



Parliamentary Commissioner for
Standards

Annual Report 2011–12

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Foreword

This is the fifth and final Annual Report which I shall submit as Parliamentary Commissioner for Standards. My five year term finishes at the end of December 2012. The process of appointing my successor started in May. I look forward to welcoming the new Parliamentary Commissioner to this office later this year.

It has been a tumultuous five years. This started in the early weeks of my tenure, following the Committee's Report about a Member who claimed against parliamentary expenses for a member of his family who was in fact a full-time university student in the North of England at the time. The pressure of complaints built during the course of that first year, reaching new levels of prominence when I inquired into a complaint against the then Speaker (which I did not uphold) and complaints against a number of members of the Cabinet, not all of which I upheld. It reached its zenith during the expenses crisis starting in the Spring of 2009. Each morning for some 25 days, the public, individual Members and the House were brought low by what was being published. Not all the matters reported were heinous or amounted to misconduct, but there was enough to be clear that the House had lost its bearings on expenses.

With the new Parliament elected in May 2010, and with the work of the Independent Parliamentary Standards Authority (IPSA) on expenses now settling down into a more established, more experienced and better understood structure, I hope that those bearings have now been re-established. I believe Members should be able to receive without rancour the level and type of expenses they and their offices need to support them in their parliamentary and constituency duties. Anything less than that is a disservice to our citizens. Anything more is a waste.

Following the House's agreement in December 2010 to increase the amount of published information about the Commissioner's work, in the last year I have published monthly updates on my webpages of statistics about the complaints I have received and my current inquiries. I have also published my determination letters and the supporting evidence for cases which I have rectified or where I have not upheld a breach. These changes have resulted in one of the highest degrees of transparency in any parliamentary or other disciplinary system. The necessary confidentiality of inquiries in progress has not been compromised, but the public can now see for themselves which Members are subject to inquiry and are now able to judge for themselves the fairness and thoroughness of the House's disciplinary system.

Meanwhile, the number of new complaints coming into my office continued to fall. That was to be expected, not least because expenses matters in the current Parliament are for the

Independent Parliamentary Standards Authority and its Compliance Officer to resolve. Nevertheless, I received over 100 formal complaints against 93 Members and former Members and many more e-mailed complaints, most of which fell outside my remit, often because they objected to the way a Member handled the constituent's case or to a Member's views and opinions. Both are properly matters for the Members' own judgement in respect of which they can be held to account by the electorate. Quite properly they are not matters for the Commissioner. Of the 12 complaints I resolved this year, almost 60% were about conduct in previous Parliaments. All of those concerning conduct in this Parliament related to parliamentary matters such as registration, declaration and the use of stationery, none of which suggested that those Members had exploited the House for any private or personal benefit.

Nevertheless, the reputation of the House remains at risk. Trust once lost will take time and a consistent and continued record of maintaining high standards of conduct before it can be restored. That is true of any national institution. It is particularly true of the House. As the expenses crisis showed, unless apparently minor breaches of the rules of conduct are challenged and remedied, they can all too easily become endemic and inflamed and so seriously damage the reputation of the House from within. I would urge Members and their offices to make sure they are familiar with all the relevant rules and regularly to check on their compliance. No Member should take these matters for granted. I, and my office, are always ready to provide advice or assistance to Members.

With fewer complaints inquiries, I have been pleased to be able to concentrate more fully on the standards framework within which the House operates. The House now has a revised and updated Code of Conduct. That is the outcome of the consultation and review I completed last year and of the report to the House on my conclusions by the Committee on Standards and Privileges. I was pleased that the House accepted almost all of the recommendations for a revised Code. As a result, except in one respect, I believe the House has a clear, practical, principled, relevant and easy to understand Code.

I was disappointed that the House decided to prevent the Commissioner from investigating the conduct of any Member in their private and personal lives which had significantly damaged the reputation and integrity of the House or its Members generally. The result is that the House is either powerless to protect fully the integrity of Parliament, on which our democracy depends, or it has no recognised structure of independent investigation for such matters. In my judgement that is bad for the reputation of the House and equally bad for any individual Member involved. I hope that before too long the House might find an opportunity to consider this matter further, in the light of the proposal made by the Chair of the Committee on Standards and Privileges which I refer to in Chapter 1 of my Report.

My Report also identifies the consultative work I have carried out this year on a new Guide to the Rules to underpin the new Code. This will give the House the opportunity to review the rules on lobbying by Members and to agree to a shorter and clearer set of requirements for the registration and declaration of interests. My Report also identifies the work I have done to simplify and update the previous procedural notes, creating one comprehensive note reflecting my current procedures.

My aim in all this work has been to use my experience as Commissioner to support the House in having relevant, up-to-date and accessible rules of conduct. At the same time I have sought to ensure that the supporting rules and procedures give the best prospect of assisting Members in complying with the rules and of resolving problems fairly when they may not have done so. I aim, therefore, to pass on to my successor a system for Members' conduct which meets both the needs of Parliament and the expectations of the public.

I know that the new Commissioner will be greatly assisted by the excellent staff in the Commissioner's Office and by a new Committee on Standards which will oversee the new Commissioner's work. If the House is as well served by that Committee as I believe it has been by the Committee on Standards and Privileges under its successive Chairs, then the new Commissioner will be in the best position possible to carry out the duties of this office with the confidence that the Commissioner has, as he or she must have, the full support of the whole House.

I will leave this office at the end of this calendar year very grateful to the House for the honour of serving it and the wider public in this important role.

26 June 2012

John Lyon CB

1 Review of the year

1.1 In the second year of this Parliament I have focused on strengthening the systems for sustaining high standards among Members. The role of the Commissioner is far more than intervening when things have gone wrong. In my view it is even more important that the Commissioner supports the House and all its Members to prevent problems before they arise. As part of my contribution to this important work, in the last year I concluded my review of the Code of Conduct for Members of Parliament to ensure it continued to reflect the standards expected of all Members. As a result I consider that the House has, except in one respect, a Code which meets today's expectations of Members and sustains the reputation and integrity of Parliament.

1.2 The existence of a Code of Conduct is in my view an essential requirement for any democratic institution. But alone it is not sufficient to ensure public confidence in the probity of its Members. People need to have confidence that the principles will be consistently met and that standards will be upheld.

1.3 The publication, in November 2011, of the Committee on Standards in Public Life's survey of public attitudes was a timely, if sobering reminder of the size of the task still before the House. This was the fourth survey of public attitudes to the standards of conduct of public office holders in the UK and, as previous surveys, included public perceptions of Members of Parliament. It was undertaken between December and January 2010. As the Committee on Standards in Public Life said, the results make stark reading: while public confidence in those holding public office has been on a long term decline since 2004, the 2010 results suggest that the rate of decline may have increased. The Committee on Standards in Public Life noted that MPs fell short of what people expected of them on all the dimensions covered in the survey—with the exception of not taking bribes. While there was no change in levels of trust in Ministers and MPs in general the proportion who considered that most Members told the truth fell from 26 to 20 per cent and only 8 per cent felt they owned up when they made a mistake.

1.4 It is fair to point out that this was a survey of the public *perception* of Members' conduct. It does not purport to be an accurate reflection of the conduct itself or of the current standards followed by Members. There were also some more positive signs, for example the survey found that the proportion believing the authorities will generally uncover wrongdoing by those in public office rose from 39% to 44% and confidence that the authorities would punish those caught doing wrong increased from 33% to 36%. And fewer people believed that MPs based their decisions on what would make their party popular (9%) or what might affect their political career (8%). Nevertheless, the survey was a sobering reminder, if any were needed, that Parliament suffered heavy blows to its

reputation in the final years of the last Parliament and it will take some considerable time, and a record of continuing probity, to restore and to strengthen the public's perception of their elected Members.

