

# Mr Virendra Sharma MP: Resolution letter

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## Letter to Mr Hodgkins from the Commissioner, 28 October 2010

I have now concluded my inquiries into the complaint you sent me on 7 September against Mr Virendra Sharma MP about the e-mail which was sent to you on 1 September using a parliamentary e-mail account.

In essence, the complaint which I inquired into was that Mr Sharma used House of Commons facilities to send a party political communication to certain Labour Party supporters, contrary to the rules on the use of House facilities.

I have consulted Mr Sharma and the House Authorities about this matter.

Mr Sharma has told me that the letter was sent out by a member of his staff while working in his own time at home. By an oversight it was sent from a parliamentary laptop. The letter was e-mailed to some 60 Ealing Southall Labour Party members, including yourself.

Mr Sharma has readily accepted that this letter was a party political communication and that it should not have been sent from a House of Commons e-mail account. This is because, under the rules, parliamentary facilities should not be used for party political campaigning. The mistake was made by a member of Mr Sharma's staff. Mr Sharma has also apologised for the error and has reminded his staff of the rules in relation to the use of parliamentary resources so as to avoid a recurrence.

I regard this as a satisfactory outcome to your complaint and I have resolved it on this basis. I now regard the matter as closed. I will report the outcome to the Committee on Standards and Privileges.

I should say that if the House of Commons includes a recommendation which I made to the committee on Standards and Privileges in the last Parliament, you can expect this letter and the evidence on which it is based in due course to be published on my webpages.

I am copying this letter to Mr Virendra Sharma MP.

*28 October 2010*

# Mr Virendra Sharma MP: Written evidence

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## 1. Letter to the Commissioner from Mr Chris Hodgkins, 7 September 2010

I received the attached e-mail from [employee of Mr Sharma] on the 3rd September 2010. The e-mail has a parliamentary address. I responded immediately and then looked at the e-mail address the next day.

I have asked for an explanation as to how my e-mail address was obtained and what is the protocol with regard to MPs and their assistants using parliamentary resources to promote a leadership contest that is not directly germane to the work of the Houses of Parliament. I checked to see if [name] was an assistant and it appears that he is the Leader of [...] Council.

As a member of the Labour Party I expect communication from the local constituency party and from Labour HQ but I strenuously object to having my privacy disturbed from the Houses of Parliament by a Leader of my local council.

I have yet to receive a reply from [employee of Mr Sharma] in answer to my questions.

I would be grateful if this matter was looked into.

*7 September 2010*

## 2. E-mail from Mr Virendra Sharma MP, sent from the parliamentary e-mail account of one of his employees, 1 September 2010

You should by now (or very shortly) have received your ballot papers for the Leader of the Labour Party, the Labour candidate for Mayor of London and various other Party committees and positions. I thought it was important that you know who I and the Constituency Labour Party are supporting before you cast your vote.

Many of you may already know that I have declared my support for David Miliband MP to become the new leader of the Labour Party. Since my election to Parliament I have worked very closely with David on national and international issues and I know that he will provide the leadership that the country and the Labour Party needs. He has the ideas, energy and drive to rebuild the Labour Party and will be a great leader. David has joined me on the campaign trail in Ealing Southall during both my by-election and general election campaigns and I am impressed by his ability to connect with voters. He has my 100 per cent backing.

I am also backing Ken Livingstone to be Labour's candidate for London's 2012 Mayoral election. Ken has the experience and commitment to provide London and the Labour Party in the capital with the leadership it needs to challenge the Coalition ConDem government and protect frontline public services. Ken has a long association with Ealing Southall and has stood shoulder to shoulder with us on many campaigns including the fight for equality against the National Front.

Ealing Southall Constituency Labour Party at its General Committee meeting on 25th June 2010 also nominated David Miliband for Leader and Ken Livingstone for London Mayor. In addition they nominated Nicky Gavron, Joanne Milligan and Alon Orbach for the National Policy Forum; and Diana Holland for Treasurer.

I do hope that you will be able to support these candidates all of whom have my personal support.

