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Summary

5 The allegation I investigated was that the Member had misused House-provided stationery. I found that, by sending a general update on a range of issues as a covering letter to a survey, the Member had breached paragraph 3 of 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*. This amounted to a breach of paragraph 15 of the House of Common' Code of Conduct for Members.

10 After correspondence, the Member accepted my decision, apologised and agreed to refund to the House authorities a sum equivalent to the cost of the stationery and postage involved in that mailshot and three other mailshots where the covering letter was also a general update on a range of issues. I concluded the inquiry by way of the rectification procedure available to me under House of Commons' Standing Order No 150.

Mr Robert Courts MP: Resolution letter

Letter from the Commissioner to Ms Charlotte Marshall, 3 September 2018

I wrote to you on 28 March to tell you that I had begun an inquiry into your allegation of misuse of House provided stationery by Mr Robert Courts MP.

5 I found that the covering letter for the survey Mr Courts sent to you and other residents of Eynsham in January 2018 was in breach of the rules on House- provided stationery. I found that letters with similar surveys sent to residents in other parts of his constituency were also in breach of the rules.

10 Mr Courts did not, initially, accept the advice I received from the House authorities about the interpretation of the relevant rules. However, Mr Courts has accepted my finding, apologised and agreed to refund the House authorities for the misused stationery. The rationale for my decision is contained in my letter of 20 June (item 12 in the written evidence pack).

15 While Mr Courts acted in breach of the rules, I consider this breach to be at the less serious end of the spectrum and, given the steps he has taken, I have concluded this matter through the rectification procedure. I consider this to be an appropriate outcome and the matter is, therefore, now closed. I will notify the Committee on Standards of the outcome in due course. I will post the outcome of this inquiry on my webpages shortly.

20 3 September 2018

Written evidence

1. Letter from Ms Charlotte Marshall to the Commissioner, 24 March 2018

I refer to my email to your office of 7 March and the reply to it from [name], Complaints Manager.¹

- 5 I enclose, herewith, the original letter and stationery, a photograph of which had been attached to my email. I no longer have the survey part of the original mail, as I returned it to Mr Courts.

I was surprised to receive the enclosed letter on parliamentary stationery and was not sure whether or not this was appropriate use of parliamentary stationery. I would be most grateful if you could consider it and let me know whether or not this is acceptable under your rules.

24 March 2018

Enclosure: letter from Mr Robert Courts MP, titled "Share your views on Eynsham"²

- 15 I am writing to ask if you would mind sharing your views on the future of Eynsham.

As your Member of Parliament, I work hard to achieve a fair deal for our community and based on recent feedback from residents I have been focussing on several key areas of which the four below are just an example.

20 **Schools** I successfully argued for a change to the national funding formula meaning an extra £1.3 billion in funding for schools that ensures no school in West Oxfordshire loses funding. I have worked with the Government to introduce a minimum funding level that values small rural schools. I am delighted that 95% of West Oxfordshire's schools are now rated good or outstanding and I want to ensure we raise standards even further.

25 **Health** I recently led a debate in Parliament on "*The Future of the Oxfordshire's Healthcare*" -making the points you want made, directly to the Government. I am pleased that in the Autumn Budget the Chancellor announced an additional £2.3 billion injection into the NHS on top of the £10 billion of additional funding already pledged. Healthcare is a top priority for us all in West Oxfordshire and I continue to make your voice heard both in Parliament and to Oxfordshire health bosses.

¹ Ms Marshall had emailed her complaint to the Commissioner's office and received an acknowledgment

² Second-class postage-prepaid envelope enclosed and a "contact card" with Member's contact details and other useful local numbers (funded through Members' allowances)

Transport From campaigning for a final fix to the A40 to safety on the A34, and improvements to the Cotswold line to supporting local community transport schemes, I have made our voice heard at the very highest levels. I recently submitted a petition to Parliament with the names of thousands of local residents who joined me in calling for a long-term solution to the A40. This will have considerable impact, and it makes sure the Government is well aware of the strength of feeling that exists locally. I will continue to work tirelessly in Parliament to ensure the A40 is at the top of the Secretary of State's agenda.

Environment As a keen conservationist, environmental issues are a priority of mine in Parliament. One of the reasons West Oxfordshire is so special is the beautiful countryside which surrounds us and the diverse wildlife that inhabits it. I am delighted that many of the issues I have campaigned on since entering Parliament are now being addressed by the Government. These include action on plastics in our oceans, the introduction of CCTV in all slaughterhouses, and tougher punishment for those who commit acts of animal cruelty. I will continue to work with local environmental groups and the Government to build on this progress.

I meet regularly with local organisations and community leaders but I want to know that I am concentrating on the right issues and I need your help to achieve this. So please do take a few moments, independently or with the help of others in your household, to complete the survey and return it in the enclosed freepost envelope.

I am incredibly proud to be your MP and I want to be sure that I am focusing on the issues that are important to you and your family.

2. Letter from the Commissioner to Mr Robert Courts MP, 28 March 2018

I would welcome your help with an allegation I have received from Ms Charlotte Marshall about your compliance with paragraph 15 of the House of Commons' Code of Conduct for Members. I enclose a copy of Ms Marshall's letter and the enclosures she sent with it.

The scope of my inquiry

The scope of my inquiry will be, in essence, to establish whether you have used House-provided stationery in a way which is contrary to 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* and, therefore, acted in breach of paragraph 15 of the Code of Conduct.

