



HOUSE OF LORDS

Code of Conduct for
Members of the House of Lords
Guide to the Code of Conduct
Code of Conduct for House of
Lords Members' Staff

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Code of Conduct for Members, Guide to the Code of Conduct and Code of Conduct for Members' Staff

The present Code of Conduct for Members of the House of Lords was agreed on 30 November 2009. Amendments to it were agreed by the House on 30 March 2010, 12 June 2014, 25 February 2016, 9 February 2017, 3 April 2017, 30 April 2019, 18 July 2019 and 16 March 2020.

The Guide to the Code of Conduct was proposed by the Committee for Privileges (2nd Report, Session 2009–10, HL Paper 81) and agreed by the House on 16 March 2010. The Guide was amended on 9 November 2011, 6 March 2014, 13 May 2014, 24 March 2015, 25 February 2016, 9 February 2017, 3 April 2017, 30 April 2019, 18 July 2019 and 16 March 2020.

The Code of Conduct for House of Lords Members' Staff was agreed on 13 May 2014. Amendments to it were agreed on 24 March 2015, 30 April 2019, 18 July 2019 and 16 March 2020.

Review

The Codes and Guide are kept under review by the Conduct Committee. Recommended changes are reported to the House and take effect when agreed by the House.

The members of the Conduct Committee are:

Baroness Anelay of St Johns
Lord Brown of Eaton-under-Heywood
Baroness Donaghy
Baroness Hussein-Ece
Lord Mance (Chairman)

Cindy Butts (lay member)
Mark Castle (lay member)
Andrea Coomber (lay member)
Dr Vanessa Davies (lay member)

Advice

The Registrar of Lords' Interests advises members of the House and their staff on their obligations under the Codes of Conduct.

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Registers of Interests

A list of interests of members and their staff can be found online:
www.parliament.uk/hlregister

Commissioner for Standards

The independent Commissioner for Standards is responsible for considering any alleged breaches of the Codes of Conduct.

Address: The Commissioner for Standards, House of Lords, London SW1A 0PW
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Parliamentary helplines

Independent Bullying & Harassment Reporting Helpline: 0800 028 2439 or disclosure@healthassured.co.uk
Independent Sexual Misconduct Advisory Service: 0800 1124 318 or isma@solacehub.org

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Code of Conduct for Members of the House of Lords

Introduction

1. The House of Lords is the second chamber of the United Kingdom Parliament. As a constituent part of Parliament, the House of Lords makes laws, holds government to account and debates issues of public interest.
2. Membership of the House is not an office and does not constitute employment; most members' primary employment is or has been outside Parliament. In discharging their parliamentary duties members of the House of Lords draw substantially on experience and expertise gained outside Parliament.
3. The purpose of this Code of Conduct is:
 - (a) to provide guidance for members of the House of Lords on the standards of conduct expected of them in the discharge of their parliamentary duties. Save for paragraphs 17, 18 and 19, the Code does not extend to members' performance of duties unrelated to parliamentary proceedings, or to their private lives. Paragraph 17 applies to the standards of conduct expected of members in performing their parliamentary duties and activities whether on the Parliamentary estate or elsewhere.
 - (b) to provide the openness and accountability necessary to reinforce public confidence in the way in which members of the House of Lords perform their parliamentary duties.
4. This Code applies to all members of the House of Lords who are not either:
 - (a) on leave of absence;
 - (b) suspended from the service of the House; or
 - (c) statutorily disqualified from active membership.

However, members in these categories and retired members are subject to the provisions of paragraph 17 when on the Parliamentary estate or using the facilities of Parliament.

5. Members are to sign an undertaking to abide by the Code as part of the ceremony of taking the oath upon introduction and at the start of each Parliament.

General principles

6. By virtue of their oath, or affirmation, of allegiance, members of the House have a duty to be faithful and bear true allegiance to Her Majesty The Queen, Her heirs and successors, according to law.

7. In the performance of their parliamentary duties, members of the House shall base their actions on consideration of the public interest, and shall resolve any conflict between their personal interest and the public interest at once, and in favour of the public interest.
8. Members of the House:
 - (a) must comply with the Code of Conduct;
 - (b) should act always on their personal honour in the performance of their parliamentary duties and activities;
 - (c) must never accept or agree to accept any financial inducement as an incentive or reward for exercising parliamentary influence;
 - (d) must not seek to profit from membership of the House by accepting or agreeing to accept payment or other incentive or reward in return for providing parliamentary advice or services.
9. Members of the House should observe the seven general principles of conduct identified by the Committee on Standards in Public Life. These principles will be taken into consideration when any allegation of breaches of the provisions in other sections of the Code is under investigation and should act as a guide to members in considering the requirement to act always on their personal honour:
 - (a) *Selflessness*: holders of public office should act solely in terms of the public interest.
 - (b) *Integrity*: holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
 - (c) *Objectivity*: holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
 - (d) *Accountability*: holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
 - (e) *Openness*: holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
 - (f) *Honesty*: holders of public office should be truthful.
 - (g) *Leadership*: holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

10. Members of the House should observe the principles set out in the Parliamentary Behaviour Code¹ of respect, professionalism, understanding others' perspectives, courtesy, and acceptance of responsibility. These principles will be taken into consideration when any allegation of bullying, harassment or sexual misconduct is under investigation.

Rules of conduct

11. In order to assist in openness and accountability members shall:
- (a) register in the Register of Lords' Interests all relevant interests, in order to make clear what are the interests that might reasonably be thought to influence their parliamentary actions;
 - (b) declare when speaking in the House, or communicating with ministers or public servants, any interest which is a relevant interest in the context of the debate or the matter under discussion;
 - (c) act in accordance with any rules agreed by the House in respect of financial support for members or the facilities of the House.
12. The test of relevant interest is whether the interest might be thought by a reasonable member of the public to influence the way in which a member of the House of Lords discharges his or her parliamentary duties: in the case of registration, the member's parliamentary duties in general; in the case of declaration, his or her duties in respect of the particular matter under discussion.
13. The test of relevant interest is therefore not whether a member's actions in Parliament will be influenced by the interest, but whether a reasonable member of the public might think that this would be the case. Relevant interests include both financial and non-financial interests.
14. Members are responsible for ensuring that their registered interests are accurate and up-to-date. They should register any change in their relevant interests within one month of the change.
15. A member must not seek by parliamentary means to confer exclusive benefit on an outside body or person (a) in which he or she has a financial interest (including by way of salary, fees, shareholding or other arrangement) or (b) in return for payment or reward.
16. Members are not otherwise debarred from participating in proceedings in regard to which they possess relevant interests, financial or non-financial; but such interests should be declared fully. In participating in such proceedings they shall resolve any conflict between their personal interest and the public interest at once, and in favour of the public interest.

¹ See Appendix A.

17. Members are required to treat those with whom they come into contact in the course of their parliamentary duties and activities with respect and courtesy. Behaviour that amounts to bullying, harassment or sexual misconduct is a breach of this Code.
18. A member sentenced to imprisonment in the United Kingdom, whether the sentence is suspended or not, shall be deemed to have breached the Code. If the sentence does not engage the provisions of the House of Lords Reform Act 2014, a case shall be referred to the Conduct Committee for it to recommend a sanction.
19. A member sentenced to imprisonment outside the United Kingdom, whether the sentence is suspended or not, shall be presumed to have breached the Code; such a case shall be referred to the Conduct Committee for it to consider whether the presumption should apply in that case and, if it should, for the Committee to recommend a sanction.

Enforcement of the Code of Conduct

20. A House of Lords Commissioner for Standards is appointed to investigate alleged breaches of this Code, or of the rules governing members' financial support or use of parliamentary facilities. Any such investigation is conducted in accordance with procedures set out in the Guide to the Code of Conduct, and during the investigation the member must adhere to any restrictions on their access to the facilities and services of the House which the Commissioner may impose. The Commissioner may also inform the complainant and the relevant senior managers of any such restrictions.
21. After investigation the Commissioner makes a report of her findings. If the member is found not to have breached the Code, or if the member and the Commissioner have agreed remedial action, the report is normally published only on the Commissioner's webpages. The Commissioner may make it a condition of any agreement on remedial action which includes training that the member must adhere to specific restrictions on their access to the facilities and services of the House until the training is complete, and the member must adhere to any such restrictions so agreed. The Commissioner may inform the relevant senior managers of any such restrictions. The Commissioner has discretion to submit a report on cases resolved through remedial action to the Conduct Committee. If the member is found to have breached the Code and remedial action is inappropriate or has not been agreed, the Commissioner's report including any recommended sanction goes to the Conduct Committee. The member concerned has a right of appeal to the Conduct Committee against the Commissioner's findings and any recommended sanction. In a case of bullying, harassment or sexual misconduct, the complainant has a right of appeal to the Conduct Committee against the Commissioner's findings.

22. The Conduct Committee, having considered any appeal, and having agreed any appropriate sanction, reports its conclusions to the House. For the most serious sanctions, the final decision rests with the House.
23. In investigating and adjudicating allegations of non-compliance with this Code, the Commissioner and the Conduct Committee shall act in accordance with the principles of natural justice and fairness.
24. Members shall co-operate, at all stages, with any investigation into their conduct, or that of any member of staff they sponsor, by or under the authority of the House.
25. No member shall lobby a member of the Conduct Committee in a manner calculated or intended to influence their consideration of a complaint of a breach of this Code.

Advice and review

26. The operation of the Register is overseen by the Conduct Committee, assisted by the Registrar of Lords' Interests. The Registrar is available to advise members of the House, and may consult the Committee when necessary.
27. A member who acts on the advice of the Registrar in determining what is a relevant interest satisfies fully the requirements of the Code of Conduct in that regard. However, the final responsibility for deciding whether or not to participate in proceedings to which that interest is relevant rests with the member concerned. A member who realises that he or she has failed to register or declare a relevant interest should contact the Registrar for advice.
28. The Conduct Committee keeps the Code of Conduct and the Guide to the Code of Conduct under regular review. Recommended changes are reported to the House and take effect when agreed by the House.

