemented. I also agree that a bicameral group of members, staff and other stakeholders, should be established to oversee delivery of the action plan, and the future operations of ICGS.

200. I add two further specific recommendations, in light of the evidence that I received:

200.1. Fear of apathy and/or reprisal will take a long time to abate and is more likely to dissipate following wider cultural change and the operation of ICGS in that context. Thus, changes to the operation of ICGS, without more, will be of limited value;

200.2. In light of the real concerns that many employees have expressed, and pending a meaningful change in culture, cluster reporting seems to me to be essential. I agree with Alison Stanley, that the relevant data set first needs to be identified and collated. I would suggest that it include material gathered by department and catering outlet, as a means of identifying hotspots.

(12) The 'Valuing Everyone' Training

201. Supporting the ICGS and ISMA Service, this training has been well received, by those who have undertaken it to date. Feedback has been collated by the Learning and Organisation Development team in the House of Commons, for the most part provided in a workshop feedback form, which participants are asked to complete at the end of the session. It is too soon to assess the impact of the training on staff behaviour. Data provided to me for the period spanning

February to May 2019 (during the first two months of which the course was still in development) indicated that 94% of participants had completed evaluation forms and:

- 201.1. in response to the question, 'How effective was the course in increasing your ability to recognise behaviour that may constitute bullying, harassment or sexual misconduct?', 97% of those who completed evaluation forms rated it satisfactory, or above. 94% rated it good, or very good;
 - 201.2. the evaluation feedback form was amended in April 2019 to include the question, 'Would you recommend the course to others?' Of the 337 responses to this question, 336 were marked, 'yes';
 - 201.3. in response to the question, "How effective were the training methods?", 98% rated them satisfactory or above, with 92% rating them good, or very good;
 - 201.4. 99% of delegates who answered the question, 'How effective were the trainers?' gave a score of satisfactory, or above. 97.4% gave a rating of good or very good.
202. My own experience of the managers' training session that I observed was that all 12 participants rated the course good or very good. All said they would recommend it to colleagues and indicated that they had left the session feeling more confident to raise and deal with inappropriate behaviour than had been the case beforehand. The trainer was inclusive and ably facilitated discussion, quickly drawing less forthcoming individuals into the conversation. There were no right or wrong answers to the questions that she posed; rather, matters to consider which stimulated debate and highlighted that different approaches could be equally effective. In short, participants were not made to feel, or appear, diminished in front of the group. In the course of discussion, and in the feedback forms, many participants remarked, more than once, on how important it was that peers attend the training. That was partly as a clear signal of an intention to play their part in improving the workplace, but partly because it was considered necessary, given the behaviour to which I have referred in this report. To the various objections of which I have been made aware, I respond as follows:
- 202.1. *They won't do it, and we can't make them:* There are two, straightforward answers to this objection:

202.1.1. When announcing my appointment, the Lord Speaker publicly stated, '*...Bullying and harassment has no place in the House of Lords and I can give a categorical assurance that we will do everything we can to eliminate it.*'⁹³ That was a commitment given on behalf of the House, as its ambassador, and as Chairman of the House of Lords Commission. The simple point is, the House must, as a matter of personal honour and a demonstrable act of support for all staff, stand behind that commitment and undertake training. No member, however, busy, is genuinely unable to commit to a half-day training course, which, in my view, is an essential aspect of the commitment each has given through the Lord Speaker and which should be undertaken voluntarily and with good grace;

202.1.2. However, should a means of compulsion be required, it seems to me that it can be effected by Standing Order. As noted earlier in this report, paragraph 11(c) of the Members' Code obliges members to act in accordance with the rules agreed by the House in respect of financial support for members or the facilities of the House. Paragraph 20 provides that the Commissioner for Standards is appointed to investigate alleged breaches of the Members' Code, or of the rules governing members' financial support or use of parliamentary facilities. It seems to me straightforward to provide that attending the requisite training is a condition of accessing financial support and facilities in the House. Furthermore, in my view, the need for training of this sort is an aspect of acting on one's personal honour, in particular engaging the accountability and leadership principles. No-one who works in Parliament should be exempt.

