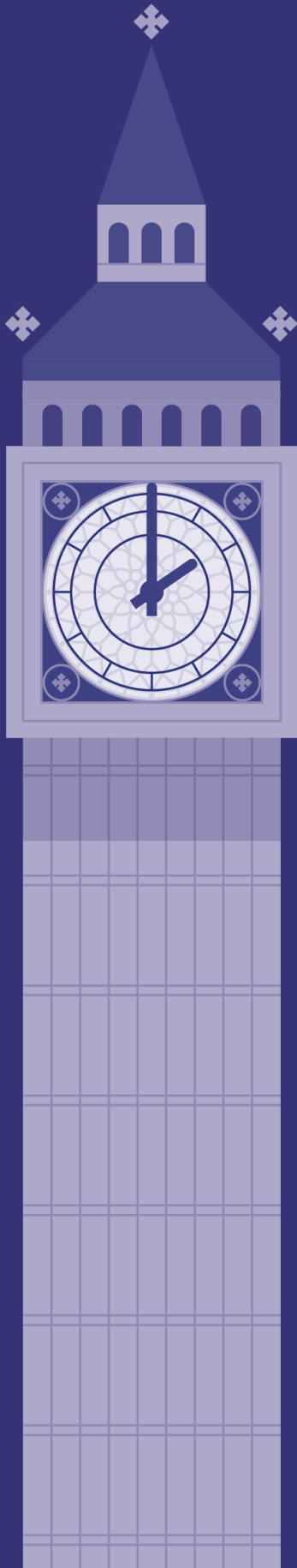


*Office of the Parliamentary
Commissioner for Standards*



Annual Report 2020–21

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Office of the Parliamentary
Commissioner for Standards

The Parliamentary Commissioner for Standards

Annual Report 2020–21

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Foreword

This is my fourth Annual Report as Parliamentary Commissioner for Standards and I am reporting on my third full year in office. This Report covers the year which began on 1 April 2020 and ended on 31 March 2021.

The Government announced a national lockdown on 23 March 2020 and I, along with my office team and most of the Parliamentary community, began to work from home. My team and I have been working remotely since then and as a result have adapted our working practices. During this time the team has grown and evolved, and I look forward to meeting my new colleagues in person once we are able to return to the Parliamentary Estate.

I have been clear in my communications that the standards expected of MPs have not changed during the pandemic. I have continued with inquiries into allegations of breaches of the Code of Conduct, and I have remained committed to conducting investigations that are independent, impartial, thorough and fair.

Throughout the pandemic the Registrar's team has continued to record Members' financial interests and to publish the necessary Registers.

I considered allegations brought against MPs and former MPs under the Independent Complaints and Grievance Scheme (ICGS) concerning bullying, harassment or sexual misconduct.

My team were pleased to welcome the Independent Expert Panel (IEP), which was established by resolution of the House of Commons on 23 June 2020 and will be entirely independent, with no MPs taking part in its decisions. The Panel will consider my referrals and determine sanctions for cases involving allegations of a breach of Parliament's sexual misconduct policy or the bullying and harassment policy, under the ICGS. The Panel will also consider appeals against my decisions.

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

Kathryn Stone OBE

Parliamentary Commissioner for Standards

Overview of the year

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

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

Working remotely

Following the announcement of the first lockdown, my team were able to quickly adapt to working remotely with the equipment provided by Parliamentary Digital Services. We have been able to provide the same level of service to stakeholders, and our work has continued with minimal interruption. The rollout of Microsoft Teams to the Parliamentary community has greatly aided my work. It has allowed me to interview MPs safely during investigations and for the Registrar's team to continue advising MPs, APPGs and journalists.

Staffing

Following the retirement of Gwen Harrison, I recruited a new Senior Complaints and Investigations Manager. I would like to place on record my grateful thanks to Gwen for all her hard work, her professionalism and her commitment to public service.

I have also recruited an Office Manager and an Investigations and Complaints Manager.

