# Committee on Standards in Public Life Meeting on Intimidation in Public Life 27 March 2019

Participants

*Baroness Brinton, President, Liberal Democrats*

*Lord Jonathan Evans, Chair of the Committee on Standards in Public Life*

*Louise Haigh, MP for Sheffield Heeley*

*Gordon Nardell QC, Executive Director of Legal Affairs, Labour Party*

*Kirsten Oswald, Business Convener, Scottish National Party*

*Jane Ramsey, Independent Committee Member, Chair of the meeting*

*Amelia Womack, Deputy Leader, Green Party of England and Wales*

Lord Evans

Thank you very much indeed for being here. We agreed at the last meeting, in November, which, certainly from the Committee’s point of view, we found very encouraging, to have another meeting. The intention was to do it before the recess in February, but that did not quite work out, so apologies for that, but here we are and that is great. The meeting is on the record and a transcript will be published on our website, but before we do that we will circulate it so that people are comfortable with it. As I say, we believe that the Conservative Party did agree to come and we are hoping that they will be here and that James will join us, but basically, we are in a position where we have a reasonable turnout. Other parties are with the process, but not everybody can be here today. They would have been here except for other things intervening, so from that point of view that is encouraging.

It is pretty self‑evident that the issue of intimidation has not gone away and continues to be very serious. We had an updated response from the Government to my Committee’s report fairly recently, which pointed out some progress on areas, but still some further work to do. From that point of view, it is mildly encouraging to see continued focus on it from the Government side.

What we would like to do today is to update on progress, see where things stand with the work within parties and look at the possibility of going towards a joint draft code, which was the original recommendation. I am not going to continue to chair, because Jane Ramsey has been leading on this for the Committee and I arrived after the report had been originally completed. Jane has been following the process all the way through, so unless there are any particular questions I will hand over to Jane and invite her to lead us through it. Thank you very much.

Jane Ramsey

Thanks, Jonathan. Can we just do a whip round, because we have a different group of people here today representing Labour, the SNP and the Greens? We understand why you are here and not your MP, but it would be helpful for new colleagues to understand.

Amelia Womack

I did attend the last event.

Jane Ramsey

Oh you did, I beg your pardon.

Amelia Womack

I am Amelia Womack, Deputy Leader of the Green Party of England and Wales. In terms of internal party structures, as part of the executive and the person who is able to implement change in things like a code of conduct, using things like motions to conference, I am better placed to be able to action that work than Caroline in the parliamentary office.

Kirsten Oswald

I am Kirsten Oswald. I am the Business Convenor of the SNP, which is essentially the chair, so I chair our national executive committee and party conference. Similarly, the democratic structures of our party would require this kind of thing to go through our NEC or conference depending on what we are talking about. A code of conduct would require to go through our conference, so this probably sits more appropriately with me than somebody from the political side.

Jane Ramsey

I am an independent member of the Committee. I was one of those active in hearing the evidence and then producing the report that the Committee agreed.

Louise Haigh

I am Louise Haigh, the MP for Sheffield Heeley and Labour’s Shadow Police Minister. I am standing in for Ian Lavery today.

Gordon Nardell

I am Gordon Nardell. I am the Labour Party’s Executive Director of Legal Affairs. I am not an elected official of the Labour Party, I am an appointee of the NEC, but I am senior legal advisor to the NEC on all matters dealing with the legal aspects of the party’s internal structure, including rules and procedures. Although not an elected officer, clearly I am in a position to relate the output of processes like this and to give the Committee advice on where they should be heading in terms of rules and process.

Baroness Brinton

I am Sal Brinton, Baroness Brinton. I am the President of the Liberal Democrats Party and I am the equivalent of chair of other political parties. I chair the party’s Federal Board and I am responsible overall for the delivery of conference and for ensuring that all the party’s policies and procedures are in shape and delivered.

Jane Ramsey

Thanks very much.

Lord Evans

Kirsten raised a point earlier.

Kirsten Oswald

Thank you, that is very helpful. For clarity, it is good to see Gordon here; that is obviously an important insight that he can bring to the proceedings. However, when we had asked if we could bring either our Legal Advisor or our Chief Operating Officer, both of whom are in London today, we were told that no, only one person may attend. That would have been quite helpful because it could also have helped with consistency, because obviously I am here for the first time. I would aim to try to come, but this is in London, our party is headquartered in Edinburgh and all these functions take place in Edinburgh. In terms of moving forward, it may be useful to consider whether that was a deliberate decision, because it seemed a little bit inconsistent to me, or maybe that is something that we could agree would improve consistency going forward.

Jane Ramsey

Point taken. I am so sorry, I did not know that that had even been discussed. Did you?

Lord Evans

No, I did not.

Lesley Bainsfair (Secretary of Committee on Standards in Public Life)

Apologies, it was not deliberate at all, it was just a matter of housekeeping; we thought the accommodation was a squeeze and it was nothing more deliberate than that. Our apologies.

Kirsten Oswald

Okay. We have travelled from Scotland for the meeting.

Lesley Bainsfair

I did not know that, I am sorry.

Kirsten Oswald

Yes, because that is where we are, so thank you.

Jane Ramsey

Apologies for that. We will not let that happen again.

Just to recap on where we are at, for those of you who were not at the meeting and, indeed, those who were, because you have lots of other things on your mind as well as a joint code of conduct for political parties. The Committee felt we had made quite a bit of progress in that the parties had given thought to a joint code of conduct. The parties were in different places. There is obviously a different issue for those like Plaid Cymru and the SNP, which do not have the support network for their party in London but in other places. We also recognise that the three biggest parties have more resources around all this and therefore perhaps can make a different contribution to the process.

