

# **SUBMISSIONS FROM REPRESENTATIVE ORGANISATIONS (MS 1–5)**

**MS 1**

Please find below the Parliamentary Labour Party's response to the consultation paper from the House of Commons Commission on the Employment of Members' Staff by the House.

With best wishes

Tony Lloyd MP  
Chair, Parliamentary Labour Party

Co-signatories:

*The elected backbench Commons membership of the PLP Parliamentary Committee:*

Ann Cryer MP  
Don Touhig MP  
Clive Efford MP  
Jim Sheridan MP  
Roberta Blackman-Woods  
David Drew

## **Parliamentary Labour Party response**

*Consultation paper from the House of Commons Commission on the Employment of Members' Staff*

What are the main advantages and disadvantages of the proposal?

While the PLP recognises some merit in the proposal on the surface, we feel that there are significant problems with this proposal in the detail. We feel the institutional arrangements necessary would not allow us to maintain our relationships with our staff, which would impact on our relationship with our constituents. As such we are against proceeding with the House as the employer. This is our key point in this document, and informs many of the replies set out below.

We do however believe there is a greater role for the House in offering guidance to Members, particularly in relation to employment issues. We are also mindful that many staff would welcome greater support and advice from the House in terms of contracts, pay and other issues. We would welcome a dialogue with the Commission on this.

Should the House specify the recruitment procedures to be followed to ensure fairness? Should there be a requirement to select on merit on the basis of fair and open competition, as there is for other staff of the House? To what extent should party political allegiance or preference be taken into account?

We believe that the appointment of staff members is a very important, personal appointment for an MP and that the House should not have a formal involvement in this. Given that the job of an MP is party political it is imperative that our staff share our values. We do not believe that this precludes Members from recruiting in an

open, transparent way, including the advertising of vacancies, interview panels and other good HR practice. We do believe, however, that there is a role for guidance from the House on some HR issues; guidance which accepts that all members' circumstances are different.

Should the House have a veto over appointments (i.e. Members would select, but their choice would have to be confirmed by the House), or provide a pool of candidates from which the choice must be made (see next section)?

No.

Should the House have any disciplinary function over Members' staff, for example in respect of misuse of the internet, unauthorised absence or harassment of other staff? How would this relate to any disciplinary action by Members themselves?

We believe the role of the House should be to inform a Member in such a scenario but that the onus to take action must lie with the Member.

How should the House fulfil its obligations in respect of health and safety? For staff based away from Westminster, would inspections of their offices be necessary and/or acceptable?

We believe that advice and visits (by prior agreement) would be useful.

Should the House have any sanctions in respect of Members as regards behaviour which might result or has resulted in Employment Tribunal proceedings with findings against the employer? If the House has to pay an award ordered by an Employment Tribunal, should there be a right to claim a contribution from the Member?

Firstly we ask for evidence that there is a major problem here. If so, we wonder if there is scope for the House to negotiate insurance on behalf of all Members.

If the existing staff of the House are to have the same employer as the staff of Members, how is the party political impartiality of the former best preserved? Would Members' staff be able to transfer to posts currently within the House Service?

This does not arise given our response to the first question.

What arrangements should there be for staff working for a Member who leaves the House? Should there be a pool of available staff from which Members are required to make their appointments? If so, how should differing political sympathies be taken into account?

This does not arise given our response to the first question. We do however observe that these questions seem to be tailored to Westminster-based staff, whereas most of our staff are constituency based.

To what extent would the House need to increase its control over the pay, bonuses, leave and working arrangements of Members' staff to meet its obligations as an employer? Would this be acceptable to Members?

We believe that Members need more resources in terms of staff. We believe it is important we find a way to develop, motivate and improve the pay of our staff without falling foul of the budgets we operate within. For example, the House should consider the provision of a top up fund, centrally resourced and allocated, which could recognise and reward experience and expertise.

Would the pay and pensions of Members' staff need to be assimilated to those of current House staff?

This does not arise given our response to the first question.

What arrangements would be needed as regards staff based in constituencies? Again, we do observe that these questions seem to be tailored for Westminster-based staff, whereas most of our staff are constituency based.