Guide to the Code of Conduct

Introduction

1. This Guide explains the application of the House of Lords Code of Conduct. Its purpose is to help members discharge the duties that the Code places on them. The House has adopted this Guide by resolution and it is binding on all members.
2. The operation of the Code is overseen by the House of Lords Conduct Committee. The Committee is supported by the Registrar of Lords' Interests, who is responsible for maintaining the Register of Lords' Interests.
3. No written guidance can provide for all circumstances: when in doubt members should seek the advice of the Registrar of Lords' Interests. The Registrar consults the Conduct Committee when necessary. A member who acts on the advice of the Registrar in determining what the member is required to register or declare as a relevant interest fully satisfies the requirements of the Code of Conduct as regards registration or declaration. While the Registrar also advises on participation in parliamentary proceedings where interests are concerned, the final responsibility for deciding whether or not to participate in proceedings rests with the member concerned.
4. The procedure for enforcing the Code of Conduct is described later in this Guide. In summary, responsibility for investigating alleged breaches of the Code rests with the House of Lords Commissioner for Standards, who is an independent officer appointed by the House as a whole. Following her investigation, the Commissioner reports to the Conduct Committee her findings of fact in cases where she has upheld the complaint and remedial action has not been agreed with the member concerned. The Commissioner also recommends an appropriate sanction. The member concerned has a right of appeal against both the Commissioner's findings and any recommended sanction. In a case of bullying, harassment or sexual misconduct, the complainant has a right of appeal to the Conduct Committee against the Commissioner's findings. Having considered any appeal, and having agreed any appropriate sanction, the Conduct Committee reports to the House and, for the most serious sanctions, the final decision rests with the House. In cases where the Commissioner has dismissed the complaint or where remedial action has been agreed, the Commissioner's reports are normally published only on the Commissioner's webpages on the parliamentary website. However, she has discretion to submit such a report to the Conduct Committee.
5. Ministers of the Crown who are members of the House of Lords are subject to the Code of Conduct by virtue of their membership of the House. Ministers

are also subject to further guidelines and requirements set out in the “Ministerial Code” published by the Cabinet Office. The Cabinet Office, not the House of Lords, enforces the Ministerial Code.

The remainder of this Guide is divided into seven sections:

- general principles and rules of conduct;
- registration of interests;
- declaration of interests;
- use of facilities and services;
- financial support;
- bullying, harassment and sexual misconduct;
- enforcement.

General principles and rules of conduct

Personal honour

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

“The term ‘personal honour’ has been used within the House for centuries to describe the guiding principles that govern the conduct of members; its meaning has never been defined, and has not needed definition, because it is inherent in the culture and conventions of the House. These change over time, and thus any definition of ‘personal honour’, while it might achieve temporary ‘legal certainty’, would quickly become out-moded ... the term ‘personal honour’ is ultimately an expression of the sense of the House as a whole as to the standards of conduct expected of individual members ... members cannot rely simply on their own personal sense of what is honourable. They are required to act in accordance with the standards expected by the House as a whole. ‘Personal honour’ is thus ... a matter for individual members, subject to the sense and culture of the House as a whole.”²

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

8. A member who expresses a clear willingness to breach the Code (for example, by attempting to negotiate an agreement to provide parliamentary services in return for payment) demonstrates a failure to act on his or her personal honour, and is thus in breach of paragraph 8(b) of the Code.
9. The Code of Conduct has been agreed by resolution of the House, with a view to providing guidance for members and the public as to the standards of conduct the House expects of its members in the discharge of their parliamentary duties. But a written Code can never cover every eventuality. Paragraphs 8(a) and 8(b) of the Code, taken together, mean that members are required not only to obey the letter of the rules, but to act in accordance with the spirit of those rules and the sense of the House. This includes the rules agreed by the House in respect of financial support for members or the facilities of the House. In addition to the specific rules on registration and declaration of interests, there is a more general obligation upon members to bear in mind the underlying purpose of the Code as set out in paragraph 3(b), namely, to provide “openness and accountability”.

The “general principles of conduct”

10. Paragraph 9 of the Code requires members of the House to observe the seven general principles of conduct set out by the Committee on Standards in Public Life. These principles apply to all aspects of public life, and provide the context within which the House of Lords Code of Conduct is read and implemented.
11. Complaints will not be entertained solely on the basis of alleged failures to abide by the seven principles (unsupported by specific evidence of a breach of the Code). However, these principles are taken into account when investigating any alleged breach of the provisions in other sections of the Code. Thus, for example, an allegation that a member failed to register a relevant interest would be investigated in the context of the general duty of “honesty”, namely that “Holders of public office should be truthful”.

Participation in parliamentary proceedings

12. In accordance with paragraph 16 of the Code a member with a relevant interest is free to take part in the public business of the House subject to:
 - the rules on financial inducements and parliamentary influence (paragraph 8 of the Code);
 - the exclusive benefit rule (paragraph 15 of the Code);
 - the rules on the registration and declaration of interests (paragraphs 11–14 of the Code); and
 - the resolution of any conflict between personal and public interest in favour of the public interest (paragraph 7 of the Code).

13. More generally, a member who is unsure whether or not to participate in parliamentary proceedings in relation to which he or she has relevant interests should consider the following factors:
- the nature of the proceeding itself. There would, for instance, be more latitude in the case of a general debate than in proposing or voting on an amendment to legislation. Members with financial interests that are relevant to private legislation should exercise particular caution, and seek advice before deciding to participate in proceedings on that legislation.³
 - the nature of the member's intended contribution. A speech urging Government investment in a sector in which the member had a financial interest might be open to misconstruction, whereas a speech canvassing issues of more general interest would not.
14. Members may consult the Registrar on these matters, but as paragraph 27 of the Code makes clear, "the final responsibility for deciding whether or not to participate in proceedings to which that interest is relevant rests with the member concerned."

Financial inducements and parliamentary influence

15. Members are required under paragraph 7 of the Code to base their actions on consideration of the public interest. Acceptance of financial inducement as an incentive or reward for exercising parliamentary influence would necessarily contravene this principle. Paragraph 8(c) of the Code therefore states that members "must never accept or agree to accept any financial inducement as an incentive or reward for exercising parliamentary influence".
16. Paragraph 8(d) of the Code describes the specific application of the principles described in paragraphs 7 and 8(c): members "must not seek to profit from membership of the House by accepting or agreeing to accept payment or other incentive or reward in return for providing parliamentary advice or services."
17. Members of the House of Lords have a wide range of outside interests and careers and the House thrives on their expertise. The Code in no way seeks either to curtail these interests or careers, or to discourage members from drawing on the knowledge and expertise so gained in their parliamentary work. It is thus entirely appropriate for a member of the House also to work in any non-parliamentary sphere of activity, for example as chairman or director of a company; as a member or chief executive of a non-departmental public body; as an officer of a trade union; as a doctor or lawyer. Moreover, it is not only permissible, but desirable, that such members, having declared their employment

3 A member with an interest in the outcome of a private bill may not serve on the committee on the bill (Private Business Standing Order 96).

and other interests, should contribute to debate on issues to which these interests are relevant.

18. At the same time, in their parliamentary work, and whenever they act in their capacity as parliamentarians, members are required to base their actions solely upon consideration of the public interest. Members thus have a responsibility to maintain a clear distinction between their outside interests and their parliamentary work. It is incompatible with the maintenance of this distinction for a member, by offering parliamentary advice or services to paying clients, to seek to profit from membership of the House. The Code therefore prohibits members from accepting payment in return for parliamentary advice or services.
19. The prohibition from accepting payment in return for parliamentary advice means that members may not act as paid parliamentary consultants, advising outside organisations or persons on process, for example how they may lobby or otherwise influence the work of Parliament. The following is not parliamentary advice:
 - advice on public policy and current affairs;
 - advice in general terms about how Parliament works; and
 - media appearances, journalism, books, public lectures and speeches.
20. Although a member may never provide parliamentary advice in return for payment, a member may exceptionally give parliamentary advice to an organisation or person with whom the member has a financial interest, provided that the member can demonstrate that:
 - he or she does not receive payment or benefit in return for the provision of parliamentary advice or services. The member should, if challenged, be able clearly to show that the payment or benefit is provided in return for some non-parliamentary advice or service which the member provides; the member should, where possible, ensure that contractual agreements specifically exclude the provision of parliamentary advice or services; and
 - the payment or benefit which the member does receive is not substantially due to membership of the House, but is by reason of personal expertise or experience gained substantially outside Parliament; and that the member was, or would have been, appointed to the position without being a member of the House.
21. The prohibition on accepting payment in return for parliamentary services means that members may not, in return for payment or other incentive or reward, assist outside organisations or persons in influencing members of either House, ministers or officials. This includes seeking by means of participation in proceedings of the House to confer exclusive benefit upon the organisation or person; or making use of their position to lobby, or to help others to lobby,

members of either House, ministers or officials, by whatever means. A member may never provide parliamentary services in return for payment or other incentive or reward (regardless of whether the member intends to register and declare the interest).

22. Members may work for or hold financial interests in organisations such as representative bodies, trade associations or organisations involved in parliamentary lobbying on behalf of clients (such as public relations and law firms). However, in accordance with paragraph 8(d) of the Code of Conduct, members themselves are prohibited from personally offering parliamentary advice or services to clients, both directly and indirectly.

The exclusive benefit rule

23. Paragraph 15 of the Code states that a member “must not seek by parliamentary means to confer exclusive benefit on an outside body or person (a) in which he or she has a financial interest (including by way of salary, fees, shareholding or other arrangement) or (b) in return for payment or reward.
24. The “exclusive benefit” principle would mean, for instance, that a member who was paid by a pharmaceutical company would be barred from seeking to confer benefit exclusively upon that company by parliamentary means. The way in which the benefit is conferred should be interpreted broadly. All proceedings of the House are included, for instance:
- tabling a motion or an amendment to legislation;
 - voting in a division;
 - speaking in debate;
 - asking written or oral questions; and
 - deliberation within a select committee.
25. The nature of the “exclusive benefit”, on the other hand, should be interpreted narrowly. The same member would not be debarred from tabling an amendment, speaking or voting on matters relevant to, for instance, the pharmaceutical sector as a whole; National Health Service spending on drugs; or Government policy on drug licensing and patents.
26. The term “outside body” includes any client of such a body.
27. A member who has a financial interest in, or receives a financial benefit from, a representative organisation, such as a trade association, trade union, staff association, professional body, charity or issue-related lobby group, may not advocate measures for the exclusive benefit of that organisation or the trade, industry or interest that it represents; nor speak or act in support of a campaign exclusively for the benefit of the representative organisation or its

membership (e.g. a campaign for special tax relief, or for a specific programme of development). But the member may speak or act in support of a campaign that is of interest to the representative organisation, but is also of wider application (for instance, in the case of a charity for cancer research, a campaign for the prohibition of smoking).

