

Independent 6-month Review

UK PARLIAMENT INDEPENDENT COMPLAINTS AND
GRIEVANCE SCHEME

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1. Foreword

1. In carrying out this Independent 6-month review of the Independent Complaints and Grievance Scheme, I have brought to bear my wide-ranging corporate and public sector experience built over many years.

2. Across organisations from British Airways and Barclays to the Civil Service, I have extensive experience and expertise in the design, development and implementation of effective, engaging people policies and practices. Heading up a cross-Civil Service expert team, I led the work on building best practice and consistent frameworks across the many diverse and complex organisations it comprises.

3. My work has been across a whole range of policies and practices, including grievance procedures, policies to address and handle bullying, harassment and discrimination, stress, well-being and whistleblowing. In both review of existing practices and development of new ones, the objective has always been to deliver sustained organisational and culture change through these policies. This means a focus on how they are actually experienced and talked about by those at all levels in the organisation and whether they are delivering the outcomes intended.

4. I am pleased to have been able to carry out this Review and support the Parliamentary Community to make positive cultural change.

2. Terms of the 6-month review

2.1 Background

5. The background and context to my 6-month review of the UK Parliament Independent Complaints and Grievance Scheme (the “**Scheme**” or “**ICGS**”) is clearly set out in the Independent Complaints and Grievance Delivery Report which was published in July 2018 and proposed a Behaviour Code for Parliament and an independent complaints and grievance scheme to underpin the Code, alongside associated policies and procedures on bullying and harassment; and sexual misconduct.¹

6. Since the publication of the Delivery Report, key developments relating to the ICGS include the following:

- The House of Commons Committee on Standards published a report on Independent Complaints and Grievance Policy: Implementation on 13 July 2018 which focused on the parts of the new policies which fall directly within their remit, being those relating to complaints against Members, proposed changes to the Code of Conduct, and the future role of the Committee and the Parliamentary Commissioner for Standards.²
- The House of Commons Commission endorsed the application of the ICGS policies to House staff and endorsed the awarding of the contracts required to give effect to their adoption, upon their adoption by the House of Commons, on 16 July 2018.³
- The House of Commons approved the Delivery Report and the Committee on Standards’ Report and their proposals on 18 July 2018.⁴
- Dame Laura Cox’s Independent Inquiry Report into the bullying and harassment of House of Commons Staff was published on 15 October 2018.⁵
- The House of Lords Commission endorsed the Behaviour Code on 4 July 2018⁶ and the Independent Complaints and Grievance Scheme was extended to include House of Lords staff on 6 November 2018.
- The appointment of Ms Gemma White QC to conduct an independent inquiry into the nature and extent of bullying and harassment (including sexual harassment) and any systemic behaviours of MPs and of past and present staff of MPs was announced on 7 November 2018.⁷
- The House of Commons Committee on Standards published a report on the Implications of the Dame Laura Cox report for the House’s standards system: initial proposals on 10 December 2018.⁸

¹ UK Parliament, [ICGS Delivery Report](#), July 2018

² Second Report from the Committee on Standards, Independent Complaints and Grievance Policy: Implementation, [HC 1396](#), 13 July 2018

³ [House of Commons Commission decisions](#), 16 July 2018

⁴ HC Deb 19 July 2018, [Col 627](#)

⁵ The bullying and harassment of House of commons staff, [Independent inquiry report](#), Dame Laura Cox DBE, 15 October 2018

⁶ [House of Lords Commission decisions](#), 4 July 2018

⁷ Parliament website, [New independent inquiries for MPs’ staff and House of Lords](#), 7 November 2018

⁸ House of Commons Committee on Standards, Implications of the Dame Laura Cox report for the House’s standards system: Initial proposals, Fifth Report of Session 2017-19, [HC 1726](#), 10 December 2018

- The appointment of Ms Naomi Ellenbogen QC to conduct an independent inquiry into the culture of the House of Lords as a workplace, with a specific emphasis on determining the nature and extent, if any, of bullying and harassment was announced on 19 December 2018.⁹
- The House of Commons Committee on Standards published a report on The Committee's role in ICGS appeals on 13 March 2019.¹⁰
- The House of Lords Privileges and Conduct Committee published its report on the Independent Complaints and Grievance Scheme on 4 April 2019. The report proposed changes to the Codes of Conduct for House of Lords members and House of Lords members' staff to incorporate the Behaviour Code and implement new procedures to deal with complaints of bullying, harassment or sexual misconduct.¹¹
- The House of Lords approved the Privileges and Conduct Committee's report on 30 April 2019.¹²

2.2 Appointment of independent reviewer and Advisory Review Panel

7. The commitment to a six and 18-month review of the Scheme was set out in the ICGS Delivery Report to "ensure that it continues to develop based on feedback, best practice and the needs of the Parliamentary Community":

It is important to note that neither the Steering Group nor the Programme Team see the creation of the Scheme as an end-point. The introduction of the Scheme is the beginning of a sustained, well supported and appropriately resourced approach to promoting a positive and supportive environment for those working in or visiting Parliament. The Working Group recommended that at least two reviews of the Scheme be undertaken six and eighteen months after implementation. These and potential future revisions of the Scheme will ensure that it continues to develop based on feedback, best practice and the needs of the Parliamentary Community.¹³

8. The House's resolution of 18 July 2018 endorsed this proposal. Accordingly, I was appointed by the House of Commons Commission on 28 January 2019 to carry out the independent six-month review. The House's resolution also invited the Leader of the House to propose the establishment of a review body (including staff representation) to the House of Commons Commission for their consideration and agreement, in consultation with the relevant authorities in the House of Lords.¹⁴ The commencement of my work was subject to the advisory review panel being established and ratifying my appointment.

9. On 25 February 2019, the House of Commons Commission agreed the membership of the advisory review panel as follows:

- Baroness Bloomfield of Hinton Waldrist (Conservative)

⁹ Littleton chambers, [Naomi Ellenbogen QC has been appointed to conduct House of Lords Bullying and Harassment Inquiry](#), 19 December 2018

¹⁰ House of Commons Committee on Standards, [The Committee's role in ICGS appeals, Sixth report of Session 2017-19](#), HC 1976, 13 March 2019

¹¹ House of Lords Committee for Privileges and Conduct, 4th Report of Session 2017-19, Independent Complaints and Grievance Scheme: Changes to the Code of Conduct, [HL Paper 335](#), 4 April 2019

¹² HL Deb 30 April 2019, [Vol 797](#)

¹³ UK Parliament, [ICGS Delivery Report](#), July 2018, Chapter 8, para 98

¹⁴ HC Deb 19 July 2018, [Col 660](#)

- Dawn Butler MP, Shadow Secretary of State for Women and Equalities (Labour)
- Jennifer Crook (Head of Diversity and Inclusion, representing House of Commons management)
- Emily Cunningham (National Union of Journalists, SNP staff)
- Max Freedman (Unite)
- Ken Gall (TUS)
- Christine Jardine MP (Lib Dem)
- Georgina Kester (Members' and Peers' Staff Association)
- Rt Hon Andrea Leadsom MP, then Leader of the House (Conservative)
- Liz Saville-Roberts MP (Plaid Cymru)
- Rt Hon Valerie Vaz MP, Shadow Leader of the House (Labour)
- Pete Wishart MP (SNP)
- Baroness Young of Hornsey (Crossbench)¹⁵

10. My first meeting with the Panel was held on 18 March 2019. In the first meeting of the Panel, Rt Hon Andrea Leadsom MP was appointed as Chair of the Panel, and Ken Gall (Trade Union Side President) was appointed as deputy Chair. The Panel also ratified my appointment and agreed my terms of reference (see below) on 18 March 2019. Following this, my work on the 6-month Review began substantively. The Panel expressed a desire that I deliver my report by the end of May in order to ensure that recommendations arising from the report could be implemented before the summer recess.

11. The first Panel meeting also provided an opportunity for the panel members to provide initial feedback, thoughts and information on key areas covered by my terms of reference. I subsequently met with the Panel on 1 May to present and discuss my initial findings, followed by a third Panel meeting on 22 May to discuss my draft report.

12. The members of the Panel brought requisite experience, expertise and knowledge of the context and development of the Scheme which played a vital role in the development of my understanding of the application and implementation of the Scheme. However, while I have listened carefully to the Panel's feedback and input, my recommendations and findings in this Report are my independent judgement as an external reviewer with extensive experience of implementing large-scale and significant policy and culture change in both public and private sector organisations.

13. I would like to thank the Panel for their time and input during the course of my Review.

¹⁵ [House of Commons Commission decisions](#) – 25 February 2019 (published 1 March 2019)

2.3 Terms of reference and scope

14. The terms of reference for my review, as agreed by the Advisory Review Panel, were as follows:

- 'Ownership' of the ICGS, including but not limited to the accountability for ongoing monitoring of the effectiveness of the Scheme and the mechanism for discussion and agreement on consistency of any future changes to the Scheme.
- The operation of the ICGS to date, specifically the bullying and harassment, and sexual harassment policies and procedures. This will crucially take into account the views and experience of staff.
- The one-year pilot ISMA Service. Plans are underway to develop a tender for a three-year service thereafter based on learning from the pilot.
- The wording and interpretation of the Behaviour Code.
- The take-up of training and development relating to the Scheme.
- The effectiveness of the support provided to complainants and those subject to complaints.
- The equality and effect of the application of sanctions.
- Outstanding issues currently not dealt with by the Scheme, namely:
 - third party reporting, that is by an individual who is not themselves the subject of the behaviour, and how those reports can be recorded and used;
 - cluster reporting, that is where there are a number of reports about the behaviour of a person whether they have progressed to formal complaints or not, and how these reports should be handled, including for duty of care reasons; and
 - visitors to MPs' constituency offices.
- Recommendations for changes to the ICGS made in the Cox report or conveyed by Gemma White QC or the reviewer of Lords staff bullying and harassment, other than the two key recommendations (being those set out in paragraph 409 of the Cox report) being taken forward separately.
- The issues that may need further consideration at the 18-month review, and whether an earlier review is needed.

15. As set out in the key developments in section 2.1 above, during the course of my review, on 30 April 2019, the House of Lords approved the Committee for Privileges and Conduct Report on the ICGS¹⁶ and the Code of Conduct for Peers and Peers' staff in line with the Report. Other than when explicitly mentioned, I have not included the implementation of the Scheme for Peers and Peers' staff within my review as it will be more appropriate for the 18-month review to comment.

¹⁶ House of Lords Committee for Privileges and Conduct, 4th Report of Session 2017-19, Independent Complaints and Grievance Scheme: Changes to the Code of Conduct, [HL Paper 335](#), 4 April 2019

2.4 Methodology

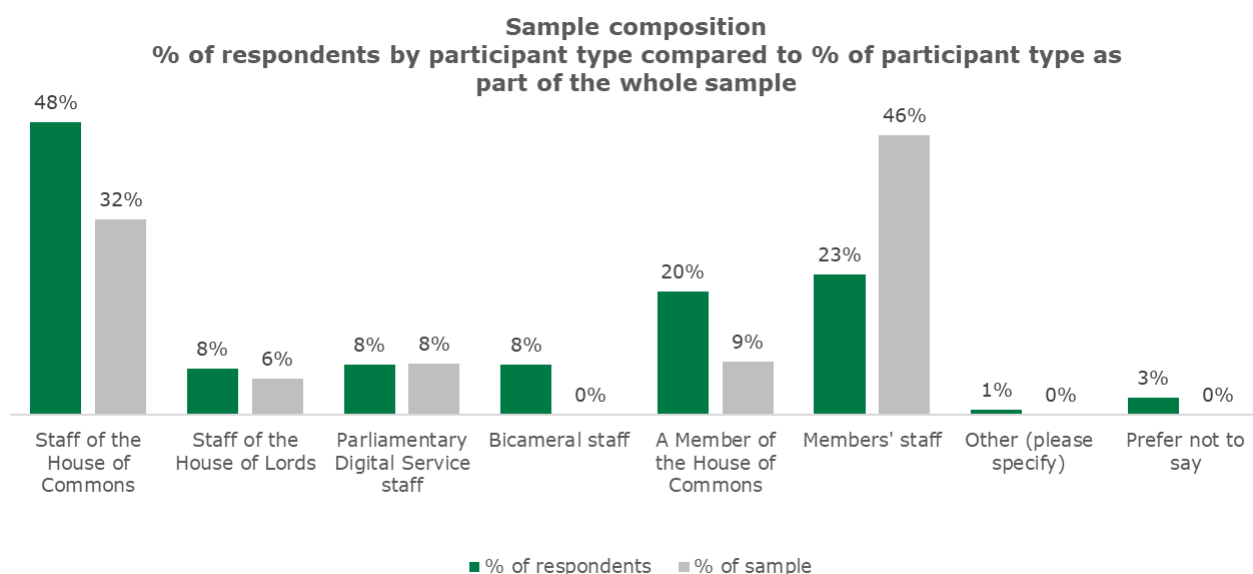
16. Within a 6-week timeframe I gathered information and feedback from across the Parliamentary community in a number of ways. A summary of my approach is set out below.

17. To gather qualitative data, I held meetings with the following key stakeholders to discuss and collect detailed feedback on the Scheme within the scope of my terms of reference:

18. Chair of the ICGS Working Group and the Steering Group; Legal advisor to the ICGS Steering Group; Sexual Misconduct adviser to the ICGS Steering Group; Staff representatives (from each of MAPSA, UNITE, TUS, FDA, NUJ); Independent contractors (Bullying & Harassment helpline, ISMA service, independent investigators, Employee Assistance Programme and training providers); Clerk of the House of Commons; Clerk of the Parliaments; Programme Director ICGS (HoC) and various members of the team; Head of Diversity and Inclusion (HoC); Head of Learning and Organisation Development (HoC); Director of Internal Communications (HoC); Parliamentary Commissioner for Standards (HoC); Speaker's Counsel; Committee Office visits working group; HR Advisory service (HoC); Members' HR Advisory service; MPs' staff HR advisory service (provided by Croner); Committee on Standards and of Privileges; Clerk of Journals (HoL); Lords Administration's HR advisory service.

19. I issued a call for input across the Parliamentary community asking for feedback in confidence from people with experience or knowledge of the scheme. Responses to me were provided either in writing, by phone call or in person. In the large part I was based on the Parliamentary estate, but I also visited a constituency office. Feedback via these channels was provided by a range of people across Parliament, representing: House of Commons staff (from a range of Teams and at a range of grades including SCS grades, grades A-E and the catering grades); MPs (representing different political parties); MPs' staff (including constituency office staff); former members of staff (who had experience of the Scheme prior to leaving).

20. To gather quantitative data on the awareness and usage of the Scheme to date, I commissioned a short survey which was sent across the Parliamentary Community. The survey received 376 complete responses from the Parliamentary community representing: staff of the House of Commons, House of Lords, Parliamentary Digital Service and bicameral staff; MPs and MPs' staff. Almost half of respondents were staff of the House of Commons and almost a quarter were members' staff, with MPs comprising a fifth of respondents. This is shown in more detail in the chart below. At the time of the survey the ICGS did not apply to Peers and Peers' staff.



