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Decision

This memorandum reports on the inquiry that I started on my own initiative regarding a letter written by Mr Charalambous to a firm of solicitors on behalf of a former MP.

- 5 I commenced the inquiry on 23 November 2020 after Speaker's Counsel forwarded me a copy of the letter sent by Mr Charalambous.

I investigated whether the Member had acted in breach of paragraph 16 of the 2018 Code of Conduct for Members. I sought advice from the House Authorities during this investigation, in line with my usual practice. Responsibility for the interpretation of the stationery rules was transferred from the Director of Customer Experience and Service Delivery to the Clerk of the Journals whilst this investigation was ongoing. I have therefore received advice from both.

I found that Mr Charalambous had not acted in breach of the rule on the use of resources provided by the public purse. The letter relates to a claim made against a former MP by the landlord of their former constituency address. Mr Charalambous stated that was acting in his role as Opposition Whip when writing on behalf of the former Member. Whilst whips are appointed by parties, I have considered whether the work of whips can be considered 'parliamentary activity'. I accept the Clerk of the Journals' advice that, "[w]hops are an acknowledged part of the parliamentary machinery and have pastoral responsibilities as well as assisting in organising business in the House". I also accept the advice that the pastoral responsibilities of whips extend to former MPs.

The stationery rules allow for "*correspondence with bodies or individuals outside the constituency in pursuance of parliamentary activities*". I consider that the letter sent by Mr Charalambous falls under this description.

The Member has responded fully to my requests for information and has raised some important questions about the rules governing the use of stationery.

I will therefore take no further action in regard to this matter.

This investigation has been subject to several delays to allow for further clarification of the rules.

Written evidence

1. Letter from Mr Charalambous to Claimant Solicitors, 13 November 2020

Dear Sirs

Re: [former MP]

5 I am writing on behalf of [former MP] in relation to the matters you have raised on behalf of your clients [names redacted].

[Former MP] denies that [they are] liable for your clients' proposed claim. [Former MP] has advised me that following advice from the House of Commons Security Team to increase [their] personal security which included the installation of an alarm
10 to [their] home that Chubb were instructed and they contacted your clients' managing agents directly to obtain permission and that the alarm was subsequently installed with their agreement and consent acting on behalf of your clients.

Furthermore, the removal of the alarm was done without [former MP's] knowledge or consent after the termination of the tenancy. It is also self-evident by the fact that
15 damage was caused by the removal of the alarm that it was caused by a person or persons instructed by your clients who lacked the skill and care to carry out such a task competently. You are no doubt aware that at the end of the tenancy, following an inspection and a final report confirming that the property was in good condition, your clients returned the deposit to [former MP] in full. The cause of the damage and
20 the person(s) liable for damages are whoever your clients employed to perform the task of removing the alarm.

Furthermore, the Chubb alarm was far more sophisticated and valuable than the alarm replaced and remains the property of Chubb. [Former MP] has contacted Chubb and informed them of the removal of their alarm and is awaiting to hear from
25 them as to whether they will be seeking to be joined to these proceedings in order to counterclaim against your clients for the damage to their alarm. Had your clients contacted [former MP] or Chubb they would have been told that the alarm was in good working order and could have continued to be used by them without subscription thereby giving your clients a high quality alarm free of charge.

I have been asked by [former MP] that in accordance with CPR Practice Direction on Pre-action Conduct and Protocols paragraph 6 (c) that you provide copies of the contract between your clients and their managing agents for [address redacted], emails, all written correspondence between the managing agents and Chubb in relation to the installation of the alarm, the name, and address and qualifications (if
35 any) of the person(s) who removed the Chubb alarm and caused the damage to the windows, details of the instructions given to these persons, invoices for all the items claimed and any photographic evidence of the alleged damage caused.

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- In conclusion, [former MP] has advised me that [they deny they are] liable for any of the debts alleged by your clients, that the Chubb alarm was installed with your clients' knowledge and consent through their managing agents and any damage caused by the removal of the alarm was done by your clients' contractors after
- 5 [former MP] ceased having any contractual relationship with your clients. The installation of a new alarm was a matter of personal choice by your clients as the Chubb alarm was in good working order when [former MP] left the property and did not need replacing and was of a sufficiently high specification needed to help protect public figures like [former MP].
- 10 Please ensure that you forward all correspondence directly to [former MP] as I am not permitted to accept service of any documents.

Yours sincerely

Bambos Charalambous MP

2. Letter from the Commissioner to Mr Charalambous, 23 November 2020

Dear Mr Charalambous,

5 Speaker's Counsel recently forwarded to me a copy of the enclosed letter. I would welcome your help with the inquiry I have started on my own initiative, in accordance with the authority given to me through Standing Order No 150, about your compliance with paragraph 16 of the House of Commons Code of Conduct for Members.

10 **The scope of my inquiry**

My inquiry will focus on whether you have acted in breach of paragraph 16 of the House of Commons' Code of Conduct for Members by sending a letter regarding [former MP] to [name redacted] Solicitors on 13 November 2020 using a prepaid House provided envelope and by using the crowned portcullis on the letter.