28. A member who seeks to confer benefit on an organisation in which he or she has a financial interest, but who considers that this does not constitute an “exclusive benefit”, should make it clear in debate how he or she is acting not only in the interest of the organisation, but also the wider sector or community of which that organisation forms a part.
29. Paragraphs 8(c) and 8(d) of the Code (the prohibitions of payment for exercising parliamentary influence and of payment for providing parliamentary advice and services) and paragraph 15 of the Code (the exclusive benefit rule) do not apply to the Lords Spiritual, to ministers of the Crown, or to members or employees of non-departmental public bodies (whether commercial or non-commercial in character) in relation to those specific roles. Members and employees of public boards may take part in proceedings affecting the boards of which they are members or employees, subject to the usual rules on declaration of interests.
30. Paragraphs 8(c), 8(d) and 15 of the Code do not apply to members of the House acting as counsel on behalf of clients before private bill committees or the Privileges Committee. Nor do they apply to members appearing personally or on behalf of outside organisations as witnesses before select committees of either House.

Guidance on dealing with lobbyists

31. The House has agreed the following guidance for members on dealing with lobbyists.
32. The Committee on Standards in Public Life has concluded that lobbying has an important part to play in securing “the democratic right to make representations to government and to have access to the policymaking process [which] is fundamental to the proper conduct of public life and the development of sound policy”.⁴ Many organisations play an important role in informing members of the House of Lords. However, some lobbying can give rise to a suspicion of improper influence over Parliament. Members must have regard to such public perceptions. Members’ dealings with lobbyists should always be governed by the principles of integrity and openness.

⁴ Sixth report from the Committee on Standards in Public Life, *Reinforcing Standards: Review of the First Report of the Committee on Standards in Public Life*, Cm 4557-I, January 2000, paragraph 7.10.

33. Members should take particular care not to give the impression of giving greater weight to representations because they come from paid lobbyists; representations should be given such weight as they deserve based on their intrinsic merit. Members must in their dealings with lobbyists observe the exclusive benefit rule and the prohibition on the provision of parliamentary advice or services for payment or other reward. Members should decline all but the most insignificant or incidental hospitality, benefit or gift offered by a lobbyist.

Registration of interests

34. Under the Code, members are required to register in the Register of Lords' Interests all relevant interests. The compilation and maintenance of the Register is undertaken by the Registrar of Lords' Interests.
35. The purpose of the Register is to assist in openness and accountability by enabling members to make clear what are the interests that might be thought by a reasonable member of the public to influence their actions, speeches or votes in Parliament, or actions taken in their capacity as members of the House of Lords. The registration form specifies 10 categories of registrable interest, which are described below.
36. Relevant interests may be financial or non-financial. The key consideration in determining relevance in respect of both registration and declaration of an interest is that the interest might be thought by a reasonable member of the public to influence the way in which a member of the House of Lords discharges his or her parliamentary duties. In the case of registration, this means the member's parliamentary duties in general; in the case of declaration, his or her duties in respect of the particular matter under discussion.
37. A "reasonable member of the public" is taken to mean an impartial and well informed person, who judges all the relevant facts in an objective manner.
38. Members of the House of Lords are required to complete a registration form and submit it to the Registrar of Lords' Interests within one month of taking their seat. Members returning to the House at the start of a Parliament having been on leave of absence at the end of the previous Parliament are required to register interests within one month of taking the oath in the new Parliament. It is the responsibility of members to keep their entry up-to-date by notifying changes in their registrable interests within one month of each change occurring. Failure to do so breaches the Code of Conduct. Members are encouraged to correspond with the Registrar by email: lordsregistrar@parliament.uk.
39. Any member having a registrable interest which has not been registered shall not undertake any action, speech or proceeding of the House (save voting) to which the interest would be relevant until they have registered the interest. In cases

where members vote in a division where they have a relevant interest which they have yet to register, they must register the interest within 24 hours of the division.

40. Members are responsible for making a full disclosure of their interests, and if they have relevant financial interests which do not fall clearly into one or other of the specific categories, they are nonetheless expected to register them, if necessary under category 9 (miscellaneous financial interests).
41. Registration of a spouse or partner's interests is required in certain cases. However, registration of the interests of a relative or friend is not required. Members may, at their discretion, declare such interests where they consider them to be relevant to the particular matter in hand, but they are not generally relevant to a member's parliamentary conduct as a whole and are thus excluded from the Register.
42. All interests stay on the Register for one year after the date on which the interest ceased.

The value of interests required to be registered

43. All single benefits of whatever kind which fall into any of the following categories, and which exceed £500 in value, should be registered in the appropriate category (unless a different threshold is specified in the relevant category). All benefits received from the same source in the course of a calendar year, which cumulatively amount to more than £500 in value (or, in the case of category 8, £300), should also be registered. When there is uncertainty as to whether a single benefit or cumulative benefits exceed the threshold, members should err on the side of registration.
44. Interests below £500 (or the relevant threshold) in value are not required to be registered, unless (a) they fall into one of various categories of non-financial interests for which registration is mandatory; or (b) they could be thought by a reasonable member of the public to affect the way in which a member of the House of Lords discharges his or her parliamentary duties.
45. If a member considers that any benefit he or she has received, though falling below the value of £500 (or the relevant threshold), should be registered, the member should seek the advice of the Registrar. If, after taking the advice of the Registrar, the member still considers that the interest should be registered, he or she may register it in the appropriate category.
46. Financial interests below £500 in value may also be declared.

Publication of the Register

47. The Register is updated daily when the House is sitting, and is published online at www.parliament.uk/hlregister.
48. Previous editions of the Register are also available online.

Categories of registrable interest

Category 1: Directorships

Remunerated directorships in public and private companies, including non-executive directorships, and including directorships which are not directly remunerated, but where remuneration is paid through another company in the same group.

49. In this category, and in others, “remuneration” includes not only salaries and fees, but also the receipt of any taxable expenses, allowances or benefits, such as the provision of a company car. Members should register the name of the company in which the directorship is held and give a broad indication of the company’s business, where this is not self-evident from its name. Directly remunerated directorships of companies which are not trading should be registered.
50. In addition to any remunerated directorships, members are required to register under this category any directorships which are themselves unremunerated but where either (a) remuneration is paid through another company in the same group where the companies in question are associated; or (b) the company concerned is a subsidiary of another company in which the member concerned holds remunerated directorships. Other unremunerated directorships should be registered under category 10 (non-financial interests) so that in one category or another all directorships should be registered.
51. The amount of remuneration in respect of interests falling within this category is not disclosed. The contract does not need to be deposited with the Registrar. Members do not need to register clients of companies in which they hold a directorship, but they must declare them in relevant circumstances (see paragraph 89).

Category 2: Remunerated employment etc.

Employment, office, trade, profession or vocation which is remunerated or in which the member has any pecuniary interest.

52. All provision of services outside the House in return for payment should be registered here. When making an entry in this category, members must register the name of the employer or source of the payment, the nature of its business (where this is not self-evident) and the type of work carried out. Partners in partnerships and limited liability partnerships (LLPs) should also register their position in this category.
53. Members who have paid posts as consultants or advisers should indicate the nature of the consultancy or advice given, for example “management consultant”, “legal adviser” or “public affairs consultant”. They should, in the case of public affairs consultancies, give careful consideration to paragraph 8(d) of the Code and paragraphs 15 to 22 of the Guide (especially paragraph 19).

54. Occasional income or benefits from speeches, lecturing, broadcasting, royalties or journalism which exceeds £1,000 in the course of a calendar year from a single source should be registered under this category and the source should be identified. Fees which are donated to another person, or to a charitable or community organisation, must still be registered but the donation may be noted in the Register entry.
55. Membership of Lloyd's should be registered under this category. Members who have resigned from Lloyd's should continue to register their interest as long as syndicates in which they have participated continue to have years of account which are open or in run-off. Members of Lloyd's are also required to disclose the categories of insurance business which they are underwriting.
56. Members who have previously practised a profession may register that profession under this category with a bracketed remark such as "[non-practising]" after the entry.
57. Members are not required to register pension arrangements (save for certain investments in self-invested personal pensions—see paragraph 65), unless conditions are attached to the continuing receipt of the pension that a reasonable member of the public might regard as likely to influence their conduct as parliamentarians. Such conditions attaching to pensions from European Union institutions do not normally require the pension to be registered or declared in proceedings in the House.
58. Membership of the House is not to be registered under this category.
59. The amount of remuneration in respect of interests falling within this category is not disclosed. The contract does not need to be deposited with the Registrar.

Category 3: People with significant control of a company

If the member is on the central Register of People with Significant Control of a company, a statement to that effect with the name or names of the companies or organisations in question.

60. Members should make an entry in this category if they are on the central Register of People with Significant Control of a company, which is maintained by Companies House. A statement to that effect should be registered, along with the name of the company or organisation in question, within one month of the member's name appearing on the Companies House register.

Category 4: Shareholdings

Any shareholding either (a) amounting to a controlling interest, or (b) not amounting to a controlling interest, but exceeding £50,000 in value.

61. Members should include all such shareholdings held, either personally, or with or on behalf of their spouse, partner or dependent children, in any public or private company. Members should not specify the value of the shares or the percentage of shares in a company that are owned, other than by indicating whether the shareholding falls under category 4(a) or 4(b).
62. For each registrable shareholding, the entry should state the name of the company and briefly indicate the nature of the company's business, where this is not self-evident.
63. The value of a shareholding is determined by the market price of the share at the time it is first registered, and thereafter by the market price on 5 April. This means that after Register entries relating to shareholdings are first registered they need to be updated only once a year, within one month of 5 April. The Registrar should however be informed of the purchase or disposal of registrable shareholdings within one month of the date of the purchase or sale. If the market price cannot be ascertained (e.g. because the company is unquoted and there is no market in the shares), the member should decide whether to register it on the basis of its estimated value. Interests in shareholdings include share options.
64. Holdings in a collective investment vehicle (including unit trusts, investment trusts and investment companies with variable capital (ICVCs)) are not generally registrable. Members may, however, consider registration in this category in appropriate cases, such as sector-specific vehicles. Members who are beneficiaries of trusts should treat them in the same way. Holdings in blind trusts are exempt from registration.
65. Pensions are not in themselves registrable (see paragraph 57), but identifiable holdings in a self-invested personal fund are registrable in either this category or category 5 as appropriate if of registrable value.
66. Shareholdings in companies the purpose of which is to own the freehold of a personal residence of a member or of a property registered in another category are not registrable. Holdings of UK and other governments' stock, gilts, bonds, premium bonds, national savings and the like are not registrable. Corporate bondholdings are not registrable.

