



# The Parliamentary Commissioner for Standards

Annual Report 2015–16

HC 532





## Parliamentary Commissioner for Standards

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# Annual Report 2015–16

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to Standing Order No 150, p11

*Available on the Commissioner's web pages at  
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## Foreword

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The first part of this year was dominated by preparations for the General Election and for the induction of the 182 new MPs who were elected in May 2015. A revised Code of Conduct and Guide to the Rules had been agreed by the House on 17 March 2015 and these were successfully introduced.<sup>1</sup> As part of this, the Register entries for existing MPs were reformulated in accordance with the new requirements and sent to returning MPs for checking. New MPs also attended an induction session arranged by the House to ensure that they were aware of standards issues and I was pleased to take part in this. All new MPs were then offered personal interviews to assist them with their register entries. The first edition of the new Register was published on 29 June 2015, some two months earlier than had been achieved in the last Parliament. At the same time we introduced new rules for All-Party Parliamentary Groups which had been agreed by the Standards Committee and then by the House on 13 May 2014. Staffing in my office remained stable during this period and I am grateful to the Registrar and all of the team for undertaking the hard work necessary to achieve these outcomes.

I had been concerned that across the House as a whole there were a number of sets of rules covering various matters, such as use of stationery and House facilities, which were not easily located. Breaches of these rules might on some occasions be breaches of the overarching Rules of the House. With the assistance of House staff and the Registrar, I collated and on some occasions updated these rules and collected them for the first time in a ring binder which was issued to every MP and to some House staff. While rather large, this can easily be updated and has been received favourably as a useful reference point for MPs and their staff.

With regard to formal complaints, the six inquiries in hand at Dissolution were resumed after the General Election and information concerning their conclusion is included in Chapter 3. An analysis of the full statistics for 2015–2016 is also included in Chapter 3. During the year I have reported to the Standards Committee on only three investigations. Two of these were begun in February 2015 as a result of a newspaper/Channel 4 investigation. Both MPs concerned stood down at the Election but asked me to complete my investigations and with the permission of the Standards Committee I did so. The third matter related to late registration of financial interests by a member of the Standards Committee. A fourth investigation, begun in June 2015, was not concluded until after the end of the year and proved to be outside my remit. I have included a summary of that inquiry in this report.

Questions concerning the limits of my remit have arisen on several occasions this year. It is worth emphasising in this introduction that I am able to investigate and consider only certain allegations that there has been a breach of the Rules of Conduct set out in paragraphs 10–16 of the Code of Conduct for MPs, with reference where appropriate to the General Principles of Conduct. MPs may do a number of things which the public

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<sup>1</sup> HC 1076

considers inadvisable or reprehensible, which concern their private conduct or relate to their constituency casework but, unless their actions involve a breach of one of the Rules which falls within my remit for investigation, these matters are not for me. It also follows that if I investigate, I may find that there is no breach of the Rules—yet others may still criticise the MP's conduct. This does not mean that either I or the others are mistaken. We are looking at different issues. The review of the Code of Conduct and Guide the Rules which I have now started may provide the opportunity to consider some of these issues.

A different consideration of my remit was necessary in the fourth inquiry mentioned above. I needed to open an investigation in order to establish the facts which would determine whether the allegation fell within my remit before I could then consider inquiring into the substance. On that occasion I needed to clarify whether a matter should be considered under the Code of Conduct for Members or the Ministerial Code following a leak inquiry undertaken by the Cabinet Secretary; and also to determine my remit where an action had begun before the Dissolution of the House but its impact was prolonged beyond the date of Dissolution. These matters were resolved after considerable delays but again the Review of the Code of Conduct and Guide to the Rules may provide an opportunity to consider this further.

Kathryn Hudson

Parliamentary Commissioner for Standards

30 June 2016

# 1 Review of the year

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## *The General Election and its follow up*

1. After every General Election the first tasks of the Registry team are to brief new MPs and to compile the first Registers of the Parliament. This task proved more complicated than usual in 2015. On 17 March 2015 the House had accepted a new Guide to the Rules relating to the Conduct of Members. In addition, a new Guide to the Rules for All-Party Parliamentary Groups had been approved by the Standards Committee. All these new rules were effective from 7 May 2015.

2. In addition to this a number of investigations were in progress at the time when Parliament was dissolved. No progress could be made on these during the period of Dissolution. Following the Election I resumed my inquiries concerning four MPs who had been re-elected. At the request of the former MPs concerned and with the agreement of the Chair of the Committee on Standards, I also continued my inquiries into two MPs who had stood down and did not return to the House.

## *Registering MPs' Financial Interests*

3. The Guide to the Rules relating to the Conduct of Members sets out in detail the interests which MPs have to disclose. It also contains the rules on paid advocacy and my procedures for investigating allegations of misconduct. The main changes in the new Guide are:

- the introduction of lower thresholds for registering benefits such as gifts, hospitality and overseas visits;
- a new and tighter rule on paid lobbying;
- a new requirement to register the details of family members who lobby the public sector, and
- more detailed rules on declaring interests.

At the same time we have taken the opportunity to simplify the language used, to bring the rules up to date in some respects and to make the rules clearer where needed.

4. While introducing the new rules, we made technical changes to the Register of Members' Financial Interests and the Register of All-Party Parliamentary Groups. Each of these is now maintained in database format and linked to the Members' Names Information System. These changes meant that a great deal of background work had to be done before we could publish the first Registers of the 2015 Parliament. For example, the registry team had to transcribe in the new database the interests of returning MPs, and to rearrange these under the headings set out in the new Guide to the Rules. The team then had to add information about any new interest the MP might have. The team also had to add to the Register the interests of new MPs.

5. Any new bespoke software is likely to experience teething problems and the databases have been no exception. A number of problems identified in 2015 have not yet been resolved. Until this happens, the registry staff have to make a number of additional manual checks which are very time consuming. Nevertheless we remain hopeful that in the longer term the new formats will make it easier for MPs to update their entries and will be easier for the public to search. We also hope that in future it will be possible to show each MP's current interests on their biography pages on the Parliament website.

6. I considered it very important at Election time to make sure that the new MPs were well informed about the Code of Conduct and the rules of the House, in particular those on disclosure of interests and on lobbying. When the outcome of the Election was known, I wrote immediately in both hard and soft copy to each MP to welcome them to the 2015 Parliament. I also sent them the ring-binder containing the Code and all the related rules of the House, which we had assembled for their convenience. At the same time I invited new MPs to book an appointment with registry staff so that they could each receive a one-to-one briefing on these rules before submitting their first Register entry, which they had to do within one month of the Election. These briefings were a new initiative.

7. New MPs understandably have much to occupy their attention in their first weeks. Even so I am pleased to say that after considerable efforts from the Registry team, with the help of other House staff and of the party Whips, we were able to contact all of the 182 new MPs and to provide all but one with one-to-one briefings on the Code and the rules.<sup>2</sup> All MPs were required to submit their first registration forms by 8 June 2016. The first Register of the new Parliament was published on 29 June, three weeks after that deadline (and more than two months earlier than the first Register published after the 2010 Election).

### ***All-Party Parliamentary Groups***

8. On 13 May 2014 the House had agreed a new framework of rules for All-Party Parliamentary Groups.<sup>3</sup> This formed the basis for the new Guide to the Rules which was approved by the Standards Committee on 24 February 2015. The new framework is designed to increase transparency and accountability. In one respect the new Guide to the Rules represents a relaxation, in that would-be Groups no longer have to provide a list of twenty members before they can be included in the Register. On the other hand, there are a number of new requirements. Groups now have to provide more information about benefits which they receive, and there are more detailed requirements for their publications and websites. In future, in order to improve financial accountability, Groups which have income of more than £12,500 in a year will be required to publish income and expenditure statements in a format laid down by the House.

9. Between Parliaments each All-Party Parliamentary Group relinquishes its status. It must then register anew. Because Groups were required to provide additional information under the new rules, it was particularly time consuming to assemble their entries for the new

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<sup>2</sup> This Member who belonged to Sinn Fein did not participate in the briefings.

<sup>3</sup> HC 357

Register. It was also apparent that the changes to the rules had not always been absorbed by the staff who help Groups with their administration but are often located outside Parliament. A great deal of time has now been invested in explaining these. It is to the credit of the registry team that they processed 384 forms for the first Register of All-Party Parliamentary Groups in this Parliament, which was published on 30 July.