The relevant rules and guidance

Paragraph 15 of the Code of Conduct (copy of Code enclosed) says that:

"Members are personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services

5 *provided from the public purse is in accordance with the rules laid down on these matters. Members shall ensure that their use of public resources is always in support of their parliamentary duties. It should not confer any undue personal or financial benefit on themselves or anyone else, or confer undue advantage on a political organisation.*

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 (enclosed) state, at paragraphs 2 and 3:

10 *“2. The rules cannot be expected to cover every eventuality; Members should therefore 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*
 15 *paragraph 3 below) to confer an undue advantage on a political organisation.*

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

- 20
- *....;*
 - *For newsletters (including annual reports or general updates to constituents on a range of issues)....”*

Paragraph 4 of the rules states:

25 *“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 8 of the same rules gives examples of permissible uses of House-provided stationery, among which is

- 30
- *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”;* “

Next steps

I would welcome your comments on the allegation that your letter amounts to a breach of the House's rules and the Code of Conduct for Members. In particular, it would be helpful to have the following information:

- how many letters were distributed as part of this mailing;
- 5 • whether the headed notepaper used was part of your House-provided allocation of stationery (I believe the 2nd-class postage pre-paid envelopes are clearly so);
 - if the paper was not, please provide supporting evidence
- 10 • how it came about that this letter was sent in a House-provided postage pre-paid envelope;
- whether you consider this letter could reasonably be construed as a general update on a range of issues;
 - if you do not, please let me know the reason(s) for that belief; and
- 15 • details of any similar mailings distributed using House-provided resources since your election in 2016 (with copies of the originals wherever possible).

Please provide a copy of the survey which Ms Marshall says was included with your letter. If an original is no longer available, please provide the details of the text of the survey and the paper on which it was printed.

20 I would be glad to receive any other information you consider relevant to my inquiry.

I enclose a copy of the *Commissioner's Information Note*,³ which sets out the procedure I follow. I am writing to Ms Marshall to let her know that I have decided to begin an inquiry into this matter. I will shortly update my parliamentary web
25 pages to show the fact that I am conducting an inquiry into an allegation into an alleged breach of paragraph 15 of the Code of Conduct. My office will not comment further on any aspect of the inquiry to third parties. They will, however, confirm that I have begun an inquiry if asked before this information is posted on my webpages and they will answer factual questions about the processes I follow and the
30 standards system more generally.

As you will be aware, my inquiries are conducted in private. This letter and any subsequent correspondence between us is protected by parliamentary privilege.

³ <http://www.parliament.uk/documents/pcfs/New%20Website%20Documents/PCS-Information-Note.pdf>

Until such time as a final report is published, I must ask that you respect that confidentiality and do not disclose the contents of our correspondence to any third party. I have made a similar request of Ms Marshall.

5 My decision and all the relevant evidence, including our correspondence, will be published at the end of the inquiry.

As a matter of courtesy, I should say now that I may make enquiries of the relevant House authorities in due course. If I do so, I will share that correspondence with you. While I do not, at this stage, know whether it will be necessary to interview you about this matter, it would be open to you to be accompanied at any such interview.
10 I am, of course, very happy to meet with you at any stage if you would find that helpful.

I would appreciate your help and co-operation, and welcome your comments on the allegation, together with any evidence you feel may assist my investigation, as soon as possible and no later than 10 April 2018.

15 *28 March 2018*

Enclosure - Mr Courts Letter "Eynsham Survey"

I am writing to ask you if you would mind sharing your views on the future of Eynsham.

20 As your Member for Parliament, I work hard to achieve a fair deal for our community and based on recent feedback from residents I have been focusing on several key areas of which the four below are just an example:

25 Schools: I have successfully argued for a change to the national funding formula meaning an extra £1.3 billion in funding for our schools that ensures no school in West Oxfordshire loses funding. I have worked with the Government to introduce a minimum funding level that values small rural schools. I am delighted that 95% of West Oxfordshire's schools are now rated good or outstanding and I want to ensure we raise standards even further.

30 Health: I recently led a debate in Parliament on "The future of Oxfordshire's Healthcare" - making the points you wanted made, directly to Government. I am pleased that in the Autumn Budget the Chancellor announced an additional £2.3 billion injection into the NHS on top of the £10 billion of additional funding already pledged. Healthcare is a top priority for us all in West Oxfordshire and I continue to make your voice heard both in Parliament and to the Oxfordshire health bosses.

35 Transport: From campaigning for a final fix to the A40 to safety on the A34, and improvements to the Cotswold line to supporting local community transport schemes, I have made our voice heard at the very highest levels. I recently submitted

5 a petition to Parliament with the names of thousands of local residents who joined me in calling for a long-term solution to the A40. This will have a considerable impact, and it makes sure the Government is well aware of the strength of feeling that exists locally. I will continue to work tirelessly in Parliament to ensure the A40 is at the top of the Secretary of State's agenda.

10 Environment: As a keen conservationist, environmental issues are a priority of mine in Parliament. One of the reasons West Oxfordshire is so special is the beautiful countryside which surrounds us and the diverse wildlife that inhabits it. I am delighted that many of the issues I have campaigned on since entering Parliament are now being addresses by the Government. These include action on plastics in our oceans, the introduction of CCTV in all slaughterhouses, and tougher punishment for those who commit acts of animal cruelty. I will continue to work with local environmental groups and the Government to build on this progress.

15 I meet regularly with local organisations and community leaders but want to know that I am concentrating on the right issues and I need your help to achieve this. So please do take a few moments, independently or with the help of others in your household, to complete the survey and return it in the enclosed freepost envelope.

I am incredibly proud to be your MP and I want to be sure that I am focusing on the issues that are important to you and your family.

20 **3. Letter from Mr Robert Courts MP to the Commissioner, 6 April 2018**

25 I write in response to your letter of 28 March, which I was very disappointed to receive: I have always considered and applied the rules of the House carefully and, at all time, have strived to ensure that anything I have done was in line with those rules - to act with "probity and integrity". I firmly believe that my use in this case was within the rules.

