

House of  
Commons

# The Parliamentary Commissioner for Standards

Annual Report 2019–20

HC 616





House of Commons  
The Parliamentary  
Commissioner for Standards

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**Annual Report 2019–20**

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## Foreword

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This is my third Annual Report as Parliamentary Commissioner for Standards. I am reporting on my second full year in office.

It is now nearly 25 years since the first Commissioner was appointed. The landscape has changed, and we have met fresh challenges which my predecessors could not have foreseen. 2019–20 has been more complex than most years. It involved an unexpected General Election and a pandemic which required my entire team to leave our office premises and work remotely.

During the year I considered allegations of bullying, harassment and sexual misconduct against former MPs, after the House extended my remit in July 2018. I also completed some other complex investigations, including the longest lasting investigation of recent years, which I brought to a close on 17 July 2019. The Standards Committee considered my memorandum in October 2019. Throughout these events the Registrar's team has continued to record interests and to publish the Registers as the House requires.

This report explains how I have fulfilled my responsibilities during the year.

**Kathryn Stone OBE**

**Parliamentary Commissioner for Standards**

8 July 2020





# 1 Overview of the year

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1. The tasks which the House of Commons has given to the Parliamentary Commissioner for Standards are set out in the Standing Orders of the House of Commons. They are as follows:

- a) keeping the Register of Members' Financial Interests and the other Registers of the House of Commons;
- b) giving confidential advice on registration to MPs and others;
- c) advising the Committee on Standards, its subcommittees and individual Members;
- d) monitoring the operation of the Code and registers, and making recommendations to the Committee on Standards;
- e) investigating allegations about the conduct of Members and reporting to the Committee on Standards and
- f) considering cases arising from the Independent Complaints and Grievance Scheme.

2. This report explains how I have carried out those tasks in 2019–20.

## Background

3. For the first half of the year beginning 1 April 2019, there was heated debate in Parliament about the terms of the UK's departure from the European Union. This debate aroused equally strong feelings among the public, and we received many complaints about the language and views of MPs on the opposing side to the complainant. Correspondence about Brexit reduced only after 23 January 2020 when the EU (Withdrawal Agreement) Act 2020 received Royal Assent

4. The second half of the year was dominated by two unforeseen events. The first was an election. On 6 November 2019 the House dissolved for a General Election which took place on 12 December 2019. 140 new MPs were elected, and I describe the work associated with their arrival in chapter 2 of this Report.

5. The second unforeseen event was the pandemic caused by the Covid-19 virus. On 23 March 2020 the government announced a national lockdown, and the House authorities asked all MPs and all parliamentary staff to work from home where possible. We have had to learn to use new software and to adapt our working practices. For example, it is not currently possible for me to interview MPs and witnesses in person during an investigation, and any interviews have to be carried out remotely. It is not possible for the Registrar and her staff to brief MPs in person and they have had to do this in virtual meetings. Select Committee meetings are taking place virtually rather on the parliamentary estate.

## Tasks carried out in 2019–20

### *a) Keeping the Registers*

6. During the year we published 20 editions of the Register of Members' Financial Interests (the Members' Register), seven of the Register of All-Party Parliamentary Groups, and eight of the two other Registers. The first Members' Register of the 2019 Parliament was published on 31 January 2020, just under three weeks after the deadline for MPs to submit information. It contained over 2,000 items of new information, 25% more than the first Register of the 2017 Parliament. You can find further information in Chapter 5 of this Report.

### *b) Giving confidential advice on Registration to MPs and others*

7. Giving advice is an important part of the day to day work of my office. It is especially important after a General Election when new MPs arrive in Westminster. After the 12 December Election, 121 new MPs attended a one to one briefing at which my staff explained the Code of Conduct and supporting rules of the House. You can find further information in Chapter 2 of this Report.

### *c) Advising the Committee on Standards and individual Members*

8. The Registrar and I have attended most meetings of the Committee on Standards. During the year a subcommittee of the Standards Committee continued its review of the Code of Conduct. The Committee itself began a review of sanctions on 1 June 2019. I submitted evidence for this. The Committee's review was interrupted by the 2019 General Election, but I hope that it will continue in 2020 so that my role in relation to ICGS cases can be clarified and my sanctioning powers confirmed. I have also submitted to the Committee my views on confidentiality in investigations, and my proposals for change.

### *d) Monitoring the operation of the Code of Conduct and registers, and making recommendations to the Committee on Standards*

9. The Commissioner is expected to review the Code of Conduct and Guide to the Rules once in each Parliament. My predecessor, Kathryn Hudson, carried out a review, but the 2017 Election intervened before the Standards Committee could finish considering her work and put proposals before the House. The Committee on Standards of the 2017 Parliament began further work on the basis of Kathryn Hudson's proposals, but this was again interrupted by a General Election. The new Committee will need to consider the work done to date on the Code of Conduct and Guide to the Rules, and I aim to contribute to this. I hope that the House will find time to decide on any proposals it puts forward. Any technical changes to the Register of Members' Financial Interests will need to mirror the outcome of the review of the registration rules in the Guide to the Rules.

10. A fresh edition of the Code of Conduct and Guide to the Rules was published on 10 October 2019. These contained minor changes agreed in 2018–19. For example, in order to reinforce my independence, in January 2019 the House had removed the requirement for

me to consult the Standards Committee before looking into matters which occurred more than 7 years ago. The House also removed the requirement for me to receive an allegation in hard copy before I investigate it. I welcome these changes.

### ***e) Investigating specific matters relating to the conduct of Members and to report to the Committee on Standards***

11. I am committed to independent, fair, thorough and impartial investigation of complaints. You can find further information about how I achieved my aim in Chapter 4 of this Report. This chapter gives brief details of the 24 investigations which I concluded. It does not however cover the 27 new investigations which I started, for reasons which I explain in paragraph 12 below.

