Independent Expert Panel

The Conduct of Mr Peter Bone MP

Presented to the House of Commons
pursuant to House of Commons Standing Order No. 150A

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The Independent Expert Panel

The Independent Expert Panel was established by resolution of the House of Commons on 23 June 2020. The Panel:

- Hears appeals against decisions made by the Parliamentary Commissioner for Standards (the Commissioner), and considers referrals from the Commissioner and determines sanctions in cases involving an allegation against an MP of a breach of Parliament's Sexual Misconduct Policy or the Bullying and Harassment policy, under the Independent Complaints and Grievance Scheme; and

- Hears appeals against decisions by the Committee on Standards in cases involving an allegation against an MP of a breach of the Code of Conduct for Members of Parliament.

Current membership

Mrs Lisa Ball
Ms Monica Daley
Mrs Johanna Higgins
Sir Stephen Irwin (Chair)
Professor Clare McGlynn KC (Hon)
Miss Dale Simon
Sir Peter Thornton KC
Dr Matthew Vickers

Powers

The Panel's powers are set out in House of Commons Standing Orders Nos 150A to150D. These are available on the internet via www.parliament.uk.

Publication

 Independent Expert Panel reports are published on the Panel's website at www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/independent-expert-panel/ and in print by order of the House. Accessible versions are available on request.

Panel staff

The Secretary to the Panel is Ian Bradshaw. The Deputy Secretary to the Panel is Chloe Freeman.

Contact

All correspondence should be addressed to the Secretary to the Panel. The Panel's email address is independentexpertpanel@parliament.uk.

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Report by the Chair of the Panel

1.1 The Independent Expert Panel (the Panel) was established by the House of Commons on 23 June 2020. The Panel hears any appeals from decisions by the Parliamentary Commissioner for Standards (the Commissioner) on complaints against a MP, or former MP, under the Independent Complaints and Grievance Scheme (ICGS); and considers referrals from the Commissioner to determine sanctions where they have upheld a complaint in serious cases. These are cases involving an allegation of a breach of the Bullying and Harassment Policy for UK Parliament, or the Sexual Misconduct Policy for UK Parliament. It also hears appeals against decisions by the Committee on Standards from MPs who have been found to have breached the Code of Conduct for MPs.

1.2 The Panel is guided by the principles of natural justice, fairness for all parties, transparency and proportionality. We understand the seriousness of, and the harm caused by bullying, harassment and sexual misconduct. We are rigorously independent, impartial and objective, acting without any political input or influence.

1.3 This is a report on a referral by the Commissioner on 5 May 2023 of complaints under the bullying and harassment, and sexual misconduct policies that he had upheld against Mr Peter Bone, the Member for Wellingborough, and on an appeal against the findings of the Commissioner.

1.4 The complainant was a member of staff in Mr Bone's Westminster office. He made a complaint to the ICGS helpline on 8 October 2021, making five allegations (broken down into sub-allegations), three of bullying and harassment, and two of conduct breaching both the sexual misconduct, and bullying and harassment policies. The allegations covered behaviour in 2012 and 2013.

1.5 The complainant had complained about the same events to the then Prime Minister in November 2017 under the Conservative Party's code of conduct. The complaint to the Party had not been resolved by October 2021 when the ICGS complaint was made. The ICGS may decline to investigate complaints being pursued in another forum. It therefore paused its assessment of the complaint to ascertain the status of the Conservative Party's investigation. In August 2022, the complainant withdrew his complaint to the Conservative Party, which had still not been resolved, so his ICGS complaint could be investigated.

1.6 The independent investigator appointed by the ICGS recommended that the respondent had breached the bullying and harassment policy in relation to all five allegations, and the sexual misconduct policy in respect of one (Allegation 4). The Commissioner agreed with the investigator's recommendation in respect to the bullying and harassment allegations. He disagreed that one of the elements of Allegation 4 was sexual misconduct but agreed that another was.

1.7 The Commissioner found the following allegations proved:

Allegation 1: Mr Bone "verbally belittled, ridiculed, abused and humiliated" the complainant, and this was bullying.

Allegation 2: Mr Bone "repeatedly physically struck and threw things at" the complainant, and this was bullying.

Allegation 3: Mr Bone "imposed an unwanted and humiliating ritual on" the complainant, namely instructing, or physically forcing, the complainant to put his hands in his lap when Mr Bone was unhappy with him or his work; and this was bullying.

Allegation 4.2: Mr Bone "repeatedly pressurised [the complainant] to give him a massage in the office" and this was bullying, but not sexual misconduct.

Allegation 4.3: Mr Bone indecently exposed himself to the complainant on an overseas trip, initially in the bathroom of the hotel room they were sharing and then in the bedroom. The Commissioner concluded this was sexual misconduct.

Allegation 5: ostracised the complainant following the events subject to Allegation 4.3, and this was bullying.

1.8 Mr Bone, appealed against the Commissioner's decision. I appointed the following sub-panel to consider the appeal and the referral from the Commissioner:

- Mrs Lisa Ball
- Professor Clare McGlynn KC (Hon)
- Sir Peter Thornton KC (chair of the sub-panel)

1.9 For the reasons in their decision, section 2 of this report, the sub-panel dismissed the respondent's appeal as it did not raise any substantive grounds of appeal.

1.10 The same sub-panel then considered the appropriate sanction, which had been

remitted to the IEP by the Commissioner. Its decision is section 3 of this report. It found that:

> *This is a serious case of misconduct.* [Mr Bone] *has been found to have committed many varied acts of bullying and one act of sexual misconduct. The bullying involved violence, shouting and swearing, mocking, belittling and humiliating behaviour, and ostracism. It was often in front of others.* […] *The respondent specifically targeted the complainant* […]
>
> *This wilful pattern of bullying also included an unwanted incident of sexual misconduct, when the complainant was trapped in a room with the respondent in a hotel in Madrid, not knowing what was going to happen next. This was a deliberate and conscious abuse of power using a sexual mechanism: indecent exposure. It was woven into a pattern of inappropriate behaviour which also included requests for massages of his shoulders and neck and instructions to put hands in laps, including forcibly putting the complainant's hands in his lap.*

1.11 The sub-panel determined that the appropriate sanction was suspension from the House for six weeks.

1.12 Mr Bone appealed this decision on sanction. I appointed the following sub-panel to consider the appeal:

- Miss Monica Daley
- Sir Stephen Irwin, chair of the sub-panel
- Dr Matthew Vickers

1.13 For the reasons set out in its decision, section 4 of this report, that sub-panel concluded that there was no reason to interfere with original sub-panel's decision. The effect of these processes is that the allegations against Mr Bone are upheld, and the determination that he should be suspended from the service of the House for six weeks stands.

1.14 I make this Report to the House pursuant to Standing Order No. 150A(5)(d) as the sub-panel has determined a sanction only the House can impose. All other information about this case except as referred to in this report, including the investigator's report, the Commissioner's Memorandum, and the identity of the

complainant and any witnesses, remains confidential.

Rt Hon Sir Stephen Irwin

16 October 2023

Appeal against the decision of the Commissioner

Mrs Lisa Ball, Prof. Clare McGlynn KC (Hon), Sir Peter Thornton KC (chair)

Introduction

2.1 This is an appeal against the decision of the Parliamentary Commissioner for Standards (the Commissioner) in his Memorandum of 4 May 2023. The Commissioner upheld five allegations of bullying and one allegation of sexual misconduct and concluded that the conduct of the respondent MP amounted to breaches of both the Bullying and Harassment Policy for UK Parliament and of the Sexual Misconduct Policy for UK Parliament.

2.2 The complainant was employed as a member of staff by Mr Peter Bone (the respondent), Member of Parliament for Wellingborough since 2005. He made his complaint to the Independent Complaints and Grievance Scheme (ICGS) on 8 October 2021. The allegations relate to the period from October 2012 to January 2013, following which the complainant resigned from his post as Parliamentary Assistant.

2.3 The allegations were investigated by an independent investigator on behalf of the ICGS. He reported to the Commissioner on 8 March 2023, recommending that most of the allegations should be upheld. The Commissioner agreed with all but one of the recommendations.

2.4 The respondent denied all the allegations and now appeals against the findings and conclusions of the Commissioner.

The allegations

2.5 The following is a summary of the allegations which were found by the Commissioner to be proved:

Allegation 1 - The respondent verbally belittled, ridiculed, abused and humiliated the complainant. A finding of bullying was upheld. There were four separate types of misconduct alleged.

1.1 The respondent ridiculed and belittled the complainant on a number of occasions, including four named occasions between October and December

2012. For example, on 10 December 2012 the respondent, having sworn and shouted at the complainant (see 1.2 below), called him ‘sensitive, you’re a strange chap’, and later said sarcastically ‘Do you want a hug?’ and then asked a colleague to give him a hug because ‘he’s feeling sensitive’.

1.2 The respondent regularly shouted and swore at the complainant, with five specific occasions in October and November 2012 alleged. For example, on 10 October 2012, according to the complainant’s contemporaneous log of events, the respondent ‘swore and shouted in front of new intern 1st day’. On 20 November 2012, according to the log, the respondent ‘got incredibly angry, aggressively shouting and swearing at me, over remittances not being sent for his expenses. This again took place in the Westminster office.’

1.3 The respondent repeatedly told the complainant to shut up, including two examples in October and November 2012. On 16 October 2012, the log states, ‘repeatedly told to “shut up” in front of staff’. On 20 November, ‘shut up! Is that clear enough’.

1.4 The respondent verbally threatened the complainant, during the period 7-12 December 2012. On 11 December 2012 the respondent hugged the complainant and said, ‘You’re going to wish you never said that to me’. The complainant had attempted to raise the respondent’s abusive behaviour the day before (see 1.1 above).