30 Inevitably this appears to be a politically-motivated complaint and it is one that I believe to be without foundation. My survey and the covering letter together were simply intended to give my constituents the chance to tell me, quickly and easily, what the issues are that matter to them. This is precisely what a good constituency MP should be interested in doing, is why parliamentary resources are provided and indeed I have been thanked by many for taking the initiative.

Indeed, even the complainant in this case returned the survey and took the opportunity to set out her views in detail!

35 Given the highly technical nature of the points you raise, I will have to be technical in my response. Any objective reading of the rules and my covering letter will confirm that this was not a "general update on a range of issues" in the manner of a newsletter, but a covering letter to a survey explaining why I was writing, and giving some topic based on my existing contact with constituents to stimulate thoughts for responses, as I have found this to be more effective than doorstep surveys.

I enclose a copy of the survey referred to. It has been approved by IPSA.

Your Questions

To answer your specific questions:

a) This Eynsham mailing consisted of 2,500

5 b) The headed notepaper was ordered from Banner and overprinted

10 c) The letter was a covering letter explaining who I was and why I was writing: introducing the survey. The use of House stationery to send surveys is expressly allowed for in paragraph 8 of the rules. The rules are silent on covering letters - but common sense must allow for one in order that the recipient knows who is writing, why and to distinguish this mailing from the many others that people receive every day.

15 d) A "general update on a range of issues"? I do not consider the letter could reasonably be construed as a "general update on a range of issues". To do so seems to interpret what is obviously a covering letter as something akin to a newsletter. As I explain below, the drafting of the rules is not easy to follow. We are inevitably looking at the technicalities of drafting, the interpretation of the rules and how they are read by a Member doing their best to comply with them.

20 The wording of the rules is clearly aimed at the mischief of newsletters or annual reports being sent using parliamentary-paid envelopes. In other words, using parliamentary resources to send political material. The drafter of the rules clearly wanted to close a potential loophole whereby a Member could reduce the content of, say, an annual report to a letter and so included the phrase "general update on a range of issues".

25 This is clear from the natural reading of rule 8, which is for the examples given to be read conjunctively, i.e. together. A clearer wording would be "newsletters, annual reports or general updates on a range of issues that fulfil the same function as a newsletter" - i.e. these are three documents that are seen to fulfil the same function as each other.

30 "Newsletters, annual reports or general updates on a range of issues" all contain common features: they would typically be regular, not one-off. They are exclusively informing - where my letter asks for a response: I am raising particular issues with correspondents, and asking them to focus. This is very different in nature from a newsletter - indeed it is very different from the newsletters that I do produce (and which are not sent using parliamentary resources).

35 The reading of the phrase that you suggest is to read them disjunctively and much more widely, i.e. "newsletters, annual reports or any letter that contains something

that could be construed as an update". The purpose of the rules surely is to prevent, for example, a newsletter being sent out - what you seem to suggest here is the picking out of individual sentences from within what is clearly a covering letter to a survey and construing those as a "general update".

5 This is clearly an unsustainable interpretation of this rule because it would prevent an MP from stating his understanding of any current issues in a specific area and therefore goes beyond what was intended when the rules were drafted. If the interpretation of the rule that you suggest is correct, then the phrase "correspondence with constituents...but not... general updates on a range of issues"
10 would specifically preclude a Member from replying to a constituent who had raised a number of general issues, such as "What is the Government doing to alleviate poverty and to help the most vulnerable in society?" to which the answer might include what the Government has been doing (a "general update") on the NHS, unemployment, education, homelessness, mental health (a "range of issues").

15 My covering letter and survey can clearly be distinguished from such a "newsletter" case, since the context of the letter is quite clear:

a) It introduces a survey and explains why it is being sent. That is the purpose of the letter, not to provide a general update on a range of issues;

20 b) The letter would not make sense on its own since it quite clearly introduces the survey, as can be seen from the key phrases: "based on recent feedback from residents I have been focusing on several key areas.... I want to know that I am concentrating on the right issues...." This makes absolutely clear that the only reason people are being told about my understanding of the issues is in order for them to tell me if they think different issues are more important;

25 c) Those phrases make quite clear that no objective reading of the letter can lead to the conclusion that this letter is a "general update". The purpose of those rules is clearly to prevent "stand alone" newsletter documents, not the extraction of certain phrases and their construal as a "general update."

A comparison of the two relevant rules illustrates the lack of clarity:

30 i) Paragraph 8 specifically permits correspondence with constituents who have not contacted a Member before, and (i.e. as well as) questionnaires and surveys.;

ii) However, paragraph 3 is narrower than 9, reading "newsletters (including annual reports or general updates to constituents on a range of issues)";

35 iii) The wording of paragraph 8 is therefore different and a "general update" seems in rule 3 to be defined as something else, namely a type of newsletter;

iv) My letter is clearly not a newsletter. Nor is it a "general update" because it is "specific" to certain issues in a given area.

5 If I were sending a "general update on a range of issues" then my response would - given the wide range of constituency issues on which I have campaigned in the House - have been much more detailed, would have contained more issues, and would probably have contained pictures. None of those things can be claimed here.

The letter is absolutely without any political reference or intimation.

10 Both the wording and the spirit of the rules (para 4) are therefore intended to prevent newsletters, annual reports - or a general update that fulfils the same function - form being sent in the same envelope along with "approved" material. That is clearly not the case here, given the inextricably close link between the survey and the covering letter.

15 Finally, I would like to make a point about fairness. As I have illustrated above, the rules are so vaguely drafted that they can be read in a number of ways. You will I am sure be aware that as a matter of natural justice, any vagueness in drafting is to be construed against the party who provided that wording and seeks to rely on it - i.e. the drafter of these rules. This is to prevent the clear injustice that would result whereby someone is held to account against a rule, law or contractual provision whose meaning is not clear until it comes before a tribunal. That is clearly the case
20 here.

