



The Parliamentary Commissioner for Standards

Annual Report 2014-15



Parliamentary Commissioner for Standards

Annual Report 2014–15

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Foreword

1. My third annual report covers an interesting year. Policy work has led to a number of changes which will be implemented in the new Parliament and I have seen an increase in the number of complaints made to me, although not in the number of Memoranda submitted to the Committee on Standards. Following the changes necessary in my office last year both to provide suitable accommodation and to replace staff, this year has been a stable one. My team have undertaken substantial preparations for the General Election, particularly in relation to the changes to the Rules which take effect then. They have also made significant contributions to improving the quality of our work. I am grateful to them for the consistent support they have given me.

2. In my last report I expressed my grave concern that the House had not considered revisions to the Guide to the Rules initiated by the previous Commissioner and proposed by the Committee on Standards and Privileges in December 2012. The failure to find time for this debate was preventing the implementation of some improvements to the Rules. This delay continued until the 17 March 2015, when, with one additional amendment to the Code of Conduct, the report was agreed. My office is now under great pressure to implement the changes required in time for implementation in May 2015 and at the same time to implement new rules for All Party Parliamentary Groups which were approved in 2014. Nevertheless I am very pleased that we are able to progress this work. Additional work which my office has undertaken in preparation for the new Parliament has included the completion of new webpages and of a piece of work mentioned in my foreword last year, to bring together some of the rules of the House, which are not easily accessible, for the benefit of all MPs.

3. Other work in cooperation with the Committee on Standards led to the agreement in July 2014 of the Respect Policy, on which I reported in my last annual report. That policy and supporting procedures now set out arrangements by which allegations that MPs, or their staff, have bullied or harassed House staff, may, if they are not resolved at a lower level, be referred to me for investigation and, if appropriate, then to the Committee on Standards. This new policy will be reviewed at some time during the new Parliament.

4. Another matter which will be carried forward into the coming year is consideration by the House of a review of the Standards Committee and the Commissioner's Role. This report has been agreed by the Standards Committee and a recommendation to increase the number of lay members to seven has also been agreed by the House. The report restates the value of the Commissioner's role and independence and I have been grateful for the continued support of the Committee in my work this year.

5. There was an increase in the number of formal complaints to me in 2014-15. I considered 148 complaints as against 93 in 2013-14 and accepted 17 of these for inquiry.

6. Many of these related to the use of House stationery during the pre-election period. Three of my inquiries resulted in memoranda to the Standards Committee and at the time of dissolution six inquiries (all accepted in February and March 2015) were ongoing. A full analysis of the statistics is set out in Chapter 3.

7. One change which occurred during this year was the destruction in accordance with House policy, of the remaining records of MPs' claims under the system of allowances which applied in the 2010 Parliament. This system was replaced by IPSA in 2010. It is unlikely that I will now investigate any further complaints relating to the expenses scandal since it is more than 6 years since these arrangements were terminated and the full evidence is no longer available.

8. At the time of writing this, the Registrar and I look forward to welcoming new and returning Members to the House. We are aware of the need to compile an entirely new Register of Members' Financial Interests in accordance with the new Rules and will be aiming to achieve this rather earlier than has been possible in the past. I am also pleased to have an opportunity during the induction period to talk to new Members about the Code of Conduct and ethical standards of the House. Later in the year we will begin to consider the review of the rules which is required once in each Parliament in preparation for a substantial piece of work in 2016-17.

Kathryn Hudson
Parliamentary Commissioner for Standards

1 June 2015

1 Review of the year

9. There have been a number of developments during this year which have provided opportunities to progress the work of my office and to develop the impact of that work on standards across the House. Some of this work has been done in preparation for the General Election and much of it will continue into next year.

The Code of Conduct and Guide to the Rules

10. As I have indicated in my foreword, last year I expressed my concern that the House had still not debated the revisions to the Guide to the Rules proposed by the Committee on Standards and Privileges in its report in December 2012. This remained the position, despite various representations by the Committee on Standards, for almost the entire year and prevented my office from undertaking much of the preparatory work which we had hoped to complete before the Election.

11. However, on 17 March 2015 the House found time to debate a report which proposed a further amendment to the Code of Conduct. The amended Code of Conduct and Guide to the Rules was agreed. While this decision was very welcome, it presents my office with a significant challenge to prepare for the registration of new Members and re-registration of returning Members under a new set of Rules and to ensure that all Members are aware of the significant changes in some areas.

12. The details of the major changes are set out in section 5 of this report.

The Review of the Committee on Standards and the Commissioner's role

13. On 8 April 2014 the Chair of the Committee on Standards announced to the House that the Committee would examine the current system for the consideration of complaints about MPs and make recommendations on any improvements required. A sub-committee, chaired by a lay member, undertook this review, the outcome of which was reported to the House on 4 February 2015. I have been pleased to be able to contribute to the work of the subcommittee throughout the year. The House has agreed a proposal to increase the number of lay members on the Committee from three to seven, and for the Committee Chair to be elected by the whole House. The number of MPs will be reduced from ten to seven giving a total of 14 committee members, evenly divided between MPs and lay members. Recruitment of the new lay members is expected to take place early in the next Parliament.

14. The report itself is a wide ranging one considering issues of public trust in politicians, the changing roles of MPs, the standards which should be upheld and the detail of how these should be enforced. It concludes that self-regulation, with significant external input,

remains the appropriate system and that the current inquisitorial/adjudication system should continue. However, it proposes that the Committee on Standards should take a clearer and stronger lead on standards matters and actively promote good practice.

15. Specifically with regard to the role of the Commissioner, the report says;

“An independent commissioner with security of tenure is, and must remain at the heart of the system. Her right to publication of her memoranda in full is crucial to the transparency of the system and her Annual Report on her work provides a useful picture of the actuality of the situation and trends in her work. Her independence is separate from the lay members. It should not be reduced as a consequence of their introduction.”

16. The report goes on to consider the role and remit in more detail and makes recommendations that

“The Commissioner should consider more often informing MPs about out of remit complaints which relate to them.”

“...where there is a dispute about the meaning of the Code or the rules, the Commissioner should be free to bring the matter to the Committee before she submits a memorandum...”

17. I am happy to support the recommendations relating to my work, which provide new opportunities for Members to learn from private feedback and for issues of interpretation to be considered in a non-confrontational manner on the rare occasions on which they arise.

Procedural Note

18. In parallel with the work of the sub-committee I have reviewed the Commissioner's Procedural Note which sets out the role and remit of the Commissioner and the way in which the work of the office in respect of complaints about Members is undertaken. It was last reviewed in 2012 and the intention of this review was, within the constraints of the Standing Order and the Procedure for Complaints agreed by the House, to explain the process and to make the document more accessible to both complainants and Members who receive copies. In the light of these constraints, there are no major changes but where possible;

- The language has been simplified
- The document has been re-ordered to make information relevant to particular groups easier to find

- We have moved in places to the use of the word “allegation” rather than “complaint” since the Commissioner principally considers allegations that a rule has been breached, rather than complaints which are capable of individual remedy.

19. The new procedure, now entitled the Commissioner’s Information Note and agreed by the Committee on Standards, will be introduced immediately after the General Election. It is printed in full as Appendix 2

Implementation of the report on APPGs

20. On 13 May 2014 the House approved the Committee on Standard’s recommendations to increase the transparency and accountability of All-Party Parliamentary Groups. Details of these changes are included in section 4 of this report.

The Respect Policy

21. In my previous report I referred to the concern that had been expressed about the conduct of some MPs towards the House staff who support them and the recommendation of a review that, if all efforts to resolve a complaint under the Respect Policy failed, the Parliamentary Commissioner for Standards should be asked to consider the complaint and if necessary report to the Committee on Standards. This represented a considerable addition to the current range of responsibilities for both the Commissioner and the Committee. Very detailed work and consultation continued in relation to this policy and the development of an appropriate procedure for this new responsibility until July 2014 when policy and procedure were agreed by the House of Commons Commission, the Committee on Standards and the Unions. A report by the Committee on Standards on 18 June 2014 concluded;

“If the new policy is effective, complaints should be resolved at an early stage. Indeed, it is possible there will in practice be no role for the Parliamentary Commissioner for Standards and the Committee on Standards. Nonetheless, there needs to be an effective mechanism in place to deal with serious problems.”

“We are content for the House of Commons Commission to conclude an agreement with the unions based on the draft Respect Policy. We recommend that the Commission in conjunction with the Committee on Standards reviews the operation of the policy in the next Parliament, and should have the power to renew or suspend it.

The change is however significant, and we recommend that the House be given the opportunity to endorse these proposals, including the power of the successor House of Commons Commission to decide whether to continue or suspend the policy, by agreeing to this Report.”

22. The House debated the Committee's Report on 14 July 2014, and resolved "*That this House approves the First Report from the Committee on Standards, Session 2014–15, Respect Policy, HC 321, which endorses proposals for the operation and review of a policy to deal with complaints of alleged bullying or harassment by Members or their staff towards House of Commons staff.*"

23. Training for House staff was arranged during the autumn and the new policy has been draw to the attention of all new and returning Members. At the time of dissolution no complaints had been received under this policy. I would expect to inquire only into a single very serious incident or a complaint involving repeated incidents or a sustained and damaging pattern of behaviour, which had the potential to cause significant damage to the reputation and integrity of the House.

24. My Procedural Note in relation to complaints under the Respect Policy has been agreed by the Committee on Standards and is attached as Appendix 3.

Preparation for the General Election

25. Considerable planning has been undertaken in preparation for the induction of new Members to the House in May 2015 and I have been very pleased to have the opportunity to be involved in this. In particular there will be an induction session on standards for all new members and possibly the opportunity to consider standards issues further in some seminars in the autumn. The Registrar and I have also met with some of the Whips to talk to them about their ideas on the best way to communicate with Members, particularly in view of the need to tell all of them about the new Rules.

26. I understand that following the last Election in May 2010 the Registrar was unable to obtain the registration information necessary for all Members and could not publish the new Register until September of that year. The Registrar and I both consider that this is not acceptable and are hoping on this occasion to be able to publish the Register in July. To achieve this we plan to meet each new Member individually as soon as possible after they arrive in the House and assist them to complete their first registration. We will use the meetings to ensure that Members are aware of the Rules and have received a copy of them.

27. The changes in the Rules will mean that returning Members will also need information and support in completing their entries and we are grateful that colleagues in the House are able to offer us some help during this period.

28. I have been concerned since my arrival in the House that there are several sets of rules governing Members' actions and behaviour, which are not part of the Code of Conduct and Guide to the Rules but nevertheless may be the subject of complaints to me. Some of these sets of rules, which relate to issues such as use of stationery, or of dining facilities, or offering tours of the House as raffle prizes, are not easily found or up-to-date. I am grateful to administrative colleagues across the House and to the Registrar for the efforts that have been put in to identifying these rules and updating and collating them. As a result of this, for the first time, we will be giving all Members a file which contains not only the new Code of Conduct and Guide to the Rules but also as many of these sets of other rules as we have been able to identify. It is not fair or reasonable to hold Members to account for the breaches of rules which are not easily accessible. I have no doubt that we will make additions to this document in due course, but this is a significant step in the right direction.

Webpages

29. Work to improve the webpages for the Commissioner has continued throughout the year and was completed at the end of April 2015 in time for the new Parliament. The layout has been improved, as has the information available and the links to other pages. I hope that this will make general information about the work of my office more accessible

2 External Relationships, Information and Advice

Publication of information about complaints and inquiries

30. In accordance with the procedures agreed by the House on 2 December 2010, I publish on my web-pages the name of any MP I am investigating, alongside brief details of the nature of the complaint. I also publish monthly statistics about the complaints I have received and about those I have inquired into and resolved.

31. The outcomes of my inquiries are published either on my webpages or on those of the Committee on Standards, depending on whether a formal memorandum has been submitted to the Committee. This has caused confusion for many people seeking information about a particular inquiry, which I hope will be resolved by the clearer webpages now introduced.

32. In summary, if I resolve a complaint without sending a formal Memorandum to the Committee, or if I do not uphold a complaint, I publish my resolution letter to the complainant on my parliamentary web-pages. I append to the letter all the relevant evidence I have received, with any redactions necessary, but I do not write a formal report.

33. In relation to more serious matters, I report my findings through a formal Memorandum to the Committee on Standards. My webpages will in future indicate when a Memorandum has been sent to the Committee, rather than the relevant Member's name just being removed from the page. The Committee, when it concludes its work then publishes on its webpages its own Report on the matter, to which my Memorandum is attached. In that situation the evidence on which I have relied, redacted as necessary, is also published as a separate document on the Committee's webpages.

34. Further information about complaints and inquiries is contained in Chapter 3 of this report.

Responding to enquiries from the public

35. Every year, my office receives, and responds to, large numbers of enquiries from the general public, by telephone, e-mail and letter. (In 2014-15, we responded to over 450

complaint-related enquiries.) We always try to be as helpful as possible in providing advice and guidance to those who contact us and also direct enquirers to relevant information which has already been published. When anyone comes to us with concerns about a specific MP, we explain my role and the types of complaint I am able to consider. Where appropriate, we explain the procedure for submitting complaints and the need to provide enough evidence to justify an inquiry.

36. Very often however, enquirers have come to us as a last resort, perhaps because their MP is unable to help them. Sometimes they may hope that my office will be able to direct the MP to take the action they are seeking. A small but significant number contact my office not because they have a complaint about an MP but because they wish to complain about a government department, (such as the Department for Work and Pensions) or about the National Health Service. In these situations, after explaining my role, we try to direct the caller to the person or organisation best placed to respond to them. This does not always soften the disappointment of learning that I cannot intervene directly and in some situations there is no other obvious help available. On the whole we receive very positive feedback from this approach which is in keeping with the House's strategic aims to ensure that people are well-informed and to earn respect for the House of Commons. Occasionally, it elicits notes of thanks from enquirers too.

Responding to enquiries from the media

37. As well as enquiries from MPs and the public, my office responded to over 200 media enquiries during the year. Many of these related to complaints I had received or to current inquiries. In such cases my office confirms, when asked, whether or not a specific complaint has been received and whether a matter is under inquiry – including, where appropriate, directing callers to the information published on my web-pages.¹ I do not comment on the progress of current inquiries. Once an inquiry has been completed, depending on the way in which it has been concluded, we direct enquirers to my parliamentary web-pages or to those of the Committee on Standards, where they can read my findings and the evidence on which I have relied.

38. During the year my office received seven requests under the Freedom of Information Act for information relating to my work. These included questions about the cost of

¹ <http://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/parliamentary-commissioner-for-standards/>

running my office, statistical information and information about particular inquiries conducted in recent years. Most of the information requested was already in the public domain. The House responded to these requests in accordance with statutory requirements.

Relationships with standards and other bodies

39. My office has continued to maintain good working relationships with the Commissioners for the devolved administrations and with other standards bodies. In October 2014 we attended a Standards Network Conference with colleagues from across the UK and Ireland. This conference is held approximately every eighteen months and it is planned that in March 2016, together with colleagues from the House of Lords, we will host a similar conference in London.

40. We also maintain positive links with the office of the Parliamentary and Health Service Ombudsman, with the Compliance Officer in the Independent Parliamentary Standards Authority, who has responsibility for enquiring into breaches of the rules on expenses since the 2010 election, with IPSA itself, the Electoral Commission, the Committee on Standards in Public Life and with the Police. I hope to meet the new Registrar of Consultant Lobbyists shortly.

International work and other outreach

41. During the year we continued to share our experiences in developing and maintaining a Code of Conduct and matters concerning ethical standards with inward delegations from the Commonwealth and elsewhere. In the last twelve months I have met, among others, groups from the Czech Republic, Sierra Leone, Australia, France and Morocco. I have also spoken at academic seminars, to students from University College London and Hull University. My office also met a delegation from the Philippines and colleagues from Wales.

42. In June 2014 the Registrar explained the requirements of our Code of Conduct to a delegation from the Kuwait Anti-corruption Authority, and in September 2014 to a delegation from Chile and Mexico, arranged through the Economic and Technical Development Distance Learning Centre Foundation (CEDDET). In October 2014 she addressed a group of attached clerks from Australia, Hong Kong, Canada and Brazil, in the course of their professional development programme. In November 2014 she addressed an IPU delegation from Romania.