### ***Communication with MPs, with their staff and with All-Party Parliamentary Groups***

10. Following a General Election there is always a need to communicate the rules of the House to MPs and their staff. In 2015 the House had approved a change to one part of the Code of Conduct, and a thorough revision of the Guide to the Rules relating to the conduct of Members, as well as new rules for All-Party Parliamentary Groups. All these changes took effect from 7 May 2015, the date of the Election. I have described above the efforts made to communicate the new Code and Guide to the Rules.

11. We are always very aware of the many demands on MPs' time, and the constraints imposed by having to travel between the constituency and Westminster. I had planned during the autumn to offer MPs some evening workshops on ethics, but it became clear that this was not feasible. Instead, at the suggestion of the Standards Committee, during the autumn we offered both new and returning MPs the opportunity for further one to one follow-up briefings on the Code and rules. Around 25 MPs responded. In publicising these briefings, and at election time more generally, we were pleased to have the help of the party Whips. We were also grateful for the opportunity to attend the 1922 Committee and a meeting of the Liberal Democrat party to explain the recent changes.

12. In recent years, the registry team has also spent considerable time in briefing Members' staff on the rules of the House, particularly those on registration and on All-Party Parliamentary Groups. While the Code of Conduct makes clear that MPs are responsible for disclosing their own interests, and for their own compliance with the Code and the rules, many MPs find it helpful if their staff are also aware of the registration rules. During the year we offered seven seminars (including two in Scotland) on the Code of Conduct and rules of the House; five workshops (which are also open to external staff who support APPGs) on the rules for All-Party Parliamentary Groups, and four seminars (including two in Scotland) on the proper use of parliamentary resources. These seminars and workshops were in addition to the registry team's daily work of giving tailored advice to MPs, their staff and to those who support all-Party Parliamentary Groups.



### ***Review of the Code of Conduct and Guide to the Rules***

13. In January 2016 I set out for the Committee the first stage of my work plan to review the Code of Conduct and Guide to the Rules.

14. The Committee on Standards and Privileges accepted in 2003 the recommendations of the Committee on Standards in Public Life that

*(a) In each Parliament, the Parliamentary Commissioner for Standards should initiate a review of the Code of Conduct and Guide to the Rules.*

*(b) The Parliamentary Commissioner for Standards should recommend any amendments to the Code and the Guide to the Committee on Standards and Privileges.*

*(c) The Committee on Standards and Privileges should consult on amendments to the Code and the Guide with relevant external bodies.*

*(d) Following this consultation, the Committee on Standards and Privileges should recommend any amendments to the Code and the Guide to the House.*

15. It was recognised that the timing of such reviews would be decided as appropriate, and the specific content of reviews was not defined. The most recent reviews were undertaken by the previous Commissioner in 2011–12. Given the fixed five year term of each Commissioner and the significant amount of work to be undertaken it seemed appropriate to begin the review at this time.

16. I proposed to do this in three stages and set timescales for each stage which allowed most of 2016 to complete the work required. The objectives for the work are:

- A clear and coherent set of rules with values which link from high level principles to detailed instructions;
- A simplification of both the language and the rules;
- A greater sense of ownership of the rules and personal responsibility across the House;
- A clarification of the role of the Code of Conduct and the guide to the Rules, and of the role of the Commissioner, in the light of recent changes to the standards structure within the House;
- Greater congruence between the views of the public on acceptable standards for MPs and the views of MPs themselves.

17. The first stage was completed at the end of March. A consultation document on the broad background issues to the Code of Conduct had been circulated towards the end of January with a closure date of 14 March. The consultation was published on the Commissioner's webpages and on Parliament's home page. The list of consultees included all MPs, other Commissioners and a number of other organisations. There was an open invitation for anyone who was interested to respond. Responses were limited but have now



been published on the Commissioner's webpages. There were few responses other than from individuals and organisations with a particular interest in standards issues. The continuation of the review will be an important part of my work in the coming year.

## 2 External Relationships, Information and Advice

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### *Publication of information about complaints and inquiries*

18. 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.

19. 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 have tried to resolve by the clearer webpages introduced last year. We continue to make improvements in the pages whenever possible.

20. 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 webpages. I append to the letter all the relevant evidence I have received, with any redactions necessary, but I do not normally write a formal report.

21. Where I find more serious breaches of the rules or an inquiry raises an important issue of wider application, I report my findings through a formal Memorandum to the Committee on Standards. My webpages now indicate when a Memorandum has been sent to the Committee. (Previously the relevant MP's name was simply removed from the list of current inquiries.) 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.

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

### *Responding to enquiries from the public*

23. Every year, my office receives, and responds to, large numbers of complaints and allegations made by telephone, e-mail and letter. (In 2015–16, we responded to a total of 1,174 complaints/allegations about named MPs and a further 578 complaint-related enquiries. This is the first time that we have recorded and published these figures. They exclude any continuing correspondence about the matter first raised, which can be copious.) 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 matters I am able to consider. Where appropriate, we explain the

procedure for submitting formal allegations and the need to provide sufficient evidence to justify an inquiry.

24. Very often however, enquirers have come to us as a last resort, perhaps because their MP is unable to help them. Sometimes they hope that my office will be able to direct the MP concerned 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 that 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 facilitate effective scrutiny and debate; involve and inspire the public; and secure Parliament's future. Occasionally, it elicits notes of thanks from enquirers too.

### ***Responding to enquiries from the media***

25. As well as enquiries from MPs and the public, my office responded to 257 media enquiries during the year, an increase of 25% on 2014–15. 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 webpages.<sup>4</sup> I do not comment on the progress of current inquiries or on the details of individual cases. Once an inquiry has been completed, depending on the way in which it has been concluded, we direct enquirers to my parliamentary webpages or to those of the Committee on Standards, where they can read my findings and the evidence on which I have relied.

26. During the year my office received 15 requests under the Freedom of Information Act for information relating to my work. These included questions about the cost of 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. We responded to these requests in accordance with statutory requirements.

### ***Relationships with standards and other bodies***

27. My office has continued to maintain good working relationships with the Commissioners for the devolved administrations and with other standards bodies. In March 2016, together with the House of Lords Commissioner, we hosted a Standards Network Conference for colleagues from across the UK, from Ireland and from Jersey. This conference is held approximately every eighteen months and this was the first occasion on which it had been held in London.

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<sup>4</sup> <http://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/parliamentary-commissioner-for-standards/>

28. 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 (IPSA), who has responsibility for inquiring 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. We have also established a link with the Registrar of Consultant Lobbyists.

### ***International work and other outreach***

29. My office has continued to take opportunities to share our experiences in developing and maintaining a Code of Conduct and matters concerning ethical standards with delegations and individual visitors from the Commonwealth and elsewhere. I, and colleagues from my office have met among others visitors from Hungary, Ukraine, Montserrat, Australia, New Zealand, Myanmar and Canada. The Registrar contributed to a seminar on transparency in Istanbul. We have taken part in professional development programmes for groups from the Commonwealth and elsewhere, and I have spoken at academic seminars for students from the University College, London and Hull University.

### ***Advice to MPs and others***

30. Under Standing Order No 150, it is part of my role “*to provide advice confidentially to Members and other persons or bodies 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 of the Standards Committee which reviewed the standards process in 2014–15.<sup>5</sup>

31. While I have had such discussions with a small number of MPs 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 any relevant times, such as in debates in the House (unless it would cause undue delay) and in discussion with Ministers or public officials and in correspondence. The Assistant Registrars also give technical advice on both the Members’ Register and the Registers for Members’ Staff, for All-Party Parliamentary Groups and Journalists. The provision of accurate and up-to date advice has been particularly important this year since new rules were introduced following the General Election in May 2015.

32. The advice which my office gives to an MP is confidential, and is disclosed only if it becomes relevant to one of my inquiries.

### 3 Inquiries into MPs' Conduct

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33. In 2015–16 I continued to work within the procedures previously agreed by the Committee on Standards and Privileges. These require the name, signature, and address of the individual making an allegation, as well as sufficient evidence to justify an inquiry. In practice, this means I may accept an allegation for investigation only after receiving it in hard copy. 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 individual, who is then invited to submit the allegation formally in writing. If anyone is unable to send an allegation in writing, we will seek to make suitable arrangements or adjustments to suit their individual circumstances. This chapter deals with allegations received formally, i.e. in hard copy, in 2015–16 and also gives some information about other complaints and enquiries which we have received.

