

Mr Ian Swales MP: Resolution Letter

Letter from the Commissioner to Councillor John Hannon, 3 April 2012

5 I have now concluded my inquiries into your complaint against Mr Ian Swales MP about his use of House of Commons stationery and pre-paid envelopes.

In essence, your complaint was that Mr Swales used House of Commons stationery and pre-paid envelopes to send his constituents a letter which included material in connection with work for his political party, contrary to the rules of the House.

I have consulted Mr Swales and the House authorities about this matter.

10 The position is that Mr Swales decided in February 2012 to write to those whom he thought would be interested in establishing a public transport users' forum. He sent this letter to 71 people. He had identified 36 of these recipients through their completion of a survey which he had held himself on a bus journey and 35 who responded online after seeing a press article about that journey. 69 were his constituents; 2 were not his constituents, although I understand from Mr Swales that they live in the Redcar and Cleveland Local
15 Authority area and both pass through his constituency on buses which would be the subject of the forum. While Mr Swales tells me that the resident who drew this matter to your attention had sent something in the past to his constituency party, the party had not sent out any slips on party leaflets regarding this issue and the choice of that resident for this dispatch was not based on any previous contacts he had had with the party.

20 The letter was drafted by a member of Mr Swales' parliamentary-funded staff following a brief discussion with Mr Swales. But Mr Swales did not in fact see the text of the letter which was produced. Mr Swales said that in an attempt to make it easier to respond to this letter, his staff mistakenly copied a reply slip from a party leaflet. Mr Swales immediately accepted that this was clearly wrong. Mr Swales has also accepted that the reference in this reply slip to the Liberal Democrat MEP and the invitation to find out more about the Liberal Democrats was also a mistake, and a function of using the wrong return slip. The freepost address was an
25 address which he had never used before on any publicly funded communication as a Member of Parliament and the costs for that address are routinely met by the constituency party. Mr Swales has confirmed that, as well as using House of Commons pre-paid envelopes, the House of Commons stationery he used was provided from his House of Commons allocation. He assured me that he has not sent letters in this format before.

30 The view of the House Authorities, with which I agree, is that it would have been an acceptable use of House of Commons pre-paid envelopes and House of Commons stationery to have written as Mr Swales did to invite people to join a public transport users' forum, and that that letter could have gone to the two people who were not Mr Swales' constituents since Members are allowed to use House of Commons stationery to write to individuals outside the constituency in pursuance of parliamentary activities. The mistake was to
35 have included with the letter a reply slip which included material about the Liberal Democrats, with the result that the letter was in breach of the rule that House stationery and postage must not be used in connection with work for a political party.

40 Mr Swales immediately recognised and accepted this mistake. He has unreservedly apologised. He has paid back the full cost of the 71 second-class envelopes and 71 pieces of House of Commons notepaper, amounting to £31.09. He is retraining all his staff members who were involved with this dispatch so that they are clear on the rules and can ensure that this mistake does not happen again.

I have, therefore, upheld your complaint. I consider that Mr Swales has made a prompt and acceptable response to it. I accept the rectification action which he has taken. I now regard the matter as closed. I will report the outcome briefly to the Committee on Standards and Privileges. In due course, this letter, and the
45 relevant evidence, will be made available on my parliamentary webpages.

I am copying this letter to Mr Ian Swales MP.

3 April 2012

Written evidence received by the Parliamentary Commissioner for Standards

1. Letter to the Commissioner from Councillor John Hannon, received 22 February 2012

5 The Rules for the Use of Stationery and Postage-Paid Envelopes Provided by the House of Commons, and for the Use of the Crowned Portcullis, as agreed by the House of Commons Commission in July 2011, set clear regulations on how Parliamentary stationery, postage-paid envelopes and the Crowned Portcullis may be used. I am writing to you because a local resident, [name], has brought to my attention a letter that used the Crowned Portcullis (a photocopy of which attached)¹ he received
10 from Mr Ian Swales MP, in a pre-paid House of Commons second class envelope.² I consider this letter to be in breach of these regulations. I am also informed that other local residents received this letter.

The Rules state that:

- 15 • That "members... must not exploit the system... to confer an undue advantage on a political organisation"
- That members must not use stationery or postage "in connection with work for or at the behest of a political party (including... advocating membership of political party or supporting the return of any person to public office).