43. In March 2014 the Registrar spoke at a two day seminar in Istanbul on Transparency of Elected Bodies: Transparency of Functioning and Accountability. This was hosted by the Grand National Assembly of Turkey and organised by the Parliamentary Assembly of the Council of Europe and with the participation of the Parliamentary Assembly of Turkish Speaking Countries (TURKPA).

Advice to MPs and others

44. Under Standing Order 150, it is part of my role “to provide advice confidentially to MPs and other persons subject to registration”. This includes advice about registration and declaration of interests, and also about general issues of ethics and propriety often concerning the use of the facilities of the House. The value of this aspect of my role was confirmed by the subcommittee reviewing the standards process.

45. While I have had such discussions with a small number of Members during the year, in practice the responsibility for advice on the Register of Members’ Financial Interests is largely delegated to the Registrar and her team. She also advises on the obligation to declare interests. This obligation complements the requirement to register interests. In addition to placing their interest on the public record in the Register, MPs are under a duty to disclose them at relevant times, such as in debate in the House and in discussion with Ministers or public officials. The Assistant Registrars also give advice on both the Members’ Register and the Registers for Members’ Staff, All-Party Parliamentary Groups and Journalists.

46. Advice given to an MP is confidential, and will be disclosed only if it becomes relevant to one of my inquiries.

3 Inquiries into MPs' Conduct

47. During the course of the year I have revised the Commissioner's Procedural Note and a new Note (renamed the Commissioner's Information Note) was approved by the Committee on Standards on 3 February 2015. The changes are considered in more detail in section 5 of this report and will be implemented following the General Election.

The Complaints Process

48. In 2014-15 I have worked within the procedures agreed by the Committee on Standards and Privileges in 2012 which required formal complaints to be made to me in hard copy, signed and including the complainant's name and address. Initial discussions of an issue often take place by telephone or email and, if the subject matter of these contacts appears to fall within my remit, the procedure is explained to the complainant who is then invited to submit the complaint formally in writing. If anyone is unable to send a complaint in writing, we will seek to make suitable arrangements or adjustments to suit their individual circumstances. This chapter deals with complaints received formally in 2014-15 and also gives some information about other complaints and enquiries which we have received.

49. When I receive a complaint I consider first whether it falls within the remit established for me by the House of Commons. This remit does not include complaints which fall into the following specific areas;

- Policy matters
- An MP's views or opinions
- An MP's handling of or decision about an individual case
- The funding of political parties
- Breaches of the Ministerial Code or
- The conduct of a Member in his/her private and personal life

50. If the matter raised falls within the remit of another person or body, I will where possible, refer the complainant to the relevant organisation. If the complaint is within my remit, I will consider whether sufficient evidence has been provided to justify an inquiry. All complainants receive a response as quickly as possible and usually within 5 days of receipt of the complaint, to let them know whether or not their complaint has been accepted for inquiry.

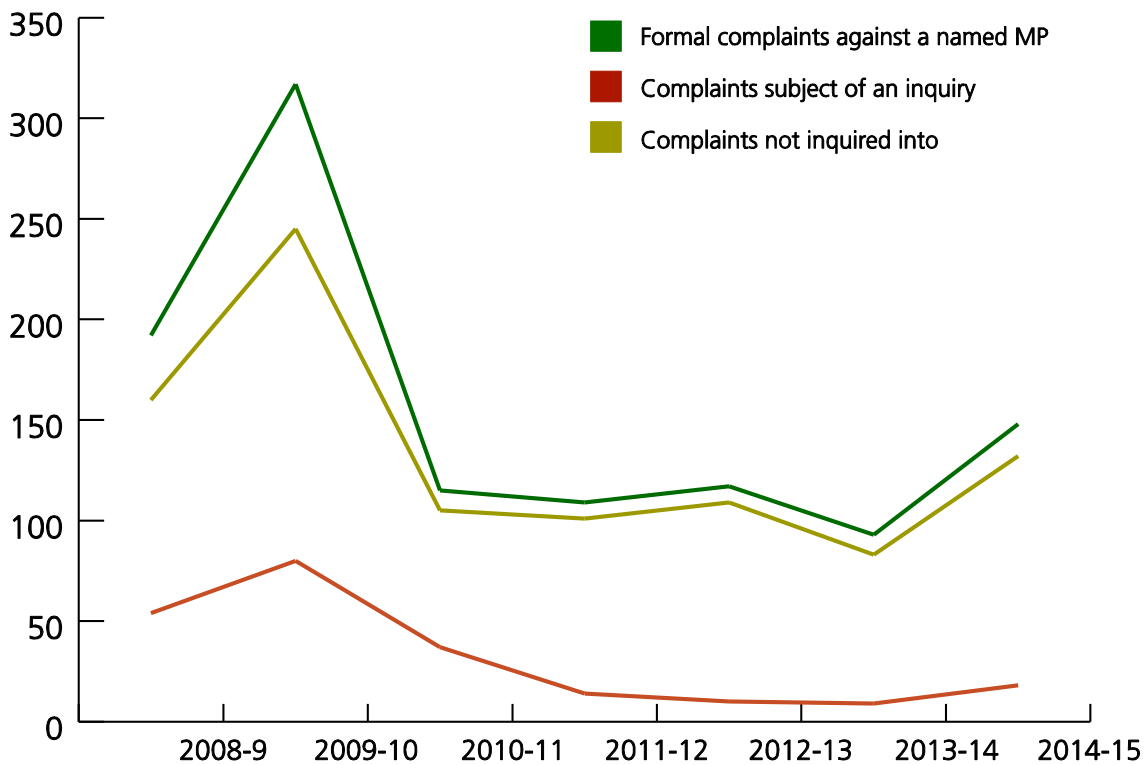
51. In exceptional circumstances I may start an inquiry when an MP has referred him or herself to me and asked me to investigate an allegation which has not been the subject of a specific complaint. I may also decide to start an inquiry on my own initiative. In 2014-15 I accepted one self-referral and also started one inquiry on my own initiative.

Complaints received and accepted for inquiry in 2014-15

Table 1: Complaints received from 2008-09 to 2014-15

	2008-9	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Formal complaints against a named MP	192	317	115	109	117	93	148
Complaints subject of inquiry	54	80	37	14	10	9	18
Complaints not inquired into	160	245	105	101	109	83	132

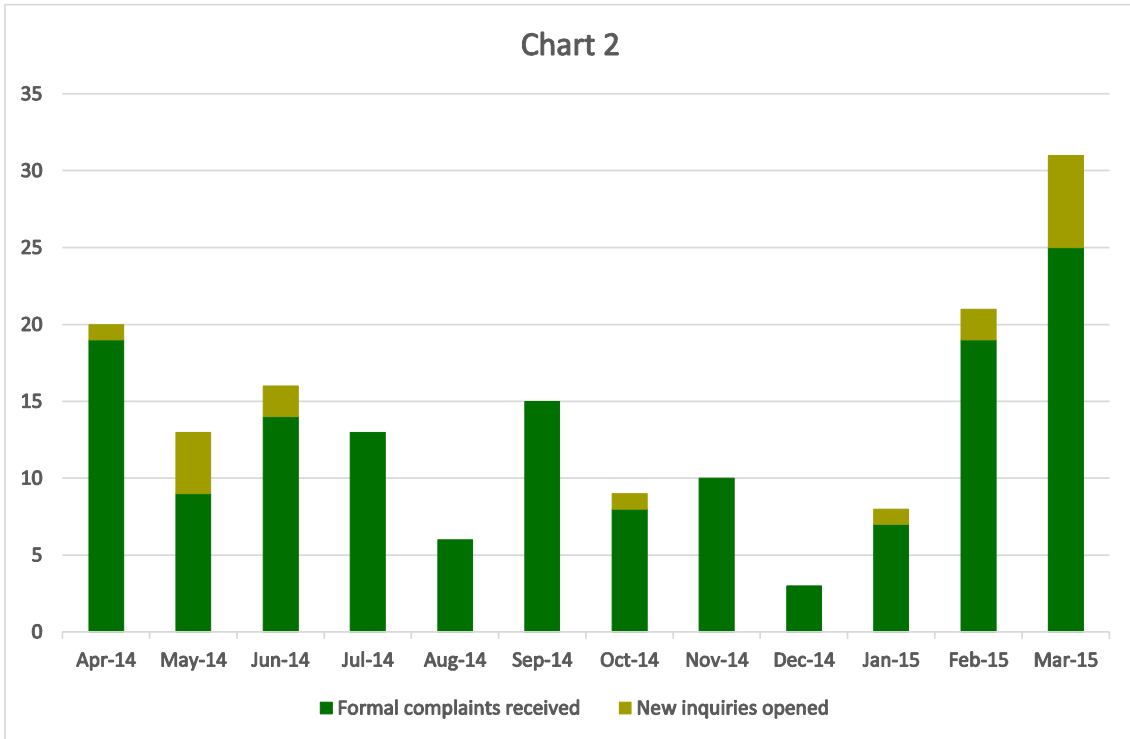
Chart 1



52. In the year beginning 1 April 2014, 148 formal complaints against MPs were received. This is a considerable increase on each of the last four years. As the table below illustrates, the number of complaints has varied significantly each month. There was a higher than average number of complaints in April 2014, immediately prior to the May local elections, and a noticeable increase in February and March 2015 as the dissolution of Parliament drew near. A similar increase was not apparent before the 2010 election, at which time numbers of complaints were affected by the expenses scandal.

Table 2: Complaints received and accepted for inquiry in 2014-15

	April 2014	May 2014	June 2014	July 2014	August 2014	September 2014	October 2014	November 2014	December 2014	January 2015	February 2015	March 2015	Totals
Formal complaints received	19	9	14	13	6	15	8	10	3	7	19	25	148
New inquiries opened	1	4	2	0	0	0	1	0	0	1	2	6	17



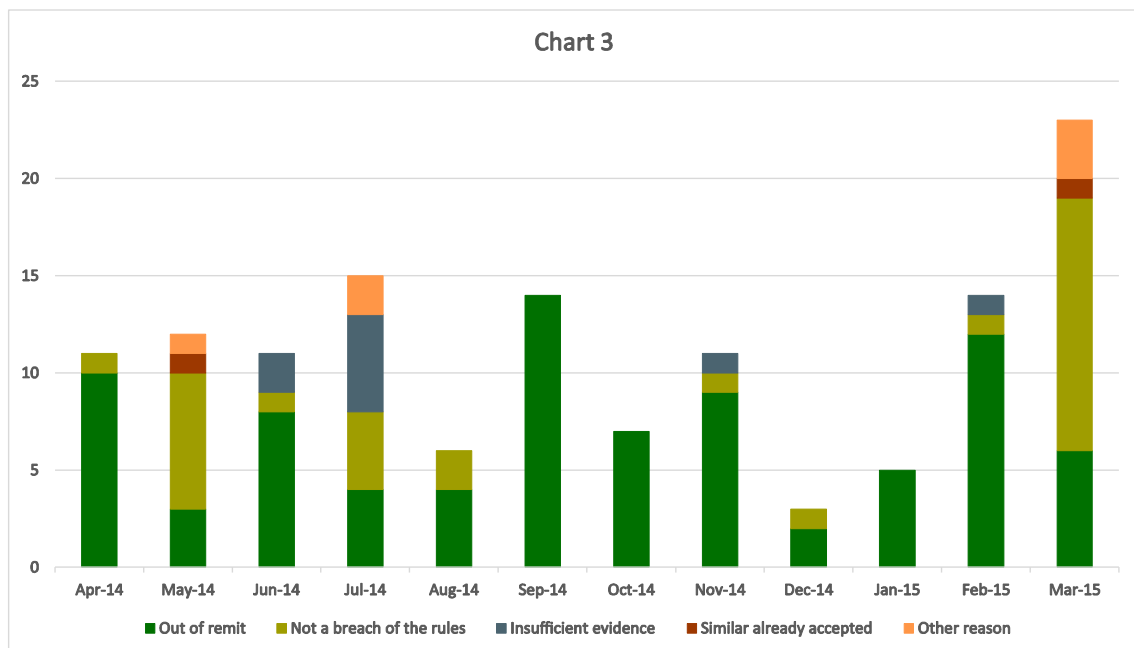
53. Each complaint was considered carefully to see whether it fell within my remit and, if so, whether the complainant had provided sufficient evidence to justify an inquiry. I accepted 15 complaints about Members for inquiry, in addition to one self-referral and one own-initiative inquiry. These 17 inquiries concerned 16 different Members. I investigated two separate allegations about one Member. (Neither allegation was upheld.) I also investigated two complaints about All-Party Parliamentary Groups.

54. Of the 19 inquiries I began in 2014-15, six – all concerning the alleged misuse of House-provided resources - were initiated during March 2015.

Complaints not accepted for inquiry in 2014-15

Table 3: complaints not accepted for inquiry in 2014-15

	April 2014	May 2014	June 2014	July 2014	August 2014	September 2014	October 2014	November 2014	December 2014	January 2015	February 2015	March 2015	Total
Out of remit	10	3	8	4	4	14	7	9	2	5	12	6	84
Not a breach of the rules	1	7	1	4	2	0	0	1	1	0	1	13	31
Insufficient evidence	0	0	2	5	0	0	0	1	0	0	1	0	9
Similar already accepted	0	1	0	0	0	0	0	0	0	0	0	1	2
Other reason	0	1	0	2	0	0	0	0	0	0	0	3	6



55. As in past years, many of the complaints received in 2014-15 could not be accepted for investigation. This is the case in most complaints systems, and has been the case in every year since the Office of the Commissioner was first created. The largest category of complaints not accepted continues to be those which fall outside my remit. Approximately 57% of the formal complaints I received (84 of 148) were outside my remit in 2014-15.

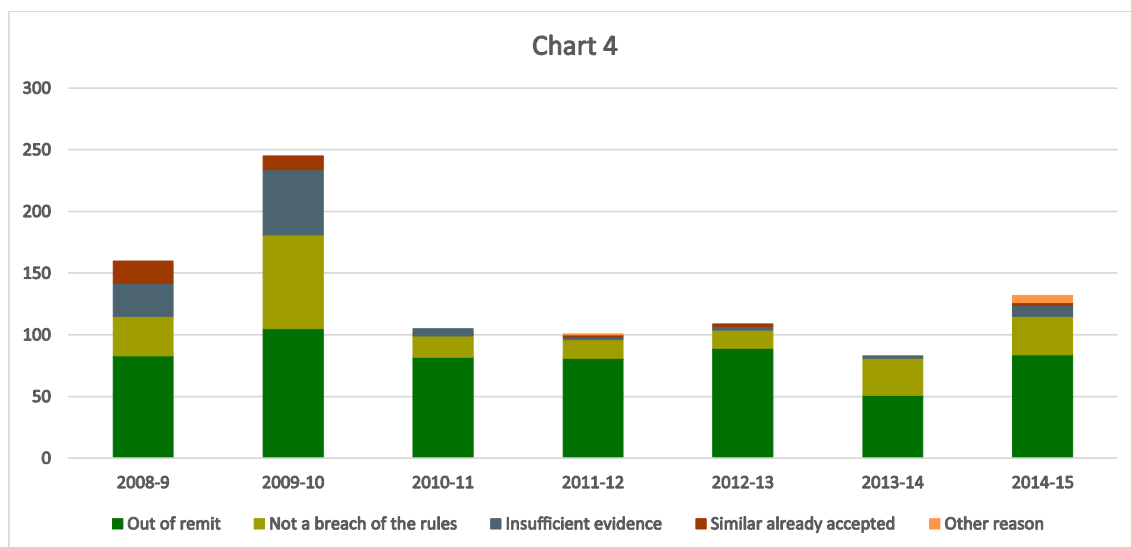
56. Similarly to 2013-14, the next most significant category among the complaints not accepted was that where the complaint did not amount to an alleged breach of the rules.

