



Independent  
Complaints  
and Grievance  
Scheme

# Independent Complaints and Grievance Scheme Policy Framework

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## 1. Application of this policy

- 1.1. This policy relates to bullying, harassment, and sexual misconduct. It applies across the parliamentary community. The aim of this policy is to create a respectful and courteous working environment and to respond to any allegations of unacceptable behaviour promptly, fairly and effectively.
- 1.2. In respect of members of the House of Lords and their staff, the ICGS is implemented via the Code of Conduct for Members of the House of Lords and the Code of Conduct for House of Lords Member's staff. The definitions of bullying, harassment and sexual misconduct set out in sections 2-4 of this policy apply across the parliamentary community. The other sections of this policy (5-18) do not apply to investigations under the Code of Conduct for Members of the House of Lords and for Lords Members' staff.
- 1.3. This policy does not affect safeguarding obligations for all members of the Parliamentary Community.
- 1.4. ICGS Procedures, which contain further detail on how investigations are conducted, are approved by the ICGS Assurance Board

## 2. Definition of sexual misconduct

- 2.1. Sexual misconduct describes a range of behaviours including sexual assault, sexual harassment, stalking, voyeurism and any other conduct of a sexual nature that is nonconsensual or has the purpose or effect of threatening, intimidating, undermining, humiliating or coercing a person. Examples of behaviours which may constitute sexual misconduct are set out in the Appendix.

- 2.2. Paying for sex when acting in a parliamentary capacity or engaged in activity connected to an individual's membership of the parliamentary community (whether it takes place in the UK or overseas) constitutes sexual misconduct for the purposes of this policy.
- 2.3. Protected characteristics such as race, sex and sexuality can intersect with each other in ways that create specific issues (for example a Black woman might be targeted with racialised sexual harassment). Additional factors which influence power dynamics include class and if a position of authority is held.
- 2.4. Under the Sexual Offences Act 2003, a person is regarded as consenting to sexual activity if (a) they agree to it by choice and (b) have the freedom and capacity to make that choice. This policy uses the same definition of consent in relation to sexual misconduct.
- 2.5. A person's capacity is dependent on whether they are physically and/or mentally able to make a choice and to understand the consequences of that choice. For example, a person does not have the capacity to give consent if:
- They are drunk or under the influence of drugs, for example they may still be physically able to have sex but they may not be able to consent.
  - They are asleep or unconscious.
  - They may not have capacity if they have a disability or impairment, including learning difficulty, physical disability or mental health condition.
- 2.6. Consent must be present every time a person (A) engages in sexual activity with another person (B). A must stop if they are not absolutely

sure that they have B's consent. Any prior consensual sexual activity or relationship between A and B does not, in and of itself, constitute B's consent to further sexual activity with A. B may withdraw consent at any time (including during a sexual act) and consent can never be implied, assumed or coerced.

### **3. Definition of bullying**

3.1. Examples of behaviours which may constitute bullying are set out in the Appendix.

3.2. Bullying is defined as offensive, intimidating, malicious or insulting behaviour involving an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened. Power does not always mean being in a position of authority and can include both personal strength and the power to coerce through fear or intimidation.

3.3. Additional factors which influence power dynamics include class and if a position of authority is held.

3.4. Like harassment, bullying can take the form of physical, verbal and nonverbal conduct. Bullying behaviour may be in person, by telephone or in writing, including emails, texts or online communications such as social media. It may be persistent or an isolated incident and may manifest obviously or be hidden or insidious. Whether conduct constitutes bullying will depend on both the perception of the person experiencing the conduct and whether it is reasonable for that person to have perceived the conduct as bullying.

3.5. Many workplace disagreements or disputes will not constitute bullying or harassment and therefore fall outside this policy. Examples include,

but are not limited to, concerns or disputes about working practices and conditions or disagreements or conflicts between people working together. These should be dealt with informally or by using other workplace policies and procedures, such as an employer's grievance procedure, as appropriate.