34. When I receive an allegation I consider first whether it falls within the remit established for me by the House of Commons. This remit does not generally include complaints about:

- Policy matters
- An MP's views or opinions
- An MP's handling of or decision about an individual case, or
- The conduct of an MP in his/her private and personal life.

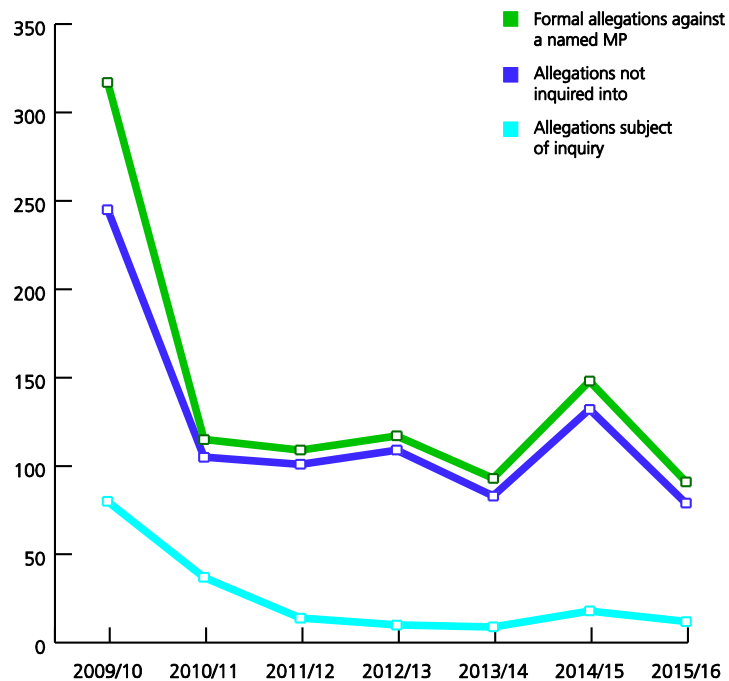
35. There is an absolute bar on the investigation of complaints about the funding of political parties, alleged breaches of the Ministerial Code and matters covered by parliamentary privilege.

36. If the matter raised falls within the remit of another person or organisation, I will where possible, refer the complainant to the relevant organisation. If the allegation is within my remit, I will consider whether sufficient evidence has been provided to justify an inquiry. My office responds as quickly as possible and usually within 5 days of receipt, to let individuals know whether or not their allegation has been accepted for inquiry.

37. In exceptional circumstances I may start an inquiry when an MP has referred him or herself to me and asked me to investigate a matter which has not been the subject of a specific allegation from an individual. I may also decide to start an inquiry on my own initiative. In 2015–16 I accepted two self-referrals and also started one inquiry on my own initiative.

**Allegations received and accepted for inquiry in 2015–16****Table 1: Allegations received from 2009–10 to 2015–16**

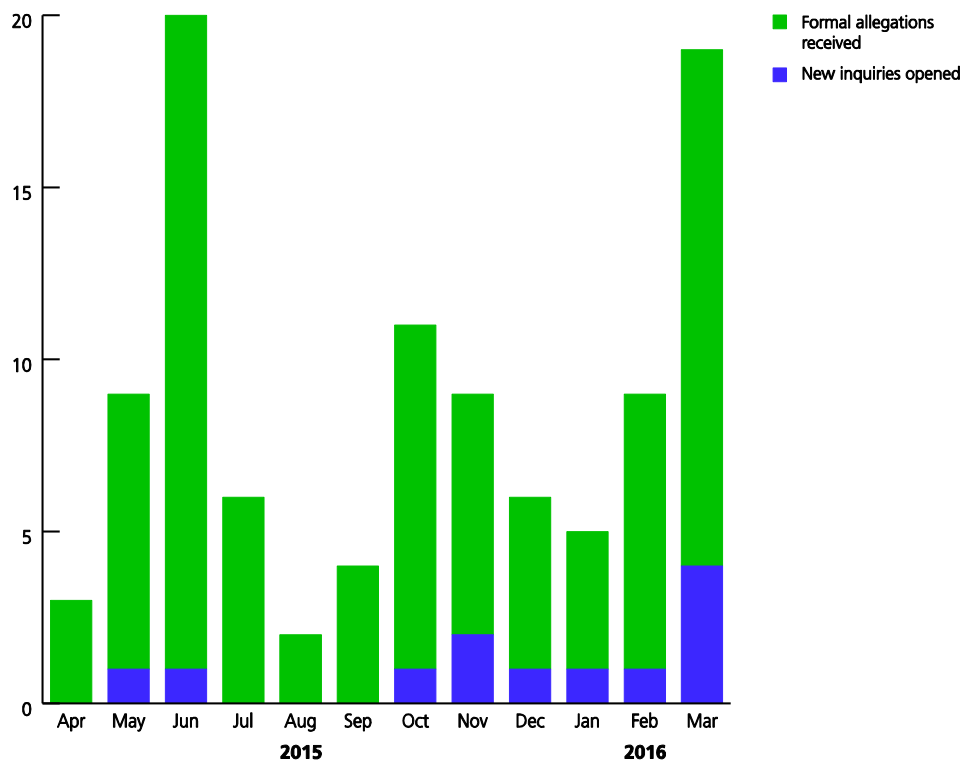
	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Formal allegations against a named MP	317	115	109	117	93	148	91
Allegations subject of inquiry	80	37	14	10	9	18	12
Allegations not inquired into	245	105	101	109	83	132	79



38. In the year beginning 1 April 2015, 91 formal allegations about MPs were received. This is a significantly lower figure than in recent years. However, it reflects an increasing use of electronic communication rather than a trend toward fewer allegations. (During 2015–16 my office received a total of 1174 separate allegations by letter, email and telephone calls, the vast majority of which were received by email.) As the table below indicates, the number of allegations received each month has varied considerably. The figures at the beginning of the year reflect the impact of the May 2015 General Election and those for March 2016 reflect the then imminent local elections.

**Table 2: Allegations received and accepted for inquiry in 2015–16**

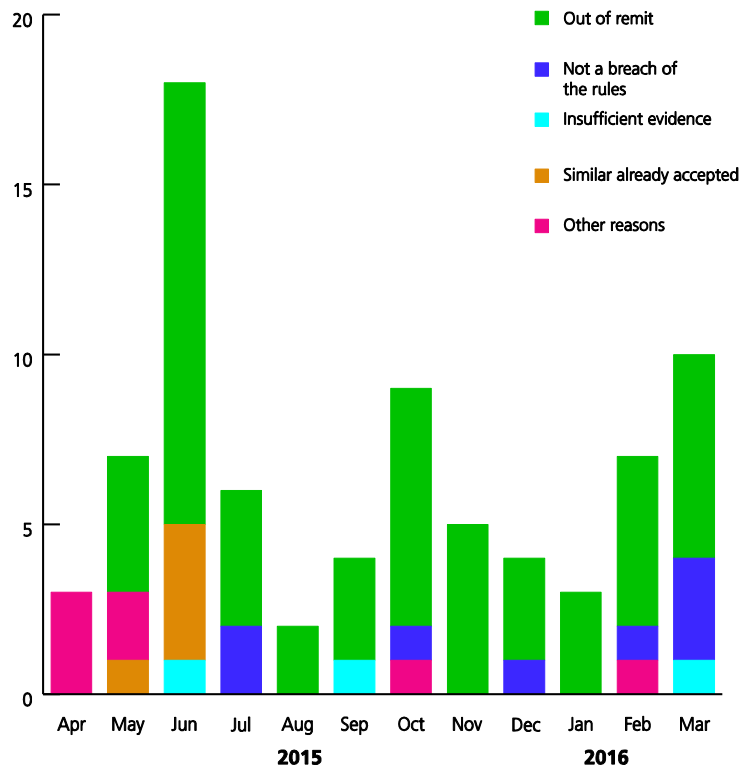
	2015									2016			Total
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
Formal allegations received	3	8	19	6	2	4	10	7	5	4	8	15	91
New inquiries opened	0	1	1	0	0	0	1	2	1	1	1	4	12



39. Each allegation was considered carefully to see whether it fell within my remit and, if so, whether I had sufficient evidence to justify an inquiry. I accepted nine allegations about MPs for inquiry, in addition to two self-referrals and one own-initiative inquiry. These twelve inquiries concerned twelve different MPs. On 31 March 2016 I carried forward six inquiries I had initiated in the last two months of the 2015–16 reporting year. In addition, a further allegation (received on 31 March 2016), was carried forward into the 2016–17 year. In early April 2016, I began an investigation into that matter.