57. It is, as I said in my last report, understandable that many complainants are not familiar with the detailed rules of the House and do not appreciate that the Commissioner is able only to look into the areas defined by the Rules. The reasons for this also do not change. Many of those who contact my office are under the impression that an MP is legally required to provide practical assistance to all of his or her constituents. They are surprised to hear that this is not the case and more so when they hear that it is at an MP's discretion whether he or she thinks it right to take up a particular matter. In such circumstances callers are often very disappointed to hear that I am unable to intervene in a constituency matter to override that discretion, and indeed that no-one else can do so. I hope that my new Information Note and the changes we are making to my web-pages and leaflet will ensure that this is clear to would-be complainants at the earliest opportunity.

58. I may accept an allegation for inquiry only if there is sufficient evidence to justify doing so. In 2014-15 nine complaints were not accepted because there was insufficient evidence. In these cases my office gave the complainant a reasonable time to provide supporting evidence, after explaining the need to do so, before that conclusion was reached.

Table 4: Reasons for not enquiring into complaints 2008-08 to 2014-15

	2008-9	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Out of remit	83	105	82	81	89	51	84
Not a breach of the rules	32	76	17	15	15	30	31
Insufficient evidence	27	53	6	2	3	2	9
Similar already accepted	18	11	0	2	2	0	2
Other reason	0	0	0	1	0	0	6



Dissolution of Parliament

59. In addition to the six inquiries which I had in hand when Parliament was dissolved, my office also received six complaints in the last few days of March, which I could not consider because of the dissolution of Parliament. (Once Parliament is dissolved, there are no MPs and I cannot take any decisions on complaints and inquiries concerning alleged breaches of the Code and its associated rules.) Following the election, I am able to consider allegations about returning Members in the usual way. I may start or continue inquiries into allegations about former Members only with the consent of the Committee on

Standards. My office has explained this to the six people whose complaints I was not able to consider and if they wish, they may raise matters with me again after the General Election.

Other Complaints

60. The complaint-related work of my office can be divided into three broad categories. The first category is those complaints about MPs that are put to me formally in writing and for which the statistics are provided above.

61. The second category comprises complaints about MPs made by email and telephone. In addition to the 148 formal complaints received, my office handled over 300 of these contacts by email and telephone, making a total of approximately 460 complaints received about named MPs. Of those made by email and telephone, 87% concerned matters outside my remit and my office was able to advise the complainant that I would not be able to begin an inquiry if they were to write to me. In many cases, the complaint about the Member is, in fact, a peripheral issue and my office will, wherever possible, signpost the complainant to an organisation which might be able to assist with the underlying issue rather than the presenting problem. This is an important though less formal aspect of our work, which is difficult to capture in its entirety.

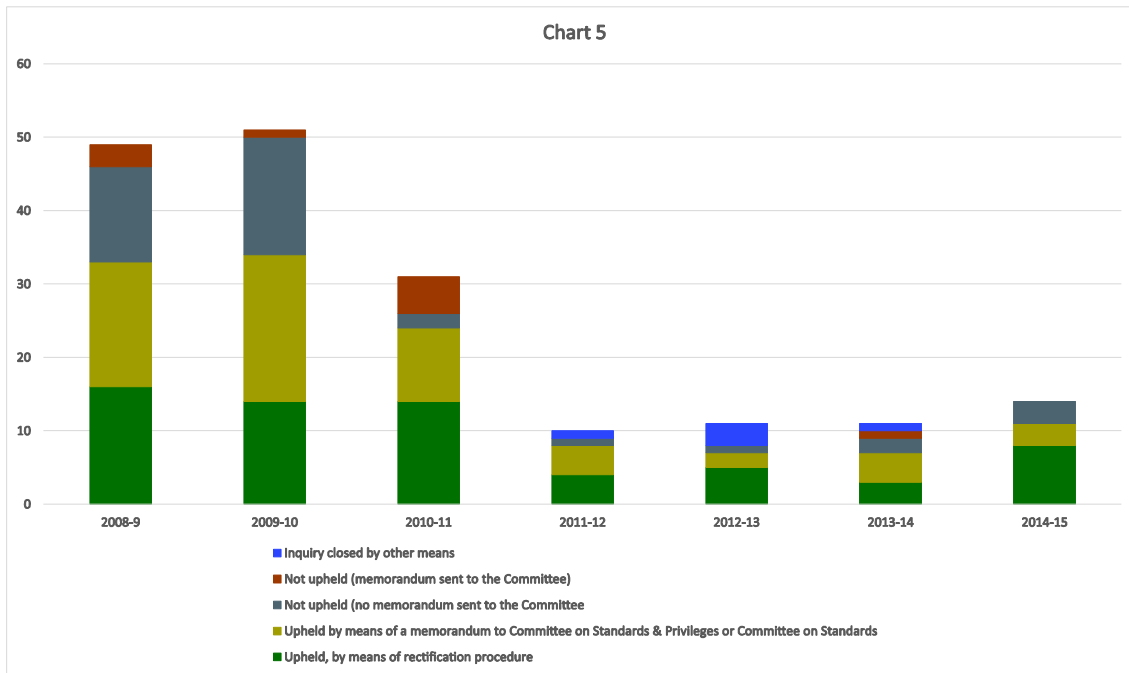
62. The third category is much broader. It includes:

- general enquiries about the complaint process;
- complaints about un-named MPs;
- anonymous complaints about named MPs;
- complaints about individuals and organisations, such as the Child Support Agency, which are outside my remit; and
- a wide variety of other misdirected complaints.

The Commissioner's office has long been the recipient of such enquiries and this year we have attempted to quantify them for the first time. In 2014-15 we recorded 458 complaint-related enquiries. Many of these might have been categorised as complaints had the correspondent provided the name of the Member concerned or been willing to provide their own details.

Resolution of inquiries*Table 5: Complaints resolved from 2008-09 to 2014-15*

	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Upheld, by means of rectification procedure	16	14	14	4	5	3	8
Upheld (memorandum sent to Committee on Standards & Privileges or Committee on Standards)	17	20	10	4	2	4	2
Not upheld (no memorandum sent to the Committee)	13	16	2	1	1	2	3
Not upheld (memorandum sent to the Committee)	3	1	5	0	0	1	1
Inquiry closed by other means	0	0	0	1	3	1	0
Total complaints resolved	46	51	32	12	9	10	14



63. When I have accepted a complaint for inquiry, there are three possible outcomes, each of which is made public at the appropriate time. If I decide that a breach of the rules has not been established, the complaint will not be upheld. If this happens, I will normally write to the complainant and to the MP to set out this decision and inform the Committee on Standards. The outcome is then published on my web-pages.² I concluded three inquiries in this way in 2014-15.

64. On some occasions I find that the MP has broken the rules of the House. If the MP accepts this and I consider the breach was inadvertent or at the less serious end of the spectrum, I may resolve the complaint informally, using what is known as the “rectification procedure”. The MP must acknowledge the breach, apologise and take the appropriate action to put the matter right, for example, by a repayment of money wrongly used or making a late entry in the Register of Members’ Financial Interests. In these cases, I write to the complainant to explain how the matter has been resolved. After that I inform the Committee on Standards, and publish the outcome on my web-pages. I resolved eight inquiries using the rectification procedure in 2014-15. Among these were the two inquiries about alleged breaches of the rules by APGs, where I found a breaches of the rules but no need for any further action.

² The Commissioner may however report her findings formally to the Committee on Standards by means of a Memorandum, if she considers that there are matters which require the Committee’s attention.

65. In other cases, I report the findings of an inquiry by submitting a formal Memorandum to the Committee on Standards. The Committee then reaches its own conclusions on whether the MP has broken the rules of the House. The Committee will publish its own report on the complaint together with my findings. The evidence received in the course of the inquiry is also published. (The report itself and the Commissioner's memorandum are available in hard copy but the evidence is now published only on the web-pages of the Committee on Standards.) It is for the Committee to decide what further action, if any, it wishes to recommend to the House. It can recommend a range of sanctions including an apology, repayment of money or a period of suspension from the House.

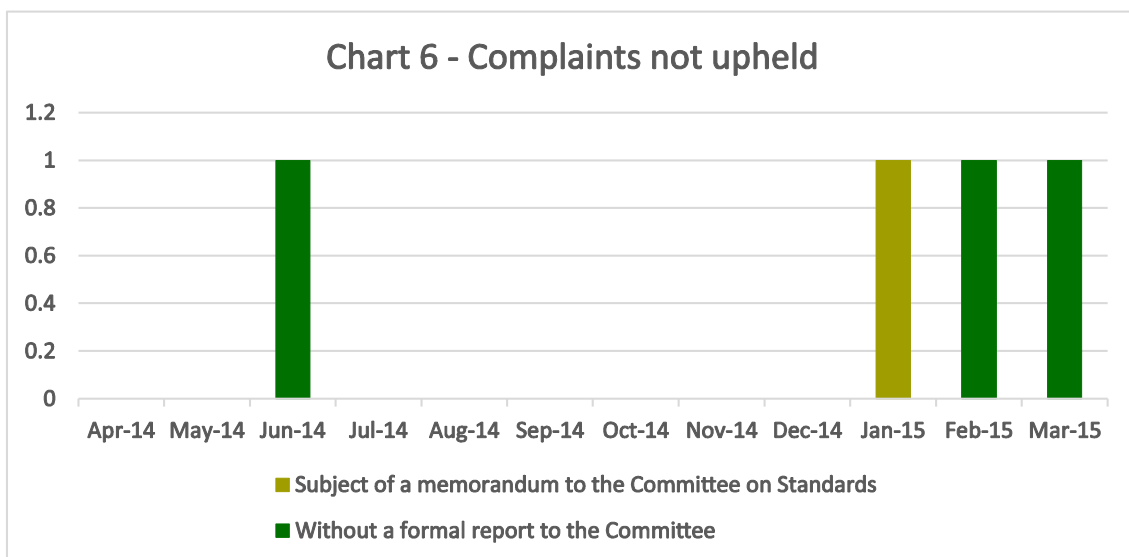
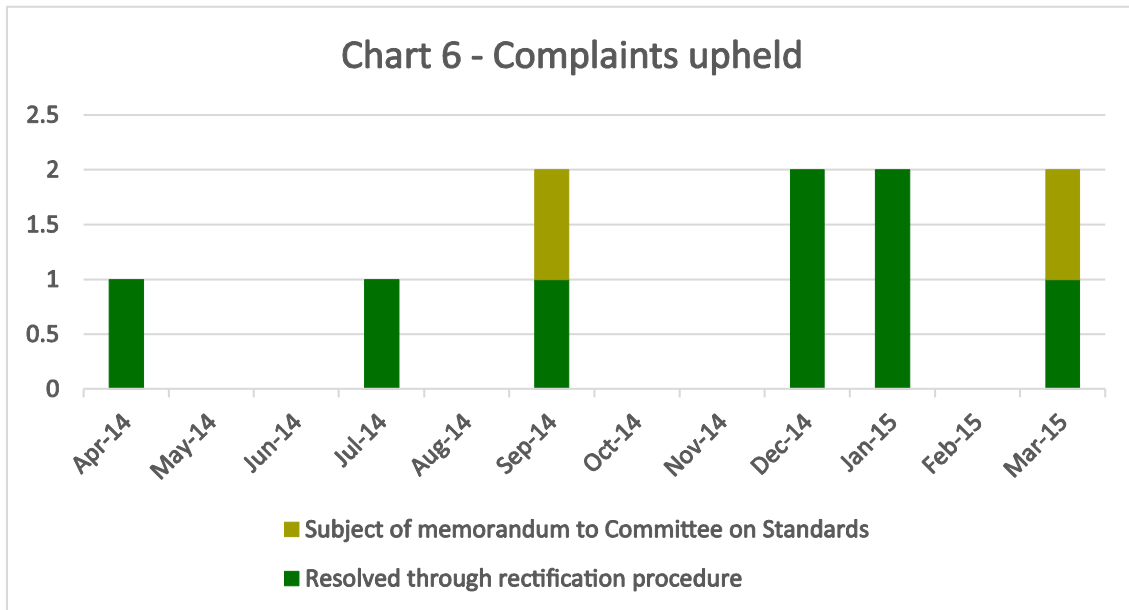
Inquiries resolved in 2014-15

66. Two lengthy inquiries were resolved by the Committee on Standards in April 2014 and reported in annual report for 2013-14. They are not included in the statistical analysis below but were reported in the statistics for 2013-14.

Table 6: Inquiries resolved in 2014-15

	April 2014	May 2014	June 2014	July 2014	August 2014	September 14	October 2014	November 2014	December 2014	January 2015	February 2015	March 2015	Total
Complaints Upheld													
Resolved through rectification procedure	1	0	0	1	0	1	0	0	2 ^[1]	2	0	1	8
Subject of memorandum to Committee on Standards	0	0	0	0	0	1	0	0	0	0	0	1	2
Total complaints upheld	1	0	0	1	0	2	0	0	2	2	0	2	10
Complaints not Upheld													
Without a formal report to the Committee	0	0	1	0	0	0	0	0	0	0	1	1	3
Subject of a memorandum to the Committee on Standards	0	0	0	0	0	0	0	0	0	1	0	0	1
Total complaints not upheld	0	0	1	0	0	0	0	0	0	1	1	1	4
Total complaints inquired into and resolved	1	0	1	1	0	2	0	0	2	3	1	3	14

^[1] APG Complaints



67. During the year, I resolved 14 complaints (including one brought forward from 2013-14). Brief details of each of these inquiries are given below and further information, including the evidence upon which I have relied, is available to the public on the Parliament website.

- Eight complaints were resolved informally, using the rectification procedure. Of these, two concerned All-Party Groups where no remedial action was necessary. In each case the relevant evidence and my letter closing the complaint are available on my web-pages.

- Three complaints were the subject of a memorandum to the Committee on Standards. These memoranda, together with the relevant evidence, are published with the Committee's reports on its web-pages. Two of these complaints were upheld by the Committee, one was not.
- In three other cases, I did not uphold the complaint. The relevant evidence and my letter closing the complaint are available on my webpages.

66. When the House dissolved on 30 March 2015, I had six investigations on hand, of which four had been initiated in March and two at the end of February, following the Channel 4 *Dispatches* programme broadcast on 23 February 2015.

Time taken to make decisions on complaints in 2014-15

68. The Commissioner's office is small (see section 5) and fewer than half of the staff are deployed on complaint-related work. The decision to accept a complaint for inquiry is for the Commissioner alone, and the Commissioner's role is part-time (three days per week). The complexity of each complaint and the volume of supporting evidence to be considered both have an impact on the amount of time necessary for me to decide whether to begin an investigation.

69. In 2014-15 my office received a total of 464 complaints by email, letter and telephone. Each of these was considered carefully to determine whether it would be in my remit if submitted formally in writing and whether there was sufficient evidence to justify beginning an inquiry. In 72% of these, the decision was issued within one working day, 91% of decisions were issued within 5 working days and 99% within 13 working days. This is the first year in which we have monitored our response times in this way.

Time taken to resolve inquiries in 2014-15

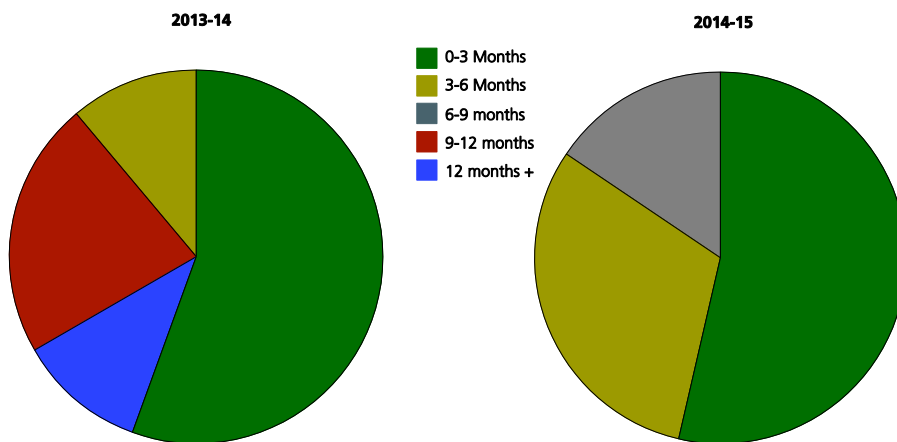
70. As in previous years, an analysis of the time taken to complete inquiries shows considerable variation in the length of inquiries. In 2014-15 they ranged from 16 to 254 days. This is an improvement on last year, when the time taken varied from 30 days to 408 days. There are many reasons for the variation in the length of time taken, these include among others, the complexity of the complaint, whether there is a need to seek evidence from external bodies, the co-operation of the Member, whether the matter can be rectified, the impact of parliamentary recesses on availability and whether there is agreement on the interpretation of the Rules.