Category 5: Land and property

Any land or property (a) which has a capital value of more than £250,000 (but excluding any personal residences), or (b) from which an income of more than £5,000 a year is derived.

67. Only the nature of the property and a general indication of its location should be indicated (e.g. "farm in Norfolk", "residential holdings in Birmingham" and so on); the value of the property and the income received need not be registered.

No property that is used for personal residential purposes need be registered, unless it falls under part (b).

Category 6: Sponsorship

Any form of financial or material support received as a member of the House of Lords, the value of which amounts to more than £500, from a single source, whether as a single donation, multiple donations or services in kind.

68. This category covers sponsorship or other forms of support by companies, trade unions, professional bodies, trade associations, charities, universities, other organisations and individuals. It covers any support from which the member receives financial or material benefit in his or her role as a member of the House of Lords. The types of support which should be registered include the services of a research assistant or secretary whose salary, in whole or in part, is met by an outside organisation or individual; and the provision of accommodation.

Category 7: Overseas visits

Overseas visits made by the member or the member's spouse or partner substantially arising out of membership of the House, except where the cost of the visit was wholly borne by the member or by United Kingdom public funds.

69. Members should enter in the Register the date, destination and purpose of the visit and the name of the government, organisation or individual which met the cost. Where only part of the cost was borne by an outside source (for example the cost of accommodation but not the cost of travel), those details should be stated briefly. When an overseas visit was arranged by a registered all-party parliamentary group or by a party backbench group, it is not sufficient to name the group as the sponsor of the visit: the government, organisation or person ultimately meeting the cost should be specified.
70. The following categories of visit, together with any hospitality associated with such a visit and available to all participants, are exempt from registration:
- visits which are paid for by, or which are undertaken on behalf of, Her Majesty's Government, or which are made on behalf of an international organisation of which the United Kingdom Government is a member;
 - visits abroad with, or on behalf of, a select committee of the House, including a joint committee;
 - visits undertaken on behalf of, or under the auspices of, the Commonwealth Parliamentary Association, the Inter-Parliamentary Union, the British-Irish Parliamentary Assembly, the British-American Parliamentary Group, the Council of Europe, the Westminster Foundation for Democracy, the NATO Parliamentary Assembly or the OSCE Parliamentary Assembly, the Armed Forces Parliamentary Scheme or the Industry and Parliament Trust;

- Peers' Representative Travel, paid for by the House of Lords Overseas Office;
 - official travel by the Lord Speaker or his representative;
 - visits to European Union parliaments and institutions paid for by the House on the authority of the Clerk of the Parliaments;
 - visits arranged and paid for wholly by a political party;
 - visits paid for wholly by an institution of the European Union or by a political group of the European Parliament.
71. Visits which are unconnected with membership of the House (e.g. those made as part of the member's employment or profession), or the cost of which does not exceed £500 in value, are also exempt from registration.
72. An entry made in this category will remain on the Register for a period of one year from the date on which the visit was made.

Category 8: Gifts, benefits and hospitality

Any gift to the member or the member's spouse or partner, or any other material benefit, of a value greater than £300, from any company, organisation or person, within the UK or overseas, which relates substantially to membership of the House.⁵

73. Any gift, or other benefit, which relates substantially to membership of the House and which is either given free of charge or provided at a cost below that generally available to members of the public, should be registered whenever the value or potential value of the gift or benefit is greater than £300, unless the member gives the gift to charity within the period required for registration. Benefits include loans, tickets to cultural and sporting events, hospitality, travel and accommodation upgrades. The date of receipt should also be registered. A gift or benefit available to all members should not be registered.
74. Gifts and other benefits from the same source in the course of a calendar year the gift of which related substantially to membership of the House and which cumulatively are of a value greater than £300 should be registered, even if each single gift or benefit is of lesser value.
75. Hospitality provided by Her Majesty's Government, any of the devolved institutions in Scotland, Wales or Northern Ireland, the Greater London Authority, local authorities, non-departmental public bodies or health authorities, is exempt from registration.

⁵ Further guidance on accepting gifts, benefits and hospitality is in the report from the Committee for Privileges and Conduct, *Guidance to members on accepting gifts, benefits and hospitality* (1st report, session 2015–16, HL Paper 14).

76. A member who leads a parliamentary sporting group which is not registered as an all-party parliamentary group must register benefits given to the group as if they were given to him or her personally.
77. Gifts and material benefits that do not relate substantially to membership of the House are exempt from registration.
78. Gifts and material benefits should be registered within one month of receipt; the entry will remain on the Register for a period of one year from the date of receipt.
79. Gifts received by the Lord Speaker in connection with the performance of his public duties are registered separately, irrespective of value, in a register maintained by his private office. Ministers register gifts and benefits received in their capacity as a minister with the Cabinet Office, but opposition spokespeople must register all gifts and benefits above the threshold in the Lords' Register in the same way as any other member.

Category 9: Miscellaneous financial interests

Any relevant financial interest not falling within one of the above categories, but which might be thought by a reasonable member of the public to influence a member's parliamentary conduct.

80. The purpose of this category is to enable members to enter in the Register any financial interests of a value greater than £500 that they consider to be relevant, but which do not obviously fall within any of the other categories. The advice of the Registrar should be sought before entering any interest in this category.

Category 10: Non-financial interests

81. Certain non-financial interests may reasonably be thought to affect the way members of the House of Lords discharge their public duties and must therefore be registered in this category. The following non-financial interests are always relevant and therefore must be registered:
 - (a) unremunerated directorships or other regular employment;
 - (b) membership of public bodies such as hospital trusts, the governing bodies of universities, colleges or schools, local authorities and other spheres of government;
 - (c) trusteeships of museums, galleries or similar bodies;
 - (d) acting as an office-holder or trustee in pressure groups or trade unions; and
 - (e) acting as an office-holder or trustee in voluntary or not-for-profit organisations.

82. Other non-financial interests are not registrable or (unless the member thinks it appropriate) declarable. Such interests include: other trusteeships, for example of private estates; unpaid ordinary membership of voluntary organisations or pressure groups; membership of churches or other religious bodies or organisations. The Registrar is available to advise members in cases of uncertainty.
83. The following posts should not be registered: honorary fellowships in colleges and universities; other honorary posts; offices in political parties; patrons; ex *officio* positions in voluntary organisations (for instance, those held by the Lords Spiritual). There may however be occasions on which such interests should be declared.

Declaration of interests

84. The Code of Conduct states that members must “declare when speaking in the House, or communicating with ministers or public servants, any interest which is a relevant interest in the context of the debate or the matter under discussion.”
85. This provision should be interpreted broadly. Thus “speaking in the House” covers members’ participation in the work of select committees of the House. “Public servants” includes servants of the Crown, civil servants, employees of government agencies or non-departmental public bodies, and members, officers and employees of local authorities or other governmental bodies.
86. However, the provision should also be read in the context of paragraph 3(a) of the Code, which states that “the Code does not extend to members’ performance of duties unrelated to parliamentary proceedings, or to their private lives”. Where a member writes to a minister or other public servant in a private capacity, about matters unrelated to public policy or to parliamentary proceedings, no declaration is required.

Differences between registration and declaration

87. The House has two distinct but related methods for the disclosure of the relevant interests of its members: registration of interests in a Register which is open for public inspection; and declaration of interest in the course of debate in the House and in other contexts (for instance, when communicating with ministers). The main purpose of the Register is to give public notification on a continuing basis of those interests held by members that might reasonably be thought to have a general influence on their parliamentary conduct or actions. The main purpose of declaration of interest is to ensure that fellow members of the House, ministers, officials and the public are made aware, at the point at which the member participates in proceedings of the House or otherwise acts in a parliamentary capacity, of any present or expected future interest that might reasonably be thought relevant to that particular action by the member.

88. Thus declaration, like registration, is compulsory. Moreover, given the wide range of issues that may be the subject of debate, the duties imposed on members in respect of declaration are in some respects broader than those in respect of registration. However, whereas members are required by the Code of Conduct to publish all interests that might be thought to have a general influence on their conduct in the Register, members are under no obligation to speak in the House, or to communicate with ministers or public servants. Thus the duty to declare relevant interests, while broader than the duty of registration, is ultimately subject to the member's decision to speak in a debate or write to a minister or public servant.
89. Members must declare any client of an organisation in which they have a financial interest where (a) they might reasonably be expected to know that it is a client and (b) the activities or interests of that client are relevant to the matter under discussion. Where a member feels unable to declare a client due to a duty of confidentiality, then the member should not participate in any proceedings or correspond with ministers or officials regarding matters potentially affecting that client.

Form of declaration

90. Members should declare interests briefly, usually at the beginning of their speech. Declarations should wherever possible be comprehensible, specific and unambiguous, without either demanding prior knowledge of their audience or requiring reference to other documents. Members should not normally make a declaration simply by referring to "my interests which are published in the Register".
91. However, during proceedings on oral questions, private notice questions and ministerial statements, a brief reference to the member's interests in the Register suffices. During other time-limited proceedings, or where the advisory speaking time in a debate is short, members should not take up time by making lengthy declarations of interest. On such occasions if a member has multiple relevant interests it suffices for the declaration to indicate the nature of the interests.
92. Members should not take up the time of the House by declaring trivial, frivolous or irrelevant interests. They should bear in mind that the test of relevance is "whether the interest might be thought by a reasonable member of the public to influence the way in which a member of the House of Lords discharges his or her parliamentary duties" (Code, paragraph 12). The test of whether to declare is that set by the Code of Conduct and this Guide and not what other members declare in debate.
93. The subject-matter against which the relevance of an interest must be judged is normally the item of business as it appears on the order paper. Thus in the

case of a bill, the subject-matter is the bill as a whole. A full declaration of any interests relevant to a bill should be made at least on the occasion of the member's first intervention at each stage of the bill's progress. Repetition of declarations of interest within committee and report stage is unnecessary. There may however be circumstances in which a further declaration is appropriate, for example if an interest which is tangential to the bill as a whole nevertheless has a strong relevance to a particular amendment.

