



The Parliamentary Commissioner for Standards

Annual Report 2016–17



Parliamentary Commissioner for
Standards

Annual Report 2016–17

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Foreword

This is my fifth annual report and the last before the end of my term in office in December 2017. I have been reflecting on the changes that have impacted on the standards system of the House of Commons over the last five years. The system evolves slowly and usually through a thoughtful process which involves a wide range of people and organisations in discussion.

The Committee on Standards reviewed the system in 2014–15 and some of the issues which have concerned me during the early part of my period in office were dealt with in the Committee's Sixth Report of the 2014–15 Session.¹ I have recently concluded my own review of the Code of Conduct and Guide to the Rules and have had the opportunity to suggest further changes to the Rules themselves, rather than the system through which they are upheld.

I have been concerned, as was my predecessor, to have relevant and accessible rules of conduct which can be understood by the general public and MPs alike. I have also wanted to assist MPs in understanding their personal responsibility to comply with these rules which serve to support their integrity in a context in which they are under very close scrutiny. In addition to simplifying the language and structure of the Code and the Guide to the Rules themselves and of my written reports, I have tried to help MPs by collating all the subsets of rules associated with the Code so that they may be found easily and kept up to date. I hope that MPs have also found helpful the increased availability of seminars on the rules. There is of course more to be done and some more fundamental issues cannot be resolved in this way.

In 2015, following the last election and with the agreement of the Standards Committee, a new set of rules relating to All-Party Parliamentary Groups (APPGs) was introduced. Although there was some reluctance to impose rules on groups which enable informal cross party discussions on an impressively wide range of issues, there were concerns that the status of the groups could easily be misunderstood and that some more detailed guidance might be required. The new arrangements have now settled and advice about groups' financial arrangements is also being introduced. The greater transparency about the rules and the financial arrangements of APPGs provides a valuable addition in safeguarding MPs and the House from misunderstandings about the status of these groups and their resources.

From my first day in post I became aware of the need to tackle problems arising from the conduct of a small number of MPs towards the staff of the House. On occasions this clearly amounted to bullying and harassment which MPs did not acknowledge and to which there was no satisfactory resolution since MPs are not employed by the House. Changes in large and complex organisations are seldom quick. A new policy drawing such issues within the remit of Commissioner and hence the Committee on Standards was introduced some eighteen months later and will be reviewed in due course. However, the policy covers only employees of the House and still offers no protection to others who work there. I hope that this wider community will be brought within the scope of this or a similar policy in the future and have provided a potential solution in the new draft of the Rules.

1 6th Report of 2014–15 HC 383, <https://www.publications.parliament.uk/pa/cm201415/cmselect/cmstandards/383/38302.htm>

In considering the review of the Code of Conduct and the Guide to the Rules, which is undertaken by each Commissioner once in each Parliament, I was reminded of my initial impression that these related very closely to financial matters. They placed less emphasis on some of the ethical principles set out in the seven Principles of Public Life. I undertook two consultations on the Code of Conduct and in those documents suggested ways of redressing the balance. These included possible clear statements on appropriate behaviour towards everyone with business in the House, conflicts of interest, and external employment. The Committee on Standards also arranged some public evidence sessions alongside my work. I am very disappointed that the unexpected General Election has delayed progress on this work. I completed my work a few days before the election was called. My work now awaits the formation of a new Committee on Standards which will decide on its own work plan in the months ahead. I would strongly urge the new Committee to consider the new draft of the Code and Guide to the Rules and to progress it as soon as possible.

The increase in the number of lay members of the Standards Committee has brought a second level of independence to a self-regulatory system, and valuable external experience to assist the Committee in its decision making. There are now two clear elements of independence, the Commissioner at the early stages of investigation and members of the Committee at the end of the process in deciding the outcome of particular cases. It is important to keep this separation which still enables the Committee to keep its responsibility for oversight of the Commissioner's work. Commissioners will take a different view on their priorities and the way in which they wish to work. Their independence enables them to work with others to achieve change where that is required, subject of course to the will of the House. At a time when there is considerable uncertainty in the House it will be important that standards issues do not slip off the agenda.

I am very grateful for the outstanding and consistent support which has been provided to me by colleagues in my office and for the co-operation of House staff over the past four and a half years. I would also like to thank the Committee on Standards for their positive attitude and support in some challenging circumstances. It has been a privilege to undertake the role of Commissioner for the last five years and I wish my successor every success as they take up this challenge.

Kathryn Hudson

Parliamentary Commissioner for Standards

29 June 2017

1 Review of the year

Summary

1. 2016–17 proved to be a busy year for my office. In addition to the regular and resource intensive task of maintaining the four Registers of Interests and of advising MPs and others about their responsibilities in this area, I received more formal allegations of misconduct and began more inquiries than in 2015–16. My continuing work on the Review of the Code of Conduct and the Guide to the Rules took a slightly different course from that which I had originally planned, when I undertook a second round of consultation, inviting views on the definitions of the principles of conduct set out in paragraph 8 of the current Code of Conduct, as they related to the work of MPs. My team have delivered more seminars for MPs’ staff on the details of the Rules. The changes made to the Rules for All-Party Parliamentary Groups in 2015 have also led to an increase in workload, particularly as we have worked to assist APPGs in discharging their financial responsibilities in line with modern standards of accountability.

2. Although there have been some pinch points during the year when these various factors have each demanded attention at the same time, I am pleased to say that overall the resources provided for my office have proved sufficient and I have not found it necessary to ask the House authorities for additional support.

Review of the Code of Conduct and Guide to the Rules

3. I submitted a Memorandum summarising my review and setting out my recommendations to the Committee on Standards on 6 April 2017. This was later than I had originally planned. The responses to the second phase of consultation showed how difficult it is to reach any consensus about the meaning and application of general ethical principles to specific professions. The inherent difficulty in agreeing such definitions is exacerbated in the case of Members of Parliament where there is also no clear and agreed definition of the role and the extent of an MP’s responsibilities. Consideration of this issue brought no agreement on tailored definitions of the Principles of Public Life and after careful thought I decided to recommend keeping the current general definitions rather than trying to create a consensus where there was none.

4. It is not appropriate for me to set out my recommendations for change ahead of the Committee’s consideration of them but I hope that proposals to simplify the language; to restructure the Guide to the Rules to make it easier to navigate; and to address some of the gaps in the detailed rules will, in time, be helpful to MPs and to those seeking to hold them to account. I also hope that when the Standards Committee of the new Parliament makes its own report to the House, the House will consider that report at the earliest opportunity.

Allegations of breaches of misconduct

5. Over 90% of the 627 complaints received by letter, email and telephone during 2016–17 were given a decision and an explanation of that decision within 5 working days. As in previous years, the vast majority of these were received by email, and more than 90% of the total were out of remit.

6. Although this is only a little over half the number I received in 2015–16, the number of formal allegations of breaches of the rules (i.e. allegations made in hard copy) was greater than in 2015–16. I also began more inquiries (20) than in any year since 2010–11 when the then Commissioner initiated 37 inquiries following the expenses scandal. I completed 23 inquiries. Having started the year with eight ongoing inquiries, I ended the year with five inquiries in hand.

7. Of those allegations accepted for inquiry, only one concerned the alleged misuse of House provided stationery; a significant change compared with recent years. Over half of my inquiries concerned alleged failures to register and/or declare relevant financial interests.

8. I found a breach of the rules in 17 instances, 13 of which I concluded using the rectification procedure. I referred four Memoranda to the Committee on Standards for final adjudication. In each of those cases the Committee agreed with me that the MP had acted in breach of the rules. I did not uphold allegations in five cases and in one case I discontinued my inquiry having established the matter was out of remit. The length of time taken to complete inquiries varied between 18 and 321 working days.²

2 External Relationships, Information and Advice

Publication of information about complaints and inquiries

9. In accordance with the procedures agreed by the House on 2 December 2010, I publish on my webpages the name of any MP I am investigating, alongside brief details of the nature of the allegation under investigation. I also publish monthly statistics about the allegations I have received and about those I have inquired into and resolved.

10. 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. In summary, if I resolve an inquiry without sending a formal Memorandum to the Committee, or if I do not uphold an allegation, 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.

11. 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 indicate when a Memorandum has been sent to the Committee. 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.

12. Further information about this area of my work is contained in Chapter 3 of this report.

Responding to enquiries from the public

13. Every year, my office receives, and responds to, large numbers of complaints and allegations made by telephone, e-mail and letter. In 2016–17, we received and responded to a total of 627 complaints/allegations about named MPs and a further 509 related enquiries. (These figures exclude any continuing correspondence about the matter first raised, which can be extensive.) 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 beginning an inquiry.