15

The relevant rules of the House

The overarching rules on the use of resources provided by the public purse are found in the House of Commons' Code of Conduct for Members. Paragraph 16 of the current Code of Conduct for Members states:

20

"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."

25

Rules on the use of stationery and postage-paid envelopes provided by the House of Commons, and for the use of the crowned portcullis

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Paragraph 2 includes the following: *"Members should therefore always behave with probity and integrity when using House-provided stationery and postage. Members should regard themselves as personally responsible and accountable for the use of House-provided stationery and postage. They must not exploit the system for personal financial advantage, nor (by breaching the rules in paragraph 3 below) to confer an undue advantage on a political organisation."*

35

Paragraph 3 begins: *"House-provided stationery and pre-paid envelopes are provided only for the performance of a Member's parliamentary functions..."*

40

Paragraph 9 relates specifically to the use of the crowned portcullis. It begins with the following explanation: *"The principal emblem of the House is the crowned portcullis. It is a royal badge and its use by the House has been formally authorised by licence granted by Her Majesty the Queen. It should not be used where its authentication of a connection with the House is inappropriate, or where there is a risk that its use might wrongly be regarded or represented as having the authority of the House..."*

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Next steps

I would welcome your comments on whether your use of House-provided stationery for the letter of 13 November 2020 amounts to a breach of paragraph 16 of the Code of Conduct for Members. I would also be grateful for your answers to the following questions:

5

1. Why did you write to [name redacted] Solicitors about [former MP]?
2. Is [former MP] a constituent of yours?
3. Were you aware of the Rules regarding the use of House provided stationery?
- 10 4. Were you aware of the Rules regarding use of the crowned portcullis?
5. Did you take advice from the House authorities before using House-provided stationery for the purpose of sending out this communication? If you did, please describe the advice given and copies of any correspondence you exchanged with House officials on the matter.
- 15 6. On reflection, do you consider it appropriate to have used House-provided stationery bearing the crowned portcullis to send this letter to [name redacted] solicitors?

20

It would be helpful to receive any evidence to support your responses when you reply to this letter. Any other points you wish to make to help me with this inquiry would also be welcome.

Important information

25

My inquiries are conducted in private. Following the decision taken by the House on 19 July 2018, I will not publish the fact that I am conducting an inquiry into an allegation of an alleged breach of the Code of Conduct. My office will not comment on any aspect of the inquiry to third parties. They will answer direct factual questions about the processes I follow and the standards system more generally but will neither confirm nor deny that I have begun an inquiry.

30

Procedure

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I enclose a copy of the Commissioner's Information Note, which sets out the procedure for inquiries. Please note that this has not yet been updated to reflect the changes flowing from the decision of 19 July 2018. This letter and any subsequent correspondence between us in connection with this inquiry is protected by parliamentary privilege. It should be kept confidential until the outcome of my inquiry is published. While I do not, at this stage, know whether it will be necessary to interview you about this matter, it would be open to you to be accompanied at any such interview. I am, of course, very happy to meet with you at any stage if you would find that helpful. Given the current circumstances, all interviews will be held either by phone or video call. I should say now, as a matter of courtesy, that I may seek the advice of the House authorities and others as part of this inquiry.

40

Potential outcomes

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Inquiries are generally concluded in one of three ways. If the evidence does not substantiate the allegation, it will not be upheld. If the evidence demonstrates a breach of the rules, I may – in certain circumstances – uphold the allegation and conclude the inquiry using the rectification procedure, without making a referral to the Committee on Standards. Where an allegation is not upheld or is rectified, the

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material is published on the Parliament website, on my webpages. If I uphold the allegation and it is either unsuitable for the rectification procedure, or you do not accept my decision, I must make a referral to the Committee on Standards. My Memorandum to the Committee would be published, as an appendix to the
5 Committee's own Report. I should make clear that all the relevant evidence, including our correspondence, will be published when this inquiry is concluded. I routinely redact the personal data of third parties unless it is relevant to my decision(s). If you provide sensitive material which you think I should consider redacting, please tell me. I would give careful consideration to any such request.

10

Action

I would be grateful to have your response to this letter as soon as possible and no later than 4 December 2020. If you would prefer me to communicate with you using an alternative email, please give the details when you reply to this letter. It would
15 also be helpful if you were willing to provide a telephone number through which I might contact you. Information provided to me during my inquiry will be retained, and disposed of, in accordance with the House of Commons' Authorised Records Disposal Policy.

20 Thank you for your cooperation with this matter.

Kathryn Stone OBE
Parliamentary Commissioner for Standards

25 Enc. Letter to [name redacted] Solicitors Ltd, Commissioner's note

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3. Letter from Mr Charalambous to the Commissioner, 4 December 2020

Dear Standards Commissioner

5 I have been notified by the Parliamentary Commissioner for Standards that an allegation has been made that I breached paragraph 16 of the House of Commons Code of Conduct by sending a letter regarding [former MP] to [name redacted] Solicitors on 13 November 2020 using a prepaid House envelope and by using the crowned portcullis on the letter.