What we were keen to achieve last time was senior political leadership buy in to the process and then agree some form of the process about how to achieve a joint code of conduct. We recognised and James Morris from the Conservative Party was very clear about the code the Conservatives have produced and that they are working to; Ian and Gordon were both clear about the progress that the Labour Party had made and came along with social media and an additional paper in this space; and I know that Baroness Brinton had a very developed idea not only about what the Liberal Democrats are doing but also what you could contribute and the active working between these meetings to take forward, in a senior leadership position, the work and were keen to get on with it. Obviously, there was significant support from the SNP, Greens and Plaid Cymru; the DUP were not able to make it.

It is a shame that the Conservatives are not here at the moment. I do hope they are coming. If they do not come, we will have to address that issue later on in the meeting, because this still remains a very important and serious issue. I know that it is depressing and disturbing to think that, if anything, since last November, matters have got worse not better in terms of intimidation of, well, you people coming into this building and others, and MPs and broadcasters taking a lot of abuse. I am thinking particularly of, outside here, a few weeks ago, Anna Soubry, Kay Burley and the intimidation that they suffered, and I know a lot of MPs and others have been on the receiving end also.

What we would like to do today is hear from you in turn about what progress has been made either in your internal party discussions or between yourselves. Secondly, we would like to look at what a joint code of conduct might look like. Thirdly, we think it would be a strong signal to issue a statement that we all agree to shortly after the meeting, and we would like to test your views on that. Is everyone happy with that approach? I am conscious, Louise, that you might have been handed a last‑minute brief.

Louise Haigh

Yes.

Jane Ramsey

Thank you particularly, therefore, for standing in. I recognise that at least you have a joint team here, fortunately. Who would like to start with how you think things are going?

Baroness Brinton

Just before that, could we go back to the level of the senior party people who are involved? When you first summoned us, you were very clear that you wanted chairs or equivalents and I am particularly delighted Kirsten is here, because I know the SNP does not operate in quite the same way that certainly my party does or either of the other two. The important thing was to get the right person from each party into the room to provide that buy in and certainly the larger parties recognised we would probably hand some of the work over to our key people – my Head of Compliance, Natalia Villazan, is sitting behind you, Gordon. I am just worried that that seems to be slipping. I do appreciate that it is busy down the other end, but one of the things that I felt very encouraged about was that, at the last meeting, I really had the feeling that there was not just buy in in principle but buy in in practice at the most senior level from the parties, and I recognise that some of the smaller ones do have problems in getting here. I struggle to see how we can do a joint statement today without Ian and James. I slightly regret the fact that the Chairman of the Conservative Party has delegated it, but I am concerned that we are already diluting it down into our party systems when the whole principle was to get that chairman or equivalent conversation going and practical stuff working at the head of compliance, legal affairs level within the parties. Tell me I am wrong.

Jane Ramsey

It is a very fair point. We share your disappointment. We are very pleased that people are here, but obviously it is not what was agreed originally for the November meeting. We were told that James and Ian would be here. I hear what you say about the joint statement. Maybe there is another way that if we get some in principle agreement about what we want to say, we can then work out how that could get more formally agreed at a senior level, but what we need is both things. We need senior leadership and commitment demonstrated and then input and work outside of these meetings to try to achieve it. We felt very positive when we left the meeting last time and were encouraged that all the senior leadership in the parties present were committed to that. How much we make of that ‘there is a lot on this week’, there is always a lot on and I guess it is quite hard to make that commitment, but anyway. Shall we at least…

Baroness Brinton

Yes, sorry.

Gordon Nardell

Perhaps I ought to respond to that and do so in positive terms. Ian Lavery’s unfortunate absence from this meeting certainly does not imply his absence from or lack of commitment to the process. It was really only as of mid‑morning today that he realised it was unlikely to be possible for him to attend. We recognise, for our part, the importance that an appropriate political office holder should come along. Clearly, the Home Office brief includes many of the unlawful activities that the Committee is interested in as examples of intimidation. It is not exhaustive of the subject, but it is in the same general area and so we felt it was appropriate for an elected office holder, having the appropriate brief, to come along and join the process.

Jane Ramsey

Yes, and as I say, we are very pleased that you are here, Louise. Thanks for that, Gordon. Can we move on now? What further discussions have there been in your parties and/or between yourselves? Has there been progress? Do you want to start?

Gordon Nardell

Yes, certainly. I and Ian Lavery reported back, both politically and organisationally within the Labour Party, on the proposal for a joint code and I am pleased to say that, in general terms, that idea has support within the Labour Party. As we indicated on the last occasion, our view is that the Labour Party’s existing rule structure and code of conduct cover pretty much the whole range of unacceptable activity that the Committee has in mind to include in any joint code. Therefore, from our point of view, we feel little would need to change in terms of the machinery of the rules. What is important is a statement of political commitment and a willingness to work with the Committee and the other political parties. If I can provide any reassurances, certainly on our side, we are willing to do that.

Of course there is a mea culpa on our side, which is that we did indicate at the last meeting that we would seek to take the initiative with at least a draft framework for a code. Inevitably, as constitutional convention collapses around our ears, particularly at the other end of this place, minds have been on other things. I recognise that does not make getting this topic dealt with less important, particularly as, although the prospect of an early general election appeared to recede somewhat earlier this year, I am not a betting man, but Ladbroke’s are now, I gather, offering shortening odds on a general election and there is a now a very real possibility of participating in European elections, which will take place within a very fractious context. We recognise that the importance of the urgency of this work has not, in any sense, gone away.