***Allegations not accepted for inquiry in 2015–16*****Table 3: Allegations not accepted for inquiry in 2015–16**

	2015									2016			Total
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
Out of remit	0	4	13	4	2	3	7	5	3	3	5	6	55
Not a breach of the rules	0	0	0	2	0	0	1	0	1	0	1	3	8
Insufficient evidence	0	0	1	0	0	1	0	0	0	0	0	1	3
Similar already accepted	0	1	4	0	0	0	0	0	0	0	0	0	4
Other reasons	3	2	0	0	0	0	1	0	0	0	1	0	7



40. As in previous years, most of the allegations received in 2015–16 were not 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 allegations not accepted continues to be those which fall outside my remit and are, therefore, ones which I cannot accept for inquiry. The number reflects a common



misunderstanding that my role is to investigate complaints about the service MPs provide to their constituents, rather than to investigate alleged breaches of the House's rules of conduct. Approximately 60% of the formal complaints I received (55 of 91) were outside my remit in 2015–16.

41. As was the case in 2013–14 and 2014–15, the next most significant category among the allegations not accepted for investigation was that where the allegation made did not amount to a breach of the rules.

42. I have commented in previous years that it is understandable that many of the people who contact my office are not familiar with the detailed rules of the House and do not appreciate that the Commissioner may only look into the areas defined by the rules of conduct. The reasons for this do not change. Many of the people 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 who request such help. They are surprised to hear this is not the case and more so when they hear that an MP has discretion to decide whether to take up any particular matter. In such circumstances people are often very disappointed to hear that I am unable to intervene to override that discretion and, indeed, that no-one else can do so either. Complainants are also surprised to learn that I may not generally investigate the expression of an MP's views and opinions. Complaints about such matters form another significant part of the out-of-remit numbers.

43. I noted in my 2014–15 Annual Report that I hope the new *Commissioner's Information Note*<sup>6</sup> and the changes we were making to my web-pages and leaflet would ensure that would-be complainants were clearer about my remit at the earliest opportunity. It is, perhaps, too soon to gauge the collective impact of the changes we have made. Nonetheless, I have noticed a small but increasing number of people who, having looked at my webpages, contact my office to check their understanding that the handling of constituency casework is outside my remit.

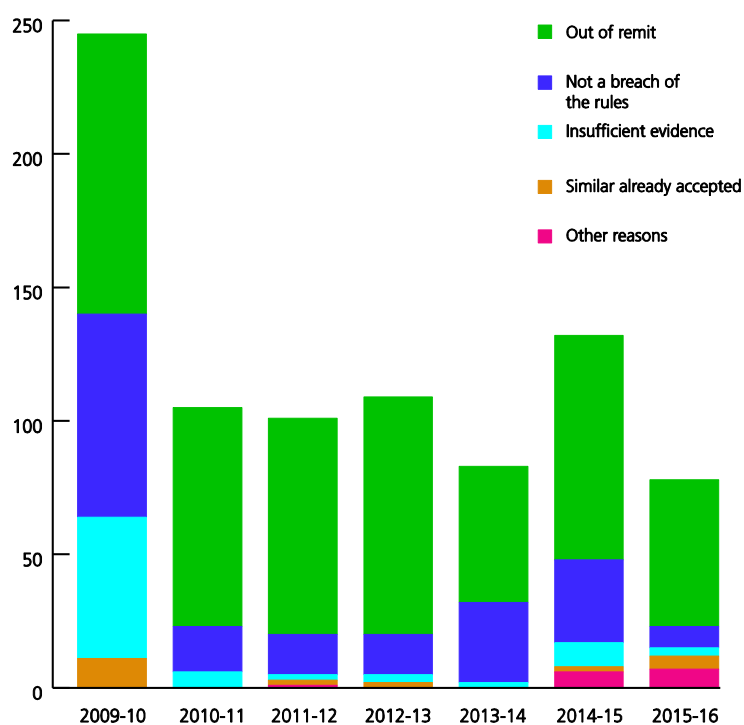
44. I may accept an allegation for inquiry only if there is sufficient evidence to justify doing so. In 2015–16 three allegations were not accepted for investigation because the evidence was insufficient. In each case my office first gave the individual making the allegation a reasonable time to provide supporting evidence, after explaining the need to do so. In the event that more evidence is submitted later, I will consider the matter afresh provided the allegation is made within the overall time-limit established by the House.

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6 <http://www.parliament.uk/documents/pcfs/New%20Website%20Documents/PCS-Information-Note.pdf>

**Table 4: Reasons for not enquiring into allegations 2009–10 to 2015–16**

	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Out of remit	105	82	81	89	51	84	55
Not a breach of the rules	76	17	15	15	30	31	8
Insufficient evidence	53	6	2	3	2	9	3
Similar already accepted	11	0	2	2	0	2	5
Other reasons	0	0	1	0	0	6	7



### ***Formal allegations, other complaint-related work and enquiries***

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

46. The second category comprises allegations made by email and telephone. In addition to the 91 formal allegations received, my office handled almost eleven-hundred more by email and telephone, making a total of 1,174 allegations and complaints received about named MPs. This is an increase of approximately 150% on the total received in 2014–15.

The total number of complaints received fluctuated very considerably during the year and the total figure is distorted by the number of allegations received about three separate incidents, each of which had generated a great deal of media coverage before the matter was referred to me. One such case generated over 600 contacts in a period of a week.

47. Of the allegations made by email and telephone, approximately 86% concerned matters outside my remit and my office was able to advise the individual that I would not be able to begin an inquiry if they were to submit a formal allegation in writing. Some of those individuals nevertheless chose to write to me and each of those was considered afresh on the basis of all the material submitted. In many cases, the allegation about the MP was, in fact, a peripheral issue and, wherever possible, my office signposted the individual to an organisation which might 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.

48. On learning that I cannot or will not begin an inquiry, individuals are often, and understandably, disappointed. However, a surprising number do appreciate the explanations and information that my office is able to provide. In 2015–16, in an attempt to gauge the ‘value-added’ through this work, we captured data about the number of expressions of thanks or appreciation received, noting 31 such responses.

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

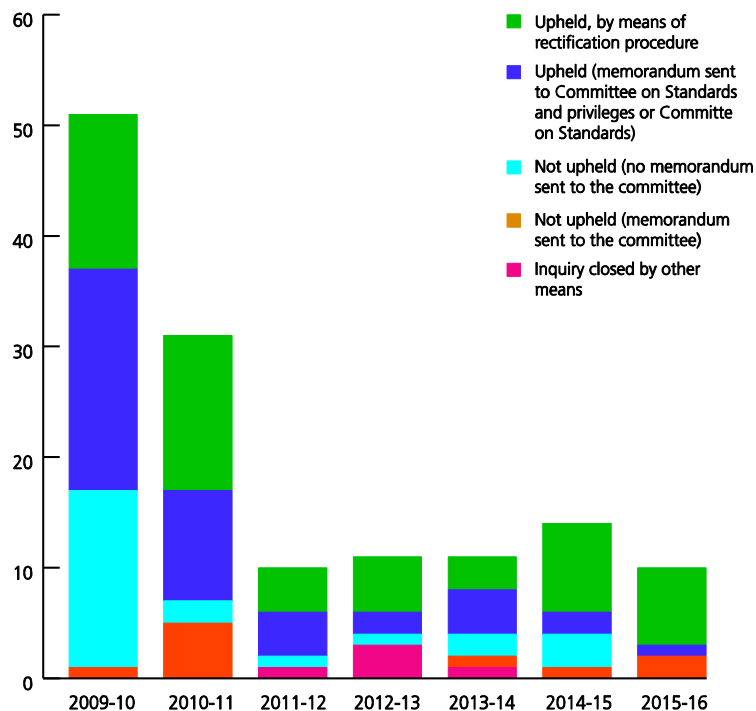
- general enquiries about the standards system;
- allegations about un-named MPs
- anonymous allegations about named MPs
- complaints about individuals and organisations which are outside my remit; and
- a wide-variety of misdirected complaints.

50. The Commissioner’s office has long been the recipient of such enquiries. In 2014–15 we attempted to quantify them for the first time, recording 458 such enquiries. In 2015–16 we recorded 578 enquiries; an increase of around 25% on last year. Many of these might have been categorised as allegations in their own right had the individual provided their own name or that of the MP about whom they were complaining.