21. To ensure impartiality and objectivity, analysis of the survey results was provided by an external analyst and is referenced as appropriate throughout my Report.

22. The focus of my review has been the operation of the Scheme, the outstanding issues identified in my terms of reference and recommendations for change made in the Cox Report. I did not require details of individual cases nor did I provide comment on any cases (whether closed or ongoing). Throughout my review I signposted the relevant helplines and support available. All contributions to my review were treated in strict confidence and any references to information or feedback in my report have been anonymised. My review is not an inquiry or an investigation. It examined the existing Scheme, policies and procedures and how they have been implemented in practice.

23. I was supported on a confidential basis in various aspects of my review by House of Commons staff from the Research and Information Team, the Office of Speaker's Counsel, the Governance Office, the Internal Communications Team and the Evaluation and Insight Team. I would like to thank all those who contributed to or otherwise supported my review. In particular, I would like to thank Sara Priestley for her support and challenge.

3. Executive Summary of Findings

24. In response to the allegations and testimony about inappropriate behaviour and a culture of bullying and harassment in Westminster, the Independent Complaints and Grievance Scheme (ICGS) was introduced in the House of Commons in July 2018. Since that date it has been rolled out across the Parliamentary Community.

25. The ICGS has a number of substantive elements. It comprises the Behaviour Code, being a shared set of explicit behavioural standards for all those working for and within Parliament and two new policies, the Bullying and Harassment Policy and the Sexual Misconduct Policy. For each of these policies there is an independent helpline, to provide support, advice and formal reporting of complaints. Where required, eligible complaints are then investigated by an independent investigation service.

26. A great deal of work went into the development of the Scheme, including advice taken from specialist advisors particularly in the area of sexual misconduct. As a result, both the Behaviour Code and the policies represent in some aspects leading edge practice, such as the unequivocal language used in the Behaviour Code. From my own experience of introducing change across diverse organisations, the fact that the Scheme has now been largely introduced across the Parliamentary Community is an achievement and, from survey results, has been seen as a positive sign of a change in the culture of the Parliamentary Community by some. However, the experience of the first users of the ICGS has been very mixed, with much of the input I received being negative.

27. These are in effect workplace policies in that they seek to govern the interaction of people when they are working together in whatever capacity. From my experience, implementation of such a comprehensive workplace scheme at one time across a large diverse organisational community is always a significant challenge. In the case of the Parliamentary Community this is made more complex, given the high profile environment and with the mix of employees, office holders, elected representatives and differing employers.

28. While the overarching policy and procedural principles were set out in the ICGS Delivery Report, the essential underlying implementation processes and policy decisions had not been developed at the time of introduction of the Scheme for the House of Commons in July 2018. The amount of work and procedural complexity to effectively implement and operate the Scheme was substantially underestimated. This resulted in far too little resource being 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.

29. As a consequence of this, for the purposes of my Review I have focussed on first order issues, building on the lessons of the first six months or so, to ensure effective and successful implementation of the Scheme. The key recommendations I make therefore relate to:

- ensuring continued focus, drive and coherence of the Scheme, by identifying the key accountabilities of senior leaders across the Parliamentary Community;
- creating a fully resourced bicameral ICGS team, with requisite skills and experience to ensure effective implementation and streamlined operation;

- a new dedicated approach to communication of the ICGS accessible to all and focused on each user group within the Parliamentary community clearly setting out the end-to-end processes;
- proactively using the Behaviour Code to improve ways of working in teams, for example as part of the wider cultural work being led by the new independent Director of cultural transformation in the House of Commons;
- building on the solid start on the training programme, ensuring the equal importance of training for all members of the Parliamentary Community is addressed.

30. In my judgement my recommendations need to be addressed promptly. In response to calls from stakeholders in some cases my recommendations provide the necessary detail to support full delivery.

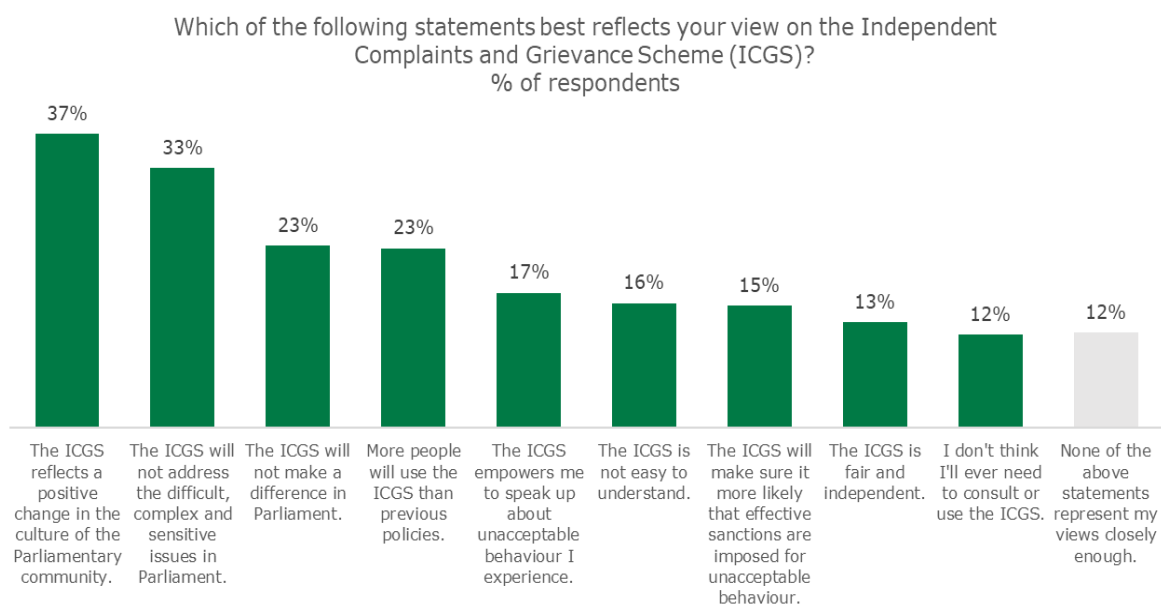
31. As is true across the public and private sector, the experience of the first users of such a significant shift in policy and approach and what they say about it to colleagues and friends in the organisation is key to its credibility and successful implementation, as well as the building of confidence in it. The story so far for the ICGS is not a wholly positive one, but with sufficient focus, prioritisation, effort and expertise this position can be turned around and the Scheme can have the impact that was originally intended.

4. Operation

32. A significant proportion of the points in my terms of reference relate to the operation of the Scheme to date. This seems appropriate given the importance of the practical implementation of new workplace policies. From my experience and as stated by Dame Laura Cox in her Report “a policy is only ever as good as its implementation”.¹⁷

33. From my experience, the introduction of a significant new approach and/or policy takes time to embed across a large and diverse community. It is important that key lessons are learnt from these first few months of implementation. Particularly as it is essential for the credibility and effectiveness of the new approach that in the first year those using the helplines, investigation service and the policies have a positive experience. This should be a priority for the implementation team and the independent service providers.

34. In response to the Survey, when asked to select up to three statements from a list which best reflected their views on the Scheme, the following responses were given:



35. It is noteworthy that the two most chosen statements were that the ICGS *reflects a positive change in the culture* of the Parliamentary community (37%) and that the ICGS *will not* address the difficult, complex and sensitive issues in Parliament (33%) (emphasis added).

36. More generally, the Survey analysis explained that the positive group were more likely to be more positive – they are confident that the ICGS will impose effective sanctions, that it empowers them, that it will be well used and that it is fair and independent. While the unconvinced or cynical group are more likely to believe that the ICGS will not make a difference. They are also much less likely to have confidence that the ICGS will be fair and independent. This is not an uncommon pattern to see in the first stages of the implementation of a major policy and culture change. If this is reflected across the

¹⁷ The bullying and harassment of House of commons staff, [Independent inquiry report](#), Dame Laura Cox DBE, 15 October 2018, para 299

Parliamentary Community, then changing the minds of this cynical cohort, as to their confidence that Parliament can achieve the sustained cultural change, is critical to the success of the ICGS. Moreover, the risk is that cynical cohort will grow if positive experience and impact of using the ICGS does not start to outweigh neutral or negative experiences.

37. As set out in section 2.1 above, the Scheme (and its associated Behaviour Code, policies and procedures) has been implemented at different times for different parts of the Parliamentary Community. It is, to a greater or lesser extent, at a relatively early stage of implementation for all parts of the Parliamentary Community. As such, some specific issues of my terms of reference could not be addressed as there is little or no data or information available, in particular:

- the equality and effect of the application of sanctions;
- the tender for the three-year ISMA service.

38. I would therefore recommend that these issues are incorporated into the 18-month review, as discussed further in section 9 below.

4.1 Operation of the ICGS to date

39. A number of the aspects of the operation of the Scheme are common to both policies and helplines, so I will address these together. The first overarching aspect is the implementation and administration of the helplines and policies by the ICGS team; followed by usage data and sharing operational data within the organisation. Then I will discuss the helplines and provide further discussion on the limitations around my findings in relation to the ISMA Service to date. Following this, I look at four elements that are relevant to both policies: the initial assessment stage; the eligibility of ex-employees; the independent investigations; and clarity on sanctions/remedies. My focus for these four elements is largely the bullying and harassment policy and helplines as that is where I have received the large majority of feedback and information, however, I would strongly suggest that the same findings and recommendations should be considered for the ISMA Service. Lastly, I cover the other support services available across the Parliamentary Community.

Implementation and administration of the Scheme

40. The administration and implementation of the Scheme is managed by a small team within the Corporate Services function of the House of Commons (hereafter, the “**ICGS Team**”).

41. I have discussed the resourcing of the implementation and operation of the Scheme with the ICGS team. Following the House of Commons’ approval of the policies and procedures set out in the ICGS Delivery Report, the substantive work both to implement and to operate the Scheme had to be undertaken. This included the ICGS team developing the operational processes and documentation; procuring the contracts with the independent suppliers for the new helpline services and the new independent investigation service; and ongoing contract management of the suppliers as the services bedded in. Development of the processes and documentation involved a number of stakeholders, given the different employment relationships and decision-making bodies within the Parliamentary Community.

42. I understand that due to staff turnover and resourcing challenges, the full ICGS team was only fully put in place in March this year. Until then, a couple of individuals had been tasked with delivering or managing particular aspects of the Scheme such as case liaison or developing processes and relevant forms, with additional support from time to time. This resource was directed to the most pressing requirements as the numbers of people using the services picked up.

43. Feedback from the relevant contractors was that there has been regular and constructive contact with the ICGS team. Useful inductions were provided, any issues have been resolved quickly and some processes have been developed in a collaborative way. Communications have been “positive”, and the contractors have received regular updates as to accountabilities within the ICGS team. I commend the tenacity and hard work of the small group of individuals who, for the first five months or so, sought to simultaneously both implement the Scheme and to operate it.

44. However, it appears that the substantial amount of work required to successfully implement such a significant policy change, together with the provision of a number of new independent and external services, was clearly underestimated. I have been told that the projected number of complaints per annum was exceeded within eight months.

45. In my judgement, the ICGS team did not always have the full range of experience and capability to deliver some of the key areas. A clear skills gap was change management enabling delivery of the new people policies over a diverse community, ensuring essential and difficult implementation issues and decisions are made at pace, with several different advisors and key stakeholders, including the Parliamentary Commissioner for Standards. This was exacerbated by significant capacity issues in the ICGS team due to being under resourced, which meant the detailed processes, interfaces and issues were being considered and developed in real time as complaints were being received and handled. This inevitably was a contributing factor but not the sole factor, to the slow pace of investigations (see section on Independent Investigations below). While I welcome the recently increased size of the ICGS team, I remain concerned that gaps remain in experience and capability.

46. I strongly recommend that the Parliamentary implementation and administration ICGS team is properly resourced with sufficient capacity and capability to undertake the considerable remaining implementation work and contract management role for the Scheme at pace. [Recommendation 1]

47. I am aware that concerns continue to be expressed by service users that ICGS team members are HR staff, sitting in HR organisationally and not therefore independent. From the direct feedback I have received this perception appears to have been reinforced by the terminology of the “HR role” used by some independent investigators to describe the administrative role the ICGS team has played. Given the operational processes have been developed in real time, with the quality and standards issues that resulted that I discuss at various points in this section on Operation, some contributors have fed back the impression that HR or the ICGS team have a greater decision making role than they do and that it is not transparent.

48. Independence was a crucial underpinning principle in the ICGS Delivery Report. However, in the Survey responses, only 13% of respondents felt that the “ICGS is fair and independent” (see chart above). As much as experience, I have found that perception of

the integrity and effectiveness of a new service and policy is key in the first year to building confidence and credibility.

49. Organisationally the implementation and administration ICGS team should sit outside of any HR department of either House. For implementation of the ICGS to 'be seen to be' a Parliamentary function and not HR-controlled and, given the House of Lords is now covered by the Scheme, I would recommend resourcing and positioning the ICGS team as a bicameral service managed outside of the HR function of either House. [Recommendation 2]

Use of the Scheme

50. The following tables reproduce usage data on the helplines and investigation service up to end 31 March 2019, as published on 23 May 2019. The publication states:

The House of Commons (including the Parliamentary Digital Service) and the House of Lords are committed to publishing anonymised data on the services brought in under the Independent Complaints and Grievance Scheme.

Figures will be published quarterly. To protect the confidentiality of those reporting, we will only publish exact numbers where they exceed 10 or more.¹⁸

Total calls and emails and number of unique callers to the Independent Bullying and Harassment Reporting Helpline and the Independent Sexual Misconduct Advisory Service

Date range	Call and email	Unique callers
19 July 2018–30 September 2018	51 inbound calls and emails	26
1 October 2018–31 December 2018	201 inbound calls and emails	86
1 January–31 March 2019	293 inbound calls and emails	82

Number of Investigations with the Independent Investigation Service

Date Range	No. of live Investigations
19 July 2018–30 September 2018	Fewer than 10
1 October 2018–31 December 2018	14
1 January–31 March 2019	10

Anonymised Operational Data

51. Confidentiality is an essential element of the helplines and investigation process and underpins the Scheme, which I further discuss at section 7.1 below. At the same time, it would be good practice and a reasonable requirement for management teams within the organisation to have detailed anonymised data for both the Bullying & Harassment Reporting Line and the ISMA Service for the reasons I set out below. **The tensions between the importance of confidentiality and data protection and the value of**

¹⁸ Parliament website, [Independent Complaints and Grievances Scheme proactively published statistics](#), 23 May 2019

sharing the usage data within the organisation need to be addressed as a matter of priority. [Recommendation 3]

52. Confidentiality and data protection issues are not unusual in these types of circumstances. Other employers that provide independent employee services (e.g. Employee Assistance Programmes) encounter and successfully resolve the same challenges. I understand that there has been considerable work carried out by the ICGS Team, advised by relevant data protection specialists and lawyers on the risks and responsibilities of holding and publishing anonymised data, which resulted in the decision to publish the above level of data at this point. I understand an annual report on ICGS usage data is planned and the contents are likewise being considered.

