

**THE  
HOUSE OF COMMONS  
COMMISSION**

---

**A risk-based exclusion policy for the  
House of Commons – updated proposals**

*Report presented to the House of Commons by the Speaker*

---

*Ordered by The House of Commons to be printed 14 December 2023*

---

## **Commissioners**

---

The Speaker (Sir Lindsay Hoyle) (Chair), The Leader of the House of Commons (Penny Mordaunt), Nickie Aiken, Deidre Brock, Mrs Sharon Hodgson, Lucy Powell, Sir Charles Walker, Marianne Cwynarski (Director General (Operations)), Tom Goldsmith (Clerk of the House), Shrinivas Honap (External member), and Catherine Ward (External member).

Secretary to the Commission: Gosia McBride

Assistant Secretary: Ed Potton

**A risk-based exclusion policy for the House of Commons – updated proposals**

---

***Introduction***

1. This report sets out updated proposals for a risk-based exclusion policy for Members of the House of Commons. These proposals follow concerns raised by staff and Members over how we fulfil our duty of care to protect members of the Parliamentary Community whilst also respecting the fundamental constitutional right of Members to represent their constituents. Our report follows a period of consultation, engagement, debate and reflection on our initial proposals, which we have altered in response to the feedback we have received.
2. These proposals have been developed to address the potential risk to those in the parliamentary community that may arise from Members who have been accused of violent or sexual offences having access to the Estate. In July 2022, we “noted the current processes in place for managing risks relating to passholders under investigation for violent or sexual offences and agreed that options should be developed, with input from key stakeholders, on whether and how these processes might be extended”.<sup>1</sup>
3. On 14 November 2022, we agreed to launch a [consultation](#) on excluding Members charged with violent or sexual offences from the Parliamentary estate and/or Parliamentary travel until any such cases are concluded. An analysis of the consultation responses was published on 5 June 2023, along with our [proposal](#) for risk-based exclusion which would allow for the possibility of exclusion at any point in the criminal justice process on the basis of information provided by the police.
4. A debate took place in the House of Commons Chamber on 12 June on our proposals. Key areas raised in the debate included:
  - (a) the need to build a review into any Standing Order change;
  - (b) whether the threshold for starting the risk assessment process prescribed under the policy should be at the receipt of serious allegations from the police, arrest, or charge for a violent or sexual offence;
  - (c) the role of staff in the process;
  - (d) the membership of the Member panel who would take the decision on exclusion;
  - (e) how the scheme would interact with proxy voting; and
  - (f) whether Members would have the ability to make representations to decision making panel before a decision was made.

---

<sup>1</sup> [Decisions of the House of Commons Commission](#), 20 July 2022, published 1 August 2022

5. We have listened to the views of Members and revised our proposals. This report sets out our new proposed policy, alongside wider information about how risk is managed within the House of Commons and parliamentary community. It will be for the House of Commons to decide, on a motion tabled by the Government, whether to accept our proposals.

### **The Commission's proposal**

6. We propose that when the police provide the Clerk of the House with information about a Member who is subject to serious allegations relating to a violent or sexual offence (in practice on arrest) a risk assessment will take place.<sup>2</sup>
7. The risk assessment will take place as follows:
  - (a) A Risk Assessment Panel (the Panel) comprising Members of the House will be convened by Mr Speaker to undertake a full risk assessment on the basis of information provided by the police alongside any information which has previously been provided to the relevant House authorities regarding any existing voluntary arrangement between the Member and their whip to stay away from the Estate. The Panel would not be given the name of the Member being risk-assessed.
  - (b) The Panel's membership will be nominated by the Speaker of the House but is expected to be the two senior Deputy Speakers and a member of the House of Commons Commission who also is a Member of the House.
  - (c) The Panel, would consider:
    - i. The nature of the alleged misconduct;
    - ii. Whether there is any safeguarding concern (i.e. is there a reason to suppose that children or vulnerable adults are at risk).
  - (d) The Panel would then determine the presence of one or more of the following risk factors:
    - i. A risk that the wider Parliamentary community, or a particular group or groups within it, could potentially be at risk from future, similar offending (as alleged) by the Member.
    - ii. A risk that an alleged victim (if connected to Parliament) may potentially be subject to repeat offending during the course of Parliamentary duties.
    - iii. Any other significant risk to the Parliamentary community, or a particular group or groups within it.
    - iv. The Panel will take into consideration information from the police alongside any report made to the Speaker by party whips that the Member in question is subject to an existing voluntary agreement not to attend the Estate.