Allegation 2 - The respondent repeatedly physically struck and threw things at the complainant, with examples on five specific dates in October 2012 and on 14 January 2013, the day the complainant resigned from the respondent’s office. A finding of bullying was upheld.

2.1 The respondent struck the complainant repeatedly, on the back of the head, back, arms and shoulders. He used his hand (front and back) and sometimes an object such as a pencil or rolled-up document. For example, on 14 January 2013, the respondent struck the complainant across the back of the head and said, ‘because you’re having a thick day and I thought that would help’. The respondent would tell colleagues that the complainant is ‘having a thick day, we should hit him’. Some hits were hard, some just taps.

2.2 The respondent also repeatedly threw things at the complainant, including pens, pencils and office equipment.

Allegation 3 - The respondent imposed an unwanted and humiliating ritual on the complainant (and others), with three specific dates in October and November 2012 as examples. The respondent imposed upon his staff, including the complainant, a ritual which the respondent called ‘hands on laps’. When not satisfied with the complainant’s work, particularly on expenses, he would forcibly make him or require him to put his hands on his lap, sometimes hitting his hands. For example, on 2 October 2012, the complainant recorded in his log that the respondent ‘physically took my hands and put them in my lap repeatedly when he got frustrated while working on his expenses in his office in Westminster’. The complainant’s log for 21 November 2012 reads, ‘Don’t think. Hands on lap’. A finding of bullying was upheld.

Allegation 4 - The respondent exposed the complainant to bullying (4.2) and sexual misconduct (4.3) in the following ways.

4.1 This allegation was not upheld. The complainant has not appealed this finding.

4.2 The respondent repeatedly pressurised the complainant to give him a massage in the office (with nobody else present) on his shoulders and neck, at least six times and always with the door of the office shut and nobody else present. On one occasion, on 21 November 2012, the complainant reluctantly agreed, but only because he was worried about the consequences if he did not. The complainant’s log for 21 November 2012 reads, ‘Asked to give massage.’

4.3 On 17-19 January 2013, the complainant was required to join the respondent on a trip to Madrid, as part of the respondent’s role as co-chair of the All-Party Parliamentary Group on Human Trafficking. The respondent booked a twin room for both of them, tried to keep the beds together, and on one occasion in the bathroom exposed his genitals close to the complainant’s face.

Findings of bullying and, in respect of Allegation 4.3, sexual misconduct were upheld.

Allegation 5 - The respondent ostracised the complainant during the week beginning 21 January 2013. Following the trip to Madrid, and while the

complainant was serving out his notice, the respondent ignored the complainant, refused to speak to him and ignored any work carried out by him. A finding of bullying was upheld.

The ICGS process

2.6 The ICGS process for bullying, harassment or sexual misconduct complaints against MPs can be summarised as follows.

2.7 A complaint is made by the complainant calling the ICGS helpline. This is operated on an arms-length basis from the ICGS and the House by the independent charity Victim Support. When a formal complaint is made this is passed on to the ICGS team.

2.8 An independent investigator is selected by the ICGS team to carry out, as the first phase of the investigation, an initial assessment of a formal complaint to ensure it meets the criteria to be investigated. The Commissioner must approve a recommendation before a complaint moves to a full investigation.

2.9 The complaint is then investigated fully by an independent investigator appointed by the ICGS. The investigator completes a full report of the evidence and provides the Commissioner with recommendations on whether to uphold the complaint. The Commissioner has oversight of the investigation, but does not have prior sight or influence over the investigator's findings and recommendations.

2.10 The Commissioner then reviews the investigator's report and recommendations and decides whether to uphold the complaint. When a complaint is upheld, he must also decide whether it is so serious to require referral to the IEP (Independent Expert Panel) to determine sanction.

2.11 The IEP then hears any appeals against the Commissioner's decisions, and, if necessary, determines the appropriate sanction.

2.12 It should be stated clearly (as it has been stated before) that the ICGS process, dealing with allegations of bullying, harassment or sexual misconduct, is a comprehensive workplace disciplinary process. This case concerns allegations of bullying and sexual misconduct, not harassment.

2.13 It should also be stated that the ICGS process is independent at all stages. The

investigators act independently of each other and independently of the Commissioner (and of the House authorities). The Commissioner acts separately and independently. The IEP is a small group drawn from outside the House (and approved by the House), entirely independent of the Commissioner and the investigators. MPs and members of the House Service play no part in the making of our decisions.

2.14 In this case the investigation was extensive. The complainant and the respondent were both interviewed. Witnesses were interviewed. Documents were considered. The evidence alone amounts to over 650 pages. The investigators took comprehensive evidence from the respondent, and his supporting witnesses, and took into account his very full written submissions by way of responses to the allegations. The respondent was given every opportunity to reply to the allegations. He submitted 28 pages of grounds of appeal.

The appeal process

2.15 The respondent appeals by way of written submissions dated 7 July 2023.

2.16 The role of the sub-panel on appeal (on behalf of the IEP) is by way of review. The sub-panel does not conduct a re-hearing of the case. It does not re-investigate the allegations, nor does it make fresh decisions on the basis of the evidence. The role of the sub-panel is to review the decisions taken by the Commissioner.

2.17 Appeals to the Panel are a two-stage process. The sub-panel will first consider whether the issues raised in the appeal fall within one or more of the grounds of appeal and whether there is any substance to the grounds. If the first stage is passed, the sub-panel will then consider the substantive appeal and reach a conclusion on the merits.

2.18 In our review of this case, we have considered all of the evidence, the witnesses and other evidence. We have considered the independent investigator’s final report and recommendations (8 March 2023), and the Commissioner’s Memorandum (4 May 2023). We have also considered the respondent’s written submissions on the appeal (7 July 2023), as well as points and submissions made during the course of the investigation. In essence, the respondent submitted that the investigation was materially flawed, that the process followed by the Commissioner was procedurally flawed, and that decisions made by the Commissioner in his Memorandum were unreasonable.

2.19 The sub-panel met on 11 July 2023 and considered with care the respondent's written appeal submissions. We concluded that the issues raised in the respondent's grounds of appeal fell within the required grounds of appeal, but had no substance. The procedures were not flawed and the decisions of the Commissioner were not unreasonable. We therefore dismiss the appeal. Our reasons are set out below.

The appeal

2.20 Throughout the process the respondent has denied all the allegations. He denied bullying on the many occasions alleged and he denied sexual misconduct.

2.21 It is therefore the respondent's case that the complainant made false complaints against him and did, in effect, conspire with witnesses to invent a series of complaints against him.

Credibility

2.22 This therefore raised, at the heart of the case, the issue of credibility. Who was to be believed: the complainant or the respondent? The respondent readily acknowledged in his grounds of appeal that a 'credibility assessment' had been necessary.

2.23 This issue was addressed by both the investigator and the Commissioner. A full assessment, looking closely at the conflicting accounts of events and all the relevant evidence, was made.

2.24 The investigator concluded that he preferred the evidence of the complainant. He found that his evidence was compelling, nuanced and plausible. And there was considerable supporting evidence. The complainant had kept a log of events (until his notice of resignation) which was found to be accurate and written contemporaneously. It was a detailed record of events. It amounted, we are bound to say, to a clear indictment of the respondent's repeated bullying behaviour. There was also supporting evidence from two further sources: two key witnesses at work who were present when many of the events happened; and family members to whom the complainant reported some of his experiences. These witnesses were all found to be credible. The two key supporting witnesses were also found to be reflective, sincere and compelling. The reaction of the family witnesses to the complainant's experience, in the view of the investigator, was rational, compassionate and compelling.

2.25 The complainant's evidence about events in a hotel in Madrid (Allegation 4.3, above) was also accepted as credible. (For the respondent's submissions about the Madrid incident, see paragraphs 2.78-2.98 below.) The events do not appear in the complainant's log, which appears to have stopped at the point of resignation, shortly before the Madrid trip, but the complainant's account of Madrid and its aftermath, which was supported by witnesses to whom the complainant had spoken shortly afterwards, was believed and preferred to the respondent's stark denials.

2.26 By contrast, the respondent's failure to accept any of the allegations in respect of events in October, November and December 2012 and in January 2013, whether in part or in whole, was significant. The respondent now accepts in his submissions that he may have lost his temper and shouted or expressed displeasure, but none of this was directed at any staff, including the complainant. But the investigator found that the respondent's earlier near-absolute denials of even slightly intemperate episodes of behaviour lacked credibility, and were at odds with other evidence, including the plausible recollection of neutral observers. The respondent's apparent obliviousness to the impact of his position of power on others, and his refusal to take on board clear evidence that he made people uncomfortable, did not lend credibility to his case that working for him was 'always' 'relaxed' and 'fun'.

2.27 The investigator found the respondent's witnesses less than convincing. In a detailed assessment, he expressed a number of reservations about aspects of their evidence, which was at times, he said, 'rose-tinted'. He was not impressed by their denials that their loyalty and friendship with the respondent, and, in one case, patronage, inclined them to be unduly supportive of the respondent.

2.28 There is no doubt that the respondent did not treat all members of staff in the way alleged. He was described by one as a great mentor and leader. Other witnesses spoke positively in general terms about working for him. But the investigator found that his two significant witnesses were heavily 'affiliated' to the respondent. Furthermore, despite favouring the respondent's case, one did not work at the same time as the complainant was working in the office, and the other was not present during the time of the key allegations.

2.29 One of the respondent's complaints in his appeal is that there was 'outright dismissal of my witnesses'. We do not agree. All of the witnesses were scrutinised with great care and never superficially. There were in-person (virtual) interviews with all of them. The reasons for the investigator assessing credibility in the complainant's

favour were clearly thought out, well-argued and firmly expressed. They were impressive.

