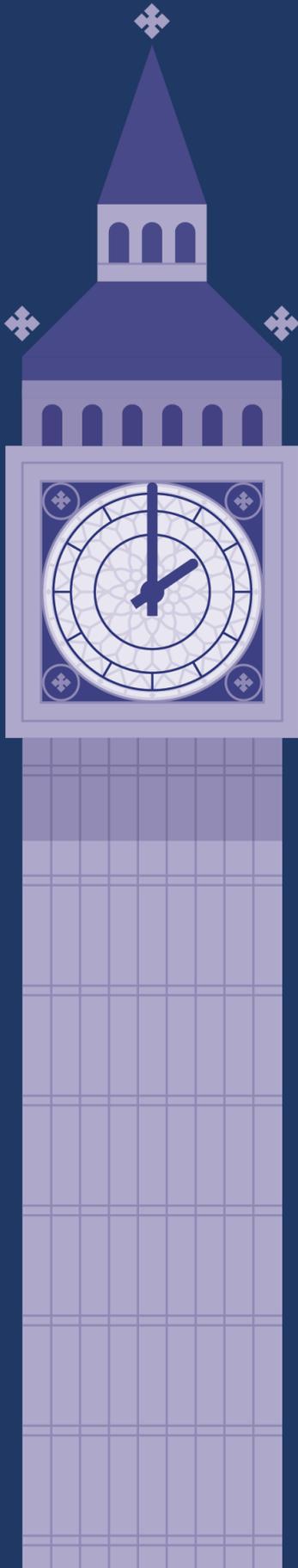


Office of the Parliamentary
Commissioner for Standards



Annual Report 2021–22

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Office of the Parliamentary
Commissioner for Standards

The Parliamentary Commissioner for Standards

Annual Report 2021–22

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Foreword

This will be my final annual report, with my tenure as Parliamentary Commissioner for Standards coming to an end in December 2022. I would like to thank my team for their support and careful work in this particularly trying year. I have been privileged to work with an excellent team whose resilience and dedication to public service has been exemplary.

I would also like to congratulate the former Registrar, Mrs Heather Wood, on her OBE awarded in the New Year's Honours. It was a well-deserved recognition of a lifetime in public service.

Grateful thanks are also due to the Committee on Standards and the Independent Expert Panel for their careful consideration of memoranda from this office. Their scrutiny of my work and their constructive challenge ensures that my work is overseen and held, quite properly, to a very high standard.

In my first annual report of 2018-19 I set out my 'look ahead' and what I hoped to achieve. I spoke of my aim to improve knowledge and awareness of my role among Members and their staff, and to raise awareness of the Standards system more generally. The events of the last year have certainly done that, although not in ways I could have anticipated. Recent months have shown that the public care passionately about standards in Parliament, and in public life generally, making the work done by this office more important than ever. My team and I were moved by the number of letters, emails and cards we received from members of the public in November 2021 offering support and encouragement. Those kind words made a real difference. Thank you.

In my first annual report I set out my intention to focus on three specific areas: reviewing processes and procedures; raising awareness among Members about how we can help them ensure they comply with the House's rules; and improving awareness of the procedures for dealing with allegations that the rules have been broken.

My office now has a full suite of policies and procedures, including a Handbook for Code of Conduct investigations, and a further guide for investigations conducted under the Independent Complaints and Grievance Scheme (ICGS) is being finalised. These documents are vital for ensuring a high standard of investigation as well as consistency in approach. My oversight remit regarding the ICGS has recently been revised to allow me to review the

evidence in ICGS cases as it is collected, to help me monitor and evaluate the quality and timeliness of ICGS investigations, for which the ICGS retains responsibility. I have initiated a debrief process for completed investigations, which ensures that we retain any team learning and revise processes accordingly.

I have proactively met with members of the Whips' offices to promote awareness of the rules, and regularly meet with individual Members to provide confidential advice. My office has a stand at the House Services Fair, to provide information and enable Members and their staff to ask questions about the rules.

I have always been transparent about the way in which I conduct my investigations. It is often the case that when someone gets a result they don't like, they are critical of the process. I am therefore extremely grateful for Sir Ernest Ryder's recent report to the Committee on Standards, which endorsed the approach we have taken, and which I believe will build further resilience into the standards system. The Committee on Standards will shortly consult on a new procedural protocol, which will combine the former Commissioner's Information Note with new information from the Committee and will set out how inquiries will be undertaken.