53. As part of my review, I have seen slightly more detailed breakdowns of anonymised data on numbers of calls and outcomes of initial assessments and investigations held by the designated person in the ICGS team. This provides some useful insights and initial trends, which cannot be seen with the level of detail above. In line with the current approach of the organisation I have not disclosed any data which has not already been published. This has a direct impact on the commentary I am able to make on data trends and usage.

54. More anonymised data needs to be shared across the organisation on a more regular basis for Parliament to assess the effectiveness of the Scheme and its policies, to identify trends, to identify where there may be issues and to assess the progress on changing the culture. The Cox Report highlighted poor record-keeping in the past which needs to be remedied:

Accurate and reliable record-keeping will be an extremely important part of the new Scheme. A record of complaints, and of the decisions made in each case will enable patterns of such conduct to be identified and assist in the decision-making in these cases. And it will also provide data which can be used to monitor the effectiveness of the whole process. Poor record-keeping has been a feature of the criticisms in this inquiry and the systems now in place must remedy that failing.¹⁹

55. To be able to provide this anonymised data the ICGS team must have accurate and reliable records. Data protection considerations again arise here, and **I strongly recommend that a retention policy position be agreed with the external suppliers to ensure adequate record keeping. [Recommendation 4]**

56. Subject to the proviso on low numbers and identification risks, in other large private and public sector organisations, such data is shared with the senior management team and trade unions or staff representatives. The number of unique calls/emails to the helplines is just under 200 and therefore risks of identification must be decreasing. It would be good practice and a reasonable requirement for management teams to have anonymised data for both the Bullying & Harassment Reporting Line and the ISMA Service, including the following additional categories:

- Employee group or office held by complainant/caller;
- Employee group or office held by respondent;

¹⁹ The bullying and harassment of House of commons staff, [Independent inquiry report](#), Dame Laura Cox DBE, 15 October 2018, Para 300

- Number of calls that were for: advice/support; reports of bullying & harassment or sexual misconduct but no further action requested by complainant; requests for informal resolution;
- Number of formal complaints to investigation service;
- Number of investigations upholding a complaint;
- Number of investigations completed;
- Number of unique callers.

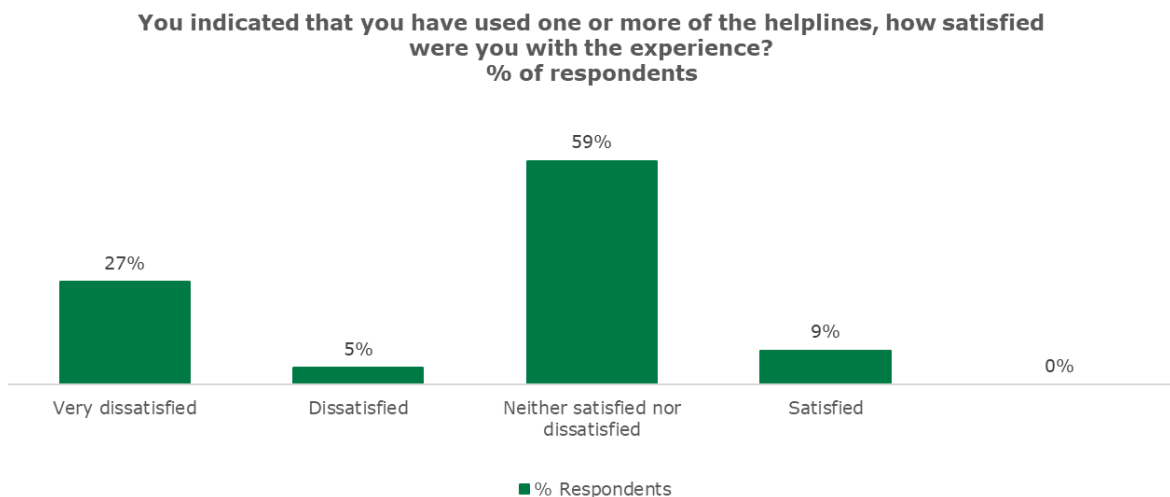
57. Having this data will enable better and more prompt resource planning for the helplines, investigators and the ICGS team.

58. I strongly recommend that a policy decision is made promptly by the ICGS team and, if necessary, agreed with the Boards of each House for the provision of anonymised data under the categories I list above to management teams and a plan to further increase the categories of data over a reasonable period of the next two years. [Recommendation 5]

The helplines

59. The data on usage of the helplines is combined and the survey asked about the experience of the two helplines collectively. Most of the feedback I received directly was about the Bullying and Harassment line.

60. From the Survey analysis, of those that have used a helpline, the majority were neither satisfied nor dissatisfied and 27% were very dissatisfied. As this was a low sample size the actual numbers should be discounted but the trend considered.



61. From the direct feedback that I received from those that had called the helplines, albeit again very small numbers, there appeared to be some issues in the early days of operation. Examples included where the helpline advisors were unclear as to: the eligibility requirements to make a complaint; whether the behaviour complained of constituted bullying and harassment under the policy; the process that followed a complaint being made; and whether they could offer support to respondents. Furthermore, I was given examples of dissatisfaction with the advice given by the helplines. It is inevitable given nature of issues that advice on occasion will not be what the individual expected or wanted.

Feedback has shown this to be particularly the case if the issue is a complaint about ways of working in a team or about management action that, while causing concern, did not itself constitute bullying and harassment. I would also note that I have been provided with examples of positive feedback received from callers on the advice and support they received from the service. I understand that for the Bullying and Harassment reporting helpline, following initial induction and training prior to launching on the policy, the helpline advisors have had several updates to training as policy or implementation issues have arisen and been discussed and agreed with the ICGS team.

62. Given the overall number of calls/emails to the helplines, it is difficult to draw firm conclusions from the small percentage that have given direct feedback to me. The perception of the quality and value of the helpline is critical to establishing the credibility of the ICGS overall. Notwithstanding the levels of dissatisfaction shown by the Survey analysis, some levels of comfort can be drawn from the Survey analysis that the majority of callers were neutral, with 59% being neither satisfied nor dissatisfied. In terms of improving service and therefore satisfaction levels, it is easier to move people from a neutral base to satisfied.

63. I recommend that, building on current practice, there are regular informal reviews by the helpline contractors internally as to concerns and reaction of callers so as to inform improved advice and handling if required. The ICGS team and the helpline contractors should agree the content, channel and frequency of a light touch satisfaction survey of callers. [Recommendation 6]

Sexual Misconduct policy and the ISMA service

64. As a consequence of a foreseeably slower build up, I have received only a very small amount of feedback on the experience of those who have contacted the ISMA service helpline, which has been mixed. In my view the level of usage and feedback is insufficient to make an assessment at this stage. However, as I explain above, a number of the aspects of the operation of the Scheme are common to both policies and helplines and I would strongly advise that the recommendations I make in relation to the bullying and harassment policy and procedures are considered in relation to the ISMA Service. Some further limited observations on the ISMA service are provided below.

65. In addition to the telephone helpline service, the ISMA service also has a physical presence with an office on the Parliamentary Estate, which offers additional access to the service and enables the provision of face-to-face advice or support. Given the nature of this service and the shift in trust and confidence involved for reporters to come forward, I do not find it surprising that it has taken some time for the service to embed. As discussed in the Communications section 5 below, the ISMA service provider (Solace) has worked to promote the service and highlight its confidential and independent nature. I understand that, as is the case with all the helplines, there are regular meetings with the ICGS team, in which operation of the service and any specific issues of concern or performance are discussed and addressed.

66. It was anticipated that at the time of my 6-month review, plans would be underway to develop a tender for a three-year service, based on the learning from the current pilot. Review of this tender forms part of my terms of reference. I understand that these plans have been put back as it is too early to be able to fully assess the pilot to inform next steps, due to the low numbers of service users over the first nine months and the fact that not all the pathways available in the policy and procedure have been utilised or completed. A

decision is yet to be taken on when the procurement for the 3-year contract will commence. I understand that the necessary arrangements are being put in place to extend the current contract, with any agreed changes. If it has not already happened, I would expect that feedback on the helpline to date and outcome of the operational review meetings mentioned above should be taken into account in these extension discussions.

67. I recommend that the experience of staff, the operation and impact of the service be fully assessed at the 18-month review of the extended one-year pilot of the ISMA service, together with the plans for the tender for a new three-year contract depending on the stage that has reached. [Recommendation 7]

Initial assessment stage

68. I have gathered information from the helplines, the investigators, the ICGS Team and those with direct experience as users of the Scheme. At the moment the check as to whether a person is eligible to make a formal complaint under the policy is carried out by both the helpline and by the independent investigator at the initial assessment stage. This is in effect double-handling.

69. I understand in practice this assessment comprises some or all of the following: whether the reporter and responder were employed both at the time of the incident and the time the complaint was made; whether the incident happened after June 2017; whether the incident has been previously investigated or is being dealt with under another process; and whether the behaviour complained of, if substantiated, falls within the definition of bullying and harassment in the policy (all of these assessment elements are hereafter referred to in my Report as an “**eligibility check**”).

70. I have also received feedback that there is confusion around an additional test carried out by the investigator at the initial assessment stage regarding whether there is a “*case to answer*”. In practice, this is causing a number of problems, both as to what is and can actually be assessed at this stage and with the terminology of “*case to answer*”. At this stage the independent investigator has only heard from the complainant and so can only assess in effect whether the behaviour or actions complained of, if substantiated in the investigation, would constitute bullying and harassment within the policy. Without hearing from the respondent, other witnesses and/or reviewing further evidence, it is not possible for the investigator to assess if the complaint is likely to succeed or not. I have considered if the investigator could also have an initial discussion with the respondent at this stage and indeed this possibility is mentioned in the policy, in some cases. However in practice this discussion of itself is also unlikely to determine the question of whether the complaint is likely to succeed or not, without consideration of the other evidence.

71. The double-handling by both the helplines and the investigators in itself causes delays and confusion in the process. As it currently stands, the initial assessment stage has directly led to a number of adverse consequences: additional paperwork being required, with the necessary data permissions from complainants required; significant negative impact on the caller having to rehearse their experiences more than once, which can exacerbate an already distressing experience; and the level of the threshold to be applied and the degree of judgement being asked for from the investigator being unclear. These have all been significant factors driving the extended length of time investigations are taking.

72. In addition, the terminology used to describe the outcome of the initial assessment, namely that there is a “*case to answer*” is misleading for both complainant and respondent. This has been reported by a number of respondents to be distressing as it appears the investigator has already formed a judgement as to the allegations, without having talked to the respondent or other witnesses, leading to the perception that the investigation will not be fair or balanced. This also risks giving a misleading expectation from the complainant as to the outcome of their complaint.

73. In conclusion, given the limited assessment that can be made, it is not possible to evaluate whether there is a “*case to answer*” at this initial assessment stage, beyond the eligibility check. The double-handling of the eligibility check is causing unneeded delays and duplication. Some stakeholders have expressed concern at the helpline providing this service. However, in my experience, a helpline supplier would have the capability to carry out such an eligibility check, including whether the behaviour complained of, if substantiated, falls within relevant definitions in their policy. From my conversations with the helpline providers I am comfortable they could do this for the ICGS policies.

74. I recommend that the initial assessment stage for the Bullying and Harassment Policy should be operated only as an eligibility check (as defined above), undertaken only by the helpline adviser, if and when the caller decides that they want to make a formal complaint. The initial assessment stage should not be an evaluation of whether there is ‘case to answer’: this should be a question for the full investigation carried out by the independent investigator. This should also be considered for the equivalent stage of the Sexual Misconduct Policy. If implemented, the impact of this change should be assessed in the 18-month review. [Recommendation 8]

75. The Bullying and Harassment Policy provides for a complainant to ask for a review of the initial or the formal assessment, if they don’t agree with the outcome of either but only on the grounds of the incorrect procedure being followed or substantial new evidence becoming available. **I would recommend that this ability to request a review remains in place and the impact and effectiveness also assessed in the 18-month review. [Recommendation 9]**

76. While there is an increased risk that this change will result in more complaints moving to full investigation than would currently be the case, it will be a significant factor in speeding up investigations, which at this stage is a benefit outweighing the potential small increase in investigations.

Eligibility of ex-employees

77. Several contributors to my review have raised the issue of the perceived unfairness of the ‘eligibility check’ requirement of continuing employment in order to make a formal complaint under the ICGS, for incidents that happened post June 2017. This is in two types of situation:

- firstly, where the bullying or harassment itself has caused the employee to leave; and/or
- secondly, where they believe that the relationship with the line manager, team or MP will be irrevocably broken if they make a complaint, whether or not that complaint is successful and therefore they have little choice but to leave.

78. This has been a clear theme from MPs' staff in smaller constituency offices rather than from those groups based in Westminster.

79. On the other hand, I have had feedback from line managers within several of the groups across the Parliamentary community who did not want to extend eligibility to individuals who had already ended employment. Scenarios were described to me where employees had left or had their employment terminated for various reasons. Those ex-employees had made a report of bullying and harassment before leaving, often in respect of the reasonable management action taken following HR advice. This had led to resources and time being taken in the investigation. The stressful experience of these line managers was exacerbated by the long delays in investigations (discussed below). This of course needs to be balanced with an awareness that bullying and harassment can occur in management action against individuals and the contributors to my Review all expressed their commitment to such events being raised and dealt with properly.

80. In my experience it is not usual practice for workplace grievance policies to permit grievances to be lodged by an employee with the employer after they have left employment. In conduct, capability or performance procedures there is almost invariably an opportunity for an employee to appeal against decisions on sanctions and certainly where the decision is termination of employment. However, I note the particular context within which the ICGS has been introduced, in particular the marked lack of confidence from some groups of staff that there is value in making a complaint while in employment, even if it is successful. It is key that the ICGS is seen as fair, independent and credible.

81. I also note that Gemma White submitted in her letter that her view is that ex-employees should be eligible under the ICGS:

formal complaints brought by ex-employees of existing Members of Parliament must be eligible to be investigated and adjudicated upon under the ICGS procedures. If they are not, there is a very real risk that the way in which some Members of Parliament behave towards their staff will go unchecked, to the detriment of current and future staff of those Members of Parliament and the Parliamentary Community as a whole.²⁰

82. I am also mindful of any future decision on the handling of non-recent cases, which may have an impact on the continuation of the eligibility requirements for ex-employees. **I would recommend that these points above should be carefully considered in light of the Gemma White QC Inquiry and any recommendations made by her on this issue. [Recommendation 10]**

Independent investigations

83. I have received feedback from both complainants and respondents and other stakeholders as to the lengthy period of time it is taking for the independent investigations to commence and be completed. This appears to have ranged from two to five months in the direct feedback given to me. However, from the point at which first contact is made to the helpline, through to the conclusion of the investigation can be a much longer period for complainants. I have also been told of several occasions where the complainant has chosen to tell the respondent that they are bringing a formal complaint (i.e. much earlier than the respondent would be contacted under the relevant policy), so the respondent's perception is that the matter has been hanging over them for a protracted period, even though the

²⁰ Page 4 of Gemma White QC's letter appended to this Report

investigation may not have formally commenced. Unsurprisingly this is causing frustration and worry to both parties. This has been exacerbated in many cases by the lack of communication from the independent investigator throughout the process. This has proved particularly difficult for some respondents as they were not given any detail as to the complaint or only a high-level outline, which was insufficient for them to prepare for the investigation and they had then encountered a long delay before the meeting with the investigator. Complainants, who have taken the step of bringing a formal complaint have said they have felt adrift and unsupported when weeks pass without having a progress report from the investigator.