We have been giving some thought to how to tackle, in particular, the question that James Morris raised at the last meeting, which is how to distinguish between, on the one hand, activity that amounts to trenchant and searching personal scrutiny of those in public office or who put themselves forward for public office and, on the other hand, behaviour that flips across the line into unacceptable personal intimidation, harassment or abuse. In particular, we have been giving some thought to how the Seven Principles of Public Life might play into that distinction and we like to think we have come up with at least the embryo of an idea that may enable the seven principles to form the basis for drawing a line. Clearly, no one wants to shutdown political debate, one wants to protect the debate. Equally, one wants to protect the individuals who participate in the debate by holding, and putting themselves forward for public office.

As I indicated in my email to the Committee and others this morning, what we wanted to do was write that up into a short piece of work in progress. What I did not want to do was ambush anybody with it by attempting to circulate it until that course had been agreed, but I have brought along printed copies and, if it would be helpful and only if it would be helpful and agreed by everyone else, I would be happy to circulate that, because it does provide an indication of where our thinking is on it. Essentially, it is the opening salvo we would hope to contribute to the cross‑party discussions we hoped would have taken place by now. We are sorry it is late.

Jane Ramsey

Since it is late, does that mean you have not been able to share or discuss it with the other political parties?

Gordon Nardell

That is exactly right, yes. It is internal work in progress, but it reflects what we would have wished to share with the parties had we found an opportunity to do so.

Jane Ramsey

Okay. In that case, can we hold that thought for the moment and work our way around the table to hear what others have to say and then have a discussion about the paper? Thanks, Gordon.

Baroness Brinton

As you said earlier, our policies and procedures have been in place for some time. We will do a natural review during the tail end of this year, because we have presidential and committee elections for people to take up office on 1 January next year and built into our system is that all our key policies – members’ code of conduct, safeguarding, working with vulnerable people – all those things have to be reviewed as the new committee comes in. The new board will look at the detail in these and they will be reviewed, it is also part of their training. We are getting ready for that at the moment.

I have a sub‑committee of the board that is ready to look at any draft code of conduct that we might agree. We have agreed to do that because obviously we want to be fleet of foot and nimble and if we are going to look at something quickly, we are ready to do that.

Our main work at the moment is putting the finishing touches to our new discipline process, which I mentioned before was passed by conference last year. We are now training our new adjudicators, investigators and mediators and we go live on 1 July. That is going very well. We have recruited enough people to start in all three states and we are already beginning to look at some cases, in parallel, about how the new system will differ from the old system. Clearly, as part of that, we are seeing, as everybody else is, both complaints about members and complaints from members and Members of Parliament and councillors about the tirades of stuff that is happening out there. The one thing I would say is that we are finding faster ways of dealing with things, because having fleshed out policies and codes of conduct it becomes pretty easy to, say, if something is written down then you can move through the stages of process much quicker.

The thing that I was struggling with at the last meeting was each of our codes of conduct is written in the language and the values of each of our parties. I said at the time that I thought it would be unlikely that we could just take one off the shelf and say, ‘Bang, that will work for all of us’. I still remain of that view, but I do think that there is something about a mission statement/code of conduct that we should all aim to be able to sign up to. From that, there should be a golden thread that each of us takes responsibility for to make sure that that is reflected in our policies and our procedures.

Jane Ramsey

Thanks. Have you had any discussions? You have reached out, you have had bilaterals at least with James and Ian.

Baroness Brinton

Yes. I am going to Wales in April and am hoping to pick up with my opposite number there. I am hoping to go back to Scotland and, Amelia, you and I need to meet up. In fact, I am hoping to go to Northern Ireland at some point in the next couple of months as well. I am very keen to speak to my opposite numbers rather than just the MPs, because it is about that understanding of the responsibilities that we have that differ from those of people who have been here just as MPs, which is no slight at all. It is about understanding how you manage your party and how you get things through, how the complaint system works. All of those things I am very keen to talk with my opposite numbers about.

Jane Ramsey

Thank you. Amelia?

Amelia Womack

I highlighted this last time, but I would like to highlight it again. I am Deputy Leader of the Green Party of England and Wales and the Scottish Greens and the Northern Irish Greens are a separate party. Although I work very closely with them and am able to feed into this, I would like to reflect that I am not able to represent them in this meeting, but I will feed back to them the results. I am sure that if we find that golden thread that Sal is talking about, there would be no opposition to be working on this kind of thing.

I also mentioned last time that we are currently reviewing our code of conduct and this will be submitted to our conference this coming June, which means that I am on a very tight schedule to make sure that any outcomes from this meeting and this working group can be added into that framework. I have also worked to make sure that we have an opening to potentially ensure that the main code of conduct can have something external working on it that would be then voted through on a separate conference, which would not be until autumn. This means that we would probably be able to do something in terms of a message of support for a code of conduct, but it would not be ratified as policy until those conferences. Therefore, I either have a very tight schedule or a much longer schedule, because I only have a couple of weeks really to feed into that process.

I was also going to ask, the social media document that was shared last time, is it possible to get a digital version of that, just because the right people who would be able to use that it has not been possible to get that across?

Jane Ramsey

Are you happy to do that, Gordon?

Gordon Nardell

Yes. I thought we had submitted an e‑version to the Committee, but I could not recall whether that had then been distributed.

Baroness Brinton

We have not seen it.

Gordon Nardell

I am very happy to distribute it.

Amelia Womack

Fantastic, thank you, Gordon. We have broad support from the party, it is just to have that ratified by conference is really the barrier for me at the moment and I am not sure where we will be, as a Committee, to meet those different timescales.

Jane Ramsey

Thank you. Have you spoken to anyone else outside, Labour or Conservative or SNP or anyone else?

Amelia Womack

I have not, no. I will catch up with Caroline as well, just on that specific question, but she has not fed anything into me on that specific issue.