### ***f) Considering cases arising from the Independent Complaints and Grievance Scheme (ICGS)***

12. During the year there were a small number of investigations into allegations brought against MPs under the Independent Complaints and Grievance Scheme (ICGS) . These concern bullying, harassment or sexual misconduct. On 19 October 2019 the Scheme was opened to former members of the parliamentary community as well as to present ones. You can find further information in Chapter 4 of this Report. Because of the sensitive nature of the investigations, and the small numbers, I do not give out any information about these, even when concluded.

## **Outward facing work**

13. In 2019–20 we undertook less outreach work than usual, partly because of the timing of the General Election. We did however provide seminars explaining our standards system to groups of undergraduates and to delegates of the Commonwealth Parliamentary Association. The conference of Standards Commissioners, scheduled for March 2020, was cancelled and has not yet been rearranged.

## **Risks**

14. The main risks to the operation of my office are loss of staff, loss of information and loss of premises, facilities and support.

### ***Loss of staff***

15. In view of our unpredictable workload, I keep our staffing levels under review. I am grateful to the House authorities for their commitment to ensuring that I have the resources I need. In 2018–19 I was authorised to recruit three additional staff: two investigations and complaints managers, and a legal adviser. I welcomed three new staff members to our team in 2019–20. We are also developing our collaborative working practices in order to increase resilience and flexibility. I am confident that, with the addition of an office manager, whom we hope to recruit shortly, we will have sufficient resilience for our current workload.

### **Loss of information**

16. Any leak of information from my office could have serious effects, particularly in relation to cases of harassment, bullying and sexual misconduct. These cases are sensitive because the complainant is alleging that they have experienced personal detriment, and because of the effect such a disclosure would have on people who are vulnerable. We are very much aware of the damage which unauthorised disclosures might cause, and we have developed rigorous procedures and practices to mitigate the risks.

17. As well as mitigating the risk of accidental disclosures, I have had to consider how to manage the risk of deliberate leaking by parties involved in cases under the Independent Complaints and Grievance Scheme. I explain below, under the heading of openness and confidentiality, some of the problems associated with the Scheme's current confidentiality arrangements.

### **Loss of premises, facilities and support**

18. The risk of losing access to our offices has been mitigated through the use of laptops and internet-enabled phones, online record keeping and remote working by some staff. This meant that when the lockdown was announced on 23 March 2020, we were able to adapt swiftly to remote working. We do however depend heavily on the parliamentary digital service for support. Any deficiencies in that service, unless quickly remedied, can reduce our efficiency.

### **Loss of credibility**

19. The independent Commissioner for Standards is one of the pillars of the House of Commons standards system, and the credibility of that system depends to a large extent on the work of my office. It does not matter whether we are dealing with enquiries from the general public, providing advice, assisting an investigation or helping an MP to register an interest: my team take pride in being independent, impartial, thorough and fair. These standards depend on the careful recruitment and training of staff and the office procedures which we have in place.

20. But my office is just one part of the House's standards system, and risks to credibility can come from other parts of this. Since 2018 I have been concerned about the risks associated with the Independent Complaints and Grievance Scheme. In comparison with the Code of Conduct and the Commissioner's office, established after advice from the Committee on Standards in Public Life, the new scheme was introduced quickly and without clear governance. It would have benefited from more planning. It has fallen to my team, together with operational ICGS colleagues, to make good any deficiencies. We remain committed to delivering outcomes that are fair for reporters and responders alike.

### **Openness and confidentiality**

21. Openness is one of the seven principles of public life. It is a foundation of the parliamentary standards system. I am sorry to say that for the last two years there has been less openness than before about my inquiries. I am no longer permitted to give out any information at all during an investigation, even to confirm that it is taking place. That is because on 19 July 2018 the House ended the arrangements under which I published

on my webpages brief details of ongoing investigations into cases under paragraphs 11 to 17 of the Code of Conduct. I do still publish my decisions, along with the evidence I have considered. When a case has ended, that will allow MPs, complainants and the public to see how I have reached my conclusions. But for the weeks and months while an inquiry is going on, the public will not know for certain that it is happening.

22. This lack of openness undermines the standards system. If a serious concern comes to light and no-one confirms that an investigation has started, it is easy to assume that no action is being taken. It is also easy for misinformation to circulate. And these arrangements allow an MP to stand for office or for re-election without the public knowing that they are being investigated. I have therefore asked the Standards Committee to invite the House to restore the pre-July 2018 arrangements. This would allow me, when I opened an investigation under paragraphs 11 to 17 of the Code of Conduct, to publish very brief details on my webpages. Until an investigation has finished I would not give out information other than the MP's name and the matter under inquiry. This was the arrangement before July 2018, which in my view represents a proper balance between confidentiality and transparency.

23. Allegations brought under the Independent Complaints and Grievance Scheme are a different matter. I recognise and respect the need to honour the confidentiality of information about those involved, which can be very sensitive. At present I publish no information at all about these cases, even about subject matter, and even when a case is concluded. However, this has disadvantages. Without information, members of the parliamentary community cannot see that investigations are fair and impartial. To redress the balance I have asked the Committee on Standards to invite the House to agree to my publishing a quarterly report giving numbers of ICGS investigations of MPs, themes and outcomes, all in anonymised form. This would not include any recognizable information about individual cases.

24. Another problem is that the confidentiality procedures of the Independent Complaints and Grievance Scheme are open to exploitation by the unscrupulous. I was disappointed on several occasions in the last year to see in the media confidential information about a small number of investigations (presumed or actual). It has been suggested that in some cases complainants - the very people whom the ICGS arrangements were designed to protect - were responsible. Any disclosure is unauthorised and represents a breach of confidence. It is particularly concerning if the information is distorted, since the other parties involved remain under a duty of confidentiality, and cannot respond. I also cannot set the record straight.