1.5 In the light of the findings of this survey it was perhaps timely that the House had the opportunity to consider and agree a new Code of Conduct. My review of the Code of Conduct enabled me to consider whether the Code needed some revision in the light of public expectations and the experiences of the last Parliament. And it enabled the House as a whole to commit the current Parliament to the Code's purpose and expectations.

1.6 This is not the first time that the Code has been revised since it was first agreed by the House in 1996. The Committee on Standards in Public Life recommended in 2002 that it should be reviewed once in each Parliament.¹ I think this is valuable advice. The Code should expect to have some longevity, but should be revisited, from time to time—both to be sure that it still meets public expectations and to provide Members of the Parliament at the time with an opportunity to consider and commit to their Code. Having consulted widely, including past and present Members and the current Committee on Standards in Public Life, I submitted my conclusions to the Committee on Standards and Privileges in October 2011. The Committee submitted its report to the House the following month.

1.7 Overall, I endorsed the main tenets of the Code. In my view it is right that it should set out the expectations at a relatively high level of principle rather than turning itself into a detailed rule book. It is right that the Code should commit Members to the seven principles of conduct in public life established by the Committee on Standards in Public Life as far back as 1995. And it is right that it should establish some key high level rules of conduct to which all Members are expected to adhere. But I thought that the Code could usefully distinguish more clearly between the general aspirations and the specific rules, that some of the rules could be rephrased to ensure they could be better understood and more objectively judged and that the principle that Members should be accountable for adhering to these rules should be more clearly established. Under the Code, that accountability is exercised through inquiry by the Commissioner, who reports to the relevant select Committee, who itself reports to the House.

1.8 I recommended also that the Code should normally be confined to conduct which related in any way to membership of the House, and that it should not routinely continue to apply to all aspects of a Member's public life. This was because I did not believe that a parliamentary code was the place to regulate Members' other public activities, such as their work as a barrister or on the board of a public company, particularly given there were separate regulators for that.

¹ Recommendation R1(a) of the Eighth Report of the Committee on Standards and Privileges, Standards of Conduct in the House of Commons, Cm 5663, November 2002.

1.9 But that narrowing of the remit of the Code needed in my view to be balanced by a provision which I recommended and which would have allowed Members to have been made accountable for any actions undertaken in any capacity which had the effect of significantly damaging the reputation and integrity of the House of Commons as a whole or of its Members generally. The events of the last Parliament well demonstrated how the actions of individual Members can affect the reputation and integrity of the whole House. Democracy and good governance depend crucially on maintaining confidence in the House of Commons as an institution. It is right in my view that the institution should be able to take action against a Member whose conduct has demonstrably and significantly damaged Parliament itself.

1.10 With one drafting amendment, the Committee endorsed my recommendations in full. It submitted in November 2011 a revised Code for the House's approval. The revised Code was considered by the House in a debate on 12 March 2012.

1.11 In explaining the revised code to the House, the Chair of the Committee, the Rt Hon Kevin Barron MP, said the following:

“In approving the Code of Conduct today, the House will be setting the framework for the rules that will, I hope, last for the remainder of this Parliament and into the next. It is important to be clear about what the Code is for. It is not a rule book that sets out precise instructions about what is and is not permissible in each case..... The Code has a broader function: it helps us to ensure that we behave in way that is consistent with the seven principles of public life—the Nolan principles, which are part of the Code and which underpin its provisions. Where appropriate, the Code is supplemented by more detailed statements of some of the rules, such as the guide to the rules, and the rules on the use of House facilities, but Members have ultimate responsibility for ensuring that they abide by the principles of the Code.”

1.12 I was pleased that after debate the whole House agreed without division to the revised Code, with one exception. The House agreed to an amendment to the Code which prevents the Commissioner from investigating a specific matter which allegedly has caused significant damage to the reputation and integrity of the House or of its Members generally if that matter related only to the conduct of a Member in their private and personal lives. The result is that the Code—and the House—has accepted that Members' conduct in their private and personal lives could exceptionally cause such damage, but the established means of resolving fairly and independently such matters cannot be invoked. In my judgement this leaves the Code in an unsatisfactory and unsettled position. In such wholly exceptional circumstances where, by definition, the pressures on the House to act are likely to be immense, the House would either be unable to act or would have to try to initiate

some unprecedented procedure without the involvement of the independent Commissioner appointed by the House to do this work.

1.13 I recognise the House's concern about any intrusion into a Member's private and personal life. Like anyone else, Members are entitled to a private and personal life and for that to remain private. Any intrusion into that should be both necessary and proportionate. There needs to be a very clear public interest in such intrusion, recognising, as the rule in the Code itself says, that any conflict between the private and public interest must be resolved in favour of the public interest. I recognise that the House may wish to satisfy itself that in such circumstances an investigation is necessary to protect the reputation and integrity of the House before the Commissioner embarks on such an investigation. I hope that before too long the House might find an opportunity to consider further this matter and the resolution proposed by the Chair of the Committee on Standards and Privileges, which would require the Commissioner to seek the agreement of the relevant Committee of the House before exceptionally instituting such an inquiry.

1.14 In addition, on 12 March 2012, the House agreed a motion in respect of the appointment of lay members to a new Committee on Standards. This followed an inquiry by the Procedure Committee published in November 2011 into a previous recommendation from the Committee on Standards in Public Life in November 2009,^{2 3} which had been endorsed by the Committee on Standards and Privileges and then the House in December 2010.⁴ The House agreed to create two separate Committees, one on standards and one on privileges, with at least two and no more than three lay members being included on the Committee on Standards. The House agreed that lay members, who cannot be former Members of Parliament, will be able to participate fully in evidence taking and informal consideration of draft reports. While they will not have full voting rights, any written opinion of a lay member must be published as part of its report and the Committee on Standards cannot conduct any business unless at least one lay member is present. Lay members could be appointed for the remainder of one Parliament and reappointed for a period of up to two years in a new Parliament. Once the new arrangements are in place, my work will be considered by the Committee on Standards.

1.15 I value this development. I hope that the necessary appointment procedures for the lay members will result in the establishment of a Committee on Standards with lay members before too long. If this were to be before the end of this calendar year I stand ready to give any assistance necessary to the new Committee and its lay members in fulfilling their responsibilities.

² Procedure Committee, Sixth Report of Session 2010–12 Sixth Report, HC 1606

³ Committee on Standards in Public Life, Twelfth Report, *MPs' expenses and allowances* (Cm 7724, November 2009)

⁴ Committee on Standards and Privileges, Second Report of Session 2009–10, HC 67

1.16 In January 2012 I published a consultation paper on the more detailed Guide to the Rules. The Guide relates principally to the rules in the Code of Conduct dealing with the registration and declaration of Members' financial interests and to lobbying. It provides fuller details about these rules and about the procedure for complaints. The current Guide is much longer than the Code itself and, in my view, can be quite difficult to follow. This is principally because the Guide is the result of a series of motions and resolutions of the House, plus some interpretation of these motions and resolutions, which have grown up incrementally over some 16 years. This is the first time that the opportunity has arisen to consider the Guide to the Rules as a whole, including both its structure and content.

1.17 In respect of its structure, I have proposed in the consultation paper a full redraft of the Guide reducing its length by 25% and setting out its provisions and the requirements on Members in what I hope is a clearer and more logical way.

1.18 In respect of the content, I have consulted on reducing the number of categories under which Members are required to register their interests, thus I hope simplifying that task, harmonising some of the financial thresholds for registration and potentially tightening the rules on lobbying in relation to both present and past Members. I am now considering the responses I have received and the issues raised in the consultation paper before submitting a report on the Guide to the Committee for their consideration. I expect my work on this to be complete by the end of this calendar year.