---

<sup>2</sup> Under the Protocol on the handling of the notification of arrests, the Clerk is informed of the arrest of a Member via the Chief Superintendent at Parliament, who is informed as soon as possible and within 24 hours of the arrest of a Member. House of Commons Procedure Committee, [\*Notification of the arrest of Members\*](#), Second Report of Session 2015–16, HC 649, Annex 2

- (e) Members must not lobby the Panel in a manner calculated to influence the outcome of a risk assessment process.
  - (f) The Panel would be advised by relevant House of Commons officials including Speaker's Counsel and the Director of Parliamentary Security, and would have access to a risk identification tool to help them make their assessment.
  - (g) The Panel would make the decision on the appropriate mitigation of risk, and could decide that the Member should be subject to exclusion on the basis of risk to members of the Parliamentary Community.
  - (h) An excluded Member would be able to apply for a proxy vote for seven months in the first instance, subject to review, to be certified by the Speaker.<sup>3</sup>
  - (i) The operation of the risk-based exclusion policy will be reviewed following the first six months of its continuous operation.
8. The changes which have been made to the policy as originally proposed are as follows:
- (a) There is no longer a staff panel which makes an initial assessment.
  - (b) The risk assessment will take into consideration whether there is an existing voluntary arrangement between the Member and their whip to stay away from the Estate.
  - (c) A risk assessment will be triggered when information is received from the Police regarding serious allegations that a Member has committed a violent or sexual offence. In practice, this will be at the point of arrest.<sup>4</sup>
  - (d) There will be a review of the operation of the policy after six months.
9. The Panel will undertake a risk assessment and may choose to use a risk assessment tool to help identify potential risks alongside mitigating and supporting actions.
10. The Panel would consider a range of potential actions to mitigate risk. Actions short of exclusion might include preventing access to certain facilities such as the bars on the Estate, having the Member accompanied as they move around the Estate, liaising with the accommodation whips to move the person to a different office, or preventing 1-1 meetings with House staff where no other individual is present.
11. We carefully considered whether a Member subject to risk assessment should have the right to make representations to the Panel. We heard that such representations to a decision-making panel would seriously risk compromising police investigations and potential court proceedings and therefore agreed that they could not be included in the policy.

---

<sup>3</sup> Proxy certificates no longer give reasons for the granting of a proxy vote.

<sup>4</sup> The Police are required to inform the Clerk of the House on the arrest of a Member of Parliament. House of Commons Procedure Committee, [Notification of the arrest of Members](#), Second Report of Session 2015–16, HC 649, Annex 2

12. The Commission also gave detailed thought as to how the proposals would interplay with proxy voting arrangements. We propose that a proxy vote would be offered for seven months in the first instance. This is broadly in line with the length of time a proxy can be awarded for medical reasons or for parental leave. Unlike these other forms of proxy, however, the proxy for an excluded Member could be extended if the Member is subject to ongoing investigation or is awaiting trial after charge.

### **Terms of the exclusion**

13. Exclusion of a Member would prevent a Member from taking part in proceedings that require physical presence on the Estate and/or from taking part in official parliamentary travel. This section sets out in more detail what that would mean for the Member.

### ***Exclusion from the Parliamentary Estate***

14. If a Member were to be excluded from the Estate under this policy, they would not be able to attend the Estate to take part in Parliamentary proceedings which require in person attendance, or enter the Estate for any other purpose.

15. They would have access to the following services relating to formal proceedings of the House:

(a) A proxy vote, under an amendment to the terms of Standing Order No.39A.

(b) Any procedural services which are currently available to any Member remotely, which includes:

- tabling written questions;
- amendments to legislation (which can be moved by another Member on their behalf), or amendments to select committee reports;
- tabling or signing Early Day Motions; and,
- adding their name to an amendment on the Order Paper.