Year	2018-19	2019-20	2020-21
Office Staffing Costs	£524,460	£704,325	£893,570

Confidentiality

I am committed to the principle of openness as one of the cornerstones that underpins public life. That openness needs to be balanced against individuals' expectations of confidentiality, particularly during an inquiry and especially if they have made a complaint under the Independent Complaints and Grievance Scheme (ICGS). I welcomed the House's decision in April 2021, in response to the Committee on Standards' Twelfth Report of 2019-21, to remove many of the restrictions imposed in 2018 which prevented me giving out information about complaints and inquiries. This means that while inquiries still take place under conditions of confidentiality, I am now able to publish a list of those under investigation (except for those being investigated under the ICGS, where details remain confidential). I can also now take action to correct inaccurate information published about these matters. This had not been allowed since 2018.

Review of the Code of Conduct

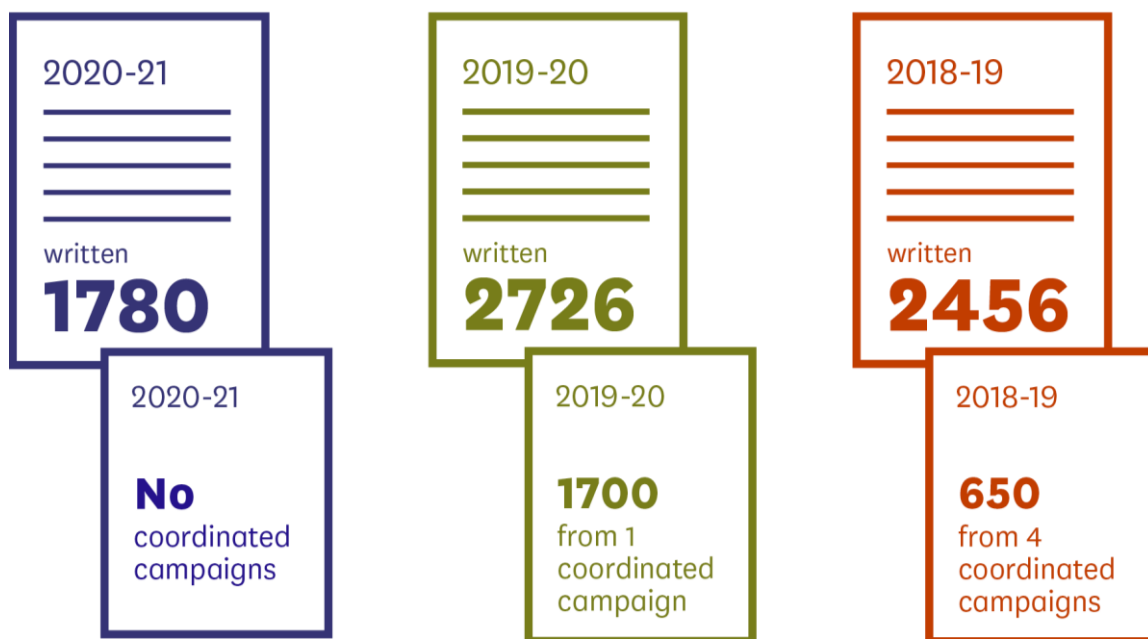
I have started my review of the Code of Conduct for Members, which will complement the work that has been conducted by the Committee on Standards in their corresponding review. I have considered the contacts I receive from members of the public to better understand the public view of the Code of Conduct, and to identify common complaints about what is and is not covered. I have also reviewed all the investigations I have conducted in my time as Commissioner, to identify any concerns or complaints raised by Members about the content or form of the Code of Conduct. I will use this to inform my report to the Committee.

This year my office has received a record number of complaints about Members' use of social media. Since my appointment I have been surprised at the way some MPs express their views and opinions on social media. I am aware that MPs are elected to express their views and opinions, and I realise that the introduction of rules about social media use are fraught with controversy; but this is an ever-growing issue that cannot be ignored. Therefore, in my review I will be considering how to bring the Code of Conduct up to date, to reflect the increasing trend of Members communicating with constituents via social media.

My review will also aim to identify any possible gaps that may exist about the rules on lobbying; the rules on employment; and on the acceptance of benefits. I will consider how the guidance available to Members might be enhanced in order to avoid inadvertent errors and breaches of the rules. My review will also seek to identify elements of the Code of Conduct regularly misunderstood by MPs and the public, proposing changes to make the Code more accessible and easier to understand for all.

Statistics for Code of Conduct Work 2020-21

Number of written allegations received



In 2020-21 my office also received over one thousand phone calls.