25. Such unauthorised disclosures of sensitive information can have serious effects on individuals' wellbeing. It is wrong that no-one can take action when they occur. I have therefore asked the Standards Committee to invite the House to change the procedures under which I operate, so that in future I could inquire, or to ask others to inquire, into any particularly serious breach of confidentiality; and so that where necessary I could make a public correction to inaccurate or incomplete information which others have already published about an ICGS case.<sup>1</sup> Together I believe these proposals will increase confidence in the House's disciplinary process, while protecting the confidentiality of reporters, respondents and witnesses.

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1 Details of these proposals are appended to the Standards Committee's Sixth Report of 2019–21.

## Costs

26. The cost of my office in 2019–20 was £709,990. The majority of these costs are staff related, and they have increased because three new staff members began work during the year. The other costs were mainly those of providing MPs after the General Election with new ring binders containing the Code of Conduct and Guide to the Rules. You can find a table showing how these costs compare with past years in Appendix 1 of this Report.

## 2 The 2019 General Election

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### Background

27. At the end of October 2019 Parliament passed an Act authorising an early General Election, which took place on 12 December 2019. Parliament dissolved on 6 November 2019. Dissolution meant that most investigations had to stop, as my powers to investigate and decide cases are derived from the House of Commons. While there is no House of Commons, I cannot continue this work. I also could not start new investigations until after the General Election.

28. Before Dissolution, the House authorities sent all MPs guidance about the rules that apply during Dissolution, reminding MPs that they are not permitted to call themselves MP or use House of Commons resources including stationery. I also wrote to MPs reminding them about the rules on registering donations, on use of resources, and on All-Party Parliamentary Groups.

### The election itself

29. At the General Election of 12 December 2019 140 new MPs were elected, together with 495 returning MPs, and a further 15 who had previously been MPs but had not served in the 2017 Parliament.

30. On 16 December 2019, the first Monday of the new Parliament, all new MPs were offered a workshop in Valuing Others, in order to support the House's Behaviour Code. I welcomed this workshop, which demonstrates the House's commitment to supporting the Code. After this, my staff provided a further workshop at which they introduced the Code of Conduct and Guide to the Rules which I had sent to all MPs. I too took part in a brief seminar on propriety.

31. Many new MPs had additional questions about the House's rules and about their register entries, so we also invited each of them to an individual briefing to advise them on the Code of Conduct and rules of the House, as well as on their first entry for the Register of Members Financial Interests. I am grateful to my staff who provided these briefings. 121 of the 155 newly elected MPs attended.

32. MPs have to register donations and other interests within one month of the Election, which in this case was before 11 January 2020. That proved a tight deadline to meet. The timing of the General Election, followed by the parliamentary recess which lasted from 20 December 2019 to 7 January 2020, and a full parliamentary timetable, all reduced the amount of time available for new MPs to make their register entry as well as to be inducted, find IT equipment, office space and staff, and familiarise themselves with the layout of Parliament and its procedures.

33. Many members of House staff joined the Buddy Scheme for new MPs. They provided invaluable help for new MPs by guiding them round the parliamentary estate, assisting them with parliamentary procedures and showing them how to access the resources they need. Buddies also reminded new MPs of deadlines, such as that for the new Register of Members Financial Interests.

34. Returning MPs did not require the same level of induction as new MPs, but my team ensured that they also received a ring binder containing an up to date copy of the Code of Conduct and Guide to the Rules and the offer of advice if needed.

### **Effect on our complaints work**

35. When Parliament returned, I was able to continue with investigations and decision-making that had paused during Dissolution, and to open new inquiries.

36. Some correspondents were quick to complain about new MPs. After a General Election new MPs must work from temporary office space in committee rooms until they are allocated their own offices, and they must also recruit their own staff. When members of the public wrote to say that new MPs had been slow in responding to their concerns, my staff replied by explaining that the lack of staff and office allocation can delay receiving and responding to mail, and that some of the difficulties might be a result of this. In any event, my remit does not allow me to investigate complaints about what might be called the “standards of service” offered by MPs.

### **Effect on the Registers**

37. Compiling the first Register of Members Financial Interests of the new Parliament was a big task, particularly in view of the number of new MPs and the Christmas recess. I am pleased to report that by the deadline of 11 January 2020 all new MPs had registered their interests, and 87% of returning MPs had provided my office with updates to their interests or with a nil return.

38. Thanks to the hard work of my staff, both temporary and permanent, the first registers of the new Parliament were published promptly. The Register of Members Financial Interests was published on 31 January 2020, just under three weeks after the deadline for MPs to submit interests, and the Registers of Members’ Staff and Journalists on 7 February 2020. The first APPG Register of the new Parliament was published on 24 February 2020. The slightly later date of this Register reflects the time taken for APPGs to register afresh in the new Parliament. You can find further information about the Registers in Chapter 5 of this report.



### 3 Social Media

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39. During the last few years I have seen an increase in use of social media both for work and personal use. Many MPs have been proactive in using social media to communicate with their constituents and the general public in an environmentally friendly and cost-efficient way. On the other side the consequences of irresponsible or careless use have become evident. I have also seen with concern how social media platforms have been used to abuse or threaten MPs. MPs should be allowed to do the job their constituents have elected them to do without threat of harm.

40. I receive a range of complaints which relate to things MPs have said in social media. Many reflect issues in the spotlight at the time such as Brexit, the General Election or Covid-19. An example of this was during the build-up to the expected deadline of 31 October 2019 for leaving the EU, when the number of complaints to my office about MPs' views on Brexit increased. Strong views expressed by MPs on social media invoked strong responsive comments, also on social media. More recently, the current pandemic has prompted many complaints about the views MPs have expressed on lockdown restrictions.