Kathryn Stone OBE

Parliamentary Commissioner for Standards

Staffing costs

Year	2019-20	2020-21	2021-22
Office Staffing Costs	£704,325	£893,570	£929,916

Code of Conduct - overview of the year

When people think about the Office of the Parliamentary Commissioner for Standards, they tend to think about my responsibility for investigating allegations that Members have breached the Code of Conduct, my reports to the Committee on Standards, and my oversight of the ICGS. However, in addition to this, my office provides information and advice to Members as well as the Committee on Standards.

While the role of Parliamentary Commissioner for Standards is neither easy nor universally popular, it continues to be a necessary part of the system for promoting and maintaining standards in the House. It is my duty to not only maintain the trust and confidence of Members, but also that of the general public, so they feel confident in the knowledge that Members can be held to account.

This year there have been examples of Members submitting complaints to my office and the press without notifying the accused Member first. This is contrary to the Nolan Principle of openness, and action has been taken by my office to proactively remind and encourage Members to notify the relevant fellow Member in the first instance.

The Code of Conduct is one of many codes that Members must follow. It can be confusing for those who are part of the process, and even more so for members of the public who are unaware of the various codes and rules and when each of them applies. This is particularly true of the application of the Ministerial Code, and became evident through the large quantity of correspondence and complaints that I received and the cases that I have considered in this last year. As I have outlined in my comments below, it is my hope that the current review of the Code of Conduct by the Committee on Standards will provide consistency and clarification on that point.

Confidentiality is a fundamental factor in any investigation. Breaches of confidentiality not only have the potential to affect the integrity of an investigation but also public confidence in the process. This year I have given particular consideration to confidentiality, the impact of breaches of confidentiality, and how those breaches of confidentiality should be addressed. I discuss this point later in this report.

Members have always been encouraged to self-refer any breaches of the Code of Conduct to my office. In cases where a Member believes that they have breached the Code of

Conduct and proactively refers the matter to me, I take this into account when considering the most appropriate course of action to resolve a complaint. This has been particularly important where the decision has been finely balanced.

Finally, while it is of course essential that the independence, thoroughness, fairness and impartiality of an investigation is under no circumstances compromised for a faster conclusion, it is evident that cases where the Member has responded promptly have resulted in quicker outcomes and resolution, which is to the benefit of all parties. I have therefore been actively encouraging Members to respond and engage in the process as quickly as possible.

Statistics for Code of Conduct work 2021-22

The overall quantity of correspondence received by my office has reduced in the last year and this appears to follow the trend seen in the last four years. However, the number of complaints received for the year 2019-20 was somewhat inflated because of co-ordinated campaigns of complaints (see table below). Taking account of those campaigns, the level of correspondence received by my office has remained consistent.

Trends

- The number of Code of Conduct cases opened in the last year remained level with the previous year.
- The number of Code of Conduct cases concluded increased to 41. This was in part due to the number of Brit Awards registration inquiries I undertook, and also included 11 inquiries carried over from the previous year.
- The number of Code of Conduct cases that were not upheld increased significantly to 10. However, five of these inquiries also involved the registration of Brit Awards tickets and hospitality.
- The number of Code of Conduct cases rectified in the last year remained similar to the previous reporting year.

- Referrals of Code of Conduct cases to the Committee on Standards have remained constant in the last three years.

Upward trends

Although my office received a reduced number of complaints overall in the last reporting year, there was an upward trend in the number of out-of-scope complaints received about:

- Constituency casework;
- Ministerial conduct; and
- Conduct of Members in the Chamber

There was also an upward trend in the number of complaints I received that were not supported by any evidence.