Jane Ramsey

Thanks. Kirsten?

Kirsten Oswald

Okay, thank you. I may be coming at this from a slightly different angle, I suspect, and Baroness Brinton highlighted that at the beginning. Our structures are quite different from the structures of the other parties, although, for the record, we are not a small party; we are the second‑largest party in the UK.

Jane Ramsey

I beg your pardon.

Kirsten Oswald

I know this is going to have a transcript, so I need to say that otherwise there will be people chasing me. We are also the third party here. Whilst we are not small, we do operate in a particular way. I know that Kirsty Blackman, our Deputy Leader at Westminster, was here last time and talked through the progress that had been made. I am not going to go back over all the things that she said, but this is something that is really important for us to deal with, which is why we were happy to come to London. We do want to make progress. The notion of a mission statement is something that has some real merit, given that we do all have very particular ways of working and very particular ways of framing things, as well as the way that we all deal with things.

From the SNP perspective, our democratic processes in the party would require that our conference – and it will be the conference in October – deals with the update to our code of conduct. That is something that we are consulting with our members on very broadly. We have a new and expanded team of representatives to our NEC. We have an updated structure, if you will, which is allowing us to have a broad look at that. Although there is a code of conduct at the moment, of course, it is helpful that we have the opportunity to review it given the situation that everybody has spoken about. That is something that will come in October to our conference, because it has to be the members who agree this and they have the opportunity to amend, to suggest changes and so on. Until they have had the opportunity to do that and to agree or otherwise with what is put forward, the current code of conduct remains.

The other thing that might be worth noting is the work that has been ongoing, and I am sure that is the same in the other parties as well. Whilst that piece of work is ongoing, we have continued to add to what we already have and what we already do. We have upped the amount of pastoral care and support that is available to people. There are contacts specifically for different groups of representatives within the party and, for people who are outwith these representative groups as well, dedicated phone lines. As I said, we have increased the representation of a range of groups on the NEC and that is something that the party members were keen to do. There is a new sexual harassment policy, which is a side issue to this, going to the NEC and the code of conduct to conference. We also have harassment advisors, people who are trained to provide an initial level of support in all of our locations. These things will feed into what happens with the updated code of conduct, but going back to where I started, the opportunity to have an understanding, in a broad sense, perhaps a headline sense, may be a way that we can move forward.

Jane Ramsey

Okay, thank you. Have you been able to talk to any other parties?

Kirsten Oswald

No, I have not. I came into this post probably after or about the same time as your last meeting. You are hoping to come to Scotland, so that will be good and I am happy to talk to others, which I think will be really useful, but it is not something that I have done yet, no.

Jane Ramsey

Louise, do you want to add anything?

Louise Haigh

My only thought when listening to this is wondering how it fits in with the Joint Committee on Human Rights inquiry. They are doing an inquiry at the moment into exactly the same issue as well, are they not?

Jane Ramsey

Yes. They followed us and we are very glad they have; the Harriet Harman write around. We are not sure what stage that is at, are we, Lesley?

Lesley Bainsfair

The inquiry is taking place. They have extended the deadline for evidence. They are interested in the Committee’s report, and its recommendations though not directly following them up.

Jane Ramsey

In terms of where next, again it feels to me that progress is being made, but not with you connecting, as political parties. There is some of it that is very encouraging; that you are very busily working to refine and improve to make sure your own internal policies are as good as they can be in this space and that is really good. I just want to remind why we are pursuing this. The evidence that we received when we did the report on intimidation in public life demonstrated that where political parties work together to at least have a joint view on what is acceptable and unacceptable and, ideally, a code of conduct, but I recognise that we might be reframing what it is called in this meeting, that that improves conduct in itself. The Committee remains committed to working on this and, outside of this meeting, we will be talking again to the Conservative Party, because it is very important that, in addition to their own code that James described at the previous meeting, there continues to be a commitment to joint working.

Lord Evans

The question that occurs to me, having not been at the earlier stages on this, is if we try to go for joint procedures it is going to be really difficult, because the different parties have different cultures and different contexts and structures, so that is not going to work. What we are aiming for, I guess, as you were saying, is a political commitment with some definitions of what we mean by it. It is never going to be perfect, but that is the critical question, is it not? At what point does something become unacceptable as opposed to robust democratic debate? Anything we can do to try to delineate that boundary would be really helpful. I will not name any names, but I had an interesting conversation with one parliamentarian who said that if there is no physical violence, as far as he is concerned, he cannot see the problem. That is an extreme position on one side, I would say.

Baroness Brinton

That would breach all of our conducts that I have seen so far.

[Crosstalk]

Lord Evans

I merely say it to demonstrate that there is quite a wide range of views as to where the boundary should be. The more clarity we can get on a common view as to where that boundary is and then, as it were, a political commitment to that, then individual processes will be obviously for the parties. I think that is what you meant by the ‘golden thread’, is it not?

Baroness Brinton

Yes.

Lord Evans

Yes. That is where we were aiming. That is helpful, from my point of view, so thank you.

Jane Ramsey

Can we have the transcript not being taken until I indicate otherwise?

[*Committee goes into private session*]

Jane Ramsey

We can now go back into the transcript, thank you.

I do not want to forget that you have offered to table a paper, Gordon, but before we do that, are there elements of a draft code or whatever we are going to call it – what is another word for it besides ‘mission statement’?

Baroness Brinton

Can I come back to you on that? I do not think we can call it a code of conduct, because that is what each of the parties have.

Lesley Bainsfair

Statement of principle or statement of intent may be something.

Baroness Brinton

Yes, something like that.