14. 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 public body, (such as HM Courts and Tribunals Service, for example) 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. It has been suggested that this is a waste of the time of my office. I do not agree. For many complainants this is their first direct contact with Parliament and it is important that it should be, as far as possible, a helpful one. 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. We occasionally receive notes of thanks from enquirers who have appreciated our efforts to help them.

Responding to enquiries from the media

15. As well as enquiries from MPs and the public, my office responded to 192 media enquiries during the year. As in previous years, many of these related to allegations I had received or to current inquiries. In such cases my office confirms, when asked, whether or not a specific allegation has been received and whether a matter is under inquiry—including, where appropriate, directing callers to the information published on my webpages.³ I do not comment on the progress of current inquiries nor 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.

16. During the year my office responded to 30 requests under the Freedom of Information Act for information relating to my work. These included questions about my diary commitments, the standards system in the House of Commons, 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

17. My office has continued to maintain good working relationships with the Commissioners for the devolved administrations and with other standards bodies, who have this year made helpful contributions to my consultations on the Code of Conduct.

18. We also maintain positive links with the Compliance Officer in the Independent Parliamentary Standards Authority (IPSA), who has had responsibility for inquiring into alleged breaches of the rules on expenses since the 2010 election; with IPSA itself; the Electoral Commission; the Committee on Standards in Public Life; the Registrar of Consultant Lobbyists; and with the police.

International work and other outreach

19. 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

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

colleagues from my office have met, among others, visitors from Indonesia, Kyrgyzstan, Guyana, USA, Albania and Ukraine. The Registrar visited the Moroccan Parliament as part of an EU-funded initiative. 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 University College, London and Hull University. My team provides workshops on the rules relating to the proper use of House-provided resources, the APPG rules and on registration of financial interests. During 2016–17, they ran a total of 17 such workshops.

Advice to MPs and others

20. 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, including advice concerning the use of the facilities of the House.

21. While I have, as in previous years, personally had such discussions with a small number of MPs, in practice the responsibility for specific advice on the Register of Members’ Financial Interests is largely delegated to the Registrar and her team. She also advises MPs on the obligation to declare 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. This wider duty to declare relevant interests complements the obligation to register financial interests. As part of my work reviewing the Code of Conduct and the Guide to the Rules relating to the conduct of Members, and in the light of feedback from MPs about the practical application of the rules, I have considered how this dual obligation might be given more prominence and be explained more clearly. The Assistant Registrars also give technical advice on both the Members’ Register and the Registers for Members’ Staff, and on the All-Party Parliamentary Groups and Journalists’ Registers. The provision of accurate and up-to-date advice has continued to be particularly important following the introduction of new rules in May 2015.

22. 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

23. In 2016–17 I continued to work within the procedures previously agreed by the Committee on Standards and Privileges. These require that I should have the name, signature, and address of the individual making an allegation, as well as sufficient evidence to justify beginning an inquiry. In practice, this means I may accept an allegation for investigation only after receiving it in hard copy. I regard this requirement as unnecessary and cumbersome and hope that it may be addressed in the ongoing review of the Code and Guide to the Rules. Currently 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 for submitting a formal allegation is explained to the individual. 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 2016–17 and also gives some information about other complaints and enquiries which we have received.

24. 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 allegations 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.

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

26. If the matter raised falls within the remit of another person or organisation I will where possible point 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. (During 2016–17 my office responded within 5 days to 91% of the allegations received.)

27. 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. The only self-referral I received during 2016–17 arrived after I had already received an allegation about the same matter from another MP. (During 2016–17, I concluded one self-referral which I had received during 2015–16.)

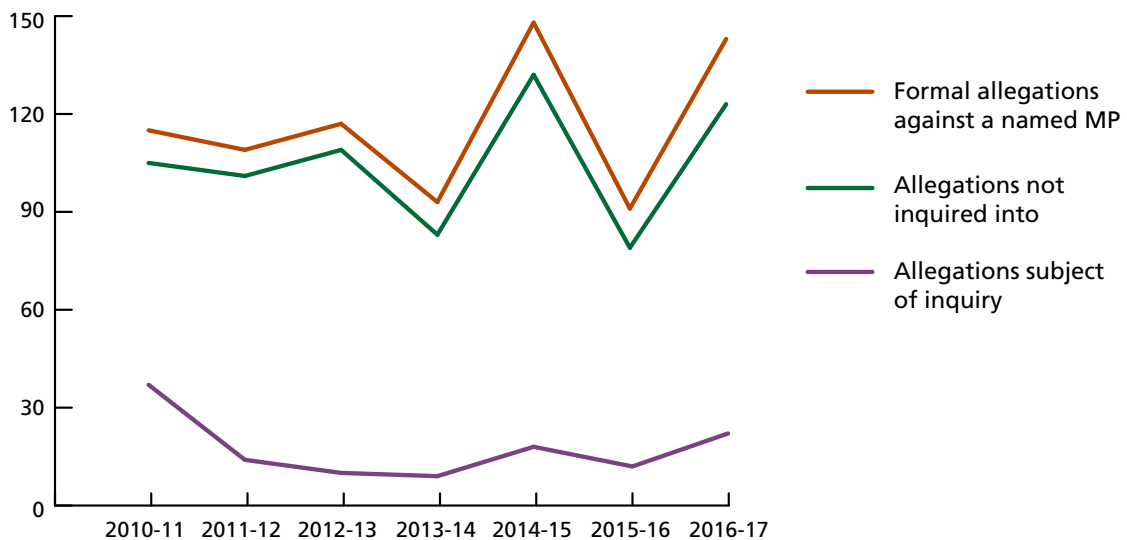
28. I may also decide to start an inquiry on my own initiative. In 2016–17 I started one inquiry on my own initiative. This was one of three inquiries I began into alleged breaches of the rules specific to All-Party Parliamentary Groups.

Allegations received and accepted for inquiry

Table 1: Allegations received from 2010–11 to 2016–17

	2010–11	2011–12	2012–13	2013–14	2014–15	2015–16	2016–17
Formal allegations against a named MP	115	109	117	93	148	91	143
Allegations subject of inquiry	37	14	10	9	18	12	20*
Allegations not inquired into	105	101	109	83	132	79	123

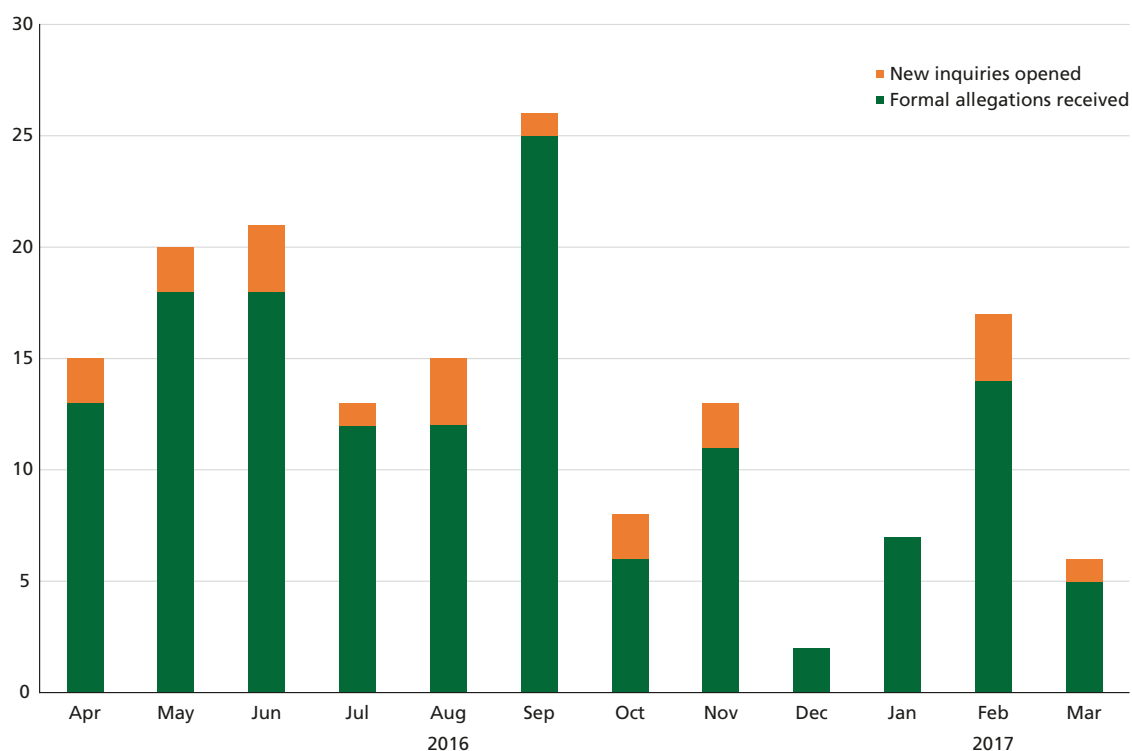
*The figures include 3 allegations about breaches of the APPG rules, one of which I began on my own initiative



29. In the year beginning 1 April 2016, 143 formal allegations about MPs were received. This is a significantly larger figure than has generally been received in recent years and is a marked increase in the proportion of the total number of allegations received. (In 2016–17 almost 23% of allegations were made in hard copy, in 2015–16 only 8% of the total number of allegations were made in hard copy.) However, the vast majority of allegations continue to be received by email (462 of 627). As the table below indicates, the number of formal allegations received each month has varied considerably. The higher numbers in the first half of the year (table 2) largely reflect activity related to the local elections and the EU referendum.