1.19 In addition to the Code and the Guide to the Rules, the Commissioner has previously published with the Committee's approval a note on the procedures for complaints and inquiries. There were seven such notes, mainly for specific recipients such as the Member, witnesses or the press. Many of them dated back to 2003 and they needed updating. In the course of the year I therefore worked on a single procedural note which reflected my current procedures and which is now available to all interested parties, as well as the wider public. The new note gives procedural guidance to anyone involved at each stage of the complaints procedure enabling them to see where they fit into the overall process. The Committee approved this new procedural note in April 2012 and I published it on my webpages. It will apply to all inquiries started after that date.

1.20 There have been two developments in relation to All-Party Parliamentary Groups. In November 2011 the Registrar of Members' Financial Interests proposed to the Committee on Standards and Privileges that those who held House of Commons passes because of their work on the secretariat of any group should have to register financial interests in the same way as the staff of Members do. This was necessary to fill a gap in the registration structure following a decision by the House authorities to issue passes to members of any secretariat who were not already part of the staff of a Member of either House. Further information on this new requirement is in Chapter 4.

1.21 In November 2011 the Speakers of both Houses established a cross-House working group to review Parliament's arrangements for All-Party Groups. The working group was established to consider the current operation and funding of All Party Groups and produce some pathfinder recommendations. In a statement published on 28 November 2011 the Speakers made clear that they wished the working group to look at the implications of the growing number of All-Party Groups; the extent to which there is a risk of confusion with formally constituted Select Committees of both Houses; whether Groups should be required to publish minutes and accounts; and the funding of Group activities. I was pleased to have been asked by the Speakers to be an adviser to that working group. The working group submitted its Report to the Speakers and it was subsequently published in June 2012.

1.22 The year saw some changes to the staffing in my office. In April 2011 the Registrar of Members' Financial Interests, Ms Alda Barry, moved to other duties in the House. She had been Registrar for almost 10 years and is widely respected in the House for her expertise and wise advice. She was succeeded by Ms Heather Wood, who was the Commissioner's complaints officer. Over the course of the year, I was able to reduce my own normal working week from four to three days, although I worked additional days when the work required it and continued to be available at all other times.

1.23 In addition to the work on which I have been centrally engaged and these changes to my office, I have also been engaged with a number of initiatives and activities undertaken elsewhere.

1.24 In September 2011 the Independent Parliamentary Standards Authority and their Compliance Officer agreed their joint statement on working with the Commissioner. It is a statutory requirement on IPSA and the Compliance Officer to produce a statement on how they will work with the Commissioner, the Metropolitan Police Service and the Crown Prosecution Service. In respect of the Commissioner, the joint statement says that, where either IPSA or the Compliance Officer considers that a Member's conduct justifies it, they shall refer that Member, with the relevant evidence, to the Commissioner for him or her to decide whether to inquire into a potential breach of the Code or rules.

1.25 Following the publication of this joint statement, and with the agreement of the Committee, I published in November 2011 a procedural note setting out my procedures for handling a referral from either the Independent Parliamentary Standards Authority or its Compliance Officer. This stated that I would not consider any such reference until after any avenue of appeal available to the Member under IPSA's statutory procedures had been exhausted. It also made clear that I would expect to accept the outcome of any investigation undertaken by the Compliance Officer relating to his or her remit and would not, therefore, expect to reopen the Compliance Officer's investigation or its final outcome.

This note has now been incorporated into the updated and consolidated procedural note referred to above.

1.26 In September 2011 I provided at his request written evidence about the work of the Commissioner to Lord Justice Leveson's inquiry into the culture, practice and ethics of the press.

1.27 In December 2011 the Government published a draft bill which would give the public the right to recall their local Member of Parliament where there was a finding of serious wrongdoing against the Member. The proposals set out two triggers for a recall petition. The first would be linked to a Member receiving a custodial sentence of 12 months or less (a sentence over 12 months already attracts automatic expulsion from the House). The second would be when the House of Commons resolved, through a vote, that a recall petition should be opened. The Government considered that the draft Bill would work alongside the House's own disciplinary arrangements and that the House could be invited to agree to a recall petition where the Committee on Standards and Privileges had found the Member guilty of serious wrongdoing.

1.28 In January 2012, with the Chair, I gave evidence on these proposals to the Constitutional and Political Reform Committee which was conducting pre-legislative scrutiny of the Bill. My own view is that the Commissioner should not be required to determine in his investigation whether the serious wrongdoing threshold for recall had been met because that would involve him, in effect, in recommending a sanction on a Member. I would not welcome an extension of the Commissioner's remit into recommending what sanction the House might impose as a result of my investigation: that is too wide a band of responsibility for one person. The current process properly separates the person who conducts the investigation from any decision about the penalty. And under the new provisions of the current Code, of course, the Commissioner would not be able to engage in any investigation if it involved only a Member's conduct in their private and personal lives, for example an offence committed abroad on holiday, since the Code specifically prevents him from investigating such matters.

2 Looking outward: information and advice

Publication of information about inquiries

2.1 In accordance with the procedures agreed by the House I publish on my webpages each month the statistics in relation to the complaints I receive and resolve, and I identify the name of the Member in respect of any cases I am inquiring into. Where I resolve an inquiry without it going to the Committee, then my resolution letter, and the evidence on which it is based, are published on my parliamentary webpages. My reports to the Committee with all the relevant evidence supporting them are published on the Committee's webpages.

Responding to enquiries from the general public

2.2 During the year my office continued to receive, and to respond to, regular enquiries from the general public by telephone, e-mail and letter. To those who approached my office with concerns about individual Members, we responded explaining my role and, as appropriate, the extent of my remit, and the procedure for submitting complaints, including the need for complainants to supply sufficient evidence to justify an inquiry. To those who asked about particular inquiries, my office replied in accordance with the guidance approved by the Committee, directing enquirers to published information where available or confirming, when asked, whether or not a specific complaint against a particular Member had been received and was under inquiry.⁵ In response to comments or questions about parliamentary processes, or about Parliament as a whole, my office directed enquirers to those best placed to respond.

Freedom of Information requests

2.3 During the year the House of Commons received nine requests for information relating to my work under the Freedom of Information Act 2000. The House responded to these requests in accordance with the statutory procedures. Five of these requests related to complaints about or investigations into Members or Members' staff; two were about the registers of interests; one asked for information about an All-Party Group; and one concerned briefings for Members. A full or partial disclosure was made in all cases except two where the House either did not hold the information or did not confirm or deny

⁵ Procedural Note, April 2012 http://www.parliament.uk/documents/documents/Procedural_Note-April_2012.pdf

whether information was held by virtue of the exemption in the Act for personal information.

Responding to enquiries from the media

2.4 My office responded to 140 media enquiries during the year. The majority of these related to complaints or matters under inquiry. In such cases my office confirmed, when asked, whether or not a specific complaint had been received and whether a matter was under inquiry, including referring to the information on my webpages updated monthly setting out my current caseload.⁶ My office does not comment on the progress of particular inquiries while they are in train but, once inquiries are completed, the course and chronology of each inquiry is available in each memorandum I submit to the Committee or otherwise on my webpages.

Relations with other standards bodies

2.5 I am pleased to report that during the year my office continued to maintain our contacts with the Standards Commissioners for the devolved administrations. In particular I was grateful to them for their contributions to my consultations on reviewing the Code of Conduct and its associated Guide to the Rules. We have also maintained our close working relationship with the Electoral Commission with regular contacts at working level and meetings when required.