84. There are timescales covering certain procedural steps set out in both policies.²¹ For example, minimum notice of meetings with the case manager or for the provision of the investigators notes of their investigation meeting with the respondent, complainant or witness. However, I have received feedback that in some cases these timescales are not being met. In particular, the timeframe for a case manager or investigator to contact the complainant, of 5 calendar days of the complainant's formal report, is not being consistently met. There are no timescales set for the overall length of an investigation, although I understand from the investigation service that (while it is by its nature dependent on the particular case) they expect cases taking on average two months to complete. From the direct feedback I have received a good number of cases are taking considerably longer. Due to the limited data I have been shown, I have been unable to identify whether this was a particular problem in the early stages of implementation and is now improving.

85. The lengthy time the investigations are taking are resulting in stress and worry to all parties and this is undermining the credibility of both the independence and quality of the investigation stage of the ICGS. This is a significant risk to the success of the Scheme given the pivotal central role the independent investigation plays in gaining the confidence of those bringing a claim that the matter will be handled fairly and independently.

86. I have found that there are a number of reasons for the length of time the investigations are taking in practice:

- the detailed processes and documentation were being developed in real time, in parallel with the first calls and investigations and the pace of development was slow. This was largely due to the resource and specialist capability limitations of the ICGS team in the early months of implementing the Scheme, as discussed in the section on Implementation and Administration above;
- similarly, the policy and process for the handling of sensitive, personal information (requiring legal advice and clearance) is being developed in parallel with ongoing cases;
- the standard, format and content for the investigation reports, which was an important matter for the decision-making bodies, took some time and discussion to agree;

87. As a consequence of the points above, quality assurance proved time-consuming, i.e. checking the initial assessment forms and the investigation reports, to ensure they followed the standards being developed. Further reasons included:

²¹ See: para 12 of the Bullying and Harassment Policy and para 12 of the Sexual Misconduct Policy

- (as discussed above) the initial assessment stage has caused particular complexity and time delays, including complainants needing to be interviewed more than once about the outline of their complaint;
- significant amounts of time have been taken in the production and agreement between the investigator and the complainant or respondent of notes of complaints and investigation meetings;
- the capacity and availability of investigators has been low at times;
- the low availability of complainant, respondent and/or witnesses for interview.

88. On the quality of investigations, I have heard positive feedback from both complainants and respondents as to the professionalism and quality of the investigator. I have also heard from several stakeholders about the variable experience of the investigators available and consequently their ability to handle complex cases, which in some instances has adversely impacted the quality of the investigation and the complainant's confidence in it. I understand that any performance issues with an investigator is being actively monitored by the ICGS team and addressed.

89. In the context of implementation processes being developed in real time, in the early months, I have also been told that the investigators were uncertain about the steps that had preceded their own initial call to the complainant, meaning the complainant had to relay their complaint completely afresh. Likewise, they were unclear about the resulting process once they had submitted their initial assessment or their full investigation reports, on occasion stating that the reports would "go to HR for decision". This was misleading and, from the feedback to me, this caused stress for both complainant and respondents and doubt for them about the independence of the investigations.

90. Developments on the House of Commons Commission approach to historic cases (i.e. those predating June 2017) may also have an impact on post-June 2017 cases under the ICGS. Following the House of Commons Commission's acceptance of Dame Laura Cox's recommendation on non-recent cases, the Commission published a consultation on the issue of non-recent complaints of bullying, harassment and sexual misconduct on 20 May 2019. The proposal is that these complaints are handled using the existing ICGS, "employing specialist investigators for both assessing and investigating non-recent and recent cases". While the issue of non-recent cases sits outside of my terms of reference, the proposal on the employment of these investigators for recent cases as well as non-recent is clearly material. Indeed, the consultation proposal further states that "the current ICGS system would be strengthened by adding to the pool of available expertise, knowledge, skills and experience." I have taken this into account when making my recommendations below.

91. Given the factors set out above directly leading to slow and lengthy investigations, I recommend that the following related actions be taken to improve investigation pace, quality and consistency:

- ***Standards and process:***
 - **the ICGS team to clearly communicate the required content, format and standards for the investigation reports to the independent investigators, including the requirements of anonymity as to the identity of the complainant and respondent or any identifying facts.**

Make compliance with this standard a contractual requirement. This should significantly reduce or extinguish the need for the quality assurance process; [Recommendation 11]

- Review and streamline the process steps involved from the report of a complaint to one of the helplines, the engagement of a suitable investigator to completion of the investigation, minimising the need for ICGS team administration. Alongside review and, where possible, streamline the forms and documentation required; [Recommendation 12]
- ***Timescales and communication:***
 - Building on the timescales set out in each of the two policies, set timescales for each step of the investigation from first contact of the investigator with the complainant after they have made a report to the helpline to delivery of the final investigation report; [Recommendation 13]
 - Set target timescales for overall completion of an investigation, dependent on relevant factors, for example the complexity of the case and the number of respondents and witnesses. This should be no more than a month for simple cases to no more than two months for more complex cases. A simple and binding mechanism should be put in place by the ICGS team for investigators to alert if there is an overrun, with a monitored plan for completion as soon as possible. These timescales will directly determine the size of the pool of experienced investigators required; [Recommendation 14]
 - Formalise the requirement on the investigator to keep the complainant and respondent regularly aware of progress on investigation, on at least a weekly basis or longer if agreed with the individuals; [Recommendation 15]
- ***Experience and availability of investigators:***
 - Building on the experience of the first eight months of the Scheme, agree with the Commission of each House the specification in terms of experience, skillset and capability required from the independent investigators. This is needed to assess the provision available from the current independent investigators and would also be needed to widen the pool of suitable investigators available as envisaged in the House of Commons Commission proposals for non-recent and recent cases; [Recommendation 16]
 - Undertake any renegotiation of contracts with the independent investigation contractors to ensure the required standards, timescales and pace of investigations as set out above and the required experience and skillsets. [Recommendation 17]

Clarity and range of potential sanctions

92. A good number of stakeholders and contributors to my Review raised with me the issue of sanctions for bullying and harassment or sexual misconduct. There was concern that the range of sanctions available was not clear and, in respect of MPs, was not wide enough in range, to effectively address or change behaviour. As Gemma White QC also highlights, this undermines the confidence of individuals to bring a claim at all:

As far as I am aware, a framework of remedies has yet to be agreed. As the questions to me demonstrate, consideration of the range of potential remedies will be a key consideration for anyone deciding whether to make a complaint. The failure precisely to identify those remedies is an additional inhibitor on complaints being brought.²²

93. Given the importance and visibility of sanctions, the ICGS Delivery Report set out an illustrative table of sanctions at Appendix 2 and, in relation to MPs, also proposed Standing Order changes “to give the Commissioner the power to agree remedies within a framework agreed by the Committee [on Standards]”.²³ I note that the Committee on Standards has recently commenced an inquiry into possible reforms to the system of sanctions for breaches of the rules set out in the Code of Conduct for Members of Parliament, with an aim (in light of the ICGS) “to ensure that the House has a robust, fair and enforceable system of sanctions which are fit for purpose”.²⁴

94. There was a clear view from stakeholders that while the full range of sanctions should be clear, it was not appropriate to list these exhaustively in the respective policies, as neither the range nor the specific sanction is decided upon by these policies. Instead these should be described, with clearly signposting of where they are listed.

95. I recommend that a clear description of the types of sanctions available for each user group (including MPs and Peers), with clear signposting to full detail, be included in the communication products that I recommend in section 5 below and updated promptly when needed. [Recommendation 18]

96. While contributors to my review thought that the range of sanctions was probably adequate for staff of either administration under usual disciplinary procedures, they were concerned as to whether the level of sanctions would match the level of the behaviour. Due to the early stages of the Scheme, I cannot comment on whether this concern is valid, nor can I comment on whether adequate sanctions are being imposed in relation to other user groups. This all goes to the effectiveness and equality of sanctions which I propose is covered in the 18-month review.

Support services

97. Alongside the new helpline and investigation services established as a result of the ICGS, a number of support and information services are available to the Parliamentary Community including in relation to complainants and respondents under the ICGS:

- Health Assured provides the Employee Assistance Programme (a 24/7 confidential support service for employees and certain family members who live with them);
- HR Advisory support and/or information for staff of both Houses;

²² Page 4 of Gemma White QC’s letter appended to this Report

²³ UK Parliament, [ICGS Delivery Report](#), July 2018, para 53

²⁴ House of Commons Committee on Standards, [Inquiry into sanction launched](#), 3 May 2019

- HR Advisory support for MPs;
- A new HR service for MPs' employees provided by Croner;
- Parliamentary Health & Wellbeing Service;
- Trade Unions;
- Line managers and colleagues.

98. These services are highlighted in the *Valuing Everyone* training material. I have held meetings or calls with all but one of the above services or, where this has not been possible, I have received feedback from representatives of the group and reviewed information on the services available on the intranet and in leaflets. As set out above, trade union and staff representatives were also on the Advisory Review Panel.

99. Looking specifically at the new HR service set up for MPs' employees, following the procurement exercise contained in chapter 4 of the ICGS Delivery Report, Croner was appointed as the service provider. They provide a signposting and support service for MPs' staff and central research staff for parties but do not supply claims advice or tactical advice. They found the induction and employment framework information provided to them very good and comprehensive, although I note that the draft Members' Staff Handbook for MP's staff (as referenced at paragraph 43 of the Delivery Report) has not yet been shared with them. I understand this is in the process of being printed and will be made available to Croner and every constituency office in due course.

100. While the multiplicity of employers and staff groups in Parliament necessitates that there are a variety of support services, the communication and explanation of what they offer, and to which group, is confusing. Taking the new HR service for MPs' staff as an example, I have been told that initially callers were not aware of the limits of the service and there were a quite a few calls from employers (e.g. MPs and office managers), as they were not clear on which service to use.

101. In communicating the support services both in hard copy and on the intranet sites, their purpose and which group they are serving should be clearly set out. Rather than listing all the services, only those that are relevant for the particular group should be shown on communications targeted to that group, e.g. the intranet site for Members' staff. [Recommendation 19]

4.2 Ownership

102. My terms of reference incorporate ownership, including but not limited to the accountability for ongoing monitoring of the effectiveness of the Scheme and the mechanism for discussion and agreement on consistency of any future changes to the Scheme.

103. As it stands, there is not a named "owner" or "owners" of the ICGS across the Parliamentary community. That is not to say that relevant senior people have not taken on responsibility and accountability for the Scheme and its operation in each House. The Clerk and the Director General of the House of Commons have expressed their commitment to me to ensure the ICGS works effectively. They have recently nominated a Commons Executive Board member, the newly appointed Clerk Assistant, with responsibility for policy-related activity and the Board's responses to the forthcoming independent inquiries relating

to bullying and harassment. As referred to in the section on the Behaviour Code below, an Independent Director for Cultural Transformation has also been appointed to lead the wider cultural change in the Commons.

104. In the House of Lords, the Clerk of the Parliaments has likewise expressed his commitment to the Scheme. Furthermore, in all the work she carried out, the then Leader of the House of Commons (Rt Hon Andrea Leadsom MP) gave visible, dynamic leadership, championing the Scheme, which was highlighted to me as a positive force by many of the stakeholders in my Review.

105. It appears from my discussions with stakeholders that they hold different views as to the definition of ownership. For some the owner is the person, such as the Clerk of the House, or a group of people, such as House of Lords Commission or the House of Commons Commission, who, for one part of the Parliamentary Community, have the actual authority/power to make decisions about implementation or changes to the ICGS. For others it is a senior leader or leaders, who have the role of the champion and conscience of Parliament, providing visible leadership and challenge to build the culture of respect and value across both Houses. Some others want a single senior leader, who has the authority to both drive through the implementation and operation of the ICGS across the whole of the Parliamentary Community but also be the final decision maker in scenarios where one part of Parliament wants to make a change that would impact the overall coherence and consistency of the Scheme and which is opposed by others.

106. As has been strongly emphasised to me by the Advisory Review Panel, the Steering Group that oversaw the development of the ICGS, like the Working Group before it, were clear in the strategic intent that underpins the Scheme. Namely that the policies and approach for handling and investigating complaints would be consistent across all groups of the Parliamentary Community. The Working Group, the Steering Group and Advisory Review Panel have all comprised members from both Houses, together with management representation and staff association and trade union representatives providing the opportunity for all voices across the Parliamentary Community to be heard.

107. During my Review, concern was expressed by stakeholders and some staff that the intention that this be a Parliament-wide Scheme, marking a significant change in the culture across both Houses and all groups of the Parliamentary Community, would be undermined quickly by the differences in the decision-making, governance and regulatory frameworks in each House. The fact that the ICGS was adopted for Commons staff, MPs and MPs' staff in July 2018 but did not come into effect for the Lords staff until November 2018 with a new Code of Conduct for Peers and their staff coming into effect in May 2019 was cited as evidence that the coherence of approach was being lost.

108. The impact of the changes agreed by the House of Lords for the independent investigation of complaints against Peers and their staff, was raised with me as evidence of a divergence of approach within the Parliamentary community. Given the recency of these changes, I have not seen the implementation details for the handling of complaints against Peers or their staff once they have been referred from the helpline or the availability to complainants of the options for informal resolution under each policy. I presume this will be a matter for immediate discussion between the ICGS Team, the Clerk of the Parliaments and the House of Lords Commissioner for Standards to work through the detail and to

communicate any relevant changes to both the independent contractors and those in the Parliamentary community affected by those changes.

109. I would recommend that, 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 be examined. On the assumption that the strategic intent of having a coherent approach across Parliament still holds good, I would also recommend that the 18-month review indicates the necessary steps, if any, to realign processes and approach to the policies. [Recommendation 20]

110. I fully agree with Dame Laura Cox that “accountability is crucial”. In her Report she went on to call for those with responsibilities for its delivery and monitoring progress to be identified:

The new Scheme is to apply to everyone within the “Parliamentary Community,” which is a noble aim, but it is unclear at present who exactly is to have ownership of the new Scheme and where responsibility for its success or failure will lie. Accountability is crucial.²⁵

111. Stakeholders have said to me that the arrangements for accountability for the Scheme must be clear, simple and align with the current way the various groups in the Parliamentary community work. It does not appear possible to have a single owner across Parliament given the existing authority structures and roles of each House, each Commissioner for Standards and the political parties. In considering this difficult question of ownership, I have sought to identify the essential elements of accountability for success of the Scheme and the nature of that accountability. I have recommended in which role or group that accountability should vest. What is of importance is that each of the elements of accountability is clearly placed with a named role or roles, who have the influencing and decision-making authority to discharge that accountability.

