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Summary

I investigated an allegation that the Member had broken the rules on the use of House-provided stationery and postage paid envelopes by using it to send constituents a general update on a range of issues.

- 5 In response to that allegation, the Member said that, on reflection, he realised he had acted in breach of the rules on stationery. I found that breach was also a breach of paragraph 16 of the Code of Conduct for Members. The Member apologised unreservedly and has subsequently refunded the House authorities for the misused stationery and postage (£777.92).
- 10 I consider that to be an appropriate outcome and concluded the inquiry using the rectification procedure available to me under Standing Order no 150.

Mr David Duguid MP: Resolution letter

Letter from the Commissioner to the complainant, 4 March 2020

5 I wrote to you on 8 January 2020, to tell you I had begun an inquiry into your allegation that Mr David Duguid MP had acted in breach of the rules of conduct, by using House provided stationery to send a mailing to constituents. I am writing to you now to tell you the outcome of my inquiry.

10 I found that in sending out the mailing of 3 October 2019, Mr Duguid was in breach of paragraph 16 of the Code of Conduct for Members. When I wrote to Mr Duguid setting out the allegation, he responded by return, saying that he was "... not conversant with the fact that a letter along the lines of the one that I sent might be a breach of rules." He also acknowledged that "... it would have been prudent to have checked the rules before [sending] the mailing."

15 Mr Duguid acknowledged and apologised for his breach of the rules, and immediately offered to refund the House authorities the full cost of the mailing. He told me that 1,000 letters had been sent using first-class pre-paid envelopes. My office calculated the amount owing and he has subsequently repaid the sum of £777.92.

20 I consider this to be an appropriate outcome to my inquiry. Therefore, I have concluded the matter using the rectification procedure available to me under Standing Order no 150.

I will notify the Committee on Standards of the outcome in due course and the evidence pack will be posted on my webpages in the next few days.

This matter is now closed.

4 March 2020

Written evidence

1. Letter from the complainant to the Commissioner, 4 November 2019

I am writing to you to complain about David Duguid MP, and his use of taxpayer funded resources to write a politicised letter to me.

- 5 I enclose a copy of the original letter from Mr Duguid, as requested. I believe the real purpose of this unsolicited letter (I had not written to Mr Duguid previously) is political campaigning. Mr Duguid explicitly mentions an Election, and goes on to comment on a number of politically salient issues. I believe it is wholly inappropriate for this kind of veiled political campaigning to be paid for by taxpayers.
- 10 I am aware that this breaches the Code of Conduct for MPs. In Section 5, Paragraph 16 of the Code of Conduct, it states:

15 *"Members are personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services 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 persona/ or financial benefit on themselves or anyone else, or confer undue advantage on a political organisation. "*

- 20 Clearly, this letter is designed to confer an electoral advantage to Mr Duguid's political party and is being used to attack his political opponents in the Scottish Government. Furthermore, this rule stipulates that Mr Duguid is personally responsible for the appropriate use of his expenses. The House of Commons rules on the use of stationery states in Section 3 that the use of prepaid envelopes and House of Commons stationery is prohibited for *"newsletters including general*
- 25 *updates to constituents on a range of issues"*. This letter is clearly a general update on a range of issues - ones which happen to be salient electoral issues. This was unsolicited and a clear breach of the rules.

I look forward to your comment on my concerns.

4 November 2019

30 **Enclosure; letter from Mr David Duguid MP to constituents, 3 October 2019**

Dear Constituent,

- Looking at the daily media headlines it would be easy to think that politicians are interested only in Brexit or Nicola Sturgeon's call for another independence referendum. Both issues are of course very important and will be at the heart of any
- 35 General Election if one is called.

In reply to the many who have written to me about Brexit I have been clear that, like the Prime Minister, I am keen that there is a deal agreed so that we can leave the EU on 31 October in an orderly fashion. But there is of course the possibility that a deal cannot be reached. I therefore believe it is right that the Government prepares for such an eventuality. However, I can assure you that even in these turbulent times I continue to deal with a wide range of issues in the constituency.

Last month I completed my summer surgery tour during which I visited 65 locations across Banff and Buchan. It may not surprise you that the main concerns were about our local public services, particularly those relating to health service provision. I will continue to lobby NHS Grampian and the SNP Government in Holyrood on matters such as the closure of GP surgeries, reduced hours in Minor Injury Units, and ambulance waiting times.

I will also continue to raise with the Council concerns about bus services, road conditions, the closure of public toilets, and the maintenance of public areas and buildings. It is very important that our towns and villages are well maintained and attractive not only for the well-being of those who live in them but also for those who visit, especially as we are trying to promote tourism in this area.

Access to decent broadband is a major problem in rural areas and in certain parts of our towns and villages. It is totally unacceptable that some 18% of households in Banff and Buchan do not meet the Government's Universal Service Obligation of a minimum 10Mbps download speed that is operational from March 2020. The roll-out of Broadband in Scotland is the responsibility of the Scottish Government but I am concerned that we are already lagging behind in this constituency. I will therefore continue to engage with the UK Government to see what assistance they can provide.