International work and other presentations

2.6 My office has continued to provide presentations and discussion sessions to visiting parliamentarians and parliamentary staff. This year, in December 2011, I accompanied a Member of the Committee on Standards and Privileges to the Parliamentary Assembly of the Council of Europe's Committee on Rules of Procedure, Immunities and Institutional Affairs where I gave a presentation on the role of the Commissioner. Alongside the Chair and the Clerk of the House I gave evidence to the Australian House of Representative's Privileges and Members Interests Committee. In the course of the year I met with Tasmania's Parliamentary Standards Commissioner and gave a presentation to interns from the University of Hull. In addition, members of my office had meetings with representatives from Angola, Mexico, Vietnam, Uganda and the Isle of Man.

2.7 Finally, I spoke in February 2012, at Oxford University's 'Lessons in Government' seminar series. In that speech I set out my views on the parliamentary standards framework established on the four pillars of clarity, openness, accountability and support

⁶ Procedural Note, April 2012 http://www.parliament.uk/documents/documents/Procedural_Note-April_2012.pdf

and describe how this framework fits into the wider context of standards in public life. The text of the speech is at Appendix 2.

Advice to Members and others

2.8 My office provides, as a core part of its work, confidential advice to Members either by telephone, letter, e-mail or face-to-face. This includes advice on registration and declaration and on wider issues which could raise questions of propriety. The Registrar and Executive Assistant advise on the Register of Members' Financial Interests and the Assistant Registrar on the Registers for staff, All-Party Groups and Journalists. Such advice is confidential. It is disclosed only in the event of its becoming relevant to one of my inquiries.

2.9 In addition, during the year the Registrar continued the programme of briefings about the registration requirements for both Members and their staff. Between March 2011 and March 2012, she held two seminars for Members and five for their staff. Further sessions are planned for 2012–13.

3 Inquiries Into Members' Conduct

Overview

3.1 In the year beginning 1 April 2011 I received 109 formal complaints or allegations against 93 Members and former Members.⁷ This was slightly fewer than in the previous year. While most of these complaints fell outside my remit, and others could not have constituted a breach of the rules, I accepted eight complaints for inquiry.⁸

3.2 In the course of the reporting year, I concluded work on 12 complaints or allegations including six carried forward from the previous year. The twelve complaints included two inquiries which, with the agreement of the Committee, I closed following the conclusion of court proceedings and one which I closed on medical grounds. None of these three Members was still a Member of the House and each of the inquiries had been subject to a considerable period of suspension. I reached conclusions, therefore, on nine inquiries. At the end of the year I carried forward to 2012–13 two inquiries which were active, and two which remained suspended.⁹

Complaints received and considered in 2011–12

3.3 I carefully considered each of the 109 complaints I received in 2011–12 to see whether they came within my remit and if so if the complainant had provided sufficient evidence to justify me initiating an inquiry. Each complainant received a response from me or my office and almost all of these responses were issued within five working days of receipt of the complaint.

3.4 Under the procedures agreed by the Committee on Standards and Privileges, I do not accept complaints unless they are signed and in hard copy. In addition to these formal complaints which I record in my statistics, my office receives each year a number of complaints by fax or e-mail. In the last year this amounted to just over a hundred. Each received a substantive response, usually within five working days of receipt. When the subject matter of these complaints appears to come within my remit, my office invites the complainant to submit their complaint formally in writing with their evidence so that I

⁷ In the context of this chapter, complaints include allegations referred to me by the Member themselves (“self-referrals”).

⁸ The House has decided that the Committee’s remit should not cover policy matters, a Member’s views or opinions, a Member’s handling of or decisions about cases (whether or not they were constituents), or matters which relate wholly to the conduct of Members in their private or personal lives. The Commissioner does not consider complaints about expenses matters in the current Parliament (which are for the Independent Parliamentary Standards Authority) or alleged breaches of the Code of Conduct for Ministers.

⁹ Both of these suspended inquiries had been first suspended in 2010–11.

can consider them further. Those which were so submitted are recorded among the 109 formal complaints I received.

3.5 Table 1 sets out on a quarterly basis the number of complaints accepted during the year and the number not accepted for inquiry, with reasons. As in previous years, the largest category of those I was unable to accept were where the complaint fell outside my remit. Under the provisions agreed by the House, my remit does not include a Member's handling of or decision about an individual case (whether or not the individual is a constituent of the Member), the expression of a Member's views or opinions, or policy matters. Complaints on these matters formed a substantial proportion, almost 75%, of the formal complaints I received.

Table 1: Complaints considered in 2011–2012

	Quarter 1 Apr-June 2011	Quarter 2 Jul-Sept 2011	Quarter 3 Oct-Dec 2011	Quarter 4 Jan-Mar 2012	Total
1. Formal complaints received	23	16	36	34	109
2. Complaints subject of inquiry:					
(a) Complaints under inquiry and brought forward from 2010-11	-	-	-	-	4
(b) New complaints accepted for inquiry	0	0	6	2	8
(c) Inquiries suspended at quarter end	3 ¹	3	2	2	
3. Complaints not inquired into:					
(a) because complaint fell outside remit	18	15	14	34 ²	81
(b) because complaint did not concern a breach of the rules	4	1	10	0	15
(c) because insufficient supporting evidence was provided	0	0	2	0	2
(d) because a similar complaint had already been accepted	1	0	1	0	2
(e) because inquiry not justified following self-referral	0	0	1	0	1
<i>Total complaints not inquired into</i>	23	16	28	34	101

Note 1: One further suspended inquiry was brought forward from 2010–11 and closed in the first quarter

Note 2: Two of these complaints were received in Quarter 3.

Self referrals

3.6 One Member referred himself to me for inquiry in 2011–12. Under the procedures agreed by the House, I may only accept a self-referral in exceptional circumstances and with the agreement of the Committee. I did not consider that the matter referred to me by the Member, involving a late registration, met that threshold. I did, however, subsequently receive a complaint about the same matter which I was able to accept and resolve. One of the four cases I brought forward from 2010–11, and concluded in 2011–12, was a self-referral.

Suspended inquiries

3.7 I brought forward from 2010–11 four suspended inquiries. During 2011–12 I closed two of these. I carried into 2012–13 two cases which had been suspended: one on account of criminal proceedings; and the other on account of possible criminal proceedings.

Complaints inquired into and resolved in 2011–12

3.8 Table 2 sets out on a quarterly basis the numbers of complaints which I concluded during the year and how they were resolved. Of the nine complaints on which I concluded inquiries, in all but one I upheld the complaint in whole or in part, or identified and resolved a related breach. I did not uphold the remaining complaint.

Table 2: Complaints resolved in 2011–12

	Quarter 1 Apr-June 2011	Quarter 2 Jul-Sept 2011	Quarter 3 Oct-Dec 2011	Quarter 4 Jan-Mar 2012	Total
1. Complaints upheld:					
(a) resolved through the rectification procedure	0	1 ¹	1	2	4
(b) subject of a memorandum to Committee on Standards and Privileges ⁵	1	1	0	2	4
<i>Total complaints upheld</i>	<i>1</i>	<i>2</i>	<i>1</i>	<i>4</i>	<i>8</i>
2. Complaints not upheld:					
(a) without a formal report to the Committee on Standards and Privileges	0	0	0	1	1
(b) subject of a memorandum to Committee on Standards and Privileges ⁵	0	0	0	0	0
<i>Total complaints not upheld</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>1</i>	<i>1</i>
3. Other complaints submitted to the Committee on Standards and Privileges					
(a) Consideration of memorandum postponed because of possible criminal proceedings ²	0	0	0	0	0
(b) Inquiry closed	2 ³	0	1 ⁴	0	3
<i>Total complaints inquired into and resolved</i>	<i>3</i>	<i>2</i>	<i>2</i>	<i>5</i>	<i>12</i>

Note 1: In this case the complaint was not upheld but other matters were rectified.