What extra support should the House Service give to Members to promote consistently high standards in the management of staff and to deal with legal challenges in the form of employment tribunal proceedings?

See previous answers. We believe the House should have a greater role in terms of training and guidance to Members.

Would recognition of trade unions necessarily follow from Members' staff being brought together under a single employer, what changes would follow from that as regards the setting of terms and conditions and negotiation of pay rates, and what impact would this have on the flexibility Members currently have to manage their own staff?

We strongly support the principle that MPs' staff should have a strong trade union voice to support them in Westminster and in the constituency. We think that the staff trade union should be recognised now, albeit this may need to be on a slightly different basis to more 'traditional' trade union recognition agreements.

What sort of employing body should there be?

This does not arise given our response to the first question. However, the third and fourth options are the more attractive ones but our understanding is that there is a prohibitive cost associated.

What is the magnitude of any extra costs, and are they justified by the benefits from the House employing Members' staff directly?

This does not arise given our response to the first question.

Should special arrangements be made to allow collective employment of staff by groups of Members? If so, how would this work?

We would require more information on this.

What arrangements could be made for staff employed only partly on parliamentary work?

We would require more information on this.

What protection would need to be put in place for existing Members' staff who would become employees of the House?

This does not arise given our response to the first question.

**1922 Executive Committee**

Thank you for your consultation paper about the employment status of MPs' staff. The 1922 Executive Committee has discussed this at some length. They are of the view that, taking all things into account, the present arrangements should be kept in tact. They strike the right balance between central budgetary control and the special relationship which exists between a Member of Parliament and his/her staff.

Yours sincerely

Sir Michael Spicer MP  
*Chairman, 1922 Committee*

## **Submission to the House of Commons Commission by The Members' and Peers' Staff Association (MAPSA)**

### **Introduction**

In response to the Government's proposal that the House should directly employ all MP's staff, we would like to outline the view of the Members' and Peers' Staff Association (MAPSA) which is the only official all-party body representing staff of all MPs and Peers.

Following a meeting of our members our position is that, whilst we are not opposed to "change" per se, we are overwhelmingly opposed to this proposal as it stands. There is anger that someone other than our direct employer can change the terms and conditions of our employment in such an arbitrary manner. Staff have not been consulted about this proposal and no details have been forthcoming, giving rise to concerns amongst Members' staff who are very worried about their future.

### **Concerns**

In no particular order, amongst the many concerns and questions raised as a result of this proposal are the following:

#### **Management Responsibility and Accountability**

- Who would actually be the employer; the MP or a new layer of Fees Office management?  
  
If staff are employed **by** the House of Commons, to whom would they be accountable; **to** the House of Commons or their MP? If the former, this raises serious issues about constituent confidentiality and trust, and the authority of MPs.

#### **Job Security**

- If staff are employed by the House and their MP loses their seat, would they still have a job and, if so, would they be re-allocated to a new Member regardless of political affiliation?
- Some older staff are very concerned about possible ageism, and therefore forcible retirement.
- Under existing arrangements MPs staff are entitled to Statutory Redundancy. As members of the House of Commons Staff Pension Scheme, which is exempt from the Statutory scheme, in the event of redundancy they would be compensated under the Civil Service Compensation Scheme. As this scheme is limited to members of specific pension schemes, unless MPs' staff are transferred into the House of Commons Pension Scheme, as employees of the House MPs staff would not qualify for Statutory Redundancy.

#### **Flexibility of working arrangements**

- All MPs work differently and arrange their offices accordingly in terms of hours, numbers of staff, constituency arrangements, and recess working. Given the unique nature of the House of Commons, the "one size fits all approach" cannot work.
- MPs should be able to employ the staff they want and need and we would not support a system such as that operated by the Welsh Assembly system, which allows each

Assembly Member only 2.5 staff on different designated pay scales. There should be enough flexibility to employ up to a certain number of staff but working part time or full time, or on higher pay scales than others.

- Some staff work for more than one Member so how would that be managed? Would the House stipulate the hours worked for each Member?
- Who would supervise staff in the constituency, and would MPs still be allowed to employ interns?