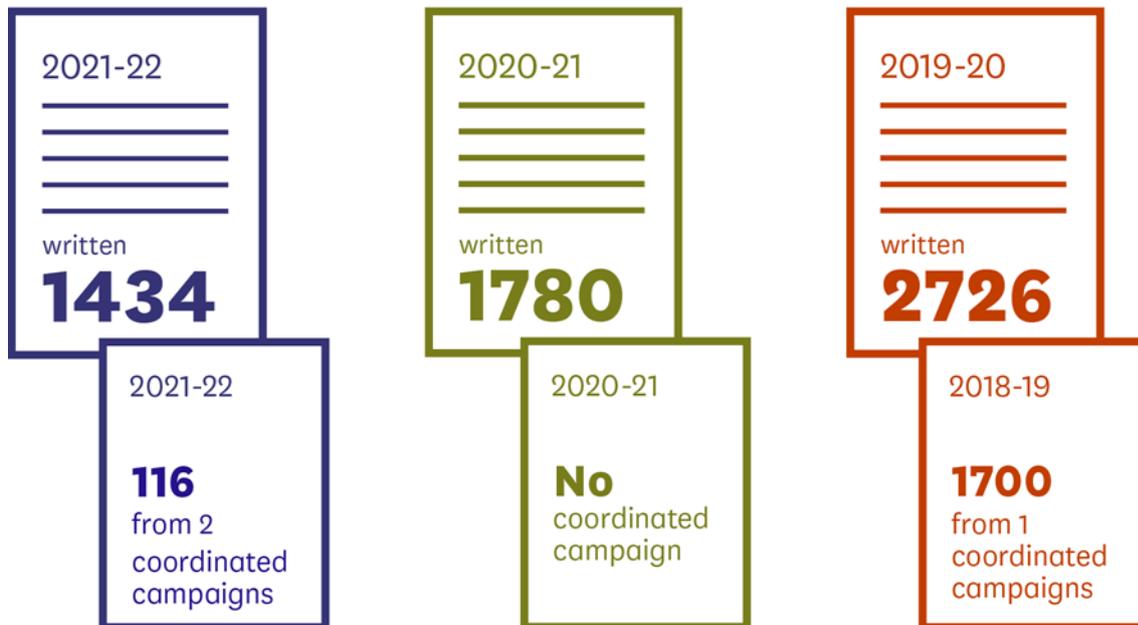
Downward trends

Overall, there has been a downward trend in the number of general enquiries received.

There was also a downward trend in the number of out-of-scope complaints received about:

- Policy and voting choices;
- Freedom of speech/views and opinions; and
- Complaints which should be made to another body

Number of written allegations and enquiries received



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



Number of Code of Conduct inquiries started



Number of Code of Conduct inquiries started that were own initiative



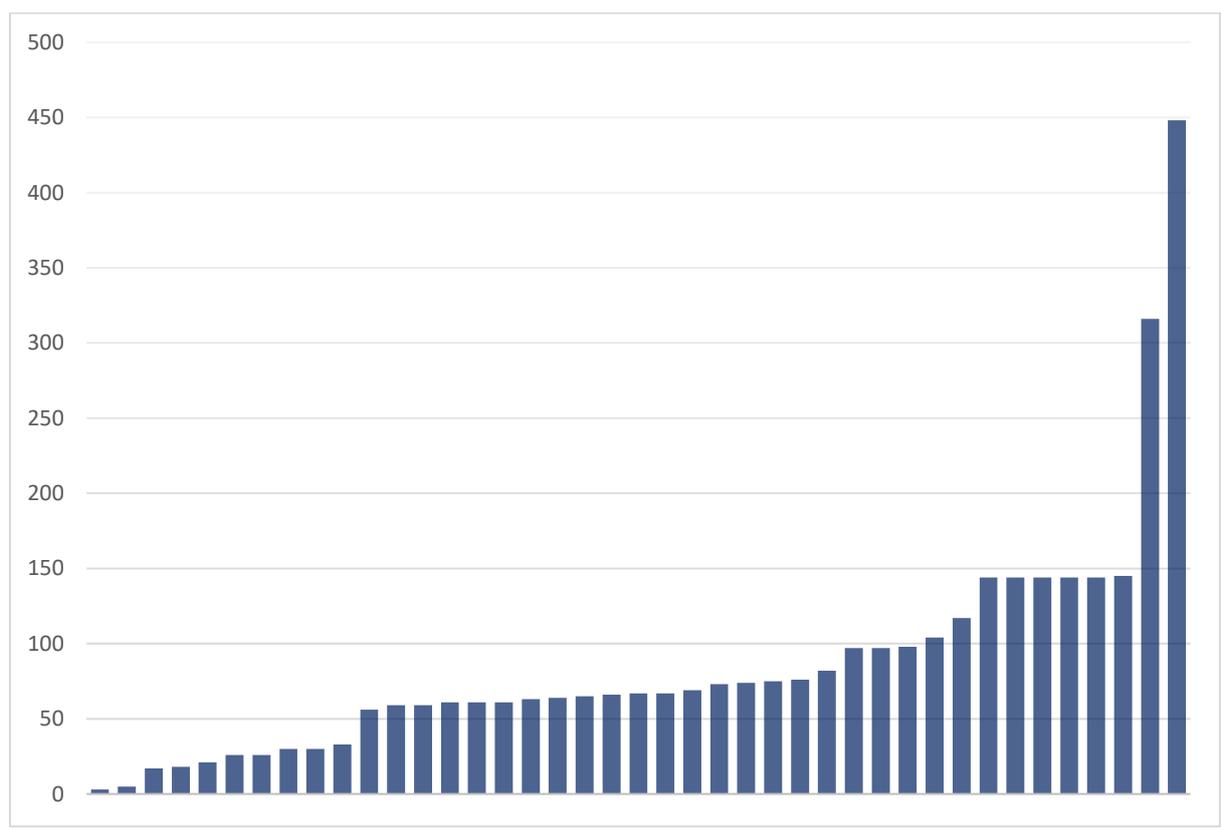
Code of Conduct inquiries completed & outcome