Finally, on other issues raised on my surgery tour, I will continue to do all that I can to support the key industries of Banff and Buchan — Agriculture, Fisheries, Energy and Tourism. You can follow what I am doing in Parliament and in the constituency on my Facebook page [details redacted].

30 *3 October 2019*

2. Letter from the Commissioner to Mr David Duguid MP, 8 January 2020

I would welcome your help with an allegation I have received from [name redacted] about your compliance with paragraph 16 of the House of Commons' Code of Conduct for Members. I enclose a copy of [name redacted] letter and a copy of the enclosures she sent with it as evidence.

I am writing to you now to seek your assistance with my inquiry.

My inquiry

My inquiry will focus on the allegation that you have acted in breach of paragraph 16 of the Code of Conduct for Members (copy enclosed). Specifically, I will investigate 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*.

The Code of Conduct

Paragraph 16 of the Code of Conduct states:

10 *“Members are personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services 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*
15 *anyone else, or confer undue advantage on a political organisation.*

Further to this 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* (copy enclosed) state the following:

“Principles

20 *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*
25 *system for personal financial advantage, nor (by breaching the rules in paragraph 3 below) to confer an undue advantage on a political organisation.*

30 **Paragraph 3** of the rules state; *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:*

- *In connection with work for or at behest of a political party...supporting the return of any person to public office.*
- *...*
- *For newsletters (including annual reports or general updates to constituents on a range of issues) ...”*

Paragraph 8 of the same rules gives examples of permissible uses of House-provided stationery, among which is;

- 5 • *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

10 I would welcome your comments on the allegation that your letter amounts to a breach of paragraph 16 of the Code of Conduct for Members. In particular, I would appreciate your comments on the following questions:

1. Were you aware of the Rules regarding the use of House provided stationery and the limitations of its use for newsletters or general updates?
2. Did you take advice from the House authorities before using House-provided stationery for the purpose of sending out this communication?
 - 15 a) If you did, please describe the advice given and copies of any correspondence you exchanged with House officials on the matter.
3. Whether you consider this letter could reasonably be construed as a general update on a range of issues;
 - a) if you do not, please let me know the reason(s) for that belief.
- 20 4. Please let me know how many letters were distributed as part of this mailing.
 - a) It would be helpful to know whether these letters were distributed using House-provided postage-paid envelopes and if so, whether these were sent by first or second-class post?
- 25 5. Have you distributed any similar mailings using House-provided resources since the start of the 2017 Parliament?
 - a) If yes, please provide copies of each letter and the details of each mailshot (number of letters and whether sent first or second-class).

30 It would be helpful to receive any supporting evidence you have at the same time as receiving your response to these questions. Any other points you may wish to make to help me with this inquiry would also be most welcome.

Important information

As you will be aware, my inquiries are conducted in private. Following the decision taken by the House on 19 July 2018, I will not publish the fact that I am conducting an inquiry into an allegation of an alleged breach of the Code of Conduct. My office
5 will not comment on any aspect of the inquiry to third parties. They will answer direct factual questions about the processes I follow and the standards system more generally but will neither confirm nor deny that I have begun an inquiry.

Procedure

I enclose a copy of the *Commissioner's Information Note*,¹ which sets out the
10 procedure for inquiries. Please note that this has not yet been updated to reflect the changes flowing from the decision of 19 July 2018. I am also writing to [name redacted] to let her know that I have decided to begin an inquiry into this matter.

This letter and any subsequent correspondence between us in connection with this inquiry is protected by parliamentary privilege. Until such time as a final report is
15 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 [name redacted]. My decision and all the relevant evidence, including our correspondence, will be published at the end of the inquiry.

I should say now, as a matter of courtesy, that I may seek the advice of the House
20 authorities and others as part of this inquiry. 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. I am, of course, very happy to meet with you at any stage if you would find that
25 helpful.

Action

I would be grateful to have your response to this letter as soon as possible and no later than 21 January 2020.

8 January 2020

¹ <https://www.parliament.uk/documents/pcfs/New%20Website%20Documents/PCS-Information-Note.pdf>

3. Letter from Mr David Duguid MP to the Commissioner, 21 January 2020

Thank you for your letter of 8th January regarding an allegation made by my constituent about my compliance with the House of Commons' Code of Conduct for Members.

5 My responses to the questions you posed are as follows:

1. I was aware of the rule about not using House-provided stationery for Party political purposes. But I was not conversant with the fact that a letter along the lines of the one that I sent might be a breach of rules, having seen what I considered to be similar letters from other MPs.

10 I fully accept that it would have been prudent to have checked the rules again before the mailing and I apologise for not having done so. I can assure you that it was never my intention to flout the rules.

Should you conclude that I have acted in breach of the rules I will of course repay in full the costs involved.

15 2. No, I did not seek advice from House authorities and I accept that in hindsight it would have been better to have done so.

20 3. With the benefit of hindsight I accept that the letter might be 'construed as a general update on a range of issues', but at the time it was never intended to be anything other than a communication in support my parliamentary duties and my obligations to my constituents. It was not part of any Party or election campaign. Indeed no more letters were sent when it became clear that a pre-Christmas election might be a real possibility.