## Resolution of Inquiries

Table 5: Allegations resolved from 2009–10 to 2015–16

	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Upheld, by means of rectification procedure	14	14	4	5	3	8	7
Upheld (memorandum sent to Committee on Standards and Privileges or Committee on Standards)	20	10	4	2	4	2	1
Not upheld (no memorandum sent to the Committee)	16	2	1	1	2	3	0
Not upheld (memorandum sent to the Committee)	1	5	0	0	1	1	2
Inquiry closed by other means	0	0	1	3	1	0	0
Total allegations resolved	51	32	12	9	10	14	10



51. When I have accepted an allegation for inquiry there are generally three possible outcomes, each of which is made public at the relevant time. If, after investigating, I decide that a breach of the rules has not been established, the allegation will not be upheld. If this happens, I will normally write to the individual who made the allegation and to the MP

concerned to set out this decision and I inform the Committee on Standards of that decision. The outcome is then published on my webpages.<sup>7</sup>

52. On some occasions I find an MP has broken the rules of the House. If the MP accepts this and I consider the breach to be inadvertent or at the less serious end of the spectrum, in certain circumstances I may resolve the investigation informally, using what is known as the “rectification procedure”. The rectification procedure requires that the MP acknowledges their breach of the rules, apologises and takes appropriate action to put the matter right, for example, by a repayment of resources wrongly used or making a late entry in the Register of Members’ Financial Interests. Following a rectification, I inform the Committee on Standards of my decision and publish the outcome on my webpages. I resolved seven inquiries in this way in 2015–16, including the four investigations into alleged misuse of stationery carried forward from 2014–15.

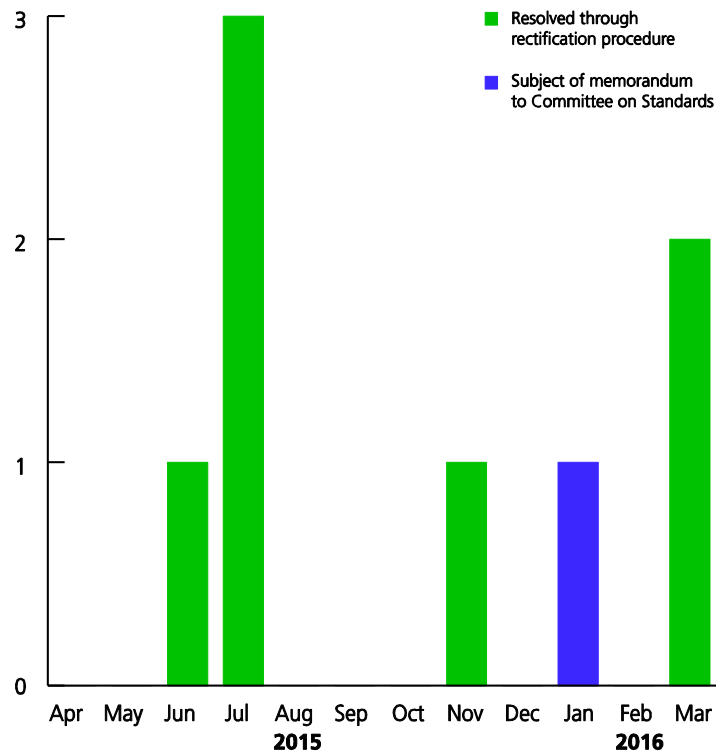
53. In other cases, I report the findings of an inquiry by submitting a formal Memorandum to the Committee on Standards. The Committee then reaches its own conclusions on whether the MP has broken the rules of the House. The Committee will publish its own report on the allegation, together with my findings. The evidence received in the course of the inquiry is also published. (The report itself and the Commissioner’s Memorandum are published in hard copy as well as electronically. The supporting evidence is published only on the webpages 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.

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<sup>7</sup> The Commissioner may however report her findings formally to the Committee on Standards by means of a Memorandum, if she considers there are matters which require the Committee’s attention

**Table 6: Inquiries resolved in 2015–16**

	2015									2016			Total
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
<b>ALLEGATIONS UPHELD</b>													
Resolved through rectification procedure	0	0	1	3	0	0	0	1	0	0	0	2	7
Subject of memorandum to Committee on Standards	0	0	0	0	0	0	0	0	0	1	0	0	1
Total allegations upheld	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>ALLEGATIONS NOT UPHELD</b>													
Without a formal report to the Committee	0	0	0	0	0	0	0	0	0	0	0	0	0
Subject of a memorandum to the Committee on Standards	0	0	0	0	2	0	0	0	0	0	0	0	2
Total allegations not upheld	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total allegations inquired into and resolved</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>10</b>



54. During the year, I completed ten inquiries (including six brought forward from 2014–15). Brief details of each of these inquiries are given below and further information, including the evidence on which I have relied, is available on the Parliament website.

- Seven inquiries were resolved informally using the rectification procedure. In three instances, in addition to acknowledging and apologising for their breach of the rules, the MP refunded the cost of misused stationery. My decisions and all the relevant evidence for all seven cases are available on my web-pages.
- Three inquiries 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.

55. On 31 March 2016 I had eight inquiries in hand, four of which I had begun in the second half of March. These were carried forward for completion during 2016–17. I was able to conclude one of these inquiries in early April, when fresh evidence led me to conclude that the substance of the allegation was outside my remit. I therefore discontinued my inquiry, formally recording it as 'not upheld'.

### ***Time taken to make decisions on allegations received in 2015–16***

56. The Commissioner's office is small (see section 5) and fewer than half of the staff are deployed on this aspect of my work. The decision to accept an allegation for inquiry is for

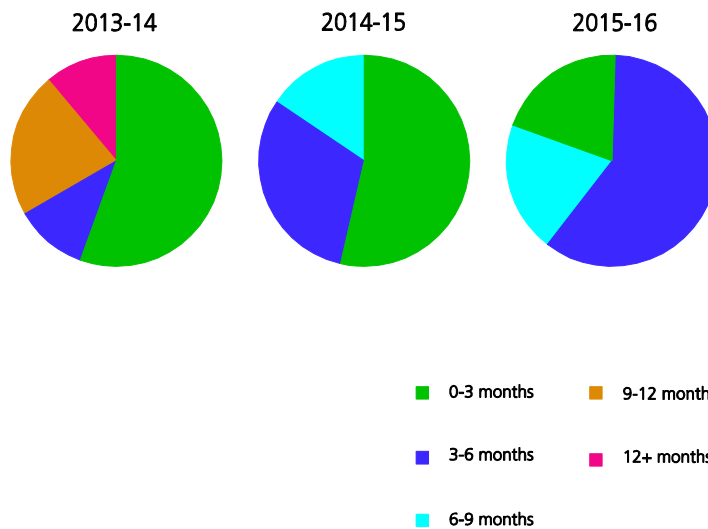
the Commissioner alone, and the Commissioner’s role is part-time (three days per week). The complexity of each referral and the volume of supporting evidence to be considered both have an impact on the amount of time necessary for me to decide whether to begin an inquiry.

57. During 2015–16 my office received a total of 1,083 complaints about named MPs by email and telephone (1,174 in total, including those submitted in hard copy). Each of these were considered carefully to determine whether it would be within my remit if submitted formally in writing and whether there was sufficient evidence to justify beginning an inquiry. In 63% of the 1147 complaints the decision was issued with one working day and in 89% the decision was issued within 5 working days.<sup>8</sup>

***Time taken to resolve inquiries in 2015–16***

**Table 7: Time taken to resolve inquiries**

YEAR	TIME				
	0–3 months	3–6 months	6–9 months	9–12 months	12+ months
2013–14	5	1	0	2	1
2014–15 <sup>9</sup>	7	4	2	0	0
2015–16	2	6	2	0	0



<sup>8</sup> Excludes weekends and public holidays

<sup>9</sup> Includes 2 APG investigations



58. As in previous years, an analysis of the time taken shows considerable variation in the length of inquiries. In 2015–16 the time taken varied from 53 working days<sup>10</sup> to 130 working days. (In six of these inquiries the work was delayed as a consequence of the Dissolution period, either because I was waiting to see if the MP was re-elected or, in the case of the two MPs who were not seeking re-election, while waiting for the Chair of the Committee on Standards to be elected after the General Election.) There are many other reasons for the variation in the length of time taken. These may include: the complexity of the complaint; whether there is a need to seek evidence from third parties; the co-operation of the MP; whether the matter is suitable for the rectification process; the impact of parliamentary recesses on availability; and whether there is agreement on the interpretation of the rules.