41. Most of the complaints I receive about social media are not within my remit to investigate. People who complain about an MP's social media post are often unhappy about the language used and its general tone. They may also disagree with the comments posted. Sometimes complainants allege that these contain extremist views. Paragraph 21 of Chapter 4 of the Guide to the Rules relating to the Conduct of Members does not allow me to investigate complaints about the expression of a Member's views or opinions, and so I cannot look into these complaints. Whether I agree with the views expressed is not relevant. Other complainants have argued that MPs have posted untruths, which is also something I cannot investigate.

42. The ease with which comments can be posted on social media has its own risks. Careless posting can cause upset and damage the reputation of the MP. There were several occasions during 2019–20 when I received over 100 e-mails as a result of a single ill-advised tweet. Retweets have the same damaging potential if not scrutinised carefully. An example of such a retweet early in 2020–21 involved a group of three MPs who retweeted a post about an MP from another party. The post concerned a video which had been doctored. And conversations which an MP thought were private can easily be made public, to his or her embarrassment.

43. Social media and the internet can be used to encourage members of the public to complain. In mid-October 2019, I saw a peak in complaints. In one 24-hour period I received more than 1,000 almost identical complaints. A high proportion of these complaints were fuelled by a widely shared letter, which had been posted on the internet. Complainants forward the letter to me and urged me to open an investigation. However, the subject of complaint was outside my remit, as it involved the business of the House.

44. It is not new for Commissioners to receive complaints about what MPs have said or written. What has changed is the scale of the issue. In a short space of time thousands of people can view an MP's tweet, and in an equally short period they can email their complaints to me, encouraged in some cases by social media. My remit does not generally extend to investigating speeches, letters or media articles by MPs, or to investigating tweets or retweets. Like my predecessors, I resist attempts to persuade me to comment

on such matters, whatever I think of what the MP has said. But I hope to continue my predecessors' practice of offering informal words of advice where I consider those might be useful.

## 4 Investigations

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### Part 1: Alleged breaches of paragraphs 11–17 of the Code of Conduct

#### *Key figures*

45. During 2019–20 I received 2,726 allegations that named MPs had breached paragraphs 11–17 of the Code of Conduct. I brought forward ten investigations from previous years and opened 27 new investigations. I concluded 24 investigations. I upheld some or all of the allegations in 21 of these. Because they were relatively minor, I was able to resolve 14 cases through the rectification procedure set out in Standing Order No 150, but in seven cases I submitted formal memoranda to the Committee on Standards. I brought forward 13 investigations to 2020–21. This chapter gives more detail about my investigations during the year.

#### *Background*

46. Under paragraph 20 of the Code of Conduct for MPs, and as set out in Standing Order No 150, I am responsible for investigating allegations that MPs have breached the Rules of Conduct in paragraphs 11 to 17 of Section Five of the Code of Conduct for Members of Parliament. My investigations play an important part in maintaining public confidence in MPs and in the standards system. With the co-operation of the MP concerned, I can resolve some minor breaches of the Code under the powers granted to me by Standing Order No 150. I refer breaches that I cannot resolve to the Standards Committee for their consideration.

47. I cannot investigate allegations based on paragraphs 1 to 10 of the Code, even though I receive many complaints from the public that are based on alleged breaches of those. I also cannot consider allegations that concern policy matters, an MP's views or opinions, or an MP's handling of, or decision about, constituency casework. Nor can I consider complaints relating to a MP's conduct in the chamber, alleged criminal misconduct, the funding of political parties or the permissibility of donations, or alleged breaches of the Ministerial Code. There are other bodies and mechanisms in place to consider such complaints. The Compliance Officer of the Independent Parliamentary Standards Authority would investigate allegations of the misuse of parliamentary expenses in the first instance.

48. When I receive an allegation, I first decide whether it falls within my remit, and whether the evidence justifies beginning an inquiry. I aim to make those decisions within five working days of receiving the complaint. If I begin an inquiry I tell the MP concerned and the person making the allegation. If I decide not to begin an inquiry, I write to the person making the allegation and explain briefly my reasons. I do not usually contact the MP who was complained about, although I may do so if the allegation has been put into the public domain before I have reached a decision.

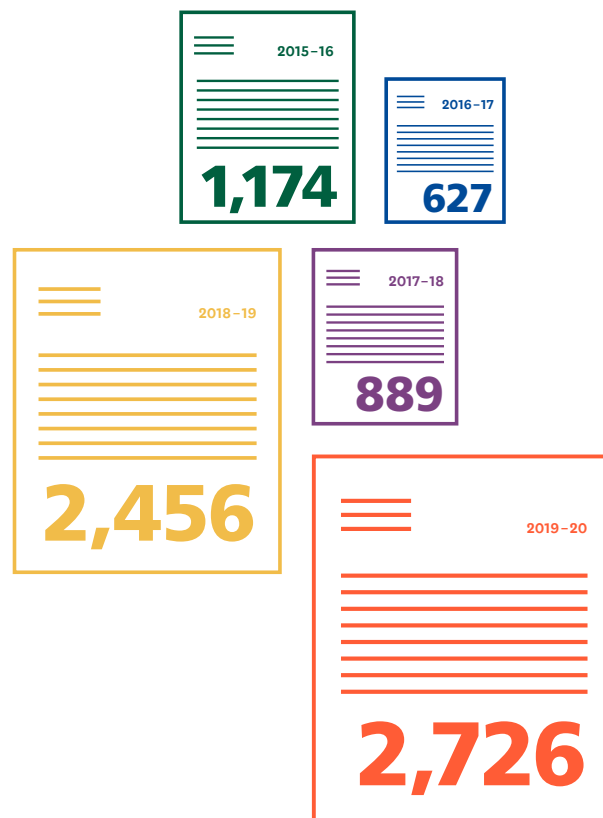
49. My inquiries broadly follow the same path. I inform the MP of the allegation and the relevant rules and ask them to comment. Where it is available and will help my inquiry, I gather any further relevant evidence that is in the public domain. I may also seek witness evidence or advice from other officers of the House.

