



HOUSE OF LORDS

Guidance for those wishing to make a complaint against a Member of the House of Lords

Introduction

1. This note describes how you can make a complaint about inappropriate conduct by a Member of the House of Lords (“Member”), and the process for handling complaints. It provides only a brief summary of this process: if you need further advice or information, you may contact the Registrar of Members’ Interests, by telephone at 020 7219 3120.
2. The Code of Conduct is reprinted as Annex A to the [*Companion to the Standing Orders of the House of Lords*](#); it is also available online, together with the latest versions of both the Register of Lords’ Interests and the Register of Interests of Lords Members’ Staff, at <http://www.publications.parliament.uk/pa/ld/ldreg.htm>.

The Code of Conduct

3. The House of Lords adopted a Code of Conduct on 2 July 2001. The Code sets out some general principles applying to Members’ conduct as parliamentarians. It also contains specific rules governing certain relevant interests (financial or non-financial) which Members are required to register in the Register of Lords’ Interests and to declare in the course of parliamentary proceedings. A “relevant interest” is one which “might reasonably be thought by the public to affect the way in which a Member of the House of Lords discharges his or her parliamentary duties”. The Code also provides for a complaints process, whereby Members of the House or members of the general public may complain of alleged breaches of the Code.
4. Under the Code of Conduct, it is the responsibility of the Sub-Committee on Lords’ Interests to examine complaints, and, where appropriate, investigate them before reporting its conclusions to its parent committee, the Committee for Privileges. The conclusions of the Sub-Committee and the Select Committee are then reported to the House.
5. The House has no power to suspend, expel or fine its Members. If a complaint is upheld, therefore, the only sanction available to the Sub-Committee and the Committee for Privileges is to bring the conduct of the Member concerned to the attention of the House, or to invite them, depending on the circumstances, to take remedial action either by amending their entry in the Register or making an oral apology to the House.

Making a complaint

6. Complaints, whether from a Member of the House of Lords or a member of the public, alleging that a Member of the House of Lords has breached the Code of Conduct, should be sent in writing to:

The Chairman of the Sub-Committee on Lords' Interests
The Office of the Registrar of Lords' Interests
House of Lords
London SW1A 0PW

7. If you are a Member of the House of Lords, as a courtesy you should in the first instance normally raise the complaint with the Member complained against, or in certain circumstances with that Member's party Leader or Chief Whip, or with the Convenor of the Crossbench Peers.
8. If you are not a Member, you should still first consider whether you have made your dissatisfaction known to the Member concerned, and given him or her an opportunity to respond. If you do choose to make a formal complaint to the Sub-Committee, you should do so:
 - In writing, giving an address and a contact telephone number and email for subsequent communication; complaints submitted by telephone or email will not be considered;
 - Making clear in what respect you think the Member may have breached the Code of Conduct;
 - Supplying as much evidence as you can in support of the complaint.
9. Whether you are a Member or not, when making a complaint you are not protected from legal action (for example, for defamation), unless and until the Sub-Committee decides to undertake an investigation.
10. From the point that the Sub-Committee decides formally to undertake an investigation (see below, paragraph 16) all evidence and correspondence relating directly to the inquiry is covered by parliamentary privilege. It must remain confidential unless and until it is published by the Committee for Privileges. If such evidence or correspondence were to be published or disclosed to anyone else without the Committee's agreement, this would be a contempt of the House.
11. Nor will parliamentary privilege protect any other material that is made public or has previously been made public (for instance newspaper articles or statements made to the media). The Committee for Privileges strongly deprecates the making of statements to the press by complainants while an investigation is in progress, and will take any attempt to use an investigation to generate publicity into account when deciding whether or not to uphold a complaint.