Turnaround time to reply to allegations (% answered in 5 working days)



Total number of inquiries opened

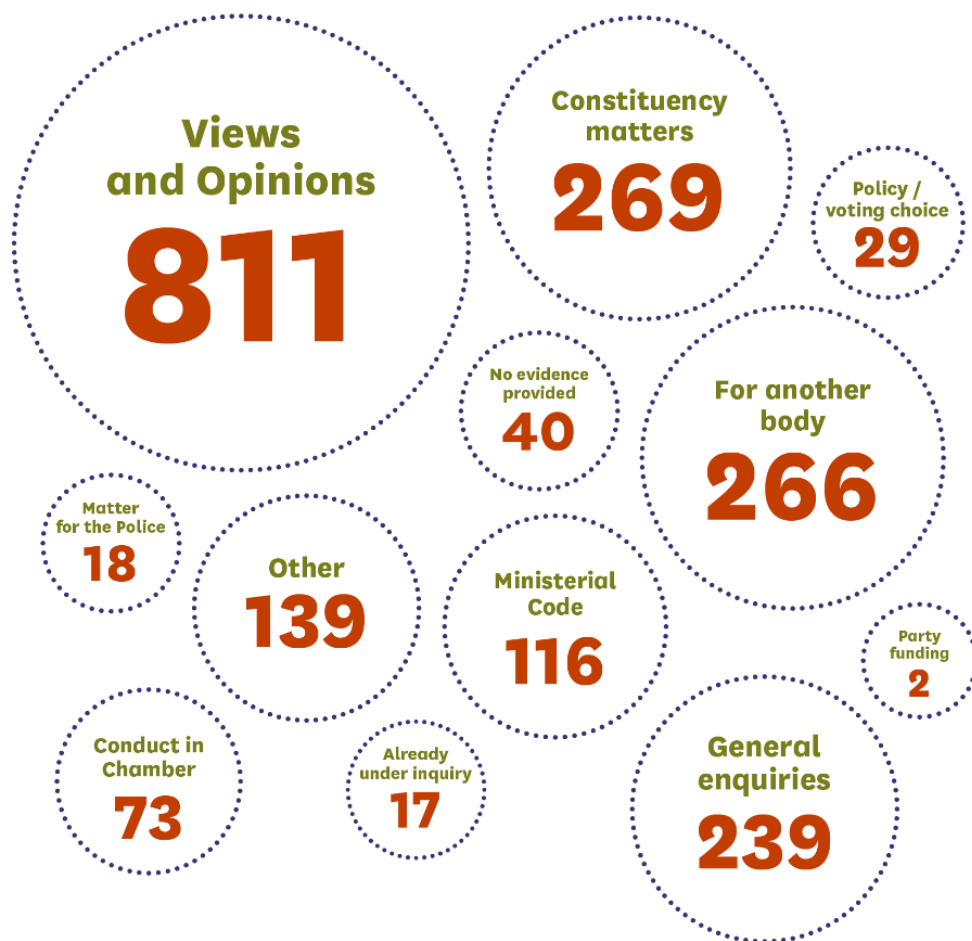


Number of inquiries opened on my own initiative

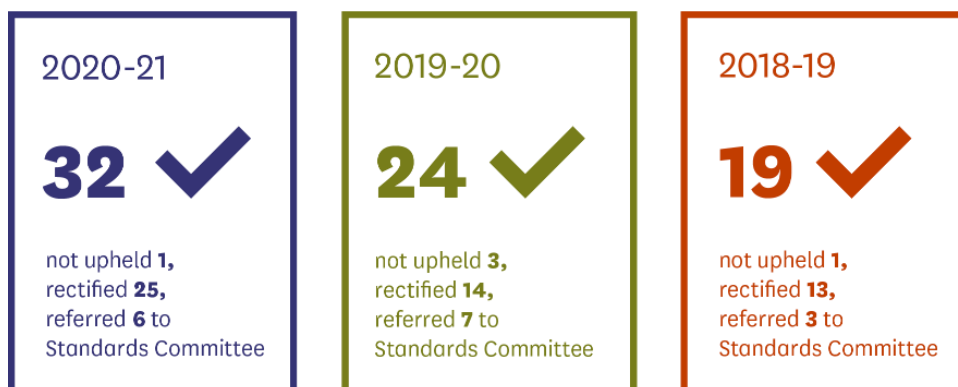


Like most regulators I receive many complaints which I am not able to investigate. Many people complain to me about matters outside my remit, such as the decisions of Ministers or local councillors; or an MP's response, or failure to respond, to a constituency matter. I am able to open an inquiry only if the matter falls within my remit, as approved by the House, and only if there is enough supporting evidence. In most cases the complainant supplies evidence but sometimes I become aware of it independently and I open an inquiry on my own initiative.