112. From my review on the implementation of the Scheme to date and the conditions necessary for success, there are three elements of accountability that must be clearly stated and attributed to roles in the House. I set these out below, with my recommendations as to the level of seniority and/or leadership required:

Nature of accountability	Person or group accountable
Accountability for driving the effective and pacy implementation, ongoing smooth-running operation, data collection and monitoring of the Scheme, for each group in the Parliamentary Community.	On the basis that my recommendations on the ICGS team above being implemented, I recommend that the ICGS Programme Director (heading up the ICGS Team) has this accountability. [Recommendation 21]
Accountability for ensuring the regular review of the operation and usage of the	I recommend that this accountability sits individually with the Clerk of the House of Commons and the Clerk of the Parliaments. In this

²⁵ The bullying and harassment of House of commons staff, [Independent inquiry report](#), Dame Laura Cox DBE, 15 October 2018, Para 301

<p>Scheme and the trends emerging, together with a substantive discussion of its effectiveness, impact on culture and the perception of users.</p> <p>For example:</p> <p>Is the Scheme having the impact it was intended to have in restoring the credibility and confidence of those working for or in Parliament that complaints of bullying and harassment or sexual misconduct are dealt with fairly and independently?</p> <p>Is such behaviour being seen to be dealt with by imposition of appropriate sanctions?</p>	<p>they could be supported by members of their Executive Board, for instance the House of Commons Clerk Assistant responsible for policy matters, as mentioned above. The substantive discussions would be with the Boards/Commissions of each House. [Recommendation 22]</p>
<p>Accountability for making any decisions on any changes needed to the policies or operation of the Scheme, based on the above quantitative and qualitative data and analysis.</p>	<p>I recommend that this accountability sits with respective Commissions, Clerks and Leaders of each House, as relevant. [Recommendation 23]</p>
<p>Accountability for continuing to deliver on the strategic intention to have one coherent and consistent approach across Parliament, including resolution of issues where changes are proposed but not universally agreed by all groups.</p>	<p>I recommend that the respective Clerks, in consultation with the Leaders and Shadow Leaders of each House, establish a formal bicameral group of MPs, Peers, House senior managers/leaders and trade unions and staff representatives. Given the key role of the independent Commissioners for Standards in each House in decision making and imposing sanctions, I would expect consultation with them would also be valuable. This bicameral group would be collectively tasked to share monitoring data and best practice, as well as discussing any issues being raised or changes being proposed. [Recommendation 24]</p> <p>This bicameral group must have clear terms of reference and mandate to enable it to be an effective and binding mechanism for making joint decisions, which are recognised by each</p>

	<p>Commission or equivalent body. As some changes will be subject to the decision of either or both Houses, the active participation of and championing by the MPs or Peers on this group is essential.</p> <p>Alongside this bicameral group, I recommend that ensuring that the strategic intent remains strong be an ongoing role for the House of Commons Commission and the House of Lords Commission. [Recommendation 25]</p>
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4.3 Training and development

113. The Delivery Report identifies four training workstreams from the Working Group's recommendations:

- **Behaviour Code.** Interventions to support the dissemination of the Code to MPs, Peers and staff working on the Parliamentary Estate (regardless of who their employer is) or in constituency offices.
- **Tackling bullying, harassment and sexual misconduct.** Interventions to address the specifics of bullying, harassment and sexual misconduct, including what is and is not acceptable behaviour and outlining the options and recourses available to those affected.
- **Sanctioned Training.** Tailored interventions to be available as part of the outcome to a complaint made under either of the two new policies.
- **Management Practice.** Interventions to improve line management practice, including well-being but also skills and knowledge enabling MPs, their staff and any Peers who employ staff to become more effective managers of people. To include the development of a 'good employer' standard.²⁶

114. The Learning & Organisational Development (L&OD) team in the House of Commons has provided me with detailed information on the progress made against each of the recommendations above. I provide a short precis below. Overall, I have been impressed with the focus, expertise and approach of the L&OD team and their work on the training related to the Scheme. The training programme also has a key role to play in supporting cultural change, as does commitment from senior managers. To the extent it is relevant to my review, I have discussed this below in Section 6.

Behaviour Code

115. The Behaviour Code has been embedded as 15-20 minutes in the Parliamentary induction process since summer 2018. This raises awareness and understanding of the expectations in the Code and includes signposting new joiners to the *Valuing Everyone* training programme (see below). This approach is based on the fair assumption that those people already in the Parliamentary Community will know about the Behaviour Code via the internal Communications approach.

²⁶ UK Parliament, [ICGS Delivery Report](#), July 2018, para 32

116. For those existing staff, a new “Essentials” module called “Our Community” is also being developed for House of Commons staff. Essentials modules are mandatory for all House of Commons, Digital Service and Security Staff. This is an e-learning module that will include the Behaviour Code. There is then an intention to roll these out for MPs’ staff and the House of Lords staff.

Tackling bullying and harassment and sexual misconduct

117. The L&OD Team have implemented a system of training titled *Valuing Everyone – tackling bullying and harassment and sexual misconduct* for the Parliamentary Community. This process included in December 2018 awarding a contract to an external training provider with requisite experience (Challenge Consultancy); followed by focus groups with key stakeholders, staff and managers to enable the training provider to develop the training programme and scenarios for the training. Pilot courses for managers and staff were then held to collect feedback, followed by a rollout of the training from April 2019. Pilots for MPs started in the same month.

118. The *Valuing Everyone – tackling bullying and harassment and sexual misconduct* training broadly covers:

- Awareness of the impact and implications of bullying and harassment and sexual misconduct and the factors that contribute to it;
- Tackling bullying and harassment and sexual misconduct and actions to prevent it occurring in the first place; and
- The responsibility we all have to create and benefit from a safe and positive working environment.

119. The Behaviour Code, the helplines and the other support services are expressly featured.

120. The course is available to House of Commons and House of Lords staff, MPs and MPs’ staff, Peers and their staff, and to “other parliamentary passholders” at a later stage. I have been told this is around 15,000 people. As at 24 May 2019, the attendance figures for the courses (including the pilots) were as follows:

- Course Completions: 459
- Course bookings: 499

Breakdown of attendance by course type:

Type of Course	Attended	Booked	Total
House Managers	221	187	408
House Staff	191	223	414
MPs' Office Managers ²⁷	19	51	70
MPs' staff	8	38	46
MPs ²⁸	20	23	43
Total	459	499	981

Breakdown of attendance by type of staff:

Category of staff / office holder	Completed	Booked	Total completed and booked	Percentage of that group completed or booked
MPs	7	25	32	1%
MPs' Staff	26	86	112	3%
Lords' Staff	0	2	2	1%
House of Commons and PDS staff	407	257	663	23%
House of Lords staff	20	152	172	28%

121. While as a proportion of the overall targeted audience, these figures remain low, the full roll-out only commenced in April 2019. I think this shows a good start to the uptake of training. I understand that the Lords Management Board has decided that this *Valuing Everyone* training will be mandatory for all House of Lords Staff. I further understand that all House of Commons staff are expected to attend training within one year (i.e. the 2019/20 financial year), although it will not be made mandatory.

122. As well as discussing this training with the L&OD team and Challenge Consultancy I attended a training session. Feedback from the pilot sessions showed a positive response to the training from all groups of staff, particularly highlighting that it is not theoretical but practical, challenging attendees as to how they would handle situations. Assessing the content of the training session against the specific wording of the Delivery Report, I recognise some of the concerns that have been raised by attendees in relation to a paucity of detail on "outlining the options and recourses available to those affected" in relation to what actually happens under the new policies and procedures. However, my recommendations on Communications (Section 5 below) would answer that concern.

123. My view is that interactive behavioural case studies and consequential discussion, rather than policies and procedures, is the most valuable use of face-to-face training, as reflected in the majority of the feedback. I attended this training and found it to be of a good quality and engaging, encouraging high levels of participation and discussion. I have

²⁷ I have been informed that some people have attended the course not designed for them. For example, 2 MPs are currently booked on to the Office Managers course and 13 people who attended MP's sessions were either committee clerks or non-MP members of the Standards Committee.

²⁸ As above.

found the training provider to be open to receiving and acting on ongoing feedback from attendees on improvements on the substance of the training.

124. Given its value in cultural and behavioural change, I recommend that the *Valuing Everyone* training should be mandatory for all House, Members' and Peers' staff and contractors, to be completed within one year from the date of this Report, including holding training sessions at regional centres for constituency office staff to make them more accessible. In any event, I recommend actively monitoring the run rate for bookings and attendance to ensure that the target audience has been covered within a reasonable time and to identify any gaps to relevant team managers and senior management. [Recommendation 26]

125. There is one aspect that does not appear to have been sufficiently covered. From feedback I received directly from line managers, some are feeling uncertain, disempowered and unclear of their role, within the new Scheme. This arises when an independent investigation is underway involving one or more of their team, which does not involve them or they have been told by a team member that they have contacted the helpline over an issue. **I would therefore recommend that the training for line managers is reviewed to assess whether it is adequately covers this aspect of the concerns and needs of line managers. [Recommendation 27]**

126. A regular question raised by attendees of the training sessions to date has been asking when MPs will start attending the training. As set out above, the first voluntary training sessions for MPs have started, with attendees to date including a number of Members of the House of Commons Committee on Standards and of Privileges and the Leader of the House. In a Business Statement on 9 May 2019 the then Leader of the House encouraged all MPs "to show their commitment to the new behaviour code by taking part in one of the training sessions as soon as they can".²⁹ For Peers, I understand there are discussions underway on training.

127. That this demonstration of commitment is needed to give confidence to staff is best illustrated by a feedback comment from an MP's staff member at the end of the training session: "*MPs must get this training too – bottom-up approach won't create change.*" While I appreciate the significant time pressures and challenges for MPs in their roles, I agree with Dame Laura Cox summary of the position on training:

And if it is to work, the training ought to be for everyone, including Members of Parliament. Changing attitudes and behaviours, making all who work in the House think about their behaviour and its impact, and restoring the confidence of staff in the senior administration requires nothing less.³⁰

128. Building on the commitment they have already made to changing the culture for the better, I recommend that both Houses take this opportunity to make a decision that all MPs and Peers attend the *Valuing Everyone* training. This mandating of themselves to do so will send a clear and powerful message to the whole Parliamentary community and externally that they are committed to changing the culture for the better. This is about MPs and Peers valuing the Parliamentary community and everyone being part of that same community, so

²⁹ HC Deb 9 May 2019, [Col 669](#)

³⁰ The bullying and harassment of House of commons staff, [Independent inquiry report](#), Dame Laura Cox DBE, 15 October 2018, para 306

taking responsibility to improving the culture, participating in this key training to help everyone to understand how to work together better, whether on the Parliamentary estate, in constituency offices or elsewhere. [Recommendation 28]

129. I also recommend that the decision set a time period for completion, namely that all MPs and Peers do so within one year from either the date of my report or from the date of their election or appointment (whichever is later). [Recommendation 29]

Sanctioned training

130. The L&OD team has commissioned a supplier to call upon when training is an appropriate sanction under the Scheme. The types of training provided would depend on particular circumstances, and could include counselling, mentoring, one-to-one intervention. The supplier will serve all “decision-making bodies” in the Parliamentary community. The supplier would then report back to L&D to confirm when training was completed.

131. Given the still early stages of implementation of the Scheme, this type of training has not yet been provided, so I would refer this element of the training to the 18-month review to check for effectiveness and quality.

Management practice programme

132. The existing training for MPs’ office managers (both in Westminster and constituency offices) has been amended to include the Behaviour Code.

133. I fully recognise Dame Laura’s description of MPs as a diverse group of people with different backgrounds, interest and experiences, with the skills needed to do their job well-being many and varied. In the context of this Scheme, I would concur with the recommendation that MPs “should be better supported than they currently appear to be. Running an office effectively, employing staff [...] working respectfully with House staff and understanding the relationships and boundaries [...] are all matters that good training can help everyone with”.³¹ This reflects feedback I have received from MPs, MPs’ office managers and the HR service supporting them. MPs (or their office managers in practice) are effectively small employers with the pressures that this brings, without always having the requisite management experience or clear policy frameworks in place. There has been a clear call for improved guidance and training to support improved management practices.

134. A detailed consultation paper on the Good Employer Standard has been developed by the L&OD Team, following consultation with key stakeholders including the Parliamentary Commissioner for Standards. However, this has not progressed past consultation stage. The key work on development of this standard has been achieved and **I would recommend that the Good Employer Standard needs to be implemented by the end of this calendar year. [Recommendation 30]**

³¹ The bullying and harassment of House of commons staff, [Independent inquiry report](#), Dame Laura Cox DBE, 15 October 2018, para 310

5. Communications

135. Communication and information are key for the introduction, implementation and ongoing operation of any new workplace policy in relation to: awareness; understanding; and building trust and confidence in a new approach and its operation. In addition, it plays an essential role in establishing credibility in the organisation's intention to both improve the environment and embed a successful policy and procedural framework. The effective communication of the Scheme cuts across a number of the points in my terms of reference so I have included it as a standalone chapter.

136. Chapter 9 of the ICGS Delivery Report set out a communications approach to support the roll out of the Scheme, identifying key objectives; key themes for the communications approach; and key messages. The following key objectives were identified:

INFORMATION: Ensure all stakeholders are fully informed about development, benefits, launch and continued iteration of the new prevention processes and resolution routes.

REPUTATION: Support the internal and external reputation of Parliament by building trust and confidence that significant and permanent cultural, behavioural and process change is happening.

ENGAGEMENT: Encourage and support engagement from key stakeholder groups, and foster a sense of shared responsibility across Parliament for cultural and behavioural change.³²

137. The Chapter on *Communicating the Scheme* appears to cover not only the Scheme but also the wider cultural work, referred to in Chapter 6, of which the Scheme is a key, but by no means the only, part.

138. I have reviewed how the communications to date have delivered against the approach set out in the Delivery Report focusing on the effectiveness of communications on the Behaviour Code and the ICGS policies and helplines. In addition to feedback received and the survey results, I have reviewed hard copy communication materials; intranet and email communications; and the pack of information provided to me by the Internal Communications team. My findings and recommendations are set out below.

5.1 Communication of the Scheme

Communications to date

139. The ICGS Delivery Report is lengthy and involved, requiring reading in linear way. It sets out the thinking and intent in relation to bullying, harassment and sexual misconduct and clearly demonstrates that these issues are being taken seriously. However, it is not a helpful communication document. It is not easily accessible with clear information for policy and procedure, particularly for those who are turning to it when stressed and concerned.