Jane Ramsey

Okay, thank you. Do we want to discuss, for example, what we think should be in such a document or do we want to, first, decide whether we look at the Labour Party paper? There seems to be no reason for you not to table it.

Gordon Nardell

Yes, and the paper offers some initial thoughts as to how one goes about the process. You may take the view it is a useful starting point. You may take the view it is a complete waste of time and throw it in the bin, but it is some work we have done and we thought it might assist.

Jane Ramsey

Would you like to all receive the paper?

Amelia Womack

Yes, that would be perfect. Before we start on this point, I would really like clarity on exactly who this covers. Does this cover Members of Parliament and parliamentary candidates? Does it cover councillors and council candidates? Does it cover members and potential direct harassment of members that we see on Twitter? I would just like to know the scope and where that parameter potentially ends.

Jane Ramsey

What we discussed in a joint code of conduct is it would cover members as well. The Labour code of conduct does and it does for Liberal Democrats. The Conservatives it does not; it is for candidates and party officials. Am I right there, Lesley?

Lesley Bainsfair

Yes.

Jane Ramsey

That would be a significant debating point, presumably, at the next stage, around who it should cover.

Gordon Nardell

You have to unpick that into two parts. One is who does the code protect? Is it office holders, is it candidates? If so, at what level and does it go beyond office holders and candidates? The second question is whose behaviour is the code applicable to? If I recall from the transcript, we touched on that discussion at the last meeting and there was some recognition that, as far as the parties are concerned, it is very difficult for a code of conduct to bind anyone other than their members, because otherwise there is no contractual machinery for giving effect to it. In terms of the question of who should be protected by the code, I do not think there has been any conclusive or even provisional view expressed on that beyond that the context for the Committee’s work has been candidates for public office. That was in the context of the general election 2017, so the starting point was, of course, those who aspire to hold parliamentary office, but there has never really been any discussion about how far –

Lord Evans

Do we need specifically to state who is, as it were, being protected? If you state ‘the following sorts of behaviour are completely unacceptable within the party’, whether those activities are directed against party members or against opponents or anything else, they are still caught by it. I assume we are all of the view that we want vigorous and hard-fought political debate, but we do not want personal abuse and, particularly, we do not want intimidation, whether that is of MPs, councillors, other members or anybody else who is involved in the public sphere.

Baroness Brinton

I completely agree with that. I have had reports of intimidation of canvassers and deliverers working on behalf of candidates. We have always approached this particular task as being how we can own the responsibility for the behaviour of our members and less concerned about who we are protecting, because our responsibility is to stop that behaviour and take action against people.

Can I just slightly throw a minor fly in the ointment? This is not just members as far as our party is concerned anymore, because at our conference two weeks ago we now have a registered supporter scheme. That gives them some rights, but considerably fewer rights than a member and we have a discipline code for those supporters. Therefore, as far as my party is concerned, we would expect registered supporters to come within the ambit as well.

Jane Ramsey

Okay, thank you for that. We still have the issue that the Conservative Party code does not cover all members, does it? I think that is what James said last time.

Baroness Brinton

He did say that.

Jane Ramsey

He did, yes. He also said that there needs to be agreement on the framework, which is done by the political parties that then report to us on progress made at the meeting. He thought there should be political principals’ agreement coming separately from the convening of these meetings, which I presume he means with his political party.

Kirsten Oswald

I do not understand again, forgive me. What do you think he meant by that?

Jane Ramsey

He thought that there was something different between the mechanics of drawing up what was then called the code and decisions that political parties would need to make about what they were going to support being in the code. Obviously, all the parties here, your codes of conduct cover your membership as well as party officials, candidates and so on. That is not the case with the Conservative Party, so, for example, if you were to agree as one of the principles that all membership should be included, they would want a discussion that would say the code, insofar as their signing up to it, covers the people who are covered by their code. The Liberal Democrats would want the people who were covered by their code and your code also covers supporters, which it may not for the Labour Party. Do you see what I mean?

Amelia Womack

Ours does not cover the supporters.

Baroness Brinton

Yes, but ours are registered supporters, which means –

[Crosstalk]

Jane Ramsey

Sorry, I just mean that there are different categories. There is a political decision in your parties. You will not want this code that you are signing up to, presumably, to extend beyond the remit of your codes and so that would need to be made clear.

Kirsten Oswald

That does then mean that if you are right – and I am sure you are – with what your paperwork said about the extent to which the Conservative Party’s code covers their members, it only covers their elected members. Therefore, we are potentially looking at a statement of intent or a mission statement where we, the SNP, the Labour Party, the Liberal Democrats and the Green Party, are looking at something that covers significant numbers of activists, members, as well as elected members, but the Conservative Party are restricting that because that is what their document says. Is that what others understand about where we are? That does not seem sensible to me.

Lord Evans

It seems least sensible of all for the Conservative Party.

Kirsten Oswald

Yes. I am not having a go at them, it just does not seem logical.

Lord Evans

I absolutely agree with you.

Baroness Brinton

We are not in a position to influence the direction of another party.

Kirsten Oswald

No, indeed, but it makes it a little bit difficult for us to have a balance of what we are trying to do.

[Crosstalk]

Lord Evans

If we got to that point, probably I would want to write to the Chairman of the Conservative Party saying, ‘Before we go live on this, you might just want to reflect on the fact that the other parties have all committed to a wide coverage of this and you have committed only to a very narrow coverage. You might just want to think about whether that is where you want to be, because if I was Chairman of the Conservative Party, I would feel that that was a slightly invidious position to have put myself in’.

Gordon Nardell

That is a very good example of the kind of authority the Committee has.

Baroness Brinton

Indeed.