10 In order to respond to the questions raised in the 'Next Steps' section of the letter from the Parliamentary Commissioner for Standards to me of 23 November 2020, I will set out the background to this matter and my role and involvement in supporting [former MP].

15 In December 2018 I was appointed an Opposition Whip for the Labour Party in the House of Commons, a post which I still hold.

20 As a Member of the Opposition Whips team one of my responsibilities is to provide a pastoral role to my flock of MPs. Whips are usually the first point of contact for Members of their flock for any issues or problems that may arise in the life of an MP which may affect their ability to perform their Parliamentary duties. These are sometimes very personal problems and may involve advice and/or referral or liaison with outside agencies or parties. In my two years as a whip the types of matters that I have been contacted about have included allegations of domestic abuse, threats to personal safety and security issues, ill health, online trolling and abuse, staffing and office personnel issues, breach of lockdown rules, local Labour party issues, attacks on MPs homes and other matters of a very personal nature. These complaints have on some occasions led to my direct intervention on behalf of the Member to various different people and bodies. On some occasions I have taken up the matter with the Speaker and the Sergeant at Arms and other times to other individuals and agencies. I have often given advice to Members and suggested which course of action should be taken or referred them on to the most appropriate person or body who can assist them. There is a significant amount of support for Members of Parliament.

35 When Members of Parliament lose their seats however, all that support vanishes as they try to resolve outstanding issues to do with when they were carrying out their duties as MPs. This can be overwhelming for some MPs who are adjusting to the shock of losing their seat. In the absence of any official support from Parliament or the political parties, it falls to whips to support their former colleagues and fill this void. The pastoral role and duty of care that whips have therefore also extends to former MPs some of whom will have outstanding issues that need resolving but as ex MPs will lack the access and ability to resolve them. It was in this context, as a whip providing that duty of care to an ex MP, that I was assisting my former colleague [former MP], former MP for [constituency] who lost [their] seat in the
45 General Election on 12 December 2019.

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In dealing with the specifics of the allegation I feel it necessary to provide you with the context and background which led to my drafting of the letter to [name redacted] Solicitors.

5 In early 2019 [former MP], who was then still a Member of Parliament, contacted me in confidence regarding concerns [they] had about [issue redacted]. [Mr Charalambous went on to detail concerns held by the former MP]. As a result of that contact on 6 February 2019 I arranged a meeting for [former MP] to see the then Deputy Speaker, the Rt Hon. Lindsay Hoyle, who was in charge of Member health, well-being and security. At the meeting (which I accompanied [former MP] to).
10 [Former MP] relayed [their] experience of the incident and [their] concerns to the Deputy Speaker. [Mr Charalambous went on to detail action taken regarding the concerns held by the former MP].

15 As I have already stated [former MP] lost [their] seat in the General Election on 12 December 2019.

After the election I was in contact with [former MP] and a number of former MPs who had also lost their seats and were adjusting to life outside Parliament whilst
20 also trying to wind down their parliamentary offices and receive their loss of office payments from IPSA. There seemed to be a number of former MPs who were experiencing problems in their dealings with IPSA. One of those former MPs, [name redacted], (a friend of [former MP]'s and also a former colleague) contacted me about the difficulties [they were] having not only in receiving [their] loss of office
25 payment but even in getting a response from IPSA. As a result of [name redacted] request for help I agreed to intervene on [their] behalf in April 2020. I raised [their] case directly with the then head of IPSA, [name redacted]. After a number of email exchanges and phone calls with IPSA the issue was eventually resolved on 11 May 2020 and [their] loss of office payment was paid to [them].

30 As a result of [name redacted], mentioning the help I had given [them] to [former MP], [former MP] contacted me in early May 2020 regarding the problems [they were] having with in receiving [their] loss of office payment. [Mr Charalambous provided details of the withholding of the loss of office payment and the steps he
35 took to resolve the issue]. This proposal was agreed and IPSA responded on 16 June 2020 to confirm that [former MP] would be receiving [their] loss of office payment minus the amount retained from [their] deposit.

40 On 30 September 2020 I was again contacted by [former MP] but this time with a different issue. [former MP] emailed me documents [they] had received from [their] landlord's solicitors regarding [their] constituency home [address redacted] which [they] had recently left. The documents included a letter before action from [name redacted] Solicitors demanding payment of £1,552.72 for:

- 45
- 1) the removal of the Chubb alarm installed as part of [former MP's] enhanced security measures from 2019 organised by the House authorities and paid for by IPSA,
 - 2) the cost of a new alarm and,

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3) repairs to a damaged window which had occurred after [former MP] had left [address redacted] and vacated the premises. The letter further demanded that a response be made no later than 2 November 2020. [Former MP], informed me that, [they] had had no involvement in the discussion about getting permission or the installation of the alarm and wanted the House authorities to handle this case.