202.2. *It takes too long:* I was informed, by Challenge Consultancy, that the training for MPs in the House of Commons takes two hours. Challenge takes the view that any shorter session would allow insufficient time meaningfully to cover all necessary material and to have the necessary impact. I agree. Training is not a tick box exercise, it is a necessary

⁹³ <https://www.parliament.uk/business/news/2018/december/bullying-and-harassment-in-the-house-of-lords/>

requirement. No member of the House, however busy, is genuinely unable to make themselves available for up to half a day. The employee training course will need adapting and piloting, but should include a management-related component, so that members who employ staff directly are suitably trained for that purpose too.

202.3. *Not everyone needs it:* This is misconceived, in principle and in practice. The prevalence of the behaviours highlighted in this report and the views expressed in the most recent staff survey⁹⁴ clearly indicate that training is required, both for those who are inclined to behave inappropriately and for those who fail to recognise that the behaviour of others is appropriate, or, at least, do nothing to call it out. Of those contributors who told me that they had been treated badly by the Chair of a committee, many said that other members of the committee had not intervened and, at best, had simply looked uncomfortable and sought to change the subject. It is invidious and inefficient to single particular members out for training and, in any event, there is no sound principled basis for doing so.

202.4. *I might show myself up/will not engage:* As I have observed above, the training is delivered by trained facilitators, in an inclusive style, and is not a 'test'. Within the first 15 minutes the trainer whom I observed had skilfully drawn all members of the group into vibrant conversation. I do not consider that any member is likely to feel that (s)he has been shown up, or will maintain any prior resolve not to engage. In any event, and put bluntly, neither is a sound basis for objection.

(13) Bullying, harassment and sexual misconduct and the Members' Code of Conduct

203. The extension of the ICGS to cover peers and their staff is to be welcomed. In the course of debate in the Chamber, a number of issues arose, addressed in the course of my analysis below.

⁹⁴ To repeat: just 27% of staff believe inclusive behaviours are demonstrated by the majority of Members; the lowest scoring indicator in the survey. A higher proportion disagree with this (29%). Agreement with the statement decreases markedly in Communications (10%), Library (7%) and Parliamentary Archives (10%).

The requirement to act on one's personal honour

204. Proponents and opponents alike point to the amorphous nature of this term, which is tied to the principle of self-regulation under which the House has operated to date and its sense, at any given time, of the behaviour which the term is intended to encompass. For current purposes, the requirement is bolstered by the express provision, at paragraph 17 of the Members' Code, that bullying, harassment and sexual misconduct will constitute a breach of the Code. That paragraph is referred to at paragraph 3 of the Members' Code, which is oddly drafted. On the one hand, paragraph 3(a) provides 'Save for paragraphs 17, 18 and 19 the Code does not extend to members' performance of duties unrelated to Parliamentary proceedings, or to their private lives.'(emphasis added) On the other, it continues, '*Paragraph 17 applies to the standards of conduct expected of members in performing their parliamentary duties and activities whether on the Parliamentary estate or elsewhere*'. This would seem to suggest that behaviour in a member's private life which falls outside such duties and activities is not caught by paragraph 17⁹⁵ and is apt to admit of fine points of distinction, illustrated by the following examples. A member of the House who chairs a committee invites his clerk for a drink in a bar on the Parliamentary estate after a committee meeting, 'to discuss committee business'. Whilst there, he sexually harasses her. Such behaviour would seem to be caught by the Members' Code. Likewise, similar behaviour in the bar of a hotel, whilst on a committee trip abroad, would seem to be caught. But what of the member in the first scenario who behaves unobjectionably whilst in the Parliamentary bar, but then suggests that the clerk join him for a further drink in a pub outside the Parliamentary estate, for social purposes only, now that their discussion of committee business has concluded? At least arguably, this would seem to be neither a parliamentary duty, nor a parliamentary activity, and yet the relationship (and the pressure that the clerk might well feel under not to decline the suggestion) clearly arises from the existence of the working relationship. Fine distinctions of this sort (and the scope for making them) do not seem to me to be consistent with the aims of the Members' Code, or with the principles of accountability and leadership. In my view, bullying, harassment and sexual misconduct should constitute a breach of the Code whether or not they occur in a member's private life. There are powerful arguments in favour of extending the Code generally to similar effect, such that the requirement to act on one's personal honour is not limited to conduct in the context of the performance of parliamentary duties and activities. I note that, in vetting nominees for appointment, the Appointments Commission

⁹⁵ A similar drafting oddity is apparent from a combined reading of paragraphs 3 and 11 of the Staff Code.

considers whether their past conduct would reasonably be regarded as bringing the House of Lords into disrepute and it might be thought appropriate to adopt that test for all aspects of the Members' Code. An alternative, harmonious with the provision made at paragraph 3 of the Staff Code, would be to require members at all times to conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the House of Lords, but such matters fall outside the remit of my terms of reference.