Future or former interests

94. Declarable interests are usually current interests, but they may occasionally include relevant future interests. A relevant future interest is declarable if the member's expectation has passed beyond vague hope or aspiration and reached the stage where there is a clear prospect that the interest will shortly arise. Former interests may exceptionally be declarable if, for example, they are comparatively recently held and might be thought to continue to influence the member in respect of the particular matter under discussion.

Declaration of non-financial interests

95. Members must declare relevant non-financial interests if they are in the Register of Lords' Interests. Other relevant non-financial interests may be declared if the member thinks it appropriate.

Select committees

96. A member serving on a select committee should declare any interests relevant to an inquiry or any other activity undertaken by that committee. The declaration should be made in writing to the committee clerk, and orally the first time the member speaks in public in the inquiry. A list of declared relevant interests is also published as an appendix to the committee's report.
97. The principles governing participation, described in paragraphs 12–14, apply also to participation in the work of select committees.
98. Further advice on select committee work should be sought from the committee clerk in the first instance.

Written notices

99. Members are required to draw attention to the existence of a relevant registered interest when tabling the following types of business:
- questions (for oral answer, written answer or for short debate);
 - motions (including amendments to motions).

100. The responsibility for drawing attention to any relevant registered interest rests with the member concerned:
- the member must notify the staff of the Table Office of any relevant registered interest before tabling any item of business;
 - if the member has such an interest, he or she must also specify which registered interest is affected.
101. When such an interest exists, the symbol “[I]” is printed after the member’s name in *House of Lords Business*. The Table Office then arranges for the publication of the interest by means of the online version of *House of Lords Business*.
102. If a member has a registrable interest which is yet to be registered, and wishes to table business to which that interest is relevant, the member should register the interest before tabling the business,⁶ so that it appears in the online Register of Lords’ Interests in advance of publication of *House of Lords Business*.
103. An indication in *House of Lords Business* and on the order paper of the existence of a relevant registered interest does not affect a member’s duty to declare relevant interests orally, for instance when asking an oral question or moving a motion in the House or in Grand Committee.

Financial support

104. Members of the House may claim a daily allowance for attendance and certain reimbursement expenses to support them in their parliamentary work. The House of Lords Commission is responsible for proposing rules on the financial support available to members, which are reported to and agreed by the House. The available support and the rules are set out in the *Guide to financial support for members*. Paragraph 11(c) of the Code of Conduct states that members shall “act in accordance with any rules agreed by the House in respect of financial support for members”. A breach of such rules therefore constitutes a breach of the Code of Conduct and could lead to an investigation by the House of Lords Commissioner for Standards. The Finance Director is responsible for the administration of the scheme. Any member may seek the written advice of the Finance Director before determining what use to make of the scheme. The responsibility for deciding what use to make of the scheme rests with the member concerned.

Use of facilities and services

105. The House provides various facilities and services for members, most of which are paid for in full or subsidised by the public purse. These facilities and services are provided primarily to support members in their parliamentary work.

6 See paragraph 39.

The domestic committees are responsible for proposing rules on the use of facilities by members, and the key ones are reported to and agreed by the House. Paragraph 11(c) of the Code of Conduct states that members shall “act in accordance with any rules agreed by the House in respect of ... the facilities of the House.” A breach of such rules therefore constitutes a breach of the Code of Conduct and could lead to an investigation by the House of Lords Commissioner for Standards. The rules on the use of facilities which have been agreed by the House are set out in two House Committee reports⁷ which are in the *Handbook on facilities and services for members and their staff*. These reports also identify which official is responsible for the provision of each facility or service; a member who acts on the advice of that official in determining what use to make of a facility satisfies fully the requirements of the Code of Conduct in that regard.

Bullying, harassment and sexual misconduct

106. Members of the House are expected to treat those with whom they come into contact in the course of their parliamentary duties and activities with respect and courtesy. Paragraph 17 of the Code states that behaviour that amounts to bullying, harassment or sexual misconduct constitutes a breach of the Code. The definitions of these behaviours were set out in detail in the Independent Complaints and Grievance Scheme Delivery Report published in July 2018 (see Appendix B for full definitions). In summary the definitions are as follows:
107. Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour involving an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened. Power does not always mean being in a position of authority and can include both personal strength and the power to coerce through fear or intimidation.
108. Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of either violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
109. Sexual misconduct incorporates a range of behaviours including sexual assault, sexual harassment, stalking, voyeurism and any other conduct of a sexual nature that is non-consensual or has the purpose or effect of threatening, intimidating, undermining, humiliating or coercing a person.

Members and their staff

110. Members who sponsor a parliamentary photo-pass for their staff in line with the rules on the use of facilities must ensure that the passholder is aware of

⁷ House Committee, *Banqueting rules* (1st report, session 2014–15, HL Paper 8) and *Rules Governing the Use of Facilities* (2nd report, session 2009–10, HL Paper 47).

the importance of complying with the Code of Conduct for House of Lords Members' Staff and any other applicable rules.

Enforcement

111. The House of Lords is self-regulating and it is desirable for any member who considers that another member may be in breach of the Code promptly to draw it to the attention of the member concerned. However, in the case of bullying, harassment or sexual misconduct there may be cases where this is not appropriate.

The House of Lords Commissioner for Standards

112. The House of Lords Commissioner for Standards may investigate alleged breaches of the Code, including the rules against bullying, harassment and sexual misconduct, the rules governing members' financial support and the rules governing the use of parliamentary facilities and services. A complaint made by a third party is the usual basis for the Commissioner to start an investigation. In exceptional circumstances however, and with the agreement of the Conduct Committee, she may start an investigation in the absence of a complaint, either at the request of the member concerned, or if by other means she becomes aware of evidence sufficient to establish a *prima facie* case that the Code of Conduct has been breached. In the case of allegations of bullying, harassment or sexual misconduct third party complaints are not permitted and only those directly affected by the alleged behaviour can make a complaint.

Making a complaint

113. If the complainant is a member of the House of Lords, the complaint should be raised in the first instance with the member complained against, or otherwise with that member's party Leader or Chief Whip, or with the Convenor of the Crossbench Peers. Non-members wishing to make a complaint may first make their dissatisfaction known to the member concerned and give the member an opportunity to respond. This guidance does not apply to complaints about bullying, harassment or sexual misconduct in circumstances where it is not appropriate to raise the concerns first with the member complained against. Anyone making a complaint about bullying, harassment or sexual misconduct may either complain directly to the Commissioner following the process below or through the independent helplines established by both Houses to receive such complaints and provide support to complainants.⁸

8 The Independent Bullying & Harassment Reporting Helpline can be contacted by telephone on 0800 028 2439 or by email disclosure@healthassured.co.uk. The Independent Sexual Misconduct Advisory Service (ISMA Service) can be contacted by telephone on 0800 1124 318 or by email isma@solacehub.org.

114. Any complaint alleging that a member of the House of Lords has breached the Code of Conduct, other than in respect of the bullying, harassment and sexual misconduct provisions, whether made by another member of the House of Lords or by someone outside the House, should be sent by email to lordsstandards@parliament.uk or in writing to:
- The House of Lords Commissioner for Standards
House of Lords
London SW1A 0PW
115. Complaints submitted by telephone will not be considered. Complaints involving allegations of bullying, harassment or sexual misconduct can be made through the dedicated helplines (see paragraph 113) or directly to the Commissioner. The complainant should give a postal address, telephone number and, if available, email address for subsequent communication. The complainant must make clear in what respect the member may have breached the Code of Conduct and must supply as much evidence as the complainant can in support of the complaint.
116. In the interests of natural justice, the specific allegation made to the Commissioner or the bullying and harassment and sexual misconduct helplines should be made in private and not publicised until the complaint has been finally determined.

Preliminary assessment

117. The Commissioner conducts a preliminary assessment of all complaints. The Commissioner will not without good reason consider either anonymous complaints or ones where the complainant is not prepared to have their name and complaint disclosed to the member whose conduct is criticised. She screens out complaints which fall outside the scope of the Code. She may choose not to consider complaints which are clearly trivial or vexatious, or which substantially repeat allegations which have already been the subject of inquiry (unless there is significant fresh evidence in their support). In making her preliminary assessment, the Commissioner considers the criteria in the following two paragraphs.
118. Matters within the Commissioner's remit include:
- failure to register relevant interests;
 - failure to declare relevant interests in the course of parliamentary business, including committee proceedings;
 - breach of the rules on financial inducements and parliamentary influence and on paid advocacy;
 - breach of the rules on the use of facilities and services and on financial support;

- breach of the requirement that members should always act on their personal honour;
 - behaviour that amounts to bullying, harassment or sexual misconduct in the course of parliamentary duties or activities; and
 - breach by members' staff of the Code of Conduct for Members' Staff.
119. Matters not within the Commissioner's remit include:
- policy matters or a member's views or opinions;
 - the funding of political parties;
 - alleged breaches of the separate code governing the conduct of Government ministers as ministers; and
 - members' non-parliamentary activities.
120. Save for the exceptions in paragraph 4 of the Code of Conduct, the Commissioner may not investigate a complaint about a former member of the House. If a member is under investigation when the member leaves the House the investigation terminates at that point.
121. If a member applies for leave of absence in order to avoid an impending investigation (or while an investigation is under way), the request may be refused. If the Commissioner decides to investigate a complaint about a member who is on leave of absence (in respect of conduct that occurred when the member was not on leave), the leave may if necessary be ended with immediate effect.
122. The complaint must usually be made within six years of the conduct complained of. In exceptional circumstances the Commissioner may investigate conduct which occurred more than six years before a complaint is made, provided that the Conduct Committee agrees and that it is satisfied that there is a strong public interest in the matter being investigated.
123. The complaint must also be supported by evidence sufficient to establish a *prima facie* case that the Code has been breached.
124. The Commissioner may continue an investigation into an alleged breach of the Code if the police or another agency are investigating a related allegation of criminal misconduct, but in such circumstances the Commissioner will not finalise her report on the case until the criminal process concludes. Before finalising her report the Commissioner will take account of any relevant issues which arose during the criminal process. An investigation will be suspended if related proceedings (criminal or civil) become *sub judice* (within the meaning of the House's *sub judice* resolution).
125. Following her preliminary assessment, the Commissioner informs both the complainant and the member concerned whether or not she will investigate

the complaint. Where the Commissioner dismisses a complaint of bullying, harassment or sexual misconduct at preliminary assessment, she has the discretion not to disclose this information or to withhold the identity of the complainant. If she has decided that the complaint does not merit investigation, she provides the complainant with a brief explanation of her reasons for dismissing the complaint. For most complaints, the Commissioner publishes a webpage setting out basic information about a case when she has decided to investigate a complaint. However, for complaints involving bullying, harassment or sexual misconduct, basic information will not be published on the website unless or until a report is published.