71. I completed six inquiries concerning alleged misuse of stationery; three of these were completed within three weeks, the fourth within four weeks and the fifth within five weeks. The one that took significantly longer (127 days) spanned the summer recess.

72. Eight of the 14 inquiries resolved were completed in fewer than three months. The more complex and serious cases all involved memoranda to the Committee on Standards. Three of the four inquiries that took longer than six months to complete were resolved in this way.

Table 7: Time taken to resolve complaints

	Time				
Year	0-3 Months	3-6 Months	6-9 Months	9-12 Months	12+
2013-14	5	1	0	2	1
2014-15 ³	7	4	2	0	0



³ Includes 2 APG investigations

Reports to the Committee on Standards

73. During the year I submitted three memoranda to the Committee on Standards. The cases are summarised below.

74. **My first memorandum** concerned an allegation that for two months after the election in 2005, a Member made claims against the ACA allowance for the rent of a property which was neither within his constituency nor within 20 miles of the Palace of Westminster. The complaint was the first to be made under the provisions of the Memorandum of Understanding with the Police⁴ and required the permission of the Committee on Standards, because it concerned matters which occurred more than seven years before.

75. My inquiry concerned a matter which had previously been investigated by Sir Thomas Legg and relevant papers from his investigation were shared with me. Had these papers been in the public domain, I might not have considered it necessary to begin this inquiry. The Member had adopted a pragmatic approach to finding accommodation immediately after an Election and had paid rent to his father for a period of two months before moving into accommodation closer to the House. His father's house was outside the boundaries established by the rules at that time. He told me that he had sought advice from House staff as to whether this was permissible and had understood that it was. There was no written record of this but no reason to disbelieve his account and the Member did not conceal his arrangements in any way. However, the Member was not bound to take the advice offered and the rules in this matter were clear. The committee took the view that at that time the Member was new and inexperienced and had no reason to challenge the advice he had been given. The allegation was upheld but no further action was taken.

76. **My second memorandum**⁵ related to the declaration of financial interests and the requirement to declare an interest that might reasonably be thought by others to influence a speech, representation or communication. The complaint was that the MP concerned had failed to declare a relevant financial interest during debates in Westminster Hall. During the inquiry I took advice from the Registrar of Members' Financial Interests who considered that while there was no conflict of interest in the matters under discussion, an ordinary person might have viewed the MP's interest as relevant and the rules of the House required him to explain that it was not. The Member disputed this. The disagreement

⁴ The House of Commons Code of Conduct and the Criminal Laws. Seventh Report of Session 2013-14 HC903

⁵ Committee on Standards, Fifth Report of Session 2014-15, HC 951

centred on the interpretation of the requirements of the Code of Conduct and the guide to the Rules which states that;

*“It is the responsibility of the Member, having regard to the rules of the House, to judge whether a financial interest is sufficiently relevant to a particular debate... to require a declaration. The basic test of relevance should be the same for declaration as it is for registration of an interest; namely, that a financial interest should be declared if it might reasonably be thought by others to influence the speech, representation or communication in question.”*⁶

77. The Guide does not give any advice on the interpretation of the phrase “*might reasonably be thought*”. The complaint raised a small but important point of interpretation, which did not appear to have been directly tested and I had suggested that it might be useful to bring points of principle such as this to the Committee at an early stage for discussion. This possibility of early resolution has now been included in the Commissioner’s Information Note.

78. I concluded that the Member should have declared the interest and cited previous reports which established similar principles. The Committee agreed with the principle that declaration of interest was not limited to conflict of interest but considered that this was not clear at the time and therefore it would be inappropriate

“to find him in breach of a rule which was not clear at the time he considered the matter.”

79. They therefore did not uphold the complaint.

80. **My third memorandum**⁷ arose from a complaint that a Member had failed to register payments received from the publication and serialisation of a book. In the course of my inquiry it became apparent that the Member had failed to register a number of payments at the appropriate time and he continued to make late entries while the investigation was in progress. In all, out of 22 registrations amounting to a total of £24,479, 13 were made outside the timescales set by the House, involving approximately £25,000. The Member concerned apologised and explained the changes in his circumstances which had led to this situation, but by the time my investigation finished he had still not put in place a robust system to ensure that future registrations would be made on time.

⁶ Code of conduct and Guide to the rules relating to the Conduct of Members, 2012 HC 1885, paragraph 74

⁷ Committee on Standards Seventh Report of Session 2014-15, HC 1135

81. This was a matter which could in principle have been rectified without recourse to the Committee on Standards, but because of the number of late registrations and the fact that the Member had not taken the steps necessary to remedy the situation, I drew it to the attention of the Committee. The Committee had previously asked to be kept informed about the prevalence of late registration in general. The Committee upheld the allegation and endorsed my decision to ask the Registrar to report to me in October, if the Member is re-elected, on his registration practices. The Committee expressed the expectation that the Commissioner would raise any further concerns with them at that stage. The Committee on Standards recommended no further action, other than the usual rectification procedures.

Complaints rectified

82. **The first matter which I rectified** during 2014-15 arose from a complaint that a Member had misused parliamentary postage for party political gain by sending a political flyer and a survey in a prepaid House of Commons envelope. I wrote to the Member concerned drawing his attention to paragraph 15 of the Code of Conduct which requires Members to be

“personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services provided from the public purse is in accordance with the rules laid down on this matter and...should not confer any undue... advantage on a political organisation.”

83. And to the Rules on House-provided stationery which

“exclude using stationery or postage... in connection with work for or at the behest of a political party...”

84. The Member explained that earlier in the month volunteers had delivered surveys by hand to villages totalling about 320 houses. Across the villages around 40 addresses could not be found and surveys were placed in parliamentary envelopes for mail delivery. One of the volunteers had also put the political flyer into around half of these. The Member accepted that this should not have happened and apologised for the mistake. He explained how he would avoid this happening in future and offered to reimburse Parliament for the error. He made prompt repayment of £11.00 for the cost of the prepaid envelopes and I considered that this together with his apology was appropriate rectification for his breach of the rules.

85. **The second matter which I rectified** in 2014-15 was a complaint that a Member had failed to register ten donations to her constituency party within the 28 days determined by the House, despite the links which she had with the donors, and that she failed to declare two of these donations appropriately in the House. By the time I had accepted this complaint the Member had already made an apology by a point of order but, given that the complaint related to a total of nine donations amounting in total to £28,000, I decided that it was still appropriate to inquire into the circumstances.

86. I wrote to the Member drawing to her attention paragraph 13 of the Code of Conduct, to the rules relating to the registration and declaration of Members' interests set out in chapters 1 and 2 of the Guide to the Rules relating to the conduct of Members, and to paragraph 73 of the Guide to the Rules relating to the conduct of Members.

87. The Member acknowledged that she had failed to register registrable donations on time and said she had failed to draw attention to potentially relevant donations in the House. She apologised again for those lapses. The Member explained the circumstances of each of ten donations. She said that in apologising to the House, she had erred on the side of caution and on reflection she thought she had "over-apologised".

88. I found that the Member had registered nine donations outside the 28-day time-limit set by the House and upheld that element of the complaint. I did not uphold the allegation that the Member had failed to declare relevant financial interests during proceedings of the House or its Committees because the donations post-dated the Member's interventions in the proceedings to which they were potentially relevant. I was satisfied that, at the time, the Member had not had a reasonable expectation that the donations would be received. The Member explained to me the steps she had taken to avoid breaching the registration rules in future and agreed that her late registrations would be italicised in the Register of Members' Financial Interests for a period of twelve months. I considered that these actions, together with the Member's acknowledgement and apologies were sufficient to rectify the matter.

89. **I began investigations into two complaints that APGs**, with different chairs/registered contacts, had breached paragraph 53 of the Guide to the Rules on All Party Groups, which requires that '*... a charity or not-for-profit organisation which wishes to act as the group's secretariat must agree to making available, on request, a list citing any commercial company which had donated to the charity or not-for-profit organisation more than £5,000 either as a single sum or cumulatively in the course of the 12 months prior to the month in which the request is made, otherwise the charity or not-for-profit organisation is not allowed to act as the group's secretariat.*'

90. These were, as far as I am aware, the first such inquiries into an APG and as far as possible, I followed my usual procedures. In its Eighth report of Session 2008-09 on 'All-Party Groups' the Committee on Standards and Privileges had recommended the insertion of the text quoted above into the rules. (now paragraph 53 of the Guide). APGs were alerted to these changes in February 2011 and given until 7 May 2011 to comply.

91. A Society (which is a not-for-profit organisation) had until recently provided a secretariat for both APGs. The complainant had asked both registered contacts to provide the information listed in paragraph 53 of the Guide to the Rules and was simply told that the Society no longer provided a secretariat function to the APGs. The complainant then asked the Society to provide the information but it did not do so.

92. Both registered contacts had made some efforts to ensure that the APG and its secretariat had complied with the House's rules and had been assured by the Society that it was willing to comply with the rules. Until the complainant's request was made there had been no suggestion of any unwillingness to comply. However, when the request was made the Society emailed the APGs to say; "*we do not intend to make our donors public, so will cease serving as the Secretariat for any APPGs.*"

93. I was persuaded that the APGs were in breach of paragraph 53 of the Guide to Rules on All-Party Groups (the rules). I therefore upheld the complaint, but made no direct criticism of either registered contact, both of whom had made some effort to comply with the rule. I drew the procedural points to the attention of the Committee on Standards, with a view to clarifying the responsibility in the new rules and making it clear that the responsible person should ensure the necessary information would be forthcoming, before accepting secretariat support from an external organisation. I considered this appropriate rectification in this situation.

94. In January 2015 I **rectified two related complaints** about the registration of donations in kind. The first complaint was that a Member had registered late a donation in kind, the value of which exceeded the threshold for registration. The second complaint was that another Member had not registered a similar donation from the same source, which also exceeded the registration threshold. In both cases, the donation in kind was the cost of an opinion survey conducted in the Member's constituency, the results of which were initially private to the donor and the relevant Member, although they were later put into the public domain.

95. In both cases I wrote to the Member about the allegation, drawing to their attention paragraph 13 of the Code of Conduct which requires that

“Members shall fulfil conscientiously the requirements of the House in respect of the registration of interests in the Register of Members’ Financial Interests. They shall always be open and frank in drawing attention to any relevant interest in any proceeding of the House or its Committees, and in any communications with Ministers, Members, public officials or public office holders.”

96. I also drew attention to paragraph 13 of the Guide to the Rules relating to the conduct of Members and to the definition of donations to be registered under Category 4 in the Register of Members’ Financial Interests. This defines registrable sponsorships as

“(a) Any donation received by a Member’s constituency party or association, or relevant grouping of associations which is linked either to candidacy at an election or to membership of the House; and

(b) any other form of financial or material support as a Member of Parliament, amounting to more than £1,000 from a single source, whether as a single donation or as multiple donations of more than £500 during the course of a calendar year.”

97. The first Member told me that he had registered a Category 4(a) donation within 28 days of his agent learning that the value of the donation in kind exceeded the registration threshold. My enquiries established that the value of the donation in kind was £6,000; that the results of the opinion survey were available to the Member privately from 24 April to 26 May 2014 (when extracts first appeared in the media) and that the value of the donation was not known to the Member before 1 June 2014.

98. In the particular circumstances of this case, I concluded that, because the donation in kind was given to the Member personally in the first instance, it fell within the meaning of a Category 4(b) donation until such time as it was passed to the Member’s constituency party. (Thereafter it fell within the meaning of Category 4(a).) I accepted that the Member did not know the value of the donation at the time of receipt but concluded that he had had a responsibility to make enquiries on receipt of any potentially registrable benefit and to do so in sufficient time to be able to fulfil his obligations to the House. I accepted that the Member had no prior experience on which he might base an assessment of the value of the donation and that information about the fee structure of the polling organisation was not readily accessible. Nonetheless, the Member could reasonably have been expected to take positive steps to ensure that he fulfilled his obligations under the Code, and he had not done so. The donation in kind was received on 24 April and not registered until 5 June

2014. The failure to make timely enquiries about the value of the donation led to a late registration as, under the House's rules, it required registration by 21 May 2014.

99. The first Member accepted my judgement, apologised for the late registration and agreed to the italicisation of the relevant part of his register entry for a period of 12 months. He also told me that he would ensure that the distinction between Category 4(a) and 4(b) donations would be observed in future. I upheld the allegation and considered that these actions are adequate to rectify the matter.

100. The second Member told me at the outset that she had not shared the results of the opinion survey with her constituency and it had not occurred to her that the cost of the opinion survey might amount to a registrable benefit under the House's rules. She said she had become aware of this only in early June 2014 when I began my investigation. She also said then that she would accept whatever guidance I gave. My enquiries established that the value of the donation in kind was £6,000; the Member had been sent the results of the opinion poll in her constituency on 25 April and she had received them, at the latest, on 28 April 2014; those results were available to her privately between 28 April and 26 May 2014 (when extracts first appeared in the media); and that the value of the donation was not known to the Member before 1 June 2014.

101. I concluded that the donation in kind fell within the meaning of a Category 4(b) donation. I accepted that the Member did not know the value of the donation at the time of receipt but I concluded that she had had a responsibility to make any necessary enquiries in sufficient time to be able to fulfil her responsibilities to the House. I accepted that it had not occurred to the Member that this might be a registrable benefit and that it was this, rather than a deliberate omission, that had led to a breach of the rules. (Under the House's rules, it required registration by no later than 25 May 2014.)

102. The second Member acknowledged and apologised for her breach of the rules, and agreed to the italicisation of the relevant part of her register entry for a period of 12 months. She also told me that she would ensure that future donations would be checked for compliance and, to assist in this, she had a diagram of the relevant matters for the use of staff in both her constituency and Westminster offices. I upheld the allegation and concluded that these steps were adequate to rectify the matter.

103. I **rectified a complaint** that a Member had misused House of Commons pre-paid envelopes for what appeared to be party political purposes, contrary to the rules of the House. The complainant alleged that a letter and the survey enclosed with it amounted to “blatant electioneering”. I wrote to the Member concerned drawing his attention to the rules on House-provided stationery and to paragraph 15 of the Code of Conduct which requires Members to be

“personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services provided from the public purse is in accordance with the rules laid down on this matter and...should not confer any undue... advantage on a political organisation.”

104. The Member explained the circumstances of the mailing and told me that the letter and survey had been prepared in support of his parliamentary duties and to comply with the House’s rules as he understood them. He said that while he believed his correspondence had been entirely proper he would respect any judgement that I made.

105. While the Member considered his letter to have been about the specific issue of “the economy” and therefore within the rules, I found that he had stretched too far the definition of “a specific issue” and his letter therefore fell outside the rules. He had mentioned among other matters: the number of jobs created in recent years; the Government’s long-term economic plan; the freezing of council tax; requiring students to continue to study mathematics and English if they did not achieve at least grade C GCSEs; the need to improve transport infrastructure and improvements to a particular A-road; and desired improvements in rail services.

106. I also concluded that it had been inappropriate for the Member to ask in his survey about respondents’ voting intentions, particularly as the wording of the data protection imprint on the survey suggested that the information provided would be used for, among other purposes, “to facilitate our operation as a political party”. While I accepted the Member’s assurance that the data gathered was not intended to be, and had not been, used in this way, I considered the wording of the data protection imprint did not properly reflect either the intention or what happened. In light of all this, I upheld the allegation that the Member had misused House-provided resources.