3.6. As part of their role, managers should be able to issue reasonable instructions and expect them to be carried out; set and manage standards of performance; and use attendance, performance and disciplinary procedures. Legitimate actions by a manager will not constitute bullying or harassment in and of themselves (although the manner in which they are carried out may constitute bullying or harassment - see Appendix). Similarly, investigation of a complaint under this policy will not in itself constitute bullying or harassment.

## **4. Definition of harassment**

4.1. The definition for harassment used in this policy reflects the definition set out in section 26 of the Equality Act 2010, although this policy is not limited to harassment connected with a protected characteristic under that Act.

4.2. Harassment is any unwanted conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. All harassment, regardless of whether or not it relates to a protected characteristic, is covered by this policy. Examples of behaviours which may constitute harassment are set out in the Appendix.

4.3. Harassment may be persistent or an isolated incident and can be manifest, hidden or insidious. It may take place in person, by telephone or in writing, including emails, texts or online communications, including

social media. Harassment can be intentional or unintentional. It can occur where A engages in conduct which has the effect of violating B's dignity or creating an intimidating, hostile, degrading or offensive environment for B, even if A didn't intend this. Whether conduct constitutes harassment will depend on both B's perception and whether it is reasonable for B to have perceived A's conduct in that way.

4.4. A person may also be harassed even if they were not the intended 'target' of harassment. For example, a person may complain of harassment by jokes about a religious group that they do not belong to, if these jokes create an offensive environment for them.

4.5. Protected characteristics such as race, sex and sexuality can intersect with each other in ways that create specific issues (e.g. unwanted comments on an Asian colleague's hijab might be a situation where the protected characteristics of sex, race and ethnicity, and religion or belief would intersect).

## 5. Time limits

5.1. Complaints about bullying or harassment must be made within one year of the incident (or the last incident if there has been more than one), unless there are reasons why a complaint could not have been made within this time.

5.2. There is no time limit for complaints of sexual misconduct

## 6. Scope

6.1. This policy applies to all acts of bullying, harassment, or sexual misconduct by and against any member of the parliamentary community

on the parliamentary estate or elsewhere in connection with their parliamentary activities.

6.2. For the purposes of this policy, the parliamentary community comprises all those who work for or with Parliament either on the parliamentary Estate, in constituency offices or elsewhere in the course of their parliamentary work. The table in section 18 sets out a non-exhaustive list of members of the parliamentary community.

6.3. The work of the parliamentary community is broad, and may involve office work, public facing work, travel and social events, as well as non-standard working hours. As a result, this policy applies to behaviour by members of the parliamentary community in any circumstances relating to their parliamentary work, regardless of location.

6.4. Complaints can be investigated where both the complainant and the respondent were members of the parliamentary community at the time when the reported behaviour took place. Neither the complainant nor respondent need to be members of the parliamentary community at the time that the complaint is made. An investigation will not be commenced or continued after the death of the respondent.

6.5. This policy does not apply to behaviour that forms part of the formal proceedings of the House of Commons or its committees (see paragraph 1.2 for application to Members of the House of Lords and their staff).

## **7. Collective complaints and complaints against multiple respondents**

7.1. Collective complaints are permitted. A collective complaint is where a complaint is made jointly by multiple complainants against one respondent.

7.2. It is permissible to make a single complaint against multiple named respondents. This may be managed as a single investigation or as multiple separate investigations, at the discretion of the ICGS team. However, an investigator will make a recommendation in relation to each respondent individually, and each respondent will be considered individually for decision-making purposes.

## **8. Facilitating multiple complaints**

8.1. A potential complainant may ask the ICGS helpline or ICGS team to record details of a complaint of bullying or harassment, to be held for a period of up to one year; and, subject to various safeguards, to be alerted by the helpline to the existence of other complaints against the same individual, before deciding whether to take their complaint through the ICGS process.

## **9. Dual reporting**

9.1. Dual reporting is where an individual makes a complaint to the ICGS at the same time, or after, they have made a complaint to another body, for example, a political party.