The role of the Conduct Committee

205. The newly agreed procedures provide for more limited involvement by what is now the Conduct Committee, which itself, when fully constituted, will include lay members. The route and nature of any appeal from the Commissioner for Standards' findings and recommended sanction have been narrowed and the House is now expected to receive a report and any recommended sanction without debate. The intention and effect have been to increase the independence in the process but, whilst an improvement on the processes previously applicable, I do not consider that they go far enough:

205.1. The lay membership constitutes a minority on the Conduct Committee, such that it could be outvoted by members of the House. As a matter of principle, this is undesirable and, if the existing system is retained, I recommend that the Committee should have a lay membership majority.

205.2. However, after careful thought, I consider that, if it is to gain and retain the confidence of staff and the public, the process should in fact operate wholly independently of the House. In this model, the independent Commissioner would retain her existing role. However, the right of appeal, of the nature for which the Guide to the Members' Code now provides, should lie to a suitably qualified independent individual. I consider that the appropriate person would be retired High Court, or Court of Appeal, Judge, whose decision on appeal would be final.

205.3. The purpose of seeking a 'decision' from the House, in circumstances in which debate is not permitted, is unclear and I am not sure how it is that such a restriction could be enforced in practice, if any member chose not to observe it. It would, in my view, be preferable for the Guide simply to provide that the decision of the Commissioner and

on any appeal, will be reported to the House. In essence, the House should delegate its authority on such matters to them.

205.4. Much debate has taken place over whether a member facing allegations of a breach of the Members' Code should have the right to legal representation before the Commissioner, or on appeal. I am firmly of the view that (s)he should not, whether or not such right is, as a matter of principle, also accorded to the complainant, for the following reasons:

205.4.1. The proceedings in question are internal disciplinary proceedings. They are not criminal, civil or regulatory proceedings and attempts to draw parallels with such proceedings are misconceived;

205.4.2. Moreover, the practical likelihood that the average complainant will have access to legal representation will be slim and the fear that a member of the House will have an advantage in that respect is likely to discourage him or her from making a complaint in the first place;

205.4.3. These being internal proceedings, cross-examination is not appropriate. The nature of such proceedings tends to be inquisitorial and they are none the poorer for that. Cross-examination by counsel is not the only way to establish the truth and, in particular where allegations of sexual misconduct arise, could frustrate that aim. I note that, in criminal proceedings relating to sexual misconduct, counsel will be required to observe certain ground rules and to have undergone specialist training, for that reason. The important thing is to ensure that all areas of dispute material to the charge faced are properly covered by (or on behalf of) the Commissioner. The appeal process will act as a further check on that. The fear of being cross-examined, in the conventional sense of that term, is likely to deter complainants from coming forward.

205.4.4. For the sake of completeness, I considered, only to reject, recommending that the Commissioner be given power to appoint someone akin to counsel to the inquiry, should she consider that to be of assistance in any given case, and on the basis that such a person would not be acting on

behalf of either of the parties. I rejected it both because I considered it to be unnecessary and because I fear that it would lead to ‘lobbying’ of the Commissioner to the effect that such a person ought to be appointed, creating unhelpful satellite disputes and bogging down the process.

κ. RECOMMENDATIONS

206. The various systemic cultural issues identified in this report, and the behaviour which they have generated and enabled to flourish over a sustained period, in my view call for certain root and branch reforms.

207. In addition to the first and second recommendations that I have made (respectively, at paragraphs 107 and 193 above), my recommendations below are grouped into two categories:

207.1. those designed to change the various toxic behaviours and cultural elements identified in this report, including recommendations for structural change; and

207.2. those which seek to enhance the options available to address inappropriate behaviour by members and staff, where it persists;

GROUP 1

(i) Changing behaviours and culture

Peers and staff

Recommendation 3: establish a steering group for change

208. I recommend that a steering group be established, comprising wide representation from amongst peers, clerks, other managers, junior employees, peers’ staff and shared services. Ideally, it should also include at least one of the external members of the House of Lords Commission. My suggestion would be that peers elect four representatives specifically to serve on this steering group (rather than asking existing group leaders, chosen with different purposes in mind, to perform that role, *ex officio*). This would serve to ensure that those elected possessed the

requisite skills and attributes and would also confer on them a mandate to suggest and drive changes in behaviour and culture. The relevant peers ought to be selected as being good leaders and listeners; inspiring communicators; willing to take a lead in shifting culture; and devoid of negative views or cynicism about the House of Lords and the need for change.