On 1 October 2020 I raised the issue directly with the Speaker and he requested that I forward the solicitors letter to his Secretary, [name redacted], who would in turn refer the matter to be dealt with by IPSA or those instructing [company redacted]. I forwarded the letter to [Speaker's Secretary], the same day. Having done so I assumed that my involvement in the matter would have ceased as it would now be taken over by IPSA or [company redacted] or someone else.

On Monday 19 October, [former MP] contacted me again via text to say that [they] had not heard anything from anyone and [were] very concerned that legal proceedings would be issued against [them]. I told [them] that I was sure that a response would be coming soon.

[Former MP], contacted me again via text message on Sunday 25 October and Wednesday 4 November still concerned that nobody had contacted [them] and that [they were] worried that [they were] now out of time and at risk of having a claim issued against [them] for a matter that should have been dealt with by the House authorities internally. In order to preserve [their] legal rights and to buy [them] some more time to allow me to see what the House authorities were doing about the matter, I took some details from [former MP] over the phone. Then on 13 November 2020, 11 days passed the deadline set by the solicitors, I responded on [their] behalf to the solicitors using House of Commons headed paper and a pre-paid envelope. In doing so I was acting in my capacity as whip in response to the duty of care that is owed to former Members when they lose their seats in a matter that was caused by actions taken by the House authorities during the time that [former MP] was serving as a Member of Parliament.

The matter is still unresolved and I have recently spoken with the Speaker and his Secretary to see what steps the House authorities are taking to resolve this matter, which was as a direct result of the matters raised in the meeting in February 2019 concerning [former MP]'s safety.

Whips are often the only point of contact for ex-MPs and the House authorities and other agencies in dealing with matters that are residual to their time when they served as MPs. This support enables the ex-MPs to manage their affairs so that they can move on with their lives and enable a clean break and resolution to these matters which also take up time with bodies such as IPSA. In order to do so, the use of stationery, and equipment is sometimes required. Denying whips the ability to act in this way would seriously curtail their ability to carry out this duty of care and would have serious implications in providing that after care for ex-MPs which has always been provided by the whips.

Since receiving the letter from the Parliamentary Commissioner for Standards, I have seen a letter from the Speaker's Counsel dated 16 November 2020 to [former

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MP]'s [claimant] relating to [former MP]'s legal dispute with them which uses the crowned portcullis on the letter. The letter was written on behalf of the Speaker.

5 I will now be referring the matter to the Deputy Chief Whip to deal with on behalf of [former MP] and the House authorities including the Head of IPSA.

In response to the specific questions raised in the 'Next Steps' section of the letter from the Parliamentary Commissioner for Standards:

- 10 1. I wrote to [name redacted] Solicitors on behalf of [former MP] in my capacity as a whip providing a duty of care to a former MP in matters that arose from [their] time as an MP which I raised directly with the Speaker as soon as I became aware of the issue.
- 15 2. [Former MP] is not a constituent but is a former MP to whom a duty of care is owed for matters that relate to [their] time as a Member of Parliament and which remain unresolved.
3. Yes
4. Yes
5. No advice was sought.
- 20 6. Yes I do consider it appropriate to have used House provided stationery and I am aware that the Speaker's Counsel has also used stationery bearing the crowned portcullis in liaising with the [party] on this exact same matter concerning [former MP] which was dated 3 days after my letter.

25 Please let me know if there is any further information that you need from me.

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4. Letter from the Commissioner to Director of Customer Experience and Service Delivery, 7 December 2020

5 I would like to ask your advice on a complaint I have recently received about Mr Bambos Charalambous MP. In essence, the complaint is that Mr Charalambous MP acted in breach of paragraph 16 of the Code of Conduct for Members, by sending a letter regarding [former MP] to [name redacted] Solicitors on 13 November 2020 using a prepaid House provided envelope and by using the crowned portcullis on the letter.

10 I enclose a copy of my letter to the Member, dated 23 November, and their reply, of 4 December. I have also enclosed copies of the correspondence and supporting evidence which led to me initiating this inquiry for your information.

15 It would be helpful to know whether Mr Charalambous MP approached you or your team for advice and, if they did, to know what advice they were given. If they did not, it would be helpful to know how you would have advised Mr Charalambous MP if they had sought advice from you/your team before writing to [name redacted] Solicitors. It would also be helpful to understand the factors you took into account/would have taken into account when giving that advice.

20 You will be aware that my inquiries are conducted in private and that this correspondence should be kept confidential. If necessary, I am content for you to share the content of this letter with the Clerk of the Journals, should it be necessary to seek his advice specifically on the use of the crowned portcullis.

25 It would be very helpful to have your reply by 21 December. Thank you for your assistance.

30 Yours sincerely,

Kathryn Stone OBE
Parliamentary Commissioner for Standards

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5. Advice from the Director of Customer Experience and Service Delivery, 11 December 2020

I can confirm that Mr Charalambous MP did not approach myself or my team for advice, but if he did the advice that I would have given would have been as follows:

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The House provides the stationery budget to assist Members in performing their parliamentary duties but the rules cannot be expected to cover every eventuality; ultimately it is incumbent on the Member to always behave with probity and integrity when using House-provided stationery and postage and they should regard themselves as personally responsible and accountable for the use of it. Although we can provide guidance on usage, if a complaint were made, it is the Commissioner for Standards who rules on individual cases, and our guidance cannot bind the Commissioner's ability to come to a different conclusion.