9.2. This policy is not intended to affect the ability of any individual to report incidents of bullying, harassment, or sexual misconduct to the police, their employer, an employment tribunal or a political party.

9.3. Unless, in respect of forums outside Parliament, the conditions set out in ICGS Procedures are met, allegations cannot be investigated under

the ICGS if the same, or substantially the same, allegations are (a) in the process of being investigated in another forum, or (b) have already been subject to a concluded investigation in another forum.

9.4. Criminal investigations do not constitute “another forum” for the purposes of the condition in paragraph 9.3.

9.5. Where someone has reported an alleged criminal offence to the police and has made a complaint under this policy concerning the same facts, the circumstances of the case will be considered, to determine whether it is appropriate to investigate the matter under this policy at the same time, or whether action under this policy should be paused until the criminal investigation is complete.

## **10. Malicious and vexatious complaints**

10.1. All individuals involved in a complaint made under this policy must provide accurate information.

10.2. Complaints will always be assumed to be made in good faith unless there is a positive indication to the contrary.

10.3. A complaint may be considered malicious or vexatious where the accusations are deliberately false in order to attempt to discredit or harass the respondent. Where the investigator finds that a complaint was malicious, vexatious or deliberately false, the decision-making body for the complainant will be notified and further action may be taken.

10.4. A complaint as a result of a genuine mistake or misunderstanding is not a malicious or vexatious complaint. The fact a complaint is not upheld does not by itself mean it was malicious or vexatious.

## 11. Confidentiality

- 11.1. Complaints under this policy will be treated confidentially. Information relating to a complaint may be shared within the ICGS team. It will only be shared outside the ICGS team in line with ICGS Procedures. Decision-making bodies may also have information sharing requirements under their own policies.
- 11.2. The helpline may escalate serious or multiple reports of behaviour (including behaviour which may constitute criminal activity) to the ICGS team in line with ICGS Procedures.
- 11.3. All parties (complainants, respondents, witnesses and anyone involved in informal resolution) must maintain confidentiality in relation to any complaint, in line with ICGS Procedures and guidance. Breaches of confidentiality may be taken into account in determining any sanction.

## 12. Outline of the Process

- 12.1. ICGS complaints have up to four stages:
  - Making a complaint;
  - Initial assessment;
  - Full assessment;
  - Decision-making and sanction (if applicable).
- 12.2. The ICGS team is responsible for managing a complaint until decision-making stage. ICGS investigators will make a

recommendation as to whether or not allegations within a complaint are upheld. The decision as to whether the complaint is upheld, and any sanction, is the responsibility of a respondent's decision-making body (DMB), including the relevant appellate or sanctioning body (where applicable).

12.3. The key principles of any investigation will be fairness, due process and proportionality:

- The complainant, respondent and any witnesses will be treated fairly and with dignity.
- The respondent will be provided with details of the allegations made against them and by whom and will be offered appropriate support.
- The standard of proof will be on the balance of probabilities (i.e. that the behaviour complained of is more likely than not to have occurred).
- A trauma-informed approach will be followed.

## **13. Making a complaint**

13.1. Any current or former member of the parliamentary community may make a complaint to the ICGS.

13.2. Anonymous complaints are not permitted. However, anonymous reports (that are not a formal complaint) may be made to the helpline, to enable the procedure in section 8 to operate and for risk management purposes.

13.3. The ICGS team will appoint one or more investigators to investigate the complaint, at their discretion. The investigators are responsible for

planning the investigation, conducting interviews, and making findings of fact and recommendations.

- 13.4. A complaint may include allegations of bullying, harassment, and/or sexual misconduct.

