

House of Commons Commission
High-level Summary of Consultation Responses

Background

On 10 February 2020 the Commission unanimously agreed that its preferred option for implementing the third Dame Laura Cox recommendation (Cox III) was the establishment of a new Independent Expert Panel. The Commission invited a public consultation on this option, asking three specific questions, with responses required by 8 March 2020.

This report sets out a high-level summary of the consultation responses received. We would like to acknowledge that many respondents sent detailed submissions which raised points beyond the scope of the questions asked, and we thank respondents for their contributions which will help inform the implementation of the new panel.

The Commission would like to express thanks to all those who responded to the consultation. The responses were constructive, thoughtful and have helped shape the decisions the Commission have made to proceed with Cox III.

The record of the decisions taken on the implementation of Cox III can be found on the [Parliamentary website](#).

Consultation Responses

This was a public consultation which was advertised to Parliamentary account users (approximately 6,500) through the intranet and direct email. The Parliamentary website advertised the consultation details so the general public could also contribute. The total number of consultation responses received was 41. The sources of the responses can be broadly categorised into types, as set out below:

Respondent type	Responses received
House Staff (current)	15
House Staff (former)	3
Members' Staff (current)	5
Members' Staff (former)	3
External Advocacy/expert groups	4
Unions	3
Members' Groups	2
Individual Member of Parliament	2
House Staff Groups	1
Official	1
Public	1
Committee (on Standards)	1

The First Question

Do you agree with the Commission's preferred option of establishing an independent panel of experts to replace the Committee on Standards in determining complaints against MPs under the IGCS?

The consultation responses were overwhelmingly in agreement with the Commission's preferred option and favour establishing an independent panel of experts.

- 34 respondents supported establishing the panel
- 3 respondents disagreed with establishing the panel
- 4 respondents did not give a clear indication either way

Support for establishing the panel was unanimous amongst House staff, Members' staff and Unions. Those responding favourably were generally very positive about the preferred option, and felt it met the third recommendation from the Cox report. Those raising concerns suggested that the panel need not be experts in sexual harassment and bullying, but expert in the interpretation of rules and interrogation of evidence. A minority of respondents urged the Commission to pursue the IPSA style option and establish a body through legislation.

The Second Question

In the very rare circumstances where the House is asked to implement a sanction of suspension or expulsion of a member following a panel determination, what process should be followed on the Floor? Should the question be decided without debate? Should the question be decided with debate but with a Commission member present to speak to the report?

The consultation responses clearly favour the question being decided without debate.

- 30 respondents supported the question being put without debate
- 2 respondents support a debate with a Commission member present to speak to the report
- 9 respondents did not give a clear indication either way

There was strong support for the question being decided without debate amongst House staff, Members' staff and Unions. Those who thought the question should be decided without debate made arguments relating to fairness, procedural justice and confidentiality, all of which they felt would be compromised if a debate took place. A number of respondents expressed the concern that complainants would be deterred if the question was decided with debate. Several respondents didn't directly respond to this question. A minority supported a debate with a Commission member present to speak to the report, acknowledging that the House would want to consider such a serious matter and expressing the view that the debate should proceed within strict rules to protect the confidentiality of the parties.

The Third Question

Should the independent expert panel include a former Member?

The consultation responses clearly do not support a former Member being included on the panel.

- 29 respondents did not think a former Member should be included
- 5 respondents clearly supported including a former Member
- 3 respondents equivocally supported including a former Member
- 4 respondents did not give a clear indication either way

The majority opinion was that including a former Member would risk discrediting the independence of the panel, while opening difficult questions about partisanship and conflict of interest. There was a minority opinion that a former Member should be included if balanced by former staff/Members' staff. Those supporting a former member being included on the panel asserted that removing Members entirely was not necessary to achieve independence, in line with other complaints and disciplinary processes which include lay members and members of the profession in question. There was some support for a counter proposal that the panel may wish to have the power to call on a former Member as a source of specialist advice.