2.30 The Commissioner accepted in his Memorandum the investigator's view on the credibility of witnesses (except in a limited number of aspects, which he explained, and which have no impact on the outcome of this appeal). He agreed that the complainant's evidence was credible, particularly with the support of his contemporaneous logs and the two key witnesses at work. He was less impressed with the respondent's evidence. He referred to his outright denials of every allegation, with no doubt or reflection, and his accounts of how he ran his office and his overall leadership style in a way which was directly contradicted by other evidence, including, in parts, some of his own witnesses. Apart from this, his witnesses had little evidential value, mostly not having been present at any of the key events.

2.31 We have looked carefully at the evidence in this case and the reasoning of the Commissioner on the issue of credibility. We find nothing to demonstrate that his conclusion was unreasonable or that this aspect of the process was in any way procedurally flawed.

2.32 In our judgment, this was a very strong case against the respondent. Once the credibility issue had been determined in the complainant's favour, the findings of bullying and sexual misconduct were inevitable.

2.33 We shall now look at other aspects of the respondent's appeal.

The parallel investigation

2.34 The complaint about the respondent's behaviour was first made by the complainant to the Conservative Party in September 2017. Four years later, in October 2021, and in the absence of sufficient progress in the Party investigation, he registered a separate complaint with the ICGS and in due course, in August 2022, withdrew his complaint to the Party, so as to be able to continue with the ICGS. The two investigations therefore ran in parallel for a limited period of about 10 months, from October 2021 to August 2022.

2.35 The respondent makes four points by way of appeal about the parallel investigations. He submits that:

a. the ICGS complaint should not have been allowed to proceed, because the Party investigation was under way at the same time;

b. the ICGS was at one point 'paused' and later 'unpaused', consequently the ICGS process became in effect a new process and the complaint was therefore time-barred;

c. when the complainant withdrew from the Party investigation process, the respondent was denied an adversarial process, which the Party investigation may have given him; and

d. he was prejudiced by delay.

2.36 We shall deal with each of these points in turn. But first, in order to appreciate the respondent's submissions, it is necessary to set out some of the history of the Conservative Party investigation (the Party investigation).

History of the Conservative Party investigation

2.37 The complaint to the Party was made by the complainant by way of a signed statement on 4 September 2017. He also complained to Prime Minister May by letter on 14 November 2017. In fact, his father had complained to Prime Minister Cameron on his son's behalf by letter dated 22 December 2015 (having learned about the misconduct some 12 months earlier).

2.38 A Party investigation was commenced. Witnesses provided written statements in the Party investigation from February 2018. Unlike the later ICGS investigation, although the Party's Code of Conduct for Conservative Party Representatives provided a power to interview witnesses, no in-person interviews took place.

2.39 The respondent was informed of the complaint in February 2018 and provided with lengthy details of the allegations against him, as set out in the complainant's six-page letter of 4 December 2017 and from other witnesses. The respondent was asked what allegations and facts he agreed or denied. He was also given the opportunity to comment on the evidence and point to any inconsistencies. He was able to obtain statements from witnesses in support of his case, and they were forwarded by his lawyers to the Party investigation in April 2018, with other evidence and his denials. This material was all considered later by the ICGS, along with in-person interviews of witnesses (for the first time), whose accounts, according to the

ICGS investigator, did not substantively change. This material was incorporated into the ICGS investigation. According to the investigator, the respondent did not call into question the evidence collection stage of the Party process (Stage 1).

2.40 On 4 September 2018, the Party Investigating Officer informed the complainant that his complaint had successfully passed Stage 1 and would proceed to Stage 2, a consideration of the complaint by a five-person panel, with an independent QC as chair.

2.41 This panel decided, by a majority, as notified by letter of 7 November 2018, that there was evidence of a potential breach of the Code of Conduct, so that the process would move to Stage 3. Stage 3 involved an 'appropriate body', either the same or another panel, that would have 'the power to receive oral evidence' (if it chose to do so) and decide if the Code had been breached, and, if so, to make recommendations to the Chair of the Party.

2.42 From this time, however, the Party process seems to have gone quiet. From the time of the letter of 7 November 2018 to 12 August 2022, when the complainant was informed that Stage 3, a hearing, would be arranged, nothing much seems to have happened. This was a period of more than three and a half years, and, by August 2022, almost five years since the first signed statement of complaint. It is true that in March 2022, it seems that the complainant confirmed that he wished to proceed (certainly the respondent was so informed by the Party), but during the period from November 2018 to August 2022, the Party investigation had not progressed beyond Stage 2, despite the complainant's repeated inquiries to find out what was happening.

2.43 During this period (apart from the March 2022 notification), the respondent said he had also heard nothing. He said he was advised by his lawyers to take no action and assume that the hearing had been cancelled.

2.44 It was hardly surprising that by July 2022 the complainant had lost confidence in the Party investigation. But on 12 August 2022 the Party investigation seemed to revive. He was notified that an oral hearing in the Conservative Party Headquarters was scheduled for 5 September 2022 (Stage 3).

2.45 By this time, the ICGS process had started. The formal complaint was made on 8 October 2021. It triggered the initial assessment process (see paragraph 2.8 above),

including a signed-off interview in November 2021. The process was, however, 'paused' in November 2021 for the ICGS team to find out how far the parallel Party investigation had progressed. It had apparently not progressed very far, certainly not to anything like a conclusion. Although Stage 2 had been completed, Stage 3 was not yet in sight. The ICGS investigation was 'unpaused' on 15 July 2022, with the completion of the initial assessment process on 22 August 2022, thus moving the complaint forward to a full investigation.

2.46 At about this time, the ICGS investigator informed the complainant that in the light of the two parallel investigations he should pursue only one complaints process. As a result, the complainant withdrew from the Party investigation process on 24 August 2022. He was entitled to do so for whatever reason. He did, however, give his reasons in his letter of withdrawal, citing the following complaints:

- numerous delays, including nearly five years with no resolution to his complaint,
- Stage 1 of the process had seemingly been repeated, despite being originally completed in 2018,
- information to him from the Party that delay was due to 'administrative error', which had caused his file to be 'lost', and
- the process at Stage 3 would now include a new set of procedures which were not mentioned to him in the early stages of his complaint in 2017 and 2018.

2.47 In response, the Party acknowledged his frustration and disappointment, and wished to assure him that 'since the case was picked back up it has moved as quickly as possible'.

2.48 Although the Party had by then provided a date for a Stage 3 hearing, in the light of the history of the Party investigation (the respondent called it two investigations) there was no guarantee that the process would be completed within a reasonable time thereafter.

2.49 The position was, therefore, that from October 2021 to August 2022 there were two investigations underway at the same time: the Conservative Party investigation which had started in 2017 and had not yet reached a second panel hearing, and the ICGS investigation which had been in the initial assessment process since October 2021 (subject to the 'pause').

2.50 We now turn to the four appeal submissions made in this context.

(a) The ICGS process should have been halted.

2.51 The respondent submits that the ICGS complaint should never have been allowed by the ICGS to proceed, because the Party investigation was under way at the same time.

2.52 The history of the two investigations outlined above shows that the two investigations were concurrent for a limited period of about 10 months: from October 2021 to August 2022. In that period the ICGS process was in the 'initial assessment phase'. Paragraph 4.10 of the Bullying and Harassment Policy for UK Parliament and paragraph 4.10 of the Sexual Misconduct Policy for UK Parliament both refer in precisely the same terms to such an eventuality. The Bullying and Harassment Policy states:

Where a complainant chooses to use another policy to make a complaint of bullying or harassment (for example, if a complaint relating to an MP is made to a political party), or where the complainant has previously brought a complaint of the same, or substantially the same, conduct through another policy or through legal proceedings, the ICGS team reserves the right not to investigate the same incident under this policy.

2.53 This gives the independent investigator in the ICGS scheme the discretion, to be exercised fairly and reasonably, whether to proceed or not. It does not compel the investigator one way or the other.

2.54 The respondent, however, relies on another UK Parliament document. Paragraph 4.3 of the Bullying and Harassment Procedure (in distinction to the Policy) is worded slightly differently. Paragraph 4.3 reads:

Complaints that, in the Independent Investigator's opinion, have already been fully and fairly examined in another forum, or which are in the process of being considered in another forum, may not also be considered under the ICGS.

2.55 The respondent submits that paragraph 4.3 means that the ICGS investigator had a duty to stop his investigation and he failed to do so. Insofar as there is a conflict between the Policies and the Procedure, it should be resolved in his favour.

2.56 He further submitted that the House had considered just such a situation when on 28 April 2021 it explicitly approved the House of Commons Commission's report (Amendments to the Independent Complaints and Grievance Scheme, HC1384, April 2021), at paragraph 7:

A difficulty identified in the Review [of the ICGS process] *is that some complainants are seeking to relitigate matters that have been extensively considered already, either by an employment tribunal or by an internal disciplinary or grievance procedure. The procedures have been amended to enable the independent investigator to consider at the initial assessment stage, whether the complaint has already been fully and fairly considered in another context. If it has, this will be sufficient grounds for rejecting the complaint at the initial assessment stage.* [our emphasis]

2.57 The respondent submitted that this meant that the ICGS investigator had a duty to stop the process in the initial assessment stage. In his submission the Party investigation was active and near conclusion.

2.58 We do not agree with the respondent's submissions. Whilst there is slightly contradictory wording in paragraph 4.3 of the Procedure and paragraph 4.10 of the Policies, as the Commissioner accepted, we have no doubt that Parliament did not intend, in either the Procedure or the Policies, to tie the hands of the Independent Investigator unreasonably. Parliament recognised that in some circumstances an ICGS investigation would be unnecessary, would duplicate another investigation, might take extra time, might conflict in some measure with the other investigation, and might not therefore be in the interests of the complainant or the respondent.