Table 2: Allegations received and accepted for inquiry in 2016–17

	2016									2017			Total
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
Formal allegations received	13	18	18	12	12	25	6	11	2	7	14	5	143
New inquiries opened	2	2	3	1	3	1	2	2	0	0	3	1	20

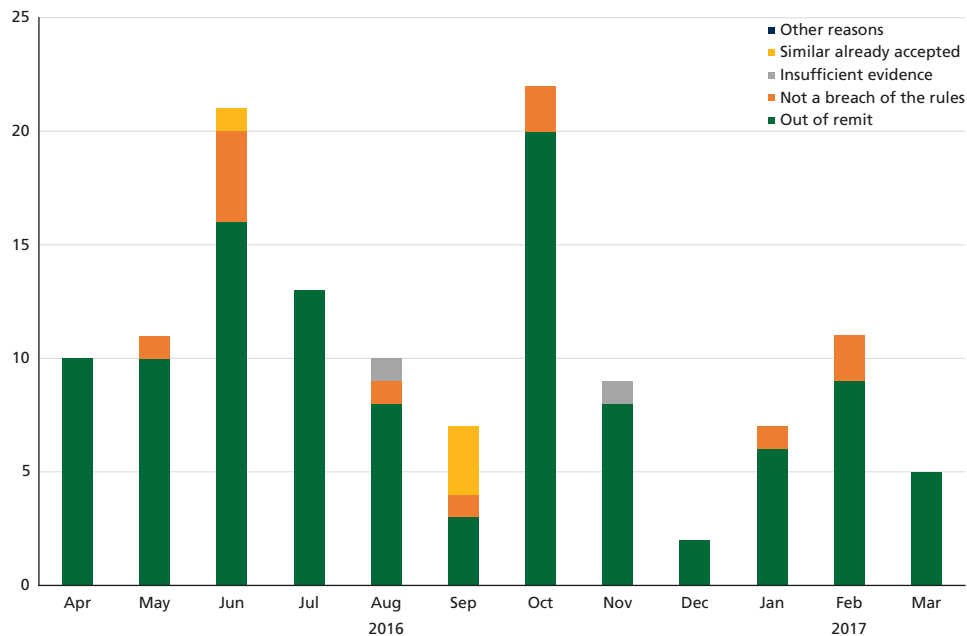


30. Each allegation was considered carefully to see whether it fell within my remit and, if so, whether I had sufficient evidence to justify beginning an inquiry. I accepted 17 allegations about the conduct of MPs for inquiry, in addition to two allegations about All-Party Parliamentary Groups and one own-initiative inquiry (also about an All-Party Parliamentary Group). The 17 inquiries about MPs concerned 17 different MPs. On 31 March 2017 I carried forward five inquiries. Of these, I had initiated four within the last two months of the 2016–17 reporting year.

Allegations not accepted for inquiry in 2016–17

Table 3: Allegations not accepted for inquiry in 2016–17

	2016									2017			Total
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
Out of remit	10	10	16	13	8	3	20	8	2	6	9	5	110
Not a breach of the rules	0	1	4	0	1	1	2	0	0	1	2	0	12
Insufficient evidence	0	0	0	0	1	0	0	1	0	0	0	0	2
Similar already accepted	0	0	1	0	0	3	0	0	0	0	0	0	4
Other reasons	0	0	0	0	0	0	0	0	0	0	0	0	0



31. As in previous years, most of the allegations received in 2016–17 were not accepted for investigation. This is the case in most complaints systems, and has happened 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 high proportion reflects a widely held 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 three-quarters of the formal complaints I received (110 of 143–77%) were outside my remit in 2016.

32. As in the previous three years, 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.

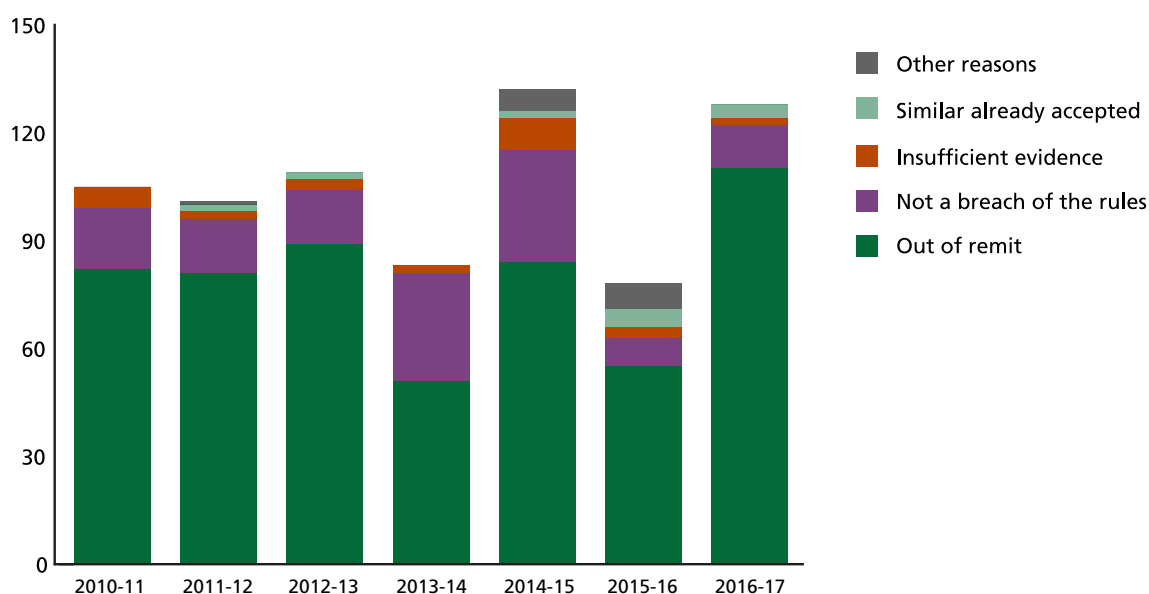
33. Throughout my tenure I have commented that it is understandable that many of the people who contact my office are not familiar with the detailed rules of the House and do not appreciate that the Commissioner may only look into the areas defined by the rules of

conduct. The reasons for this do not change and, without a clearly definable target audience, it is difficult to see how the underlying misconceptions can be addressed. Many of the people who contact my office have had no previous contact with the House of Commons and 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. This may cause particular concern if an individual has asked an MP to refer a matter to the Parliamentary Ombudsman, who cannot currently investigate a complaint without an MP referral. In such circumstances people are often very disappointed to learn that I am unable to intervene to override the MP's 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 during, and outside of, parliamentary proceedings. Complaints about such matters form another significant, and in 2016–17 larger, part of the out-of-remit numbers.

34. I may accept an allegation for inquiry only if there is sufficient evidence to justify doing so. In 2016–17 two allegations of breaches of the rules were not accepted for investigation because the evidence provided was insufficient. In each case my office first gave the individual making the allegation a reasonable period of 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.

Table 4: Reasons for not enquiring into allegations 2010–11 to 2016–17

	2010–11	2011–12	2012–13	2013–14	2014–15	2015–16	2016–17
Out of remit	82	81	89	51	84	55	110
Not a breach of the rules	17	15	15	30	31	8	12
Insufficient evidence	6	2	3	2	9	3	2
Similar already accepted	0	2	2	0	2	5	4
Other reasons	0	1	0	0	6	7	0



Formal allegations, other complaint-related work and enquiries

35. 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.

36. The second category comprises allegations made by email and telephone. In addition to the 143 formal allegations received, my office handled 484 more by email and telephone, making a total of 627 allegations and complaints received about named MPs. This is a little over half the number received in 2015–16 but an increase on the number received in 2014–15. The total number of allegations and complaints received fluctuated very considerably during the year. While I continue to receive clusters of complaints and allegations which closely reflect media coverage of certain events, the figures this year have not been distorted as significantly by a single event as they were in 2015–16, when one single incident generated over 600 contacts in a period of a week.

37. Of the allegations made by email and telephone, more than 90% concerned matters outside my remit and my office was able to advise the individual that I would not be able to begin an inquiry even if they were to submit a formal allegation in writing. (Some of those individuals later wrote to me and each of these matters was considered afresh on the basis of all the material submitted. Such complaints are counted only once in the statistics.) In many cases the allegation about the MP was, in fact, a peripheral concern 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.