Anonymity

126. Where complaints relate to bullying, harassment or sexual misconduct the identity of the complainant will be shared where necessary with those directly involved in the investigation but will not usually be made public during the investigation, or on publication of the report, unless the complainant desires otherwise. This may involve some redaction in reports. Those involved in the investigation are under an obligation to protect the identity of the complainant and a failure to do so may constitute a breach of the Code as well as a contempt of the House.
127. When a member is being investigated in relation to allegations of bullying, harassment or sexual misconduct the identity of that member will not usually be made public until the publication of any report at the conclusion of proceedings (see paragraph 125).
128. Where allegations relate to bullying, harassment or sexual misconduct the complainant has a right to appeal to the Conduct Committee if their complaint is dismissed by the Commissioner after preliminary assessment. The appellant must state in writing their reasons for appealing, addressing why they believe that the Commissioner has not correctly followed the guidance set out above. The Commissioner should in turn provide the Committee with a full account of her reasons for dismissing the complaint, and that account shall be shared with the complainant. The respondent shall be informed of the appeal and given an opportunity to make a written submission to the Committee. The Chair of the Committee or his/her nominee may make further provisions about the procedures to be followed in each appeal. If the appeal is upheld, the Commissioner shall commence a full investigation; if it is dismissed, both the appellant and the respondent shall be informed.

The investigation: procedural safeguards

129. The Code of Conduct states that “In investigating and adjudicating allegations of non-compliance with this Code, the Commissioner and the Conduct Committee shall act in accordance with the principles of natural justice and fairness.”

130. Proceedings are not adversarial, but inquisitorial in character. The Commissioner is an independent and impartial investigator, appointed by the House, whose task is to establish the facts of a case. She produces a report on each case, which includes her conclusions as to whether or not there has been a breach of the Code. In fulfilling that task, the Commissioner will question the complainant, the member and any other witnesses to whatever extent and in whatever way she thinks necessary and appropriate to elicit and test the evidence in the case (see also in this regard paragraphs 133 and 144). If the complaint is upheld and no remedial action has been agreed with the member concerned her report, including a recommended sanction, is submitted to the Conduct Committee. If the complaint is not upheld or if remedial action has been agreed the Commissioner's report is normally published only on her webpages on the parliamentary website. However, she has discretion to submit such a report to the Conduct Committee. This may be because of the particular seriousness of the allegation or because the case gives rise to matters of wider interest or relevance. In such instances the Conduct Committee reports the case to the House.
131. In cases involving bullying, harassment or sexual misconduct, the Commissioner is supported by independent investigators. The Commissioner may delegate to the investigator to the extent she considers appropriate any of her investigatory functions under paragraph 130.
132. Members are expected to co-operate with any investigation into their conduct. They should supply written evidence as requested, and in their own name. Letters sent on behalf of members or complainants by legal advisers or others will be disregarded. They may be accompanied to any meeting by a colleague, friend or legal adviser, but every effort is made to keep proceedings informal, and there is no expectation that they should be so accompanied. If a member or complainant chooses to bring a colleague, friend or adviser they are free to consult him or her off the record, but will be expected to answer for themselves (and not through the friend or adviser) any question put to them.
133. Other than in cases involving bullying, harassment or sexual misconduct, complainants have no formal *locus* once an investigation is under way: they have no right to be called as a witness, though they are expected to co-operate with any investigation and to supply all the evidence in their possession when asked to do so. Members accused of misconduct do not have any entitlement to cross-examine complainants. Members, and in cases involving bullying, harassment or sexual misconduct the complainant, are given an opportunity to review and, if they so wish, challenge the factual basis of any evidence supplied.
134. The civil standard of proof is adopted at all stages in the enforcement process, not only by the Commissioner, but also by the Conduct Committee. Thus, in order to find against a member, the Commissioner will require at least that the allegation is proved on the balance of probabilities.

Parliamentary privilege

135. The Commissioner is an officer of the House of Lords and parliamentary privilege extends to her in carrying out her duties and to her reports. It also extends to witnesses and parties to her investigations. A complaint is however not regarded as covered by parliamentary privilege unless and until the Commissioner has decided to undertake an investigation.
136. From the point that the Commissioner decides to undertake an investigation all evidence and correspondence relating directly to the inquiry is covered by parliamentary privilege. It must remain confidential unless and until it is published. If such evidence or correspondence were to be published or disclosed to anyone else without the agreement of the Conduct Committee or the Commissioner, this would be a contempt of the House. An attempt to obstruct an investigation is a contempt of the House.

The investigation: process

137. The Commissioner first informs the member concerned of the nature of the complaint and provides copies of the evidence offered in support of it. She sets out the particular provisions of the Code that appear, either on the basis of the complaint, or her preliminary assessment of the facts, to have been breached, at the same time inviting the member to respond in writing with a full and accurate account of the matters in question.
138. In a case involving bullying, harassment or sexual misconduct the complainant may, at the discretion of the Commissioner, withdraw the complaint at any point during the investigation. This would bring the investigation to an end.
139. After considering the member's written submission, the Commissioner may decide either to dismiss the complaint or to agree remedial action. Remedial action may be agreed if the complaint, though justified, is minor and is acknowledged by the member concerned. In cases other than those involving bullying, harassment or sexual misconduct, remedial action involves "putting the record straight", for instance by making an amendment to the Register; the member will also normally be expected to make a formal apology in writing to the chairman of the Conduct Committee. In those cases, if the Commissioner and member agree remedial action, the Commissioner explains the circumstances and remedial action in her report on the case. The Commissioner informs the complainant of the action taken in response to the complaint.
140. In cases involving bullying, harassment or sexual misconduct any remedial action recommended by the Commissioner at the end of an investigation will need to be agreed by both the member and the complainant and possibly negotiated through mediation. Remedial action in such cases may include the respondent apologising to the complainant or agreeing to attend appropriate training.

141. In cases involving bullying, harassment or sexual misconduct, if the Commissioner decides to dismiss the complaint, it is at the discretion of the Commissioner, having heard representations from the complainant and the member, whether to publish a report including the name of the member.
142. At any time during an investigation involving bullying, harassment or sexual misconduct the Commissioner may reach an agreed resolution with both the complainant and the member under investigation. At the Commissioner's discretion, such an agreed resolution can bring the investigation to an end. In this case, it is at the discretion of the Commissioner, having consulted the complainant and the member, whether a report is published on her webpages on the parliamentary website.
143. If the member's written response is not sufficient to enable the Commissioner either to dismiss the complaint or agree remedial action, the Commissioner may pursue the investigation by seeking further information, either from the member concerned or others, including the original complainant, third parties, or public or private bodies. Such information is usually requested in writing in the first instance, though in some circumstances the Commissioner may decide to interview witnesses, either informally or by means of formal oral evidence. The Commissioner holds her meetings with witnesses in private. In the case of informal interviews, a note is made of the meeting and all parties are subsequently asked to confirm its accuracy. In the case of formal oral evidence, a full transcript is taken. The Conduct Committee decides to what extent evidence is published.
144. Where remedial action cannot be agreed between the parties, both the complainant and the respondent may make written representations to the Conduct Committee which will take the final decision on how the case should be resolved.
145. If the complaint concerns non-declaration of a relevant interest and the Commissioner upholds the complaint, she will then examine whether there were other possible instances of non-declaration of that interest in the six years preceding the complaint. If other possible instances arise the Commissioner will invite the member to respond to them. The Commissioner will reach a finding on any such instances identified.
146. The Conduct Committee has the power to send for persons, papers and records and may exercise this power as necessary in support of any investigation by the Commissioner or under her auspices.

Assessing the evidence

147. If the Commissioner's investigation has uncovered material evidence that is at variance with the member's version of events, she will put this to the

member, who will have a chance to challenge it. Before finalising her report, the Commissioner will also share with the member a draft of those parts of her report dealing with issues of fact, so that the member has an opportunity to comment on it.

148. If, having considered the member's comments, the Commissioner considers that there remain significant contested issues of fact, she will prepare her own account of the facts of the case, drawing attention to those points which are contested.
149. After preparing her own account of the facts of a case, the Commissioner will consider whether the Code has been breached. If she finds that the Code has been breached and that remedial action is inappropriate, she will inform the member of the breaches she has found with a summary of the relevant parts of her report. The member will then be invited to present any material they would wish the Commissioner to take into account when considering her recommended sanction.
150. The Commissioner usually reports her findings in the following form:
- summary of the initial complaint and of the relevant elements of the Code of Conduct;
 - brief account of the key facts in the case, with references to evidence as appropriate and with any contested points of fact highlighted;
 - her findings with reasons as to whether or not the Code has been breached; and
 - any evidence, written and oral.

Sanctions

151. In cases where the Commissioner upholds a complaint, the Commissioner makes recommendations to the Conduct Committee on any sanction that should be applied. These recommendations are included in her reports. The options available to the Commissioner include:
- no action or sanction is appropriate.
 - no further action is appropriate because both parties have come to their own resolution through mediation or otherwise and this resolution has been agreed by the Commissioner.
 - the Conduct Committee should require the member to take action to regularise the position (for example a letter of apology or training) where this has not been agreed as remedial action.
 - the Conduct Committee should require the member to make a personal statement of apology in the House.