Lord Evans

Obviously, we cannot make anyone do anything, but we can at least point out that this might not be the most prudent way of –

Kirsten Oswald

On balance, to me, it does not seem logical, so it is maybe something to come back to.

Jane Ramsey

Okay.

Jane Ramsey

You are going to circulate the Labour Party paper. Do you want us to do that or do you want to do that? Do you want to use us as a post box?

Gordon Nardell

We have some copies.

Jane Ramsey

It was the electronic thing that we will come back to as well, though.

Gordon Nardell

Yes. I have a series of printed copies.

Jane Ramsey

We will have those. It probably does not make sense to go through that, as we have not all read it, so we will thank you for that. Is there more, in terms of elements of the code or whatever it is going to be called, that we want to discuss? We have discussed membership. Another thing, I suppose, is sanctions, which your political parties will want to think about. What will the relationship be of a joint code of conduct and a potential breach of it to your codes, because this code will not have a sanction with it. It will merely relate back, I presume, to your own individual party codes and whether that suffices.

Gordon Nardell

The assumption that we tended to make last time was it would plug in to whatever the disciplinary structures are in each party. To use the Labour Party as an example, we have a disciplinary rule, which we explained last time, which is clause 2.18 of the party rulebook and that prohibits behaviour that is prejudicial or grossly detrimental to the party. In deciding whether behaviour is prejudicial or grossly detrimental to the party, the disciplinary bodies must have regard to codes of conduct adopted by the NEC. There are codes of conduct on various topics, including the social media code, which are shared with the Committee. What I imagine we would aim to do, once a joint statement or a joint code of conduct is agreed at the end of this project, is that the NEC would adopt or designate that as a code of conduct and it would then plug into our disciplinary process. My guess is that the other parties with an established disciplinary mechanism would have an analogous way of incorporating the content of the code agreed in this process into their disciplinary structures.

Jane Ramsey

That is clear.

Baroness Brinton

Defining sanctions is a bit of a problem, but the way it would work is that if party A felt that the sanctions applied by party B were useless then the relationship between whatever we are calling this higher level code would break down pretty quickly. As we are a federal party, we have different sanctions available. The reality is that there is a range from a slap on the wrist, do not do it again, to training, to not being allowed to stand for internal office, to being thrown out of the party and not allowed to re-join for a period or being thrown out forever. I suspect every party will have its own variation on those things and I just worry. What we need to say, for us, our phrase is ‘bringing the party into disrepute’. That is the catch‑all. The reality, of course, is that it is usually about harassment or intimidation or bullying, in the terms that we are talking about, and we have very clear guidance on that. If it is sexual harassment, we have very specific ones on that and antisemitism, Islamophobia. The moment we start to get into that sort of detail it becomes quite difficult, because what we cannot have is another party judging sanctions from their perspective, in the same way that members who bring complaints sometimes get cross with the result of a discipline process.

Jane Ramsey

We are fairly clear that that would not be what political parties would want and so we would ensure that the steering of whatever the product is avoids that mischief. I will put it like that. Do you want to add anything on that?

Amelia Womack

Yes. One of the things that I would need to go back to reconsider is where our complaints system is open to other people complaining. Although it is possible for other parties to submit a complaint, it is not the easiest of processes. We probably need to review and reform some of those processes, to make sure that that cross‑party work is accessible. Reflecting on it now, I do not think we have clarity on how that operates for non‑members to submit a complaint.

Jane Ramsey

You mentioned your party conference is where new or amended codes are ratified and so there is going to be quite a lead‑in time for this piece of work, is there not?

Amelia Womack

Yes.

Jane Ramsey

It was my dear wish that we would make sure we had it in before the next election.

Gordon Nardell

We are in a slightly different position because codes of conduct are adopted by our NEC and they then immediately plug in to rules that have already been made by conference. That is the mechanics of it. A code like this is only going to be of benefit if it is widely known and widely disseminated among those who are going to be subject to it. It may well be that a sensible part of the discussion we might want to move on to is to see whether there is a consensus about how the code will be disseminated by the parties. As a minimum, when an election takes place we would want to disseminate the agreed document, the code or statement itself, along with the guidance that we already distribute to party members, helpers who turn up at committee rooms and so on. There is existing guidance, a couple of pages of A4, on election offences and of course that includes the topic of intimidation. It does not require a quantum leap to ensure that accompanying that is also a reminder of the importance of whatever the requirements and principles are that are agreed as a result of this process.

Jane Ramsey

You would want to have it, would you not, in training for everybody before elections, canvassers and everyone? I recall James again saying at the last meeting that the Pickles’ review highlighted that they needed to increase training and preparation for potential candidates and candidates between elections, not just when an election was about to happen, because of the snap election. That was a lesson learned from 2017 and I guess that will apply to all the political parties, will it not, around dissemination?

Amelia Womack

I was just going to add that although to make sure it is policy it would need to go through conference, there is an opportunity that if it was an extension of policy our executive could ratify it with a statement of support, but it would not be policy until the conference. Although we would have to wait for the ratification to happen, we would be able to potentially put something through at a different time, it would just depend on if there was a way I could highlight it as an extension of something that is already there.

Kirsten Oswald

To go back to where I came in earlier, we have a democratic, member‑led structure, so this is something that needs to go through the processes that are there to enable us to change, amend, update rules. Certainly it is something that I would want to talk with the National Secretary about, but it strikes me as something that would potentially need to go through conference for the members to have their say on.

The other thing that I thought was really interesting was talking about jurisdiction. If somebody is unhappy with something, that is something that we would need to be very clear on so that we could bottom that out. Otherwise, there is a danger of anything you come up with not really working properly because people are not quite clear about what it means. I guess clarity is the thing we are all looking for anyway.