Handling complaints

12. As a first step in the process, the Registrar of Lords' Interests screens out those complaints which are manifestly frivolous or fall outside the scope of the Code. If the complaint is rejected at this stage you will be notified and given a brief explanation of the reason. If the complaint does appear to fall within the scope of the Code the Chairman will then undertake a more detailed assessment. She will consider not only whether the complaint falls within the Sub-Committee's remit, but whether the evidence you have submitted along with the complaint establishes a *prima facie* case that the Member has breached the Code, so justifying formal investigation. She will report her findings to the Sub-Committee, which will then make the final decision on whether or not an investigation should be initiated.
13. The Chairman will judge the complaint against the following criteria:
 - Complaints falling within the Sub-Committee's remit relate to failures either to register relevant interests, to declare such interests in the course of parliamentary business (including committee proceedings), or to breaches of the "no paid advocacy" rule. Complaints relating to failure by Members' researchers or staff to declare relevant interests in the *Register of Interests of Lords Members' Staff* also fall within the Sub-Committee's remit.
 - Matters relating to the Members' Reimbursement Allowance Scheme are the responsibility of the Clerk of the Parliaments, and only in exceptional circumstances will he seek the Sub-Committee's assistance in investigating a complex or serious complaint.
 - Matters not falling within the Sub-Committee's remit include:
 - policy matters or a Member's views or opinions;
 - the funding of political parties;
 - alleged breaches of the separate code governing the conduct of Government Ministers as Ministers;
 - Members' non-parliamentary activities.
 - The Sub-Committee will not accept for investigation a complaint against a Member going back more than four years. It will not consider anonymous complaints or those not supported by evidence sufficient to establish a *prima facie* case that the Code has been breached. Nor will it consider complaints which appear clearly trivial or vexatious or which substantially repeat allegations which have already been the subject of inquiry (unless there is significant fresh evidence in their support).
 - The Sub-Committee will not investigate complaints where no useful purpose would be served by an investigation—for instance, if the Member complained against has already taken whatever remedial action (see below) is appropriate in the circumstances.
 - The Sub-Committee will not entertain complaints which appear to involve allegations of criminal misconduct and which would more appropriately be investigated by other agencies. Similarly, if the subject-matter of the complaint is subject to proceedings in a court of law (for instance, an action for libel), the Sub-Committee will not

accept jurisdiction over the matter, and any investigation already underway will be terminated.

14. If the Sub-Committee, on the basis of the Chairman's recommendation, decides that the complaint does not merit investigation, the Registrar will advise you accordingly, providing a brief summary of the reasons for dismissing the complaint. The Registrar will also inform the Member complained against that a complaint has been received and dismissed.
15. If the Sub-Committee decides that your complaint does merit formal investigation, the Registrar will inform you that an investigation is underway. However, he will not explain the grounds for the investigation, nor (unless you are invited to submit additional evidence) will you be contacted again, until the investigation is concluded. He will also inform the Member complained against that a complaint has been received and that the Sub-Committee has decided to undertake an investigation.

Investigation

16. If the Sub-Committee decides to launch an investigation, it will first seek a written response from the Member concerned. It may in addition interview the Member, other interested parties (including you), or collect additional written evidence. Meetings with witnesses, whether formal or informal, will always be held in private. In the case of informal interviews, a note will be made of the meeting, and all parties will subsequently be asked to confirm its accuracy. Formal oral evidence will also be heard in private, but a full transcript will be taken, which may subsequently be published, at the discretion of the Sub-Committee and the Committee for Privileges.
17. The Sub-Committee, like all House of Lords Committees, possesses a power to send for persons and papers. You must therefore supply the Sub-Committee with any additional information you possess that it may request. If you do not, you not only risk weakening your complaint, but may find yourself in contempt of the House.
18. All evidence given to the Sub-Committee during an investigation, whether written or oral, and any related correspondence, is confidential unless and until it is published by the Committee for Privileges.

The Committee for Privileges

19. At the end of its investigation, the Sub-Committee reports its summary of the complaint, the relevant facts, and its conclusions to the Committee for Privileges.
20. The Committee will then consider the report from the Sub-Committee. In certain circumstances (for instance, if the Member concerned decides to appeal against the decision of the Sub-Committee) it may conduct a formal hearing. Normally, however, the Committee will consider the

report, agree its conclusions, and if necessary make a report to the House, to which the Sub-Committee report and any supporting evidence will be attached.

21. If the complaint is dismissed, you will be notified when the Committee for Privileges has reached its decision, and will be sent a brief explanation of the decision. In such circumstances the Committee for Privileges would not normally publish a report.
22. If the complaint is upheld, and a report is published, you will be notified of the scheduled time of publication, and a copy of the report will be sent to you. The report will describe the complaint, the reasons for the Committee's decision, and will also describe any remedial action that the Member concerned has agreed to undertake.
23. A fuller description of the complaints process is available at <http://www.publications.parliament.uk/pa/ld/ldreg.htm>.