38. The third category is much broader than the first two. 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.

39. The Commissioner's office has long been the recipient of such enquiries. In 2014–15 when we attempted to quantify them for the first time, we recorded 458 such enquiries. In 2015–16 we recorded 578 enquiries and in 2016–17 we recorded 509. (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.) While the resource committed to this work is less than that for the first two categories, the statistics now capture more fully the volume of complaints received.

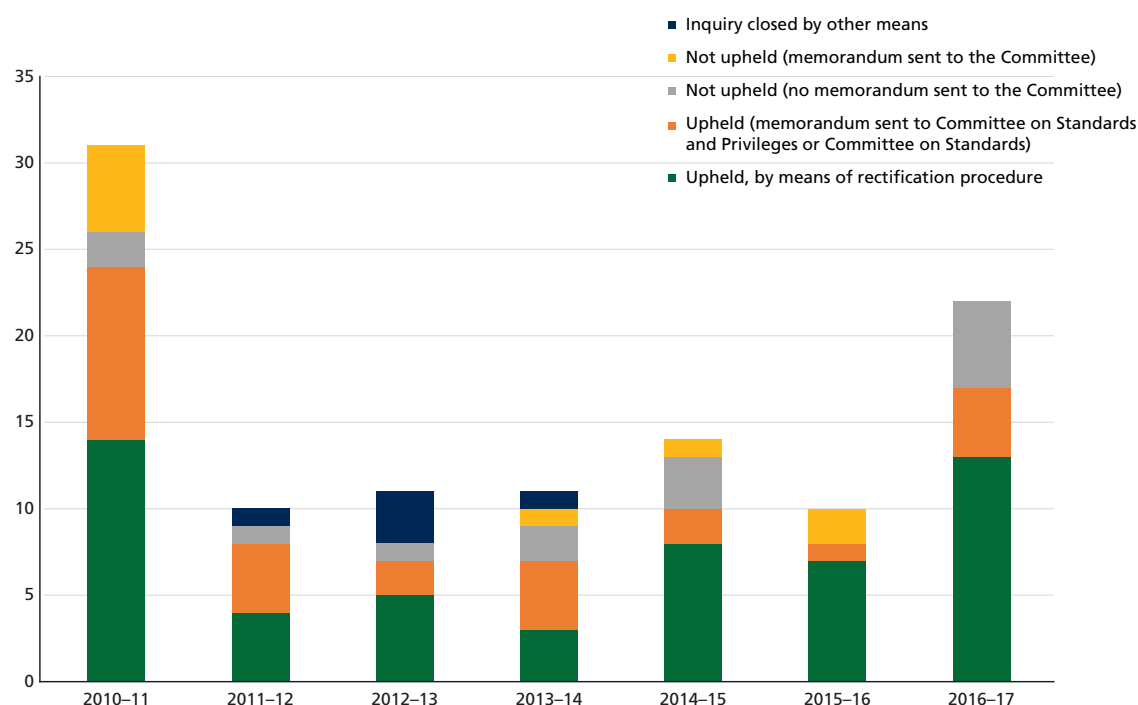
40. On learning that I cannot or will not begin an inquiry, individuals are often, and understandably, disappointed. However, a surprising number do appreciate the explanations and information that my office provides. In 2016–17, we noted 44 expressions of appreciation.

Resolution of Inquiries

Table 5: Allegations resolved from 2010–11 to 2016–17

	2010–11	2011–12	2012–13	2013–14	2014–15	2015–16	2016–17
Upheld, by means of rectification procedure	14	4	5	3	8	7	13
Upheld (memorandum sent to Committee on Standards and Privileges or Committee on Standards)	10	4	2	4	2	1	4
Not upheld (no memorandum sent to the Committee)	2	1	1	2	3	0	5
Not upheld (memorandum sent to the Committee)	5	0	0	1	1	2	0
Inquiry closed by other means	0	1	3	1	0	0	1*
Total allegations resolved	32	12	9	10	14	10	23

*discontinued (inquiry established the allegation concerned events which were out of remit)



41. When I have accepted an allegation for inquiry there are generally three possible outcomes, each of which is made public on conclusion of the work. 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.⁴ In five cases this year I did not uphold the allegation at the end of the inquiry. Two of these concerned alleged failures to register, two concerned alleged failures to make a required declaration and one was an allegation of late registration. In each of these cases, the enquiries necessary to establish the relevant facts could not have been made without first beginning an inquiry. I recognise that the fact that I have begun an inquiry is of concern, and sometimes causes a degree of distress, to the MP concerned. I am also aware that some MPs feel that, where an allegation is not upheld, I should publish only that fact and no other information. However, I think it is important that I explain clearly why I have not upheld an allegation, not least in the interest of fairness to the MP concerned. Otherwise, the basis for my dismissal of an allegation will not be transparent and the reasons for it may be misconstrued.

42. 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 using what is known as the “rectification procedure”. This 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 the cost of resources wrongly used or making an apology to the House for having failed to declare a relevant interest during proceedings. Following a rectification, I inform the Committee on Standards of my decision and publish the outcome on my webpages. (I also publish all of the evidence on which I have relied and the reasons for my decision.) I resolved 13 inquiries in this way in 2016–17.

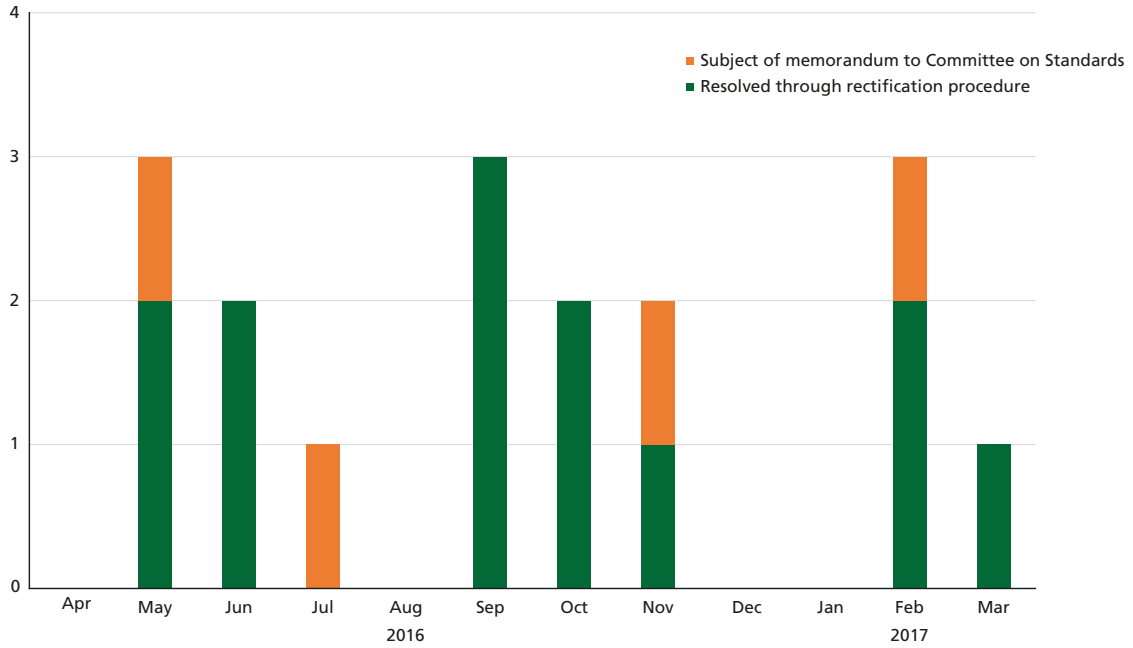
43. In other cases, I report the findings of an inquiry by submitting a formal Memorandum to the Committee on Standards. I generally submit a Memorandum to the Committee only where I find a serious breach of the rules or where I identify an issue of wider significance which I wish to draw to the attention of the Committee. Minor breaches of the rules will be referred to the Committee only where the MP does not accept, or will not apologise for, the breach I have identified. Where I have found a breach of the rules, 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.