Jane Ramsey

Yes.

Baroness Brinton

One of the things that has been slightly worrying me about getting into this detail is I can understand why we might want to make sure that the statement, whatever we are going to call it, is widely disseminated. When we first started, in fact, when your predecessor interviewed the three of us, we were sitting in a row, Conservative, Labour and Liberal Democrats.

Jane Ramsey

It was Ian Lavery and Brandon Lewis and you, was it not?

Baroness Brinton

Yes. In fact, it might even have been when Pat McLoughlin gave evidence.

Jane Ramsey

Oh yes, it was.

Baroness Brinton

We were asked by Lord Bew, ‘We are talking about something. Would you pick up the phone to your opposite number if you were concerned about…?’ That is the level we are talking about rather than the chair of Southend Labour Party picking up the phone to somebody else in the Liberal Democrats’ Southend Party, to try to get it resolved. I do not think we are talking about that. We are talking about trying to say this is serious enough that it goes straight up the ladder and if it is serious enough for Ian Lavery to pick up the phone to me and say, ‘Look, we have a serious problem in Southend. We absolutely need to sort this out. Can you please make sure that this complaint is taken seriously and expedited?’ All the things that Gordon was, rightly, talking about, about how do you define where the boundaries are on what is and is not behaviour becomes very difficult at the frontline. It has to be way up in the system of the parties. That is the other reason why we absolutely have to have the buy in at the top, the people who are chairs or equivalents of the parties.

Jane Ramsey

We will take away that latter point offline as well, because it may be that there are further conversations to be had around the most senior leadership in this space, recognising that obviously lots of work has been done and will continue to be done.

Is now the time to turn to a statement on progress, which we will put on our website? I know that drafting something by committee will probably make you want to wish there was a vote to go off to. How shall we do this? Does anybody have any suggestions?

Louise Haigh

Well, what progress has been made collectively, other than that that has been made individually in parties?

Jane Ramsey

Well, I think we would say that there is goodwill and commitment from the political parties in the room. We want to recognise the goodwill and the commitments thus far and the progress that has been made. We want to say that you are committed collectively to developing the whatever it is going to be called.

Baroness Brinton

Statement of intent was probably the last suggestion.

[Crosstalk]

Jane Ramsey

I am attempting to draft a collective statement of intent to go into whatever we are going to call the code of conduct, but we are not calling it the code of conduct anymore, and that we, the Committee, are going to progress, with your support and agreement, the mechanism for developing and agreeing that code. I do not think we should say any more than that.

Lord Evans

It is really a milestone, is it not, saying ‘this is where we have got to and we remain committed’? We will need to think carefully about particularly the Conservative Party, because of the fact they are not here, but we probably want to do it on a collaborative basis.

Jane Ramsey

Absolutely.

Gordon Nardell

Might it also be said that in view of the other part of the discussion that we had, some neutral comment could be made along the lines of ‘the Committee will work with the political parties to identify a source of independent support for the process’? Something along those lines.

Lord Evans

Yes, that is a good idea.

Baroness Brinton

The key things, for me, in that are the words ‘goodwill, commitment’ and agreement about moving forward, because it is that progress, is it not?

Jane Ramsey

I would like to also refer to building on the work that you have already done. You have all done a great deal of work in all of the political parties, on an individual basis, to attempt to deal with the issue and confront the issue and call out the issue of intimidation and we would want to recognise that. That you have all done great work as individual political parties, the next step is this and you have agreed to do this and are in the process of agreeing a process to do it.

Rather than attempt to sketch something out, what would be the mechanism for doing this? If Lesley and Maggie, possibly, thank you very much, have a go at drafting and then circulating quickly, we would probably like to put it up by close of play at the end of the week.

Lord Evans

We need to bounce something off the Conservative Party.

Jane Ramsey

More in sorrow than anger, we are disappointed that they are not here. That is a pity, but we would not want to exclude them if they were to agree with the statement, because we are in the spirit of collaboration and coming together and, also, they have put a lot of work in on their code as well.

Kirsten Oswald

You said you would not wish to exclude them if they wanted to agree, which is absolutely sensible and right. Do you think they will not agree? I say this as somebody who has not had any discussions with them, so I do not know where they are coming at this from, or shall we worry about that if we need to?

Lord Evans

The question is, if we cannot get everybody to agree to this or if a party said, ‘We do not want to play because we are quite happy where we are’, do we think that there is benefit nevertheless in the other parties taking this forward collectively, or do we say, ‘It is all or nothing’?

Kirsten Oswald

That may depend on what they said, I suspect, whichever other party it was. If a party had a particular issue, concern or reason that they felt barred progress, maybe it would be reasonable to hear what that was rather than draw a line.

Lord Evans

Yes.

Jane Ramsey

Just to refer, but not to be minuted, please.

[*Committee goes into private session*]

Jane Ramsey

We are back on the transcript now. The point that Jonathan is making is absolutely right, which is there is a decision to be made about, where parties are not going to sign up, what do the rest of you want to do? I would strongly encourage, from the Committee’s point of view, because that was the theme of the report, that a joint code or whatever it is going to be called is emphatically a good thing around this space. Making a statement jointly around *‘intimidation in public life is not acceptable and this is what we believe collectively…’* is powerful and the process is helpful. However, as you said, there are nuances.

Lord Evans

Obviously, by far the best outcome, from my Committee’s point of view, is that all the parties sign up to this. That is the best outcome for the country and the political process. If, for whatever reason, there are one or more parties that decide they do not want to take part, in my view, that does not mean that nobody else can. Indeed, I would have thought it would be slightly difficult to explain potentially why you decided not to take part, but then that is a matter for individual parties to decide on what they want to do. We are not in a position to challenge or second guess that, but I rather hope that even if not everybody wants to take part in the process for reasons of their own, nevertheless there is some benefit in there being as much of a consensus as possible being voiced. That is my hope.