Recommendation 4: the need for an external facilitator

209. The unusual nature and long history of the House of Lords mean that it has developed its culture in a bubble, self-referential and archaic in its practices, with no ‘competitors’ and no obvious role models. At times in its history, it has served as an exemplar for other political institutions, rather than seen itself as a follower. Constantly referred to by contributors as ‘*unique*’, this can be advanced as a justification for failing to adopt or embrace policies and practices that other workplaces would see as essential and for a deep resistance to change and to challenging the current ways of thinking.

210. In those circumstances, I consider that, at least for the first 12 months, group discussion (within the steering group, any focus groups and training sessions) would need to be undertaken with the assistance of skilled and experienced external facilitators, capable of opening people’s eyes to cultural issues (and so reducing systemic blindness); breaking down resistance to fresh approaches; and encouraging constructive discussion in which no individual feels marginalised, reluctant to speak, or overborne. All facilitators would need to be highly experienced in working in challenging environments and have the following abilities:

210.1. systemic consulting skills, enabling them to read cultural shifts and changes; keep track of progression and the impact of any intervention; and course correct, or build on results;

210.2. group facilitation skills, to run what may be difficult group processes in teams and focus groups;

210.3. coaching and mentoring skills, to support senior leaders in the House of Lords (amongst peers and staff) and to lead and follow through on change. With the benefit of this support, existing leaders within the House will need to be willing to examine their own need to change, in order to lead others.

The overarching aim will be to raise energy for change and ascertain people's preferences for how the new culture might look.

Recommendation 5: monthly meetings between the Clerk of the Parliaments and each grouping of peers

211. I recommend that, with immediate effect, monthly meetings be instituted at which the Clerk of the Parliaments will discuss with members of the House any issues raised by staff, or otherwise apparent. The discipline for members of being expected to attend such meetings is intended to keep the issues discussed in this report in focus and to give staff a collective voice which does not need to be raised by individuals, or through a formal process.

Recommendation 6: 'Valuing Everyone' training to be compulsory for peers and peers' staff

212. There is no legitimate basis on which peers should be exempted from training. None of the excuses proffered, or objections raised, to date bears even cursory examination. Suitably facilitated, training is informative, inclusive and essential for anyone operating in a modern place of work, as the behaviours that have occurred in its absence clearly demonstrate. I share Alison Stanley's view that all peers should have completed the course by no later than 31 May 2020⁹⁶ and join her in that recommendation. Appropriate refresher training should be delivered every three years.

213. I recommend that all staff directly employed by peers, who will be working on, or attending, the Parliamentary estate at any time, should have completed the course by the same date. Newly appointed peers and their staff should complete the course within three months of appointment. Detailed records of all training undertaken should be kept and monitored, for the purposes of enforcement and should be made publicly available on the internet and intranet (see below).

⁹⁶ See her report, at paragraph 128.

Staff

Recommendation 7: ICGS

214. I make the recommendations set out at paragraph 200 above.

Recommendation 8: establish a neutral team to consider employees' concerns

215. I recommend that a new, neutral team be established, the role of which will be to consider, and encourage the articulation of, concerns held by employees at all levels and to formulate ideas as to how they should be addressed: giving employees a voice and freedom of speech are signs of a healthy culture. Too many concerns and ideas in the House of Lords are currently suppressed or marginalised. The new team would also be responsible for relaying the concerns expressed by employees to senior management in the Administration, possibly (though ideally not) on an unattributed basis.

Recommendation 9: the 'critical friend'

216. I recommend that leaders and aspiring leaders in the Administration be allocated a 'critical friend', to whom they can talk without fear of repercussion and by whom constructive mentoring can be delivered. This should not form part of the appraisal process. Rather, it should act as a development tool and a relationship within which 'safe' discussions can take place that might feel uncomfortable or inappropriate between line manager and direct report. For the same reason, those acting as critical friends should not be the same individuals who support or feed back to the most senior staff in the office/department, or Administration.