20 Whilst [name of local resident] informs me that he had submitted a reply slip from a Lib Dem *Focus* leaflet to the Redcar Liberal Democrats, and whilst I acknowledge that "party-political references are allowed" in response to correspondence, I hold that Mr Swales' letter goes beyond mere references. I also believe that, in fact, this letter was sent at the behest of a political party. I also feel it borders on encouraging membership of the Liberal Democrats.

25 Mr Swales includes a reply slip, which he asks people to return to "Redcar Constituency Liberal Democrats, FREEPOST [address]", as opposed to his constituency office or the House of Commons. I consider this to be evidence that he is acting at the behest of the Redcar Constituency Liberal Democrats, as opposed to acting in line with his Parliamentary duties. Furthermore, he also says "if you would like to know more about the Liberal Democrats, please contact me at the address above or ring the party office [telephone number]". This is clearly at the behest of the party, and could also be considered as very nearly advocating
30 party membership.

Interestingly, the letter also features a photograph of and the contact details for Fiona Hall, the Liberal Democrat Member of European Parliament (MEP) for the North East. Whilst this is arguably in line with his Parliamentary duties, by including her but not the region's Labour or Conservative MEP, I would argue that he is conferring an "undue advantage" to her and to the Liberal Democrat party.

35 Furthermore, Mr Swales has a record of using taxpayers' money for party political purposes, having funded his party political website through his General Admin Allowance. The Compliance Officer of IPSA stated, on 23 September 2011, that these claims had contravened the Expenses Scheme.

I believe Mr Swales has misused Parliamentary resources, and I ask you to launch an investigation to ascertain:

- 40 1. Whether Mr Swales has acted in accordance with The Rules for the Use of Stationery and Postage-

¹ WE 2

² Not included in the written evidence

Paid Envelopes Provided by the House of Commons, and for the Use of the Crowned Portcullis;

- 2. If not, to how many people he sent this letter, and at what cost.

I look forward to hearing what action you intend to take.

22 February 2012

5 **2. Letter from Mr Ian Swales MP, February 2012**



Ian Swales
Liberal Democrat MP for the Redcar Constituency



February 2012

Dear

Following last year's successful bus survey, which flagged up some very constructive issues, I am in the process of setting up a Public Transport Users' Forum. The forum will provide a direct link between the people who use the bus service and Arriva, the region's main public transport operator, along with a number of councillors from the area.

A similar forum currently operates in Stockton and is very successful in keeping lines of communication open and providing direct feedback to the bus company. As someone who has expressed an interest in public transport, I wonder if you would be interested in attending? It's a great opportunity to have a say on local transport issues and raise concerns with people who may be in a good position to do something about them.

If you would like to attend, please fill in the slip below and return it to the freepost address.

With best wishes,

Ian Swales MP

✂

Yes, I would like to be involved in the Transport Users' Forum!

Name:.....

Address:.....

Email:.....

Telephone:.....

Please return to: Redcar Constituency Liberal Democrats, FREEPOST

If you would like to know more about the Liberal Democrats, please contact me at the address above or ring the party office



IAN SWALES MP
Redcar Station
Business Centre.
Redcar Tel:
email:



FIONA HALL MEP
Tel:
Email:

3. Letter to Mr Ian Swales MP from the Commissioner, 27 February 2012

I would welcome your help on a complaint which I have received from Councillor John Hannon about your use of House of Commons pre-paid envelopes and perhaps House of Commons stationery to write to your constituents about the Public Transport Users' Forum with links to your constituency party.

I attach a copy of the complainant's letter, and enclosures which I received on 22 February.³

In essence, the complaint is that you used House of Commons stationery and pre-paid envelopes to send your constituents a letter which included material in connection with work for your political party, contrary to the rules of the House. I have told the complainant that the portcullis emblem is part of the stationery which you used and I will not therefore be inquiring separately about the use of that emblem.