Bearing in mind that these are rules of conduct, I do feel that they should be clear, not subject to debate after the event. Members should really be entitled to know what they are and are not allowed to do, clearly.

25 For example, it is particularly important that rules are clear in circumstances where the Commissioner changes- and so therefore does the interpretation - and when there is no way that Members can ask for material to be approved before it is sent, which I would happily do.

Details of similar mailings

30 Similar surveys were sent to Woodstock and Bladon (1,800 copies) in December 2017, Cassing & South Leigh in January 2018 (300, 120 respectively), copies of all of which are attached.⁴ It is worth noting that Cassington and South Leigh are neighbouring villages to Eynsham, are all contained in the same district council ward and were sent concurrently with the Eynsham survey, which explains why the issues covered are similar.

⁴ Text of letters not reproduced as they are the same as the Eynsham Survey letter

In the interests of full disclosure, the only other significant mailing I have undertaken was a letter in January 2018 to all those who signed my petition on the A40 (copy attached) - 2,500 copies.

Conclusion

- 5 Finally, while I accept that the responsibility to comply with the rules was mine, I had taken advice on both the letter and the survey in advance. I therefore have every reason to believe, in addition to my own reading of the rules, that my use of House stationery was completely in order and this complaint to be without foundation.

- 10 My only intention was, and is, to enable my constituents to be able to contact me quickly and easily in order that they may tell me what issues matter most to them. This, in my view, is one of the most important jobs for a local MP.

6 April 2018

Enclosures: 60 Second Survey

Text of survey questions:

- 15 1. Which if these local issues are of most concern to you? (choose three issues)

Public Transport; Health Services/Surgeries; Social Care; Schools;
Housing/Planning; Employment Opportunities; A40 Congestion; Broadband;
Environment/Wildlife; Crime/Anti-social behaviour

2. Which of these national issues are of most concern to you? (choose three issues)

- 20 NHS; EU/Brexit; Welfare/Benefits; Climate Change; Immigration;
Unemployment/Jobs; Animal Welfare; Armed Forces/Veterans; Tax avoidance;
Crime

3. Do you think that more affordable homes should be built in/around [village]?

Yes/No

- 25 4. I am campaigning to reduce congestion on the A40. How many hours, on average, do you spend stuck in traffic on the road per week?

5. Do you have a particular concern which you would like me to raise in Parliament or with local councillors?

- 30 6. Would you like me to keep you up to date with local news and my activities in Westminster?

Yes/No

Enclosures: Text of A40 Petition Update, 3 January 2018

May I first take this opportunity to wish you a rather belated happy New Year? I hope you enjoyed the Christmas break and are feeling refreshed for the year ahead.

- 5 I am writing to firstly thank you for signing my petition and to provide you with an update on my progress.

10 Just before Christmas I presented the petition to Parliament, and I am delighted to say that I was able to show the Government thousands of names of people who took the time to call for a long-term solution to the A40. This will have a considerable impact, as it highlights to the Government the immense strength of feeling that exists locally, and just how determined we all are to find a solution.

15 As you may be aware, I brought the Transport Secretary, Chris Grayling, down to Witney to see the problems on the road first-hand. I recently met with him in Parliament, alongside the Leaders of West Oxfordshire District and Oxfordshire County Councils, to again emphasise the problems on the road and the need for a solution to be found. I will continue to work tirelessly in Parliament to ensure the A40 is at the top of the Secretary of State's agenda.

20 I will also continue to work with our local councils to deliver improvements on the road. Oxfordshire County Council recently submitted a bid to the Government's Housing Infrastructure Fund. If successful, this could unlock considerable funding that would go a long way to delivering the necessary improvements to the A40. I have given the bid my full backing, and have written to Ministers in support of the proposals. There is already investment being made for A40 improvements which, whilst not representing a full solution, are certainly a step in the right direction. Let me assure you that I will continue to press for further improvements.

Issues as major as this are of course not solved overnight, but I am determined to deliver a full, long-term solution to the A40 and I will continue to work tirelessly for this to be achieved. There is still a long way to go - but if we all work together I am confident we can be successful.

- 30 I do hope this update has been encouraging. If you have any queries please do not hesitate to get in touch with me and I will be happy to discuss all of this in greater detail.

Thank you again for your support. I wish you a healthy and happy 2018.

3 January 2018

4. Letter from the Commissioner to the Director of Accommodation and Logistics Services, 11 April 2018

5 I would like to ask for your advice on a complaint I have received about Mr Robert Courts MP, into which I have begun a formal inquiry. It concerns the use of House-provided stationery and pre-paid postage.

I enclose the relevant correspondence, together with the papers that led to the inquiry. Please would you let me have your advice on whether, under the guidance given to Members on the use of stationery and postage-paid envelopes provided by the House of Commons, you consider the following correspondence was acceptable.

- 10
- the letters to constituents in Eynsham; South Leigh and Cassington in January 2018;
 - the letter to constituents in Woodstock and Bladon in December 2017; and
 - the letter of 3 January 2018 concerning the A40 petition

15 I would be grateful to have your views on whether the covering letter and the survey fall within the definitions of acceptable use of House-provided resources.

As you can see, Mr Courts has provided a detailed explanation of why he considers the correspondence to be in accordance with the rules. I would welcome any observations on the distinctions he seeks to make.

20 Mr Courts says in his letter that he took advice in advance. I have written to ask him from whom advice was taken and, in the meantime, I would be grateful if you would arrange for your team's records to be checked, and copies of any relevant notes and emails to be attached to your reply to this letter.

Thank you for your assistance.

25 *11 April 2018*

5. Letter from the Commissioner to Mr Robert Courts MP, 11 April 2018

Thank you for your letter of 6 April 2018 and for your detailed responses to my questions.