10

15 The rules state that "House provided stationery and pre-paid envelopes are provided only for the performance of a Member's parliamentary functions" and parliamentary protocol also states that Members must only deal with enquiries with regards their own constituents. I would advise that it would not be appropriate to use House provided stationery or pre-paid envelopes, even when trying to help, to write to a former Member's solicitors in your role as an Opposition Whip.

20

The factors I would have taken into account when giving this advice would be that this may be more of a matter for the House authorities. I would have advised consulting with the Members' Security Support Service (MSSS) as this team holds the contract with Chubb who fit the security alarms and they, along with IPSA who pay for them, may have been able to help. Additionally, I would have thought that Speaker's Counsel can advise on suitable responses or respond on behalf of a Member or former Member if they are written to by a solicitor.

25

30 I think the main thing here is Mr Charalambous is not [former MP's] Member of Parliament, he was writing in his capacity as Opposition Whip so I don't think he should be using his Member's stationery for this. Also, we do have Speaker's Counsel who I would have thought Mr Charalambous should have directed any legal queries to and sought their advice.

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6. Letter from the Commissioner to Mr Charalambous providing House Advice, 15 December 2020

Dear Mr Charalambous,

5 In my letter of 8 December, I explained that, as part of my investigation, I had sought the advice of the Director of Customer Experience and Service Delivery. I have now received a response from the Director of Customer Experience and Service Delivery, who has advised as follows.

10 Advice received on 11 December 2020:

15 *“The House provides the stationery budget to assist Members in performing their parliamentary duties but the rules cannot be expected to cover every eventuality; ultimately it is incumbent on the Member to always behave with probity and integrity when using House provided stationery and postage and they should regard themselves as personally responsible and accountable for the use of it. Although we can provide guidance on usage, if a complaint were made, it is the Commissioner for Standards who rules on individual cases, and our guidance cannot bind the Commissioner’s ability to come to a different conclusion. Please see the stationery rules for more details.*

20 *The rules state that “House provided stationery and pre-paid envelopes are provided only for the performance of a Member’s parliamentary functions” and parliamentary protocol also states that Members must only deal with enquiries with regards their own constituents. I would advise that it would not be appropriate to use House provided stationery or pre-paid envelopes, even when trying to help, to write to a former Member’s solicitors in your role as an Opposition Whip.*

25 *The factors I would have taken into account when giving this advice would be that this may be more of a matter for the House authorities. I would have advised consulting with the Members’ Security Support Service (MSSS) as this team holds the contract with Chubb who fit the security alarms and they, along with IPSA who pay for them, may have been able to help. Additionally, I would have thought that Speaker’s Counsel can advise on suitable responses or respond on behalf of a Member or former Member if they are written to by a solicitor.*

35 *I think the main thing here is Mr Charalambous is not [former MP’s] Member of Parliament, he was writing in his capacity as Opposition Whip so I don’t think he should be using his Member’s stationery for this. Also, we do have Speaker’s Counsel who I would have thought Mr Charalambous should have directed any legal queries to and sought their advice.”*

40 I would be grateful to receive any observations that you may care to make about [Director of Customer Experience and Service Delivery’s] advice by return and no later than 30 December 2020 please. In the meantime, our correspondence remains protected by parliamentary privilege and I must ask that you continue to maintain the strict confidentiality of the inquiry.

Thank you for your continued assistance with this matter.

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Yours sincerely

Kathryn Stone OBE

5 Parliamentary Commissioner for Standards

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7. Mr Charalambous' response to House Authorities Advice, 29 January 2021

Dear Mrs Stone,

5 In your letter to me of 15 December 2020 you asked me to comment on the advice you included from the Director of Customer Experience and Service Delivery, [name redacted] which was incorporated into your letter.

Having read his advice thoroughly I wish to respond as follows.

10 Dealing with the first paragraph of [Director of Customer Experience and Service Delivery's] advice I have nothing to add except to say that I contend that I have in this instance and on every other occasion acted with probity and integrity when using House stationery and postage. The use on this occasion was within my Parliamentary duties as an Opposition Whip.

15 With regards to paragraph 2 of his advice, [Director of Customer Experience and Service Delivery] comments that: 'parliamentary protocol also states that Members must only deal with enquiries with regards their own constituents. I would advise that it would not be appropriate to use House provided stationery or pre-paid envelopes, even when trying to help, to write to a former Member's solicitors in your
20 role as an Opposition Whip.'