2.59 But whether that was so would depend, in our judgment, very much on the nature of the parallel investigation, how far it had gone, whether it was being effective, how similar the complaint was to the ICGS complaint, the possible outcomes of a successful complaint, and, no doubt, a number of other factors relevant to the two investigations. It goes without saying that the potential outcomes of the two separate investigations could be very different. If the complainant's allegations were found proved, the ICGS process could possibly lead to suspension or expulsion from the House, whereas the Party internal investigation could lead, at its most severe sanction, only to suspension of membership of the Party or expulsion from the Party (see Party Code of Conduct).

2.60 All of this would, in our view, be for the investigator to decide in the initial assessment phase. An investigator might be likely to consider halting an ICGS investigation (as an unnecessary duplicate) where a parallel investigation had been thoroughly concluded, with full and fair consideration. The investigator might also consider halting an ICGS investigation where such an investigation had not been concluded, but was clearly going to conclude within a reasonable time and in a way which would sensibly preclude the ICGS from continuing with its investigation. In such cases it would be within the discretion, exercised properly, of the independent investigator whether to halt the ICGS process.

2.61 But that was not the case here. The Party investigation had not concluded and the history of delay over a period of years (and other concerns which the complainant had, see paragraph 2.46 above) was, regrettably, an indication that the end was not necessarily in sight.

2.62 There was no duty, as the respondent suggests, on the ICGS investigator to halt the proceedings. On the contrary, he exercised his discretion quite properly in all the circumstances of this case. He was right to complete the initial assessment (on 22 August 2022) and he was right to advise the complainant that he had to make a choice. Making that choice, and expressing his concerns about the Party process, the complainant decided two days later to withdraw his Party complaint and continue with the ICGS process. He was perfectly entitled to do so.

(b) The 'pausing' and 'unpausing' of the ICGS process; time bars

2.63 Secondly, the respondent submits that the ICGS was at one point 'paused' and later 'unpaused', consequently the ICGS process became, in effect, when 'unpaused', a new process and the complaint was therefore time-barred. The respondent further submits that there is no power to pause and unpause. The pause and unpause were unreasonable and perverse, unlawful and ultra vires.

2.64 We look first at the issue of time limits. Sexual misconduct complaints are not time-barred at all. They may be brought at any time about allegations of any date. The issue of a time bar does not therefore arise in respect to Allegation 4.3. The respondent, therefore, restricts his submission to the bullying allegations.

2.65 Bullying (and harassment) complaints must, since 28 April 2022, be brought within one year of the incident: see paragraph 6.3 of the Bullying and Harassment Policy. Complaints of bullying made before that date may be made regardless of when it

took place.

2.66 The complaint in this case, of both bullying and sexual misconduct, was made to the ICGS on 8 October 2021. That is clearly recorded in ICGS documentation. The complaint had also proceeded to a formal interview with an investigator, in November 2021. On that basis the complaint was not time barred, having been made before 28 April 2022.

2.67 The respondent, however, says that the date of the complaint was affected by the 'pause'. During the initial assessment phase, the ICGS team 'paused' their investigation in order to make inquiries about the nature and progress of the Party investigation. The ICGS investigation was 'paused' for this purpose in November 2021 and was 'unpaused' in July 2022.

2.68 We do not agree with the respondent's submissions. Pausing an investigation for good reason is a common feature of disciplinary investigations. 'Pause' is an ordinary word, often used in this context. It does not need to be set out in a policy or procedure document, as the respondent asserts. Sometimes a workplace investigation is paused so that the police can make an assessment. Sometimes it is paused to assess the progress of another organisation's investigation. That was the position here. The ICGS team were right to pause their investigation, until the position of the Party investigation was clear. At the point of the pause, it was far from clear. The Party investigation seemed to have come to a halt for a number of years. The ICGS team were right to step back and take stock. That was the correct and sensible thing to do. It does not need the authority of a Parliamentary Policy or Procedure to say so. It is part of a sensible and practical process of deciding how best to proceed with an investigation, with full knowledge about a parallel investigation.

2.69 The 'unpausing' of the investigation did not mean that the investigation had concluded and had then become a fresh investigation. It was clearly the same investigation, then continued. None of the allegations were therefore time-barred. There was nothing procedurally incorrect or improper in the pause and unpause.

(c) Denial of adversarial process

2.70 Thirdly, the respondent submits that when the complainant withdrew his complaint from the Party investigation process (on 24 August 2022), the respondent was denied an adversarial process, which the Party investigation would have given him.

That meant, he submitted, that he had wrongly lost the opportunity to be legally represented before the Party tribunal and the right, which he wanted to exercise, to cross-examine the complainant and six other witnesses.

2.71 We cannot speak for the Conservative Party process and how it might have operated in Stage 3. It is internal and private. How it manages its disciplinary processes is a matter for the Party. We do, however, express some surprise, if it is correct, as the respondent claims, that he may have been entitled to cross-examine the complainant at an adversarial oral hearing, in a case where the allegation is one of sexual misconduct. That would certainly be exceptional, if not unheard of, in a workplace disciplinary investigation. This was confirmed by the report of House of Lords Committee for Privileges and Conduct in their *Further Report on the Conduct Lord Lester of Herne Hill*, at paragraphs 17-29.[1] We quote from that report:

25. We further note that cross-examination is particularly problematic in a complaint involving an allegation of sexual harassment [...] *The adversarial model featuring cross-examination is widely held by experts to be disadvantageous for people reporting incidents of a sexual nature. In particular it would widely be seen as wrong if the person complained against was "allowed to confront the complainant"* [...]

2.72 We do not know if the Party oral hearing, planned for Stage 3, would have necessarily permitted this. The respondent, however, who had instructed lawyers in his defence, certainly wanted and expected it.

2.73 But that is not exactly the point here. The Party investigation was discontinued; the ICGS investigation continued. As we have said (see paragraph 17 above), this is a workplace disciplinary process. The procedure is not adversarial, it is inquisitorial. Lawyers may assist and support a respondent, but not represent them at any hearing. Cross-examination of complainants by respondents is not permitted. This is what Parliament has decided. The respondent is therefore bound by the ICGS process as approved by the House. He is not entitled to an adversarial process, with legal representation and cross-examination of witnesses. This is set out in the IEP's *Guidance for the Parties, on appeals, referrals and sanctions under the ICGS* (at paragraph 32).

[1] House of Lords Committee for Privileges and Conduct, Third Report of Session 2017–19, *Further report on the conduct of Lord Lester of Herne Hill*, (HL 252), 10 December 2018.

(d) Prejudice

2.74 The respondent submits that he has been prejudiced by delay, both in the Conservative Party process and generally. We recognise that there has been delay since the events of 2012 and 2013. It is unfortunate that it is now more than 10 years since the allegations. Much of the delay was caused by the Conservative Party investigation taking so long, and coming to a temporary but lengthy halt of years in 2018.

2.75 We have looked carefully at the sequence of events to see whether the respondent has been prejudiced in the ICGS process. We do not find that he was. When the Party investigation was live and in its early stages in February 2018, the respondent was informed of the complaint, with full details and copies of several witness statements. He was given a full opportunity to respond. He was also required to say what allegations and facts he agreed or denied. That allowed him to seek documents and bring forward witnesses in support of his case. He was able to obtain statements from witnesses which he submitted to the Party investigation in April 2018 with other evidence and set out his denials in submissions and in a Defence Statement. He was also given the opportunity to comment on the evidence and point to any inconsistencies. He had lawyers representing him. All of this material was considered later by the ICGS, with, in addition, interviews of witnesses, whose accounts, according to the ICGS investigator, had not substantively changed. There was no criticism by the respondent of the Party investigation's early process. Nor has there been any significant delay in the ICGS investigation, certainly not any delay that has prejudiced him unfairly.

2.76 The respondent now complains that he has lost the recollection of 'minute details'. He complains that he no longer has access to various documentary evidence that 'may have been assistance'. We find, however, these assertions to be at odds with his response to the complaint, namely flat denials to all incidents. By way of example, the Madrid event (below) was, he said, 'pure fantasy and not true'. If that was his case, the passage of time would make no difference. A denial is still a denial. And, furthermore, he has not been able to point to any one document or witness which the passage of time has prevented him from bringing forward and which or whom would make a difference.

2.77 We find nothing of substance in any of these points.

Events in Madrid

2.78 The independent investigator concluded that Allegation 4.3, sexual misconduct in Madrid in January 2013, was proved. The Commissioner agreed.

2.79 The respondent, who denies the allegation as 'pure fantasy', makes two submissions. First, that the trip to Madrid falls outside the scope of the Sexual Misconduct Policy. Secondly, that the conduct alleged does not amount to sexual misconduct within the meaning of the policy.

Outside the scope of the Policy.

2.80 The Sexual Misconduct Policy for UK Parliament begins the section on scope with this statement in paragraph 4.1:

> *This policy applies to acts of sexual misconduct by and against any member of the Parliamentary Community on the Parliamentary estate or elsewhere in connection with their Parliamentary activities.* [our emphasis]

2.81 The respondent argues that the trip to Madrid was not 'in connection with their Parliamentary activities'. It was, on the contrary, he submits, an APPG (All-Party Parliamentary Group) trip involving campaigning or lobbying work.

2.82 Let us look at the nature of the trip. The respondent was in Madrid from 17–19 January 2013 as co-chair of the APPG on Human Trafficking. In that capacity he attended an international conference on Parliamentarians Against Human Trafficking (PAHT). His trip was funded by a charity.

2.83 The issue here is whether attendance at the conference by the parties was in connection with Parliamentary activities. The Commissioner found that it was. We agree.

2.84 It is clear that the activities of APPGs, whether on the Parliamentary estate or elsewhere, come within the broad scope of Parliamentary activities. It would be surprising if APPG work on the estate fell within scope, but APPG work elsewhere did not. We do not believe that Parliament intended to draw such a distinction. Although they are not formal organs of the House (and their meetings are not treated as proceedings of the House), APPGs, which are interest groups involving MPs and others, have the imprint of the House, through rules and expectations. It is hardly without significance that the title of an APPG carries the imprint of the word

'Parliamentary'. They have preference in the House on booking rooms for meetings. They are entitled to use a version of Parliament's Crowned Portcullis.