50. At the end of my inquiry, taking into account the evidence I have gathered, I determine whether the MP has breached the Rules contained in the Code. If it is not a serious breach, I will usually make an offer of rectification to the MP. The offer always requires the MP to acknowledge their breach and to apologise, and it usually includes a remedial step such as a repayment. The MP may decline the offer. If the breach is more serious, or if the MP declines my offer, I will submit a formal memorandum to the Standards Committee for their consideration. When I rectify an allegation, I publish the outcome on my webpages. I also publish the reason for the decision and the evidence associated with it and I inform the Committee on Standards of the outcome.

## Allegations received in 2019–20

51. In 2019–20, I received 2,726 allegations concerning the conduct of a named MP. This represents an increase of 11% from the 2,456 allegations received in 2018–19. Of these allegations, the vast majority were received in writing (98.5%).<sup>2</sup>

### Total number of allegations received in any format in the last five years



52. Like other standards bodies, and like my predecessors, I find that only a very small proportion of the complaints I receive concern matters I can investigate. Of the 2,712 allegations which I did not investigate in 2019–20, 95.3% (2,586) fell outside my remit. Some concerned conduct in the chamber of the House of Commons, or an MP's opinion, or a view expressed by an MP on social media; in others the allegation fell under the remit of another body or organisation (for example, the police, the Independent Parliamentary Standards Authority, or the Information Commissioner's Office).

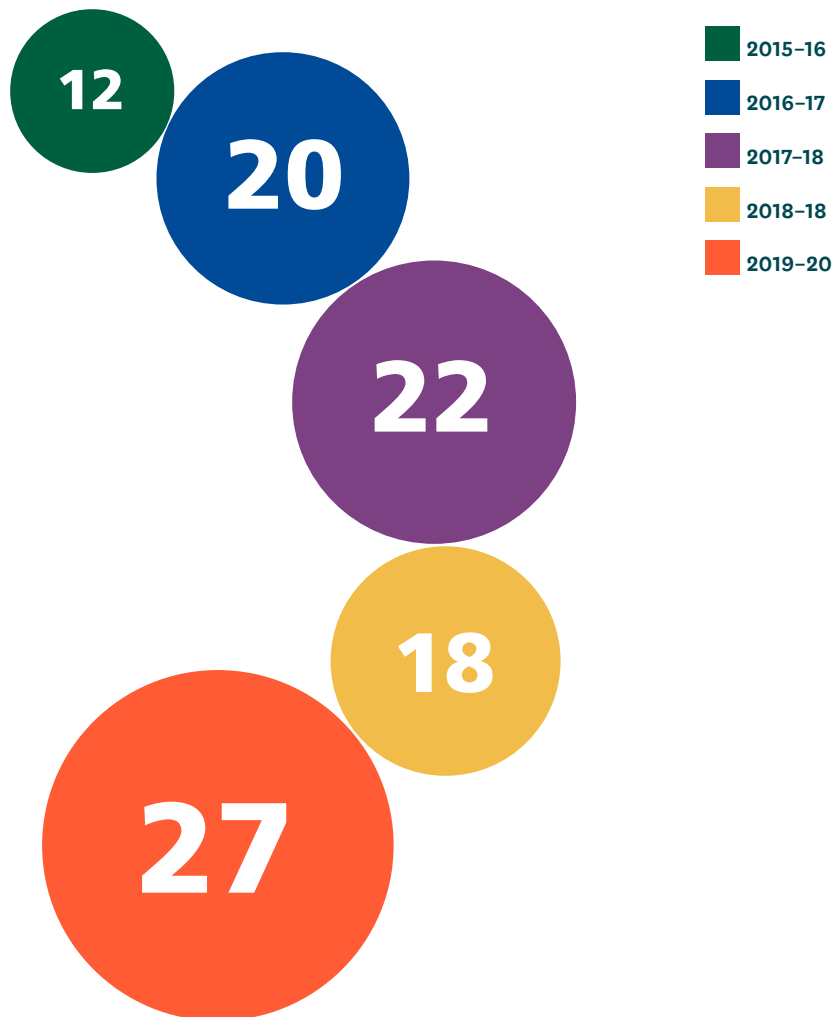
<sup>2</sup> This was the first full reporting year in which I was permitted to look into allegations sent to other than in hard copy.

53. This illustrates that my remit as set out in Section Five of the Code of Conduct for Members does not always match what the public expect. Nevertheless, my staff read and reply to every complaint that reaches my office regardless of the allegation that it raises. If another organisation is better placed to help the person concerned, we provide them with details of that organisation.

### Inquiries opened in 2019–20

54. In 2019–20, I opened 27 new inquiries into alleged breaches of paragraphs 11 to 17 of the Code of Conduct. This represents an increase on the 18 new inquiries opened in 2018–19. The figures below suggest a general upward trend in the number of investigations opened each year. 14 of these new inquiries were based on allegations I received (0.5% of the total allegations received). I opened a further 13 new inquiries on my own initiative, rather than on the basis of an allegation from a named complainant. In addition, I continued my work on ten investigations brought forward from previous years.

Number of inquiries started in each of the last five years



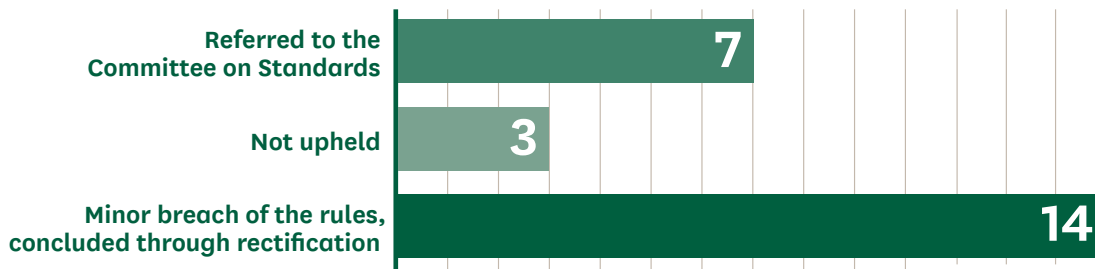
55. The decision to open an inquiry is for me alone. When I receive an allegation, I aim to decide within five days whether to investigate. The time taken to make this decision varies according to the complexity and volume of supporting evidence. During 2019–20 of the 2,726 allegations received, 99% were decided within that timeframe.