## 14. Initial assessment

- 14.1. The purpose of the initial assessment stage is to assess if a complaint is eligible to be investigated under the Scheme. The following eligibility criteria will be applied:

14.1.1. Whether the behaviour, if proven, would constitute a breach of the definitions in sections 2–4 above;

14.1.2. Whether the complainant and respondent were both members of the parliamentary community at the time of the behaviour complained of (paragraph 6.4);

14.1.3. Whether the behaviour complained of falls within the scope of the Scheme in paragraphs 6.1–6.3 and 6.5 above;

14.1.4. Whether the complaint is made within the time limits set out in section 5 above;

14.1.5. Whether the complaint is subject to the restrictions on dual reporting in paragraphs 9.3–9.5 above;

14.1.6. Where the respondent is no longer a member of the parliamentary community, if there is any worthwhile outcome.

- 14.2. A complaint will be eligible to progress to full assessment if all the criteria in paragraph 14.1 are met. A complaint may also progress to full assessment, where appropriate and proportionate, to investigate

whether the conditions in paragraph 14.1 are met (except for the condition in paragraph 14.1.1).

- 14.3. Where the outcome of the initial assessment is that a complaint is ineligible to progress to full assessment, the complainant may request a review of the decision in accordance with ICGS Procedures.
- 14.4. Where the outcome of the initial assessment is that a complaint is eligible to progress to full assessment, the complainant and the decision-making body for the respondent will be notified. The decision on a full assessment, including on eligibility (where relevant), is taken by a decision-making body (see sections 16 and 18 below).

## 15. Informal resolution

15.1. Informal resolution is available:

- As an alternative to making a formal complaint in cases of sexual misconduct.
- Following an initial assessment where the outcome is that the complaint is not eligible to proceed to full assessment.
- As an alternative to an investigation at any time during full assessment until a draft report is sent to both parties.

15.2. Informal resolution is brokered by an investigator, with the involvement of external individuals, including an Independent Sexual Misconduct Advisor, if appropriate. The different forms informal resolution may take include (but are not limited to):

- A facilitated phone call or meeting between the complainant and respondent;

- Communication in writing from the complainant;
- Another appropriate individual (e.g. a line manager) supporting communication between both parties.

15.3. The outcomes from informal resolution could include (but are not limited to):

- An apology or acknowledgement of behaviour from the respondent;
- An agreed behaviour contract for working together in future (in cases of bullying and harassment);
- A behavioural agreement (in cases of sexual misconduct);
- Training for the complainant to help them cope and deal with any future inappropriate behaviours;
- Agreement to external mediation (in cases of bullying and harassment).

15.4. Informal resolution requires the agreement of both the complainant and respondent. If informal resolution is agreed to, no finding of fault will be recorded in respect of the respondent.

15.5. The complainant or respondent may decide at any time to end or halt the progress of informal resolution. If the complaint is at full assessment stage, the full assessment would then resume.

## **16. Full assessment**

16.1. A full assessment is a substantive investigation involving the complainant, respondent and any witnesses. The investigator will gather

and weigh relevant evidence, and apply the relevant policy definitions in order to produce a report with recommendations as to whether each allegation should be upheld.

- 16.2. The standard of proof for a full assessment will be on the balance of probabilities (i.e. that the behaviour complained of is more likely than not to have occurred).
- 16.3. Any evidence or material (or relevant extracts of these) provided to the investigator may be shared with other parties to the investigation in order to allow them to respond.
- 16.4. Under the Standing Orders of the House of Commons, the Parliamentary Commissioner for Standards has oversight of investigations into allegations of bullying, harassment, or sexual misconduct by Members of Parliament. Where a complaint progresses to full assessment, the investigation will be overseen by the Commissioner in accordance with those Standing Orders and with any agreement made between the Commissioner and the ICGS Director. The Commissioner has oversight of the investigation from the receipt of the initial assessment until delivery of the final report, and of any proposed informal resolution.
- 16.5. Before a full assessment report is sent to the respondent's decision-making body, a draft will be sent to both parties for review. The process for a draft report review is set out in ICGS Procedures.