Note 2: Consideration of one memorandum submitted to the Committee in 2010–11 remains postponed.

Note 3: Following the conclusion of court proceedings—both had been subject to a period of suspension, one from 2009–10 to 2011–12 and the other from 2009–10 to 2010–11

Note 4: Following suspension on medical grounds.

Note 5: Where complaints are submitted to the Committee, these are recorded as concluded on the date when the Committee publishes its report on the case.

Complaints not inquired into

3.9 It is in the nature of most complaints systems that a large number of the complaints received raise matters which cannot be proceeded with. That has been the position with

complaints sent to the Commissioner since this office was established, and this year has been no exception. Of the 109 complaints I received in 2011–12, 81 fell outside my remit, for example because they concerned such matters as the time taken by a Member to respond to constituents' letters, or the way the Member had handled their case. Other complaints concerned the views or opinions expressed by a Member or the actions of Government Ministers, all of which are outside my remit.

3.10 It is understandable that many complainants are not familiar with the rules of the House. I therefore receive a significant number of complaints where the allegations, if substantiated, would not constitute a breach of the rules. There were 15 such complaints last year. Some of these involved misunderstandings about the provisions in the Green Book on Members' allowances from previous Parliaments, or about the requirements of the House in relation to apparent conflicts of interest. The House does not prevent Members undertaking paid employment outside the House, but it does require them to register and when relevant declare those interests openly.

3.11 In just two cases complainants wrote making allegations that Members had breached the rules of the House, without providing sufficient evidence to substantiate their claims. My office replied reminding the complainant that my remit is to consider complaints where the complainant has provided sufficient evidence to justify an inquiry into whether a particular Member has breached the rules of the House. In two further cases complainants wrote to me to make a complaint against a Member against whom a similar complaint had already been accepted. Finally, in one case where a Member referred himself to me for inquiry, I did not consider that the self-referral exceptionally justified an inquiry and did not, therefore, initiate an inquiry into it.¹⁰

Frivolous or vexatious complaints

3.12 If I receive a complaint which appears to be frivolous or vexatious I will draw this to the attention of the Committee on Standards and Privileges. I am pleased to say that in this reporting year, as with each of the last seven years when this has been separately reported, I have not needed to report any such complaints to the Committee. In my review of the Guide to the Rules relating to the conduct of Members I have consulted on whether this special provision for frivolous or vexatious complaints should continue.

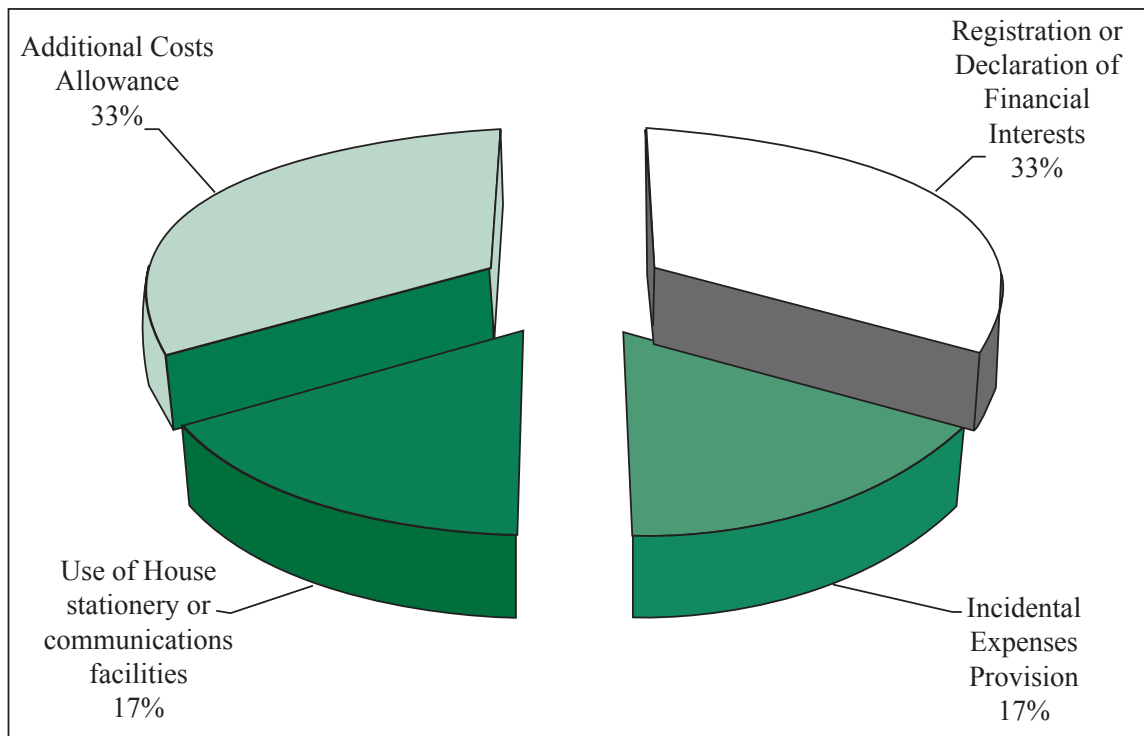
Analysis of complaints resolved during the year

3.13 Chart 1 shows the principal subject matter of the twelve complaints I resolved in 2011–12 including the three which were closed following court proceedings or on

¹⁰ I did, however, subsequently inquire into this matter following a complaint. See also paragraph 3.6

medical grounds. Four cases (33%) related to the registration or declaration of the Member's financial interests. Four cases (33%) were about the Member's use of the Additional Costs Allowance relating to the cost of their overnight accommodation in previous Parliaments.¹¹ I resolved two cases (17%) which were about the Member's use of House of Commons stationery and pre-paid envelopes or the misuse of House communications facilities. And I resolved two cases (17%) concerning the use of the Incidental Expenses Provision—relating to a Member's office costs.¹²

Chart 1: Principal subject matter of inquiries resolved in 2011–12



Note 1: On 1 April 2009 the categories for claims in the last Parliament were renamed as follows:

- Incidental Expenses Provision (to meet the cost of: accommodation for office or surgery use; equipment and supplies for office or surgery; work commissioned or other services; and certain travel and communications) became Administrative and Office Expenditure; and
- Additional Costs Allowance (to reimburse Members for necessary costs incurred when staying overnight away from their main home for the purpose of performing parliamentary duties) became Personal Additional Accommodation Expenditure.

3.14 Seven allegations resolved this year related to conduct in previous Parliaments. Five other allegations were about the Member's actions in the current Parliament.

¹¹ I closed two of these, following the conclusion of court proceedings against the former Members.

¹² I closed one of these, involving a former Member, on medical grounds.

Reports to the Committee

3.15 During the year I submitted to the Committee four memoranda on a total of three complaints and one self-referral. I upheld allegations in each of these cases. In all the memoranda I submit I identify the allegation of a breach of the rules which I have received, the relevant rules relating to that allegation, the inquiries I conducted, with all the relevant evidence submitted to me as a result, my findings of fact (which I aim to agree with the Member who is the subject of the inquiry) and my conclusions on whether the Member has been in breach of the rules and, if so, how serious I consider that breach to have been. It is for the Committee to decide whether to accept my conclusions and, if so, what action, if any, to recommend to the House. The Committee accepted my overall findings in each of the four cases they considered before deciding what action to take or to recommend.

3.16 Two memoranda related to Members' claims for overnight costs in previous Parliaments. One of these memoranda also related to the use of parliamentary office facilities. One further memorandum related to a Member's use of pre-paid envelopes and House stationery. And one memorandum was about the registration and declaration of a financial interest.