The Code of Conduct for Members of Parliament 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 rules for the use of stationery and postage-paid envelopes provided by the House of Commons were set out by the House authorities in July 2011 (<http://www.parliament.uk/documents/foi/2011-FOI-office-stationery-rules-F11-295.pdf>). These included the following principle:

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

The rules in paragraph 3 include the following:

"House-provided stationery and pre-paid envelopes are provided only for the performance of a Member's parliamentary functions. In particular, this excludes using stationery or postage:

- in connection with work for or at the behest of a political party (including fundraising for a political party, advocating membership of a political party or supporting the return of any person to public office)*
-"*

Paragraph 4 provides that:

"In addition:

- items which may not be sent in pre-paid envelopes on their own, such as newsletters or cards, must not be attached to correspondence legitimately sent using pre-paid envelopes."*

Paragraph 6 provides that:

- "when a Member is replying to correspondence, party-political references are allowed in House-provided stationery or in correspondence sent in pre-paid envelopes, subject to the restrictions in paragraph 3 above."*

Paragraph 8 gives examples of the proper use of stationery and pre-paid envelopes including:

³ WE 1 and 2

- “correspondence with constituents, including contact by Members about a specific issue with people who have not previously contacted them and questionnaires and surveys (but not newsletters, annual reports or general updates on a range of issues)”.

5 I would welcome your comments on this complaint in the light of this summary of the rules. In particular, it would be helpful to know:

1. how many people were sent your letter using pre-paid House of Commons envelopes, how you identified them and whether they were all your constituents;
2. how many of the recipients of your letter had previously sent a reply slip to the constituency party, having received a party leaflet;
- 10 3. whether the paper used was House of Commons stationery provided from your House of Commons allocation, or, if it was from another source, what that source was;
4. whether it was your parliamentary-funded staff or constituency party staff – or yourself – who prepared the text of the letter and the cut-off return form;
- 15 5. why you decided to use the Redcar Constituency Liberal Democrat office as the return address and whether the party met the freepost costs;
6. why you decided to include on the return form information about the local Liberal Democrat MEP and issued the invitation to recipients to contact you or the party to know more about the Liberal Democrats.
- 20 7. whether you have in the current Parliament sent letters in a similar form, with a reply slip drafted as for this letter and, if so, when this was and how many such letters were sent in House of Commons pre-paid envelopes.

Any other points you may wish to make to help me with this inquiry would be most welcome.

25 I enclose a note which sets out the procedure which I follow.⁴ I am writing to the complainant to let him know that I have accepted his complaint. In due course I will publish on my parliamentary webpages that I am conducting this inquiry into you and the general category in which it comes. I will not be commenting further on its progress.

It would be very helpful if you could let me have a response to this letter within the next three weeks, or earlier if that is convenient. If there is any difficulty about this, or you would like a word about the process, please contact me at the House.

30 I would be most grateful for your help on this matter.

27 February 2012

4. Letter to the Commissioner from Mr Ian Swales MP, 7 March 2012

Thank you for your letter of the 27th February asking for more information on the complaint you have received.

35 I thought it best to answer all your points individually, as laid out in your letter before expanding on the situation

- 1) How many people were sent your letter using pre-paid House of Commons envelopes, how you identified them and whether they were all your constituents?

⁴ Not included in the written evidence

Seventy one people were sent this letter, thirty six were identified through completing a survey with me personally on a bus journey, and thirty five responded online after seeing a press article regarding the bus journey. Two of the people concerned were not my constituents, but do live in the Redcar and Cleveland Local Authority boundaries and both pass through my constituency on these buses so the transport forum that I am proposing would be of interest to them.

- 2) How many of the recipients of your letter had previously sent a reply slip to the constituency party, having received a party leaflet

None.

- 3) Whether the paper used was House of Commons stationery provided from your House of Commons allocation, or, if it was from another source, what that source was?

Yes, it was from the Commons allocation

- 4) Whether it was your parliamentary-funded staff or constituency party staff — or yourself — who prepared the text of the letter and the cut-off return form

It was a parliamentary funded member of staff who prepared this letter. In an attempt to make it easier to respond they mistakenly copied a reply slip from a party leaflet. This was clearly wrong.

- 5) Why you decided to use the Redcar Constituency Liberal Democrats office as the return address and whether the party met the freepost costs

We only have one freepost address to [...], which was set up pre-2010 before I was elected. We have not changed the address on it since. We have never used this address before on any MP communication and the costs are routinely met by the constituency party.