59. Half of the ten inquiries I completed concerned the alleged misuse of stationery and these were, as usual, among the shorter inquiries. The two longest inquiries spanned both the Dissolution period and the summer recess, and were referred to the Committee on Standards once it was formed in September.

60. I started one inquiry at the beginning of June 2015, which I had not completed by the end of March 2016. The length of time taken in this case was affected by inquiries into overlapping matters elsewhere, requiring me to cease work on it for prolonged periods while those matters were resolved.

61. All but one of these involved actions taken during the 2010 Parliament, before the House dissolved for the General Election.

62. This year has been unusual in that only two Memoranda, concerning three Members in total, have been submitted to the Standards Committee. All other completed inquiries have concerned matters which I was able to resolve through the rectification process available to me under Standing Order no 150. The majority of these were complaints about the way in which stationery was used.

63. The House of Commons dissolved on 30 March 2015 prior to the General Election. During the following six weeks there were no Members of Parliament and I had no remit to accept matters for inquiry or to complete work begun earlier in the year. Following the Election I resumed my inquiries into four MPs who had been re-elected, and, with the consent of the Chair of the Standards Committee, completed my inquiries into the conduct of two former MPs who had stood down. The cases concluded in the period to 31 March 2015 are summarised below.

### ***Reports to the Committee on Standards***

64. The first Memorandum I submitted to the Standards Committee in 2015–16 concerned allegations arising from meetings between two separate MPs and under cover journalists. These formed part of a “sting”. The MPs were both senior backbenchers and former

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<sup>10</sup> Excludes weekends and public holidays

Ministers. The journalists had approached twelve MPs to ask if they would be interested in joining the advisory board of a fictitious Chinese company. Two responded positively to a request for a meeting. The meetings were covertly recorded. Early in 2015 a newspaper alleged that both MPs had shown a willingness to use their positions as a politicians to lobby on behalf of the company in return for payment. These allegations were repeated and developed by the newspaper and in a Channel 4 television programme.

65. One of the MPs referred the allegations to me for investigation, and I began an inquiry on my own initiative into the allegation about the other MP. Both stood down at the General Election. In the course of my investigations I asked the independent television company for recordings and transcripts of the interviews between the MPs and the journalists. I received these in April 2015, after the House had dissolved for the Election. The Standards Committee of the new Parliament itself was not set up until September 2015 but, at the request of the MPs and with the consent of the Chair of the Standards Committee, I continued my work and concluded it after the House had returned. I summarise the two investigations separately below.

66. In relation to the MP who did not refer himself to me, my investigation focused whether he had engaged in lobbying for reward or consideration. I read the transcript of two interviews between the journalists and the MP. The MP had, as one might expect, presented himself and his experience in as positive a light as possible to someone who might employ him. I also concluded that he had said some things which were “silly”, which he himself acknowledged. But I noted that the MP had also made clear the limits of what he could do within the rules. No offer of work had actually been made or accepted, and what he did was not a breach of the rules. That, and an offer he made to hold a meeting in his office and to provide a tour of Parliament—which could have been a breach—was not followed up either by him or the reporters.

67. The MP who referred himself did so at an early stage when he became aware that he might have been in breach of the rules of the House by using parliamentary resources other than for his parliamentary duties in particular when he held two meetings about future outside employment in his office on the parliamentary estate. He asked me to consider all the allegations arising from the media coverage. In the course of my inquiry, I also considered whether he had failed to declare relevant interests when speaking to officials and whether he had engaged in lobbying for reward or consideration.

68. In the course of my inquiry, the MP gave examples of how he had, during his parliamentary casework, assisted companies in his constituency, and of some paid consultancy work he had done in the past for one company. None of this was against the rules. He provided me with a considerable body of evidence, which showed that he had registered and declared his paid consultancy work, as the rules of the House had required. He also provided evidence that that had not amounted to lobbying for reward or consideration.

69. I found that the second MP had committed a minor breach of the rules by arranging for these meetings with the undercover journalists, which concerned outside employment, to take place in his parliamentary office. I considered that there were extenuating

circumstances. However, I did not find that he had failed to disclose his financial interests when required to do so. Having considered the transcript carefully, I found that the MP had been clear that he was exploring the possibility of employment after he left the House, which he planned to do in May 2015. I therefore did not uphold the allegations that he had lobbied for reward in the past or had offered to do so in the future.

70. I also considered whether either MP had acted contrary to the rule which prohibits conduct which “*would cause significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally*”. I concluded that they had not. The rule was intended to be used in cases where serious misconduct was not covered by the letter of existing rules. I commented that in this case the distorted coverage of the actions and words of the MPs concerned had been the main cause of the damage.

71. I noted in my report that if the media had accurately reported what was said by the two Members in their interviews, and measured their words against the rules of the House, it would have been possible to avoid the damage that was done to the lives of the two MPs and those around them, and to the reputation of the House. The Committee agreed with me. While noting that MPs should always be aware that their conduct will be judged against the seven principles of public life, the Committee also expressed concern about the reporting of these events and said that the damage would have been limited if I had had the opportunity to investigate before people rushed to judgement.

72. In my memorandum I also reflected that several of the allegations made in relation to these two MPs did not amount to allegations of breaches of the Rules of the House. But their conduct and the media coverage of it did raise more general issues about the employment which MPs are allowed to seek, and engage in, in addition to their parliamentary duties. Those rules allow MPs to seek and take on outside employment provided that any employment and remuneration are registered in the Register of Members’ Financial Interests. The rules then (which have since been revised and tightened) prohibited certain activities which were regarded as “lobbying for reward or consideration”. I suggested that the Standards Committee might want to open up this matter for discussion in the context of a review of the Rules of the House.

73. The second Memorandum which I submitted to the Standards Committee concerned the late registration of financial interests, and also involved a senior backbencher. The MP had written to the Registrar in September 2015 to register six payments he had received in return for his work as a barrister. He was asked to provide the dates when he had received the payments. When he replied he listed five additional payments. All eleven payments were registered late. The value of the payments amounted to more than £400,000 and they had been received over a period of seventeen months. When the extent of the late registration became apparent, the MP wrote to the Registrar to apologise. He explained that he had been subject to a “particularly intense schedule” over the period concerned and that a key employee had suffered from severe ill health. He acknowledged that he could offer “no excuse for my failure to give the matter the due attention it deserves and requires” but explained what had happened and listed “the steps and procedures” he had put in place

to ensure that the situation would not arise again. He then referred the matter to me for investigation.

74. I decided that despite the information which the MP had already provided, I did need to inquire further in order to understand how this occurred, and to consider whether the steps which had been taken were sufficiently robust to ensure timely registration in future. I therefore asked for more information about the background to this omission. I also asked the MP concerned whether any of the interests concerned ought to have been disclosed in any relevant proceeding of the House, its Committees or in respect of any approach to a Minister or other person. The MP assured me that he had reviewed all his correspondence with Ministers and officials, the relevant columns in Hansard and his diary, and that he was confident that no such disclosures had been required.

75. The MP had made an unequivocal apology to the Registrar and to me, had stood down from his membership of the Committee on Standards and the Committee of Privileges and had taken steps to correct his register entry putting in place new systems to ensure timely registration in the future. Nevertheless, I considered that this was a serious breach of the House's rules which could not be concluded under the rectification procedure. I therefore submitted a formal memorandum to the Committee on Standards. The Committee, while noting the MP's apology and the remedial measures he had taken, recommended that he apologise to the House by way of personal statement. The Committee also reminded all Members that it is their duty, not that of their staff, to ensure that their disclosure of interests complies with the rules of the House. The MP apologised to the House and the relevant entries in the Register have, in accordance with the usual practice, been identified by bold italics, and will remain in that form for a period of twelve months.

76. This case illustrates the importance of all MPs taking responsibility for the accuracy of their own register entries, even if the detailed preparation of these is delegated to others.

### ***Allegations rectified***

77. During the year I resolved seven allegations informally without reference to the Committee on Standards. Under the rectification procedure set out in Paragraph 4 of Standing Order No 150 I am able to resolve certain matters at the less serious end of the spectrum, provided that the MP agrees to this resolution and apologises, and takes appropriate remedial action. In these cases, I report my decision informally to the Committee on Standards and I post on my webpages my decision and the relevant evidence.

78. Of the seven allegations which I resolved through the rectification procedure in 2015–16, one concerned the registration of interests. The remaining six concerned the use made of resources provided by the House, in particular stationery and postage, mostly at the time of the General Election. These seven cases are summarised below.