Recommendation 10: elected employee representatives in each office/department

217. I recommend that every office/department should elect one or two representatives, whose role it is to articulate any staff concerns to the Head of that office/department and be willing and able constructively to challenge senior individuals in that office/department and hold them to account. A summary of the points raised in each office/department should be collated and regularly analysed by the neutral team to which I refer in Recommendation 8 above. That team

should be looking across the organisation for patterns and potential 'hotspots' where issues are arising, so that they can be nipped in the bud.

Recommendation 11: mandatory, timely and high-quality training

218. Within no more than 3 months of taking up any leadership role (and, ideally, before doing so), every leader in the Administration should receive mandatory and comprehensive leadership training appropriate to the management responsibilities to be assumed, including in how to take others with them, and work collaboratively, rather than simply imposing their will.

Recommendation 12: 360 degree feedback

219. At the earliest practicable opportunity, the new appraisal system should be further modified, so as to include frank 360 degree feedback, as a component of every appraisal of every member of staff in the Administration, however senior.

Recommendation 13: exit interviews and the review of feedback received

220. On leaving employment, staff should routinely be invited to an exit interview by a member of the human resources team, with a view to understanding their reasons for leaving. Feedback should be reviewed and collated, both thematically and by department. A summary of the emerging themes should be presented to the Management Board once a quarter.

(ii) Structural Change

Recommendation 14: embracing a new leadership model for the Administration

(a) Appoint a Director General

221. I have mentioned the pervading and enduring feeling amongst staff that clerks are a favoured group and the cultural issues to which this has given rise. Objectively viewed, as the organisation is currently structured, there are far greater opportunities for career progression within that group of employees than exist elsewhere in the Administration. I do not doubt that they are

highly-skilled, dedicated professionals, whose work is essential to the core business of the House of Lords, but they are not alone in any such respect. Researchers, policy analysts, librarians and many other staff groups could all make the same claim, with equal validity. In any event, the knowledge and skill set required of an excellent clerk does not necessarily correlate with the knowledge and skill set required of an excellent Chief Executive Officer or Chief Operations Officer. Of the clerks at the highest level in the Administration, one contributor told me, *'Something needs to be done to shake up the top group. If you wait for someone different to get to Buggins' turn - someone braver and different - if you wait for that to happen, we are over a decade away from change there.'* In similar vein, another contributor said, of one of the three most senior clerks: *'He talks big, but does little. The message is put out that it won't be tolerated but [there is] no visible action on that. For example, when it was announced that you would be doing this inquiry, it was put to us as meaning, "We will deal with this seriously and respond to what it shows and we do not accept bullying and harassment". I think the response to that from myself and colleagues at my grade was, "We don't believe that, as we know what is tolerated."'*

222. I recommend that, on the expiry of the Clerk of the Parliaments' current tenure (that is, with effect from 16 April 2020), a Director General of the House of Lords be appointed. That person should be able to demonstrate considerable experience and expertise in running other complex organisations, including in the private sector. He or she should have overarching responsibility for delivery of services to Members of the House and the public, serve as Accounting Officer and be the person to whom all staff in the Administration, including the Clerk of the Parliaments, should ultimately report. (The reporting structure adopted in the House of Commons, as between the Director General and the Clerk of the House, is, in my view, apt to create problematic and conflicting reporting lines and is over-reliant on the willingness of the particular incumbents of each role in order to work effectively. I do not recommend the adoption of that model in the House of Lords.) Under the system that I do recommend, clerks would retain their highly specialist, procedural roles, for which they are rightly respected, and would continue to have management responsibilities, but would have no special status as a group.

(b) Secondment/work experience outside the House of Lords

223. In particular if recommendation 14(a) were not to be adopted, but in any event, I recommend that no clerk should be eligible to apply for, or be appointed to, any one of the three most senior clerking posts, without first having spent a significant period of time working outside Parliament

and the Civil Service, gaining fresh perspectives, expertise and experience. I make the same recommendation in relation to the most senior management posts elsewhere in the Administration.