4 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

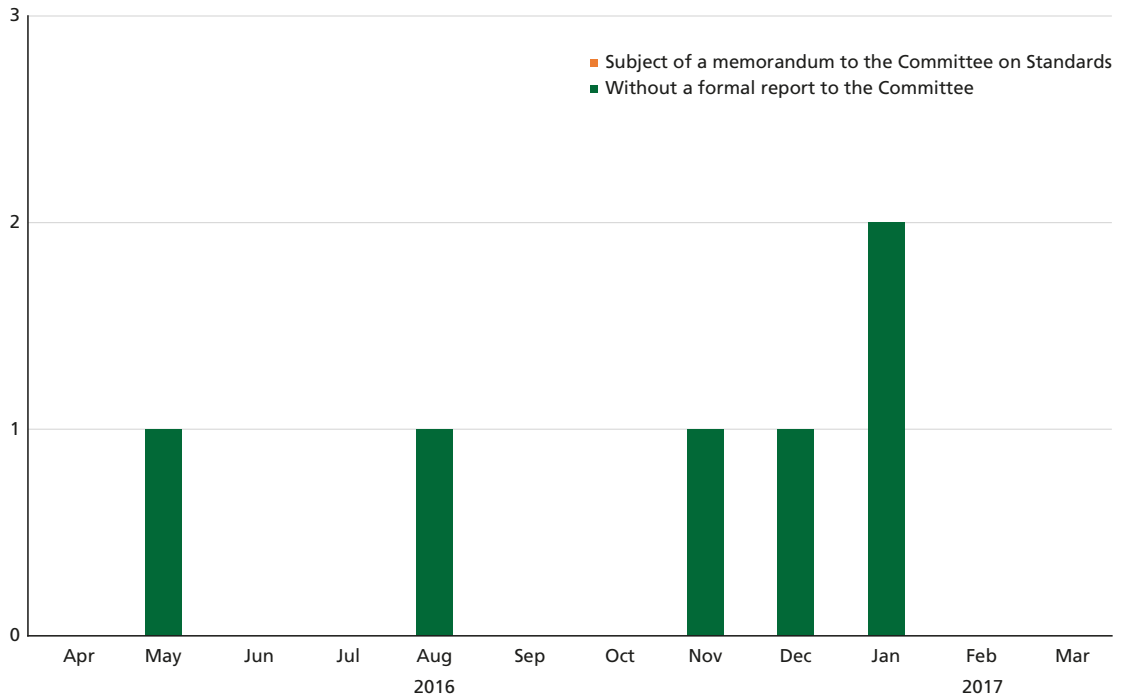
Table 6: Inquiries resolved in 2016–17

	2016									2017			Total
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
ALLEGATIONS UPHELD													
Resolved through rectification procedure	0	2	2	0	0	3	2	1	0	0	2	1	13
Subject of memorandum to Committee on Standards	0	1	0	1	0	0	0	1	0	0	1	0	4
Total allegations upheld	0	3	2	1	0	3	2	2	0	0	3	1	17
ALLEGATIONS NOT UPHELD													
Without a formal report to the Committee	0	1	0	0	1	0	0	1	1	2	0	0	6
Subject of a memorandum to the Committee on Standards	0	0	0	0	0	0	0	0	0	0	0	0	0
Total allegations not upheld	0	1	0	0	1	0	0	1	1	2	0	0	6
Total allegations inquired into and resolved	0	4	2	1	1	3	2	3	1	2	3	1	23

Allegations upheld



Allegations not upheld



44. During the year, I completed 22 inquiries and discontinued one. (These included eight inquiries brought forward from 2015–16.) 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.

- Five inquiries were not upheld (in addition to one which I discontinued and reported formally as not upheld in April 2016 and on which I commented in my 2015–16 Annual Report). The five inquiries I completed all concerned either registration or declaration of financial interests. My decisions and the relevant evidence are available on my webpages.
- 13 inquiries were resolved informally using the rectification procedure. My decisions and all the relevant evidence for all of these cases are available on my webpages.
- Four 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 webpages.

45. On 31 March 2017 I had five inquiries in hand, four of which I had begun in the last two months of the reporting period. These were carried forward for completion during 2017–18.

Time taken to make decisions on allegations received in 2016–17

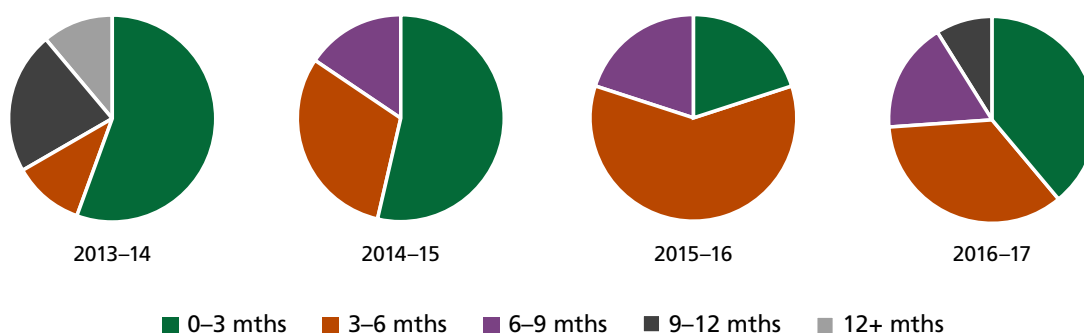
46. The Commissioner’s office is small (see section 5) and fewer than half of the staff are deployed on this aspect of my work. The decision to accept an allegation for inquiry is for the Commissioner alone, and the Commissioner’s role is part-time (three days per week). The complexity of each referral 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. I aim to give 95% of complainants a decision within five days of receipt.

47. During 2016–17 my office received a total of 627 complaints about named MPs by email and telephone (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 72% complaints the decision was issued with one working day and in 91% the decision was issued within 5 working days.⁵

Time taken to resolve inquiries

Table 7: Time taken to resolve inquiries

YEAR	ELAPSED TIME IN MONTHS				
	0–3 months	3–6 months	6–9 months	9–12 months	12+ months
2013–14	5	1	0	2	1
2014–15 ⁶	7	4	2	0	0
2015–16	2	6	2	0	0
2016–17	9	8	4	2	0



48. As in previous years, an analysis of the time taken shows considerable variation in the length of inquiries. In 2016–17 the time taken varied from 18 working days⁷ to 321 working days. (In the longest of these inquiries my work was delayed pending the outcome of a police investigation into a related matter.) There are many other reasons for the variation in the length of time taken. These 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.

49. The subject matter of my inquiries in 2016–17 was markedly different from the inquiries I concluded during the 2015–16 business year, which spanned the 2015 General Election period. In that year, half of the inquiries I completed concerned the alleged misuse of House-provided stationery. In 2016–17, I completed one such inquiry and, this was, as usual, among the shortest of the inquiries. 17 of the 23 inquiries I completed in 2016–17 concerned registration and/or declaration of the MP’s financial interests (two concerned both registration and declaration). The time necessary to conclude these inquiries varied enormously, and they include both the shortest and second longest inquiries.

Reports to the Committee on Standards

50. During the year, I submitted four memoranda to the Committee on Standards. The cases are summarised below.

51. My first Memorandum to the Committee concerned allegations of breaches of the House’s rules on the disclosure of financial interests. The allegation was that, when tabling

6 Includes two APG investigations

7 Excludes weekends and public holidays

five Written Questions, the MP had failed to declare a relevant indirect financial interest. I later included a further allegation that he had failed to declare that interest on five occasions when speaking in the House on matters to which that interest was also relevant.

52. My inquiry might have been concluded considerably sooner if the MP had recognised from the outset that any inconsistency with information already publicly available would require explanation and had he recognised the relevance of all the information I obtained about his wife’s past and present employment. The MP’s responses to my enquiries did not clarify whether he had failed to consider the relevance of his wife’s professional status and her employer nor whether he actively decided not to make a declaration based on an incorrect formulation of the test of relevance.

53. I concluded that the rules of the House had required the MP to make a declaration of a relevant financial interest on each of the ten occasions I investigated. Over a period of several years the MP had not declared his wife’s profession and/or her employer on occasions when those indirect interests might reasonably be thought by others to influence his actions or words as an MP. In my assessment, the number of occasions the MP had breached the rules and the period of time over which those breaches occurred made this a serious matter. The MP did not accept my decision and I referred the matter to the Committee. I also drew to their attention comments the MP had made publically while my inquiry was in progress, which I did not consider to be respectful to the standards system of the House.

54. The Committee agreed that the MP had acted in breach of the House’s rules of conduct. They recommended that he should make a formal written apology, which the MP subsequently did.

55. My second Memorandum reported to the Committee the outcome of my work on an inquiry which I began at the request of the Chair of the Committee of Privileges. The referral arose from the disclosure of a draft Select Committee Report to a witness by a member of the relevant Select Committee. The matter had already been considered by the Select Committee and by the Liaison Committee.

56. I found that the MP had breached paragraph 14 of the Code of Conduct for Members, which says “Information which Members receive in confidence in the course of their parliamentary duties should be used only in connection with those duties.” I found no evidence of any other breach of the rules of conduct. I referred the matter to the Committee on Standards for it to reach its own view on that matter and on whether it could deal fully with the issues raised. Because of the privilege issues, the Committee on Standards referred my memorandum to the Committee of Privileges. The MP was subsequently suspended for two days.