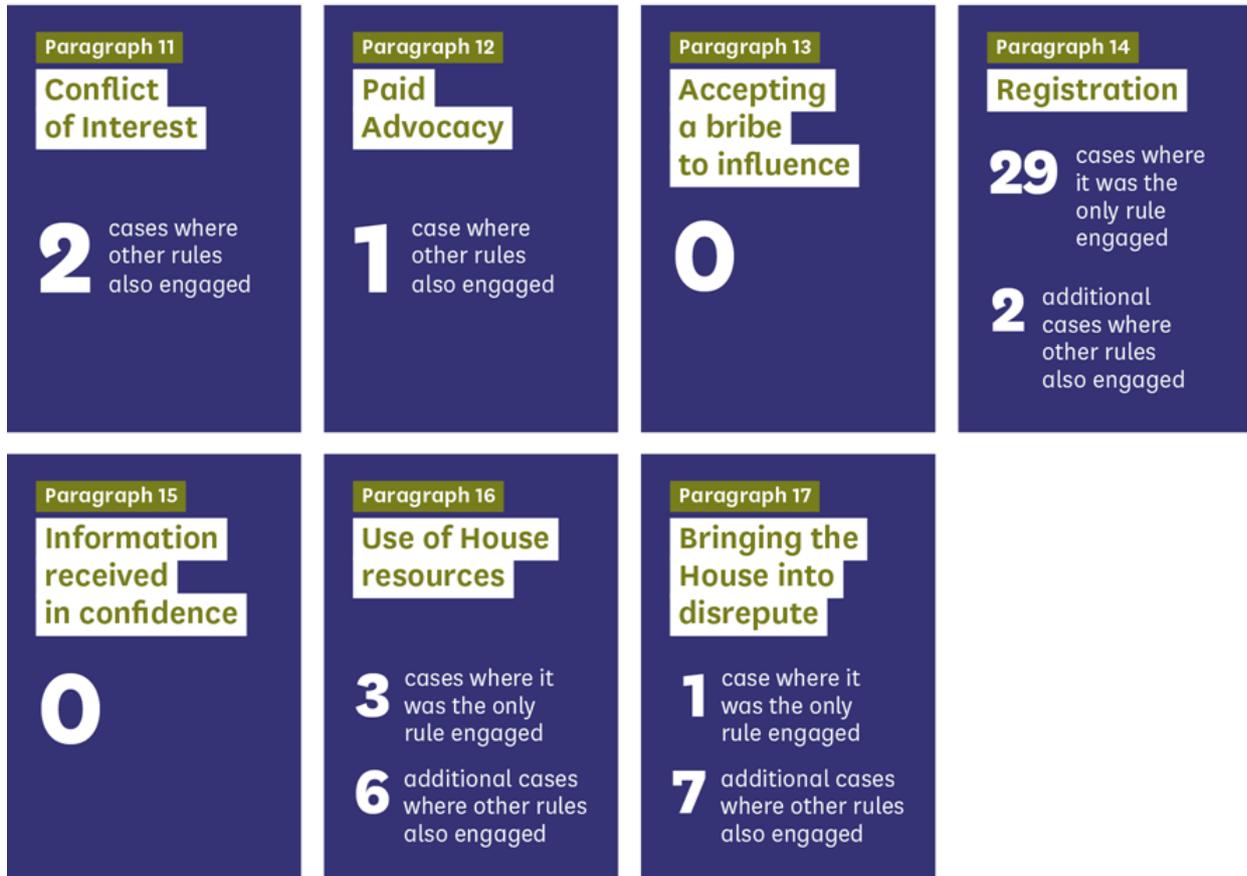
Time taken to conclude Code of Conduct inquiries



Working days to conclude each inquiry in 2021-22



Type of Code of Conduct inquiry



Reasons for not starting a Code of Conduct inquiry



Review of the Code of Conduct

This year I completed my review of the Code of Conduct for Members, which I submitted to the Committee on Standards in May 2021 to complement their overarching review. The Committee concluded their review on 29 November 2021 and published wide ranging proposals in their fourth report of the 2021-22 session, *'Review of the Code of Conduct: proposals for consultation'*.¹ The Committee's report included a revised Code of Conduct for consultation and also referenced my review at appendix 7.