## **17. Engagement, victimisation, withdrawal and pauses**

- 17.1. Complainants, respondents, and witnesses may be accompanied to meetings or interviews, including as part of a reasonable adjustment, as set out in ICGS Procedures.
- 17.2. Complainants and respondents must take all reasonable steps to engage with the investigation in a timely way, including responding to requests for material or information, attending meetings with the investigator, and responding to other contact necessary to progress the investigation.
- 17.3. In the event of the complainant unreasonably failing to engage, the ICGS may treat the complaint as withdrawn.
- 17.4. In the event of the respondent or witness unreasonably failing to engage, the investigator has discretion to complete the investigation on the evidence available.
- 17.5. Members of the Parliamentary Community are prohibited from engaging in any form of victimisation, revictimisation, or encouraging others to victimise someone who has made, or has supported someone else in making, a report/complaint or has cooperated in the investigation of a report/complaint.
- 17.6. A complaint may be withdrawn at any stage before the draft full assessment report has been issued to both parties.
- 17.7. Where a complaint has been withdrawn, the ICGS team has discretion as to whether to accept a new complaint by the complainant which is substantially the same.
- 17.8. The ICGS may pause and resume an investigation in line with ICGS Procedures.

## 18. Decision-making and sanction

18.1. A decision-making body is the body which has responsibility for deciding whether or not a complaint is upheld following the conclusion of an investigation.

Group complained of	Decision-making body
Members of Parliament (MPs)	Parliamentary Commissioner for Standards
Members of the House of Lords	Lords Commissioner for Standards
Employees of MPs or other people working for them, such as volunteers, people undertaking work experience or interns	The employing MP
Employees of Peers or other people working for them, such as volunteers, people undertaking work experience or interns	Lords Commissioner for Standards
Employees of the House of Commons	Relevant HR team
Employees of joint departments such as the Parliamentary Digital Service or R&R client team	Relevant HR team
Employees of the House of Lords	Relevant HR team

Employees of other Parliamentary organisations (for example, CPA UK, BGIPU, an All Party Parliamentary Group)	The employing organisation
Specialist Advisers and others supporting parliamentary work, including people employed by political parties or collectively employed by MPs (e.g. PRU, PRS and Group staff)	The employing body
Members of the Press Gallery	Their employer
Contractors, agency workers, inward secondees or interns to any of the relevant bodies above	The contracted firm or agency which employs the contractor, or the contracting body (dependent on the contracting framework in force); the relevant body responsible for a secondee or intern
Estate-based police officers	Metropolitan Police Service
Non-passholder visitors	No decision-making body: visitors may be complainants but not respondents

18.2. Where a person has ceased to be a member of the parliamentary community, the decision-making body will be the body which would have been the decision-making body for that person immediately before the person's departure.

- 18.3. At the conclusion of a full assessment, the report will be sent to the respondent's decision-making body. Decision-making bodies (including any appellate or sanctioning body, where relevant) will use their own policies and procedures to reach a decision as to whether this policy has been breached and take any decision on sanction.
- 18.4. A decision-making body may request that the ICGS provide further information or clarification relating to the investigation or report. Any such information will be shared with the parties where the ICGS team considers that this is required for fairness.
- 18.5. A decision-making body may reject a full assessment report where there are omissions or errors which are of sufficient significance that the decision-making body could not make a fair decision. The ICGS Director (or their delegate) is responsible for determining what action should be taken where a decision-making body rejects a full assessment report, taking into account the principles for investigation in paragraph 12.3.
- 18.6. If the following factors are identified during a full assessment, they will be identified in the report. A decision-making body may take these into account as aggravating factors in determining any sanction.
- The increased impact of bullying, harassment or sexual misconduct on a person targeted because of a particular protected characteristic (or perceived characteristic) under the Equality Act 2010;
  - Retaliation or victimisation as a result of the complaint, or of a witness to a complaint;
  - Breaches of the confidentiality of the complaint by, or on behalf of, the respondent;

- Failure to comply with measures previously agreed by informal resolution or imposed by an earlier ICGS report;
- Refusal to engage with the investigation.