3.17 The first memorandum which I submitted to the Committee concerned a self-referral by the Member requesting an inquiry into his arrangements for renting parliamentary funded accommodation from his partner until 2009.¹³ I initiated the inquiry on 3 June 2010, soon after the general election. Since I am required to seek the agreement of the Committee before inquiring into a self referral, or a matter going back more than seven years, I sought and obtained the new Committee's approval as soon as it was appointed.

3.18 The rules of the House had been changed in 2006 explicitly to prohibit claiming for the costs of renting from partners and family members and at the conclusion of my inquiry I found that the Member was in breach of those rules in the claims he had made from July 2006 to July 2009. I concluded that, although there was no specific prohibition in place earlier, the Member's claims prior to that date had not been above reproach because the lodging agreements which he had submitted to the House authorities gave a false impression of his arrangements.

3.19 I also considered other aspects of the Member's arrangements which had not been part of the self-referral but which were drawn to my attention by the Member's evidence during the inquiry. I found that the Member's designation of his main home in 2001 was correct, but that over time, the Member had come to spend more nights in his

¹³ Fifteenth Report of Session 2010-12, HC 1023

parliamentary funded accommodation and was, therefore, in breach of the rules from April 2005 in continuing to identify his constituency property as his main home. I found also that the Member had claimed for a higher rent than was justified, that he had wrongly claimed some £2,000 for building works which should have been covered by the rent charged and that the costs of the telephone line in his main home and of his mobile telephone should not have been claimed against the Additional Costs Allowance. I considered that these breaches were serious but noted that I had no evidence that the Member made the claims with the intention of benefiting himself or his partner. Finally, I concluded that there was a clear public interest in Members reporting their living arrangements fully and accurately to the House when those arrangements were relevant to their claims against public resources. The Member had a conflict between his private interest in secrecy about his life and the public interest in his being open and honest about his expenses claims. I considered that in accordance with the Code he should have resolved this conflict straightaway and in favour of the public interest.

3.20 The Member accepted complete and personal responsibility for these breaches and apologised. The Committee agreed with my findings. The Member had already repaid £56,592, the sum of his full ACA claims for the period from 1 July 2006 to 31 July 2009. The Committee noted that this repayment included £6,770 for food costs which would have been incurred whatever the validity of his other claims, and that the maximum overpayment for rental claims and incorrect claims for telephone usage fell below £6,770. It, therefore, did not recommend repayment of those sums. The Committee concluded that the Member was guilty of a series of serious breaches of the rules, over a considerable time, and recommended that he be suspended from the service of the House for a period of seven sitting days and that he apologise to the House by way of a personal statement. In doing so, the Committee noted that the Member's behaviour since May 2010 had been exemplary; that he had quickly referred himself to me; had already repaid allowances from 2006 in full; and had co-operated fully with my investigation. His behaviour influenced their recommendation. The House agreed to the recommended suspension and the Member made his apology.

3.21 The second memorandum which I submitted to the Committee concerned a complaint that a Member had used House of Commons pre-paid envelopes and House of Commons stationery to send unsolicited letters and that the content of those letters constituted party political activity. The Member had sent 295 common format letters to council group leaders from a different political party to his own in advance of their spring conference. In the letter he sought to persuade these council leaders that the coalition Government's health policy, of which their party was part and which their Conference was to debate, was not in accordance with their party's policy. Under the then rules, Members were permitted to use such envelopes to reply to individuals and organisations

about issues on which they had already contacted the Member, but not for updates of more general concern, and only for the purpose of a Member carrying out his or her parliamentary duties. The definition of parliamentary duties in force at the time expressly excluded activities a Member carried out for party political purposes or for personal reasons. Upholding the complaint, I concluded that this use of House of Commons pre-paid envelopes was in breach of the rules of the House, both because the letters were unsolicited and because they constituted party political activity, and were not therefore part of the Member's parliamentary duties. I did not regard this breach of the rules as at the serious end of the spectrum. But while the Member accepted that the letter was unsolicited, he did not accept that the letter constituted party political activity. I therefore submitted a memorandum to the Committee. The Committee agreed with my conclusions. It recommended that the Member make a written apology to the House. The Member did so. It noted that the Member had paid back the cost of the postage and the notepaper which had been financed through the IPSA parliamentary expenses scheme, rather than provided by the House of Commons, and had given a commitment that in future he would not send unsolicited letters using House provided stationery. The Committee noted in its report that the House of Commons Commission was examining the rules on House envelopes and stationery and that the Member was sharing his views with them. The Committee said it hoped that the revised rules would remove ambiguities and perceived ambiguities in the definition of parliamentary duties.

3.22 The third memorandum I submitted to the Committee concerned complaints that the Member had failed to register in time payments he received in respect of his employment with a trade union and that he also failed to declare that interest on six occasions.¹⁴ The Member, who had entered the House at the 2010 general election, had on 4 June 2010 registered his employment with the union stating that he was leaving the position and had declined his salary in the meantime. I found that later that month, however, the Member decided that he would accept a monthly salary until formally leaving this employment. No change was made to his Register entry until in July 2011 the Member registered that he had received an *ex gratia* payment of £30,000 on leaving his employment. In October 2011 he submitted a further Register entry which said that he had received £27,867 in salary between the general election and 30 October 2010 (when his employment ended).

3.23 In upholding the complaint I concluded that the Member had failed to register in time the payments he received in respect of this employment from June to November 2010, his use of a company car and company mobile telephone and the *ex gratia* payment he received from the union in November 2010. I found that the Member was also in

¹⁴ Twenty-Second Report of Session 2010-12, HC 1766

breach of the rules for not notifying my office within four weeks of the ending of his employment with the union and for failing to provide all the information required to complete his registration entry for this employment. I also concluded that the Member had breached the rules of the House in failing to declare this interest when making contributions to parliamentary proceedings on two of the six occasions identified by the complainant. I did not consider that declaration was required on the other four occasions. I considered that the Member's failure to register interests, including within the required time period, were serious matters, as too were his failures to declare relevant interests in debates. But I considered it relevant that the Member concerned was at the time new and seeking to establish himself in the House and in his constituency. I noted that he had cooperated fully and openly with my inquiry and had taken the first opportunity to acknowledge his breach of the rules and to apologise. I had no evidence that the breaches were intentional. The Committee agreed that the matter was serious. The Committee also acknowledged the Member's co-operation with the inquiry, and his immediate and repeated apology. They recommended that the Member apologise on the floor of the House (which he did by way of a personal statement). The Committee also recommended that he update his entry in the Register in the terms already agreed with the Registrar. This update appeared in bold, italic type with an appropriate footnote. It will remain in that form for 12 months and until it has appeared in one printed Register, if that is later.

3.24 The fourth memorandum I submitted to the Committee concerned a complaint that a Member had in 2002–03 allowed another person to live in accommodation, the costs of which were being met by parliamentary resources, that he allowed that person to use that accommodation for business purposes and that from 2003 to 2009 he allowed his parliamentary office to be used for non-parliamentary purposes.¹⁵ With the Committee's agreement I included in my inquiry those aspects of the complaint which went back more than seven years. In respect of the use of parliamentary funded accommodation, the rules were revised in June 2003, clarifying existing practice that the allowances should not be used to meet the living costs of anyone other than the Member. I concluded that the Member was in breach of the rules in that his claims from his parliamentary allowances from October 2002 to October 2003 did not take account of the living costs of his friend who was living there. I found no grounds for suggesting that the friend had used the accommodation for business purposes and therefore did not uphold that aspect of the complaint. I noted that in weighing the seriousness of this breach it was relevant that there was no evidence that significant extra costs were incurred from parliamentary resources as a result of this arrangement and that the breach occurred nearly ten years ago, when the House was only in the early stages of starting to tighten its procedures.