But previously in the same paragraph [they have] stated that: the rules state that
25 "House provided stationery and pre-paid envelopes are provided only for the performance of a Member's parliamentary functions"

As has been accepted by [Director of Customer Experience and Service Delivery] later on in his advice, he acknowledges that I was acting as an Opposition Whip and so it follows that in carrying out this role I was performing a Parliamentary function and so using House provided stationery and pre-paid envelopes is not contradictory
30 to this as he is suggesting.

[Director of Customer Experience and Service Delivery] has not provided me with the basis on which he contends the Parliamentary protocol precludes whips from
35 contacting people who are not their constituents. I believe he is wrong on this point and I would very much welcome further information from him as to how he has reached this conclusion.

[Director of Customer Experience and Service Delivery] has also chosen a very
40 narrow way to define the protocol in that Members must only deal with enquiries with regards their constituents and as such I completely disagree with [Director of Customer Experience and Service Delivery]'s advice on the point that it would be inappropriate to use House provided stationery when trying to help former MPs in my role as an Opposition Whip. He does not provide other examples as to who
45 Opposition Whips can and cannot write to. I would like to ask him whether, for example, it would be in order to write to a former MPs landlord or landlord's agent where the return of a former MPs IPSA paid for deposit payment is in dispute? If not where is this rule to be found and what further restrictions are listed on who whips can and cannot communicate with using House provided stationery. To take this

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narrow construction to its extreme, the Chief Whip writes to all MPs who have defied the whip or are facing suspension; he uses the House provided stationery to do so yet the MPs are not constituents. In writing to them he is fulfilling his role as Opposition Chief Whip and a Parliamentary function. Under [Director of Customer Experience and Service Delivery]'s interpretation of the rules the Opposition Chief Whip would be in breach every time he wrote such a letter.

The same is also true for shadow ministers who as well as Opposition Whips have no stationery of their own. They only have at their disposal the House provided stationery in the performance of their Parliamentary duties. These duties will include communicating with Ministers and outside organisations and some-times communicating with people who are not constituents but who are contacting them with regards to a campaign which is in line with their shadow brief, for example a campaign for a change in the law.

To give a real example, a few weeks ago, I received a letter from the mother of a murder victim whose body was never recovered. The mother is the constituent of a Member of Parliament from the North West. The daughter was murdered in 1988 but her body was never recovered and her killer faced no additional sanction for not disclosing the whereabouts of the body. Due to the mother's tireless campaigning a law was passed last year making the non-disclosure of the whereabouts of a body a factor to be considered by the parole board when assessing whether a prisoner should be released or not. At the time I was a shadow justice minister and I was in contact with the mother during the legislative stage of the proceedings. She has recently contacted me again regarding another aspect of the campaign relating to her daughter's murder and she is seeking to change the law relating to preventing a lawful and decent burial and hiding a corpse. If I apply [Director of Customer Experience and Service Delivery]'s narrow interpretation of the use of House provided stationery I would be in breach of the protocol if I wrote to the mother even though I would be acting within my Parliamentary duties and with the express consent of her Member of Parliament.

In another example, I have a private Members bill regarding establishing mediation for the treatment of children with terminal illnesses where there is a dispute between parents and medical experts about a treatment. I chose this as a subject matter for my private Members bill after having been lobbied by the parents of a boy who did not get the treatment that his parents wanted and who subsequently died. I was contacted by the boy's parents because of my interest in palliative care. The parents are the constituents of another London MP who was a co-sponsor of my bill. Applying once again the narrow definition of [Director of Customer Experience and Service Delivery]'s advice I would be in breach of the protocol if I wrote to them to update them as to the progress of the bill.

Under [Director of Customer Experience and Service Delivery]'s interpretation of the Parliamentary protocol if anyone contacted an MP with an enquiry who was not a constituent then replying to them with House stationery and postage would be a breach for which we would be strictly liable as there are no exceptions according to [Director of Customer Experience and Service Delivery]'s advice. It follows that

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every shadow minister and every opposition whip would be in breach if we follow [Director of Customer Experience and Service Delivery]'s logic.

5 [Director of Customer Experience and Service Delivery] throughout his advice mentions my role as an Opposition Whip but fundamentally fails to understand what the role entails and the work that whips do. There is no appreciation of the pastoral role of whips or the reality of how whips perform their tasks. I again completely disagree that it is inappropriate for whips to use House provided stationery and pre-paid envelopes in the performance of our roles. This is particularly true when
10 dealing with former MPs and the difficulties they face.

Defeated MPs having lost an election, often in a very bruising encounter with their successful opponent, will find it virtually impossible to seek help from the victor. This will be because the former MP may have hopes of running again or does not
15 want to disclose a personal problem to the victorious MP or it may just be that the humiliation of seeking help from a triumphant rival would be too great. Whips have always played and continue to play a role in supporting MPs who have lost their seats. It is, as I have mentioned previously, part of our pastoral role as whips and that duty endures after MPs lose their seats. This role involves contacting the former
20 MPs (who are not normally constituents) and following up issues on their behalf. Unresolved issues may involve contacting IPSA, Chubb and in some cases third parties such as landlords, agents and others. Former MPs not only have to come to terms with the public humiliation of losing an election, they also lose their income very suddenly and the resources they would normally have available to solve
25 problems. Having discussed my actions in this matter with the Opposition Chief Whip and the Opposition Deputy Chief Whip, both agree that in their judgement I have acted entirely properly and as they would expect a whip to act in such a situation. I do not understand on what basis or what justification [Director of Customer Experience and Service Delivery] has for believing that my duties as an
30 Opposition Whip should preclude me from contacting third parties (including solicitors on behalf of MPs) and using House stationery to do so and how this is not a Parliamentary function.