In my review, I made ten recommendations for the Committee to consider:

Recommendation 1: The House should adopt a rule which would prohibit unreasonable and excessive personal attacks on social media, in person or in writing.

Recommendation 2: The Code should require Ministers who are also Members to record in the Member's Register the gifts, benefits and hospitality which they receive, including foreign visits, subject to the usual rules and thresholds.

Recommendation 3: The Principles should be expanded to make clear that Members should always regard their parliamentary activities as their principal commitment. This should be supported by subsidiary rules.

Recommendation 4: The current paragraph on lobbying in the Rules of Conduct should be expanded to prohibit "paid lobbying" not only in proceedings but also when approaching other Members, Ministers and public officials.

Recommendation 5: The current paragraph on the use of information should be expanded to prohibit a Member who has received confidential information in the course of their parliamentary activities from using that information for other purposes.

Recommendation 6: The Code should make plain that that each Member who chairs an APPG is responsible for that APPG's compliance with the rules of the House.

¹ [Committee on Standards, Fourth Report of Session 2021-22, Review of the Code of Conduct: proposals for consultation, HC 270](#)

Recommendation 7: The Rules of Conduct should be removed from the Code and located in a new rules document, which would incorporate the current Guide to the Rules and stationery rules as well as advice on key issues.

Recommendation 8: The Nolan principles should be retained (but with clearer descriptors). The Code should make plain that the Commissioner cannot look into breaches of these.

Recommendation 9: The language and structure of the Code should be reviewed in order to make sure that Members and the general public can understand it quickly and easily. It should have a new introductory section explaining – among other matters - what can and cannot be investigated.

Recommendation 10: The rules of conduct should signpost Members and the public clearly to detailed rules, and (for Members) to sources of advice.

I look forward to the conclusion of the Committee's work² and the implementation of both a revised Code of Conduct and Guide to the Rules. I hope that the revised Code and Guide will include both educative and informative aspects to assist Members on a day-to-day basis in understanding and following the House's rules. This would be particularly beneficial in ensuring that the rules governing the use of parliamentary facilities are easily accessible, clear, and concise, as well as reflecting the Committee's recent decisions on the reasonable limits of such use.

I remain concerned at the different requirements of transparency that Ministers and backbench Members are subject to when registering their outside interests. I am of the view that wherever possible, there should be consistency between the Ministerial Code and the House's Guide to the Rules on the registration of outside and financial interests; both in terms of the requirements for registration, and when information about registered interests is available to the public. The correspondence that I receive from the public suggests that

² A further report was published by the Committee for consultation in March 2022, see [Committee of Standards, Sixth Report of Session 2021–22, Review of fairness and natural justice in the House's standards system, HC 1183](#)

the current differing approaches causes confusion as well as concern that Ministers are subject to a lesser degree of scrutiny.

I also look forward to the outcome of the Committee's review of All-Party Parliamentary Groups (APPGs), and the accompanying rules, and I will contribute to that review in due course.

Independent Complaints and Grievance Scheme

The ICGS has now been running since July 2018. Since commencement, many improvements have been made to the Scheme, but there are still areas which remain a concern and require further focus and development.

I am the decision-maker for allegations made against Members and have oversight of the investigative process. ICGS investigations are conducted by independent investigators who are recruited, trained and managed by the ICGS team, and accordingly, the ICGS retains responsibility for the quality of their investigations.

My oversight remit regarding the ICGS has recently been revised following detailed discussions with senior officers of the House and the ICGS team. My team has been working closely with the ICGS team to establish and develop processes and policies to help ensure that all ICGS investigations are independent, impartial, thorough and fair, and that complaints about Members that fall under ICGS's remit are managed in a timely manner.

Some issues with the Scheme, which I set out below, have been identified through direct feedback from participants and our own debriefing sessions, which we undertake after every Member complaint has been completed, regardless of outcome. Usually, such debriefs are undertaken with both the ICGS team and the appointed investigator. Such debriefs highlight areas where further work is required and help us to identify practices which are working well.