Recommendation 15: Creation of a unified cross-Parliamentary Human Resources Team

224. The issues in the Human Resources Office are, in part, a product of the limited resources available. The important independent constitutional role played by the Upper House in scrutinising legislation and policy appears to have given rise to a belief, at Management Board level, that, as a matter of principle, support services for each House must also be independent. Thus it is that each House has, for example, its own catering department and Human Resources function. I suspect that the explanation for this state of affairs is more likely to lie in each House's fierce desire to maintain its independence from the other and, in the case of the House of Lords, to avoid being seen, or treated, as the junior partner.
225. For current purposes, I see no good reason why three separate Human Resources teams need to operate across the Parliamentary estate. Indeed, a precedent has been set in the form of PDS, which is not seen as an existential threat to the House of Lords' constitutional function. Not only is the existing approach inefficient, I consider that it is apt to lead to unhelpful conflicts in approach. Whilst I received very few accounts from Administration staff who had experienced poor behaviour by an MP, or Commons member of staff, those who did come forward expressed their frustration at the need to raise the particular issue separately with the House of Commons HR team and with the House of Lords HR team, which had then had to contact one another and had applied different policies, procedures and/or approaches. Matters could fall between two stools and issues took too long to be addressed, if resolved satisfactorily at all.
226. Against the background of a Behaviour Code which applies across Parliament; the difficulties identified in the House of Lords' Human Resources Office; Alison Stanley's recommendation (with which I agree) that there should be a bicameral working group and a uniform operation of ICGS across Parliament; and the fact that staff are employed across a single estate and often work together, and with members of both Houses, I recommend that there be a single, unified Human Resources Office, serving Parliament as a whole. Whilst, no doubt, there would be specialist teams within that office devoted to dealing with issues arising in each House, the expectation would be that the new, stronger team would approach matters consistently, so that

all staff across the Parliamentary estate would receive a better, more timely and appropriate service.

GROUP 2

Addressing inappropriate behaviour, where it occurs

Members

Recommendation 16: amendment of the Members' Code and related Guide

227. The Members' Code and Guide should be amended in line with paragraphs 204 and 205 above.

Recommendation 17: ability to withdraw/restrict services and installation of CCTV in the Library and Table Office

(a) Withdrawal/restriction of access to services

228. I have been told that some offices in the Administration have withdrawn, or restricted access to, the services and facilities offered to certain members who have repeatedly manifested inappropriate behaviour, but that there is no general mandate to do so and a fear, on the part of some people, that members could challenge such an action as interfering with their Writs of Summons. That fear is misplaced: the Writ does not entitle members to behave inappropriately with impunity; hence the Members' Code. Standing orders also place boundaries around members' rights.

229. With immediate effect, I recommend that the Head of each Office and department, be empowered and visibly supported by the House of Lords Commission and the Management Board in withdrawing or restricting access to offices/departments and services, in the event of unacceptable behaviour by a member, and to write to them explaining the basis on which such action has been taken. I would not expect that approach to be used in a heavy-handed manner and it would normally be used as a measure of last resort.

(b) Installation of CCTV

230. As will have been seen from the contributions recounted in this report, the Library and Table Offices are areas in which member traffic is high; in which staff can be on duty late in the evening and working alone; and which appear to be hotspots for poor behaviour. I recommend that CCTV be installed in both such areas to deter the continuation of such behaviour and provide a source of evidence of it, should it recur.

Recommendation 18: procedures relating to members in declining health

231. Declining mental or physical health can be distressing and difficult to cope with, for all concerned. Understandably, people wish to, and should be, sympathetic and to accommodate and make adjustments for it, where possible. But I agree with those contributors whose view was that, where a member's related behaviour results in others in the workplace being treated with a lack of dignity or respect, that cannot be accommodated and there should be no expectation to the contrary.

232. The existing levers, such as they are, are inadequate to address this issue. I recommend that the House agree and adopt procedures which will enable it to require members to attend for examination by an appropriate medical expert in the event that their state of health or behaviour is reasonably considered to be incompatible with continued attendance at the House of Lords, and, subject to that expert's medical opinion, to require the relevant member not to attend the Parliamentary estate (or to be appropriately restricted in his or her rights of access).

Recommendation 19: a 12-month review of all recommendations and how they are working

233. A rigorous 12-month review of the progress made in implementing the recommendations made in this report, and the way in which they are operating, should be undertaken and published. That review should encompass consideration of all new initiatives and programmes for change implemented to date and in the meantime.