2.85 Furthermore, APPGs are subject to regulation by the House, with rules set out in the report of the Committee on Standards, Guide to the Rules on All-Party Parliamentary Groups (May 2017). The following rules are significant:

a. they must have at least four members, including at least one government member and one official opposition MP and be open to all MPs and Peers.

b. they must register with the House, maintain minimum governance and transparency standards and register donations over a certain threshold.

c. their officers (and specifically their chairs) are accountable to the House for their keeping to the rules; failure to do so is a breach of the Code of Conduct.

2.86 The Madrid trip was not a holiday or a jaunt. It was a working trip. We have no doubt that the respondent's attendance at the conference in Madrid, as a British MP, was in 'connection with [his] Parliamentary activities'.

2.87 In any event, the complainant attended in his working capacity as a member of the Parliamentary community, in his employed role as the respondent's Parliamentary Assistant. His attendance at the conference itself was counted as working hours, paid by the Independent Parliamentary Standards Authority (IPSA) as part of his role as Parliamentary Assistant to the respondent. Complaints to the ICGS must be made by a member of the Parliamentary community. He was such a member. As an employee of the respondent, he was within the scope of paragraph 4.1 of the Sexual Misconduct Policy (quoted above), being, as paragraph 4.2 expressly stated, a member of the Parliamentary community working elsewhere in the course of parliamentary work.

2.88 There is no substance in this point.

Sexual misconduct.

2.89 The respondent further submitted in relation to the Madrid trip that the conduct as alleged did not amount to sexual misconduct within the meaning of the Sexual Misconduct Policy.

2.90 The complainant alleged that the respondent booked a shared room in a hotel. In the hotel room, the twin beds were together, and on arrival the complainant, although the respondent did not want him to, move them apart. At one point the respondent, wearing only a towel, complained that the shower in the bathroom did not seem to be working properly and called the complainant in to look at it. While the complainant was bending down to do that, the respondent dropped his towel, stood extremely close and exposed his genitals at a level with and close to the complainant's face. After his shower, the respondent stood naked in the bedroom, talking to the complainant, as if trying to get him to look at him. As a result, the complainant made it clear that he felt uncomfortable. He felt intimidated and concerned that there might be repeated behaviour.

2.91 This allegation was found proved by the investigator and upheld by the Commissioner.

2.92 'Sexual misconduct' is described in the Policy at paragraph 2.3:

Sexual misconduct describes 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 or humiliating or coercing a person.

2.93 In paragraph 2.7 there is a list of physical behaviours which, according to paragraph 2.4, may constitute sexual misconduct if they occur inappropriately or without explicit and freely given consent. The list includes:

Indecent exposure (masturbation, nudity) and acts of voyeurism or exhibitionism.

2.94 The respondent, who denies the allegation, submits that exposure alone does not necessarily constitute sexual conduct. We agree that mere nudity, depending on the context, may not be enough. The context will demonstrate if it is just nudity, as in showers in a gym, or something more. Here, in our view, it was considerably more.

2.95 In the first place it is remarkable that a senior MP in his 60s should think it appropriate that he should be sharing a bedroom and bathroom with his employee, and an employee in his early 20s. That in itself rings alarm bells. But from an objective standpoint, the respondent's conduct in exposing himself in this way, with his genitals close to this young employee's face, in an unwanted intimate context in

a confined space, was not mere nudity. It was indecent exposure. There can be no doubt about it. Once the complainant's account was believed, which it was, the outcome was inevitable. Objectively, this was sexual misconduct: it was conduct of a sexual nature which was non-consensual; it was unwanted behaviour which was perceived by the complainant as sexual, and rightly so, and it was intimidating.

2.96 This case is all about the exercise of power and control over a young employee, both in the bullying and sexual misconduct. The investigator described the respondent's position as a 'significant position of power'. In our view, there was a complete imbalance of power between them which the respondent deliberately exploited over months. It is said that the respondent disliked the complainant and believed him to be weak. That was no excuse for targeting him with a concerted campaign of bullying and an incident of sexual misconduct.

2.97 In following the recommendation of the investigator and finding the allegation proved, the Commissioner was satisfied that the conduct complained of was of a sexual nature, that the conduct was non-consensual and that it was reasonable to perceive this behaviour as sexual. We agree. That was the right test and the case was clearly proved on the evidence. The Commissioner's conclusion was therefore reasonable. It was reasonable to conclude that this was conduct of a sexual nature.

2.98 We find no substance in these submissions.

Motive

2.99 The respondent also submitted that the investigation had failed to consider or take account of the complainant's motive. Presumably he meant, although he did not say so explicitly, any supposed motivation for lying. In order to refute all allegations in his outright denial of any improper conduct, the respondent had no option but to suggest motives for the complainant to lie.

2.100 The respondent raises a number of motives. There is no need to repeat them here. They are, in essence, personal attacks upon the complainant without any substance or foundation. They are at best speculative and were rightly rejected by the investigator and the Commissioner who both considered them. The respondent's suggestion of collusion was also rightly rejected. The investigator was driven to find it far-fetched that the complainant and members of his family and his ex-colleagues had conspired to invent a story of bullying against him. There was no evidence of any such collusion.

Other grounds

2.101 The respondent has raised a number of further points on appeal. They include, amongst others, a failure to provide the evidence file earlier, a failure to consider properly the evidence, a failure to investigate properly, and a breach of confidentiality.

2.102 We have considered these points carefully, but find no substance in them. We do not need to refer to them further.

The Commissioner's conclusions

2.103 The Commissioner considered all of these issues in his full and thorough Memorandum. He agreed with all the independent investigators recommendations, except Allegation 4.1 which he did not uphold, and came to conclusions accordingly.

2.104 For the reasons we have set out above, we agree with the Commissioner's conclusions. The allegations (which were proved) were proved on sufficient evidence and in each case a breach of the relevant policy was proved. The decision of the Commissioner in each case was reasonable.

Conclusion

2.105 As we have said above, the essence of the case was the credibility, respectively, of the complainant and the respondent. Once the issue had been decided on the evidence, comprehensively and reasonably, in favour of the complainant, which we accept and with which we agree, the respondent's case was lost.

2.106 We have considered the respondent's appeal submissions with great care. We find that they fall within the grounds of appeal but none of them is of any substance. There is no procedural flaw or unreasonable decision. We therefore reject the grounds and dismiss this appeal.

2.107 The question of sanction for these breaches will be considered separately.

Decision on sanction

Mrs Lisa Ball, Prof. Clare McGlynn KC (Hon), Sir Peter Thornton KC (chair)

Background

3.1 The complainant was employed as a junior member of staff by Mr Peter Bone, Member of Parliament for Wellingborough since 2005 (the respondent), in his office at Westminster. The complaint was made to the Independent Complaints and Grievance Scheme (ICGS) on 8 October 2021. The allegations relate to the period from October 2012 to January 2013, following which the complainant resigned from his post.

3.2 The allegations were investigated by an independent investigator on behalf of the ICGS. He reported to the Parliamentary Commissioner for Standards (the Commissioner) on 8 March 2023, recommending that most of the allegations should be upheld. The Commissioner agreed with all but one of the recommendations.

3.3 The respondent, who has throughout denied all the allegations, appealed against the findings and conclusions of the Commissioner. On 14 July 2023 this sub-panel of the Independent Expert Panel (IEP) agreed with the Commissioner's conclusions and dismissed the respondent's appeal.

3.4 We must now consider the question of sanction.

3.5 House of Commons Standing Order No. 150A(3)(a) states that it is the function of the IEP to determine the appropriate sanction in ICGS cases referred to it by the Commissioner, as in this case, and that such cases shall be considered by a sub-panel of the Panel.

3.6 Part D of the Panel's *Guidance for the parties on appeals, referrals and sanctions under the ICGS*, (the *Guidance*) sets out guidance on *Referrals and determination of sanction*.[1]

3.7 As required by the *Guidance*, we have followed the principles set out in Part B of

[1] Independent Expert Panel, *Guidance for the parties on appeals, referrals and sanctions under the ICGS*, November 2022, pp. 12-16.

the *Guidance* and the three further principles that:

- the sanction should reflect the impact of the conduct on the complainant,
- the sanction should reflect the nature and extent of the misconduct proved,
- where possible, the approach to sanction should incorporate positive steps aimed at improving the culture and behaviour of MPs, staff and the wider Parliamentary community.

3.8 We have carefully considered the findings in this case (the misconduct proved), the relevant circumstances of the case, all aggravating and mitigating factors, the views of the complainant expressed in his impact statement, and the submissions of the respondent in his reflective statement and at the oral hearing held (online) on 10 August 2023.

The misconduct

3.9 We now set out the nature and extent of the misconduct proved. This was an extended and sustained course of bullying of a junior staffer, covering a period of four months, and involving differing forms of bullying. In addition, there was one unwanted act of sexual misconduct.

3.10 The following is a summary of the five allegations which were found to be proved. We take this summary from our Decision on Appeal.

Allegation 1 - The respondent verbally belittled, ridiculed, abused and humiliated the complainant. A finding of bullying was upheld. There were four separate types of misconduct alleged.

1.1 The respondent ridiculed and belittled the complainant on a number of occasions, including four named occasions between October and December 2012. For example, on 10 December 2012 the respondent, having sworn and shouted at the complainant (see 1.2 below), called him ‘sensitive, you’re a strange chap’, and later said sarcastically ‘Do you want a hug?’ and then asked a colleague to give him a hug because ‘he’s feeling sensitive’.