57. My third Memorandum to the Committee on Standards concerned an allegation that the MP had breached the rules of the House, by accepting payment to a charity in return for arranging events in Parliament between 2011 and 2014 while working as a parliamentary adviser for a trade body. My inquiry centred on the interaction between the Code of Conduct, the banqueting regulations and the unwritten but established advice at that time that payments made in connection with work done by an MP should be registered even when passed direct to a charity or other party. Such payments were, and still are, regarded as earnings from employment.

58. My investigation showed that the MP had conscientiously followed the rules on the registration and declaration of his interests. However, the banqueting regulations said at the relevant times that, “*the private dining facilities [were] not to be used for the direct or indirect financial or material gain by a Sponsor, political party, or any other person or outside organisation*”. The MP’s agreement for the provision of services linked the arrangement of occasional events at the House of Commons to payment. This remuneration (albeit donated to charity) was a benefit to a sponsor, which amounted to a breach of the banqueting regulations which in turn put the MP in breach of paragraph 14 (later 15) of the Code of Conduct for Members.

59. The section of my Memorandum which dealt with those rules indicates the depth of consideration and the subtleties which were involved. I arrived at my conclusion having considered the relationship between two sets of rules/regulations, both of which were to be read in the context of the overarching standards and aims set out by the Code of Conduct itself.

60. The Committee agreed that the MP had acted in breach of the rules. They also agreed that this was a minor breach and that the inquiry had raised no doubts over the MP’s integrity and honesty. They considered no further action should be taken.

61. My fourth Memorandum to the Committee concerned alleged failures to register and to declare relevant financial interests during Committee proceedings.

62. Until 13 July 2015 the MP had registered his interest as a shareholder and unpaid director of two companies under the Shareholdings Category in the Register of Members’ Financial Interests. He informed the Registrar in July 2015 that he had reduced his holdings below the registrable threshold for that category in June 2013, and asked for his register entry relating to the companies to be removed. The MP remained a shareholder in, and unpaid director of, both companies, and he was also Company Secretary to one of them. He had a second, indirect, interest in these two companies; his wife also held shares in both companies and was Company Secretary to one.

63. The MP had been a member of the Culture, Media and Sport Select Committee since the start of the 2015 Parliament. He had taken part in some of the Committee’s evidence sessions concerning their inquiries into *Establishing World-class Connectivity throughout the UK and Cyber Security*.

64. The MP declared his direct and indirect interests in the telecommunications companies to the Committee before its first meeting, and when he participated in the Committee’s proceedings on three subsequent occasions. On two occasions (once during the *Establishing World-class Connectivity throughout the UK* Inquiry and once during the *Cyber Security* Inquiry) the MP participated in the Committee’s public evidence sessions without first making declarations of interest.

65. I considered that the nature and extent of the MP’s direct interests in the two telecommunications companies were such that “*they might reasonably be thought by others to influence his words or actions as a Member*”, and that they therefore required registration in Category 8, the Miscellaneous section of the Register in 2015. (The MP registered these interests during the course of my inquiry after the Registrar contacted

him about doing so.) I also considered that the MP should have made declarations on two occasions mentioned above, as well as on any occasion when he had participated in the Committee's discussions about including cyber security in its future work programme.

66. I explained my decisions to the MP. I invited him to acknowledge these breaches of the rules of conduct and to agree to apologise by way of a point of order for the non-declarations. The MP did not accept my determination and I submitted a Memorandum to the Committee on Standards for the Committee to reach its own decision on these matters.

67. The Committee agreed that the MP should have registered his direct interests. They also agreed that on the two occasions I had identified he should have declared direct and indirect interests before participating in the Committee's public evidence sessions. They recommended that the MP apologise to the House and that, in accordance with the usual practice, the relevant entry in the Register of Members' Financial Interests should be italicised for a period of 12 months. The Committee did not share the concern I expressed at the end of my Memorandum about representations made to me and to the Committee by other MPs.

Allegations rectified

68. During the year I resolved thirteen allegations 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.

69. The first allegation concluded in this way concerned an allegation that, when applying for an adjournment debate on child dental health, an MP did not disclose a relevant interest, namely that he was Vice President of the British Fluoridation Society (BFS), and that when participating in the debate that took place on 3 February 2016 the declaration he made did not conform with the rules of the House.

70. Having received evidence about the dates of the MP's appointment to this role and the absence of any remuneration or expenses while he was a Vice President of BFS, I concluded that the rules of the House had not required him to make a declaration in respect of that interest on 3 February 2016. I also found no evidence that the MP's oral declaration on that occasion had otherwise been deficient. However, I did find that the rules of the House had required him to declare his financial interest as a (part-time) practising dentist when he made his application for the adjournment debate, which he had not done.

71. That was a breach of the rules and a minor breach of paragraph 13 of the Code of Conduct for Members. In view of the MP's unreserved apology, no further action was required.

72. The second allegation that I resolved using the rectification procedure was that the Pro-Life APPG had breached the House's rules on transparency set out in paragraphs 21 and 24 to 26 of the Guide to the APPG Rules. I found that the Group had acted in breach of paragraphs 21, 24 and 26 of the Guide to the Rules. I upheld the allegation. The Group's

webpages should have given more information about the group and the chair's contact details; the 'look and feel' of some of the published material was so similar to that of a Select Committee that it carried the potential for confusion; and the wrong version of the Crowned Portcullis was used. I did not uphold the allegation made about a breach of paragraph 25 of the rules. The Chair of the APPG accepted and apologised for these breaches of the rules.

73. The third rectification concerned an allegation that an MP had breached the House's rules by registering certain of his financial interests in the Register of Members' Financial Interests outside the 28-day time limit set by the House. I also considered whether he had omitted to make some further registrations and whether there was evidence of any failure to make required declarations concerning any interests which were registered late.

74. I found the MP had registered outside the 28-day timeframe on many occasions and by a varying number of days. On brief examination of the Registers for the 2010 Parliament, I identified three late registrations. I found a further 19 late registrations during the 2015 Parliament. I did not find evidence either of omission to register in the Register of Members' Financial Interests donations which the House would have expected to have been disclosed, nor of failure to declare in relation to those donations which were registered late.

75. The MP acknowledged and apologised for his late registrations during the 2010 and 2015 Parliaments. I considered that to be an appropriate outcome. By the time I concluded my inquiry he was no longer a Member of the House.

76. The fourth allegation concluded under the rectification procedure was that an MP had breached paragraph 15 of the Code of Conduct for Members by posting on his website an image of a letter, produced on Houseprovided stationery, commenting on a purely party political matter. The MP immediately acknowledged and apologised for his breach of the rules and said that he had taken steps to avoid a recurrence. In light of the information the MP provided, I found he was responsible for the misuse of a single sheet of House-provided headed paper. While the cost involved was extremely small, the principle that publically funded resources should not be used to confer an undue advantage on a political organisation was nonetheless important. I considered the MP had made an appropriate response and concluded this matter using the rectification procedure provided for in Standing Order Number 150.

77. I concluded a fifth allegation by way of the rectification procedure having investigated an allegation that an MP had failed to register a donation in kind within the House's 28-day deadline for the registration of financial interests. The question turned on the dates of receipt of the donations and the dates of registration. I found that he had twice made a late registration of a donation in kind. He acknowledged and apologised for those breaches of the rules. I considered that the MP had made an acceptable response to my inquiry and that the rectification action was sufficient to bring the matter to a close.

78. The sixth rectification concerned two allegations of non-registration of an MP's shares in two companies. He held more than 15% of the total shares issued in each of the companies. The MP acknowledged and apologised for two breaches of the rules. He told me that he did not think the first of these interests had required registration because the company had never traded. (The company was still registered with Companies House, and

formal deregistration was to be achieved by omitting to file an annual return.) The MP said that his failure to register his interest in the second company had been an oversight; he had believed he had made a registration when, in fact, he had not done so.

79. I was satisfied that the MP had not been actively trying to conceal his financial interests; I accepted that his failures to make the required registrations within a month of the May 2015 General Election were the result of genuine misunderstandings on his part. Nonetheless, the omissions had put the MP in breach of the House's rules and paragraph 13 of the Code of Conduct for Members. I considered the MP had made an acceptable response and concluded the matter using the rectification procedure.

80. The seventh rectification was the conclusion of a self-referral begun in 2015–16, when the MP asked me to consider an allegation put to him that he had failed to register hospitality he had received from a football club during 2015.

81. I began an inquiry, during which, the MP told me that he had been under the mistaken belief that the threshold for registration of such gifts had remained at £660 after the May 2015 General Election. The threshold had been reduced to a cumulative total of £300 from the same source in a calendar year. This misunderstanding caused me some concern as considerable efforts had been made to ensure that returning MPs were alerted to changes in the rules.

82. The MP had registered late hospitality he had received between 22 August and 12 December 2015. I was satisfied that the late registration was a genuine error and not an attempt to conceal a registrable interest. In the light of the MP's acknowledgement of and apology for his breach of the rules, I concluded the matter using the rectification process. On the basis of the information the MP provided, I found that his attendances at the football club during 2011 and 2014 had not been registrable.