4. There were 1000 letters sent by House-provided postage-paid envelopes using first class postage.

25 5. No, I have not distributed any similar mailings using House-provided resources since the start of the 2017 Parliament.

I hope that this answers the points that you raised with me.

I am, of course, happy to meet with you at any time to discuss the matter further.

21 January 2020

4. Letter from the Commissioner to Mr David Duguid MP, 29 January 2020

Thank you for your letter of 21 January 2020. I am very grateful for your prompt response on this matter, and the answers you have provided. I now have sufficient information to make my decision.

5 My Decision

10 Your use of House of Commons supplied stationery and first-class postage-paid envelopes, to send out a general update to constituents, was in breach of paragraph 16 of the Code of Conduct for Members. The Rules for the use of stationery and postage paid envelopes sets out how these House-provided resources should be used by Members.

15 In your letter you explained your understanding of certain aspects of these rules. However, you also acknowledged that you were "*... not conversant with the fact that a letter along the lines of the one [...] sent might be a breach of the rules...*". You went on to say "*With the benefit of hindsight I accept that the letter might be 'construed as a general update on a range of issues'*". In my view, there is no doubt; that mailing provided a general update on a range of issues and was, therefore, a breach of the rules.

20 In light of your very helpful responses, and your acceptance that you should have checked the rules before sending out that mailshot, I do not see any need for further information nor for us to meet.

Next steps

25 While this should not have happened, I consider this breach to be at the less serious end of the spectrum. If you accept my decision, I would be willing to conclude this matter through the rectification procedure, which is open to me under Standing Order No 150. This allows me to conclude an inquiry without making a referral to the Committee on Standards in certain circumstances.

30 In order for me to implement the rectification procedure, it would be necessary for you to acknowledge that you were in breach of paragraph 16 of the rules of conduct and to apologise for that breach. You can do this by way of your response to this letter.

In this matter, rectification would also include refunding the House authorities for the cost of the paper, envelopes and first-class postage used, which you have already indicated you are willing to do.

35 My office have liaised with the House authorities and, based on the information that 1,000 letters were sent first-class for this mailing, the amount required for repayment would be £777.92

Payment can be made using one of the following methods;

- Pay by cheque made payable to HOC Admin 2 and sent to [details redacted]
 - Complete a BACs transfer [details redacted] stating who and what the payment relates to in the narrative
- 5 • Pay by card (Amex not accepted) [details redacted]

If you agree to this proposal, and confirm which repayment method you will use, I would share the written evidence pack with you, to check its factual accuracy, before publishing that material on my webpages²;

I would also report the outcome to the Committee on Standards in due course.

- 10 Please let me have a response to this letter by 11 February 2020. In the meantime, our correspondence remains protected by parliamentary privilege and I must ask that you continue to maintain the strict confidentiality of the inquiry.

29 January 2020

5. Letter from Mr David Duguid MP to the Commissioner, 10 February 2020

- 15 Thank you for your letter of 29 January.

I fully accept your finding that the letter I sent to constituents was a general update on a range of issues. It was therefore a breach of paragraph 16 of the Code of Conduct in relation to the rules about the use of House-provided stationery and postage paid envelopes.

- 20 I apologise for my error. As I explained in my original response, it would have been prudent to have checked the rules before the mailing, and I again wish to make clear that this was an oversight on my part. It was never my intention to deliberately circumvent the rules.

- 25 I will now make immediate arrangements to repay the £777.92 by card — the third of the repayment options you set out. Am I right in assuming the payment can be made before your sharing with me the written pack evidence?

Thank you for investigating this complaint and for bringing it to a speedy conclusion.

10 February 2020

² <https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/parliamentary-commissioner-for-standards/>

6. Letter from Mr David Duguid MP to the Commissioner, 13 February 2020

Further to our correspondence, I have now heard from [name redacted] that I may make repayment at any time.

5 I have therefore today paid by card the £777.92 and hope that a line can now be drawn under the matter.

Many thanks for all your assistance with this.

13 February 2020

7. Letter from the Commissioner to Mr David Duguid MP, 24 February 2020

10 Thank you for your letter of 10 February 2020, accepting my decision and acknowledging and apologising for your breach of the rules on the use of House-provided stationery. Thank you also for your letter of 13 February 2020, confirming you have reimbursed the House authorities for the amount of £777.92.

15 I enclose a copy of the letter I plan to send to [name redacted]; it is the first item in the written 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 and the written evidence pack, which includes our correspondence during the investigation.

20 Once I have any comments you wish to make, I will finalise [name redacted] letter. I will also send you both a copy of the final evidence pack, shortly after which, the pack will be posted on my webpages <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 will notify the Committee on Standards of the outcome of my inquiry in due course.

25 I would be pleased to receive any comments you wish to make on these items as soon as possible, and no later than 9 March 2020.

In the meantime, our correspondence continues to be protected by parliamentary privilege. Until I send you and [name redacted] letters concluding the inquiry, this matter should remain confidential.

30 *24 February 2020*