107. The Member accepted my judgement. He apologised for his breach of the rules which he said, and I accepted, had been unintentional. The Member agreed to refund the cost of the misused resources, including the cost of the publicly-funded staff time associated with the preparation of the mailing

108. **Another complaint which I rectified** concerned the misuse of House of Commons pre-paid envelopes when a Member enclosed raffle tickets with a letter to constituents about a local hospital. The raffle prizes include a tour of Westminster, including afternoon tea. I drew his attention to the **Code of Conduct**, which provides that

*‘Members are personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services provided from the public purse is in accordance with the rules laid down on these matters. Members shall ensure that their use of public resources is always in support of their parliamentary duties. It should not confer any undue personal or financial benefit on themselves or **anyone else**, or confer undue advantage on a political organisation.’ [my emphasis added],*

109. I also drew attention to the rules on the use of House of Commons stationery and envelopes, and a letter written by the Speaker on 18 October 2010 concerning visitors to Parliament, in which the Speaker said

“My advice to all Members is therefore simple. In deciding on access, a good rule of thumb is: You must know the individual concerned and know that person to be of good character; simply knowing of the person is not enough. I believe also that is in the interests of the House as a whole for Members to refrain from offering privileged access in raffles or auctions, where you cannot know in advance the identity of the winner and may find yourself embarrassed as a result.”

110. I asked the Member about the number of letters sent out, whether similar enclosures had been sent in the past, whether parliamentary staff time had been used in preparation of the letters and how the letter and enclosures came to be sent in pre-paid envelopes. I also asked how the raffle ticket money would be disbursed and about the arrangements for the tour of Westminster prize.

111. I accepted that the Member's support for the hospital was part of his parliamentary activity and that it was within the rules and the Code of Conduct for him to use House-provided envelopes to write to constituents about this specific issue. However, public resources are provided to Members to "*support their parliamentary duties*", not to subsidise campaigns that a Member chooses to support. I considered the enclosure of raffle tickets to raise funds for two hospital campaigns went beyond supporting the Member's parliamentary duties and conferred an undue financial advantage on the organisations. In essence, costs associated with these organisations' fund-raising were being subsidised by House of Commons resources. I considered that to be a breach of the House of Commons Code of Conduct, which prohibits the use of public resources to "*confer undue advantage on ... anyone else*".

112. The Member explained the steps that he planned to take to ensure that the spirit of Mr Speaker's guidance on offering tours of the Palace/tea on the Parliamentary Estate would be heeded and gave me an assurance that he was meeting the costs associated with that raffle prize. While I shared Mr Speaker's concern about the use of House facilities as a raffle or auction prize, I did not consider any further action was required on this occasion.

113. The Member rectified the matter by apologising and arranging to refund £1,881.22 to the House of Commons.

Complaints not upheld

114. I began an inquiry into the complaint that a Member had used House of Commons pre-paid envelopes and stationery for what appeared to be party political purposes. In essence, the allegation was that his letter was 'partisan' and together with a survey enclosed was intended to identify potential supporters rather than to elicit information that would be useful to him or others of his constituents. The Member assured me that responses to the survey, which concerned a local health issue, were separated from party political correspondence received via the same Freepost address (which is shared, for reasons of economy, with his local political association). He also assured me that the results of the survey would be shared with the Secretary of State for Health. He intended to write to all the respondents to let them know about the actions from the survey and about the response from the Secretary of State.

115. On that basis, I was satisfied that the letter which the Member sent fell within the scope of his parliamentary duties and that it was permissible for him to use House of

Commons stationery and pre-paid postage for its distribution. During the course of my inquiry, I established that although the letter and pre-paid envelope were provided by the House of Commons, the survey was sent on paper charged to the IPSA scheme for the refund of business expenses. That meant that the question of whether the paper used for the survey had been used improperly was one for IPSA's Compliance Officer, rather than for me. I therefore showed an anonymised copy of the survey to the Compliance Officer. In the light of the information already provided to me, the Compliance Officer advised me that he would not envisage beginning an inquiry were he to receive a complaint about that matter.

116. I also advised the Member that it had, in part, been the ambiguity in the wording of the data protection imprint that led me to begin an inquiry. The words '*Your data will not be used by anyone not connected to [name of MP]*', coupled with a freepost address registered to the local party association, left open the possibility that the responses to the survey were to be shared with the party for campaigning or other purposes. In other circumstances, that could amount to a breach of the House of Commons stationery rules. When I notified the Member of the beginning of my inquiry, I provided a copy of the House of Commons *Advice to Members and their staff about the Data Protection Act: Personal information about constituents and others*. This provides good practice examples to avoid any difficulties in this area in the future, but I am satisfied that there was no breach of the rules on this occasion.

117. Unusually I received a **second complaint** a few months later concerning the same Member, alleging that he had used House of Commons stationery for party political purposes. I also accepted this complaint for investigation. The complaint concerned an allegation that a constituent had received an unsolicited letter covering a wide range of issues which had been sent on House stationery. The letter suggested there had been previous contact with the constituent who had expressed an interest in these issues.

118. I drew the attention of the Member to paragraph 15 in Section IV of the **Code of Conduct** for Members of Parliament and to the rules on the use of House of Commons stationery and envelopes.

119. I asked the Member a number of questions about his letter and in particular the basis for his statement that he had had previous contact. I also asked for the source of the text and information used in the body of the letter, how many copies had been sent out and whether there had been previous mailings. I asked whether parliamentary staff

time had been used and why the letter was sent in a House of Commons pre-paid envelope.

120. The Member responded by telling me that the letter was not unsolicited. He provided evidence that the complainant had told him in a survey response of July 2013 that the issue of “*unemployment*” was important to him. The Member said he sent letters to people who had told him that they were concerned about unemployment in the area. Given that evidence and the fact that unsolicited correspondence about a specific issue is permissible, I considered whether the letter of 17 September 2014 could reasonably be described as “*about a specific issue*” and whether or not it was “*in connection with work for or at the behest of a political party*”. I considered that the letter was just, but only just, the right side of what might be described as a letter about the specific issue of employment. It described how the employment statistics for the area had improved and commented on some of the economic factors that contribute to security of employment. The Member offered his view on the underlying reasons for the improved figures, but did not make any direct party political references.

121. I was concerned that some of the text of the letter very closely reflected material on his constituency party’s website. However, I have also established that, almost all the statistics quoted are available from non-party political sources (from the Office of National Statistics). I drew to the Member’s attention the fact that I have been unable to source some statistics quoted on the tax status of individuals and that the Government has, in response to Parliamentary Questions, said that they cannot provide such information by constituency.

122. On balance, I did not consider the evidence sufficient to substantiate the allegation that the letter was written in connection with work for or at the behest of a political party and did not uphold the complaint.

123. **I received a complaint** in March 2015 alleging that a Member had used House of Commons pre-paid envelopes for party political purposes. There were three aspects of the correspondence that concerned me and which, taken together, amounted to sufficient evidence to justify an inquiry into the specific allegation of use of House-provided pre-paid envelopes “*in connection with work for or at the behest of a political party*”. These were:

- The invitation to “save the [] Party money” by adding a stamp to the reply envelope;
- The reference to three local councillors by name; and

- The fact that the questionnaire and covering letter were printed, and in the case of the questionnaire published, by [] Party.

124. The Member told me that the invitation to save the Party money was included in error. He also told me that there was no Freepost address for questionnaires returned without a stamp (and there was not a Freepost address provided). Any attempt to return these questionnaires *without* stamps would probably have incurred a charge. Taking all of that into account, I was persuaded that the invitation was made in error and could only cause confusion. It was not evidence of use of House-provided pre-paid envelopes for a political purpose.

125. While I was concerned about the reference to local councillors in the context of literature bearing the imprint of [] Party and the invitation to save the [] Party money, the Member had explained why the imprint was included and a purely factual reference to local councillors was not sufficient, on its own, to amount to work for or at the behest of the [] Party.

126. I suggested that the Member might seek further advice on using imprints when producing material in connection with his parliamentary duties on equipment on licence from a third party, as it may contribute to an impression that the literature is of a party political nature or that the information gathered in response to it may be shared with his political party. I did not uphold the complaint.

Other means of closing inquiries

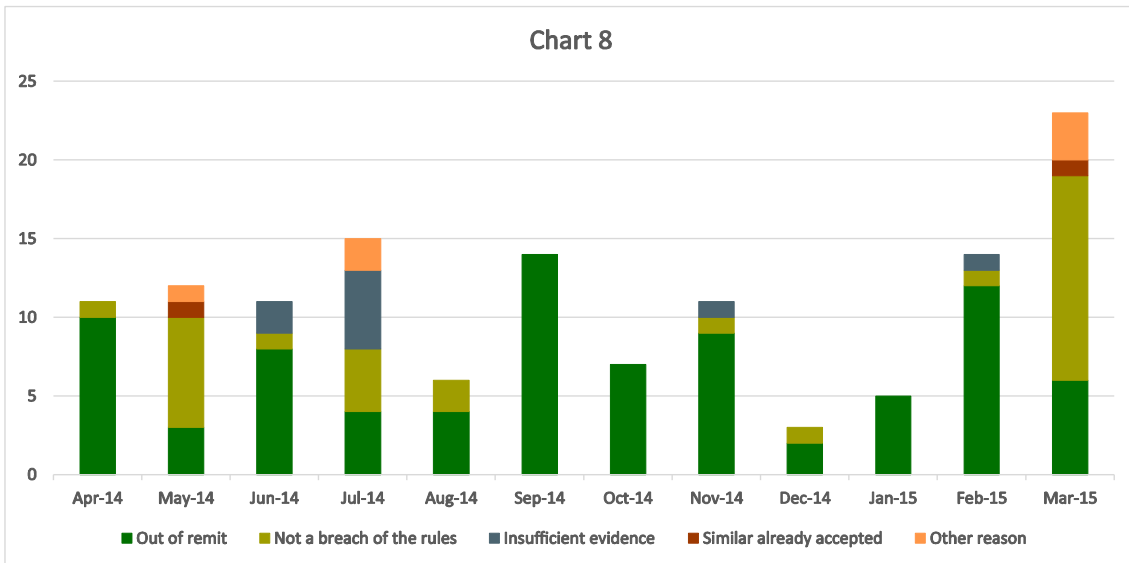
127. No inquiry was closed other than those listed above.

Complaints in hand at dissolution

128. During the period when Parliament is dissolved before a General Election there are no Members of Parliament. During that time I am not able to consider or accept any complaints for investigation nor to expect former Members of Parliament to co-operate with my inquiries.

129. On 30 March 2015 I had six inquiries in hand.

130. Two relate to allegations that Members have engaged in lobbying for reward or consideration. I began my inquiries in February 2015. Neither of the Members concerned



Frivolous or vexatious complaints

133. If I receive a complaint and conclude that it is frivolous or vexatious, the Guide to the Rules requires me to report this to the Committee on Standards. This guidance was first introduced in 2005 and has never been used. In the course of his review of the Guide to the Rules, my predecessor recommended to the Committee on Standards and Privileges that this provision be removed. The Committee agreed with this recommendation and this change was approved by the House on 17 March 2015.

4 Registers of Members' Financial Interests, Members' Secretaries and Research Assistants, Journalists and All-Party Parliamentary Groups

Introduction

134. It is one of my formal responsibilities to compile and maintain the four registers of interest required by the House, which are:

- the Register of Members' Financial Interests;
- the Register of Interests of Members' Secretaries and Research Assistants;
- the Register of Journalists Interests; and
- the Register of All-Party Parliamentary Groups.

135. The registers provide a publicly available record of the interests which might be thought to influence the parliamentary actions or words of MPs, or to influence the actions of others who hold a parliamentary pass or use parliamentary facilities.

136. All four registers are published electronically on the parliamentary website. The Members' Register is updated online every two weeks while the House is sitting, and less frequently during recess. The other three registers are published approximately every six weeks. Enquirers can also, by arrangement with the parliamentary archives, see earlier editions of those registers which we hold but which do not appear on the parliamentary website.

Register of Members' Financial Interests

137. The main purpose of this register is

“to provide information of any financial interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in Parliament, or actions taken in his or her capacity as a Member of Parliament, and such other information as the House may from time to time require.”⁸

⁸ HC Deb 27 March 2008, Cols 382-394

138. The Guide to the Rules relating to the conduct of Members in force up until the 2015 election identified eleven specific categories of interest which might be thought to influence a MP in this way. In addition, there was a Miscellaneous category where MPs are to register other interests which meet the purpose of the register but which do not fall clearly under any of the other headings. The categories in the register were described in detail in the Guide to the Rules, which remains available on the internet.

139. The Members' Register is published in hard copy once every twelve months, usually in January. The fifth printed register of the 2010 Parliament was dated 26 January 2015. In addition to the 26 January 2015 edition, during 2013-14 my office published 21 online updates to the Register. The final Register of the Parliament was dated 30 March 2015

140. Maintaining the Members' Register involves checking for completeness the draft entries which MPs send us, which are then formatted and entered in the Register. The registration team also remove items from the register when they are time expired. Interests remain in the Register for twelve months after they have ceased, or until they have appeared in one hard copy edition, if that is later.

141. The House has decided that MPs should register changes to their interests within 28 days. We regularly remind MPs of the importance of this. Late and incomplete registration can result in the House and the general public lacking important information about a MP's financial interests. Since the Electoral Commission draws from the Members' Register the information which it publishes about donations to MPs, late registration can also result in inaccuracies and omissions in the information in the Electoral Commission's records and published on its website. The Committee on Standards deprecates late registration, as it made clear in its final report of the Parliament concerning one of my investigations.

142. Each MP is responsible for registering their own interests, but many enlist the help of their staff in doing so. This help is more valuable if it is well informed, and for this reason my office has developed the practice of offering to MPs' staff seminars on the Register of Members' Financial Interests. During the year the registry staff delivered three such seminars.

Register of Interests of Members' Secretaries and Research Assistants

143. Those holding a parliamentary pass as a Member's secretary or research assistant are required to record their details in the Register of Interests of Members' Secretaries and Research Assistants. Such staff are required to register any other occupation from which they receive income of more than 0.5% of a MP's salary (£330 until 31 March 2015) in the

course of a calendar year, if that occupation is in any way advantaged by the privileged access to Parliament afforded by their pass. They also have to register any tangible gift (e.g. glassware) and any other benefit (e.g. hospitality, services or facilities provided) which they receive, if the value of the gift or benefit exceeds that sum and the gift or benefit relates in any way to their work in Parliament.

144. The number of registered staff on 31 March 2015 was 1,805, a slight decrease on the 1,878 staff who were registered on 31 March 2014. The number of those staff with registered interests was 338 on 31 March 2015, little changed from the 337 staff with registered interests on 31 March 2014. My office published ten editions of the Staff Register in 2014–15.

Register of All-Party Parliamentary Groups

145. The membership of All-Party Parliamentary Groups (APPGs) consists mainly of backbench MPs of the House of Commons and members of the House of Lords but may also include Ministers and non-parliamentarians. There are two types of groups: subject groups and country groups.

146. The number of registered groups was 604 on 31 March 2015, of which 131 were country groups (22% of the total) and 465 were subject groups (78% of the total). This was a slight increase on the 581 registered groups on 31 March 2013, of which 134 were country groups (22% of the total) and 473 were subject groups (78% of the total). The number of groups with registered financial or material benefits was 413 (68% of the total) on 31 March 2015, slightly less than the 415 (70% of the total) with registered benefits on 31 March 2014. My office published nine editions of the Groups' Register in 2014–15.

Changes to the Registration Rules

The Members' Register

147. I was very pleased that on 17 March 2015 the House found the time to consider and approve a new Guide to the Rules relating to the conduct of Members, albeit after a longer delay than the Committee and I would have wished. The revised Guide is the outcome of a review undertaken by my predecessor in 2011-12, and it came into effect at the start of the 2015 Parliament.

148. On the recommendation of GRECO, the Council of Europe's Group of States against Corruption, the House has reduced the financial threshold above which MPs must register gifts, benefits and hospitality and overseas visits. MPs must now register

these if their value is over £300 instead of over £660. A new category 10 has been added for the registration of family members engaged in lobbying. Aside from this, the registration requirements have changed mainly in the detail. The rules have been simplified where possible, and they are now in a clearer format. For example, the three previous categories for registering directorships and other employment are now merged into one. And, whereas previously MPs had to wait until they had received a salary payment before registering it, they can now register it in advance.