Quality of ICGS investigations

High quality investigations are essential for retaining and building confidence in the ICGS. As I have highlighted on several occasions ICGS investigations must be conducted in a thorough and consistent manner and due process must be followed. The Independent Expert Panel's report on the conduct of Ms Patricia Gibson MP, in upholding the respondent's appeal against my decision, demonstrated the importance of this. In that case the Independent Expert Panel found that the independent investigation of the ICGS was "materially flawed in a way that affected the decision of the Commissioner."³ Lessons must be learned from that decision and I hope for rapid progress by the ICGS team in improving quality, including setting up a training scheme for its investigators to ensure fair, thorough and consistent investigations in the coming years.

Timeliness of ICGS investigations

The timeliness of ICGS investigations, which was commented on in the Independent Expert Panel's Annual Report: 2021,⁴ remains a concern. Some delays are unavoidable, in the particular circumstances of the case, and my focus is on those areas where delay is preventable. The ICGS continues to work on improving the timeliness of its investigations. My office has also put practices in place which help me to monitor the duration of investigations in order to help identify and avoid any unnecessary delays during ICGS investigations. It is important to reduce the duration of ICGS investigations without adversely affecting quality, as delays cause additional stress to the parties involved, and may reduce confidence in the operation and effectiveness of the Scheme.

³ [Independent Expert Panel, The Conduct of Ms Patricia Gibson MP, HC 505](#), published 23 June 2022, paragraph 1.9

⁴ [Independent Expert Panel, Annual Report: 2021, HC 1169](#), paragraph 3.7

Confidentiality of ICGS investigations

A further issue is confidentiality. Both parties are asked to sign confidentiality agreements at the start of an investigation. These confidentiality agreements are not non-disclosure agreements. The ICGS confidentiality agreements are designed to protect both parties from media intrusion and reporting that might hinder the investigation or affect its conclusions. However, these agreements do not prevent parties contacting the media about complaints before they are made. A further matter of concern has been information leaks to the media during investigations. These breaches of confidentiality are damaging to the Scheme as a whole, especially in circumstances where the published information is incorrect. Such publicity can deter those who may be considering making a complaint to ICGS. Although measures can be taken to minimise leaks to the media, there is no overall solution to this issue at present, and it is important that the ICGS continues to clearly communicate to the parliamentary community the inherent harm which can be caused to the working of the Scheme by such disclosures.

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 2021–22 we published 24 editions of the Register. These included 2,778 new registrations. The top three categories were:

- Category 1: Employment and earnings at 1,735 entries (62.5% of new registrations)
- Category 3: Gifts, benefits and hospitality from UK sources at 406 entries (14.6% of new registrations)
- Category 2: Donations and other support for activities as a Member of Parliament at 309 entries (11.1% of new registrations)

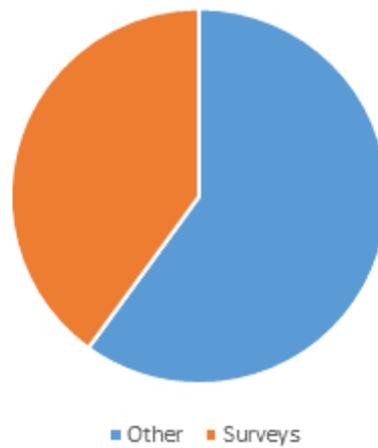
In addition to new registrations, there were 312 updates to existing entries. Overall, there were 3,090 changes to the Register. A full breakdown is provided in the table below.

Category in the Register	New entries	% of all new entries	Updates to existing entries	% of updates to existing entries	Total changes	% of all changes
Category 1: Employment and earnings	1,735	62.5%	121	38.8%	1,856	60.1%
Category 2: Donations and other support for activities as a Member of Parliament	309	11.1%	10	3.2%	319	10.3%
Category 3: Gifts, benefits and hospitality from UK sources	406	14.6%	16	5.1%	422	13.7%
Category 4: Visits outside the UK	127	4.6%	4	1.3%	131	4.2%
Category 5: Gifts and benefits from sources outside the UK	23	0.8%	1	0.3%	24	.8%
Category 6: Land and property	24	0.9%	50	16.0%	74	2.4%
Category 7: Shareholdings	22	0.8%	29	9.3%	51	1.7%
Category 8: Miscellaneous	129	4.6%	73	23.4%	202	6.5%
Category 9: Family members employed	0	0%	6	1.9%	6	.2%
Category 10: Family members engaged in lobbying	3	0.1%	2	0.6%	5	.2%
Total	2,778	See note below*	312	See note below*	3,090	See note below*