140. I have been told that the following internal communications were provided between May and August 2018 (this is before the Scheme applied to any part of the House of Lords):

- the publication of a 24-page ICGS brochure detailing the nature of Scheme, the Behaviour Code and the helplines/support available;

³² UK Parliament, [ICGS Delivery Report](#), July 2018, Chapter 9, paragraph 108

- mailouts to all MPs' parliamentary and constituency offices with copies of the brochure and Behaviour Code posters;
- promotion of the Scheme at internal events such as the Strategy Delivery Group and the Commons Leadership Forum;
- regular update emails to all staff, along with emails signposting staff to where they could contribute to the Cox Inquiry;
- numerous articles in internal newsletters for House and PDS staff, as well as in newsletters for Members and their staff;
- the creation and promotion of an intranet page detailing the Scheme and signposting to helplines;
- the distribution and display of Behaviour Code posters and ICGS brochures across the Estate; and
- briefings to staff at the Town Hall events in June.

141. I understand that all senior managers in the Strategy Delivery Group and the Commons Leadership Forum were also contacted directly in August and September and explicitly signposted to the ICGS resources to use with their teams. Further communications were planned but postponed following the publication of the Cox Report in October 2018.

The impact of the Cox Report

142. From October 2018 onwards, communications on the ICGS substantively stalled. The internal communications team had limited resource, and communications became largely focused on conveying how the House of Commons Commission would respond to the Cox recommendations and implement cultural change. As an initial step toward addressing the resourcing point, I am pleased to see that a new dedicated team member has been recently recruited into the internal communications team.

143. In the wake of the Cox Report, a "Cox Inquiry Action hub" intranet page was set up and has subsumed any ICGS communications. The Cox Inquiry Action hub has a multitude of information and updates, including action that has been taken against some of the Cox Report recommendations on the ICGS in the Commons. It aims to be a "one-stop shop" on the intranet for those wanting information on this topic. However, it is not updated regularly enough to stay relevant and, in relation to the ICGS, I have found it to be a confusing mixture of information, which overloads the reader without the provision of clear, simple facts. To provide some short examples: I have found that "this week's top question" has not been updated throughout the course of my Review, nor was any information on my Review or how to feed into it added to the page until late on in the Review period after I had raised its absence. I am pleased to see that in recent weeks a clear signpost to the ICGS helplines has been added to the intranet homepage which is a significant improvement. I have been told that any all-staff emails, newsletters or news items bulletins relating to Cox have "flagged the ICGS contact details when relevant".

144. As far as I have been told, since October ICGS communications have been limited to:

- distributing Behaviour Code posters and ICGS brochures to MPs' staff at constituency events and roadshows;

- the Independent Sexual Misconduct Advisory Service (ISMA) Service providers have recently started presenting at constituency roadshows, provided presentations about the ISMA service on the Parliamentary estate and have offered presentations on their service to MPs directly; and
- stalls being manned by the independent contractors (representing the helplines, investigators, HR service for MPs' staff and the Employee Assistance Programme) to promote their helplines and services, located on the Parliamentary Estate on three different dates in November/December 2018.

145. On the last bullet point, the feedback I received from the independent contractors was that these presentations and stalls were very well-received and positively accepted. The contractors also reported that they saw a spike in usage of their services following the promotional events and presentations. **I would recommend that on a regular basis (at least annually) the independent contractors take part in promotional events both on the Parliamentary Estate and regionally to raise awareness and visibility of their services. [Recommendation 31]**

146. I am also aware that leaflets on the Bullying & Harassment Independent Reporting Line and the Independent Sexual Misconduct Advisory Service, together with a credit card sized easy reference card listing the helpline numbers and the various HR services provided, are handed out to attendees at each of the *Valuing Everyone* training sessions, together with a leaflet on the Employee Assistance Programme provided by Health Assured.

147. The House of Lords intranet for staff has a "*Bullying and harassment in the Lords hub*" which follows a similar format to the Cox inquiry action hub, but by its nature is more focused on the ICGS and related policies and procedures and appears to be updated on a more regular basis. For example, I found the "timeline of actions" and "FAQs" particularly helpful, including clear, succinct answers to questions such as "how does it work?".

Awareness of the Scheme

148. The Survey analysis reported that almost all respondents (90%) were aware of the Parliamentary Behaviour Code and a similar number were aware of the bullying and harassment and sexual misconduct policies. However, the proportion of respondents aware of the helplines was lower. Only 77% were aware of the bullying and harassment reporting helpline and 67% were aware of the ISMA service helpline. Most feedback I received echoed these findings showing a relatively high level of awareness of the Behaviour Code and ICGS policies. However, some concerns were raised directly with me that there remain some operational teams with very low awareness, but by no means all. From the feedback received from MPs' staff working in constituency offices, there was low awareness of the helplines and they had had no sight of the booklets or leaflets. This is of concern if replicated across offices.

149. The generally high level of awareness is reassuring and shows that a successful start has been made to communications. However, there is real room for improvement for particular groups in the Parliamentary community and in respect of the helplines. I have been made aware that there is a particular communications challenge in relation to MPs' staff due to the relatively high turnover.

Understanding of the Scheme

150. In contrast to the levels of awareness, the Survey analysis showed that the understanding on the process after a complaint has been made was much lower. Only 31% of respondents were clear on the next steps, and this group had first-hand experience of the helplines and/or had attended training and briefings on the Scheme. The Survey reported a plea from all groups for a simple and straightforward explanation of the process and next steps to be made available. These findings were reflected in feedback given on the *Valuing Everyone* training session. From the qualitative feedback I received, it became apparent that neither employees nor managers (at every level) fully understood the process following a complaint being made, including the conduct of the independent investigation and how a final decision is made on sanctions should a complaint be upheld. Nor were they able to easily find clear information or advice on the process steps on the intranet. Feedback has highlighted frustration and concern due to this confusion and its subsequent impact on the confidence in the Scheme across the Parliamentary community.

151. Taking a particular aspect in more detail, from the feedback I have received, the role and identity of the “decision-making body” referenced throughout the Delivery Report is not widely understood. In simple terms it is either the relevant employer of the respondent, for staff and contractors, or the relevant Commissioner for Standards for MPs and Peers. If there has been an assessment of bullying and harassment or sexual misconduct by the investigator, relevant policies explain that:

the decision-making body will use their own policies and procedures to deal with the matter, including conducting any additional investigations and imposing any sanctions.³³

152. It is of significant concern to me that it has not been made clear in communications that the substantive decision, as to whether there has been bullying and harassment or sexual misconduct and the corresponding appropriate sanction, is made not by the independent investigator but rather the “decision-maker” e.g. the manager holding the disciplinary hearing or in respect of MPs or Peers, the relevant Commissioner for Standards under their rules.

153. Given the context in which the ICGS was introduced with low levels of confidence in senior managers that complaints would be handled fairly and independently, I understand the wariness there may be in making this clear in communication of the process. However, clear communication of this situation is essential to show the end to end process.

154. It also provides the key opportunity to underline the value and weight of the independent investigation. On this point some stakeholders and those who have provided direct feedback to me, have expressed concern as to the lack of clarity of the nature of the decision being made about the investigation report by the “decision-maker”. The policies refer to the “decision-maker” “reviewing” the investigation report but the definition of that is unclear. By checking the intention of the Steering Group together with the wording of the disciplinary procedures or equivalent procedures of the main “decision-making bodies”, this could be articulated more clearly in the policy and procedure communication products. If necessary, further guidance on this point can also be given to managers holding the disciplinary hearing.

³³ UK Parliament, [ICGS Delivery Report](#), July 2018, p63 and p86.

155. Another example is that a number of stakeholders have raised the concern that it is not clear how a member of staff can raise a complaint about a breach of the Behaviour Code that does not of itself constitute bullying and harassment or sexual misconduct under the policies. However, I would expect these complaints to be covered by grievance procedures of the relevant employer. For example, in the staff handbooks for both the Commons and Lords, it states that these may be raised under the existing grievance procedures.

156. Unsurprisingly those inputting into my review have asked for a clear flowchart setting out the process and next steps as it applies to them, be they a complainant, respondent, witness or indeed the line manager of one of these parties. In the ICGS Delivery Report and the communications to date there has been little attempt to focus communications on these, what may be termed, 'user groups' nor to set out the whole 'user journey' through the process. Instead information (be it lists of all the helplines or the policies and procedures in the Delivery Report itself), has covered the whole community.

157. The low levels of understanding are extremely concerning and adversely impacting the credibility of the Scheme and the confidence of actual and potential complainants, respondents and line managers. **My recommendations to address awareness, understanding and communications are set out below.**

158. It is essential that the purpose and importance of the ICGS and its associated policies and procedures are not lost within wider cultural workstreams or the outcome of forthcoming independent inquiries. So, a separate intranet page for the ICGS should be set up for each user group, with a link from the homepage. For the House of Commons this should be separated from the Cox Inquiry Action Hub. In the House of Lords, care must be taken not to lose the current prominence of the ICGS when there are communications about the forthcoming report from the Naomi Ellenbogen QC inquiry. [Recommendation 32]

159. The place of the ICGS within wider actions being taken on leadership, management and culture should be clearly explained across the Parliamentary community. When core communication messages about changing culture in Parliament are further developed, and responses to recommendations of Dame Laura Cox, the Gemma White QC and Naomi Ellenbogen QC inquiries are made, the impact (if any) of these on the ICGS should be explained but not confused with the Scheme and its operation. [Recommendation 33]

160. To address the current low level of understanding of the policy and processes, implement a fresh 'user group' and 'user journey' approach to their communication, to provide clear information and to replace current signposting to the Delivery Report. [Recommendation 34]

161. As part of this fresh communication approach, working with the ICGS Team, a new set of communication products should be developed, comprising of:

- **refreshed communication content on the helplines to ensure that the messaging is clear that they are available to provide advice and support, separate and in addition to them being the route to report inappropriate behaviour. This could include consideration as to whether the "Bullying and**

Harassment Reporting Service” should be renamed to remove the emphasis on reporting; [Recommendation 35]

- publication of streamlined and practical separate documents for each of the existing Bullying & Harassment and Sexual Misconduct Policies by separating out policy from procedure. Where information is not strictly policy or procedure but is helpful, it should be set out in new accompanying FAQs. This opportunity should be used to clarify some of the terms that have caused confusion and concern to date such as “decision-making body” and where differing terminology is used in the policies referring to the same step or activity risking confusion; [Recommendation 36]
- publication of clear flowcharts from the perspective of each main user group showing the step-by-step process. As a bare minimum the ‘user groups’ should include the reporter/complainant, the respondent and the line manager of the respondent. [recommendation 37]

162. To both increase understanding and ease of availability, particularly when people are under stress, there should be prominent signposting to these new products, flowcharts, FAQs and helpline numbers in all relevant information, including staff handbooks, manager’s guides and induction materials and available in hard copy for all those who do not have access to the intranet. [Recommendation 38]

163. To address the issue of raising awareness amongst all the groups in the Parliamentary Community, ensure that all senior managers implement a communications plan to their group so that they are aware of and can easily access the helplines and the new products. The Communications team should implement a communications plan to ensure that constituency office staff are reached and regularly updated using all relevant channels including hard copy products. [Recommendation 39]

6. Behaviour Code

164. The Behaviour Code for Parliament is introduced in the Delivery Report as “a statement of principle of cultural intent”. The report confirms it “is not a set of rules” rather a statement of how people are expected to behave and how they can expect to be treated. The process for developing the Code is set out in Annex A of the Delivery Report, including some helpful illustrations of how it might apply.

165. My terms of reference required a review of the wording and interpretation of the Behaviour Code. In the large part, feedback on the wording of the Code has been positive and praising. It has been described by various stakeholders, including those with considerable experience in wider public and private sector organisations, as “leading edge”, in particular in its direct references to actual or perceived power imbalances, for example:

Recognise your power, influence and authority and don’t abuse them.

Think about how your behaviour affects others and strive to understand their perspective.

166. I find that in clear, unambiguous language the Behaviour Code does set out “how you should be treated and how you should treat others”.

167. From the Survey analysis, 91% of respondents are aware of the Parliamentary Behaviour Code and 55% have read it. The issue is how it is being brought alive for staff and the visible championing and role modelling of it by MPs and senior leaders in both Houses.

168. There is a close alignment between the interpretation of the Behaviour Code and cultural change. The Delivery Report contemplates that future culture change work will focus on “how it can be brought to life and embedded”. Dame Laura Cox reiterated the importance of cultural change in this context as follows:

[...] realistically the prospect of someone who has been bullied feeling able to speak up about their treatment, as envisaged, will obviously depend on the extent to which there is a real change in the culture presently operating in the House. The “language to challenge” campaign will be important, but it will require clear commitment at the senior levels if it is to be effective.³⁴

169. The new Independent Director for Cultural Transformation in the House of Commons started on 18 February 2019. She is leading cultural change in the Commons and holding the Commons Executive Board to account for delivering this change and providing assurance to the External Members of the Commission on culture change.

170. I have discussed the Behaviour Code and the related cultural change work with the Cultural Transformation Director on a number of occasions and have been mindful of this workstream as I carried out my Review. The House of Commons is understandably further forward with cultural change work and is thus the subject of my findings and recommendations below. I would expect the House of Lords administration to assess what would be the best approach in the Lords, pending the recommendations of the publication of the Naomi Ellenbogen QC inquiry.

³⁴ The bullying and harassment of House of commons staff, [Independent inquiry report](#), Dame Laura Cox DBE, 15 October 2018, para 290

171. The training programme has a key role to play in supporting cultural change (discussed in section 4.3 above) as does the visible commitment of the senior leadership in both Houses in themselves championing the standards of behaviour expected in the Code and effectively and constructively challenging where behaviour falls short. The same applies to MPs and Peers in respect of their own staff and the staff of the administration with whom they interact across the Parliamentary Community.

172. I understand that there are examples of some leaders and managers across both Houses, and a small number of MPs, talking through the Behaviour Code with their staff and discussing openly how it impacts the way they work together, what the experience of all involved has been and what they would want to change now or how they would raise any issues. While the Behaviour Code provides a 'common language to challenge', from the experience of other organisations, significant value in starting to make a change in culture comes from these discussions and I strongly commend all those who have held these to date. However, during my Review I have not seen evidence that this is yet happening in most teams.

173. Regarding constituency staff, I am aware that due to the distributed nature of constituency offices, the feeling of remoteness from Westminster that a number of MPs' staff have expressed to me, and the fact that MPs are in effect small employers, constituency staff may not be able to participate as fully or effectively in central cultural change initiatives. The leadership and role modelling from the relevant MP are key, as is the role of the office manager, in establishing respectful and supportive ways of working. MPs' staff have expressed to me the importance of establishing effective networks with staff across constituency offices to both provide professional support, share best practice and awareness of policies, procedures or training available from Westminster or IPSA.