## 3. E-mail to employee of Mr Sharma from Mr Chris Hodgkins, 1 September 2010

I am in receipt of your e-mail from Virendra Sharma MP. Perhaps it is not too late for Mr. Sharma to change his mind.

A 'Ken Livingstone should not stand, London needs new blood.

With regard to David Miliband; he supported the Iraq war, has no hinterland and has been part of an administration that failed abjectly to curb the excesses of the City. Regrettably there is a trend for people to become 'professional politicians' with out any experience of having to deal with the real world. You may find these comments unhelpful and perhaps unkind, but alas they are self evident.

Forgive me if I also decline the invitation to hear Mr. Miliband speak this Sunday at the Bhavan Centre but I shall be at work.

I would also be grateful if I was removed from Mr. Sharma's mailing list. I assume as a member I will receive notice of meetings from the constituency and local party.

*1 September 2010*

#### **4. E-mail to employee of Mr Sharma from Mr Chris Hodgkins, 2 September 2010**

I received the e-mail below and I note that the e-mail address is the House of Commons. I would be grateful if you would provide me with an explanation as to:

How my e-mail address was obtained , especially in view of the data protection act.

What is the protocol with regard to MPs using a parliamentary e-mail address to promote a political party's candidate in a leadership contest which clearly has no relevance to the work of the Houses of Parliament.

I look forward to hearing from you.

*2 September 2010*

#### **5. Letter to Mr Virendra Sharma MP from the Commissioner, 9 September 2010**

I would welcome your help on a complaint I have received from Mr Chris Hodgkins of West Ealing, London about an e-mail which he received in your name sent using a parliamentary e-mail account.<sup>1</sup>

I enclose the complainant's letter of 7 September and the e-mail of 1 September which is the subject of this complaint, together with subsequent e-mails and an attachment about your staff member.<sup>2</sup>

In essence, the complaint which I have accepted is that you used House of Commons facilities to send a party political communication to certain Labour Party supporters, contrary to the rules on the use of House facilities. I have informed the complainant that I will not be inquiring into your employment of your assistant since the person who sent your e-mail was a member of your staff who has registered in the Register of Interests of Members' Secretaries and Research Assistants and that Members may employ staff who have other duties. I have also told the complainant that I do not propose to inquire into how you obtained his e-mail address.

The Code of Conduct provides in paragraph 14 as follows:

*"Members shall at all times ensure that their use of expenses, allowances, facilities and services provided from the public purse is strictly in accordance with the rules laid down on these matters, and that they observe any limits placed by the House on the use of such expenses, allowances, facilities and services."*

The Members' Handbook published in May 2010 contains the following guidance on the conduct and use of Parliamentary resources:

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<sup>1</sup> Mr Sharma's name was at the end of the e-mail. It was sent from the parliamentary e-mail account of one of his employees.

<sup>2</sup> WE1 to WE 4

*“The House provides various facilities and services to Members, the cost of which is either met in full or subsidised by public funds. These include, for example:*

- accommodation, including offices and meeting rooms
- research support
- ICT equipment and services
- catering facilities
- stationery.

*These facilities and services are provided in order to assist Members in their Parliamentary work. They should be used appropriately, in such a way as to ensure that the reputation of the House is not put at risk. They should not be used for party political campaigning or private business activity.”*

The same Members’ Handbook provides as follows on IT equipment:

*“You are entitled to **five computers** in total, of which up to three may be laptops, with PCs making up the remainder. In addition, you are entitled to a maximum of **two printers**.*

...

*This equipment is provided by PICT from a standard catalogue, is free of charge and is for parliamentary use only. You may buy additional items for which you may be entitled to reimbursement under the new expenses scheme, from a further catalogue.”*

I would be grateful for your response to this complaint in the light of this summary of the rules. In particular, it would be helpful to know:

1. How you came to use a House of Commons parliamentary e-mail account, and presumably parliamentary equipment, to send out this letter;
2. How many people were sent a copy of your letter using your parliamentary e-mail account and who these people were—in other words were they all known to be Labour Party supporters?
3. Whether you accept that this was a Party political communication and, if so, why you used parliamentary e-mail facilities to send it.