In the third paragraph of his advice [Director of Customer Experience and Service
35 Delivery] suggests that I should have contacted the House Authorities to resolve this issue. [Director of Customer Experience and Service Delivery] is clearly not aware that I did contact the House Authorities to seek their help to resolve this dispute between the former MP and [party]. As I have previously mentioned I did so by contacting the Speaker's Secretary and Chief of Staff, [name redacted] on 1 October
40 2020 and making her aware of the issue. I assumed that things would have progressed with Chubb and IPSA making direct contact with the former MP but nothing happened. It was directly because of this inaction that I sent the letter to the solicitors. Having confirmed with the former MP that [they] had not a received a response from Chubb or IPSA, I again contacted the Speaker's Secretary and Chief of Staff in early December and a meeting was arranged for 15 December 2020 at
45 5.00pm with me and MSSS and Chubb and the Speaker and the Speaker's Secretary and Chief of Staff. The meeting was very helpful and constructive. Following the meeting I was in contact with the Head of Members Security Support Service by telephone and via email and this resulted in the disclosure of documents relating to

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the former MP's dispute with [party] (which would have been available to [them] had [they] still had access to [their] Parliamentary email account).

5 Further on, [Director of Customer Experience and Service Delivery] suggests in his advice that I should have considered using Speaker's Counsel help to advise on a response or else to get them to respond directly to the solicitors' letter addressed to the former MP. [Director of Customer Experience and Service Delivery] clearly does not understand the role of Speaker's Counsel if he believes that the lawyers working for Speakers Counsel or Speaker's Counsel herself are able to advise Members or ex
10 Members how to respond to solicitors' letters on a private law matter.

15 According to paragraph 6.18 of Erskine May in setting out the Speaker's Counsel duties it says: The Counsel to the Speaker is the head of the Office of Speaker's Counsel, and has the general duty of advising the Speaker and Officers and Departments of the House on legal questions arising in the course of public business or arising out of the administration of the affairs of the House and in relation to legal proceedings in which the House may be concerned.

20 I have spoken to the Office of the Speaker's Counsel and been advised that the matter is not one that they would have been able to advise on. In an email to me from [name redacted] from the Office of the Speakers Counsel, having previously forwarded him the letter from the solicitors setting out the claim against the former MP he states that: 'Had you happened to seek our advice on any particular aspect of the matter we might have been able to provide some informal assistance, but it is essentially a
25 private law dispute between a former Member and a third party, and I cannot see that it raises issues on which we would have expected you to seek our help, or us to provide it if sought.'

30 This view has been backed up by [name redacted], Speaker's Counsel who has stated in an email to me, '[name redacted] has correctly stated the position; we can't provide formal legal advice to individual Members'

35 In any event the implication from [Director of Customer Experience and Service Delivery]'s advice is that because of the availability of Speaker's Counsel this should somehow curtail my ability to use the House provided stationery and pre-paid envelopes. I am not aware of any rule that states that MPs should be compelled to seek advice or have any other conditions placed upon their ability to use House stationery and postage. The is a binary issue – either Members of Parliament are carrying out Parliamentary functions or they are not. The availability or not of other
40 services should not place any hindrances on MPs ability to use House provided stationery and postage. I believe that [Director of Customer Experience and Service Delivery]'s view about seeking help elsewhere on the Parliamentary Estate prior to sending any letter on House provided stationery has no basis in Parliamentary rules or protocols and should be disregarded.

45 In paragraph 4 of his advice [Director of Customer Experience and Service Delivery] accepts that I was writing in my capacity as an Opposition Whip. He states that 'he was writing in his capacity as Opposition Whip so I don't think he should be using his Member's stationery for this.'

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If [Director of Customer Experience and Service Delivery] accepts the capacity in which I am writing, then it follows that he must also accept that I was performing a Parliamentary function and therefore there is no breach.

5

[Director of Customer Experience and Service Delivery] has not provided any reason why my House provided stationery should not be used for the carrying out of my role as an Opposition Whip. Opposition Whips do not have any alternative stationery to House stationery. What stationery are Whips meant to use?

10

I will not repeat the point about Speaker's Counsel not being able to advise on private law matters and failing to consult with Speaker's Counsel should not restrict my ability to communicate with whoever I need to in my role as an Opposition Whip. There is no precedent that I am aware where this is the case. As such I once again completely disagree with [Director of Customer Experience and Service Delivery]'s advice.