## Inquiries resolved in 2019–20

56. In 2019–20, I resolved 24 inquiries into allegations relating to paragraphs 11–17 of the Code of Conduct. I resolved 15 (55%) of those opened during the year, and nine (90%) of the ten inquiries brought forward from previous years. This leaves 13 inquiries to carry over into 2020–21.

57. Of the 24 inquiries I resolved in 2019–20, I did not uphold the allegations in three, I rectified 14 under Standing Order No 150, and I referred seven to the Standards Committee for their consideration.)

### How inquiries were resolved in 2019–20



### Time taken to resolve cases

58. During 2019–20, I resolved an inquiry which my predecessor had opened in September 2016. This was my longest running inquiry and took a total of 1,038 days to conclude. By comparison, my shortest inquiry during 2019–20 opened at the beginning of 2020 and was closed by 5 February 2020, taking just 30 days to conclude.

59. Across 2019–20, for the 24 inquiries that we resolved, our mean resolution time was 180 days. While the House was dissolved, I was unable to undertake enquiries, and our mean resolution time was affected by those delays.

Number of working days<sup>1</sup> taken to complete inquiries in 2019–20<sup>2</sup>



<sup>1</sup> Excluding bank holidays

<sup>2</sup> Some inquiries were suspended but remained open during the period of dissolution in 2019 (6 November 2019 to 13 December 2019)

**Inquiries completed in 2019–20**

**Allegations about disclosure of interests (paragraph 14 of the Code of Conduct for Members)**

60. I use my power to rectify a case under Standing Order 150 in cases that concern a failure to register or declare an interest (paragraph 14 of the Code of Conduct for Members), but only if I consider the interest to be “minor” or the failure to be “inadvertent”. To be able to rectify a case I apply several tests; has it been established that an MP has acted in breach of the Code, has the MP acknowledged their breach of the rules, has the MP apologised for that breach, and, where relevant, am I satisfied that the MP has taken appropriate

remedial action? The Registrar arranges for the relevant item in the Register of Members' Financial Interests to be printed in bold italic and annotated. In due course I inform the Committee on Standards of the outcome.

61. In 2019–20, I was able to rectify eight cases concerning the disclosure of interests by using the process described above. The MP apologised and where possible. Six of those eight rectifications concerned MPs from a single party. The facts in all six cases were parallel as the cases concerned a failure to register one or more overseas visits under Category 4 of the Register of Members' Financial Interests. One of the remaining two rectifications concerned the late registration of earnings and, the other an MP's failure to register his shares in a consultancy firm which he had established, but which had not traded.

62. Three investigations concerning disclosure of interests were too serious to be resolved by rectification. I therefore referred them to the Committee on Standards. The first concerned an MP who failed to register his role as a company chairman within the required 28 days. Different start dates were recorded in different published documents. I asked the MP to correct the public records of his start dates. However, he took six months to do so, and during my inquiry a further five late registrations came to light. I concluded that, considered together, these matters amounted to more than a minor breach of the rules. I referred the case to the Standards Committee.

63. The Committee agreed with me, and added that the MP's failure to comply with my rectification requirements meant that he had breached paragraph 20 of the Code (co-operating with my inquiry). The Committee required the MP to apologise in writing to the House, via the Committee, and instructed that his entry in the Register of Members' Financial Interests be printed in bold italic to reflect the correction.

64. The second case which I submitted to the Committee concerned an MP who had been late in registering the rental of a property. I had investigated this and rectified the allegation in 2018–19. In 2019–20 the MP again amended his Register entry to record that this property had become registrable some ten months earlier. I decided that it was not appropriate to use rectification for a second occasion, in relation to the same register entry. I referred the case to the Standards Committee.

65. The Committee agreed with me, while commenting that the MP's actions did not amount to a serious breach of the rules. They required the MP to apologise in writing to the House, via the Committee, and instructed that the relevant item in the Register of Members' Financial Interests be printed in bold italic to reflect the rectification.

66. The third case I referred to the Committee on Standards was not considered by the Committee until June 2020. The Member concerned was first elected in 2015. He had registered shares in three companies. He was late in registering that two of the companies had changed their name and a third had been dissolved. During the investigation I found that he was an unpaid director of these companies and of two others. He did not register these roles, or disclose them to the select committees on which he served.



## **Allegations about the misuse of allowances, facilities and services (paragraph 16 of the Code of Conduct)**

67. In 2019–20, I upheld allegations concerning the misuse of allowances, facilities and services provided from public funds in eight cases. In five cases, I was able to rectify the inquiries by using the rectification process described above. In two cases I required the MP to repay the cost of the misused resource in addition to making an apology.

68. Two cases involved tours of the Palace of Westminster, arranged in order to raise funds for a political party. In one case an MP also offered tea on the terrace with a colleague. These arrangements are against the rules of the House; MPs should not charge for access to Parliament, and they should not use the facilities to raise money for political parties. I considered the breaches of the rules to be at the less serious end of the spectrum.

69. Three cases concerned misuse of the stationery provided by the House, which bears the crowned portcullis, and of pre-paid envelopes. One MP had used this stationery and envelopes to send an invitation to his birthday party, while also seeking donations to a charity. Another MP had used House-provided stationery and envelopes to send a general update to his constituents. General updates are expressly prohibited by the rules on House-provided stationery. In the third case an MP's assistant had used a small quantity of House-provided stationery and envelopes inappropriately and without permission. MPs are responsible for such actions by their staff. All the MPs apologised and the first two refunded the House authorities the cost of the misused resources which was, respectively, £42.86 and £777.92.