149. The new registration rules apply to any interests arising on or after 7 May 2015. But the first Register of the Parliament, which is expected to be published in July 2015, will also show interests which arose before that date, and which were registered under the 2009 Guide to the Rules. These interests will continue to appear in the Register for a transitional period, lasting approximately the first year of the Parliament.

The Guide to the Rules on All-Party Parliamentary Groups

150. On 13 May 2014 the House approved the Committee's recommendations to increase groups' transparency and accountability. These recommendations were based upon the June 2012 report of the Speakers' Working Group on All-Party Parliamentary Groups. In order to increase parliamentary control, since December 2014 no-one outside Parliament has been allowed voting rights in a group, and from the start of this Parliament, groups have been required to appoint a chair from the House of Commons.

151. The new rules will increase transparency about groups, their activities and membership. The Register will now contain more detail about benefits which Groups register. In order to avoid confusion with select committees, any group which wishes to use the portcullis symbol on their material now has to use a bespoke portcullis badge, and any group which issues a publication has had to include an explanation that it is not an official publication of the House on its front cover. The new rules do not include the requirement to name twenty qualifying members; instead each group must register a minimum of four officers, of whom two must be MPs, and who must represent Government and Opposition in a prescribed ratio. These changes will be reflected in the first Register of the new Parliament, which is expected to be published at the end of July 2015, and in subsequent editions.

152. In addition to the registration requirements, those groups which receive more than £12,500 a year in benefits will be required, from the end of their first complete

accounting year in this Parliament, to prepare and publish income and expenditure statements.

153. During this year two complaints concerning All Party Parliamentary Groups were investigated and details of these inquiries are included in section 3 of this report.

Register of Journalists' Interests

154. Any individual who holds a pass as a lobby journalist accredited to the Parliamentary Press Gallery or for parliamentary broad-casting is required to record in this Register any occupation or employment which is advantaged by the privileged access to Parliament afforded by their pass. The registration requirement is subject to an income threshold equivalent to more than 1% of an MP's salary from the same source in the course of a calendar year (£660 until 31 March 2015).

155. The number of registered journalists on 31 March 2015 was 403, almost unchanged from the 406 registered on 31 March 2014. The number of journalists with registered interests was 64 on 31 March 2015, this has not changed since 31 March 2014. My office published ten editions of the Journalists' Register in 2014–15.

Complaints relating to registration by Members' Staff, Journalists and All-Party Parliamentary Group

156. The Registrar of Members' Financial Interests has the responsibility of considering complaints relating to the Registers of Members' staff and journalists. If necessary, she is able to open an inquiry into these. She is however only able to do so if we are provided with evidence, which must be sufficient to justify an inquiry, that there may have been a breach of the rules relating to that particular Register. During the year no such complaints were received.

5. Changes to Rules and Procedures

Changes to the Registration of Members' Interests

157. On 17 March 2015 the House approved a minor change to the Code of Conduct and a new version of the Guide to the Rules on the Conduct of Members. The Guide to the Rules, which has traditionally been published together with the Code, sets out in detail what the House requires in relation to registration and declaration of interests, lobbying, and the procedures for inquiries. The new Guide is the product of a thorough review by my predecessor in 2011-12.

158. The new Guide sets out the types of interests which MPs are required to register. These are essentially the same as in the previous edition of the Guide, but the rules governing the Register have been redrafted and presented in a new format to make them easier to reference and understand, and some details have been clarified. The new Guide also incorporates some changes designed to make the Register clearer, and to streamline the registration process.

159. MPs are required to register interests of a certain value. Each type of interest has a separate financial threshold, and these have been updated in the new Guide to the Rules. The biggest change is in the categories relating to gifts, benefits and hospitality, where the House has reduced the thresholds considerably in accordance with recommendations from GRECO, the Council of Europe's Group of States against Corruption. This means for example that an MP who receives a gift or enjoys outside hospitality relating to his or her parliamentary or political activities now has to register it if its value exceeds £300. In the last Parliament MPs only had to register such benefits if they were worth more than £660.

160. Other changes in the Register include a new requirement for former Ministers to state whether they consulted the Advisory Committee on Business Appointments about any employment they have undertaken, if within two years of leaving office. And in response to recent concerns about lobbying, MPs now have to register the names of any family MP engaged in public sector lobbying.

161. We are aware from the nature of the enquiries we receive that MPs are anxious to ensure that they declare an interest, for example in proceedings of the House, when they are required to do so. I welcome the clearer guidance on declaration in the new Guide,

which will be of great assistance to MPs. It contains new guidance on declaring interests when presenting a petition, and more detailed guidance on declaring in select committee.

162. The rules on advocacy or paid lobbying have also been tightened. An MP who receives (or expects to receive) a payment or benefit which requires registration or declaration is now unable to initiate a parliamentary proceeding or an approach to a Minister, another MP or to a public official if it would benefit the person or organisation who provided the payment or benefit. Such an MP could still participate in proceedings or approaches if they were initiated by others, provided that these did not provide exclusive benefit to the source of the payment or benefit. The restrictions on approaches to Minister, MPs or public officials will in future apply for six months after an MP has left the House.

Changes to the Rules for All-Party Parliamentary Groups

163. On 13 May 2014 the House agreed significant changes to the rules governing APPGs for introduction following the General Election. The changes are intended to simplify some processes, give greater transparency to the administrative arrangements for APPGs and clarify the financial benefits of the group.

164. In summary registered groups abiding by the rules will be entitled to use the term “parliamentary” to describe their activities and to use the APPG Portcullis badge. They will have privileges in terms of booking rooms on the Parliamentary estate and advertising their meetings.

165. Under the new rules, groups must be open to all Members of both Houses but only four officers are required and the group must have a Commons chair who is also the registered contact. Groups must advertise elections and should hold a minimum of two meetings a year, one of which should be an AGM at which officers are elected.

166. Specific benefits or cumulative benefits from a single source above the value of £1,500 must be registered in bands. Groups receiving a total of £12,500 per year or more must prepare annual income and expenditure statements. Consultancies which provide secretariat services for APPGs must already make information about their other clients available, and this will continue. The source of any third party funding for APPG secretariats provided by external organisations will need to be declared.

167. APPGs must now make clear on the front cover of their reports that they are not official publications of the House and the views expressed in the Report are those of the

group itself. If the report has been funded by an external organisation this must also be made clear.

Procedural Note for the Respect Policy

168. This policy has been developed by the House to deal with allegations that members of House service staff have been bullied or harassed by a Member of Parliament or a member of an MP's staff. It was agreed by a resolution in the House in July 2014 and is intended to ensure that the House is a good employer, with a clear policy in place to ensure it can deal with such behaviour from a Member, who is not an employee. The policy will be reviewed during the course of the 2015 parliament. The policy does not cover behaviour towards Members' own staff, external contractors or staff in the House of Lords.

169. In extreme cases, and if it has not proved possible to resolve the matter, at an informal level, staff now have the right to complain to the Parliamentary Commissioner for Standards. The Parliamentary Commissioner for Standards has discretion as to whether or not to accept complaints for investigation and will only investigate if the alleged behaviour is *“so serious it would breach the Code of Conduct by causing damage to the reputation and integrity of the House as a whole or its Members generally.”*

170. A procedural note for a formal inquiry into a complaint under the Respect Policy has been developed and is broadly in line with the procedural note for other complaints. However, the procedure with regard to confidentiality is stricter. Information disclosed in the course of an inquiry will be kept confidential unless the Parliamentary Commissioner for Standards finds there has been a breach of the Code of Conduct, in which case she will submit a memorandum to the Committee on Standards.

171. No complaint has yet been made to the Commissioner under this policy.

6 Resourcing the work

172. The table below shows the costs of running my office in 2014-15 and in previous years.

Table 9: Costs of running the Commissioner's office 2008-09 to 2014-15

Year	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Staffing, etc.	494,005	578,300	584,579	450,000*	373,987	442,733	402,551
Other running costs	5,850	10,256	15,071	6,871	5,194	3,713	4,213
Total	499,855	588,556	599,650	456,871	379,181	446,482	406,764

* Includes estimated costs for one secondment

173. The costs of my office are principally staff costs. I have continued my commitment of three days per week and a part-time post was filled on a full time basis in March 2014. This has meant that the staffing of the office has increased slightly to just over 6 full time equivalents including myself. I am grateful to the House authorities for continuing to respond to the staffing needs of the service and in particular to agreeing the additional staff necessary over the election period. This will enable us to produce the new Register, in accordance with the new Rules, in a timely fashion, to set up the arrangements to implement new rules for All Party Parliamentary Groups and to assist new Members during their induction period.

174. Other running costs of the office this year relate mainly to the printing in January of the hard copy of the Register of Members' Financial Interests, which is maintained on line for the rest of the year, and the printing of my Annual Report. Three members of staff including myself attended the Standards Network Conference for Commissioners and Standards clerks in Wales in October and I hope to host the next conference together with the Commissioner for the Lords in London in March 2016.

7 Looking ahead

175. The Committee on Standards, in its summary of the report on the Standards system in the House of Commons, clearly endorses the role of the Commissioner. It says,

“The independence of the Parliamentary Commissioner for Standards, who both oversees the system for registering interests and investigates breaches of the rules, has been a key feature of in the Commons standards system. While the work of the Commissioner is overseen by the Committee, the committee has no role in the day to day running of her office and most particularly does not interfere in her investigations.

That independence should remain. The Commissioner as now, should have discretion as to whether or not to accept a complaint for investigation and control of the conduct of the investigation.

The Commissioner and her office have both the day-to-day experience of helping MPs register their interests and advising them on propriety and the experience of investigating complaints. The Commissioner should continue to play a key part in identifying where the rules may need to change and in educating MPs about the rules.”

176. I welcome the Committee’s understanding and endorsement of the role of Commissioner and their acknowledgement of the independence it brings to the system. However, such a role is not a static one but one which encourages the review and evolution of the system and must itself adapt to change without losing its core purpose. This year has seen a number of changes arising in part from reviews of rules and procedures and in part from a wider co-operation with others concerned with standards within the House.

177. The year 2015-16 has begun with a General Election and I have been pleased to be involved in the induction of new Members and the development of appropriate information for them. The first part of this year will be taken up with the implementation of some significant sets of new rules and the support of all Members as they understand what the changes mean for them. Further work may be required in

cooperation with the Committee on Standards when the House has considered fully the report on the Standards system. I expect towards the end of the year to begin to consider the plans for the review of the Code of Conduct and Guide to the Rules in preparation for a major piece of work in 2016-17.

Kathryn Hudson

Parliamentary Commissioner for Standards

1 June 2015

8 Appendix 1: Standing Orders Nos 149 and 150

149-(1) There shall be a select committee, called the Committee on Standards

(a) to oversee the work of the Parliamentary Commissioner for Standards; to examine the arrangements proposed by the Commissioner for the compilation, maintenance and accessibility of the Register of Members' Financial Interests and any other registers of interest established by the House; to review from time to time the form and content of those registers; and to consider any specific complaints made in relation to the registering or declaring of interests referred to it by the Commissioner; and

(b) to consider any matter relating to the conduct of Members, including specific complaints in relation to alleged breaches in any code of conduct to which the House has agreed and which have been drawn to the committee's attention by the Commissioner; and to recommend any modifications to such code of conduct as may from time to time appear to be necessary.

(2) The committee shall consist of seven Members, and seven lay members.

(3) Unless the House otherwise orders, each Member nominated to the committee shall continue to be a member of it for the remainder of the Parliament.

(4) The committee shall have power to appoint sub-committees and to refer to such sub-committees any of the matters referred to the committee.

(5) Lay members may take part in proceedings of the committee and of any sub-committee to which they are appointed and may ask questions of witnesses, but lay members may not move any motion or any amendment to any motion or draft report, and may not vote.

(6) The quorum of the committee shall be three members who are Members of this House and three lay members, and the quorum of any sub-committee shall be three, of whom at least one shall be a Member of this House and at least one a lay member.

(7) The committee and any sub-committee shall have power

(a) to send for persons, papers and records, to sit notwithstanding any adjournment of the House and to adjourn from place to place;

(b) subject to the provisions of paragraph [\(8\)](#) of this order, to report from time to time;

(c) to appoint legal advisers, and to appoint specialist advisers either to supply information which is not readily available or to elucidate matters of complexity within the committee's order of reference

(8) Any lay member present at a meeting at which a report has been agreed shall have the right to submit a paper setting out that lay member's opinion on the report. The Committee shall not consider a motion that the Chair make a report to the House until it has ascertained whether any lay member present wishes to submit such a paper; and any such paper shall be appended to the report in question before it is made to the House.

(9) The committee shall have power to order the attendance of any Member before the committee or any sub-committee and to require that specific documents or records in the possession of a Member relating to its inquiries, or to the inquiries of a sub-committee or of the Commissioner, be laid before the committee or any sub-committee.

(10) The committee, or any sub-committee, shall have power to refer to unreported evidence of the former Committees on Standards and Privileges and to any documents circulated to any such committee.

(11) The committee shall have power to refuse to allow proceedings to which the public are admitted to be broadcast.

(12) The Attorney General, the Advocate General and the Solicitor General, being Members of the House, may attend the committee or any sub-committee, may take part in deliberations, may receive committee or sub-committee papers and may give such other assistance to the committee or sub-committee as may be appropriate, but shall not vote or make any motion or move any amendment or be counted in the quorum.

150.—(1) There shall be an Officer of this House, called the Parliamentary Commissioner for Standards, who shall be appointed by the House.

(2) The principal duties of the Commissioner shall be—

(a) to maintain the Register of Members' Financial Interests and any other registers of interest established by the House, and to make such arrangements for the compilation, maintenance and accessibility of those registers as are approved by the Committee on Standards or an appropriate sub-committee thereof;

(b) to provide advice confidentially to Members and other persons or bodies subject to registration on matters relating to the registration of individual interests;

(c) to advise the Committee on Standards, its sub-committees and individual Members on the interpretation of any code of conduct to which the House has agreed and on questions of propriety;

(d) to monitor the operation of such code and registers, and to make recommendations thereon to the Committee on Standards or an appropriate sub-committee thereof; and

(e) to investigate, if he thinks fit, specific matters which have come to his attention relating to the conduct of Members and to report to the Committee on Standards or to an appropriate sub-committee thereof, unless the provisions of paragraph (4) apply.

(3) In determining whether to investigate a specific matter relating to the conduct of a Member the Commissioner shall have regard to whether in his view there is sufficient evidence that the Code of Conduct or the rules relating to registration or declaration of interests may have been breached to justify taking the matter further.

(4) No report shall be made by the Commissioner—

(a) in any case where the Member concerned has agreed that he has failed to register or declare an interest, if it is the Commissioner's opinion that the interest involved is minor, or the failure was inadvertent, and the Member concerned has taken such action by way of rectification as the Commissioner may have required within any procedure approved by the Committee for this purpose; and

(b) in any case involving parliamentary allowances, or the use of facilities or services, if the Commissioner has with the agreement of the Member concerned referred the matter to the relevant Officer of the House for the purpose of securing appropriate financial reimbursement, and the Member has made such reimbursement within such period of time as the Commissioner considers reasonable.

(5) The Commissioner may at any time in the course of investigating a complaint, and if so requested by the Committee on Standards shall, appoint an Investigatory Panel to assist him in establishing the facts relevant to the investigation.

(6) An Investigatory Panel shall—

(a) consist of the Commissioner, who shall be Chair of the Panel, and two assessors, one of whom shall be a legally qualified person appointed by the Commissioner and the other shall be a Member, who shall not be a member of the Committee on Standards, appointed by the Speaker; and

(b) meet in private.

(7) The Commissioner—

(a) shall determine the procedures of the Panel, subject to the provisions of this order; and

(b) may appoint counsel for the purpose of assisting the Panel.

(8) Any report that the Commissioner may have made to the Committee on Standards in relation to the complaint before the appointment of the Panel shall be made available to the Panel by the Committee.

(9) Any Member who is the subject of the complaint under investigation shall, if he so requests, be heard by the Panel; may call witnesses; and may examine other witnesses.