83. I was also concerned by the MP's apparent misunderstanding of the rules on the declaration of relevant interests. To assist the MP for the future, I asked the Registrar to offer him an appointment, which he accepted, to discuss the operation of the relevant rules.

84. An allegation received in March 2016 led to the eighth rectification. This allegation was that the MP had been slow to register numerous large donations, in breach of paragraph 13 of the Code of conduct, and that he might also have failed to make appropriate declarations in respect of these donations.

85. The situation was unusual in that the MP had written to me to apologise when the late registrations were first made in June 2015. The MP had had a briefing with the Registrar about his responsibilities under paragraph 13 of the Code at that time, and I did not consider an own initiative inquiry would have been justified.

86. However, the allegation I received raised two fresh issues as well as those the MP had already acknowledged. One concerned shareholdings and the other a more recent donation. Following advice from the Registrar, I concluded that the shareholdings had not been of sufficient value in the relevant period for them to have been declarable. I also concluded that the more recent donation had not required registration, because it had not been "linked" to the MP. The breaches of the rules that I found, all arose from the

late registrations made in 2015 for which the MP had already apologised. In light of that and with the MP's agreement, I arranged for relevant parts of the Register to be placed in italics. That action was sufficient to conclude the matter under the rectification procedure.

87. The ninth allegation concluded under the rectification procedure concerned an allegation that an MP failed to register hospitality he and a guest had received by way of attendance at an awards ceremony. The MP told me that he had made enquiries at the relevant time about the value of the hospitality provided to him and his guest and had understood that the total value was below the threshold for registration. I found that it was not absolutely clear that the information he had been given included his guest and, on making further enquiries of the provider, established that the total value of the hospitality had been above the threshold for registration. I therefore upheld the allegation. The MP acknowledged and apologised for his breach of the rules and I concluded the matter using the rectification procedure.

88. The tenth allegation concluded under the rectification procedure was that an MP had failed to keep information received in confidence in the course of parliamentary duties separate from his party political activities in breach of paragraphs 14 and 15 of the Code of Conduct. The MP appeared to have used his parliamentary email account to send unsolicited email newsletters, some of which might be considered to contain party political content, to a member of the public who had approached him about other matters. She alleged that even when she "unsubscribed" she was placed on the list again when she next contacted him.

89. During my inquiry, I established that when an individual contacted the MP's parliamentary email address they were routinely notified that they would be added to the distribution list for his newsletter. Correspondents could not opt out until the first one had been sent to them.

90. I referred to previous decisions I had made on the political content of newsletters and drew to the MP's attention the importance of keeping the contact details of correspondents obtained from parliamentary work separate from party political material. The MP later wrote to me acknowledging that the particular newsletter I had drawn to his attention was in breach of the rule against using public resources to confer undue advantage on a political organisation. The MP provided evidence that the complainant had not used the "unsubscribe" facility and that the software he used prevented the addition of an email address which had been unsubscribed.

91. I concluded that the MP had acted in breach of paragraphs 14 and 15 of the Code of Conduct. He had misused personal data provided to him in confidence in the course of his parliamentary duties and he had misused publically provided resources to distribute a newsletter containing party political material.

92. I asked the MP to acknowledge his breaches of the rules and to apologise for them, which he did. On this basis I concluded the matter through rectification.

93. I investigated an allegation that an MP had not declared his interest as a non-executive chairman of a telecommunications network provider when speaking in a debate in the House. This led to the eleventh case to be concluded under the rectification procedure. The MP explained that this was an oversight which occurred very shortly after he was first elected to the House. He had recorded the interest in the Register of Members' Financial

Interests and had intended to make a declaration but had omitted to do so. He sent me a copy of his speaking notes which made his intention clear. I accepted that this had been a genuine mistake and there was no attempt to conceal his interest. The matter was concluded by rectification and the MP made an apology to the House.

94. The twelfth allegation concluded in this way was an allegation that the MP had not declared a relevant financial interest when participating in a Westminster Hall debate on 25 March 2015. (I also considered whether he had made necessary declarations on other occasions.)

95. I found that the MP had not considered whether he had an interest which might reasonably be thought by others to influence his words or actions as an MP, when intervening in a debate on 25 March 2015. He had, as a result, omitted to make a declaration necessary under the rules of the House. This was a breach of paragraph 13 of the Code of Conduct for Members. The MP acknowledged and apologised for this breach of the rules. He later identified two other occasions on which he omitted to make a declaration of interest.⁸ He agreed to make an apology, by way of a point of order, to the House. I considered the MP had made an appropriate response and concluded the inquiry by way of the rectification procedure.

96. I concluded the thirteenth rectification when I considered an allegation that the MP should have registered his redundancy payments from his former employment and that the allegedly better than market terms of a mortgage on his property should also have been registered. This inquiry took almost 12 months to complete because of the difficulty in verifying some of the facts where contemporaneous evidence was not easily available. During the course of my inquiry, I identified three further aspects of the MP's financial arrangements which might have given rise to benefits which required disclosure and I investigated those matters as well before concluding my work.

97. The Registrar told me that she would have advised the MP to register his redundancy payments, which were paid to him in instalments, with the last payment being made three years after his election. However, he had not sought her advice and had not been under an obligation to do so. Although the advice of the Registrar was sound, I concluded that the Guide to the Rules on the Conduct of Members had not been sufficiently explicit on this point during the 2010 Parliament for it to be reasonable to treat an omission to register as a breach of the rules. (The rule has since been clarified.) I did not, therefore, uphold this allegation.

98. The MP's mortgage had terminated some three years before he became an MP and the question of the terms of that mortgage and whether they amount to a registrable benefit therefore did not arise. I did not uphold this allegation.

99. However, in the course of my inquiries into the MP's financial arrangements, I considered whether he should have registered in the Register of Members' Financial Interests the fact that his former employer had held a 15% share in his property until May 2013. Given that he had not paid rent in respect of his occupation of their share of his property and that no part of his property was designated for the employer's use, I

8 On 9 October 2013 when he submitted a written Question to the Transport Secretary & on 31 October 2013 when he spoke on the High Speed Rail (Preparation) Bill

found it was a registrable benefit under the Miscellaneous Category, I found that the MP had breached paragraph 13 of the Code of Conduct by not registering that relationship between May 2010 and May 2013.

100. The MP should also have declared a relevant interest when tabling a written Question in March 2013 when his former employer’s interest in his property at that time might reasonably be considered by others to influence his words or actions as an MP. I did not find evidence that the third aspect of the MP’s financial affairs which I examined gave rise to a breach in the rules. The MP rectified the two breaches I had identified by way of an apology to the House.

Allegations not upheld

101. The allegations I did not uphold included the allegation that an MP had failed to declare, when it would have been relevant to do so, allegedly preferential terms allowed him by a firm of bookmakers since 2006. (As the allegation turned on events which were said to have occurred more than seven years earlier, I first obtained the approval of the Committee on Standards to begin an inquiry.)

102. I did not find evidence to substantiate the allegation. The individual who brought the allegation to my attention (a journalist) had provided me with a transcript of a meeting he had had with an unidentified source, who appeared to be a relevant witness. During my investigation, the journalist’s source declined to disclose his/her identity to me. I did not consider it would be appropriate to ask the Committee to consider calling on the journalist to provide details of his source. The evidence provided by the Member and the firm of bookmakers was consistent and did not suggest further enquiries were merited. I decided I should not attach more weight to the evidence from an anonymous source than from the MP and the firm of bookmakers and, in the absence of evidence of a breach of the rules, I did not uphold the allegation.

103. I also did not uphold an allegation that an MP had asked a series of questions in the House about grants which affected companies owned by one of his siblings. It was alleged that he had not declared an indirect interest, in breach of paragraph 13 of the Code of Conduct. As part of the investigation I also considered the MP’s own interests in the relevant area.

104. The MP told me that the allegation referred to a particular group of companies which had since been split up and that he had had an investment of 1.3% valued at £55–60,000. This being below the thresholds for registration he did not believe this needed to be declared. He also told me that his office had found out that his sibling had had an interest in a similar firm which had been liquidated in 2013 and that since that time his sibling had had no investments in the relevant area.

105. The MP told me that he had a very large family with “*brothers and sisters all over the world*” and it would not be practical for him to keep up to date with their business or investment activity. He did not know the details of the relevant sibling’s investments and did not consider there had been anything for him to declare.

106. I sought the advice of the Registrar who saw no evidence to make her think that she would have expected the MP to declare an interest. A sibling's interest might need to be declared if it would reasonably be thought to influence an MP's words or actions as an MP. While the public would normally expect an MP to be aware of a partner's or sibling's employment this would not necessarily be true of shareholdings or investments. On the basis of the MP's evidence and this advice I did not uphold the allegation.