Any other points you may wish to make to help me resolve this matter would, of course, be very welcome.

I enclose a note which sets out the procedure I follow. I have written to the complainant to let him know that I have accepted his complaint and am writing to you about it. I would be very grateful if you could let me have a response to this letter within the next three weeks. If there is any difficulty about that, or you would like to ask me about the process, please contact me at the House.

I would be very grateful for your help on this matter.

*9 September 2010*

## **6. Letter to the Commissioner from Mr Virendra Sharma MP, received 13 October 2010**

In response to your numbered questions regarding the above complaint I make the following comments:

1. This letter was sent out by my [employee] from his parliamentary laptop whilst working from home. This was an oversight on his part as he would normally send any such communications via a hotmail account using non parliamentary equipment. He has unreservedly apologised for this error.

2. The letter was e-mailed to approximately 60 Ealing Southall Labour Party members. They were not therefore Labour Party supporters but Party members. All 1,200 Ealing Southall Labour Party members were sent a hard copy of the same letter using non-parliamentary resources.

3. I accept that this was a Party political communication and apologise for the error made by my staff member.

I would be grateful if you could clarify whether there is any scope for reporting my parliamentary activities to Labour Party members using parliamentary resources in the same way as I would to other groups of constituents or whether this is totally at odds with the rules? Equally could it be considered part of my parliamentary duties to advise Party members who I think may be the best future Prime Minister of the country?

*Received 13 October 2010*

## **7. Letter to Mr Virendra Sharma MP from the Commissioner, 13 October 2010**

Thank you for your letter which I received on 13 October responding to my letter to you of 9 September. I was grateful for this response.

I am now writing to the Department of Resources to seek their advice and comments on this matter. I will be putting to them the wider points which you ask about at the end of your letter since the Department are best placed to advise you the future actions you may wish to take on your use of parliamentary facilities for communications addressed to members of the Labour party.

There was one point of clarification to which I would be grateful if you could give me an early response. You say that your [employee] sent out the letter to sixty Ealing Southall Labour Party Members from his parliamentary laptop whilst working from home. The implication of this may be that your [employee] was working in his own time and not on his parliamentary duties for which he is paid from parliamentary resources. I would be very grateful, however, if you could confirm this or correct the impression I have got from your response. If he was working as part of his parliamentary duties, then I would need to know how much time he spent on any work on the preparation as well as the dispatch of this letter.

Any other points you may wish to make to help me resolve this matter would of course be very welcome.

*13 October 2010*

## **8. Letter to the Director-General of Resources from the Commissioner, 13 October 2010**

I would welcome your help on a complaint I have received against Mr Virendra Sharma MP about an e-mail sent by his office using a parliamentary e-mail account.

In essence, the complaint is that Mr Sharma used House of Commons facilities to send a party political communication to certain Labour party supporters, contrary to the rules on House of Commons facilities. I attach [relevant correspondence].

I would welcome your comments and advice on this complaint. In particular, it would be helpful to have your comments on Mr Sharma's response and on whether, in circumstances where a parliamentary e-mail account is misused, the Department would expect some form of restitution or other action to be taken. I would also welcome your advice on the two wider questions raised by Mr Sharma where I believe he would be right to look to the Department to advise him on his future actions.

I am meanwhile writing to Mr Sharma to confirm the implication in his letter that his [employee] was working on his own and not in parliamentary time. I enclose a copy of my letter. I will let you have a copy of his response when I receive it.

Subject to that response, it would be very helpful if you could let me have a response within the next two weeks so that I can consider how best to resolve this matter. Thank you for your help.

13 October 2010

## **9. Letter to the Commissioner from Mr Virendra Sharma MP, 19 October 2010**

Further to your letter dated 13th October 2010 I can confirm that my [employee] prepared and sent out the letter whilst working in his own time. No parliamentary resources were used in relation to his time. You may have noticed that the e-mail was sent out at 6.42 pm on a Wednesday evening outside his contracted hours.