(10) When the Panel has completed its proceedings—

(a) the Commissioner shall report as in paragraph (2)(e);

(b) the legal assessor shall report to the Committee on Standards his opinion as to the extent to which its proceedings have been consistent with the principles of natural justice; and

(c) the Member assessor may report to the Committee on Standards his opinion as to the extent to which its proceedings have had regard to the customs and practice of the House and its Members.

(11) The Commissioner shall report each year to the House on the exercise by him of his functions.

(12) The Commissioner shall have leave to publish from time to time—

(a) information and papers relating to—

(i) matters resolved in accordance with paragraph (4) of this order; and

(ii) complaints not upheld;

and

(b) information about complaints received and matters under investigation.

(13) The Commissioner may be dismissed only following a resolution of the House, moved for by a Member of the House of Commons Commission, after the Committee on Standards has reported to the House that it is satisfied that the Commissioner is unfit to hold his office or unable to carry out his functions; and any such report shall include a statement of the Committee's reasons for its conclusion.

9 Appendix 2: Commissioner's Information Note

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This information note is to assist those involved in an inquiry conducted by the Parliamentary Commissioner for Standards, with effect from 7 May 2015.

Parliamentary Commissioner for Standards Commissioner's Information Note

PART I - INTRODUCTION

The Parliamentary Commissioner for Standards and the conduct of Members

1. The Parliamentary Commissioner for Standards considers allegations of misconduct by Members of Parliament. Misconduct means a breach of the House of Commons Code of Conduct and its associated rules.
2. The Commissioner is independent of Parliament. The Commissioner makes her/his own decisions based on the Code of Conduct, its associated rules and an impartial assessment of the evidence. The Commissioner will begin an inquiry into the conduct of a named Member if (s)he is satisfied that there is sufficient evidence to justify doing so. In certain limited circumstances, the Commissioner must seek the agreement of the Committee on Standards before beginning an inquiry but, apart from those specific circumstances, the Commissioner may begin an inquiry into any allegation where (s)he considers it justified. There is no right of appeal against a decision by the Commissioner not to begin an inquiry but if further evidence later comes to light the Commissioner will consider a fresh allegation. The Commissioner cannot be directed by the House or the Committee on Standards to investigate an allegation.
3. The Commissioner will uphold an allegation if, having investigated and considered the evidence, (s)he is satisfied that it is more likely than not to be true. In the more serious cases, the Commissioner will recommend upholding an allegation only where it is significantly more likely than not to be true.

The purpose of this Information note

4. This Information note explains how the Commissioner goes about her/his work. It provides information for people making allegations about a Member of Parliament's conduct, explaining what the Commissioner needs to see before (s)he will begin a formal inquiry; how (s)he will approach the inquiry; and the information (s)he will provide during and after an inquiry. The note provides information for witnesses, including Members whose conduct is the subject of an inquiry. It tells them what is expected of them during an inquiry and what they can expect of the Commissioner.
5. The Commissioner will also follow the procedures described in this note in so far as they are appropriate when investigating allegations of breaches of the rules by All-Party Groups.
6. This information note does not apply to allegations made under the House of Commons Respect policy by employees of the House. Those are covered by a

separate procedure which can be viewed on the webpages of the Committee on Standards at <http://www.publications.parliament.uk/pa/cm201415/cmselect/cmstandards/321/32107.htm>

The scope of the Commissioner's role

7. The Commissioner
 - considers allegations that a Member of Parliament has breached the Code of Conduct and its associated rules; and
 - if the Commissioner thinks fit, (s)he may investigate specific matters which have come to her/his attention relating to alleged breaches of the Code of Conduct and its associated rules. This includes those brought to her/his attention by the Member concerned (self-referral) and matters which arise during the course of an inquiry.)
8. The Commissioner may investigate alleged breaches of paragraphs 9-16 of the Code and its associated rules. (S)he may not investigate allegations solely about breaches of parts III and/or IV of the Code (the Duties of Members and the General Principles of Conduct).
9. The Commissioner cannot decide whether a Member has broken the law nor can (s)he decide whether a Member has breached the rules of another organisation. The Commissioner will not, therefore, investigate allegations which fall within the remit of organisations such as the police, the Independent Parliamentary Standards Authority or the Electoral Commission. (S)he may, in rare cases, investigate whether conduct related to such an allegation amounts to a breach of the Code of Conduct and its associated rules where the House would not otherwise have the opportunity to consider an allegation of misconduct by one of its Members.

An overview of how the Commissioner works

10. Before beginning a formal inquiry the Commissioner must first be satisfied that the matter is one that (s)he can investigate, i.e. that it is a matter covered by the Code of Conduct and its associated rules, and one which the Code permits her/him to investigate. The Commissioner will then consider the evidence that has been brought to her/his attention and decide whether it is sufficient to justify beginning an investigation.

11. It is for the Commissioner alone to decide if the evidence is sufficient to begin an inquiry, although in certain circumstances (see paragraphs 53 & 54), (s)he must seek the agreement of the Committee before beginning an inquiry.
12. It is for the Commissioner to determine the enquiries that are necessary in order to conduct a fair and impartial investigation. (S)he will observe the principles of natural justice and will conduct her/his investigation in private. Any evidence supplied during the course of an inquiry will generally be made public, although the Commissioner and the Committee will consider requests for the redaction of confidential and personal information which is not relevant to the resolution of the inquiry.
13. Once the Commissioner has begun an inquiry it is likely to be concluded in one of three ways.
 - The Commissioner finds that the allegation is not substantiated and does not uphold the complaint. The Commissioner writes to the complainant and the Member to tell them the outcome, and reports this conclusion briefly to the Committee. The decision, accompanied by the relevant evidence, will be published on the Commissioner's webpages.
 - The Commissioner finds there has been a breach of the rules, which (s)he considers to be at the less serious end of the spectrum, and decides that it can be resolved through the rectification procedure (Standing Order No. 150, subparagraph 3). If so, and if the Member agrees, apologises and takes any action the Commissioner considers necessary, the Commissioner writes to the complainant to tell him or her the outcome. The Commissioner reports the outcome briefly to the Committee. The decision, accompanied by the relevant evidence, will be published on the Commissioner's webpages.
 - The Commissioner considers there has been a breach of the rules, that this is not suitable for the rectification procedure, and/or that the matter raises issues of wider importance, and sends a Memorandum to the Committee on Standards. The Commissioner reports the facts and sets out the reasons for thinking there has been a breach of the rules. The Committee considers the Commissioner's Memorandum, and reaches its own conclusion on whether there has been a breach of the rules. The Committee publishes its own report on its webpages and in hard copy, setting out its conclusions and reasons, appending the Commissioner's Memorandum. If the Committee finds there has been a breach of the rules, it may recommend to the House that a penalty is imposed.

PART II - DETAILED INFORMATION ABOUT THE PROCESS

What the Commissioner may and may not investigate

14. The Commissioner may investigate allegations of breaches of the Rules of Conduct set out in paragraphs 10-16 (part V) of the Code of Conduct. The Commissioner may not investigate allegations of breaches of other parts of the Code in isolation from an alleged breach of Part V.
15. The House of Commons has agreed that the Commissioner generally may not investigate complaints about:
 - policy matters;
 - a Member's views or opinions;
 - a Member's handling of or decision about a case, including their handling of correspondence, whether or not anyone involved is a constituent of the Member;
 - the conduct of a Member's wider public life which does not relate to their membership of the House
16. The Commissioner may investigate any matter, including those listed above, that has caused significant damage to the reputation and integrity of the House as a whole or of its Members more generally unless the matter relates only to the conduct of a Member in their purely private and personal lives. This is a very high bar which the Committee expects could be met only in extreme and extremely limited circumstances.
17. The Commissioner may investigate cases referred to her/him by the Independent Parliamentary Standards Authority (IPSA) or its Compliance Officer. IPSA and its Compliance Officer have agreed that (in accordance with section 9B of the Parliamentary Standards Act 2009) where either of them considers that an MP's conduct justifies it, they shall refer that MP, with the relevant evidence, to the Commissioner to decide whether to inquire into a potential breach of the Code of Conduct and its associated rules. It would then be for the Committee to decide what action, if any, to recommend to the House. The Commissioner would not consider any reference until after any avenue of appeal available to the Member under IPSA's statutory procedures had been exhausted.
18. The Commissioner may not investigate the following.
 - Conduct in the Chamber, which is a matter for the Speaker.
 - Alleged breaches of the scheme for parliamentary expenses since May 2010, which are matters for the Independent Parliamentary Standards Authority.

- Allegations of criminal misconduct, which are normally for a matter for the police.
- The funding of political parties and the permissibility of donations, which are matters for the Electoral Commission.
- Allegations of breaches of the Ministerial Code, which governs the conduct of government Ministers in their capacity as Ministers and which are matters for the Cabinet Office.
- Allegations relating purely to a Member's private and personal life.

Who can make an allegation of misconduct?

19. Anyone can make an allegation of misconduct, whether a member of the public or a Member of Parliament. However, the Commissioner may not accept for investigation an allegation received from an organisation, rather than an individual. Nor may (s)he accept for investigation an allegation made anonymously or on behalf of another person. (The Commissioner may, however, accept an allegation made through an interpreter if one is required.)
20. On receipt of allegation in hard copy, by telephone or by email, the Commissioner will consider whether an allegation is one that (s)he could look into and whether (s)he has sufficient evidence to justify beginning an inquiry. However, before beginning a formal inquiry the Commissioner must be given the name, postal address and signature of the person making the allegation. The Commissioner may not accept anonymous allegations for formal inquiry. (On beginning an inquiry, the Commissioner will send the details of the allegation and the name, but not the address, of the person making the allegation to the Member. (S)he will usually do that by sending a copy of the correspondence received.)

Making an allegation of misconduct

21. Anyone making an allegation of misconduct by a Member should make clear how they think the Member has breached the Rules of Conduct set out in paragraphs 10-16 of the Code, or explain what they think the Member has done wrong. They should also provide evidence to support the allegation. It is not sufficient to make an allegation and expect the Commissioner to look for supporting evidence.⁹
22. It is a basic courtesy that a Member making an allegation to the Commissioner should at the same time send a copy of their letter to the Member concerned.

⁹ Select Committee on Members' Interests, First Report, Session 1992-93, paragraph 4

How the Commissioner decides whether to begin a formal inquiry

23. The Commissioner considers all allegations on their merits, no matter what their nature or source. The Commissioner will consider:
- whether the matter is one (s)he can look into; and
 - whether there is sufficient evidence to justify a formal inquiry.
24. If the Commissioner considers it appropriate, (s)he may ask the Member or third parties straightforward factual questions before reaching a decision on whether to begin a formal inquiry. For example, on receipt of an allegation about the use of stationery, the Commissioner might seek to confirm with the Member whether the stationery was provided as part of the Member's allocation of House stationery.

If the Commissioner decides not to begin a formal inquiry

25. The Commissioner will tell the person making the allegation the decision and give brief reasons for it. The Commissioner's decision not to investigate an allegation is final. However, if additional evidence comes to light the allegation can be resubmitted and the Commissioner will consider it afresh.

If the Commissioner decides to begin a formal inquiry

26. The Commissioner will do the following.
- Write to the Member, setting out what will be investigated. The Commissioner will provide the Member with a copy of the evidence provided to him/her in support of the allegation and the letter of complaint, set out the rules relevant to that allegation and ask the Member for their response to it.
 - Write to the person who made the allegation to tell him/her of the decision to begin an inquiry and explain that the correspondence is privileged.
 - See or speak to the Member at any time if the Member requests it. (This can be helpful to the Member in explaining the procedure in an informal way.)
 - Make a note or a voice recording of any interview or meeting with the Member and any witnesses, and agree the accuracy of that note or transcript with the Member/witness.
 - If during the course of an inquiry, the evidence causes the Commissioner to identify a possible additional breach of the rules, the Commissioner will draw that to the attention of the Member, setting out the relevant rule(s) and giving the Member a fair opportunity to respond to that specific matter.
 - Provide the Member with an opportunity to comment on the evidence gathered during an inquiry before reaching his or her conclusions.

- Include personal information only if it is relevant to the decision on the allegation
 - At the end of the inquiry, if the Commissioner finds no evidence to substantiate a breach of the rules or decides to use the rectification procedure, the Commissioner will write to inform the person who made the allegation. (The Commissioner will not provide details about the progress of the inquiry while it is ongoing.)
 - If the Commissioner refers a Memorandum to the Committee on Standards (paragraphs 38-43), (s)he will report the facts as found and offer her/his own conclusions on whether the Code has been breached.
 - Before finalising her/his conclusions, the Commissioner will provide the Member with an opportunity to comment on the draft of the factual sections of any Memorandum and will give careful consideration to any comments received. The Commissioner will append to the Memorandum all relevant evidence which (s)he has considered. (For a trial period – to be agreed with the Committee - the Commissioner will also share her provisional analysis and conclusions with the Member before finalising her Memorandum.)
 - The Commissioner will tell the Member and the person making the allegation when a report has been submitted to the Committee.
 - If Parliament is dissolved or the Member otherwise ceases to be a Member while an inquiry is in progress, the Commissioner will cease her/his inquiries until the Member is re-elected. If the Member is not returned to Parliament, the Commissioner may resume her inquiry only with the agreement of the Committee.
 - If the Commissioner begins an inquiry following a referral from IPSA or its Compliance Officer, (s)he will show the Member all the material submitted by IPSA/the Compliance Officer. The Commissioner will not invite the Member to reopen matters already properly determined through the Compliance Officer's investigatory process. Otherwise, the Commissioner will conduct the inquiry in the normal way.
27. The Commissioner may take any of the following actions.
- Ask the Member follow-up questions during the inquiry.
 - Seek evidence from witnesses, including any identified by the Member.
 - Arrange for the payment of the reasonable cost of travel to London by a witness (lost earnings are not paid).
 - Consult authorities, such as the relevant Department of the House of Commons or the Registrar of Members' Financial Interests.
 - Request the Member to attend for formal interview at any stage.

- Make a voice-recording of an interview with the Member. (If the Commissioner makes a voice-recording of an interview, (s)he will agree a transcript of the interview with the Member.)
- At the request of the Member or the person making an allegation, redact from the evidence confidential and personal information which is not relevant to the alleged breach of the rules.
- At her/his own discretion refer a point of principle to the Committee, during the course of an investigation.

Members

28. Members are required to give a full, truthful and prompt account of the matters giving rise to an allegation. Paragraph 18 of the Code of Conduct requires Members to cooperate, at all stages, with the Commissioner's inquiries.
29. The Member may, at any time, provide any evidence (s)he wishes to the Commissioner, including the names of any witnesses whom s/he believes can provide evidence relevant to the inquiry.
30. The Member may be accompanied by an adviser or friend, when interviewed by the Commissioner or appearing before the Committee. The adviser may not answer on behalf of the Member, and may not address the Committee unless (s)he is asked a question by the Committee. (The Committee does not hear counsel.) The role of an adviser is to give advice to the Member about how to answer questions put to him or her and to help with any papers to which the Member wishes to refer.
31. Members may, at their own expense, take legal advice on an allegation if they so wish and be assisted by such advice in responding to the Commissioner. However, the Commissioner will expect Members to respond to enquiries (whether orally or in writing) for themselves. Members may, if they so wish, be accompanied by a lawyer or an adviser at any interview with the Commissioner
32. Except where an Investigatory Panel has been appointed (see paragraphs 55-57), the Member does not have the right to cross-examine directly witnesses who may have given evidence in support of the allegation. However the Commissioner will put to the Member all material evidence in support of the allegations so that the Member may have an opportunity to challenge it if (s)he so wishes.
33. Members must not lobby a Member of the Committee to influence its consideration of an alleged breach of the Code.