1.2 The respondent regularly shouted and swore at the complainant, with five specific occasions in October and November 2012 alleged. For example, on 10 October 2012, according to the complainant’s contemporaneous log of events, the respondent ‘swore and shouted in

front of new intern 1st day'. On 20 November 2012, according to the log, the respondent 'got incredibly angry, aggressively shouting and swearing at me, over remittances not being sent for his expenses. This again took place in the Westminster office.'

1.3 The respondent repeatedly told the complainant to shut up, including two examples in October and November 2012. On 16 October 2012, the log states, 'repeatedly told to "shut up" in front of staff'. On 20 November, 'shut up! Is that clear enough'.

1.4 The respondent verbally threatened the complainant, during the period 7-12 December 2012. On 11 December 2012 the respondent hugged the complainant and said, 'You're going to wish you never said that to me'. The complainant had attempted to raise the respondent's abusive behaviour the day before (see 1.1 above).

Allegation 2 - The respondent repeatedly physically struck and threw things at the complainant, with examples on five specific dates in October 2012 and on 14 January 2013, the day the complainant resigned from the respondent's office. A finding of bullying was upheld.

2.1 The respondent struck the complainant repeatedly, on the back of the head, back, arms and shoulders. He used his hand (front and back) and sometimes an object such as a pencil or rolled-up document. For example, on 14 January 2013, the respondent struck the complainant across the back of the head and said, 'because you're having a thick day and I thought that would help'. The respondent would tell colleagues that the complainant is 'having a thick day, we should hit him'. Some hits were hard, some just taps.

2.2 The respondent also repeatedly threw things at the complainant, including pens, pencils and office equipment.

Allegation 3 - The respondent imposed an unwanted and humiliating ritual on the complainant (and others), with three specific dates in October and November 2012 as examples. The respondent imposed upon his staff, including the complainant, a ritual which the respondent called 'hands on laps'. When not satisfied with the complainant's work, particularly on expenses, he would forcibly make him or require him to put his hands on

his lap, sometimes hitting his hands. For example, on 2 October 2012, the complainant recorded in his log that the respondent 'physically took my hands and put them in my lap repeatedly when he got frustrated while working on his expenses in his office in Westminster'. The complainant's log for 21 November 2012 reads, 'Don't think. Hands on lap'. A finding of bullying was upheld.

Allegation 4 - The respondent exposed the complainant to bullying (4.2) and sexual misconduct (4.3) in the following ways.

4.1 This allegation was not upheld. The complainant has not appealed this finding.

4.2 The respondent repeatedly pressurised the complainant to give him a massage in the office (with nobody else present) on his shoulders and neck, at least six times and always with the door of the office shut and nobody else present. On one occasion, on 21 November 2012, the complainant reluctantly agreed, but only because he was worried about the consequences if he did not. The complainant's log for 21 November 2012 reads, 'Asked to give massage.'

4.3 On 17-19 January 2013 the complainant was required to join the respondent on a trip to Madrid, as part of the respondent's role as co-chair of the All-Party Parliamentary Group on Human Trafficking. The respondent booked a twin room for both of them, tried to keep the beds together, and on one occasion in the bathroom exposed his genitals close to the complainant's face.

Findings of bullying and, in respect of Allegation 4.3, sexual misconduct were upheld.

Allegation 5 - The respondent ostracised the complainant during the week beginning 21 January 2013. Following the trip to Madrid, and while the complainant was serving out his notice, the respondent ignored the complainant, refused to speak to him and ignored any work carried out by him. A finding of bullying was upheld.

3.11 There were findings of bullying in respect of Allegations 1-3, 4.2 and 5 (all allegations in the course of work on the Parliamentary estate). There was a finding of sexual misconduct in respect of Allegation 4.3 (in a hotel on the work trip to

Madrid).

The impact of the misconduct

3.12 The impact of the misconduct on the complainant has been considerable and long-lasting. We do not repeat the details set out in his evidence and impact statement, but it is clear that these events have had a profoundly painful impact upon him, causing serious harm and affecting his health and wellbeing.

3.13 At the time of the bullying at work, he was constantly on edge with anxiety. He was fearful of the respondent's unpredictable mood swings and threats of violence. In his own words, he took the brunt of the respondent's anger, rage, and physical and emotional abuse. He was left feeling broken and lost, both emotionally and career-wise.

3.14 In relation to the sexual misconduct in Madrid, he felt intimidated, threatened and deeply uncomfortable. He had nowhere else to go and feared what might happen next.

3.15 Not only did he feel that he had to leave his job in the respondent's office (as 'a broken shell'), but he also felt unable to continue or return to a career in the political arena (something he had always wanted). The misconduct has had a long-lasting negative impact on his life. He has suffered continuing levels of anxiety and required treatment for his health.

3.16 We must also consider any aggravating and mitigating factors, as listed in the *Guidance*.

Aggravating factors

3.17 The Commissioner found the following to be aggravating factors. First, the complainant felt he had no option but to resign from his role in the respondent's office. Second, the complainant was in a vulnerable position, being dependent upon the respondent economically and for his career. Third, the impact upon the complainant was considerable. The Commissioner also added the following. These events had a profoundly permanent impact upon him (and his family), causing him serious harm and affecting his health and wellbeing. He was exploited by the power dynamic between himself and his employer, the respondent, and was humiliated and belittled throughout most of his employment

tenure. His lifelong dream of working in politics was shattered.

3.18 We agree that these are relevant and significant aggravating factors.

3.19 First and foremost, this was a serious abuse of power. The respondent was a senior and experienced MP; the complainant was a junior staffer. The respondent was in his 60s; the complainant was in his 20s. The imbalance of power was self-evident. It was exploited by the respondent repeatedly. There was no excuse for it; none was given.

3.20 The respondent also abused his position of trust as an employer of a member of staff, one who was potentially vulnerable because of his young age and inexperience. He failed in his duty of responsibility for the welfare of his employee in the workplace.

3.21 We also find that his continuing failure to acknowledge his misconduct is an aggravating factor. It is insulting to the complainant. In the respondent's denials, including speculative and disparaging assertions about the complainant and his motivation, he has sought to undermine the credibility of the complainant. That is quite unwarranted. Both the investigator and the Commissioner were satisfied that the complainant was a credible witness, supported by contemporaneous notes and credible witnesses. The issue of credibility was resolved resoundingly in the complainant's favour. This was a strong case against the respondent. His arrant denials were not believed.

Mitigating factors

3.22 It is undoubtedly a long time since the events complained of. The allegations concern the period from October 2012 to January 2013.

3.23 The complainant did not complain to the Conservative Party until late 2017, but he should not be criticised for holding back on his complaint until then. There is no typical response to abuse and sexual misconduct. The reaction of the sufferer will vary. It is common for there to be delays, even long delays of years, in reporting misconduct. In this case it seems that the complainant did not feel able to tell his family until 2014. As one close family member explained (in a letter of complaint to Prime Minister Cameron in 2015), he had concealed the abuse because he felt he must have been to blame for not coping better.

3.24 Complainants do not, therefore, always come forward straightaway. In any event, there was at that time no formal mechanism in Parliament to complain to. The ICGS was not set up and operative until July 2018.

3.25 Instead, he complained to the Conservative Party in late 2017. That investigation proceeded promptly at first, and the opportunity was taken by February 2018 to collect statements and other evidence. Unfortunately, this headway did not last. From November 2018, when the complainant was informed by the Conservative Party that there was evidence of a potential breach of the Code of Conduct which they would consider further, a period of over three and a half years elapsed in which no apparent progress was made, despite the complainant's repeated requests for information. The complainant said that the Conservative Party investigation later blamed this inertia on an 'administrative error' which led to his file being 'lost'.

3.26 This regrettable delay, it should be said, was not the fault of either the complainant or the respondent. Both had complied with the investigation as requested. The respondent, for example, was given the opportunity to comment on the evidence and point to any inconsistencies. He did so. He was also able to obtain statements from witnesses in support of his case. At least the later ICGS investigation was able to use this earlier material as well as making its own fresh investigations, including face-to-face (online) interviews for the first time. But the delay has no doubt been hard for both of them.

3.27 It was hardly surprising, then, that the complainant lost confidence in the Conservative Party investigation. He therefore turned in October 2021 to the ICGS. The ICGS investigation was at first paused in order to find out what was happening with the other investigation. There was no point in having two substantial investigations running at the same time. But, in discovering that the Conservative Party had not progressed very far (after five years), certainly not to anything like a conclusion, the ICGS process went forward. In August 2022 the complainant withdrew from the Conservative Party investigation. The ICGS investigation therefore proceeded on its own, without any parallel investigation.

3.28 The ICGS investigator reported in March 2023. The Commissioner made his findings of bullying and sexual misconduct in May 2023. The respondent appealed. This sub-panel dismissed the appeal on 14 July 2023. In one submission the respondent argued that he had been prejudiced by the delay. We

looked carefully and in detail at this submission but concluded that he had not been prejudiced (see Decision on Appeal, section 2 of this report).

3.29 No doubt, the complaint would have been resolved much more quickly if the respondent had admitted he was at fault. Nevertheless, it is a significant mitigating factor that determination of this complaint has taken so long. That is unsatisfactory. We take the full history into account in considering the appropriate sanction.

3.30 Also flowing from the respondent's persistent denials, we find that there is no acknowledgement of the breaches of Parliament's Policies and, in our view, no deep recognition of the seriousness of his behaviour. Although he now expresses regret and apologises to the complainant, we are not persuaded that there is any genuine remorse on his part. Nor are we persuaded that he has taken any specific steps in response to these allegations to change anything.

3.31 We accept that the respondent has no doubt for the most part been a dutiful and hard-working MP and that some witnesses have spoken favourably about him. However, as we have stated in other cases, the public rightly expects all MPs to be of good character, to work hard on behalf of their constituents and to engage actively in the House. MPs are expected to be held to a high standard of conduct. When Members fall short of that conduct, the trust and confidence in Parliament and its Members are undermined.