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

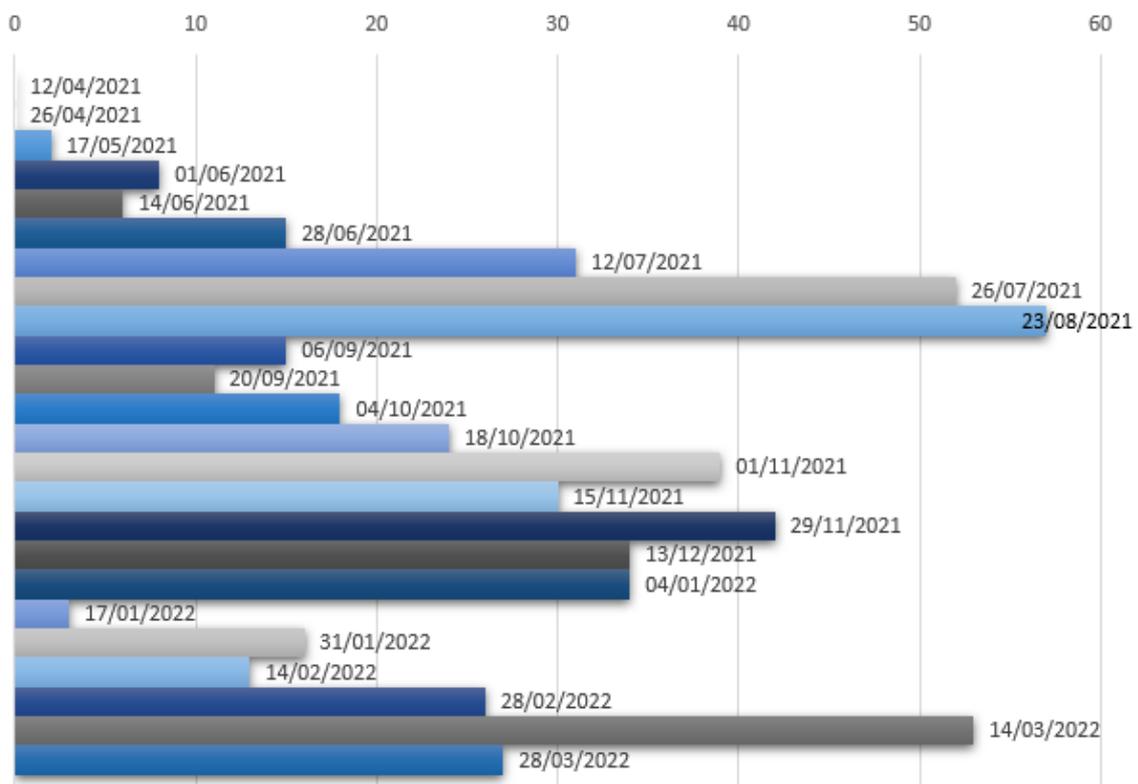
Of the 1,735 new registrations under Category 1: Employment and earnings, 1,111 were payments for opinion surveys. These typically take under an hour and generate a payment which is normally under £300. Many Members arrange for these payments to be paid directly or indirectly to their party organisation or to good causes locally. Payments for opinion surveys accounted for 64.0% of the new registrations under Category 1, and 40.0% of new registrations overall.

Surveys as a proportion of all new registrations



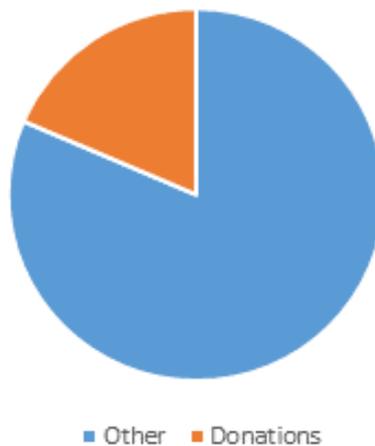
As a result of the lifting of Covid-19 restrictions, far more interests were registered under categories 3, 4 and 5 (which cover gifts, benefits, hospitality, and visits outside the UK) in 2021-22 than in 2020-21. In total, these three categories made up over 20.0% of all new registrations, or 33.4% excluding survey payments.