19 October 2010

## **10. Letter to the Commissioner from the Director-General of Resources, 22 October 2010**

Thank you for your letters of 13 and 20 October.<sup>3</sup>

Parliamentary ICT equipment and services are provided only for parliamentary use, as set out in the Members' Handbook which was given to all Members in May 2010. In particular it says:

*"[Parliamentary facilities and services] should be used appropriately, in such a way as to ensure that the reputation of the House is not put at risk. They should not be used for party political campaigning or private business activity."* (Members' Handbook page 5)

Mr Sharma acknowledges in his letter to you that it is not appropriate for parliamentary ICT equipment or ICT facilities to be used for party political purposes, and accepts that the e-mail which has been brought to your attention was a breach of that principle. You ask whether the Department would expect some form of restitution to be made or other action to be taken in respect of the breach which has occurred. The cost of sending a single e-mail outside an employee's contracted hours is negligible, and I do not think the issue of restitution can practically arise in such a case. However, it is important that Mr Sharma ensures that his staff refrain from similar activity in the future.

Mr Sharma asks whether he can report his parliamentary activities to Labour Party members in his constituency using parliamentary resources as he would report these activities to other groups of constituents. Our view is that any communication with Labour Party members only would be a communication of a party political nature and therefore should not be done with parliamentary resources. This is in furtherance of the principle that a Member's activities must be above reproach. It follows that it is not part of Mr Sharma's parliamentary duties to advise party members on candidates for the leadership of his party.

Please let me know if I can help further.

22 October 2010

## **11. Letter to Mr Virendra Sharma MP from the Commissioner, 25 October 2010**

When I wrote to you on 20 October, I said that I was copying your letter of 19 October to the Department of Resources so that they could consider it alongside your earlier letter about this complaint which I received on 13 October.

I have now heard back from the Department of Resources. I enclose a copy of my letters of 13 and 20 October to the Department of Resources, and their response of 22 October.

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<sup>3</sup> With his letter of 20 October the Commissioner forwarded a copy of Mr Sharma's letter of 19 October.

As you will see, the Department of Resources agrees that your office's use of a parliamentary e-mail account for your e-mail to the 60 Ealing Southall Labour Party members was a breach of the rules of the House. The Department also advises you in response to your question about using parliamentary resources to report your parliamentary activities to Labour Party members. Their advice is that this should not be done using parliamentary resources as any communication with Labour Party members only would in their view be a communication of a party political nature.

I need now to consider how best to resolve this complaint. Subject to your agreement, I believe that it can best be resolved through my use of the rectification procedure as set out in Standing Order No 150 of the House. That standing order allows me to rectify a complaint where the breach is at the less serious end of the spectrum, and the Member has accepted the breach, and has taken appropriate action on it. The Committee on Standards and Privileges also expects the Member to have apologised.

In this case, I consider that on the basis that you have already accepted that this was a breach of the rules, rectification would be the right way of closing this matter. It would be helpful if you could confirm that you have given the necessary advice to your staff to avoid a recurrence. I note that you have apologised for the staff error, but I am sure you would wish me also to record your own apology.

If you agree to this course of action, then I would write to the complainant and close the complaint on that basis. I would inform the Committee on Standards and Privileges of the outcome. In due course, if the House agrees to recommendations I made to the previous Committee on Standards and Privileges, then you can expect the letter to the complainant and the evidence on which it is based to be published on my webpages.

I enclose the draft of a letter I would propose to send to the complainant, if you agree to this matter being resolved in this way. If you are content with this, I would be grateful for any comments you may have on the letter's factual accuracy, although, of course, the content is a matter for me to determine.

It would be very helpful if you could let me have a response to this letter within the next week so that I can, if you agree, bring this matter to an early close. I am most grateful for all your help so far.

*25 October 2010*

## **12. Letter to the Commissioner from Mr Virendra Sharma MP, 27 October 2010**

Thank you for your letter dated 25<sup>th</sup> October 2010. I can assure you that I have given the necessary advice to my member of staff to ensure that this error is not repeated. I also would like to place on record my apology for this mistake. I agree with your proposed course of action including the contents of your letter to the complainant and look forward to this matter being brought to a close.

*27 October 2010*