- the Conduct Committee should recommend to the House that the member be suspended from the House. If the conduct concerned occurred on or after 26 June 2015, or if it occurred before 26 June 2015 but was not public knowledge before then, the suspension may be for any specified period of time. If the conduct occurred before 26 June 2015 and was public knowledge before then, the suspension may be for a specified period of time not longer than the remainder of the current Parliament.
 - the Conduct Committee should recommend to the House that the member be denied access for a specified period of time to the system of financial support for members and/or denied access for a specified period to the facilities and services of the House, including services closely related to parliamentary proceedings and membership of select committees. These sanctions can be applied for any period of time and may be applied in addition to a sanction of suspension.
 - the Conduct Committee should recommend to the House that the member be expelled from the House. This recommended sanction is available if the conduct concerned occurred on or after 26 June 2015, or if it occurred before 26 June 2015 but was not public knowledge before then.
152. In deciding upon the sanction to recommend and in particular whether in respect of conduct occurring before 26 June 2015 to recommend suspension for a particular period longer than the remainder of the current Parliament or, more severe still, expulsion, the Commissioner should bear in mind the retrospective effect of the House of Lords (Expulsion and Suspension) Act 2015 and that, the longer ago the conduct occurred, the more certain the Commissioner should be of the need for such a sanction before recommending it.

Consideration by the Conduct Committee

153. The Committee receives the Commissioner's report and any recommended sanction. The Commissioner sends a copy of the report to the member concerned, and in cases of bullying, harassment or sexual misconduct to the complainant, who are informed of the deadline by which they may lodge an appeal to the Committee. The deadline and timetable for the appeal may be fixed by the Chair or his/her nominee.
154. The task of the Committee is to hear any appeal against the Commissioner's findings or recommendations. The appeal process is described below. If there is no appeal to the Conduct Committee in the event of a complaint being upheld, the Committee initially considers the sanction recommended by the Commissioner. If it endorses the sanction, it reports to the House accordingly. Alternatively, it can decide that the recommended sanction needs further consideration. If so, it may then invite representations on the question of sanction from the member concerned, the Commissioner and/or, in bullying,

harassment or sexual misconduct cases, the complainant. Having heard those representations, the Committee decides whether to endorse, reduce or increase the recommended sanction.

Appeals

155. Any appeal must be in writing, and should set out the grounds for the appeal and such supporting material as the appellant thinks appropriate. The Committee may from time to time publish guidance to assist appellants in this process. The appeal may be against either the Commissioner's finding or, in the case of a member, the recommended sanction. The Committee may agree to hear from the member and/or complainant(s) in person, and to take evidence from the Commissioner. Any such hearings shall take place before a panel of at least five committee members (with a minimum of three Lords members and two lay members). The Chair of the Committee or his/her nominee may make further provisions about the procedures to be followed in each appeal.
156. On appeal, the Committee will not reopen the Commissioner's investigation. The grounds for appeal are limited to the following:
- the Commissioner was plainly wrong in her finding;
 - points of process;
 - the emergence of significant new evidence; or
 - the severity of the sanction.

On appeal a recommended sanction may be endorsed, reduced or increased.

Report to the House

157. Where a case is referred to the Conduct Committee by the Commissioner, the Committee reports the case to the House.
158. Where a complaint is upheld, the Conduct Committee must seek the agreement of the House if it is proposed that the member be sanctioned by suspension or expulsion, or that the member be denied access to the system of financial support or the facilities and services of the House.
159. In all cases where there has been an appeal to the Conduct Committee, the Committee will publish a report either upholding or dismissing the appeal. The report from the Commissioner is annexed to the Committee's report.
160. When the Committee reports a case to the House, the Committee clerk should show the member the report shortly before publication and send the complainant the report on publication. For cases involving bullying, harassment or sexual misconduct the Committee clerk should show both the complainant and the member the report shortly before publication.

161. When the Conduct Committee reports to the House on an individual case, the report and any resolution relating to sanction are decided without debate.

Compliance with sanctions

162. Members must comply with any sanction imposed by the Conduct Committee or the House. Any failure to do so shall constitute a breach of the Code of Conduct.

Imprisonment of members

163. A member of the House of Lords who is sentenced to be imprisoned indefinitely or for more than one year ceases to be a member of the House⁹ and is no longer subject to the House's Code of Conduct.
164. The following paragraphs apply in cases where a member who has been sentenced to imprisonment continues to be a member of the House and therefore is subject to the Code.
165. A member sentenced to imprisonment in the United Kingdom, whether the sentence is suspended or not, is deemed to have breached the Code. If the sentence does not engage the provisions of the House of Lords Reform Act 2014, then the case is referred to the Conduct Committee for it to recommend a sanction. The Committee may defer its consideration of a sanction if an appeal is lodged in the courts.
166. A member sentenced to imprisonment outside the United Kingdom (whether the sentence is suspended or not) is presumed to have breached the Code. The case is then referred to the Conduct Committee for it to consider whether the presumption should apply in that case and, if it should, what sanction to recommend. The member has the right to make representations to the Committee, and the Committee may take other evidence. If the sentence is for imprisonment for a term of more than one year, the Committee will defer its consideration of the case until any motion in the House that the member should cease to be a member¹⁰ is disposed of.
167. These provisions apply regardless of whether the member was a member of the House at the time of the offence, though they only apply to sentences imposed after a member's introduction. Where the Conduct Committee considers the breach to be sufficiently serious as to warrant expulsion or suspension, it is bound by the provisions of Standing Order 12 (Expulsion or suspension of a member).

9 House of Lords Reform Act 2014, section 3. In the case of a conviction outside the United Kingdom, a resolution of the House is necessary to give effect to the expulsion.

10 Under section 3(9) of the House of Lords Reform Act 2014.

Code of Conduct for House of Lords Members' Staff

1. This Code of Conduct for Members' Staff applies to staff who have a parliamentary photo-pass or email account sponsored by a member of the House of Lords for the purpose of providing parliamentary secretarial or research assistance to the member. The same Code of Conduct applies to members' spouses or partners who provide such assistance and the staff of the opposition whips' offices.
2. The Code does not apply to staff working in the Government Whips' Office or the staff of the office of the Convenor of the Crossbench Peers. The former are civil servants and special advisers and therefore fall under the Civil Service Code or the Code of Conduct for Special Advisers. The latter are employees of the House of Lords Administration on temporary loan and are subject to the same rules and processes as other House staff. Both sets of staff are however still subject to the Independent Complaints and Grievance Scheme and investigation by external investigators.
3. Members of the House of Lords do not receive a specific allowance for employing staff; consequently, the level of staff support for members varies widely. Many staff working for members obtain income from sources outside the House.

General principles

4. Members' staff should at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the House of Lords.
5. Members' staff should observe the principles set out in the Parliamentary Behaviour Code¹¹ of respect, professionalism, understanding others' perspectives, courtesy, and acceptance of responsibility. These principles will be taken into consideration when any allegation of bullying, harassment or sexual misconduct is under investigation.
6. Members' staff should not take any action which would risk undermining any member's compliance with the Code of Conduct for Members of the House of Lords.

11 See Appendix A.

Registration of interests

7. Members' staff are required to register in the Register of Members' Staff Interests:
 - (a) all employment outside the House;
 - (b) any other financial interest in businesses or organisations involved in parliamentary lobbying;
 - (c) any gift (e.g. jewellery) or benefit (e.g. hospitality, services or facilities) received in the course of a calendar year, if the value of the gift or benefit exceeds £300 and if it relates to or arises from the individual's work in Parliament (though excluding gifts or benefits from the member who sponsors the individual).
8. When registering employment, members' staff should state the employing organisation, the nature of its business (where this is not self-evident) and the nature of the post that they hold in the organisation.
9. Any change in the interests of members' staff should be registered within one month of the change.
10. The Registrar of Lords' Interests is available to advise members' staff and members themselves on the registration requirements. Anyone who acts on the advice of the Registrar in registering or not registering an interest satisfies fully the requirements of the Code of Conduct for Members' Staff in that regard.

Lobbying, etc.

11. Members' staff shall not make use of their access to the member who sponsors their pass, to other members (of either House), to the parliamentary email network or to the parliamentary estate to further the interests of an outside person or body from whom they have received or expect to receive payment or other incentive or reward.

Behaviour Code

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

Confidential information

13. Members' staff shall not disclose draft reports of select committees or other confidential information that is provided to them or to the member who sponsors them.

Enforcement

14. The House of Lords Commissioner for Standards investigates alleged breaches of this Code. Any such investigation is conducted in accordance with the procedures set out in the Guide to the Code of Conduct for Members of the House of Lords, *mutatis mutandis*.
15. Members' staff shall co-operate at all stages with any investigation into their conduct, or that of their sponsoring member, by or under the authority of the House.
16. The Commissioner shall publish a report into any breach of the Code resolved by remedial action except where she considers this to be disproportionate to the breach. In the event of the Commissioner not producing a report in such circumstances, the Commissioner will typically inform the relevant sponsoring member of the complaint, her finding and any action agreed. Where remedial action is not appropriate or agreed, the Commissioner will report to the Conduct Committee.
17. The Conduct Committee shall consider reports by the Commissioner into alleged breaches of this Code in accordance with the procedures set out in the Guide to the Code of Conduct for Members of the House of Lords, *mutatis mutandis*.
18. The Conduct Committee shall publish a report of its findings except where it considers this to be disproportionate to the breach. In the event of the Conduct Committee not producing a report in such circumstances, the Committee will typically inform the relevant sponsoring member of the complaint, its finding and any action taken.
19. Where a member's staff is found in breach of this Code and the case is not suitable for remedial action to be agreed between the Commissioner and the individual (or between the Commissioner and the member), the sanctions that may apply include:
 - suspension of the individual's pass;
 - withdrawal of the individual's pass;
 - cancellation of the individual's email account.
20. The Conduct Committee may impose sanctions on members' staff on its own authority and without recourse to the House.
21. Nothing in this Code affects the right of Black Rod or the Yeoman Usher to remove a pass at any time for security-related or other reasons.
22. Nothing in this Code affects the right of the Parliamentary Digital Service to cancel an email account at any time for security-related or other reasons.