79. **An allegation of failure to register a financial interest** concerned an MP who was elected in May 2015, and the interest was a share in a company which had ceased trading some time before the Election.

80. The rules of the House require MPs to record in the Register of Financial Interests any shareholding which amounts to more than 15% of the total issued share capital or has a value of more than £70,000. There is no exception in relation to companies which have ceased trading and are to be wound up. In this case the MP held one of the two shares in the company, and was also an unpaid director.

81. Following my investigation, the MP accepted that he was in breach of the Rules when he did not register his share in the company, and apologised. I accepted that he had made a genuine mistake and that he had not been attempting to conceal his interests. The relevant entry in the Register of Members' Financial Interests has now been printed in bold italics and will remain in that form for 12 months by way of rectification.

82. During the course of this inquiry the MP said that the breach had arisen because he had misunderstood the rules. The Guide to the Rules states clearly that "*Each Member is responsible for making a full disclosure of their interests.*" My office took a number of steps at the time of the General Election to ensure that all new MPs were aware of their responsibilities and how to seek advice if they needed it. The Registrar provided me with a summary of the steps taken, both at the time of the Election and since, which were considerable. This case shows the importance of all MPs taking responsibility for knowing the requirements and rules of the House, and for complying with them.

83. **The remaining six cases which I rectified** arose out of allegations that MPs had misused House of Commons prepaid envelopes and stationery. Each MP is provided with a cash-limited allowance of prepaid envelopes and paper bearing the crowned portcullis, for the performance of their parliamentary functions. MPs may supplement the stationery the House provides by buying additional supplies themselves, or by claiming against their parliamentary expenses, available from the Independent Parliamentary Standards Authority, to pay for additional stationery or postage.

84. It is important that the resources of the House are not used in order to advantage a political party. The Rules of Conduct make plain that "*Members shall ensure that their use of public resources is always in support of their parliamentary duties. It should not confer... undue advantage on a political organisation.*" Specifically, the stationery rules forbid the use of the House's stationery and prepaid envelopes "*to confer undue advantage on a political organisation*" or "*in connection with work for or at the behest of a political party.*" I wrote to all MPs in the spring of 2015 to draw their attention to these restrictions. It is regrettable that despite this I found five MPs to have misused House-provided stationery or postage.

85. In the first case it was alleged that an MP had sent his constituents an unsolicited letter which provided a general update on a range of issues. This appeared to utilise stationery and prepaid envelopes provided by the House. Paragraph 8 of the House's stationery rules specifically prohibits the use of prepaid envelopes for "*newsletters (including annual reports or general updates ...)*". The MP had also referred to local councillors. Although he had not made their party affiliation explicit, they all belonged to the same party as him. I therefore asked him whether he considered that the tone and content of the letter might amount to a use of parliamentary resources for party political purposes. The MP responded that this



was not a “newsletter” but an invitation to meet him at a local surgery and that it did not confer an undue advantage on a political organisation.

86. I sought advice from the Director of Accommodation and Logistics (whose staff are responsible for advising on the use of House-provided stationery) and gave the MP an opportunity to comment on that advice. The Director said that in her view the letter did not amount to a newsletter or general update but that the political references, including references to the party of government and to other councillors of the same party as the MP, and the party political website address, gave it a “*political rather than a parliamentary sense*”. I agreed. After I had drawn the MP’s attention to decisions taken in other similar cases, he told me “*The inquiry has involved a reconsideration of this kind of letter on my part and I certainly hope to avoid making clumsy but accidental mistakes again.*” I upheld the complaint. The MP apologised and repaid £196.34 in respect of the stationery and envelopes which had been misused.

87. This case concerned an MP who was elected in May 2015. The remaining cases all involved MPs who served in the 2010 Parliament, and the actions they took before the House dissolved for the General Election.

88. In the second case involving stationery it was alleged that the MP had used prepaid envelopes for “*dissemination of party political propaganda*” by means of two mailshots during March 2015, immediately before the General Election. Following the Election I began an inquiry.

89. The MP told me at the outset that only the prepaid envelopes used in her two mailshots, and not the paper, had been provided by the House of Commons. After completing my enquiries, I wrote to the MP explaining that, although I was making a fine judgement, I considered her use of these prepaid envelopes had, on these two occasions, breached both the rule prohibiting their use for distribute newsletters or general updates on a range of issues, and the rule against conferring an undue advantage on a political organisation. I noted that although she had not made direct reference to a particular political party, the name of her party might seamlessly replace references to “government” policy. In the weeks immediately preceding the General Election, I considered this to be a misuse of public resources. I offered to rectify the allegation, which the Member accepted. She apologised for her breach of the rules and repaid £187.44 in respect of the envelopes which had been used.

90. The third allegation concerning stationery involved a letter which an MP wrote to his constituents about mobile phone networks. He enclosed a prepaid envelope for responses to a questionnaire and also made reference to “*your hard working local councillors*”, who were then named.

91. The Member told me that the survey had been an extension of an earlier survey he had undertaken, and had been sent to a particular community only recently. The Director of Accommodation and Logistics said that if the Member had sought her advice, she would have told him that by describing the councillors as “*hard working*” he might be “*seen to be*

*endorsing those identified above other councillors in the area*". She considered the letter was in contravention of the stationery rules.

92. When I shared the Director's advice with the MP, he disagreed strongly. After several rounds of correspondence (and a pause in the inquiry during Dissolution), I invited the MP to meet me so that I could understand his concerns and put my own to him face-to-face. I accepted that, for the most part, the Member's letter had been in support of his parliamentary activity and represented an acceptable use of public funding. The disagreement was on a narrow point, involving a finely balanced judgment.

93. The MP subsequently accepted my decision that the apparent endorsement of the named councillors was not an acceptable use of public resources. He apologised for his breach of the rules and repaid £332.59 in respect of the prepaid envelopes.

94. The fourth allegation concerned a letter sent on House of Commons headed paper to the Deputy Prime Minister. It asked him to ensure that resources were provided to improve mental health services in a particular area. It was sent shortly before the General Election and signed by the MP and by the parliamentary candidate for a neighbouring constituency, who belonged to the same party. The letter had been uploaded to the candidate's website.

95. The Director of Accommodation and Logistics took the view that for a candidate to co-sign a letter on stationery provided solely for the use of elected MPs appeared to be a contravention of the stationery rules prohibiting the use of such stationery "*in connection with work for or at the behest of a political party (including ... supporting the return of any person to public office ...)*"

96. My work was delayed by the Dissolution but when Parliament returned I wrote to the MP to say that I considered the letter to be a breach of the rules. He accepted this view and apologised unreservedly. I considered this to be appropriate rectification since only a single sheet of note paper and one envelope was involved.

97. This complaint was unusual in that the hard copy of the original letter had been destroyed by the Cabinet Office before the complaint was made. As there was no dispute between the parties that the letter had been sent, nor about the contents, I accepted the electronic version as evidence.

98. The fifth allegation was that an MP had sent a newsletter to his constituents using House of Commons stationery and prepaid envelopes. I opened this inquiry in February 2015 but it was not possible to conclude it before the General Election. I resumed it when the MP returned to the House.

99. As the MP had told me that the paper he used had not been provided by the House, I sought the advice of the Director of Accommodation and Logistics only in relation to the prepaid envelopes provided by the House. She said that they should not have been used in the distribution of this newsletter. I shared this advice with the MP, who accepted this. On the basis of the MP's assurance that almost all of the newsletters had been delivered by

volunteers, rather than sent in the prepaid envelopes, I agreed a rectification without seeking repayment for the envelopes.

100. The sixth inquiry concerned an allegation that an MP wrote to his constituents in February 2015 asking them to write to their neighbours encouraging them to vote for him. This letter was not sent on House-provided stationery but gave the Member's parliamentary email address as a point of contact.

101. I asked the MP how he came to include his parliamentary email address on a letter which gave the postal address of his political party and whether he considered that the letter could be thought to be "*in connection with work for or at the behest of a political party.*" Progress on this inquiry was again paused until after the General Election, when I wrote again. The MP told me that he had made "*an honest mistake*", and apologised. I accepted his acknowledgement and apology as appropriate rectification for this minor breach of the rules.

### ***Allegations not upheld***

102. During the year which ended on 30 March 2016 I did not conclude any inquiries where I did not uphold the allegation. I have however described in this section the outcome of an inquiry which I opened at in June 2015 and closed in April 2016. I have given an account of it at this point, although it is not listed in my statistics for the year, since it was resolved so soon after the end of 2015–16.