### **Terms and conditions**

- We would obviously seek parity with other employees of the House for all MP's staff, whether Parliament or Constituency-based, in the following areas:
  - Pensions
  - Redundancy arrangements
  - Holidays
  - Maternity and Paternity leave
  - Any other benefits and privileges

### **Political role**

- Many staff undertake political work for their bosses, and are involved politically in their own right. If they become staff of the House would they become civil servants and therefore precluded from any political work?
- We would welcome assurances that staff will not be governed by the Civil Service Code of Conduct.

### **Positive aspects**

We also recognise that there *could* be improvements in our working conditions arising from central employment including:

- Standardisation of contractual arrangements
- Access to Human Resource Department information, especially to help with problems between members and their staff.
- Better terms and conditions including:
  - redundancy and pension arrangements
  - season ticket loans
  - access to occupational therapy

### **Summary**

There must continue to be serious consultation with **all** staff organisations and that Chris Bryant's assurance (given to several staff meetings), that our terms and conditions will **“not”** be worse, will be upheld if this proposal receives the go-ahead.

**Siân Norris-Copson**  
**Chair, MAPSA**

## T&G Unite Submission to the Review on Centralisation of Staff

1. The group that has most to personally lose or gain as a result of the centralisation of staff, is the staff themselves. There are approximately 2000<sup>1</sup>, 400 of whom are represented by the T&G Unite Parliamentary Staff Branch, the largest staff group. This submission has been compiled following a consultation of branch members and was endorsed at the branch's most recent meeting.
2. The branch submits that MPs' staff are already centrally employed by the House of Commons. We are able to provide a Barrister's opinion that verifies this. We are public servants paid from the Members' Estimate and managed by MPs.
3. In the proposed change to our employment there are a number of concerns which we set out below, and a number of recommendations.
4. Our position can be summarised as a request for:
  - 1) **Pay** bargaining — immediate trade union recognition as part of the Whitley System<sup>2</sup>, and a new system under which union recognition is protected. (see EDMs 1057 and 1677)
  - 2) **Protection** of jobs, terms and conditions of current staff
  - 3) **Parity** with House of Commons staff pensions, redundancy arrangements etc. (including grievance and disciplinary procedures, occupational health, health & safety arrangements).
5. There was much to be encouraged by in the debate on the motion on the 30<sup>th</sup> April. We were encouraged that at the despatch box the Deputy Leader of the House said "the terms and conditions that our staff enjoy should at least be protected by any changes that may be made in the future"<sup>3</sup>.
6. We were encouraged to hear from David Heath MP that he understood that MPs are not always given the help they need by the House Authorities to be good managers: "some Members do not behave as we would wish in their employment of their staff. There are some mill owner MPs who exploit their staff, who might be extremely grateful for the protection of the House"<sup>4</sup>.
7. We were encouraged by the argument of Tim Boswell MP that "We need lots of trade union and employment law input."<sup>5</sup>
8. We were also encouraged by the assurances of Sir Stuart Bell MP that these matters would be considered: political restrictions, pensions, redundancy, bonuses,

---

<sup>1</sup> Sir Stuart Bell: Hansard, Column 1077 30<sup>th</sup> April 2009

<sup>2</sup> The Whitley System consists of representatives from Management and representatives from the different Trade Unions that represent staff of the House of Commons Service. Regular joint meetings occur throughout the year, both formally — the Whitley, the General Purposes Sub-Committee and the Joint Consultative Committees — and informally. Informal meetings are far more frequent, when either side can air their concerns. The formal meetings all have minutes, which are circulated to members of staff.

<sup>3</sup> **30 Apr 2009: Column 1125**

<sup>4</sup> **30 Apr 2009: Column 1086**

<sup>5</sup> **30 Apr 2009: Column 1095**

what will happen at a general election if a Member loses. And that his view is: “the consideration of the anxieties of staff is extremely important.”

***With this in mind the branch requires these assurances:***

### **Division of responsibility between the House as employer and Members**

9. That staff of MPs can continue to be politically unrestricted and are allowed to hold elected office elsewhere.

10. That bonuses and overtime payments continue to be allocated by the MP.

### **Transitional arrangements.**

11. That there will be full continuation of accrued benefits e.g redundancy, holiday entitlement.

12. That no staff member should lose their job because they are above the retirement age.

### **Difficult cases**

13. That staff who currently have their wages part/fully paid by an APPG, union, party, or the MP, or who are contractors, or funded collectively, should be protected.