70. The three remaining cases could not be resolved by rectification and were referred to the Committee on Standards. These cases were not heard in 2019–20 and I will report on them in my annual report next year.

## **Allegations of damage to the reputation and integrity of the House, or of its Members generally (paragraph 17 of the 2018 Code of Conduct)**

71. In the final two cases on which I reported to the Committee on Standards, I found that the MP had breached what is now paragraph 17 of the Code of Conduct. That paragraph (paragraph 16 of the 2015 Code) states:

*“Members shall never undertake any action which would cause significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally.”*

72. Because this paragraph includes the words “significant”, “as a whole”, and “generally”, the bar for finding a potential breach of this paragraph is high. Before I find that an MP has breached this paragraph, it is not sufficient that his or her actions would cause damage; it must be significant damage. It is not enough for that damage to be to the reputation and integrity of a single MP, or a number of MPs; it must be to the House as a whole or to its Members generally. Such cases are correspondingly rare.

73. The first investigation arose from a complaint that a senior MP had allowed a conflict of interest to arise between his private behaviour and his role as Chair of a

Select Committee. Paragraph 11 of the Code (paragraph 10 in the 2015 edition) states that should a conflict arise between an MP's personal interest and the public interest, the MP must resolve that conflict in favour of the public interest. My predecessor began the investigation in September 2016.

74. The MP had met two other men in a flat which he owned. One of the men recorded the meeting, and material extracted from that recording was published in the media. While the media coverage focussed on the nature of those events, it is important to emphasise that this was not the Commissioner's concern. It is not the Commissioner's role to police an MP's relationships. My predecessor and I were both concerned that these events could represent a conflict of interest with the MP's parliamentary role as Chair of a particular Select Committee.

75. The inquiry was concluded nearly three years after it started. There were several temporary halts to the investigation (twice to allow another agency to conduct their own inquiries, once due to the MP's health, and once due to a dissolution of Parliament) that together amounted to approximately ten months.

76. At the conclusion of my inquiry, I did not uphold the allegations of a breach of paragraph 10 of the 2015 Code. I found no evidence that the activities undertaken by the MP were current at the time when they would have been relevant to the work of the Select Committee. I did find the MP had acted in breach of paragraph 16 of the 2015 Code, by expressing willingness to buy controlled drugs for others, thereby showing disregard for the law, and by failing to co-operate fully with the inquiry process, thereby showing disrespect for the House's standards system. The Committee agreed with me and commented that this amounted to a "very serious breach of the Code". They recommended a six-month suspension from the House.

77. The MP did not stand in the General Election which followed soon after. But for this, his constituents would have had the opportunity, under the Recall of MPs Act 2015, to vote on the possibility of a by-election in his constituency. If 10% of the electorate had favoured a by-election, he would have had to vacate his seat, although he would have been able to stand in that by-election.

78. The second inquiry concerned an alleged breach of paragraph 16 of the 2018 Code (use of publicly provided resources) as well as a breach of paragraph 17. An MP had used House provided stationery when providing a character reference to a Crown Court in connection with the sentencing of a family member. After this was reported as a news story, the MP became involved in a confrontation with a media representative who had approached the MP at the family home.

79. I found a breach of paragraph 16 had occurred, as using the House of Commons stationery in that way wrongly gave the impression that the reference was provided as part of the MP's parliamentary duties and carried the authority of the House. I also found that the MP had breached paragraph 17 by these actions, in her dealings with the journalist, and by failing appropriately to respond to my correspondence. The Committee agreed while noting the "strain and pressure" on the MP as a result of a long period of continuous scrutiny of their family affairs. They required them to apologise to the House in writing via the Committee, and warned her that they would take a serious view of any further similar breaches.

## Part 2: Independent Complaints and Grievance Scheme (ICGS)

80. On 19 July 2018, the House introduced this Scheme, which aims to prevent bullying, harassment and sexual misconduct within the parliamentary community. The House added to the Code of Conduct an expectation that MPs will observe the parliamentary behaviour code and introduced a new Rule of Conduct which is now paragraph 18. This says:

*“A Member must treat their staff and all those visiting or working for or with Parliament with dignity, courtesy and respect.”*

81. The House also amended Standing Order No 150 in order to give me the responsibility of determining allegations from within the parliamentary community of bullying, harassment and sexual misconduct by MPs. These cases reach me by a different route to those brought under paragraphs 1 to 17. Complaints are made to one of two specialist helplines, and investigated by external independent investigators. They are not submitted to me direct.

82. If a formal complaint is made under the ICGS, it is passed to the Independent Complaints and Grievance Scheme (ICGS) and allocated to an independent external investigator who completes an initial assessment. The purpose of that initial assessment is to determine whether the allegations concern bullying and harassment, or sexual misconduct. If the complaint is assessed as falling under either of those policies, it is passed to me to agree a full assessment of the complaint. An independent external investigator (usually, the same investigator who completed the initial assessment) will complete this assessment.

83. If at the conclusion of the full assessment the complaint is upheld, and subject to any appeals by those involved, I can use my powers to impose sanctions for less serious breaches of the relevant policy. Until June 2020, serious breaches are referred to a subcommittee of the Committee on Standards.<sup>3</sup>

84. These cases are kept confidential and I do not publish any information about individuals involved. At this stage, because there were so few investigations (not more than ten in 2019–2020) it is not appropriate to give any breakdown of the subject matter, although I can say that they related to different MPs. Neither I nor the House publish the outcome of these cases as a matter of routine.

85. In October 2019 the Scheme was extended to allow complaints by and about former members of the parliamentary community, such as former MPs. These inquiries can be particularly challenging. They involve sensitive issues and the passage of time can make it harder to identify evidence. I will comment further on this in my next Annual Report.