107. The third investigation I did not uphold concerned the non-registration of an MP's interests in a Limited Liability Partnership (LLP). During the course of the inquiry I established that partnership points in the LLP were not traded on the open market and their market value was assessed only on a change of ownership.

108. I did not uphold the allegation in respect of the MP's conduct during the 2010 Parliament. On their acquisition in July 2012, the MP's partnership points were valued at £35,340 and the MP held less than 1% of the total available points. When the MP purchased some additional points in 2013 the value of the points increased to approximately £41,700. There was no evidence that the partnership points had reached the threshold for registration during the 2010 Parliament.

109. Since May 2015 the Guide to the Rules relating to the conduct of Members has made clear that shareholdings (including interests in LLPs or other partnerships) should be registered based on their value on the preceding 5 April. If this is not possible, the MP should make their best estimate of the value on that date and register the holding within 28 days of the 5 April valuation. The MP was required to make her first registration of interests within one month of her re-election in May 2015. The necessity of registering her interest in the LLP was dependent on the estimated value of her partnership points a month earlier, on 5 April 2015. On the basis of the evidence provided, I had no reason to think her partnership points exceeded the new registration threshold (£70,000) on that date.

110. In the normal course of events, the rules of the House would not have required another estimation of the value of the partnership points until 5 April 2016. However, a journalist asked the MP about the value of her partnership points in January 2016. She sought a valuation and, finding that they had increased significantly in value in the intervening period, she registered her interest accordingly.

111. The evidence I found in the course of my inquiry showed that the MP had acted in accordance with the rules. The value of her interest in the LLP was not easily ascertainable as the partnership points were not traded on the open market; and, in those circumstances, the rules required (from 2015) that the MP should obtain a valuation at the start of each tax year.

112. As part of my inquiry, I also considered whether the rules of the House would have required a declaration of interest when the MP stood for chair of the Public Accounts Committee. In light of the information the MP provided about the nature of the LLP's business, i.e. that it is a general investment manager with no specific focus on a specialist area, and about the value of her interests, I did not find her in breach of the rules by not making a declaration when seeking election as chair of the Public Accounts Select Committee

113. The final two allegations which I did not uphold were two separate allegations concerning the non-registration of parking permits provided to MPs for use in connection with their official duties. During the course of my inquiries, I established that the maximum possible value of each parking permit was significantly below the registrable threshold and that the MPs had not, therefore, acted in breach of the rules. I did not uphold either allegation.

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

Introduction

114. 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).

115. 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.

116. 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.

Register of Members' Financial Interests

117. 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.”

118. 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. 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.

119. In order to prepare each edition of the Register for publication, the registry team transcribe details of new interests, which they have received from MPs. The team also removes details of those which are time expired. (Interests remain in the Register for twelve months after they have ceased.) During 2016–17 my office published 20 online editions of the Register. (We no longer publish the Register in hard copy.)

120. 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 which the Electoral Commission records and publishes on its website. The Committee on Standards takes a serious view of late registration.

121. 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 the advice we provide for MPs, my office offers workshops for MPs' staff on the Register of Members' Financial Interests. During the year the registry staff delivered five such workshops.

Register of Interests of Members' Secretaries and Research Assistants

122. 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 (£370 from 1 April 2016 to 31 March 2017) 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.

123. The number of registered staff on 31 March 2017 was 2,022. This includes 38 staff who both hold a spouse pass and work for an MP.⁹ The number of those staff with registered interests was 354 on 31 March 2017. These figures represent an increase on those for 31 March 2016, when 1,905 staff, of whom 325 had registered interests, appeared on the Register.

124. There is considerable turnover among MPs' staff, and when preparing each Register we remove the names of those staff who are known to have left their jobs or whose security pass has expired. Some of these may later reappear on the Register, for example if they renew a lapsed security pass or if they work for another MP. During the year 625 staff were removed from the Register and not reinstated.

125. My office published eight editions of the Staff Register in 2016–17.

9 The holders of spouse passes who do not work for an MP are not registered.

Register of All-Party Parliamentary Groups

126. An All-Party Parliamentary Group consists of parliamentarians who join together to pursue a particular topic or interest. Some groups also permit others to join as non-voting members.

127. There are two types of groups: subject groups and country groups. The number of registered groups rose during the year, from 568 groups registered on 31 March 2016, to 626 groups registered on 31 March 2017. Of the 626 groups, 131 were country groups (21% of the total) and 495 were subject groups (79% of the total): roughly the same split as on 31 March 2016. The number of groups with registered financial or material benefits increased during the year from 268 (47% of the total) on 31 March 2016 to 338 (54% of the total) on 31 March 2017.

128. In order to use the title All-Party Parliamentary Group, a group must be open to members of both Houses, regardless of party affiliation, and must satisfy the rules which the House has approved. New rules, which are explained in the Guide to the Rules for All-Party Parliamentary Groups, have applied since the beginning of the 2015 Parliament. During the year 40 groups were removed from the Register because they had failed to satisfy the requirements of these.¹⁰

129. New rules for APPGs were introduced in 2015 and during the year 2016–17 the registry team delivered six seminars for MPs' staff and others on the rules for All-Party Parliamentary Groups. My office published nine editions of the Groups' Register in 2016–17. The changes in the rules, which have sought to safeguard the reputation of groups and of the House, have, almost inevitably, led to a small number of allegations about breaches of the rules. The one such case I reported on in 2016–17 was upheld and concluded under the rectification procedure.

Register of Journalists' Interests

130. 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 (£740 from 1 April 2016 to 31 March 2017).

131. The number of registered journalists on 31 March 2017 was 417, little changed from the 420 registered on 31 March 2016. The number of journalists with registered interests was 66 on 31 March 2017, little changed from the 64 with registered interests on 31 March 2016. My office published eight editions of the Journalists' Register in 2016–17.

¹⁰ This figure does not include those groups who were temporarily removed from the Register and then reinstated, or those who disbanded voluntarily.

5 Resourcing the work

132. The table below shows the costs of running my office in 2016–17 and in previous years.

Table 8: Costs of running the Commissioner’s office 2010–11 to 2016–17

Year	2010–11	2011–12	2012–13	2013–14	2014–15	2015–16	2016–17
Staffing, etc.	584,579	450,000*	373,987	442,733	402,551	423,838	433,556
Other running costs	15,071	6,871	5,194	3,713	4,213	1,116	415
Total	599,650	456,871	379,181	446,482	406,764	424,954	433,971

* Includes estimated costs for one secondment

Staff costs

133. The costs of my office are principally staff costs. I have continued my commitment of three days per week.

134. 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 the new arrivals have established themselves as valuable members of the team.

6 Looking ahead

135. I concluded my Annual Report last year by welcoming four new lay members who had just been appointed to the Standards Committee. I end this year, welcoming three new lay members who replace those originally appointed in 2013. The different perspectives which they bring further strengthen the independent components of the standards system. I look forward to working with them when the Committee is re-established. The increase in the number of lay members of the Standards Committee contributes to the House's standards system, and brings valuable external experience to assist the Committee in its decision making. The separation of the powers and functions of the Commissioner and the Committee is important, and it enables the Committee to fulfil its responsibility for oversight but not supervision of the Commissioner's work.

136. While this is my final annual report as Commissioner for Standards, at the time of writing this I have still several months in post and my successor is not yet appointed. There is much to be done in 2017. In previous reports I have expressed frustration that the House did not, for a considerable time, find time to consider the revised Code of Conduct and Guide to the Rules recommended by the Committee on Standards after my predecessor's reviews. I do hope that my successor does not have a similar experience.

137. The review of the Code of Conduct and the Guide to the Rules has been an important part of my work over the last 18 months. I am hopeful that the new Standards Committee will be able to consider it early in the new Parliament. It begins to address a number of issues which have concerned the House and the outside world for some time. In addition it has for the first time tried to make explicit the links between the Code and the ethical principles on which it is based, and between the Code and the Guide to the Rules which provide detailed advice on implementation. While not departing from the seven principles of public life, the documents are written in simpler English, and structured in a way that helps the development of a clearer and simpler soft copy. I believe my proposals will make the Guide easier to use although some of the detail remains complex. It is only two years since the Code and Guide were updated and I am aware of the difficulties caused by frequent changes. Nevertheless I would commend to the House the work that has been done and hope that the changes proposed will be accepted.

138. The introduction of rules for APPGs, also in 2015, has begun to identify some issues concerning their management of finances and concerning arrangements during periods when the House is dissolved and there may be an opportunity to undertake further work in this area.

139. No standards system will ever be perfect and changing culture and circumstances give rise to a need to keep the system under review and to benefit from new perspectives on the issues. I wish my successor and the next Standards Committee well as they fulfil this responsibility for the future.

Kathryn Hudson

29 June 2017

Parliamentary Commissioner for Standards

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

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.