(c) In some circumstances, a Private Members' Bill can be progressed by another Member on their behalf.

(d) A Member cannot formally present a petition remotely, but their staff member can submit it for processing.

16. Unless they were subject to any further restrictions under existing policies, a Member would retain access to:

(a) The Parliamentary network;

(b) Any meetings or events scheduled to take place virtually;

(c) Telephone, email or online contact with services provided by the House Administration, their offices and any other body operating within Parliament.

17. The Parliamentary Estate does not include constituency offices.

### ***Exclusion from Parliamentary-funded travel***

18. If a Member were to be excluded from Parliamentary-funded travel, they would not be able to attend any domestic or foreign travel funded by the House of Commons Estimate. This includes:
- (a) Select committee travel;
  - (b) Delegations to the Parliamentary Assemblies of the Council of Europe, North Atlantic Treaty Organization and the Organization for Security and Cooperation in Europe;
  - (c) Inter-parliamentary group travel: the Commonwealth Parliamentary Association, the Inter-Parliamentary Union, the British American Parliamentary Group and the British Irish Parliamentary Assembly;
  - (d) This does not include travel funded by IPSA, APPGs or any other source.

### **The wider framework of assessing risk in the Parliamentary community**

19. The Commission's proposals sit within a wider framework of assessing risk within the Commons community.

### ***Accusations made against Members relating to harmful behaviours and conduct***

20. Complaints about bullying, harassment or sexual misconduct may be made to the ICGS helpline, run by the charity Victim Support. If the helpline service identifies that a Respondent has been named more than two times in relation to Sexual Misconduct or five in relation to Bullying and Harassment, the ICGS passes information related to the potential risk to the House authorities, who may conduct a risk assessment and may recommend service alterations or restrictions as a result. The requirement to inform House authorities in the case of cluster reporting applies for all contacts to the helpline, not just ones that have led to formal complaints.
21. Political parties operate their own disciplinary processes. Whips can ask Members who are subject to investigations by their own political parties not to attend the Estate. Such Members may also have the whip withdrawn during any investigation.

### ***Policy for House administration staff***

22. The House of Commons Staff Handbook requires employees to disclose to their Line Manager, Countersigning Manager or Head of team as soon as practicable if they receive a Police caution, reprimand, or final warning; or are arrested and refused bail; or are convicted by a court of any criminal offence(s).<sup>5</sup> This information will also be available to the vetting team for security vetting purposes. The suspension of staff in these circumstances (and therefore their absence from the workplace) is a routine consideration and the conviction of a criminal offence may be considered as serious or gross misconduct. Amongst those offences that would normally be of concern are those that relate directly to the person's role (e.g. an offence of dishonesty alleged against a person with financial authority), could pose a

---

<sup>5</sup> The handbook as a whole is being reviewed and in that process the intention is to change the requirement to disclose to arrest, rather than arrest and bail refused.

risk to members of the parliamentary community or negatively impact on the reputation of the House of Commons service, for example, violent or sexual offences.

***Policy for Members' staff***

23. In relation to MPs' staff, where the House becomes aware of a criminal investigation or conviction (through the security clearance process, direct evidence of criminal activity or any other means), passholders may have their pass suspended or removed and/or electronic access to the Parliamentary network suspended where they are judged to pose a risk. The House Administration can also raise concerns with a passholder's employer (the Member) in order for the employer to take action.
24. Members who use the IPSA standard contract for employing staff will have a reference in their employees' contracts to IPSA's disciplinary procedure. This states that gross misconduct includes but is not limited to: '[B]ringing my office into disrepute', alongside criminal convictions that would make the employee unsuitable to carry out their functions. This can result in dismissal without notice. In cases of misconduct (situations less serious than gross misconduct) the policy specifies that it might also be appropriate to suspend the employee if this assists with the investigation.
25. Many Members as the employer would be likely to undertake a risk assessment, and seek the advice of the Members HR Advice Service in doing so. The House authorities would not necessarily know if a Member's employee based in their constituency office team had been arrested for a relevant offence but would be more likely to be informed by the police if the member of staff was Westminster based.