174. To the extent it is not already happening, I strongly recommend that senior leaders in both Houses 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. To be most effective, these are not one-off discussions but an ongoing dialogue. I recommend that these start immediately and be built upon in the subsequent rollout of the cultural change work/initiatives over the next year. Particular attention and focus should be paid to reaching constituency office staff to ensure the Behaviour Code gets embedded fully across the Parliamentary community. [Recommendation 40]

7. Recommendations from other independent inquiries

7.1 Recommendations for changes to the ICGS made by Dame Laura Cox

175. Dame Laura Cox recommended a number of changes to the ICGS. My Terms of Reference included consideration of these recommendations, other than the following:

- Historic complaints: removal of the cut-off date for access to the ICGS
- Creation of an entirely independent process: the process for the determination of complaints by House staff against MPs should be entirely independent of MPs.

176. I understand these two recommendations above have been accepted and are being implemented separately by the House of Commons Commission. The House of Commons Commission agreed unanimously on 20 May 2019 to consult on a proposal to use the existing ICGS scheme for non-recent (historic) complaints i.e. those where the conduct complained of took place before June 2017. The proposal also includes employing specialist investigators for assessing and investigating both non-recent and recent cases.³⁵ Other than where these proposals directly impact on my recommendations, I have not commented on these proposals as they fall outside the scope of my terms of reference.

177. Where I have not picked up on relevant recommendations already in my report, my consideration of Dame Laura's remaining specific recommendations relating to the ICGS is set out below. For ease of reference I have referred to Dame Laura Cox's Report on *The Bullying and Harassment of House of Commons Staff, Independent Inquiry Report* (15 October 2018) as the "Cox Report" throughout my Report.

178. In paragraph 229 of her Report, Dame Laura Cox sets out the list of elements she judges essential for a policy for tackling bullying, harassment and sexual harassment. I would agree with the list and my recommendations in this report address those elements that are not being satisfied as yet in respect of the Scheme. However, from my experience there are a number of elements that would more effectively be set out in communications rather than in policy and procedure documents. For example, the proactive steps the House of Commons intends to take to prevent bullying and harassment and making the contact details of the support helplines clearly visible to people. **I would recommend therefore that the elements set out in paragraph 229 of the Cox Report are used as a checklist against which to assess action taken on my recommendations and the policy, procedure, communications and operation of the Scheme on an ongoing basis. [Recommendation 41]**

179. In paragraph 293 of her report, Dame Laura recommends a number of improvements to the wording in each policy to ensure that the definition of victimisation is clearly set out in both policies. **I agree with the amendments relating to the definition of victimisation and recommend that these helpful additions are made and**

³⁵ Parliament website, [Consultation proposal for non-recent cases](#), 21 May 2019

communicated as part of the new approach to Communications I recommend in section 5 of my Report. [Recommendation 42]

180. In paragraph 294 of her report, Dame Laura refers to the strong theme of gendered bullying that had come through from the staff and former staff who set out their experiences to her. Against this backdrop she was concerned that there was not express reference to gendered bullying in the Bullying and Harassment policy nor to intersectionality (where the incidence and specific experiences of bullying and harassment, can be affected by a number of characteristics of those who are targeted, including but not limited to gender, race and/or disability). Intersectionality is included in the Sexual Misconduct policy at section 8, including as follows:

Research shows that the incidence and specific experience of sexual misconduct can be affected by a number of characteristics of those who are targeted, including the protected characteristics covered under the Equality Act 2010, such as: age, disability, gender reassignment, race, sex and sexual orientation. Characteristics such as race and sex and sexuality can intersect with each other in ways that create specific issues (for example a Black woman might be targeted with racialised sexual harassment). Additional factors which influence power dynamics include class and if a position of authority is held.³⁶

181. Stakeholders have particularly raised with me the lack and lapse of focus on race in the Cox Report and the ICGS policies.³⁷ **I recommend that an express reference to gendered bullying is inserted into both policies. I also recommend that the full wording on intersectionality in the sexual misconduct policy is also inserted into the Bullying & Harassment policy. These changes should be communicated as part of the new approach to Communications I recommend in section 5 of my Report, as well as the message that bullying and harassment or sexual misconduct can be affected by protected characteristics, including how those characteristics intersect with each other. [Recommendation 43]**

182. In paragraph 295 of her report, Dame Laura comments on the complainant and the respondent within the two policies having the right to bring a colleague from the Parliamentary Community or a trade union representative with them. Otherwise representation is said to be at the discretion of the Independent Case Manager. She recommends that:

[...] the importance of these proceedings and the issues that can arise may in some cases justify legal representation. Certainly, if legal representation is permitted for the respondent in any case, and that may well happen if the respondent is a Member, fairness and equality of arms would justify this entitlement also being extended to a complainant, and it ought then to be dealt with as a matter of right, not of discretion.³⁸

183. Since publication of the Cox Report, the House of Lords Privileges and Conduct Committee has recommended not to allow legal representation for the respondent or complainant, explaining that:

³⁶ UK Parliament, [ICGS Delivery Report](#), July 2018, p.77

³⁷ A recent report by the Parliamentary group ParliREACH (race, ethnicity and cultural heritage): Stand in my shoes: race and culture in Parliament was brought to my attention.

³⁸ The bullying and harassment of House of commons staff, [Independent inquiry report](#), Dame Laura Cox DBE, 15 October 2018, para 295

This does not mean that members or complainants cannot receive legal advice and support, simply that they must represent themselves in making a complaint or in making an appeal.³⁹

184. The House of Lords has approved this position for Peers and Peers' staff.⁴⁰ The primary force of the ICGS is as a workplace policy and procedure to handle complaints of bullying and harassment or sexual misconduct when individuals are working together, albeit that there are several different groups within the Parliamentary Community. I have had feedback from both Commons staff, trade unions and staff representatives expressing deep concern, based on experience if legal representation was allowed in disciplinary or other meetings. In line with practice throughout the private and public sector and the decision taken by the Lords, **I recommend that legal representation at hearings is not permitted, although complainants and respondents can of course choose to seek legal advice and support if they so wish. [Recommendation 44]**

185. In paragraphs 296-298, Dame Laura Cox makes a number of recommendations as to confidentiality. Since the publication of her report there have been developments in respect of both MPs and Peers. In the Commons, the ICGS Steering Group, the Committee on Standards and the Parliamentary Commissioner for Standards agreed that in ICGS cases the need to protect the identity of the complainant would be paramount.

186. Since July 2018, the Commissioner has not been permitted to announce that an ICGS investigation (or indeed any Code of Conduct investigation) into a named Member had commenced. Some concerns relating to other parties disclosing or publicising information on an ongoing case have been raised by those inputting into my Review. This issue was discussed by the Committee on Standards in their Report on ICGS Appeals:

The fact that the House has prohibited the Commissioner from publishing information which by its nature would be both accurate and authoritative makes it even more important that other parties should not disclose similar information without authorisation, not least because of the risk that it may be inaccurate or partial and there will be no means of correcting it.

We note that there have been recent cases in which the fact of an investigation has been publicised by one or more of the parties involved. Although the Commissioner has no power to bring sanctions against those responsible for breaching confidentiality in these cases, we emphasise that such actions may be considered a contempt of the House. If they were to be referred by the House to the Committee of Privileges, our expectation is that the Committee of Privileges would regard this as a serious matter, particularly if the Committee considered that the breach of confidentiality amounted to a significant interference with the Commissioner's investigation or brought into question the rights or wellbeing of any of the parties to that investigation.⁴¹

187. In the Lords, the decision has been made to grant the House of Lords Commissioner for Standards discretion to decide whether to release the name of a member investigated

³⁹ House of Lords Committee for Privileges and Conduct, 4th Report of Session 2017-19, Independent Complaints and Grievance Scheme: Changes to the Code of Conduct, [HL Paper 335](#), 4 April 2019

⁴⁰ HL Deb 30 April 2019, [Vol 797](#)

⁴¹ House of Commons Committee on Standards, [The Committee's role in ICGS appeals. Sixth report of Session 2017-19](#), HC 1976, 13 March 2019, paras 41 and 42

and cleared of a breach of the Code of Conduct in relation to a complaint of bullying, harassment or sexual misconduct.⁴²

188. Both of these decisions lie outside of the ICGS and the terms of my Review, although their impact is very relevant to the perception and confidence of staff as to how future complainants will be addressed. It will be for the respective Houses, Commissioners and the appropriate Committees in each House to review and consider these positions if and as appropriate.

189. More generally, confidentiality is a key element of any Bullying and Harassment and Sexual Misconduct Policies and underpins the ICGS. In the Bullying and Harassment Policy, it states:

Complaints under this policy will be treated confidentially and will only be discussed with those who are legitimately involved in resolving it by the Independent Reporting Helpline, Investigation Service and decision-making bodies. If you are involved in a complaint as a complainant, a respondent or a witness you should also treat the matter as strictly confidential. Likewise, if you are involved in informal resolution outside this procedure in any capacity (e.g. as a line manager, HR adviser), you should maintain confidentiality, as appropriate.⁴³

190. Similar statements appear in the Sexual Misconduct Policy. However, some contributors to my Review, both via the survey and by direct feedback to me on their experiences, expressed concern that those involved in the operation of the Scheme, would not keep the information confidential. There was also great concern from respondents if a complainant themselves shared information about their complaint externally, including to the media, whilst it was still being investigated, both where the respondent is an MP or a member of staff.

191. I would strongly recommend that more generally the duty of confidentiality is emphasised in ongoing communications and training on the Scheme and to all parties at each stage of the process. If it has not already been considered I recommend that an assessment is made of whether existing contractual provisions in employment across the Parliamentary Community, including between MPs and their staff, are sufficient for addressing any breaches of confidentiality under these policies. I recommend that the respective Commissioners and the appropriate Committees in each House review and consider the position on confidentiality in relation to MPs and Peers prior to the 18-month review. [Recommendation 45]

7.2 Ongoing independent inquiries

192. There are two ongoing independent inquiries that have not reported at the time of my drafting and submitting this Report.

193. Gemma White QC is conducting an independent inquiry into the nature and extent of bullying and harassment (including sexual harassment) and any systemic behaviours of MPs and of past and present staff of MPs. Throughout the course of my Review, I have been

⁴² House of Lords Committee for Privileges and Conduct, 4th Report of Session 2017-19, Independent Complaints and Grievance Scheme: Changes to the Code of Conduct, [HL Paper 335](#), 4 April 2019, para 20 and HL Deb 30 April 2019, [Vol 797](#)

⁴³ UK Parliament, [ICGS Delivery Report](#), July 2018, p.66

mindful of the potential overlap with certain aspects of Ms White's inquiry, given our respective terms of reference. Conscious that her report may be published shortly after this report, as envisaged in her terms of reference,⁴⁴ Gemma White QC has contributed to my Review by letter, which is appended in full to my Report. I am grateful for and have taken account of this contribution. The points raised are necessarily focused on MPs and their staff which is a narrower scope than my Review. However, the points on procedural documentation and timeframes are familiar to me and serve to strengthen the recommendations I make on these issues under sections 4 and 5 above.

194. Ms Naomi Ellenbogen QC is conducting an independent inquiry into the culture of the House of Lords as a workplace, with a specific emphasis on determining the nature and extent, if any, of bullying and harassment. I have been mindful of the potential overlap with certain aspects of Ms Ellenbogen's inquiry given our respective terms of reference. As such, and in the knowledge that my Review would conclude prior to Ms Ellenbogen's inquiry, I contributed my thoughts on the ICGS in the House of Lords to the extent relevant to both our terms of reference.

195. As a consequence of these timings, I have not been able to consider any of the full findings of either of the above inquiries. **Therefore, I would recommend that any relevant recommendations and responses to such recommendations, that have not been addressed by my review, are incorporated into the 18-month review. [Recommendation 46]**

⁴⁴ Parliament website, [Letter from Gemma White QC: Invitation to contribute to Inquiry into Bullying and Harassment](#), 6 November 2018

8. Outstanding issues

196. The terms of reference specified three outstanding issues that were not currently dealt with by the ICGS, namely:

- **third party reporting**, that is by an individual who is not themselves the subject of the behaviour, and how those reports can be recorded and used;
- **cluster reporting**, that is where there are a number of reports about the behaviour of a person whether they have progressed to formal complaints or not, and how these reports should be handled, including for duty of care reasons; and
- **visitors to MPs' constituency offices.**

8.1 Third party reporting under Scheme

197. On publication of the ICGS Delivery Report, the issue remained outstanding as to whether a third-party individual who witnesses inappropriate behaviour or otherwise becomes aware of it, can make a report of that behaviour to the helplines and if so, how those reports will be recorded and used. This remains the case for the Scheme across the House of Commons.

198. More recently, the House of Lords has approved the Committee for Privileges and Conduct recommendation in relation to Peers and Peers' staff that third-party complaints involving bullying, harassment or sexual misconduct are not permitted i.e. only the person who was the victim of the behaviour complained of may make a complaint.

199. For clarity, a third party can call the helplines for advice and support as to handling their concerns. A third party could also be called as a witness to provide evidence to an investigation. In addition, if a third party is directly impacted as a result of the behaviour they witness they can report that to the relevant helpline on their own behalf.

200. There are a number of factors to consider in thinking about this issue. If third party reporting were permitted and the individual against whom the behaviour was directed did not him/herself want to make a formal complaint or be involved in the investigation, then the efficacy and quality of that investigation would inevitably be significantly undermined. This is particularly the case in some circumstances, where the impact on the individual of the behaviour or pattern of behaviour can be a key element.

201. Concern was expressed by staff representatives and some stakeholders as to managing the risk that third-party reporting, which triggered an investigation, would be open to misuse for those motivated by political or personal grievances. On the other hand, concern was expressed by some contributors, that an individual may be fearful of bringing a complaint given the imbalance of power between them and the potential respondent. In cases where complainants are reluctant to make a complaint, a third party would be able to bring attention to this behaviour, so it could be investigated and addressed.

202. In building a culture of respect and dignity, the concept of the positive impact and appreciation of a 'bystander' role is an important element, which is featuring not only in the '*Valuing Everyone*' training but also in the cultural indicatives in the House of Commons.

203. In line with the House of Lords' Committee for Privileges and Conduct recommendation on third party reporting, it should continue to be the position in the House of Commons that third parties cannot formally report behaviour under the ICGS policies and procedures. However, the role of the 'bystander' should continue to be distinguished from third party reporting by being explained, highlighted and valued both in the *Valuing Everyone* training and in other cultural change initiatives, including the strengthening of leadership and management capability and practice across the Parliamentary Community. Those witnessing inappropriate behaviour or noticing the effects of it can currently contact the helplines for advice and support and should be actively encouraged to do so. [Recommendation 47]

8.2 Cluster reporting

204. As set out in my terms of reference, for the purposes of this Review, "cluster reporting" is defined as where there are a number of reports about the behaviour of a person whether they have progressed to formal complaints or not, and how these reports should be handled, including for duty of care reasons.

205. This is a difficult and complex area but of significance in respect of both sexual misconduct (where behaviour can be predatory, isolating and repeated with a number of targeted individuals) and bullying and harassment (with manipulative patterns of behaviour). In the feedback I have received, staff have spoken about *"everybody knowing who behaves badly"* and this also featured in the Cox report: *"Everyone knows who the bullies are, they walk among us"*.⁴⁵ However, within this context, I am told that no-one makes a formal complaint, given fear of the consequences and, in particular for MPs' staff that, even if the complaint was upheld, their continuing employment would be unfeasible. Little effective challenge or action is therefore taken against these "known" individuals.