3.32 We also accept that the respondent has experienced some inevitable personal stress and distress in this matter which may have affected his health. To what extent, if any, his health has been affected is unclear. We note that although he relied on a particular medical issue, he nevertheless was not so unwell that he could not appear as a political pundit on lengthy live TV programmes, on at least eight occasions in the last three months.

Analysis

3.33 This is a serious case of misconduct. The respondent has been found to have committed many varied acts of bullying and one act of sexual misconduct. The bullying involved violence, shouting and swearing, mocking, belittling and humiliating behaviour, and ostracism. It was often in front of others. We accept that there has been no repetition of his misconduct, but we do not agree with his submission that this was an isolated set of incidents over a short period of time.

This was a pattern of behaviour which endured for several months. The respondent specifically targeted the complainant who was disempowered by the behaviour. There was no respect or regard for his feelings or reactions.

3.34 This wilful pattern of bullying also included an unwanted incident of sexual misconduct, when the complainant was trapped in a room with the respondent in a hotel in Madrid, not knowing what was going to happen next. This was a deliberate and conscious abuse of power using a sexual mechanism: indecent exposure. It was woven into a pattern of inappropriate behaviour which also included requests for massages of his shoulders and neck and instructions to put hands in laps, including forcibly putting the complainant's hands in his lap. There was no reasonable explanation for this conduct; none was given. As the complainant explained in his evidence: 'There was a sense of a king who expected people to serve him in all sorts of ways.'

3.35 The impact of this misconduct on the wellbeing of the complainant has been considerable and long-lasting.

3.36 The acts of bullying and sexual misconduct found proved were breaches of Parliament's Bullying and Harassment Policy and Sexual Misconduct Policy. They were also breaches of the Behaviour Code. Such behaviour has the propensity to undermine the legitimacy and authority of the House of Commons.

3.37 For all these reasons there is only one possible sanction: suspension from the House.

Conclusion

3.38 We have considered how long the period of suspension should be. We have looked carefully at all the circumstances of the case which we have referred to above. But for the delay in the determination of this complaint, the period of suspension would have been longer.

3.39 In conclusion, we recommend that the respondent is suspended from the service of the House for six weeks.

Appeal against the decision on sanction

Ms Monica Daley, Sir Stephen Irwin (chair), Dr Matthew Vickers

Introduction and background

4.1 The respondent to this complaint is Mr Peter Bone, Member of Parliament for Wellingborough since 2005. A former member of his staff has complained against him, alleging various incidents of bullying and some breaches of the Sexual Misconduct Policy of Parliament. The events complained of took place in 2012 and early 2013. There has been a long period since then. The complainant chose initially not to lodge a formal complaint, although he left his employment with Mr Bone in early 2013. His account is that he suffered considerable psychological and emotional consequences of the conduct complained of. He made formal complaint to the Conservative Party in November 2017. There was some progress in that complaint up to late 2018. However thereafter the matter stalled, despite prompting from the complainant. The complainant then lodged a formal complaint on the same facts under the Independent Complaints and Grievance Scheme (ICGS) in October 2021. He was within time to do so, since his complaint predated 28 April 2022, when Parliament imposed a limitation period of one year for such complaints under the Bullying and Harassment Policy. The complainant subsequently dropped the Party complaint and pursued the ICGS complaint. The Parliamentary Commissioner for Standards (the Commissioner) reached a decision, very largely adverse to Mr Bone, on 4 May 2023. The Commissioner made a referral for sanction to the Independent Expert Panel (IEP) on the same day.

4.2 Mr Bone appealed the decision of the Commissioner to a different sub-panel of the IEP. They dismissed the appeal on 14 July 2023, see section 2 of this report. Their decision contains a fuller account of the history and procedural background to the case, which we need not repeat.

4.3 The sub-panel upheld the findings of the Commissioner. Allegations 1 to 3 were of bullying. Allegation 4.2 was one of bullying and Allegation 4.3 one of sexual misconduct, albeit misconduct where the act was sexual but the apparent motivation an abuse of power. Allegation 5 was one of bullying. The details are set out in the decision of 14 July 2023, and once more we do not repeat them.

4.4 On 10 August 2023 the sub-panel reconvened to address sanction. The complainant had submitted a statement detailing the impact on him of the conduct, although it is right to observe that the important content of that statement had already been set out by him in previous interviews and documents. Mr Bone submitted a reflective statement, considering the relevant events and their impact. He requested an oral hearing and that took place on 10 August 2023, via MS Teams, and Mr Bone advanced matters to be considered on sanction.

4.5 On 11 August 2023 the sub-panel gave its decision on sanction, determining that Mr Bone should be suspended from the service of the House for six weeks. That decision too is published at the same time as our decision, see section 3 of this report. Although we make reference to some of the key contents in that decision, once again we do not recite them in full.

4.6 On 30 August Mr Bone indicated that he wished to appeal the decision on sanction, and made written submissions in support. He also indicated that he wished once again to address us orally. Accordingly, we were constituted as a fresh and independent sub-panel. On 11 September we met initially, and considered that application. Without prejudice to any question of merit in his appeal, we agreed to that application. Dates for such a hearing were canvassed on the same day, and we conducted a hearing on Friday 22 September 2023. This decision is the outcome of Mr Bone's application to appeal.

4.7 Due to the Parliamentary timetable, this decision could not be published until 16 October.

Summary of the decision on sanction

4.8 As the decision under appeal made explicit, "This was an extended and sustained course of bullying of a junior staffer, covering a period of four months, and involving different forms of bullying", in addition to the single act of sexual misconduct. It involved repeated episodes of verbal bullying, in the course of which the complainant was humiliated in front of others. There were repeated episodes where the respondent physically struck the complainant, or threw objects at him. The seriousness of this conduct is not in any physical injury but in the ritualised humiliation and harassment of the complainant: he would be hit on the head "because he was being stupid". Similarly, he was ritually made to put his hands in his lap, away from his keyboard, sometimes through verbal instruction

and sometimes by the respondent using direct physical control. He was forced to give a massage to the respondent, on a number of occasions, against his will and when they were in the office alone. When they travelled together to Spain, at a time after the complainant had given notice, the respondent booked one hotel room for both of them. The detail of this incident is set out in the decision of the previous sub-panel. The respondent was angry when the complainant moved the two single beds in the room apart, and then so engineered matters that the complainant was confronted by the respondent's naked penis at very close quarters. The sensible interpretation of this episode is not that the respondent was evincing any sexual attraction towards the complainant, whose sexuality was then not public, but rather that the respondent was again acting in a humiliating and controlling fashion. Finally, the respondent was found to have ostracised the complainant at the end of his period of employment.

4.9 The sub-panel identified salient aggravating and mitigating factors, as had the Commissioner.

4.10 The Commissioner accepted that the complainant had felt he had no option but to resign from the post. He was in a vulnerable position, dependent on the respondent for his livelihood and his career.

4.11 The impact on the complainant was very considerable, having a profound and permanent impact on him and on his family. He was treated in a way which humiliated and belittled him throughout most of his employment with the respondent. His long-term hope of working in politics was destroyed. The effects have continued for years, representing in effect a cascade of negative consequences.

4.12 The sub-panel agreed with those points made by the Commissioner. They went on to characterise what had happened as "a serious abuse of power", in circumstances of an obvious imbalance of power; there was a failure to consider the welfare of a young staffer and a clear abuse of trust. They went on to find a further aggravating factor, and it is worthwhile quoting one passage on this point:

3.21. We also find that his continuing failure to acknowledge his misconduct is an aggravating factor. It is insulting to the complainant. In the respondent's denials, including speculative and disparaging assertions about the complainant and his motivation, he has sought to undermine the

credibility of the complainant. That is quite unwarranted. Both the investigator and the Commissioner were satisfied that the complainant was a credible witness, supported by contemporaneous notes and credible witnesses. The issue of credibility was resolved resoundingly in the complainant's favour. This was a strong case against the respondent. His arrant denials were not believed.

4.13 The sub-panel also identified mitigating factors as follows: the events complained of had taken place a very long time ago, and the process had undoubtedly caused "personal stress and distress […] which may have affected [respondent's] health" although the extent of that was unclear. He had been well enough to appear as a "political pundit" on at least eight television programmes in the three months before the panel hearing.

4.14 The sub-panel concluded, given the serious nature of the misconduct, that there could only be one outcome, namely a period of suspension from the House. But for the length of time which had passed, the period would and should have been longer. In the light of that factor, the sub-panel recommended that there should be suspension for six weeks.

The Grounds of Appeal

4.15 The respondent has advanced grounds which are loosely structured. He submits that the points he makes are hard to disentangle and should be borne in mind in relation to each of the grounds which may properly found an appeal, namely that the decision below was unreasonable or disproportionate, that credible fresh evidence was available which could not have been brought below or that exceptionally there is another compelling reason to hear and allow an appeal.

4.16 In truth the respondent advances no fresh evidence. In addressing us orally, he laid more evidence than hitherto on the difficulties he and his wife were going through with their local authority at the period in question, involving legal proceedings. He told us that he had reflected on whether the strain of these events made him act in a way which he would not otherwise have done. This was not a new point, but rather an expansion of an earlier suggested explanation. The respondent says nothing which could possibly make out an exceptional basis for appeal. His grounds amount for the most part to a repetition of the representations he made before the sanction decision and are directed to show that the decision

was unreasonable or disproportionate.