Witnesses

34. The Commissioner has no power to compel witnesses to give evidence. Nevertheless, the Committee itself has power to send for persons, papers and records where these may be relevant. The Committee has indicated that it would use its power in support of the Commissioner if that proved to be necessary. The Committee expects that those asked to give evidence will cooperate fully and frankly with the Commissioner, in the public interest and in the interest of fairness.
35. When approaching witnesses, the Commissioner's usual practice is to write informing them of the nature of the investigation and setting out the particular questions of matters where assistance is sought. If the Commissioner interviews a witness, the Commissioner's office will arrange for the repayment of the reasonable costs of their travel to London. Lost earnings are not paid.
36. A witness may give evidence on oath but is not required to do so. Witnesses may, at their own expense, take legal advice and be accompanied by a legal adviser (or other friend) at any meeting with the Commissioner. They will, however, be expected to answer for themselves (and not through their adviser) any questions put to them.
37. Any relevant evidence supplied by a witness would become public once the Commissioner's enquiry is completed.

The role of the Committee on Standards

38. The Clerk to the Committee will send a full copy of the Commissioner's Memorandum about one week before the Committee first meets to consider the Memorandum (unless the Member agrees to a shorter period). The Member may, if (s)he wishes, send the Committee written comments on the Commissioner's Memorandum. The Committee would expect such comment to focus on the Commissioner's conclusions as the Member will have seen the factual parts of the report at an earlier stage. The Committee is able to deal with most of the cases which come before it without taking oral evidence from the Member.
39. The Committee will:
 - give the Member the opportunity to be heard before recommending the imposition of a penalty;
 - consider representations from the Member to hear specified witnesses or to put specified questions to witnesses;

- decide whether evidence is to be taken in public or in private. Usually evidence will be taken in private; and
- conduct internal discussions in private.

40. The Committee may:

- seek papers or records at the request of the Commissioner (the Commissioner cannot compel witnesses to give evidence);
- summon persons, papers and records independently;
- require the Member to attend and to produce documents;¹⁰
- redact from the evidence confidential and personal information which is not relevant to the alleged breach of the rules; and
- refuse leave for the broadcasting of any public session.

41. The Committee will:

- consider each Memorandum from the Commissioner and reach its own decision on whether the Member has breached the rules;
- append to its report the Commissioner's Memorandum and any additional evidence assembled by the Committee, including any material submitted to the Committee by the Member and any separate report made by a lay member;
- decide whether any session taking evidence from witnesses will be held in public or in private; and
- publish the evidence appended to the Commissioner's Memorandum on the Committee's webpages, if it is not included in the published report.

42. The Clerk to the Committee will inform the Member and the person who made the allegation when the Committee has decided to publish a report and will make available to each of them an embargoed copy of the report at least an hour before publication.

43. Where the Committee calls a witness, the Clerk to the Committee will make the necessary arrangements with the witness and wherever possible will inform a witness of the impending publication of the Committee's report.

Sanctions

44. If the Committee finds the Member in breach of the Rules of Conduct, it may recommend further action. The Committee may recommend to the House:

- a written apology from the Member to the House

¹⁰ Standing Order No 149 (6)

- an apology to the House by means of a point of order
- an apology on the floor of the House by means of a personal statement
- for non-Members, withdrawal of Parliamentary passes, either indefinitely or for a fixed period
- suspension from the service of the house for a specified number of days
- the repayment of the cost of any misused facilities.

45. In the more serious cases, the Committee has the power to recommend expulsion. The Member will be informed privately by his/her Whips of the timing of the debate before an announcement is made.

PART III - OTHER RELEVANT MATTERS

Confidentiality, evidence & parliamentary privilege

46. Communications between a member of the public and the Commissioner are not covered by parliamentary privilege unless and until the Commissioner has accepted the matter for inquiry.
47. Once the Commissioner has accepted a matter for inquiry, the evidence given to that inquiry and any related correspondence, including any electronic communication, is covered by parliamentary privilege. Evidence given to the Commissioner during an investigation and any related correspondence remains confidential unless and until it is published by the Commissioner or the Committee. Evidence given to the Commissioner and correspondence about the inquiry should not be made available to anyone other than the Commissioner. If it were published or disclosed to anyone else without the Committee's agreement, that would be a contempt of the House of Commons. Any other material made public is not covered by parliamentary privilege.
48. The Commissioner publishes all the relevant evidence gathered during an inquiry. The Commissioner will generally include copies of all the correspondence received during the inquiry and transcripts of any oral evidence given during a formal interview. The Commissioner will redact personal or sensitive information that is not relevant to the inquiry from the published evidence.
49. The person making an allegation is not protected from legal action (for example, for defamation of character) unless and until the Commissioner decides to begin an inquiry. Even then, parliamentary privilege will protect only the material given to the Commissioner. It will not protect anything said to others.

50. The Committee on Standards has made clear that it expects individuals who have made allegations of misconduct to respect confidentiality and not to share information with the media while an inquiry is ongoing.
51. The Committee has also made clear its expectation that those asked to give evidence will cooperate fully and frankly with the Commissioner in the public interest and in the interests of justice. Any attempts to obstruct an inquiry may be treated as a contempt of the House of Commons.
52. The Committee will take steps to ensure that the Commissioner's Memorandum and any draft Committee Reports and related evidence are kept confidential until the Committee publishes its own report.

Special circumstances

53. If the Commissioner considers it appropriate to begin an inquiry into matters that occurred more than seven years earlier (s)he must consult the Committee. The Commissioner may begin an inquiry into such matters only with the Committee's consent, which will be given only in exceptional circumstances.
54. Similarly, if the Commissioner considers it appropriate to begin an inquiry into an allegation against a former Member or, if during an inquiry the Member becomes an ex-Member, the Commissioner may begin/continue such an inquiry only with the Committee's agreement.

Investigatory Panels

55. At any time in the course of an investigation under Standing Order No 150 the Commissioner *may*, and if so requested by the Committee, *shall* appoint an Investigatory Panel to assist her/him in establishing the facts relevant to the inquiry. This provision was recommended by the Committee on Standards in Public Life in 2002, which suggested:

“The Panel would be involved only in cases where the facts are disputed by the MP, and which carry the potential, if proved, of a serious penalty.... The criteria would be that proof of the complaint would be likely to lead to the imposition of a serious penalty on the Member and that there appeared to be significant contested issues of fact which could not be properly decided unless the Member was given the opportunity to call witnesses and/or cross-examine witnesses supporting the complaint.”

56. Standing Order no 150 provides further detail on the procedures for such a panel.

PART IV – MEDIA ENQUIRIES

Publication of information about allegations received and about current inquiries

Allegations received

57. The Commissioner publishes statistics about allegations received on a monthly basis.

Current inquiries

58. The Commissioner publishes the name of any Member and All-Party Group under inquiry, along with the general category of the inquiry, shortly after beginning an inquiry. (The Commissioner's usual practice is to allow time for the Member to receive notice of the inquiry before doing this.) The Commissioner does not comment or provide progress reports during an inquiry.

59. Where the Commissioner does not uphold the allegation or concludes the matter through the rectification procedure, the decision letter will be published on his/her webpages, with the relevant evidence.

60. Where a Memorandum has been submitted to the Committee, but not yet concluded, the Commissioner will confirm on his/her webpages that the matter is with the Committee for consideration. (Neither the Commissioner nor the Committee will provide information in response to enquiries at this stage.) The Commissioner's report is published as an appendix to the Report of the Committee.

Responses to media enquiries

61. In addition to the above, the Commissioner's Office will confirm in response to enquiries whether an allegation has been received against a Member, that the Member is subject to an inquiry or, at a later stage, whether that inquiry has been concluded. However, the Commissioner will not at any time discuss details of an allegation or an inquiry with third parties.

62. The Commissioner's Office will provide general, factual information to the press and others on request about the system for regulating Members' conduct and investigating complaints. However, neither the Commissioner nor his/her staff will talk to the press or others about any individual allegation other than within the framework agreed by the House and summarised in this note. The chair of the

Committee will normally take the lead in dealing with inquiries from the press about the published reports of the Committee.

Kathryn Hudson

Parliamentary Commissioner for Standards

17 March 2015

**Approved by the Committee on Standards on 3 February 2015
(Amended on 17 March 2015)**

10 Appendix 3 Procedure for investigations under the Respect Policy (minus Appendices)

This procedural note is to assist those involved in cases investigated by the Parliamentary Commissioner for Standards under the Respect Policy of the House of Commons.

Specific guidance for staff members, MPs and witnesses may be found at Appendices 1, 2 and 3 of the full note.

Introduction

1. The Parliamentary Commissioner for Standards will consider complaints by a member of House of Commons staff alleging that a Member of Parliament has breached his or her rights under paragraph 3.1 of the Respect Policy of the House of Commons and paragraph 16 of the Code of Conduct for MPs, if the complainant believes that the original complaint has not been satisfactorily resolved through the management procedures of the House.
2. The Commissioner will consider four questions when deciding whether to initiate an inquiry:
 - i. Does the matter come within the Commissioner's remit?
 - ii. Is there sufficient evidence to justify the initiation of an investigation?
 - iii. Have the management processes set out in the Respect Policy been exhausted? (The complainant may either appeal to the Senior Responsible Owner (SRO) or complain to the Commissioner but may not do both.)
 - iv. Is the breach sufficiently serious to amount to a breach of paragraph 16 of the Code of Conduct? (This is a very high hurdle which the Committee expects to be met only in extreme and extremely limited circumstances. In practice the Commissioner will normally investigate only a complaint of a single very serious incident, or complaints of repeated incidents or a sustained and damaging pattern of behaviour.)
- 4 The Commissioner has discretion, when considering the complaint, or at any stage of the process, to make any observations or recommendations for actions by management.
- 5 On receiving a complaint the Commissioner may request further preliminary information, including information from the SRO, about action taken to date, any available evidence and/or correspondence, and/or confirmation that the earlier stages of the process have been properly completed. The Commissioner may consult with any member of the

House staff (e.g. the Diversity and Inclusion team), and may interview the complainant or others.

6 The Commissioner will then decide whether or not to accept the complaint for investigation. The Commissioner will then write to the complainant, the Member and the SRO to communicate that decision. If the complaint is not accepted for investigation, no details of it will be published, other than anonymised statistical information in relation to the work of the office. The Commissioner's decision is final and there is no appeal process.

After accepting a complaint

7 If a complaint is accepted for investigation, Commissioner will write to the Member and complainant concerned. These letters will set out both the nature of the original allegations, any concerns expressed about how these have been dealt with, and the areas which the Commissioner intends to consider. The Commissioner will ask the Member and the complainant for any further information required at that stage. The expectation is that both will give a prompt, full and truthful account of the matters under consideration.

8 It is for the Commissioner to decide how to take forward an investigation, always bearing in mind the need to be fair to all the parties involved. The Commissioner may seek information, for example by way of witness statements, may draw on additional resources if required and may also commission such external advice as he or she thinks fit.

9 It is open to anyone being interviewed to be accompanied by a legal adviser or friend, or (if they are a House of Commons employee) by a colleague or trade union representative; or (in the case of a Member) by another Member. Interviewees will, however, be expected to answer for themselves (and not through their friend or adviser) any questions put to them. The House will not meet the costs of either Members or House employees who decide to retain a legal adviser.

10 The Commissioner will normally make a written record of any interview and will subsequently ask the interviewee to approve that record. In some circumstances the Commissioner will instead make an audio recording of the interview and will ask the interviewee to approve the transcript.

11 The Commissioner's office will arrange for witnesses to be reimbursed for the reasonable costs of their travel to London to give evidence. This will not cover loss of earnings, or the costs of retaining a legal adviser.

12 Any attempt to obstruct the Commissioner in an investigation may be treated as a contempt of the House of Commons.

Confidentiality

13 While a complaint is under investigation by the Commissioner or being considered by the Committee on Standards, it is to be regarded as confidential. Neither the complainant, the Member involved nor any witnesses may disclose evidence or other details of the case to anyone else until it has been formally closed. If such evidence or correspondence were published or disclosed to anyone else without the Committee's agreement, that would be a contempt of the House. Statements to the press while a complaint is under investigation would also be regarded as a contempt.

14 The Commissioner will not provide updates to complainants or anyone else during an investigation.

Parliamentary privilege

15 The fact that complaints can be made to the Parliamentary Commissioner for Standards does not affect other legal rights, except when parliamentary privilege is involved (see paragraph 14). When making a complaint, the complainant will not be protected from legal action (for example, for defamation of character) unless and until the Commissioner decides that the complaint is appropriate for investigation. The ability to complain to the Commissioner does not in itself prevent a complainant taking a grievance against the management of the House to an employment tribunal. Communications with the Commissioner are not covered by parliamentary privilege unless and until the Commissioner has accepted the complaint.

16 Once the Commissioner has accepted a complaint for investigation, the evidence supplied for that investigation, and any related correspondence, will be covered by parliamentary privilege, as will be the Commissioner's and (if relevant) the Committee and the House's findings. Proceedings in parliament cannot be questioned in any court, including employment tribunals.

Standard of Proof

17 When reviewing those allegations which concern breaches of an individual's rights under paragraph 1.2 of the Respect Policy and of paragraph 16 of the Code of Conduct, the Commissioner and the Committee will apply a high standard of proof, namely, that the allegations are significantly more likely than not to be true.

Concluding a complaint case

(i) The role of the Commissioner

18 The role of the Commissioner is

- to report the facts as found, and

- to offer a conclusion on whether the Respect Policy and the Code have been breached, and
- to offer a formal view on the management response to the original events.

19 The Commissioner will normally conclude an investigation of a complaint under the Respect Policy either

- a) by concluding that the case requires no further action, or
- b) by submitting a formal memorandum to the Committee on Standards.

20 If the case requires no further action, the Commissioner will inform the Member, the complainant and any witnesses as well as the SRO.

20. If the Commissioner prepares a formal memorandum, this will set out his or her view on the seriousness of any breach of Respect Policy and of the Code of Conduct and on the response by management. The Commissioner will give the complainant and the Member an opportunity to comment on the factual parts of the Memorandum before it is finalised. Before submitting the memorandum, the Commissioner will append all the relevant evidence.

21. The Commissioner will inform the Member and the complainant when a memorandum has been submitted to the Committee on Standards. There is no appeal against the view taken by the Commissioner.

(ii) The role of the Committee on Standards

22. The Committee will meet to deliberate on the Commissioner's memorandum, and will then prepare its own Report. It is for the Committee to reach its own view on the complaint, on the basis of the Commissioner's memorandum.

23. Shortly before the Committee meets to consider the memorandum, the Clerk of the Committee will send the Member and the complainant a copy of that memorandum. The Member and the complainant will then have the opportunity, if they so wish, to let the Committee have any written comments on it. The Committee expects that any such comments will focus on the Commissioner's conclusions, as any dispute about facts should have been addressed earlier. If the Member or the complainant wishes the Committee to hear specified witnesses, or wishes the Committee to put specified questions to witnesses, he or she should make representations to the Committee.

24. The Committee may take further evidence. Given the sensitivity of the proceedings the Committee would expect to take such evidence in private. In the last resort the

Committee may require a Member or a complainant or witness to attend and to produce any documents it requires.¹¹

25. If the Committee finds the Member is in breach of the Respect Policy and of paragraph 16 of the Code of Conduct, it may recommend an appropriate sanction in its report. This could be that the Member make an apology to the House or to the complainant, either in writing or in person, or repay any costs involved; or that the House should withhold the Member's salary or suspend him or her. In the most exceptional cases the Committee could recommend the expulsion of the Member. Significant sanctions such as suspension would be imposed by the House, on a debatable motion.

(iii) Publication of the Committee's Report about a complaint

26. The Clerk of the Committee will inform the Member and the complainant when the Committee has decided to publish a report, and will make available to each of them an embargoed copy of that an hour before publication. The Committee's report will include recommendations for any sanctions. There is no appeal against the conclusions of the Committee.

27. The Committee will normally append to its own report a summary of the Commissioner's memorandum setting out the relevant facts and conclusions. The Committee will not publish the Commissioner's full memorandum, or the evidence received by the Commissioner.

28. The Committee will normally be sympathetic to requests for the deletion of confidential and personal information which is not relevant to the resolution of the investigation.

(iv) Consideration by the House of Commons

29. The House must debate and approve any sanction. The relevant Whips will normally inform the Member, and the Clerk of the Committee will normally inform the complainant, of the timing of the debate before any formal announcement is made.

Kathryn Hudson
Parliamentary Commissioner for Standards
11 June 2014

¹¹ Standing Order No 149 (6)