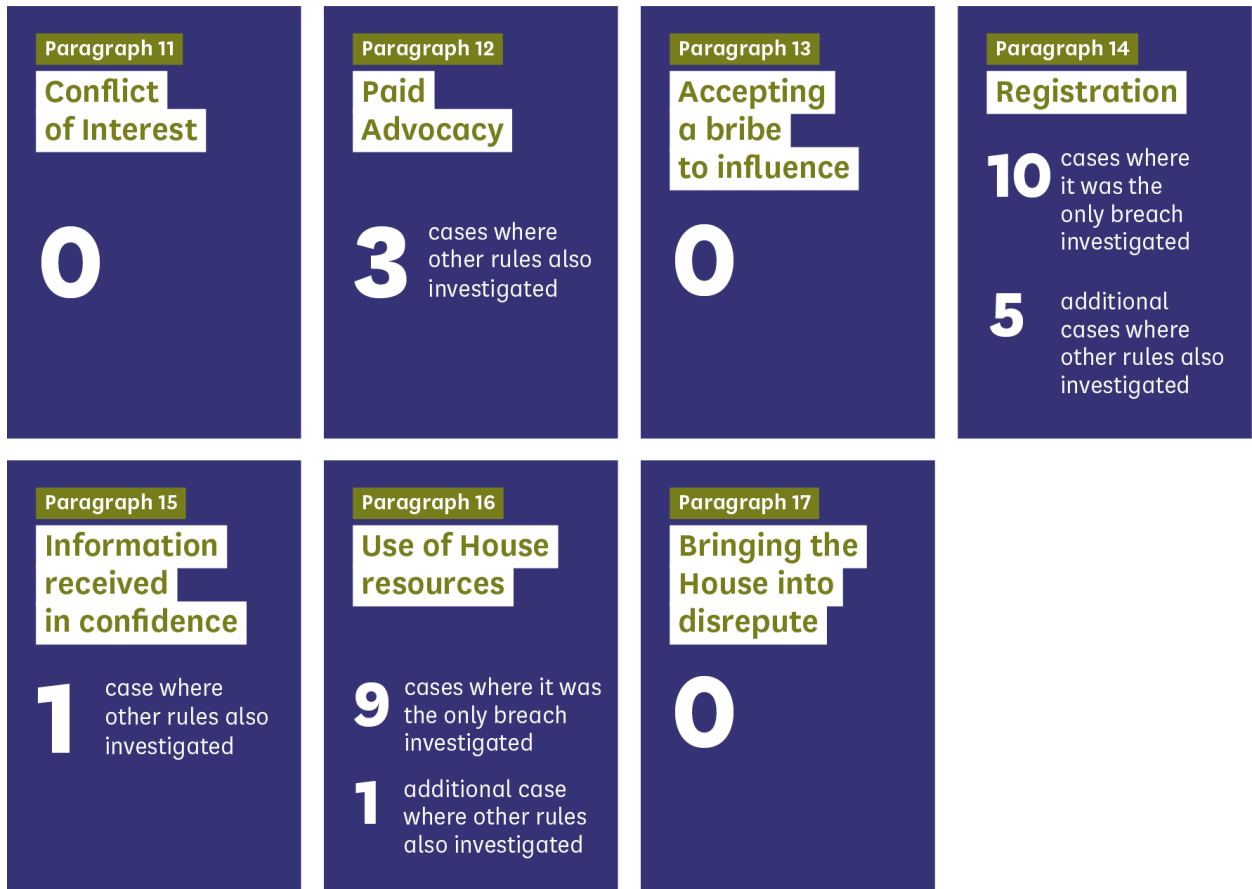
Reasons for not opening an inquiry



Inquiries completed and outcome



Type of inquiry completed



Time taken to conclude the inquiry



Register of Members' Financial Interests

We publish this Register online every two weeks while the House is sitting, and less frequently in recess. We no longer publish it in hard copy. Every interest remains in the Register for one year after it has ended.