30 I said at the outset that I might seek advice from the House authorities. I routinely seek the advice of the Director of Accommodation and Logistics Services about allegations concerning the misuse of stationery and postage pre-paid envelopes. I have therefore written today to the Director, [name redacted], to seek her advice. I enclose a copy of that letter (minus enclosures, as you have seen them already) for

information. I will give you an opportunity to comment on her advice before I make a decision on the allegation about your use of stationery.

Further information

5 In the meantime, it would be helpful if you would clarify a couple of points and answer one additional question. At paragraph 6(b) you say that the paper used in this mailing was "ordered from Banner and over-printed". Am I correct in thinking that this was, therefore, part of the stationery paid for by the House authorities, and not stationery for which you submitted a claim to IPSA?

10 At paragraph 22 of your letter, you mention having "taken advice on both the letter and the survey in advance". It would be helpful to know from whom the advice was taken and when; and to receive copies of any related emails, notes, etc. concerning that advice.

15 I would be grateful if you would also provide information about the source of the paper, envelopes and postage (House-provided or purchased and paid for through IPSA) for each of the other mailings listed at paragraphs 20 and 21 of your letter.

It would be helpful to have your response by 18 April 2018.

11 April 2018

6. Letter from Mr Robert Courts MP to the Commissioner, 19 April 2018

20 I write in response to your further letter of 11 April 2018. Thank you for the copy of your letter to [the Director].

To answer your three further requests:

25 1) You refer to "the paper used in this mailing". It is important to distinguish between the letter and the survey. No query has been raised about the survey - only the covering letter, and part of the covering letter at that - and my responses are in relation to that. But to answer as completely as possible:

(1) You are correct in thinking that the paper used for the covering letter was part of the stationery paid for by the House authorities, which is ordered from Banner;

(2) The survey was printed and a claim submitted to IPSA;

30 2) With regards to advice received; I note your request to [the Director]. I did not intend to suggest that any advice came from her. I was not aware that the Parliamentary Commissioner for Standards is willing to 'pre-approve' correspondence. If that is so, then I will certainly refer any future such letters to her,

but do feel that if this is so then it should have been made clear at the outset rather than after the event.

5 3) The process was the same for all of the surveys in each geographical location. The A40 letter, of course, did not have a survey enclosed and therefore there was no IPSA claim. That letter was purely paid for through the House allowance - but is of course an entirely different matter to that which you have asked me about.

I do hope that we will be able to draw a conclusion to this matter swiftly in order that I may return to working on behalf of my constituents.

19 April 2018

10 **7. Letter from the Commissioner's Office to Mr Robert Courts MP,
27 April 2018**

15 When the Commissioner wrote to you on 11 April 2018 she said that she was seeking the advice of the Director of Accommodation and Logistics and that she would give you an opportunity to comment on that advice before she making any decision.

We have today received the Director's response, and I am writing, in the Commissioner's absence, to share the Director's letter with you. As you can see, she explains a little of the history of the current rules on the use of House-provided stationery, as well as the advice she would have given if asked.

20 I hope it will be helpful to clarify now that the Commissioner does not "pre-approve" correspondence (your letter of 19 April refers). As the Director explains in her letter, she and her team will give day-to-day advice with the proviso that, if a complaint is made, it is for the Commissioner to rule on individual cases and any guidance cannot bind the Commissioner's decisions. I hope this is helpful.

25 The Commissioner is away from the office next week. I think she would appreciate having any comments you wish to make by 11 May 2018.

27 April 2018

8. Letter from Mr Robert Courts MP to the Commissioner, 24 May 2018

30 I write in response to [your Complaints' Manager's] letter of 27 April 2018, enclosing [the Director's] letter of the previous day. It is disappointing that, having set out set out in detail and with great care why I interpreted the rules the way that I did, with the best of intentions, she does not address any of my points.

Once again I repeat that I have never said that I did approach [the Director] for advice although, given that she will give "day to day" advice but makes no promises

that this advice will help in the event of a challenge by the Commissioner, I fail to see how this would have helped me if I had.

5 I entirely accept that it is incumbent for Members to act with probity and integrity when using House-provided stationery and I firmly reject any suggestion that I have acted in any other way. However, it is entirely possible to act with probity and integrity and still be misled by rules which are not only unclear but, if your interpretation is upheld, actively misleading. I have explained, in great detail, why that is the case and note that [the Director] neither takes issue with any of the points I have made - nor even refers to them.

10 The bulk of her letter consists not of any analysis of the rules but of a historical survey of how the rules came to be as they are. That is all well and good - but does not assist us in understanding and interpreting the rules now.

The last paragraph of her letter is the only one that purports to give any advice.

15 I note that [the Director] says that she "would have advised that the use of House provided stationery should not have been used for these purposes" but she has the benefit of hindsight. What I had to do was try to understand the rules in advance. What does she mean by "these purposes"? The survey? The covering letter? Phrases in the covering letter?

20 I accept that "the guidance is clear that general updates are not allowable". However, what is required is assistance with what a general update *is*. I remain firmly of the view that my covering letter is *not* a general update, which quite clearly is intended to refer to *whole documents* akin to "newsletters and annual reports", not to extracting some phrases from what is clearly a covering letter and construing them as a "general update" in order to achieve the desired result of attaching a sanction.

25 Four points are of particular importance:

1) [The Director] refers to the rules as "guidance". If that is what they are, then they do not have the force of rules, and no sanction can be attached to them;

30 2) [The Director] states that she would have queried "the breadth of the issues being covered in the *surveys*." [My emphasis.] This is the first time that any objection has been raised to the surveys and amounts to a new, substantially broader interpretation. But under what ground? Is [the Director] seeking to suggest that the survey is being construed as a general update? If so, how can it possibly be the case that a survey - which offers no information and asks often open questions - is a general update? Or is she suggesting that there is some guidance/rule on what a survey can cover and what format it should take? Is it only allowed to cover a certain number of issues? If so, then where is this laid out? [The Director] should explain this reference;

35

3) In respect of the letter - which she accepts is entitled "share your views" as opposed to "annual report" or suchlike - she queries the "breadth and scope" of the letter. But what does she mean? Is she saying too many issues are covered? If so, where is this laid out? Where does it say that a covering letter can only introduce a certain number of issues? Most importantly, why does the introduction of a broader number of issues transform a covering letter into a "general update"?