¹⁵ Twenty-Third Report of Session 2010-12, HC 1887

3.25 In respect of the use of his office, I concluded that the Member was in breach of the rules from September 2003 to June 2009 in permitting an outside organisation to use his parliamentary offices. I considered that this breach was serious; however, it was substantially mitigated by the fact that the House authorities had failed to respond on two occasions when the Member had reported to them the use of his office by the outside organisation. The Committee agreed with these findings, and noting that it was impossible to be exact about the breakdown in spending, recommended that the Member repay £3,000 to cover half the costs for the period in which his friend stayed in the Member's parliamentary funded accommodation after the revised rules had put the matter beyond doubt. They also recommended that the Member apologise in writing for both breaches, noting that they would have proposed a higher penalty in respect of the use of the parliamentary office had the Member not raised the matter with the House authorities. The Member made a written apology and the appropriate repayment.

Complaints Rectified

3.26 The rectification procedure is set out in subparagraph 3 of Standing Order No 150. This provides that no report to the Committee 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.”

3.27 I normally consider whether to institute this procedure in circumstances where the Member accepts that there has been a breach of the rules of the House, where there is no clear evidence that the breach was intentional and it was at the less serious end of the spectrum. I also consider whether the Member has taken appropriate action to rectify the matter, including any financial recompense, and steps to avoid a recurrence. The Committee expects the Member to tender an apology. I then write to the complainant explaining the actions the Member has taken. I report the outcome to the Committee, at

the same time conveying the Member's apology. As I explained in Chapter 2, I publish on my webpages my determination letters and the relevant evidence which I have received.¹⁶

3.28 During the year I resolved four inquiries by means of this procedure. Three of the four concerned either the registration or declaration of Members' financial interests, including in one case, both registration and declaration. The remaining case concerned the Member's claims for the costs of his office.

3.29 In the first case, I investigated the Member's claims for his constituency office premises in 2006–2007. The Member had claimed £5,000 in that year, a significantly higher sum than the preceding and following years, for what the invoice said was the hire of rooms in the constituency office for surgeries. In fact, I found that this had covered the cost of other services which the Member had received, including the staff who supported him, and that not all of these costs had been charged in other years. I concluded that there was no evidence that the costs claimed by the Member were other than necessarily incurred in support of his parliamentary duties and did not, therefore, uphold the complaint. But I found that the invoice lacked sufficient detail. And, while not part of the complaint, I also found that a contract for the services provided by the constituency association had not been lodged with the House authorities, as required by the rules, although the Member thought this had been done. The Member fully apologised for these breaches, which I accepted were not intentional.

3.30 In the second of these cases, I investigated a complaint about the late registration of an overseas visit made by the Member in 2007. The Member became aware in October 2011 that he had not registered this visit and so made a late registration in that month. He fully accepted that he should have registered the visit within the required 28 days of undertaking it in July 2007. He believed it was simply overlooked during a particularly busy time. The Member apologised for his breach of the rules and took action to avoid a recurrence. I upheld the complaint and the Register entry was amended. The late entry in the Register was transferred to bold, italic type with an appropriate footnote. It will remain in that form for 12 months and until it has appeared in one printed Register, if that is later.

3.31 The third case related to a complaint about the Member's failure to declare during a parliamentary debate a relevant financial interest arising from his work for a healthcare provider. I found that the Member had intended to declare his interest, but that in the heat and excitement of the debate he had overlooked doing so. His speaking note for the debate had included a reference to the Register. In the course of the inquiry the Member identified a second occasion where the same mistake had occurred. In addition, I found

¹⁶ <http://www.parliament.uk/mps-lords-and-offices/standards-and-interests/pcfs/publications/inquiries/matters-rectified/>

that one quarterly payment received by the Member from the healthcare provider was not registered within the required four weeks of it having been received. The Member accepted and apologised for these breaches, which I accepted were inadvertent. I upheld the complaint and the late entry in the Register was transferred to bold, italic type with an appropriate footnote. It will remain in that form for 12 months and until it has appeared in one printed Register, if that is later.

3.32 The fourth case was about a Member's failure to register within the required time period of four weeks all of the payments he received from an outside employer. The Member had in June 2010 registered this employment. In September 2010 the first Register of the Parliament, therefore, recorded his employment and the band into which his annual salary fell. Later that month the Member registered the first and only payment he had received to date. However, despite advice from my office to his office about the need to register the details of each payment received by the Member, no further registrations were made until February 2012. I found that the Member was in breach of the rules in not registering in time 16 payments he had received from that employer since the general election, together with the hours worked in respect of those payments. The Member told me that his office had forgotten the advice given by my office. He believed that a genuine misunderstanding had grown up in the mind of his staff. The Member accepted full responsibility for his breaches of the rules and apologised. I upheld the complaint and the Register entry was amended. The 16 entries were transferred to bold, italic type with an appropriate footnote. They will remain in that form for 12 months and until they have appeared in one printed Register, if that is later. In the course of my inquiries I also established that while the Member had lodged with my office as required an agreement with this employer for the provision of services, this had since expired. The Member provided an updated version of this agreement.

Complaints not upheld

3.33 In 2011–12 I did not uphold one complaint which I inquired into. This was because, upon inquiry, the facts did not substantiate the complaint made. The complaint alleged that a parliamentary e-mail account and telephone line had been used to support a party political campaign. The parliamentary e-mail account and telephone line had been identified as contact points in a briefing pack prepared by the Member's office for distribution to Opposition MPs. I agreed with the judgement of the House authorities that these references were within the spectrum of what was acceptable. I considered that this was because the pack, intended for Members of Parliament and relating to legislation going through Parliament, formed part of the Member's parliamentary duties.

Trends in complaints from 2006 to 2012

3.34 Table 3 sets out statistical information about complaints received in this office in each of the six years from 2006–07. It shows that in 2011–12 the number of complaints I received was slightly fewer than in the previous year. It was the lowest since 2003–04. This followed a substantial increase in the number of complaints during the expenses crisis. Over the last year I resolved 9 of the 11 complaints which were under active inquiry. I resolved two cases in less than a month, a further four cases in less than four months, and a further two cases in less than seven months. The one remaining case was concluded in just under a year. Just over two thirds of these active cases were therefore resolved within four months. (This excludes the three cases suspended for significant periods because of criminal proceedings or on medical grounds.)

3.35 I have compared these volumes in the early years of the last Parliament with the same period in this Parliament. This shows that the number of complaints and inquiries at the start of this Parliament was lower than the numbers in the first two years of the previous Parliament, and it has not increased in the second year as happened in the previous Parliament. It is too early to tell whether the current low level will continue, or whether the trend will start to mirror previous Parliaments, with an increase in the number of complaints received and accepted during the latter years of the Parliament.

3.36 The fall in the last two years in the number of complaints which did not provide sufficient supporting evidence is likely to be a consequence of the change in the type of complaint received following the establishment of the Independent Parliamentary Standards Authority: a higher proportion of the complaints now reported to the Commissioner relate to matters drawn from published and easily available sources, such as the Registers or the Official Report.

Table 3: Complaints received from 2006–07 to 2011–12

	2006–07	2007–08	2008–09	2009–10	2010–11	2011–12
1. Formal complaints against a named Member	176	226	192	317	115	109
2. Complaints subject of inquiry	81 ¹	71	54	80	37	14
3. Complaints not inquired into						
a) because complaint fell outside remit	87	94	83	105	82	81
b) because complaint did not concern a breach of the rules	-	-	32	76	17	15
c) because insufficient supporting evidence was provided	-	-	27	53	6	2
d) because a similar complaint had already been accepted	-	-	18	11	0	2
e) because inquiry not justified following self-referral	-	-	0	0	0	1
Total complaints not inquired into ²	95	155	160	245	105	101
4. Complaints resolved						
a) upheld by means of rectification procedure	10	7	16	14	14	4
b) upheld by means of a memorandum to Committee on Standards and Privileges	38	15	17	20	10	4
c) Complaints not upheld (where no memorandum was submitted to the Committee)	11	29	13	16	2	1
d) Complaints not upheld (where a memorandum was submitted to the Committee)	15	0	3	1	5	0
(e) Consideration by Committee postponed because of criminal proceedings					1	0
(f) Inquiry closed					1	3
Total complaints resolved	74	51	46	51	33	12

Note 1: Fifty of these related to a series of complaints by the same two Members about dining clubs.