During 2020–21 we published 24 editions of the Register. These included 1,659 new registrations. Generally speaking, Members have submitted fewer new Register entries than usual, no doubt because of Covid-19 restrictions which have prevented travel and social events. As a result, the Register in March 2021 was much shorter than the editions in March 2020.

Interests are registered in ten categories, most of which have their own financial threshold. The rules for registering interests are set out in the Guide to the Rules. The top three categories were:

Category 1: Employment and earnings at 1,161 entries (70.0% of new registrations)

Category 2: Donations and other support for activities as a Member of Parliament at 269 entries (16.2% of new registrations)

Category 8: Miscellaneous at 163 entries (9.8% of new registrations)

In addition to new registrations, there were 295 updates to existing entries. Overall, there were 1,954 changes to the Register. A full breakdown is provided in the table below.

Members must register directorships and outside employment under Category 1. Of the 1,161 new registrations under this Category, 49 were for ongoing commitments of twelve months or more. The remainder were for ad hoc or one-off pieces of work. Of these 670 related to payments received for completing opinion surveys. These typically take under an hour and generate a payment which is often under £300. Many Members arrange for these payments to be paid directly or indirectly to their party organisation or to good causes locally. Opinion survey payments accounted for 60.3% of the 1,112 new ad hoc payments under Category 1, and 40.4% of new registrations overall.

Members have to register gifts, benefits and hospitality under Categories 3 and 5, and visits outside the UK under Category 4. Due to Covid-19 restrictions, very few interests were registered under these categories. In total, these three categories made up just 2.2% of all new registrations.

Under Category 8: Miscellaneous, 101 new unpaid roles were registered. This amounts to 62.0% of all new miscellaneous entries and reflects the advice from the Registry team that many of these should be registered. 81.5% of all updates to entries under this Category also related to unpaid roles.

Category in the Register	New entries	% of all new entries	Updates to existing entries	% of all updates to existing entries	Total changes	% of all changes
Category 1: Employment and earnings	1161	70.0%	124	42.0%	1285	65.8%
Category 2: Donations and other support for activities as a Member of Parliament	269	16.2%	41	13.9%	310	15.9%
Category 3: Gifts, benefits and hospitality from UK sources	27	1.6%	1	0.3%	27	1.4%
Category 4: Visits outside the UK	7	0.4%	0	0.0%	7	0.4%
Category 5: Gifts and benefits from sources outside the UK	4	0.2%	0	0.0%	4	0.2%
Category 6: Land and property	14	0.8%	27	9.2%	41	2.1%
Category 7: Shareholdings	11	0.7%	16	5.4%	27	1.4%

Category 8: Miscellaneous	163	9.8%	81	27.5%	244	12.5%
Category 9: Family members employed	1	0.1%	3	1.0%	4	0.2%
Category 10: Family members engaged in lobbying	2	0.1%	2	0.7%	4	0.2%
Total	1659	See note below*	295	See note below*	1954	See note below*

* Because of rounding, percentages may not sum to 100.

Register of All-Party Parliamentary Groups

All-Party Parliamentary Groups (APPGs) are informal groups of parliamentarians who share an interest in a particular subject. APPGs focus either on a particular country, grouping of countries or region of the world ("country groups") or on a policy matter or other topic of interest ("subject groups"). APPGs must register the names of their officers and also any benefits received by the APPG (e.g. money, goods, services), subject to a financial threshold.

Year	Total Groups	Subject Groups	Country Groups	Groups with registered benefits	Editions of this Register published during the year
2017-18	639	508	131	318	6
2018-19	697	559	138	365	9
2019-20	355	275	80	164	7
2020-21	717	585	132	360	9

Register of Members' Secretaries and Research Assistants

MPs' staff who hold a Parliamentary photo-identity pass must register any occupation or employment which is advantaged by the privileged access to Parliament afforded by their pass. They must also register any gift or benefit (e.g. hospitality, services) that they receive, if it in any way relates to or arises from their work in Parliament. In both cases a financial threshold applies.