4) She states that my letter and survey combined have "more of a feel to me of a general update". This is wholly unacceptable. If these are rules that have a sanction attached to them, then it is manifestly unfair for them to be interpreted subjectively on the basis of one person's "feel". Secondly, she seems to be suggesting that a survey, if presented with a covering letter, becomes a "general update". But how is a Member supposed to understand this constructive interpretation in advance?

What the House is seeking to do is to have rules that are vague enough to be described only as "guidance", but then to reserve the right to interpret them - subjectively and retrospectively - in order to criticise Members. This is wholly against the principles of natural justice. If sanction is to be applied to rules then they have to be clear and easy to understand in advance. I have explained, in detail, why that is not so, and [the Director] has not attempted to disagree with what I have said.

The House needs to decide whether these are rules or guidance, and not seek to have it both ways. If they are the former, then that is entirely understandable, but they then need to be clear, and those who operate them willing to explain them. If they are intended only to be guidance, then Members who are doing their best to do their demanding jobs ought not to have the possibility of criticism.

I do regret the need to adopt the tone I have, but it is evidence both by the responses I have received to my enquiries, and the lack of clarity adopted in this case to the interpretation of this "guidance", that the latter are inadequate. I appreciate the problems that arose in relation to expenses before my time as an MP, but the public service is not served by creating a trap for conscientious Members, particularly given their many and diverse backgrounds.

Once again, I repeat that I remain entirely of the view that my use of House-provided stationery in this case is wholly within the rules, and reject any suggestion of wrongdoing on any level. I look forward to receiving your agreement shortly, so that I can continue doing the job I was elected to do - serving my constituents.

24 May 2018

9. Letter from the Commissioner to Mr Robert Courts MP, 29 May 2018

Thank you for your letter of 24 May 2018. In view of your comments on [the Director's] advice to me, I have decided it would be appropriate to allow the Director to respond before I make my decision.

I will write to you again when I have received her comments.

29 May 2018

10. Letter from the Commissioner to the Director, 29 May 2018

5 Mr Robert Courts MP has copied to you his letter to me of 24 May 2018, in which he expresses his views on the advice you provided in your letter of 26 April.

10 I thought it was fair to give you an opportunity to add any further comments or responses you would wish me or Mr Courts to consider before I reach my decision on the allegation that he has acted in breach of 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*. I would be grateful to receive any further information or comments you think might assist me in my consideration of the allegation by 12 June 2018.

Thank you for your assistance.

29 May 2018

11. Letter from the Director to the Commissioner, 1 June 2018

15 Thank you for your letter dated 29 May 2018 regarding my response to you in regard of Robert Courts MP's use of stationery; you have asked for my comments or response to the further correspondence.

20 In relation to the rules on the use of stationery set by the House of Commons Commission, a link is here:

<https://www.parliament.uk/documents/facilities/Accommodation-and-Logistics/Stationery-rules-March-2015.pdf>

25 The use of the cash limited budget for House of Commons stationery budget is bound by the rules set by the House of Commons Commission, and agreed by the Administration and Members' Estimates Committees. The budget for the House provided stationer is managed and administered by my team, they and I provide guidance to Members, and their staff, only to assist them.

1 June 2018

12. Letter from the Commissioner to Mr Robert Courts MP, 20 June 2018

30 When I last wrote to you I said that I was inviting the Director of Accommodation and Logistics Services to comment before deciding whether you have misused House-provided stationery. I enclose a copy of the Director's response for your information.

I have considered carefully all the correspondence I have received and have now reached a decision.

Decision

5 I find your letter of January 2018 to be in breach of 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*. That breach is also a breach of paragraph 15 of the House of Commons' Code of Conduct for Members.

Rationale

10 I have considered your points very carefully. I agree with the Director that the letter "Share your views on Eynsham" went beyond what was necessary in a covering letter and amounted to a general update.

15 For the avoidance of doubt, I should say first that the document entitled *Rules for the use of stationery and postage-paid envelopes provided by the House of Commons, and for the use of the crowned portcullis*, is a set of rules, to which Members are expected to adhere. Breaches of these rules may put a Member in breach of paragraph 15 of the Code of Conduct for Members.

20 The rules say that House-provided stationery may not be used "*for newsletters (including annual reports or general updates to constituents on a range of issues)*". The rules do allow House-provided stationery to be used for "*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)*". I think those two rules when read together are clear and easily understood. The language is plain and straightforward, and does not contain any jargon or technical language.

25 It is permissible to use House-provided stationery to distribute a survey and it is common practice to send a covering letter explaining the purpose of the survey and how any resulting data might be used. I appreciate that the Eynsham survey letter was intended as a covering letter. However, the content included updates on four different policy areas. The title of the letter and the reference to an enclosed survey
30 does not alter the fact that the letter provided updates on four separate issues: schools; health; transport and the environment. The inclusion of the second paragraph, which describes the four policy areas as "*examples*" of where feedback from constituents has led you to focus attention, does not alter the fact that updates on each topic are given. The subject matter of the letter was your recent
35 campaigning and parliamentary activities, as well as statements about your position on recent events. In common parlance, this would be described as a general update on a range of issues.