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<sup>3</sup> Following the House’s decision on 23 June 2020, an independent expert panel will be established to consider such cases, in place of the Standards Committee.

## 5 Registering interests

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### Openness

86. The Code of Conduct for Members of Parliament includes the seven principles of public life. One of those principles is openness. MPs are expected to be open about their interests in almost every part of their public life.

87. MPs are expected to disclose interests such as hospitality they have received, or benefits such as tickets for a football match; or money towards their election campaign; or a payment for outside work. Disclosing the interest does not mean that the MP has done something wrong. Being open about the interest means that other people cannot say that the interest provides a secret motive for the MP's actions.

88. If an MP is taking part in proceedings, writing to a Minister or public official, or taking part in discussion, they must consider whether they have an interest. If someone else might reasonably consider that interest to influence their actions or words, they are expected to disclose it. An MP is not expected to explain his or her interests when asking a Question in the Chamber, when questioning the Prime Minister, or following a Ministerial statement. But on all other occasions an MP must draw attention to his or her interest. This does not imply any wrongdoing.

89. As well as drawing attention to interests in this way, MPs must record their interests in the Register of Members' Financial Interests. They must update this information within 28 days of any changes. The interests which MPs have to register in this way are outside earnings, donations and loans, gifts, benefits and hospitality and foreign visits, shares, land and property, and certain occupations of family members. And if an MP has an interest which someone else might reasonably consider to influence them, but which does not fit into any of the other categories, he or she must record it under the Miscellaneous heading.

90. The Guide to the Rules sets out the rules on disclosing interests and the financial thresholds which apply for the Register. My office sends these rules to all new MPs and offers them a one to one briefing when they are first elected. After that, any MP who is unsure is encouraged to approach the Registrar of Members Financial Interests and her staff, who are happy to advise by email, over the phone or in person. That advice is nearly always confirmed in writing. The giving of advice is an important part of the work of the Registry team, and it is highly valued by MPs.

91. Sadly, MPs do not always remember to disclose their interests. Chapter 4 of this Report gives an account of my investigations into allegations that MPs had not been open about their interests.

### Register of Members' Financial Interests

92. We publish this Register online every two weeks while the House is sitting, and less frequently in recess. We no longer publish it in hard copy. Every interest remains in the Register for one year after it has ended. During 2019–20 we published 20 editions of the Register.

93. The last Register of the 2017 Parliament was dated 5 November 2019, just before the House dissolved for the General Election. The first Register of the new Parliament carried the date of 11 January 2020 and was published on 31 January. This was an unusually long Register. It included donations to MPs' election campaigns, including any made to their party organisation but "linked" to the MP. It included 1,936 new register items. In addition, returning MPs made 64 updates to items already registered. In total there 2,000 changes to the Register; 25% more than after the 2017 Election.

94. After the 11 January 2020 Register, we published a further four Registers before the end of March 2020, making a total of five Registers published in the new Parliament.

### **Register of All-Party Parliamentary Groups**

95. All Party Parliamentary Groups (APPGs) are informal gatherings of parliamentarians who share a common interest. They must obey the rules set by the House. They must list their officers, and any benefits received above a financial threshold, in the Register of APPGs. We published eight registers of APPGs during the year 2019–20.

96. At the end of the 2017 Parliament there were over 700 groups. These groups ceased to exist when the House dissolved. Any group which wanted to operate in the new Parliament had to hold a properly constituted inaugural meeting to agree its remit and elect the right number of officers.

97. Because all APPGs must establish themselves afresh in each Parliament, the first Register of a new Parliament is always shorter than the last one before Dissolution. The first Register of the 2019 Parliament was published on 24 February 2020. It included 355 groups, of which 80 were country groups and 275 subject groups. 164 of these groups had registered benefits. We did not publish any further editions of the APPG Register before the end of 2019–20.

### **Register of Interests of Members' Secretaries and Research Assistants (the Members' Staff Register)**

98. MPs' staff who hold photo-identity passes must register any occupation or employment which is advantaged by the privileged access to Parliament afforded by their pass; and any gift or benefit (eg hospitality, services) that they receive, if it in any way relates to or arises from their work in Parliament. In both cases a financial threshold applies. In 2019–20 staff were required to register benefits with a value of over £395 from the same source in the calendar year. The same financial threshold applied when registering earnings.

99. During 2019–20 we published eight editions of this Register. We published the first Register of the new Parliament on 7 February 2020. It listed the names of 1,679 staff of whom 327 had registered interests. The following Register, the last of 2019–20, listed 1795 staff including 32 MPs' spouses, of whom 348 had registered interests.

### **Register of Journalists' Interests**

100. Journalists who hold a photo identity pass must also register any occupation or employment advantaged by the privileged access to Parliament afforded by their pass.

Again, a financial threshold applies. In 2019–20 journalists were required to register occupations or employment with a value of over £795 from the same source in the calendar year.

101. We published eight editions of this Register in 2019–20. Of these we published two between the General Election and the end of 2019–20. The first Register of the new Parliament was dated 7 February 2020, and included the names of 457 journalists of whom 75 had registered interests. The second edition of the Parliament, published on 20 March 2020, included the names of 467 journalists, of whom 79 had registered interests.

## Appendix 1: Cost of the Office

**Table: Costs of running the Commissioner’s office 2015–16 to 2019–20**

Year	2015–16	2016–17	2017–18	2018–19	2019–20
Staffing, etc.	£423,838	£433,556	£457,933	£524,460	£704,325
Other running costs	£1,116	£415	£3,525	£2,164	£5,665
<b>Total</b>	<b>£424,954</b>	<b>£433,971</b>	<b>£461,458</b>	<b>£526,623</b>	<b>£709,990</b>

1) The staff costs of my office increased in 2019–20 because three new staff members joined the team. Non-staff costs were also higher than in 2018–19 because these included the costs of producing ring binders containing the Code of Conduct and rules of the House for all MPs after the General Election.