15

In conclusion, as [Director of Customer Experience and Service Delivery] has highlighted in his advice the rule states "House provided stationery and pre-paid envelopes are provided only for the performance of a Member's parliamentary functions" and so if it is accepted that I was acting within my role as an Opposition Whip then the only issue in dispute is whether I was carrying out a Parliamentary function in contacting the solicitors on behalf of the former MP. If I was carrying out these functions, then I would be entitled to use the House provided stationery and pre-paid envelope to do so. [Director of Customer Experience and Service Delivery] has not explained what 'Parliamentary functions' are permissible for using House stationery and only offers up that responding to enquiries from constituents as the only legitimate use for House stationery. I do not accept that 'Parliamentary functions' is limited to that sole use of House stationery.

20

25

It is my contention that in performing my role as an Opposition Whip, I was fulfilling a Parliamentary function. The crux of the matter is the binary issue as to whether I was carrying out a Parliamentary function or not. Suggestions of things I could have done or should have done should not be considerations in this matter and should be disregarded and as Speaker's Counsel has clarified this is not a matter that neither she or her team would have given formal advice on.

30

35

I disagree with [Director of Customer Experience and Service Delivery]'s strict interpretation as to when House stationery can be used and I wish to point out that most MPs including Opposition Whips do not have access to alternative stationery in order to carry out their functions.

40

Accordingly, I disagree with [Director of Customer Experience and Service Delivery]'s advice and believe that having established the fact that I was acting in my role as an Opposition Whip he reaches the wrong conclusion in whether I was performing a Parliamentary function or not.

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This matter is also of significant interest to the Opposition Whips as the decision reached and a determination of their Parliamentary functions too will also have an impact on their work.

- 5 I believe that based on [Director of Customer Experience and Service Delivery]'s advice, which I strongly disagree with, further formal advice to clarify this point may be required.

Please let me know if there is anything further I can assist with.

10

Yours sincerely

Bambos Charalambous

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8. Email from Mr Charalambous, 8 February 2021

I have been reading section 6ii of the Code of Conduct and Rules of the House and at paragraph 8 it gives a non-exhaustive list of examples of when House provided stationery and pre-paid envelopes may be used. The examples seem to be at odds
5 with [Director of Customer Experience and Service Delivery]'s advice to the Commissioner which states that

“and parliamentary protocol also states that Members must only deal with enquiries with regards their own constituents. I would advise that it would not be appropriate
10 to use House provided stationery or pre-paid envelopes, even when trying to help, to write to a former Member’s solicitors in your role as an Opposition Whip.”

The advice seems to contradict the examples given as bullet points to paragraph 8 and in particular bullet point 5 allows for correspondence with bodies or individuals
15 outside the constituency in pursuance with parliamentary activities.

I hope you can add this to my response sent to you on Friday 29 January 2021.

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9. Request for advice sent to the Clerk of the Journals, 26 February 2021

Thank you for taking the time to speak with me earlier, as discussed I have attached the letter written by Mr Charalambous, and the advice we received from [Director of Customer Experience and Service Delivery]. Mr Charalambous's position is, broadly, that he was acting in his role as Opposition Whip and therefore within a parliamentary function.

Please may you confirm:

- 10 1. Whether Mr Charalambous MP approached you or your team for advice before sending this letter and, if he did, to know what advice they were given
2. How would you have advised Mr Charalambous MP if he had sought advice from you/your team before writing to [name redacted] Solicitors?
3. What factors would you have taken into account?
- 15 4. Whether, in your view, is Mr Charalambous's use of house provided stationery in line with the rules of the House?

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10. Advice from Clerk of the Journals, 28 February 2021

I can confirm that Mr Charalambous did not take advice from me or my team before writing the letter. I have only recently taken policy responsibility for this, so there is no reason why he should have approached me.

5

If Mr Charalambous had approached me, I would not have advised him against using headed paper for an appropriate letter. I might well have also pointed him to various other Parliamentary sources of help, as set out by [Director of Customer Experience and Service Delivery].

10

I would have taken into account that “Parliamentary activities” covers a very wide range of potential actions. Whips are an acknowledged part of the parliamentary machinery and have pastoral responsibilities as well as assisting in organising business in the House. These pastoral responsibilities can extend to those who have formerly been in their flock but have recently left the House. While there is an extremely strong convention that Members do not act for those who are not their constituents, the relationship between a whip and a former Member could override this. I would think of this as akin to a constituency case. (In passing I note it would neither be possible nor desirable for Members to seek advice on the appropriateness of every letter they send connected to constituency casework.)

15

20

In my view the use of paper for an appropriate letter would fall within the rule which permits “*correspondence with bodies or individuals outside the constituency in pursuance of parliamentary activities*”. I also note that there would be a cost to the other sources of advice and support available from the House in excess of the cost of the letter itself. The letter seems to me to simply relay [former MPs] points dispassionately and refer future correspondence to [them]. There may be contextual material which makes it inappropriate, but it looks entirely reasonable to me.

25

30

I would think it reasonable for a former Member to approach the Whips, and for a current whip to assist, even if they had not been previously responsible for that Member.