APPENDIX A

Inquiry Terms of Reference

An Independent Inquiry into Bullying and Harassment in the House of Lords

Terms of Reference

Purpose

- 1) The House of Lords Commission is concerned that the current prevailing culture and behaviours in the House of Lords, as a place of work, are not conducive to an open and supportive culture to ensure that all those working there are treated with dignity and respect.

Objectives

- 2) The objectives of the independent Inquiry are to:
 - a) Establish the nature and extent of any bullying and harassment (including sexual harassment and any systemic behaviours) experienced by past and present: House of Lords Administration staff, members of the House of Lords and their staff, and other staff within Parliament, including staff in bicameral roles, in the course of their work at or with the House of Lords. In practice, this will mean hearing from four key groups:
 - i) House of Lords Administration staff (including agency and interim staff), and employee representative groups;
 - ii) Peers, including the Bishops;
 - iii) Peers' staff (excluding those engaged in a private capacity unconnected with the House of Lords);
 - iv) Staff of the House of Commons, MPs' staff, and staff of shared or bicameral services in Parliament, such as the Parliamentary Security Department and Parliamentary Digital Service, where they wish to speak about instances relating to Peers, Peers' staff or House of Lords Administration staff.

The Inquiry will not relate to contractors or civil servants working on the Parliamentary estate (who have no employment relationship with either House and have access to their own employers' complaints and grievance procedures);

- b) Identify any themes and patterns in connection with 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;
- c) 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 relevant recommendations for improvement of the way in which such complaints are handled, or will be handled in the future, including the availability of appropriate internal or external support;
- d) Consider and comment upon the House of Lords as a place of work, with regard to ensuring that staff are treated with dignity and respect and maintaining an open and supportive culture, with a view to making relevant recommendations for improving the culture; and
- e) Consider and comment on the Independent Complaints and Grievance Scheme as a means of investigating allegations, taking into consideration the recommendations made by Dame Laura Cox, D.B.E. in respect of the House of Commons, in her report dated 15 October 2018, and any recommendations made by Gemma White QC, if any such recommendations have been published.

Scope and Methodology

- 3) The Inquiry will invite past and present House of Lords Administration staff, members of the House of Lords and their staff, and other staff within Parliament with relevant perspectives (including staff representatives and agency staff, but excluding civil servants and staff supplied by contractors) to offer in person, and/or in writing, their experiences of perceived bullying and harassment, including sexual harassment, and to provide information about how any complaints were handled or, if no complaint was made, the reasons for this. For the purposes of this inquiry, 'past' means former staff and Members of the House of Lords who have worked for or in the House of Lords within the past six years.

- 4) All contributions will be treated in strict confidence and will not be published or liable to release, save as required by law. Any references to such information in any report arising from the Inquiry will be anonymised. No individual will be identified or identifiable.
- 5) It is not the purpose of the Inquiry to reopen past complaints of bullying or harassment, or to investigate new ones against particular individuals. Nor will it reach conclusions or make recommendations on any individual case.
- 6) The Inquiry may invite members of the Parliamentary community, other than those who provide information about their experiences of bullying and harassment, to provide it with any information it considers relevant to the fulfilment of its objectives. Since its purpose is not to investigate and reach conclusions in relation to particular complaints, it will not invite other members of the Parliamentary community to provide information in relation to any specific instances of bullying and harassment and/or the way in which any complaints about them were dealt with.
- 7) No existing route of complaint open to anyone from the groups covered by the Inquiry will be affected by the Inquiry. Contributors will be provided with information about the existing complaints routes, advisory services, support and counselling services available to them.
- 8) The Inquiry will be provided with all necessary resources under the auspices of the two external members of the House of Lords Commission and the Clerk of the Parliaments, who will provide any necessary guidance and information and support as requested by the Inquiry to help it achieve its objectives.
- 9) The Inquiry will aim to present a report to the House of Lords Commission as soon as practical, the timing of which will be affected by the number of people who come forward.
- 10) If the report is not completed before the conclusion of the six-month review of the Independent Complaints and Grievance Scheme, the Inquiry will contribute, as needed, possible and appropriate, in writing to the review in such manner as is appropriate, given the work completed by that date.

19 December 2018

APPENDIX B

Chapters 4 and 19A of the Staff Handbook, as published on 6 November 2018