- 6) Why you decided to include on the return form, information about the local Liberal Democrat MEP and issued the invitation to recipients to contact you or the party to know more about the Liberal Democrats

This was clearly a mistake and a function of using the copied return slip. I am re-training all members of staff who were involved in this error so they are clear on the rules and this mistake does not happen again.

- 7) Whether you have in the current Parliament sent letters in a similar form, with a reply slip drafted as for this letter and, if so, when this was and how many such letters were sent in House of Commons pre-paid envelopes.

No, I have not sent letters in this format before.

I believe the intent of this exercise was proper, having identified constituents who are interested in public transport issues. I wanted to move the issue forward and form a user group, which is what the content of this letter was about. The party affiliation of the constituents was irrelevant.

I am happy to repay the cost of the House of Commons stationery and pre-paid envelopes at whatever rate you recommend, and/or take any other action you recommend to rectify the matter. I am ensuring my staff are once again reminded of the vital need to fully separate MP and party work.

If you need any more information please let me know.

7 March 2012

5. Letter to Mr Ian Swales MP from the Commissioner, 8 March 2012

Thank you for your letter of 7 March responding to mine of 27 February about this complaint.

I was most grateful for this full and clear response. I am now consulting the House authorities about the matter, including asking them about the cost of the stationery and postage which you have offered to repay. When I hear back from them, I will be back in touch.

5 Meanwhile, there were two points which it would be very helpful if you could clarify. First, would I be right in assuming from what you say that you did not yourself check the text of the letter before it was dispatched? Second, I hope I am right in concluding from your response that the complainant is mistaken in thinking that the recipient of your letter (whose name and address I have sent to you) had not previously sent a reply slip to the constituency party based on a leaflet from them.

If you could let me know about these points within the next week that would be most helpful.

8 March 2012

6. Letter to the Director-General, Human Resources and Change from the Commissioner of 8 March 2012

10 I would welcome your help on a complaint which I have received against Mr Ian Swales MP in respect of a letter which he sent using House of Commons funded notepaper and pre-paid envelopes last month.

In essence, the complaint is that Mr Swales used House of Commons stationery and pre-paid envelopes to send his constituents a letter which included material in connection with work for his political party, contrary to the rules of the House.

15 I enclose the relevant correspondence.

As you will see, Mr Swales has accepted that he was in breach of the rules in sending out this letter. He has offered to repay the costs.

I would welcome your help in resolving this matter. In particular, it would be helpful if you could:

- 20
- 1) confirm Mr Swales' belief that, with the exception of the reply slip, the content of the letter was appropriate for parliamentary-funded stationery and postage;
 - 2) let me have your view on whether Mr Swales would have been within the rules in sending a letter (without the reply slip) to the two people who were not his constituents.

25 Meanwhile, I am writing to Mr Swales to ask him to confirm my assumption that he did not check the letter before it was dispatched and to confirm that the complainant was mistaken in thinking that the recipient of the letter had previously sent a reply slip to the constituency party.

I hope this is a relatively straightforward matter and I would, therefore, like to resolve it reasonably quickly. If it were possible to let me have a response to this letter within the next two weeks, that would be most helpful.

8 March 2012

7. Letter to the Commissioner from Mr Ian Swales MP, 13 March 2012

30 Thank you for your letter of 8th March. You have asked for clarity on two points:

- 1) You are right that I did not personally see the text of the letter. This was an initiative taken by my office after a brief discussion. That is certainly a lesson for me.
- 35 2) The constituency party have had thousands of reply slips, petitions etc from constituents over the last few years. The records show that they have indeed received something from [name of local resident] in the past. However this played no part in who received the letter in question. As previously reported it was specifically sent to those who had contacted us at the time about transport as he did. I have checked with the local party and they have confirmed that there were no slips on party leaflets regarding this issue.

40 I hope this reply gives the clarity you are seeking.

13 March 2012

8. Letter to the Commissioner from the Director of Accommodation and Logistics Services, 16 March 2012 (received 2 April 2012)

5 Thank you for your letter of March 8 2012 to [Director-General, Human Resources and Change], concerning a complaint against Mr Ian Swales MP in connection with the misuse of House of Commons funded paper and stationery. As I have responsibility for this area I have been asked to reply to you.