Having reached that conclusion, I have not considered the questions raised in the survey and the Director's comments on that. Paragraph 4 of the rules on the use of

House-provided stationery mean that it is not necessary to do so because *“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.”*

5 You say in your letter of 24 May that you accept that the guidance is clear that general updates are not allowable, but assistance is required with what a general update is. You had suggested in your letter of 6 April that *“newsletters, annual reports or general updates on a range of issues”* would *“typically be regular, not one-off”*. The rules do not make an exception for ‘one-off’ updates on a range of issues, nor do they suggest that newsletters or general updates are always issued
10 periodically. I do not think this extra layer of meaning can be read into the rules. Nor can I provide with you an alternative set of words to explain what the Administration and Members’ Estimates Committees had in mind when they approved the rules.

15 I do not accept that the Director’s interpretation of the rules is *“clearly unsustainable”* as you suggest in paragraph 11 of your letter of 6 April. It is consistent with advice given by the Director’s team and in workshops run by my office over several years on the use of House-provided resources. I note that in making this point, you have omitted some words from the part of the rule you quoted. The full quotation says that Members are allowed to use House-provided
20 stationery for *“correspondence with constituents, including contact by Members about a specific issue with people who have not previously contacted them [my emphasis.] and questionnaires and surveys (but not newsletters, annual reports or general updates on a range of issues.* This rule does not, as you suggest, prevent Members from replying fully to constituents who have raised a number of general
25 issues with the Member. It does prevent Members from sending an unsolicited mailshot in which a range of issues is covered in one letter.

The Eynsham survey letter, and the other examples you sent to me with your letter of 6 April 2018 were mailshots which were not targeted at constituents who had
30 previously contacted you about the issues raised; none of those letters were about a specific issue; they each contained updates on a range of issues. On that basis, I consider the four mailshots (to Woodstock & Bladon in December 2017; to Cassington and to South Leigh in January 2018; and to Eynsham) to have been in breach of the rules on the use of House-provided stationery.

35 You can see examples of other cases on which the Commissioner has made decisions concerning “general updates on a range of issues” on my webpages. Those that have not been upheld can be found here: <https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/parliamentary-commissioner-for-standards/complaints-and-investigations/allegations-the-commissioner-has-not-upheld/> and those that have been upheld and rectified can be found here:
40 <https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/parliamentary-commissioner-for-standards/complaints-and-investigations/allegations-the-commissioner-has-rectified/>.

I am grateful to you for the clarification in your letter of 19 April 2018 of both the source of the stationery involved in the mailing and of the advice to which you had referred in your letter of 6 April. As I am sure you will appreciate, advice given by
5 IPSA about whether a mailshot fell within the terms of the IPSA-administered scheme for the reimbursement of business expenses is not relevant to my consideration of whether the rules for the use of House-provided stationery have been breached.

Next steps

10 If you accept my conclusion, with your agreement, I would be willing to conclude the inquiry through the rectification procedure. Under Standing Order 150, I am able to rectify a complaint in these circumstances without submitting a full and formal memorandum to the Committee on Standards. I would instead write to the complainant, following which the matter would be closed. I inform the Committee
15 of the outcome and my letter to the complainant and the relevant correspondence is in due course published on my webpages.

In order for me to implement the rectification procedure, it would be necessary for you to accept that you were in breach of paragraph 15 of the Code of Conduct for Members and the rules of the House as set out in the *Rules for the use of stationery and postage-paid envelopes provided by the House of Commons, and for use of the
20 Crowned Portcullis*. The Committee would normally expect the Member to apologise and this can be done by way of your response to this letter.

Paragraph 16 of chapter 4 of the Guide to the Rules relating to the conduct of Members says that "*In cases involving parliamentary facilities or resources, the
25 rectification procedure normally requires the Member to make any repayment or other relevant rectification.*" In this instance, I think it is appropriate to ask you to refund to the House authorities the cost of 4,720 postage pre-paid envelopes and the cost of 4,720 sheets of headed paper, with over-printing. Subject to the addition of the cost of over-printing about which I will seek advice, this would be £3,010.99 (£2,840.50 for second class pre-paid envelopes (@ £150.45 for 250) and £170.49
30 for 4,720 sheets of headed paper at £9.03 per box of 250 sheets.) I should emphasise that this is not a "sanction"; it is simply reimbursement to the House authorities of a sum equivalent to the value of the misused stationery; a "rectification" of the breach.

Please let me know by close of business on 5 July 2018 whether you accept my decision and the above proposal. If you agree, I would send you a draft of a letter to
35 Ms Marshall and a copy of the written evidence pack which will, in due course, be posted on my webpages. The content of my letter is a matter for me alone but I would give you the opportunity to comment on its factual accuracy before publication.

40 In the meantime, this matter remains protected by parliamentary privilege and the contents of our correspondence should remain confidential.

Finally, I note that you say that the stationery rules need to be clarified. I suggest you write to the Chair of the Administration Committee, Sir Paul Beresford, about that.

20 June 2018

5 **13. Letter from Mr Robert Courts MP to the Commissioner 5 July 2018**

I write further to your letter of 20 June 2018.

I note that you say that *"it is common practice to send a covering letter explaining the purpose of the survey and how any resulting data might be used. I appreciate that the Eynsham survey letter was intended as a covering letter..."*

10 I understand that you have nevertheless concluded that some of the content of this covering letter could be described as a *"general update on a range of issues"* and that you ask for a *"reimbursement"* rather than a *"sanction"*.

Given that you have accepted that my intention was only to send a covering letter, I am prepared to accept your conclusion and your proposal for rectification.

15 I can only apologise for my inadvertent error in drafting what I thought was an innocuous letter inviting residents to tell me what their priorities were. When I read the rules it appears that I was misled by the phrase *"newsletters, annual reports or general updates on a range of issues"* which I read as being similar documents, not as a requirement not to include any element of an update. Nonetheless I accept your
20 decision.