Note 2: Before 2008-09 the Commissioner's office did not maintain detailed statistics on the reasons why complaints were not inquired into.

4 Registers of interests for Members, Members' Secretaries and Research Assistants, Journalists, and All-Party Groups

Introduction

4.1 The Commissioner's office is responsible for the compilation of the four registers of interests required by the House, namely the Register of Members' Financial Interests, the Register of Interests of Members' Secretaries and Research Assistants (commonly called the Members' Staff Register), the Register of Journalists' Interests and the Register of All-Party Groups. The registers provide a publicly available record of the interests which might be thought to influence the actions of a Member in his or her parliamentary capacity, or the actions of other holders of a parliamentary pass.

4.2 The Members' Register is published in hard copy once every twelve months, usually in January, except in election years and those immediately following when different arrangements apply. The first printed Register of the 2010 Parliament was published on 6 September 2010, and the second on 13 January 2012. Every item appears in at least one printed edition to ensure the availability of a complete historical record, in hard copy, of every Member's entries. Between printed editions, updates are published electronically on the parliamentary website every two weeks during sitting periods.

4.3 The other three Registers are also published electronically on the parliamentary website. Print-outs of the current edition of each Register are also available for public inspection, by appointment, and arrangements can be made to see those earlier editions of the Registers which do not appear on the parliamentary webpages.¹⁷

Register of Members' Financial Interests

4.4 The main purpose of the Register of Members' Financial Interests is:

“to provide information of any pecuniary 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

¹⁷ This can be arranged by calling 020 7 219 3074.

*Member of Parliament, and such other information as the House may from time to time require.*¹⁸

4.5 The printed Register of January 2012, at 379 pages, is over 20 pages longer than its predecessor, and the longest Register published to date. This is largely because of the amount of detail Members are required to provide when they register any remunerated employment under Categories 1 (Directorships), 2 (Remunerated employment, office, profession etc) and 3 (Clients). Since 1 July 2009 Members have been required to include the precise amount of each payment received, the nature of the work involved, the hours to which the payment relates and the name and address of the person or organisation paying them.¹⁹ The requirement was however modified on 7 February 2011 when the House reintroduced financial thresholds for these categories. These are now, for individual payments, 0.1% of a Member's salary (currently £66); and for the cumulative total of payments from the same source in a calendar year, 1% of salary (currently £660). I consider that this has been helpful in removing from the register comparatively modest payments in money or in kind which could not reasonably be thought to influence a Member.

4.6 Under the Resolution of the House of February 2009, Members are required to submit their entries for the Register within one month of the date of their election, and thereafter to register any change to their registered interests within four weeks of that change occurring.²⁰ Between printed editions the Register is updated online, at fortnightly intervals while the House is sitting and less frequently during recess. During 2011–12 my office published 18 such updates on the parliamentary webpages. A typical update contains between 150 and 200 new items.

Register of Interests of Members' Secretaries and Research Assistants

4.7 Those holding a parliamentary pass as a Member'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 Member's salary (currently £329) 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.

¹⁸ HC Deb 27 March 2008, Col 382-394

¹⁹ Resolution of the House of 30 April 2009

²⁰ HC Deb, 9 February 2009, Cols 1114-1227

4.8 The number of registered staff on 31 March 2012 was 1,784, a little up on the 1,680 staff who were registered on 31 March 2011. The number of those staff with registered interests was 352 on 31 March 2012, again up on the 299 staff with registered interests on 31 March 2011. My office published eight editions of the Staff Register in 2011–12.

Register of Journalists' Interests

4.9 Those holding a pass as a lobby journalist accredited to the Parliamentary Press Gallery or for parliamentary broadcasting are required to record in this Register any occupation or employment, other than that with their sponsoring organisation, from which they receive income of more than 1% of a Member's salary from the same source in the course of a calendar year (currently £657), if that occupation or employment is in any way advantaged by the privileged access to Parliament afforded by their pass.

4.10 The number of registered journalists on 31 March 2012 was 410, slightly fewer than the 417 registered on 31 March 2011. The number of those journalists with registered interests was 62 on 31 March 2012, rather fewer than the 74 who had registered interests on 31 March 2011. My office published eight editions of the Journalists' Register in 2011–12.

Register of All-Party Groups

4.11 The membership of All-Party Groups (APGs) consists mainly of backbench Members of the House of Commons and Members of the House of Lords but may also include Ministers and non-parliamentarians. There are two types of group: subject groups and country groups.

4.12 In general, the number of Groups registered is at its lowest soon after a general election, when all Groups have to re-register, and rises during each Parliament. This trend can be observed in the 2010 Parliament: on 31 March 2011 there were 501 registered groups, comprising 127 country groups (25% of the total) and 374 subject groups (75% of the total). This had risen to 568 registered groups on 31 March 2012, of which 136 were country groups (24% of the total) and 432 were subject groups (76% of the total). The number of groups with registered financial or material benefits has also increased: there were 401 such groups on 31 March 2012 compared to 305 on 31 March 2011. My office published eight editions of the Groups' Register in 2011–12.

Recent changes to the rules on All-Party Groups

4.13 In the last year my office implemented the changes to the rules on All-Party Groups which were agreed by the House on 7 February 2011 to increase transparency about the Group's membership and support. Groups are now required to provide more information

about their secretariat. To implement these changes my office contacted every group with information about the changes, which represented a considerable increase in the registration requirements. The first Register to carry this additional information was published on 23 June 2011.

4.14 On 12 March 2012 the House agreed a further change to these arrangements. The Registrar had explained to the Committee on Standards and Privileges in November 2011 that while Members' secretaries and research assistants have to record their own financial interests in the staff register, those who held a pass because of their work for an APG were not subject to the same requirement. The Committee therefore proposed to the House, and the House agreed, that in future people who hold a pass because of their work for an APG should have to register their own interests. They suggested that the information should be included in the APG register. As a consequence, the Member who is the Registered Contact for each Group, although still required to register the name of the Group's staff, is no longer responsible for registering the staff member's financial interests. My office published the first Register with this additional information on 4 May 2012.

4.15 There may be further changes in prospect. I refer to the work of a cross-House working group established by the Speakers of both Houses in Chapter 1.²¹ My office stands ready to support this with any follow-up work required.

Complaints relating to the registration and declaration of interests in the Staff, Journalist and All-Party Group Registers

4.16 Complaints alleging that a Member's secretary or researcher, a journalist or an All-Party Group has breached the rules governing the Registers are in the first instance considered by the Registrar of Members' Financial Interests.

4.17 During 2011–12 my office received five complaints about failures to comply with the registration rules for Members' secretaries and research assistants. Three of these complaints, all concerning allegations of failures to register external employment, were considered and resolved by the Registrar. The other two, both concerning passholders who had left the House, were not accepted for inquiry since they were not accompanied by sufficient evidence to justify such an inquiry.

4.18 In the first case, alleging a failure to declare external employment, the staff member concerned had not remembered to update the Register when he was elected to the positions of town councillor and district councillor. When this was brought to his notice,

²¹ See paragraph 1.21