4.17 We summarise his submissions as follows. The six-week suspension is inconsistent ("out of kilter") with others passed in recent cases; too little weight was given to the mitigation; no sufficient weight was given to the "harsh and disproportionate punishment I have already suffered"; no consideration was given to a lesser form of sanction. The respondent suggests "there has been no suggestion of dishonesty or lack of integrity in relation to the proved conduct itself": something which the respondent suggests should be taken as a contrast with other recent cases. The sanction of suspension will undermine rather than sustain public confidence in the reputation of the House of Commons and its members. His suspension will mean that his constituents will be without the benefit of an active member for the relevant period, meaning that activity on their behalf – identified by the respondent – cannot take place during that period. No thought has been given to passing a sanction which would enable the respondent to continue to serve as an MP, even if unpaid. No attention, or insufficient attention, was given to there being no risk of a repetition of such conduct as was found. No weight or insufficient weight was given to the supportive statements before the sub-panel which demonstrated a good atmosphere amongst his staff. No mitigation was found in respect of the respondent having lost his position as Deputy Leader of the House of Commons "as a result of a breach of confidentiality at an early stage of the process when matters had not yet been proved [...]"

4.18 The respondent has explicitly acknowledged that there is no medical reason for mitigating the sanction.

4.19 The respondent also writes:

The Panel has made significant criticism of the fact that I have not accepted the proved conduct. Whilst I understand the panel would like me to accept my wrongdoing, I cannot do so. But I do, as I must, accept the proved conduct and unlike other reported cases, I have not reflected upon what the Panel may describe as my version of events, rather I have reflected upon the facts as proved. This has allowed me to undertake a more substantive reflection which has not been acknowledged or reflected in the report nor sanction decision. […]

The Panel have also concluded that I have made speculative and

disparaging assertions about the complainant and his motivation in making this complaint. This is vehemently denied and is not substantiated in the report. As I have indicated in writing and orally, the complete opposite in fact is true […]

It additionally appears as if my denials and my challenging of the case against me has been disproportionately held against me. The Panel have used this on multiple occasions to suggest that my conduct in challenging the case (and ultimately the credibility of the complainant) is unwarranted but of course this is the whole point of the process as it has been designed – to allow inquisitorial challenge to establish the facts. Those facts have been proved against me and this is a factor I accept the Panel can say is aggravating but to then refer to it in many guises in the report is tantamount to double accounting of an aggravating factor which is unfair.

Analysis

4.20 We deal in turn with the points we have identified as advanced by the respondent.

4.21 We reject the submission that the sanction here is disproportionately heavy when compared with other cases. Such comparison is in any event highly problematic, since each case turns on its own facts. In this case there was a sustained course of bullying, with repeated infliction of humiliation. It is striking that in this case there was a degree of physical abuse, which can only have been intended to make the young and inexperienced complainant feel powerless and trapped. He was in his first job. The office manager was the respondent's wife. The complainant had nowhere to go for support. We cannot avoid the inference that the respondent sensed vulnerability in the complainant and played upon it.

4.22 We also reject the respondent's submission that the sanction he seeks to appeal will reduce rather than improve the reputation of the House. Of course, he is correct that the report of this case will add to the public sense that conduct such as this by Members of Parliament is disgraceful and too prevalent. However, it is obviously fallacious to suggest that the reputation of the House will be improved if suspension is avoided in a case such as this. Indeed, it is critical to the reputation of Parliament that the House has grasped the nettle and instituted a system by which bullying can be called out and properly sanctioned. Such behaviour as this would be treated very seriously in any workplace. The system brought in by the House will only retain credibility if the sanctions imposed are fair but sufficient to

mark the gravity of what has happened.

4.23 The respondent submits that the sub-panel was in error because it did not begin by rehearsing the potential sanctions from the most minor technically available and conclude by expressing themselves as imposing the least possible sanction. This is a point without merit. There is no obligation on any sub-panel to proceed in such a formulaic fashion. Each sub-panel must consider carefully what is the appropriate sanction given the facts of a case. They must ensure that the sanction is no more severe than necessary. They must also ensure that the sanction is sufficient to mark the gravity of what has been proved. It is perfectly proper to carry out that process without rehearsing any mere form of words.

4.24 The respondent next submits, in an allied submission, that the sub-panel gave no thought to the effect of suspension on the respondent's constituents or considered imposing a sanction enabling Mr Bone to continue to function as a Member, without being paid. We accept that there might be circumstances where such a sanction could be appropriate. However, we do not accept that such a sanction would sufficiently mark such significant bullying as has been established here. It should be understood that suspension from the service of the House will always deprive constituents of some of the benefit of their Member. But that is implicit and understood when such a sanction is passed. In the case of significant mistreatment of an employee, such a sanction, including the public consequence that the Member is unable to perform all the duties he or she would normally perform, brings home to the constituency as well as the wider public that the conduct is inconsistent with the behaviour to be expected and demanded of Members.

4.25 The respondent has argued that the sub-panel did not properly consider the loss of his position as Deputy Leader of the House of Commons. We reject that suggestion. Implicit in that argument is the proposition that a minister who loses his or her position because of such a complaint should be sanctioned less severely than a Member on the back benches who has no such position to lose. That cannot be right.

4.26 We now address the point made by the respondent in the passage from his written submissions quoted at 4.19 above, namely that his denial of the allegations has been wrongly held against him, and treated as an aggravating factor.

4.27 A straightforward denial of allegations may be treated as an aggravating factor on sanction. Of course, even such a bare denial robs the Member facing sanction of the mitigation that she or he immediately accepted the conduct alleged, spared the complainant the burden of maintaining the complaints (through a sometimes inevitably gruelling process), was regretful, and swiftly set about any reparation or re-training which might be appropriate. Those are powerful mitigations and can make a real difference in considering sanction.

4.28 The High Court considered this question in R (Yusuff) v General Medical Council [2018] EWHC 13 (Admin). The salient passages are in paragraphs 18 to 20:

Insight and denials

It would be wrong to equate maintenance of innocence with a lack of insight. However, continued denial of the misconduct found proved will be relevant to the Tribunal's considerations on review. As paragraph 52 of the Sanctions Guidance makes clear, refusal to accept the misconduct and failure to tell the truth during the hearing will be very relevant to the initial sanction. (Emphasis added). At the review stage, things will have moved on. The registrant may be able to demonstrate insight without accepting that the findings at the original hearing were true. […] *A want of candour and continued dishonesty may be taken into account by the Tribunal in reaching its conclusions on impairment. See Karwal v GMC [2011] EWHC 826 (Admin) at paragraph 11 and Irvine v GMC [2017] EWHC 2038 (Admin) at paragraph 83* […]

I conclude having reviewed all the relevant authorities that at a review hearing:

a. The findings of fact are not to be reopened;

b. The registrant is entitled not to accept the findings of the Tribunal;

c. In the alternative, the registrant is entitled to say that he accepts the findings in the sense that he does not seek to go behind them while still maintaining a denial of the conduct underpinning the findings;

d. When considering whether fitness to practise remains impaired, it is relevant for the Tribunal to know whether or not the registrant now admits the misconduct;

e. Admitting the misconduct is not a condition precedent to establishing that the registrant understands the gravity of the offending and is unlikely to repeat it;

f. If it is made apparent that the registrant does not accept the truth of the findings, questioning should not focus on the denials and the previous findings;

g. A want of candour and/or continued dishonesty at the review hearing may be a relevant consideration in looking at impairment.

4.29 The language employed by Mrs Justice Yip necessarily reflects the particular structure of findings and subsequent sanction for medical professionals. Our decisions must reflect the context with which we deal. However, in our view the underlying principles set out above are appropriate for this context. Initial sanction may be affected by a denial, and not merely in the sense that mitigation which would otherwise be available is precluded. If such a denial is treated as aggravation, that must not itself be "double-counted" at any stage. Moreover, a mere denial followed by acceptance of the findings should be treated as limited aggravation.

4.30 However, we do not consider that there was any failure of approach here. The sub-panel below did not place undue evidence on the respondent's continued denial. Moreover, in our view this was not a case of mere denial of the allegations. Whatever the respondent now says, he took a rather stronger line in the course of this case. As recorded by the investigator, in interview he put the matter this way:

[The respondent] *told me that* [the complainant's] *'malicious and vexatious' complaint and 'manifestly false allegations' had been made with the intent to discredit him and amounted to harassment.* [The complainant] *was, he said, a political campaigner with a grudge against him* […]

4.31 The sub-panel were fully entitled to refer to the respondent making "speculative and disparaging assertions" about the complainant, and to find that the respondent had sought to escape the truth by making false assertions of that kind against the complainant.

4.32 The final argument advanced by the respondent is that the sub-panel gave insufficient weight to the character evidence advanced on the respondent's behalf,

taken beside the long passage of time since the index events without further complaint, demonstrating that such conduct was out of character for the respondent and that there was no real risk of repetition of such conduct.

4.33 We have considered this argument with care. These events undoubtedly took place many years ago, but the sub-panel expressly took that factor into account, stating that the sanction would have been more severe otherwise.

4.34 We reject the submission that the conduct here could be considered “out of character”, since it persisted over many months. It was not a one-off event never repeated, and afterwards regretted. It seems likely that this conduct arose from the specific relationship between the respondent and this complainant. As we have already observed, the respondent sensed vulnerability in this young man and played upon it. There is no evidence that he behaved in the same way to others. It is possible that other events at the relevant period placed a strain upon the respondent, pressure which he passed on in this way. However, in our view these considerations do not lead us to think that the conclusions on sanction below were in any way unreasonable or excessive.

Outcome

4.35 Given the length of time since the events leading to this complaint, we approached this matter by considering the substance, without taking the case in two stages, firstly considering whether there was any arguable ground and secondly addressing any such ground. We allowed the respondent to address us, advised by counsel. He did so courteously, and we are confident he had every opportunity to make all the representations he possibly could.

4.36 For the reasons we have given, we find there is no basis for interfering with the sanction as recommended by the previous sub-panel. Accordingly, the determination that the respondent is suspended from the service of the House for six weeks will stand.