Baroness Brinton

I am with that. I would be deeply disappointed if one of the parties made a deliberate decision not to join us. Enough work has gone on to show that we are of one mind about the principle, it is how we make it happen that is taking a bit more time, for all the reasons that we have talked about.

Lord Evans

There may be an issue around what was understood by a code of conduct, because if one was looking for common processes that would be a much bigger ask than a common commitment to the principle and also some kind of articulation as to where the line is. That might be something that is easier to get wide consent to rather than common processes, which would be difficult, for reasons we have already said.

Jane Ramsey

And we have moved on from the last meeting, in a helpful way, to articulate that this is not about party processes, this is a different sort of code that we are looking for, which is probably going to be helpful to everybody, including those who are not in the room.

Kirsten Oswald

It is a top‑line commitment, which parties will then have their own codes of conduct –

Lord Evans

How you implement it is up to the parties.

Kirsten Oswald

Which they operate as they see fit depending upon their own structures, and sitting above and connected to that is a commitment.

Jane Ramsey

Processes around the code will link, by the sound of it, to your individual codes, but obviously the mechanics of it will need to be thrashed out by –

Kirsten Oswald

Yes. I would be interested in more discussion about process and mechanics, to make sure that that fits and works, but the principal understanding is that there are some things that we would surely all find entirely unacceptable.

Gordon Nardell

The priority for the Committee is to see that there is a statement of common standards agreed. It may be that those could conclude with a statement along the lines of ‘and the common intention of the parties is that each party will ensure there are effective processes and effective and proportionate sanctions for breach by those for whom they are responsible’. I doubt you would want to get further into that and I doubt whether there would be much appetite among the individual parties.

Jane Ramsey

That is absolutely right. Have we concluded the substance of this meeting? The actions are: we will be seeking independent support for the development of the overarching joint code/principles and we will get back to you on that. We will draft for your, we hope, quick turnaround something that we can all agree as an immediate statement of intent around the joint working and we will also share that with the political parties that are not able to be here today. If they are not signing up at this stage though, we will still go ahead with saying the parties that have agreed to that statement have signed up.

Can I just check with you, would you find another meeting hosted by us helpful or shall we wait and see what comes out of our discussions with the independent third party in support of the further joint working?

Kirsten Oswald

It is difficult to know without timescales, perhaps.

Jane Ramsey

I was going to come on to timescales.

Baroness Brinton

Just before you do that, the response from the Conservative Party might also dictate whether there is another meeting like this. On the other hand, they might just say, ‘We really could not be here, sorry. We are absolutely signed up to everything’, in which case I do not think we would need to meet again in this format, but there might be a forum in which that would be appropriate.

Jane Ramsey

That sounds very sensible.

Lord Evans

I agree.

Jane Ramsey

On timescales, the Committee are keen that this is agreed sooner rather than later, because it also sounds like, in some political parties, there will be a further process of agreement and adoption.

After Easter?

Baroness Brinton

That is quite helpful. That also gets us through the local election period. From our perspective and, I suspect, most of the English parties, we have the biggest round of local elections in 15 years, so most of us will be busy. I want to come back to what to do in the interim, if I may, but that works quite well.

Jane Ramsey

Early May?

Baroness Brinton

Early May.

Jane Ramsey

Okay. That is helpful. Anything else?

Baroness Brinton

Yes. If there is a general election or a referendum or European elections or even during the English local elections over the next six weeks –

Amelia Womack

And Northern Ireland.

Baroness Brinton

And Northern Ireland, that is one of the reasons I am trying to get to Northern Ireland, to work with my sister party out there. I would like us to be able to circulate two numbers from each party for everybody else, the chair or equivalent and the head of compliance or equivalent, so that, in the event of a problem during that period, the promise, which I know it was only the three of us gave to the Committee, that we would act and the best way of good faith of that is that only the people involved in this have those numbers and email addresses.

Kirsten Oswald

These would be circulated between us.

Baroness Brinton

Yes.

Kirsten Oswald

Okay.

Baroness Brinton

And then if I have to receive a call from one of you, I know that it has gone way up in your system and it is being taken very seriously.

Louise Haigh

Yes, absolutely.

Gordon Nardell

That sounds fine.

Jane Ramsey

That will be in the transcript, will it? I do not mean the numbers, but the commitment from others.

Baroness Brinton

Yes, absolutely.

Jane Ramsey

Okay, alright, thank you. Jonathan, over to you.

Lord Evans

On the practicalities of that, someone has to trigger that and make it happen. What is the best way of doing that?

Baroness Brinton

Shall I write a paragraph and send it back that it might be circulated around, just to act as that trigger, but thereafter, if we agree it, it is literally just picking up the phone?

Lord Evans

Yes, that is fine. It is just that someone has to trigger it and if you are happy to trigger it, that would be brilliant.

Baroness Brinton

Your email group is the most helpful one because it has virtually all the right people on it. I would quite like Natalia added to it, but then at least we have that.

Lord Evans

Good. Well, look, thank you very much indeed, in a rather busy period, for taking the time out to do this. Again, from our point of view, it is encouraging to see that there is some forward progress. We will need to make sure that we do what we can to ensure that all the parties who want to take part are taking part and we will try to do something along those lines. We are pretty clear about where we are aiming for and have a slightly better definition of what this thing will look like if we manage to track it down and trap it, so that is very helpful. Thank you. Thank you for coming.

**This Transcript was produced by Ubiqus UK  +44 (0) 20 7269 0370**

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