103. I accepted this allegation for inquiry because, without investigation, I was not able to determine whether or not it fell within my remit. There were two issues to consider. The first was whether it was a matter for the Ministerial Code rather than the House of Commons Code of Conduct and the second was whether the actions about which there was a complaint had occurred after the House had dissolved before the General Election. If either of these proved to be the case then the matter would not fall within my remit.

104. There was some delay before I was able to commence my inquiries as the matter concerned was being considered by the Electoral Court to determine whether the Member had been properly elected. It was also assessed by the police in Scotland. As is usual in such cases I do not investigate until other authorities have finished their work. In this case I had hoped that evidence from the court might assist me. In the event, the judgment was delivered on 9 December and the court had not taken evidence on the issues which might have assisted me.

105. I sought evidence early in 2016 which confirmed that it was likely that inaccurate information which was subsequently leaked had come to the MP concerned through his ministerial duties. A leak enquiry had been undertaken but the matter had not been referred to the Prime Minister's special adviser in relation to the Ministerial Code. Nevertheless I concluded that his actions fell to be considered under that Code rather than under the Rules of the House and I therefore had no remit.

106. I also received evidence that the actions which set the leak in train had occurred before 30 March 2015, and it might have been possible to argue that the matter therefore fell



within remit, however, it was already ruled out by the information above. A report on this matter appears on my webpages partly because of the very great interest generated in this issue but also because the investigation of my remit raises issues which the Standards Committee and the House may wish to consider for the future.

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

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### *Introduction*

107. 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 (also known as the Members' Register) ;
- the Register of Interests of Members' Secretaries and Research Assistants (also known as the Register of Members' Staff, or the staff register) ;
- the Register of Journalists' Interests; and
- the Register of All-Party Parliamentary Groups (the Groups' Register).

108. 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.

109. 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. All four registers are published electronically on the parliamentary website. 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.

110. Following the General Election, new rules were introduced for the registration of MPs' financial interests and for the registration of All-Party Parliamentary Groups. In the light of this, in addition to compiling the first Registers of the new Parliament, the registry team devoted considerable effort to communicating the new rules to MPs, their staff and those who support All-Party Parliamentary Groups. The first Registers of the new Parliament were published on 29 June 2015 (Register of Members' Financial Interests); 9 July 2015 (Staff and Journalists' Registers) and 30 July 2015 (Groups' Register).

### *Register of Members' Financial Interests*

111. The main purpose of this register is, as set out in the 2015 Guide to the Rules:

*“to provide information about 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.”*

112. The Guide to the Rules relating to the Conduct of Members identifies nine specific categories of interest which might be thought to influence a MP in this way, and MPs are required to register any interest they have which falls within these categories, as defined in the Guide. In addition, there is 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.

113. The first register of the 2015 Parliament was dated 8 June 2015, and was published on 29 June 2015. In addition to this, during 2015–6 my office published fifteen online updates to the Register. Interests remain in the Register for twelve months after they have ceased. The process of preparing each Register for publication involves adding details of new interests, by transcribing information received from MPs. In addition, the team removes details of those which are time expired.

114. 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 an 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 takes a serious view of late registration, as it made clear in its final report of the 2015 Parliament concerning one of my investigations.

115. 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 in addition to briefing new MPs, my office offered to MPs’ staff seminars on the Code of Conduct and rules of the House, with a particular focus on the Register of Members’ Financial Interests. During the year the registry staff delivered seven such seminars.

### ***Register of Interests of Members’ Secretaries and Research Assistants***

116. Those holding a parliamentary pass as an MP’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 (£335 from 1 April 2015 to 14 January 2016, then £370 until 31 March 2016) 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.

117. The number of registered staff on 31 March 2016 was 1,905, a slight increase on the 1,805 staff who were registered on 31 March 2015. The number of those staff with registered interests was 325 on 31 March 2016, little changed from the 338 staff with registered interests on 31 March 2015. My office published six editions of the Staff Register in 2015–16.

### ***Register of All-Party Parliamentary Groups***

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

119. The number of registered groups was 568 on 31 March 2016, of which 123 were country groups (22% of the total) and 445 were subject groups (78% of the total). This was a slight decrease from the 604 registered groups on 31 March 2015, of which 131 were country groups (22% of the total) and 465 were subject groups (78% of the total). The number of groups with registered financial or material benefits was 268 (47% of the total) on 31 March 2016, considerably less than the 413 (68% of the total) with registered benefits on 31 March 2015. My office published six editions of the Groups' Register in 2015–16.

### ***Register of Journalists' Interests***

120. Any individual who holds a pass as a lobby journalist accredited to the Parliamentary Press Gallery or for parliamentary broadcasting 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 (£670 from 1 April 2015 to 13 January 2016 then £740 until 31 March 2016).

121. The number of registered journalists on 31 March 2016 was 420, almost unchanged from the 403 registered on 31 March 2015. The number of journalists with registered interests was 64 on 31 March 2016. This has not changed since 31 March 2015. My office published six editions of the Journalists' Register in 2015–16.

## 5 Resourcing the work

122. The table below shows the costs of running my office in 2015–16 and in previous years.

**Table 8: Costs of running the Commissioner’s office 2009–10 to 2015–16**

Year	2009–10	2010–11	2011–12	2012–13	2013–14	2014–15	2015–16
Staffing, etc.	578,300	584,579	450,000*	373,987	442,733	402,551	423,838
Other running costs	10,256	15,071	6,871	5,194	3,713	4,213	1,116
<b>Total</b>	<b>588,556</b>	<b>599,650</b>	<b>456,871</b>	<b>379,181</b>	<b>446,482</b>	<b>406,764</b>	<b>424,954</b>

\* Includes estimated costs for one secondment

### *Staff costs*

123. The costs of my office are principally staff costs. I have continued my commitment of three days per week. In 2015–16, in addition to the costs of our permanent staff, at the time of the Election we also employed a temporary member of staff on a part time basis to assist with the compilation of the Registers. This was in addition to three staff loaned without a recharge by other parts of the House of Commons. I am grateful to the House authorities for continuing to respond so flexibly to the staffing needs of the service and in particular to agreeing the additional staff necessary over the Election period.

124. At the end of March 2015 we were sorry to say goodbye to two members of our support staff, one of long standing. I was pleased to welcome a new PA in April 2016 and a new part time Executive Assistant for the registry team in June 2016. The work of my office depends on having reliable staff of a high calibre, and I am confident that the new arrivals will be valuable members of our team. We were fortunate to have the help of a colleague from another part of the House during the vacancy period.

### *Other running costs*

125. Other costs in 2015–16 relate mainly to printing costs and to a conference in March 2016. We paid for the printing of the final hard copy of the Register of Members’ Financial Interests in January 2015. It was agreed that printed copy had become redundant as the most up-to-date information about MPs’ interests is now always available online. The costs of the conference for UK Standards Commissioners in March 2016 were met in part by my office and in part by the House of Lords.

## 6 Looking ahead

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126. The year ahead will be the fourth in my term as Commissioner and following the emphasis on registration and induction of new MPs in 2015 and the introduction of new Rules, it seems an appropriate time to review the Code of Conduct and Rules of the House. It is expected that this will be undertaken at least once in each Parliament. A first round of consultation, which concluded in March 2016, together with evidence taken by the Committee on Standards, has led to further consideration of the way in which the seven Principles of Public Life feed into the Rules of the House. I have agreed with the Committee that a more fundamental look at this issue would be helpful. This will delay the original timescales for completion but should lead to more robust conclusions and hopefully to a greater engagement of MPs in the review as a whole.

127. The beginning of the year saw an increase in the number of allegations taken on for investigation across a variety of issues and the trend appears to be continuing. The timely completion of my inquiries will remain my first priority and for this reason I have not identified any other major initiatives for this year. The Registrar will of course continue to maintain the accuracy and timeliness of the Registers and if possible improve the accessibility and presentation of the Registers on line.

128. As I conclude this report four new lay members have just been appointed to the Standards Committee. I welcome the increased independence which this offers to the Committee and to the standards process for the House and look forward to working with them.

**Kathryn Hudson**

30 June 2016

*Parliamentary Commissioner for Standards*

## 7 Appendix 1: Standing Order No 150 as amended by the House in February 2016

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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 subcommittee 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 subcommittees 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 subcommittee 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.





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