206. There are several legitimate and significant challenges on implementing cluster reporting resulting in differing views as to the feasibility of having a fair policy approach. Challenges I have heard include that the person against whom the reports of such behaviour have been made has not had an opportunity to respond if the complaint has not progressed to a formal stage; and, if individual reporters each do not want to make a formal complaint and then participate in the investigation, whether an investigation can proceed on a fair basis.

207. Notwithstanding the challenges referenced above, I understand that some organisations with independent helplines or support do have an express policy approach on cluster reporting. A key part of such policies is the setting of a threshold at which the multiple complaints will be escalated to the employer for action. The nature, frequency and the balance of probabilities of the behaviour are usually key elements of determining whether the threshold has been met. I understand that some work was undertaken on thresholds by the Advisory Group on Sexual Misconduct, set up to offer specialist expertise and advice to support the Delivery Report.

⁴⁵ The bullying and harassment of House of commons staff, [Independent inquiry report](#), Dame Laura Cox DBE, 15 October 2018, para 122

208. Where a cluster reporting policy is put in place, the most effective action can be taken when one of the complainants is prepared to come forward in the knowledge that it can be investigated and pursued as a collective case. Where a reporter knows they are not alone in making a complaint, they may feel more confident in making a complaint. This would also give the respondent the opportunity to respond as part of the independent investigation. Where no complainant is prepared to come forward, in many organisations such cluster reports would be raised informally with the appropriate senior leaders to be dealt with in the first instance by way of coaching or training interventions or an informal warning that such behaviour should cease.

209. It would be best practice that the decision-making body should be made aware if there are a number of reports about the behaviour of the same person. To introduce such cluster reporting a number of policy decisions need to be made. In the first instance, in order to practically allow for cluster reporting, the relevant data needs to be being collected and stored by the requisite helplines. Furthermore, a threshold for each of Bullying and Harassment and Sexual Misconduct should be agreed at the most senior level; and a decision made on what further action can be taken once such threshold has been met. [Recommendation 48]

210. In order to decide on these policy decisions, understanding how cluster reporting would operate fairly and effectively in practice would be essential. Once the ICGS, including the Sexual Misconduct Policy, has been effectively implemented, improved anonymised data and trends, together with qualitative feedback on an anonymised basis from the helplines will be available and there should be experience of complaints proceeding from investigation to decisions and sanctions. I recommend therefore that this issue is revisited when the ICGS has been in place for at least one year, with the resulting data and experience, and an appropriate bicameral working group be established to consider it. [Recommendation 49]

8.3 Visitors to MPs' constituency offices

211. The Scheme and its related policies and procedures were designed primarily as a workplace grievance and complaints scheme, to address workplace bullying and harassment and sexual misconduct, for interactions between those working together, with and for Parliament. Visitors to Westminster (i.e. to the Parliamentary Estate) were also explicitly included within the Parliamentary Community and the scope of both policies.

212. The final outstanding question I was asked to consider was whether the Scheme should be further extended to cover visitors to constituency offices. Namely complaints of bullying, harassment or sexual misconduct against an MP or their staff by a visitor or a complaint by an MP or their staff against a visitor.

213. It may be worth clarifying my understanding of the current situation (outside the remit of the ICGS) for constituents that have a complaint to raise in relation to their MP. In most situations, the action that can be taken by a constituent in the first instance is to contact the chair of the relevant political party. MPs are also expected to observe the MPs' code of conduct and the Parliamentary Commissioner for Standards may investigate alleged breaches of the Rules. Rule 17 of the Code of Conduct states that: Members shall never

undertake any action which would cause significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally". Any conduct which meets this high threshold could be investigated by the Commissioner, albeit that it has been described by the Commissioner herself as a "very high bar which the Committee expects could be met only in extreme and extremely limited circumstances".⁴⁶ There is also the most serious of cases where behaviour could constitute a criminal offence and should be reported to the police as such.

214. Moving onto the scope of this Review, the majority of MPs and their staff who have contributed have expressed considerable concern over extension of the Scheme to visitors to constituency offices and the impact this would have on their workload and, in some cases, safety, particularly in the current heightened atmosphere of political divisions. A common theme in the feedback given to me is that, with the existing routes of complaint already available, it would be opening a 'Pandora's box' in relation to a complex matter. On the other hand, while other contributors have acknowledged these concerns, they have argued that complexity should not be a reason to exclude visitors to MP's constituency offices from the scope of the Scheme. Some have suggested an entirely separate complaints process be devised for constituents, and others have drawn analogies to customer service approaches by private sector companies (for example, retail). Both perspectives however agreed that extending the Scheme to visitors to constituency offices was likely to result in a significant increase in calls and formal reports to the helplines, many of which may not be within scope of the policies.

215. I find the concerns and issues described above from MPs, their staff and other stakeholders to be compelling ones. In addition, as I have set out in this Report there is more implementation work that needs to be undertaken at pace to ensure that the ICGS is embedded for the Parliamentary Community it covers and the focus of effort and resource would be most valuably targeted on that. The Scheme's successful implementation and effective operation is key to the credibility of the stated intention of senior leaders, MPs and Peers to building a culture of equality and respect across Parliament. As such, in weighing up the input I have received on this matter, and in the light of my recommendations in the rest of my Report on the operation of the Scheme, I am concerned that extending the Scheme would lead to disproportionate time, effort and cost being incurred in relation to undertaking initial assessments and/or investigations under the Scheme, which would serve to exacerbate rather than address some of the challenges around implementation I have identified above.

216. In relation to potential complaints by MPs or their staff against the behaviour of a visitor, as with any employer in a workplace situation, the MP has a duty of care towards their staff to provide a safe place of work and mitigate against foreseeable risk, for instance with enhanced security measures. I have been told that the House of Commons provides MPs with some financial and advisory support through contractors on adequate security measures and I would expect the management practice programme referenced in section 4.3 above to support MPs and their office managers with these aspects of workplace policies.

⁴⁶ Parliament website, Parliamentary Commissioner for Standards, [Commissioner's Information Note](#), Approved to the Committee on Standards on 3 February 2015

217. The ICGS should not be extended to cover visitors to constituency offices at this stage. In its early stages of implementation, focus and resources should be dedicated to ensuring the Scheme works for the core Parliamentary community as a workplace complaints and grievance scheme. In evaluating the operation and impact of the Scheme at the 18-month Review, if there have been material changes in the circumstances, consideration could be given to this issue again. [Recommendation 50]

9. 18-month review

218. The Working Group and the Steering Group recommended a further review of the Scheme be undertaken at the 18-month point.⁴⁷ The ICGS Delivery Report set out that:

The eighteen-month review will assess both the effectiveness of the Scheme and the impact of the Scheme on changing the culture of Parliament. The eighteen-month review should also consider how sanctions are being applied and whether they are being applied equitably between different groups. The review should assess whether there is any evidence of bias in the way sanctions are applied.⁴⁸

219. In addition to the points in the ICGS Delivery Report, I would recommend that the following are incorporated into the 18-month review:

- The operation and impact of the ISMA service, together with the plans for the tender of a new three-year contract, depending on the stage that has reached.
- Implementation and operation of the Scheme for Peers and Peers' staff.
- On the assumption that the strategic intent of having a coherent approach across Parliament still holds good, an assessment of whether the Scheme remains as a coherent whole across the Parliamentary community, including an indication of the necessary steps, if any, to realign processes and approach to the policies.
- Effectiveness of training, in particular the sanctioned training element of training provision.
- Recommendations and responses to the recommendations of the two outstanding independent inquiries from Gemma White QC and Naomi Ellenbogen QC.
- The implementation of any recommendations from my 6-month Review.
- If there have been any material changes in circumstances since my Review, consideration could be given again to the issue of visitors to MPs' constituency offices.

220. These additional points are largely due to the fact that I have not been able to address these points in my six-month review as there are little or no data or information available due to the early stages of the operation and implementation of the Scheme.

221. I do not believe the 18-month review should be brought forward. Assessing the effectiveness and impact of the Scheme is not possible until it has been in operation for enough time that requisite data and trends are available.

222. If my recommendations on ownership are accepted and become embedded in the leadership accountabilities across Parliament, I firmly believe that there will be no further need for external reviews as the "owners" will be reviewing the Scheme on a regular basis themselves.

⁴⁷ UK Parliament, [ICGS Delivery Report](#), July 2018, Chapter 8

⁴⁸ UK Parliament, [ICGS Delivery Report](#), July 2018, para 100

Appendix: Letter from Gemma White QC



Blackstone
CHAMBERS

13 May 2019

Dear Alison,

Contribution to six-month review of the ICGS

As you know, I have been conducting an inquiry into bullying and harassment since November 2018. I am approaching the end of this process and anticipate reporting to the House of Commons in June. I am writing to contribute to your review, as required by my terms of reference.

The focus of this contribution is on the areas in which the information with which I have been provided in the course of my inquiry appears to me to be relevant to your terms of reference. I have also expressed my views, based on that information. The extent to which you agree with those views or consider it appropriate to take them into account for the purposes of the review you are conducting is, of course, a matter for you.

In the course of this inquiry I have heard from, amongst other people, employees and ex-employees of Members of Parliament who have described experiences of being bullied and/or harassed (including sexually harassed) by Members of Parliament. I have heard, amongst other things, about the way in which any complaints about such behaviour were dealt with at the time. Those who did not complain have explained their reasons to me. I have discussed aspects of the ICGS with a number of contributors. Many contributors told me that they would be unlikely to make a complaint using the new procedures, at least while they remain employed (and wish to remain employed) by a Member of Parliament and/or wished to have a career in Parliament of whatever nature. I will be addressing their reasons, and making associated recommendations, in my report.

A number of contributors told me that they had made complaints under the ICGS procedure and shared their experiences with me. I have not heard from a sufficient number of people with experience of using the ICGS process to draw any meaningful conclusions about the way in which it works in practice, save in the limited respects which I address below.

- Procedural documentation. In the course of discussions with contributors about the ICGS I have frequently been asked for details of the procedure which would be followed in the event that a complaint was made. Understandably, they are concerned about setting a process in motion without knowing precisely how their complaint will be handled. There is currently no single, easily accessible document which sets out to an appropriate level of detail the procedure which will be followed when a complaint is made. I have been provided with a leaflet dated 1 August 2018

entitled “*Introducing the new Independent Complaints and Grievance Procedure*” which describes itself as a “brief guide” and encourages readers to read the full Independent Complaints and Grievance Scheme Delivery Report. The Delivery Report is 113 pages long. It is, in my view, unrealistic to expect potential complainants to digest such a document and in any event the procedures, and their application to the different categories of complainant/respondent covered by the scheme, are insufficiently clear. By contrast, I am aware that the Committee on Standards has produced a document entitled “*Guidance to Appellants*” which sets out clearly and in straightforward terms the procedure for an appeal against a determination by the Parliamentary Standards Commissioner in an ICGS case. Documents of a similar nature should, in my view, be produced for the complaints process itself. I understand that work is underway but in my view it needs to be addressed as a priority. The continued absence of such documentation is likely to inhibit those who might otherwise wish to pursue a complaint.

- The need for clear procedural documentation is illustrated by the experiences of two contributors who spoke to me about their experiences of using the ICGS complaints procedures.
 - The first contributor told me that they had contacted the bullying and harassment helpline, outlined their complaint verbally and had subsequently been asked to put the complaint in writing, which they did. They received an email asking for a (further) phone conversation to discuss the complaint. The contributor questioned the need for this since they had already discussed the complaint orally at the outset, but agreed and the phone conversation took place. Consent was sought, and given, for the complaint to be escalated through the ICGS procedure. 3 weeks later, and 2 months after the contributor’s first conversation providing details of the complaint they received an email from a different person requesting an “initial discussion”. The discussion took place 2 weeks after that. 6 weeks after this discussion, following 2 chasing emails from the contributor, they received a response informing them that the complaint would not be investigated because it was made by an ex- employee. Overall it took over 4 months for the contributor to be told that their complaint was not eligible.
 - The second contributor submitted a complaint and was invited to meet with an investigator in person, which they did. Almost 2 ½ months after making the complaint they were informed that the complaint was not eligible as the policy only applies to those working for or with Parliament at the time they make the complaint. The contributor commented to me that *“[i]t does seem like a lot of wasted time and tax payer money to be told that outcome - an office space was rented, a lady was hired to write minutes and [the investigator] himself has travelled to/from [x] for my interview”*.
- As I explain below my view is that such complaints should not be excluded. However, if there are to be limitations on complaints which are eligible for investigation, they should be clearly identified in relevant procedural documentation so that they are clearly understood not only by potential complainants but by those operating the procedure. A criterion such as whether or not a person is employed in the

Parliamentary community should be capable of being addressed (by a straightforward question) and answered at the outset of the complaint.

- Scope of the ICGS. I learned in the course of this inquiry (see the examples I refer to above) that ex-employees of Members of Parliament have been told that formal complaints cannot be accepted unless they remain employed either by another Member of Parliament or elsewhere in the Parliamentary community at the time their complaint is made. I have received a considerable amount of evidence from employees of Members of Parliament setting out their concerns about bringing a formal complaint while they remain employed. I have heard sufficient evidence, which I will explore in my report, to conclude that there are very significant barriers to existing employees making a formal complaint. In these circumstances, my view is that formal complaints brought by ex-employees of existing Members of Parliament must be eligible to be investigated and adjudicated upon under the ICGS procedures. If they are not, there is a very real risk that the way in which some Members of Parliament behave towards their staff will go unchecked, to the detriment of current and future staff of those Members of Parliament and the Parliamentary Community as a whole.
- Potential remedies. A question I have frequently been asked by contributors in connection with bringing a possible complaint under the ICGS against a Member of Parliament is "what's the point?". Potential complainants are well aware of the constitutional obstacles to action being taken against an elected Member of Parliament and want to know what pursuing a complaint could achieve. Paragraph 53 of the ICGS Delivery Report stated that "*Standing Order changes are proposed to give the Commissioner the power to agree remedies within a framework agreed by the Committee [on Standards]*". As far as I am aware, a framework of remedies has yet to be agreed. As the questions to me demonstrate, consideration of the range of potential remedies will be a key consideration for anyone deciding whether to make a complaint. The failure precisely to identify those remedies is an additional inhibitor on complaints being brought.
- Third Party and/or Cluster Reporting. As I have already stated, employees of Members of Parliament will often be reluctant to make a formal complaint of bullying and/or harassment. It may be that this is something you wish to take into account in making any recommendations about third party and/or cluster reporting under your terms of reference.

I have addressed the points above in a manner which I consider to be appropriate to the stage my inquiry has reached. If you have any questions about the information I have provided, please do not hesitate to contact me.

Yours sincerely,

Gemma White QC