Appendix A – Behaviour Code



Behaviour Code

Whether you are a visitor or working in Parliament at Westminster or elsewhere, there are clear guidelines in place on how you should be treated, and how you should treat others:

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

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

- Independent Sexual Misconduct Advice Service – 0800 112 4318
- Independent Bullying and Harassment Reporting Service – 0800 028 2439

Recognise your power, influence or authority and don't abuse them

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

Act professionally towards others

Ensure Parliament meets the highest ethical standards of integrity, courtesy and mutual respect

Speak up about any unacceptable behaviour you see

Unacceptable behaviour will be dealt with seriously, independently and with effective sanctions

Appendix B – Definitions of bullying, harassment and sexual misconduct, taken from the Independent Complaints and Grievance Scheme Delivery Report¹²

Bullying and harassment (Delivery Report, pages 46 to 49)

Definitions

- 2.1 There are many definitions of bullying and harassment and both terms are often used interchangeably. The definition for harassment below reflects the definition set out in Section 26 of the Equality Act 2010. The definition for bullying below is based on classification provided by ACAS. These definitions will be used for determining whether any behaviour reported under this policy and procedure constitutes bullying or harassment.
- 2.2 All behaviour that does constitute bullying or harassment is a breach of the Behaviour Code. However, not all breaches of the Behaviour Code would constitute bullying or harassment. When alleged incidents of bullying or harassment are reported under this policy, any investigation will assess whether or not the incidents constitute bullying or harassment.

What is harassment?

- 2.3 Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of either violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Under the Equality Act 2010, harassment is related to one or more of the relevant 'protected characteristics' which include age, sex, race, disability, religion or belief, sexual orientation and gender reassignment.
- 2.4 Sexual harassment is qualitatively different from other forms of unacceptable behaviour, including bullying and non-sexual harassment. There is a separate Sexual Misconduct policy and procedure for dealing with allegations of sexual misconduct and more information about reporting incidents under both policies can be found in clause 2.15 of this policy.
- 2.5 Harassment may be persistent or an isolated incident and may manifest obviously or be hidden or insidious. It may take place in person, by telephone or

12 Independent Complaints and Grievance Scheme Delivery Report, published July 2018 (<https://www.parliament.uk/documents/news/2018/1%20ICGP%20Delivery%20Report.pdf>).

in writing, including emails, texts or online communications such as social media. Harassment through social media could involve a serious one-off incident but is more likely to be the result of a sustained on-line campaign.

- 2.6 Harassment can be intentional or unintentional. For example, if a person speaks or behaves in a way that they do not find offensive, but that another person does. The key is that the words or behaviour are unwanted or unacceptable to the recipient. The purpose or effect of the unwanted conduct violates the recipient's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them.
- 2.7 A person may also be harassed even if they were not the intended 'target' of harassment. For example, a person may be harassed by jokes about a religious group that they do not belong to, if these jokes create an offensive environment for them.
- 2.8 Harassment associated with different protected characteristics may be quite different in nature and may relate to more than one protected characteristic. Examples of harassment, other than sexual harassment, may include, but are not limited to:
- Deliberate exclusion from work activity or conversations;
 - Sending or displaying offensive material in any format (including posters, graffiti, emails, messages, clips or images sent by mobile phone or posted on the internet);
 - Mocking, mimicking, belittling or making jokes and comments about a person (or a group stereotype) in relation to their age, disability, gender reassignment, race, religion or belief, sex or sexual orientation;
 - Use of unacceptable or inappropriate language or stereotypes relating to race or ethnicity;
 - Deliberately holding meetings or social events in a location that is not accessible for an individual with a disability;
 - Using profanities or swearing that could have the effect of intimidating a person.

What is bullying?

- 2.9 Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour involving an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened. Power does not always mean being in a position of authority and can include both personal strength and the power to coerce through fear or intimidation.
- 2.10 Like harassment, bullying can take the form of physical, verbal and non-verbal conduct but does not need to be related to protected characteristics. Bullying

behaviour may be in person, by telephone or in writing, including emails, texts or online communications such as social media. It may be persistent or an isolated incident and may manifest obviously or be hidden or insidious.

2.11 Examples of bullying may include, but are not limited to:

- Verbal abuse, such as shouting, swearing, threatening, insulting, being sarcastic towards, ridiculing or demeaning others, inappropriate nicknames or humiliating language
- Physical or psychological threats or actions towards an individual or their personal property;
- Practical jokes, initiation ceremonies or rituals;
- Overbearing or intimidating levels of supervision, including preventing someone from undertaking their role or following agreed policies and procedures;
- Inappropriate comments about someone's performance;
- Abuse of authority or power, such as placing unreasonable expectations on someone in relation to their job, responsibilities or hours of work, or coercing someone to meet such expectations;
- Use of unfair sanctions in relation to disciplinary or attendance procedures;
- Ostracising or excluding someone from meetings, communications, work events or socials;
- Sending, distributing or posting detrimental material about other people, including images, in any medium.

What does the law say about bullying and harassment?

2.12 In some cases, acts of bullying or harassment can be civil offences, which can be brought to an employment tribunal or county court.

2.13 In some cases, conduct that amounts to bullying and harassment may also amount to criminal offences, which can be tried in the criminal courts. There is not an exhaustive list of acts of bullying or harassment that may constitute a criminal offence. Examples may include, but are not limited to:

- Physical assault;
- Making violent or death threats;
- Stalking;
- Hate crimes.

2.14 Clauses 2.16 and 2.17 of this policy contain more information about how this policy and procedure deal with criminal investigations into conduct that may also amount to bullying and harassment.

Sexual Misconduct (Delivery Report, pages 74 to 76)

- 3.3 Sexual misconduct incorporates a range of behaviours including sexual assault, sexual harassment, stalking, voyeurism and any other conduct of a sexual nature that is non-consensual or has the purpose or effect of threatening, intimidating, undermining, humiliating or coercing a person. Sexual misconduct is used to describe the range of behaviours that will be treated as a potential breach under this Policy and Procedure, encompassing behaviours that may or may not also be defined as sexual harassment or sexual offences in the context of civil or criminal courts. However, using the language of sexual misconduct makes it clear that the Policy and Procedure for Parliament is separate from and additional to any court processes.
- 3.4 For the purposes of this policy, although it may not be illegal to pay for sex, in line with best practice it is considered unprofessional, inappropriate and a breach of the Behaviour Code, if this occurs whilst individuals are acting in a parliamentary capacity or engaged in activity connected to their membership of the Parliamentary Community both in the UK and overseas.

Legislation

- 4.1 Harassment of a sexual nature is defined in the Equality Act 2010 section 26 (2) (3). A non-exhaustive summary that covers the majority of what is meant by the term is: unwanted behaviour that is sexual in nature or draws attention to sex in an unwanted way. The law around sexual harassment is grounded in a rights framework; sexual harassment offends the universal right to work in a dignified, safe environment and not be subject to discrimination.
- 4.2 Forms of sexual harassment and sexual misconduct may also constitute criminal offences under a range of legislation, including, but not limited to, the Sexual Offences Act 2003 and the Protection from Harassment Act 1997 and national legislation in Scotland and Northern Ireland. Potential criminal offences include sexual assault, sexual assault by penetration, rape, harassment, stalking or 'revenge pornography'.

Behaviours

The following behaviours may constitute sexual misconduct if they occur inappropriately or without explicit full and freely given consent.

3. This non-exhaustive list provides examples of broadly escalating severity in the categories of verbal, non-verbal/environmental and physical sexual misconduct. However, impact and trauma will be felt differently by those experiencing sexual misconduct.

- 5.2 Verbal—sexual remarks including those about appearance or clothing, jokes, catcalls, questions about sexual life, raising sexual topics, verbal advances, etc.
- Asking personal questions about sexual or social life or offering unwanted personal information about own activities.
 - Remarks that draw attention to someone's sex in an inappropriate or unwanted way.
 - Enquiring about sexual history, fantasies or preferences.
 - Making sexual comments about a person's clothing, anatomy, or appearance.
 - Obscene phone calls of a sexual nature.
 - Repeatedly propositioning someone.
 - Subtle or overt pressure for sexual activity, including requests or demands for sexual favours and promises of reward in return.
 - Threats of reprisals if requests for sexual activity are turned down.
 - Treating someone less favourably because they have rejected or submitted to unwanted sexual conduct.
- 5.3 Environmental/Non-Verbal—displaying pornographic or sexually explicit material, sexist comments and pictures on social media, stalking, image-based sexual abuse such as up-skirting, revenge porn, deep fake porn, etc.
- Obscene texts, emails, notes or letters of a sexual nature.
 - Inappropriate gifts of a sexual nature.
 - Inappropriate advances or stalking via social media.
 - The circulation or displaying of pornography.
 - Sharing private sexual materials of another person without consent.
 - Repeatedly propositioning someone in writing.
 - Repeatedly following or tracing the movements of another person without good reason.
- 5.4 Physical—suggestive looks and gestures, staring, leering, threatening behaviour, brushing past someone, pinching, touching, groping, promises/threats related to career prospects in return for sexual favours, etc.
- Uncalled-for physical contact, deliberate brushing past. Unwelcome and inappropriate touching, hugging or kissing.
 - Groping, grabbing, kissing or fondling without consent. Indecent exposure (masturbation, nudity) and acts of voyeurism or exhibitionism.
 - Attempting to or engaging in sexual intercourse or a sexual act without consent.

Consent

- 6.1 The definition of consent provided by the Sexual Offences Act 2003 is agreeing to something by choice and having the freedom and capacity to make that choice. This Policy uses the same definition of consent in relation to sexual misconduct.
- 6.2 Capacity—A person’s capacity is dependent on whether they are physically and/or mentally able to make a choice and to understand the consequences of that choice. For example, a person does not have the capacity to give consent if:
- They are drunk or under the influence of drugs, for example they may still be physically able to have sex but they may not be able to consent.
 - They are asleep or unconscious.
 - They may not have capacity if they have a disability or impairment, including learning difficulty, physical disability or mental health condition.
- 6.3 Consent is ongoing and needs to be negotiated every time one engages in sexual activities. Individuals must stop if they are not absolutely sure that they have someone’s consent. Any prior sexual activity or relationship does not, in and of itself, constitute consent. Consent may be withdrawn at any time (including during a sexual act) and can never be implied, assumed or coerced.