I was at the time a very new MP, having served for only about a year - including a lengthy break for a General Election - and this was the first such exercise I had undertaken. I simply made a mistake, and had no intention at any time other than to facilitate quick, easy, convenient access for my constituents to their new MP.

25 I would like to reiterate that my proactive survey has been hugely popular with my constituents, who have appreciated their MP *"reaching out to them"*. Some of the comments I have received include:

"Robert, you are the best MP we have ever had."

30 *"I very much appreciate your interest in the local situation... Thank you for prompting me to give you some of my thoughts."*

"Thank you for your hard work on my behalf."

"Thank you for making this straightforward."

"Your questionnaire is much appreciated."

In addition, I have some casework requests that I have been able to successfully resolve, such as the provision of a winter weather co-ordinator in Woodstock, which will be a major assistance to elderly people. I do believe that this would not have
5 happened without my survey and without my taking action arising from it.

Indeed, I have received communication from a lot of people who I am sure have not thought to contact their MP before. The wide engagement has been helpful in understanding what local people feel are the most important issues; my priority is to be an active local constituency MP and feel that my local priorities should be
10 shaped by the views that residents hold.

Against that background, I am very glad I did issue these surveys in any event and would have found a way to do so anyway, for I consider it paramount that constituents are able to contact their MP to tell them the things that matter quickly and easily - and this was a highly effective way of doing so.

15 Without prejudice to the above, may I make one point with regard to paragraph 11 of my letter of 6 April. You quite rightly point out that I omitted some of the words from the rule quoted: I illustrated this by use of "...". which is the standard convention when construing a rule and drawing attention to the relevant passages whilst leaving out those that are not relevant to the point. You have, if I may say so,
20 misunderstood the point I was making. The use of the word "including" makes clear that it refers to an example. In other words, "*contact by Members about a specific issue with people who have not previously contacted them,*" is simply one example of three things that are expressly allowed in addition to "normal" correspondence. Those three things are joined together by the use of the word "and". The use of
25 brackets at the end of that sentence can therefore entirely be read as referring to "*correspondence with constituents*" rather than *only* referring to unsolicited mailshots, which is simply one example you have picked out of the middle.

A detailed interpretation of the rule therefore most certainly does prevent a Member from reply to a constituent on more than one issue. This is however not relevant to
30 this case because it is not the exercise I was undertaking and - so other than to restate the point - it need not detain us further, but I do draw this to your attention again to point out the poor drafting.

I accept your decision that, in legitimately circulating a survey I inadvertently strayed into providing views on multiple issues and therefore breached the Code.

35 I apologise for the error and will arrange repayment of the cost of the surveys.

I await to hear from you with next steps.

5 July 2018

14. Letter from the Commissioner to Mr Robert Courts MP, 24 July 2018

Thank you for your letter of 5 July 2018, confirming that you accept my decision that the covering letters sent with the Eynsham, Woodstock & Bladon; Cassington; and South Leigh surveys were sent in breach of the rules on the use of House-provided stationery and that as a result, you have acted in breach of paragraph 15 of the Code of Conduct for Members. Thank you also for confirming that you will make arrangements to refund an amount equivalent to the value of the misused public resources to the House authorities. Before setting out the steps necessary to bring this matter to a close, I should first respond to two points in your letter.

10 You have provided examples of positive responses you have received and of action taken as a result of having conducted the surveys. I should emphasise, that the breach of the rules has arisen not because you conducted these surveys. The breach of the rules arose because the letters sent with them contained general updates on a range of issues.

15 On the second page of your letter you explain again the point raised in paragraph 11 of your letter of 6 April. For the avoidance of doubt, I confirm that I am familiar with the convention for indicating words omitted from quoted text. However, I think we might disagree about the relevance of the omitted words. Nonetheless, I agree with you that the specific point raised in paragraph 11 of your letter of 6 April was not relevant to whether or not you had acted in breach of the rules on this occasion and should rest there.

25 I enclose a copy of the letter I plan to send to Ms Charlotte Marshall. It is the first item in the evidence pack, after the summary. While the content of the letter is a matter for me alone, I would welcome any comments on the factual accuracy of this letter and the evidence pack.

Once I have any comments you wish to make on its factual accuracy, I will finalise the letter to Ms Marshall and send you both a copy of the final evidence pack. Shortly after that, the pack will be posted on my webpages. You will see that the evidence pack includes all the correspondence we have exchanged.

30 You have already acknowledged the breach of the rules, apologised and offered to refund the House authorities for the cost of the misused stationery. The refund can be made by sending a cheque for the sum of £3,010.99, payable to HOC MEMBERS 2 to my office. The cheque will be acknowledged and then be sent to the House's finance team to be processed.

35 I would be pleased to have any comments you wish to make on the draft letter/evidence pack as soon as possible and no later than 14 August 2018.

Our correspondence continues to be protected by parliamentary privilege. Until I send you and Ms Marshall letters concluding this inquiry, this matter should remain confidential.

24 July 2018

15. Letter from Mr Robert Courts MP to the Commissioner, 10 August 2018

Thank you for your letter of the 24 July 2018.

5 There are no points either in relation to your letter, the draft resolution letter or the evidence pack that I wish to make and therefore enclose a cheque for the sum of £3,010.99 as requested.

10 August 2018

16. Letter from Complaints Manager to Mr Robert Courts MP, 20 August 2018

10 I am writing, in the Commissioner's absence, to thank you for your letter on 10 August, which arrived safely on the 16th together with the enclosed cheque.

15 I have forwarded your cheque to the Finance Team, and I will prepare the evidence pack for the Commissioner's return on 3 September. The decision will be sent to Ms Marshall and the evidence pack will be posted on the Commissioner's webpages shortly after that. In the meantime, the matter remains protected by parliamentary privilege.

20 We will email your office to let you know when the material is posted on the Commissioner's webpages.

20 August 2018