Total entries under categories 3, 4, and 5 in each publication:



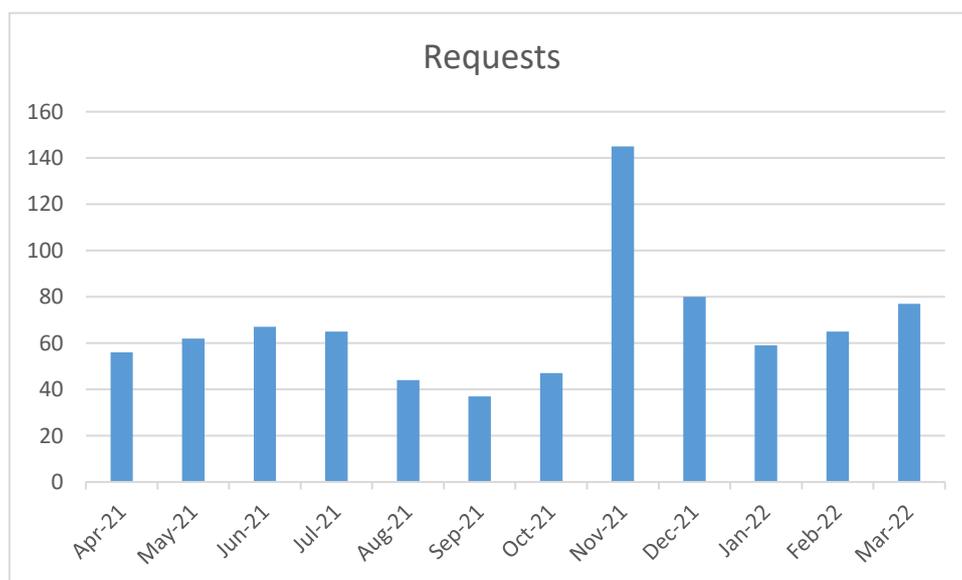
With opinion surveys excluded from the total, new entries under Category 2: Donations and other support for activities as a Member of Parliament accounted for 18.5% of all new registrations.

Donations as a proportion of new registrations (excluding surveys)

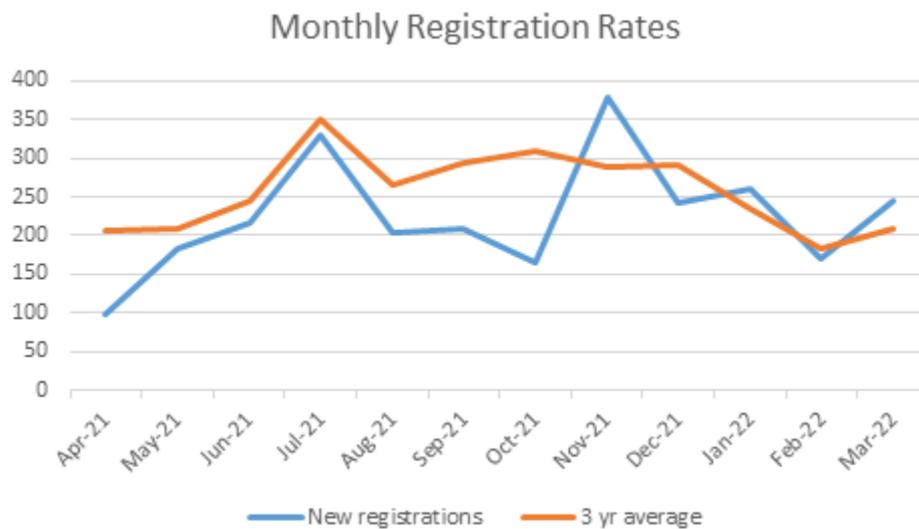


The Register grew from 289 pages on 12 April 2021 to 426 pages on 28 March 2022. (Between the 2015 General Election and the start of the pandemic, it has been roughly between 450 and 550 pages long.)

There were 804 requests for non-standard registration advice and advice on declaration. Requests peaked in November 2021.



Because there have been three general elections in the space of five years, it is difficult to establish what a 'normal' year would like under the current registration thresholds, which were introduced at the 2015 General Election. However, at different points in the year, we have taken three-year averages that exclude pre and post general election periods, and the post-Covid outbreak period. The table below provides a comparison.



Again, registrations not only peaked in November but were significantly higher than the three-year average for that month.

Register of All-Party Parliamentary Groups

APPGs are informal groups of parliamentarians who share an interest in a particular subject. 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. APPGs are listed in the APPG register as being either a Country Group or a Subject Group.

Year	Total Groups	Subject Groups	Country Groups	Groups with registered benefits	Editions
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
2021-22	762	626	136	389	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
2017-18	2010	356	7
2018-19	2022	408	9
2019-20	1795	348	8
2020-21	1531	257	8
2021-22	1713	323	9

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
2017-18	426	84	7
2018-19	438	85	9
2019-20	467	79	8
2020-21	413	70	8
2021-22	419	71	9