18.7. A decision-making body may also consider whether any further management action should be taken following the full assessment report (even if the decision-making body decides not to uphold the complaint). This may include (but is not limited to):

- Informal management action by an appropriate individual, such as the manager of the respondent;
- Training for the respondent to increase awareness; or for a particular team/area to enable cultural change or increased awareness.

## **Appendix: Examples of bullying, harassment and sexual misconduct**

Examples of bullying may include, but are not limited to:

- Verbal abuse, such as shouting, swearing, threatening, insulting, being sarcastic towards, ridiculing or demeaning others, inappropriate nicknames or humiliating language;
- Abuse of a similar nature carried out in writing or electronically (including posters, graffiti, emails, messages, clips or images sent by mobile device or posted on the internet);
- Physical or psychological threats or actions towards an individual or their personal property;
- Practical jokes, initiation ceremonies or rituals;
- Overbearing or intimidating levels of supervision or micro-management, including preventing someone from undertaking their role or following agreed policies and procedures;
- Abuse of authority or power, such as placing unreasonable expectations on someone in relation to their job, responsibilities or hours of work, or coercing someone to meet such expectations;
- Ostracising or excluding someone from meetings, communications, work events or social events;
- Sending, distributing or posting detrimental material about other people, including images, in any medium.

Examples of harassment, other than sexual harassment, may include, but are not limited to:

- Sending or displaying offensive material in any format (including posters, graffiti, emails, messages, clips or images sent by mobile device or posted on the internet);
- Mocking, mimicking, belittling or making jokes and comments about a person (or a group stereotype);
- Use of unacceptable or inappropriate language or racial or other stereotypes (regardless of whether the complainant is in fact a member of the group stereotyped);
- Deliberately holding meetings or social events in a location that is not accessible for an individual (by reason of disability, religious prohibitions or otherwise);
- Using profanities that could have the effect of creating an offensive environment for a person to work in.

The following behaviours may constitute sexual misconduct if they occur inappropriately or without explicit and freely given consent. Examples of verbal, non-verbal/environmental and physical sexual misconduct may include, but are not limited to:

Verbal:

- Sexual remarks including those about appearance or clothing, jokes, catcalls, questions about sexual life, raising sexual topics, verbal advances, etc.

- Asking personal questions about sexual or social life or offering unwanted personal information about own activities.
- Remarks that draw attention to someone's sex in an inappropriate or unwanted way.
- Enquiring about sexual history, fantasies or preferences.
- Making sexual comments about a person's clothing, anatomy, or appearance.
- Obscene phone calls of a sexual nature.
- Repeatedly propositioning someone, in person or by telephone.
- Subtle or overt pressure for sexual activity, including requests or demands for sexual favours and promises of reward in return.
- Threats of reprisals if requests for sexual activity are turned down.
- Treating someone less favourably because they have rejected or submitted to unwanted sexual conduct.

Environmental/Non-Verbal:

- Displaying pornographic or sexually explicit material, sexist comments and pictures on social media or chat groups, stalking, image-based sexual abuse such as up-skirting, revenge porn, deep fake porn, etc.
- Obscene material of a sexual nature in any format (including posters, graffiti, emails, messages, clips or images sent by mobile device or posted on the internet)
- Inappropriate gifts of a sexual nature.

- Inappropriate advances or stalking via social media.
- The circulation or displaying of pornography.
- Sharing private sexual images of another person without consent.
- Repeatedly propositioning someone in writing (including through text or social media chat groups).
- Repeatedly following or tracing the movements of another person without good reason.

Physical:

- Suggestive looks and gestures, staring, leering, threatening behaviour, brushing past someone, pinching, touching, groping, promises/threats related to career prospects in return for sexual favours, etc.
- Uncalled-for physical contact, deliberate brushing past.
- Unwelcome and inappropriate touching, hugging or kissing.
- Groping, grabbing, kissing or fondling without consent.
- Indecent exposure (masturbation, nudity) and acts of voyeurism or exhibitionism.
- Attempting or engaging in sexual intercourse or a sexual act without consent.