Year	Total staff	Staff with registered interests	Editions of this Register published during the year
2017-18	2010	356	7
2018-19	2022	408	9
2019-20	1795	348	8
2020-21	1531	257	8

Register of Journalists' Interests

Journalists who hold a Parliamentary photo-identity pass must register any occupation or employment which is advantaged by the privileged access to Parliament afforded by their pass, subject to a financial threshold.

Year	Total Journalists	Journalists with registered interests	Editions of this Register published during the year
2017-18	426	84	7
2018-19	438	85	9
2019-20	467	79	8
2020-21	413	70	8

Independent Complaints and Grievance Scheme (ICGS)

The Independent Complaints and Grievance Scheme is Parliament's mechanism for handling complaints of bullying, harassment or sexual misconduct. I am the decision-maker for allegations made against Members under the scheme and have oversight of the investigative process. In my last Report I set out my concerns about the ICGS scheme being introduced quickly and without clear governance. Whilst there have been improvements this year thanks to the work of my team alongside our ICGS colleagues, we still have challenges to overcome.

The establishment of the Independent Expert Panel (IEP) at the beginning of this calendar year has been a substantial step forward for investigations conducted under the scheme. There have been unavoidable delays to investigations that were concluded prior to this, and I am grateful to the work the IEP has done in responding quickly to the cases referred to them for sanction or appeal.

The 18-month review of the ICGS has been completed, and a Report published. It is evident from this review that, whilst the ICGS has made a great deal of progress since its launch in 2019, there is still a substantial amount of work to be done. I echo the review's concerns about the timeliness of investigations under the scheme.

Before receiving the Report from the 18-month review, I had already started working with operational ICGS colleagues to develop the governance and oversight structure of investigations. I have adapted my oversight as a result of my concerns about the timeliness and quality of the investigations conducted by the ICGS. Whilst the investigators are experienced and capable, there is currently insufficient guidance and training provided by the scheme. The ICGS are aware of this and we are working collaboratively on new guidelines and clear standards to combat this concern. I am confident that over the next year the new oversight approach and these guidelines will have a positive effect on both the quality and speed of subsequent reports.

Independent Expert Panel (IEP)

Any complainant or responder in an Independent Complaints and Grievance Scheme (ICGS) case can appeal to the IEP against my decision as Commissioner. The Panel does not re-investigate the allegations during an appeal, nor does it take fresh decisions on the basis of the investigation. The role of the Panel in an appeal is to review my decisions.

I am pleased that the panel will be rigorously independent, impartial and objective, acting without any political input or influence. They will help embed positive steps directed at improving the culture and behaviour of Members of Parliament, staff, and the wider Parliamentary community, and support the commitments made by the House of Commons to the ICGS.

I welcome the proposed increase in the range of sanctions available in both ICGS and Code of Conduct cases, and believe that these sanctions better reflect the variety and severity of the breaches I consider. I also support the Committee's approach that sanctions should penalise a Member who has broken the rules but should not impact negatively upon either the Members' staff or constituents.

Following the conclusion of a case either considering an appeal or imposing an appropriate sanction, the IEP may publish a report. They will do this in any case that requires a sanction to be imposed by the House or where an apology to the House is required. In cases where a complaint has not been upheld, and confidentiality has been maintained, this will not generally be reported. This may change if there is a subsequent breach of confidentiality. In all other cases, the decision whether to publish a report will be taken by the IEP on the basis of a range of factors.

Forward Look

I am grateful for the Committee's support for my Report on confidentiality, and for their Report to the House; *"Sanctions and confidentiality in the House's standards system: revised proposals"*, the twelfth Report of the Committee on Standards of the 2019-21 session.

Following the laying of that Report before Parliament I am pleased to be able to confirm that on 21 April 2021, the House accepted the Report and its recommendations. As a result, I have been able to reinstate my previous practice of publishing the fact I am conducting an inquiry into an alleged breach of the Code of Conduct. The details I will publish include the date that the inquiry started, the name of the MP concerned, and the paragraphs of the Code under investigation. I restarted this practice on 10 May 2021 and I will report next year on the impact of this welcome change.

I am mindful of the effect that publishing their name will have on MPs who are under investigation. I am considering how best to highlight to members of the public that this does not reflect that an MP has necessarily breached the Code of Conduct, only that an investigation is ongoing.