14. That expense-reimbursed interns/volunteers should be protected under a formalised internship scheme.

***The branch makes these recommendations:***

### **15. Recommendation 1: PAY AND CONDITIONS OF SERVICE — Recognition of the Unite Union**

**That to show best practice as an employer the House of Commons should immediately recognise the Unite union, in order that the union can be a full partner throughout the transition and become a member of the Whitley System.**

### **16. Recommendation 2: PAY AND CONDITIONS OF SERVICE**

**That in the process of centralisation, MPs staff are moved to the House of Commons pension scheme, as suggested by Hugh Bayley MP<sup>6</sup>.**

### **18. Recommendation 3: PAY AND CONDITIONS OF SERVICE**

**That in the process of centralisation, MPs staff are moved to the House of Commons redundancy scheme, as suggested by Mohammad Sarwar MP<sup>7</sup>.**

---

<sup>6</sup> Hugh Bayley: “Does the hon Gentleman really believe that it is fair, just and sustainable that the staff of the House, who provide a very good service to us, are in a public sector final salary pension scheme with a notional contribution by the employer of about 25 per cent. of earnings, whereas our staff are entitled to join only a stakeholder scheme, which provides considerably poorer benefits and whereby they get only 10 per cent. of their salary paid in by the employer?”

<sup>7</sup> EDM 599 (64 Signatures)

**REDUNDANCY ARRANGEMENTS FOR HON. MEMBERS' STAFF** 27.01.2009  
Sarwar, Mohammad

That this House notes the derisory redundancy arrangements available to staff of hon. Members as compared to other staff on the parliamentary estate; calls on the House authorities to review the arrangements before the next general election; and urges all hon Members to support the UNITE Parliamentary Staff Branch campaign to improve staff contracts above the statutory minimum redundancy payment.

**19. Recommendation 4: PAY AND CONDITIONS OF SERVICE.**

The annual cost of living allowance be automatically implemented, one of the suggestions noted in the Review of Parliamentary Pay 2007<sup>8</sup>

**20. Recommendation 5: EMPLOYING BODY.**

That the Commission's Option 3, a new statutory body be created to employ MPs staff to overcome the problems connected with political impartiality and open recruitment. The staff union, as well as MPs should be represented on the body. A new neutral HR department should replace the Department of Resources Personnel Advice service which currently acts on behalf of MPs rather than staff.

**Request for additional information:**

21. The union asks the Commission to provide information on what centralisation will mean for constituency-based staff, particularly in terms of health and safety or entitlements that currently the House can only apply at Westminster.

---

<sup>8</sup> Suggestions made to rectify the situation included the automatic uprating of salaries, and that the House authorities should write to each MP to say that the uprating would take place unless the MP objected. P.47

**TUS**

The views of the TUS on the possible employment of MPs' staff, and the consultation paper produced on the subject, could easily have been predicted; many are probably shared by the House mgmt.

First, the Commons has a number of forums to which the recognised unions have signed up in which formal negotiations on terms and conditions take place. I am sure I hardly need to remind you that the politicians must be made aware that 2,000 or so additional staff cannot simply be eased into these existing arrangements by a motion passed on the Floor of the House. The recruitment process, the clauses in the staff handbook on political impartiality and the right to discipline and/or make staff redundant are all subjects in which the views of MPs are unlikely to coincide with those of the recognised unions or, indeed, existing practice within the House.

Secondly, another important factor may arise if the final decision is to set up an arm's-length body or company limited by guarantee in which the House of Commons becomes the legal employer of MPs' staff but these staff are kept outside the pool of existing staff within the House. Leaving aside the question as to how the interests of MPs' staff would be represented to the employer, issues of equal pay must also be considered. The possibility that MPs' staff might seek equality with existing House staff in terms of the overall reward package on offer in future pay negotiations cannot be discounted and the House will need to protect itself from potential challenges in this area in any final scheme that is produced.

I have a meeting with Mr Speaker next Wednesday at which I will remind him of the need to consult with and inform the recognised trade unions as the thinking on the scheme progresses.

Regards

Ken Gall  
TUS Chairman