My responses to your questions of 8 March are as follows:

- The cost of 71 second class envelopes and 71 pieces of A4 headed paper is £31.09 in total;
- 10 • Paragraph 8 bullet 4 of the House of Commons stationery rules (updated in August 2011) states that Members may use stationery and pre-paid envelopes to contact their constituents and others who have not previously contacted them. I do not believe that there is anything in the body of the letter, with the exception of the reply slip, which would have made the use of House paper or the envelopes inappropriate under these rules.
- 15 • I consider that the use of stationery and pre-paid envelopes to correspond with two members of the public who were not Mr Swales constituents was appropriate since bullet 5 of the same paragraph states that stationery and pre-paid envelopes may be used for: *correspondence with bodies or individuals outside the constituency in pursuance of parliamentary activities.*

I hope this is helpful,

16 March 2012

20 9. Letter to Mr Ian Swales MP from the Commissioner, 2 April 2012

I have now heard back from the House Authorities in response to the advice which I had sought of them in relation to this complaint about your use of House of Commons pre-paid envelopes and stationery.

25 I attach a copy of my letter to the authorities of 8 March and their response which was dated 16 March but which I am sorry to say seems to have been lost in the internal post: I received the attached copy when I reminded them this morning. I am sorry that this has unnecessarily delayed the resolution of the matter: please accept my apologies.

30 You will see from the attached letter that the House Authorities consider the body of the letter, and the fact that you sent it to two people outside your constituency, both come within the rules for the use of House stationery. As you recognised yourself, the problem lay in the reply slip which meant that the letter was in breach of the rule that House stationery and postage must not be used in connection with work for a political party. The cost of the 71 second-class envelopes and 71 sheets of House of Commons notepaper you used was £31.09.

35 I need now to consider how best to resolve this complaint. If you agree, I consider that it can be properly resolved through the rectification procedure. That procedure allows me to resolve a complaint with the agreement of the Member if I consider the matter is at the less serious end of the spectrum. The Committee expects the Member to have apologised. In this case, you would need to contact the House Authorities to repay the stationery costs incurred – namely £31.09. I note that you are already taking action with your staff to avoid a recurrence.

40 If you agree to the resolution of this complaint in this way, I would then write to the complainant explaining the outcome and closing the complaint. I would report the matter briefly to the Committee on Standards and Privileges at its next meeting. In due course, my letter to the complainant and the relevant evidence would be placed on my parliamentary webpages. If you were not to agree to this course of action, then I would need to consider putting the matter formally in a memorandum to the Committee.

I enclose a draft of the letter which I would propose to send the complainant, if you agree to the rectification of this matter. While the content is, of course, a matter for me, if you agree to this course, I would be grateful for any comments you may have on the factual accuracy of this draft.

5 Once I hear from you, and if you agree to this outcome and let me have your apology to the Committee, then, subject to the Easter Recess, I will write as soon as possible to the complainant and close the complaint.

With renewed apologies for the delay, I look forward to hearing from you about bringing this matter to a conclusion.

2 April 2012

10. Letter to the Commissioner from Mr Ian Swales MP, 3 April 2012

10 Thank you for your letter regarding the recent complaint enquiry.

I am happy to apologise unreservedly for the error and will indeed refund £31.09 to the House Authorities.

In the letter to the complainant can I please ask you add “publicly funded” before the word “communication” in the following sentence: “The Freepost address was a address which he had never used before on any communication as a Member of Parliament...etc...” Otherwise I am happy with the letter.

15 Of course my reputation has already been scarred by articles about the investigation by the local press, the Daily Mail and opposition leaflets. However, can I ask that any summary on your web pages or elsewhere reports that the actual letter was a proper use of public money. It was only the inappropriate attempt to make it easier for residents to reply which caused the problem.

Many thanks for your speedy resolution of the issue.

20 *3 April 2012*

11. Letter to the Commissioner from Mr Ian Swales MP, 3 April 2012

Many thanks for your prompt response.⁵

I can confirm that a cheque reimbursing the House Authorities for the full amount has been sent today.

Thank you for your help in resolving this matter.

25 *3 April 2012*

⁵ Not included in the written evidence