

RECTIFICATION

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Summary

I investigated the allegation that the Member had misused House-provided stationery and second-class postage-paid envelopes by sending a mailing which was party-political, rather than parliamentary, in its purposes.

- 5 I considered the tone, content, and timing of the mailing, which was sent to the complainant and other constituents on 1 November 2019, ahead of the Dissolution of the House on the 6 November 2019.

10 The Member told me that the letter sent to the complainant was a follow-up to previous correspondence between them. During my investigating I found that the earlier correspondence had taken place in February 2018. I concluded that the content and the time that had elapsed meant this most recent letter could not be considered a continuation of the previous correspondence. I also concluded that the tone and content of the letter, sent after the early General Election had been agreed, could not be regarded as solely in support of the Member's parliamentary functions.

15 After several rounds of correspondence, the Member acknowledged and apologised for his breach of the rules. He has refunded the House authorities £343.96 for the misused stationery and second-class postage used. He has also undertaken to put in place measures to avoid any future repeat of the breach.

20 I consider this to be an appropriate outcome and concluded the inquiry using the rectification procedure available to me under Standing Order No 150.

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Mr Daniel Zeichner MP: Resolution letter

Letter from the Commissioner to the complainant, 4 June 2020

5 I wrote to you on 28 January to tell you I had begun an inquiry into your allegation, that Mr Daniel Zeichner MP had acted in breach of the rules of conduct. I am writing to you now to tell you the outcome of my inquiry.

I found that Mr Zeichner's mailing of 1 November 2019, breached paragraph 16 of the Code of Conduct for Members. Looking at the letter as a whole, including the tone, content, and timing of the mailing, I found that it was party-political rather than parliamentary in nature. I therefore uphold your allegation.

10 For my full rationale please see my letter to Mr Zeichner of 4 May 2020 (item 9 in the attached Written Evidence pack).

15 Mr Zeichner has acknowledged and apologised for his breach of the rules. He has refunded the House £343.96 for the stationery and postage he mis-used and has told me that he has taken steps to avoid a recurrence. I consider that to be an appropriate outcome and 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.

20 *4 June 2020*

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Written evidence

1. Letter from complainant to the Commissioner, 19 December 2019

I am writing to you regarding the enclosed letter sent by the MP for Cambridge, Daniel Zeichner, dated 1 November 2019, to voters in the Cambridge constituency.

- 5 I believe this letter breaches the rules for the use of stationery and postage-paid envelopes provided by the House of Commons ("the rules").

10 This letter was dated 1 November 2019, which was one of the final days of the 2019 General Election long campaign. This was unsolicited mail — I have never been in contact with Mr Zeichner regarding this or any other issue. I suspect the same letter was sent out to hundreds, if not thousands, of voters in the Cambridge constituency.

This letter was sent by Mr Zeichner to my old university address, where I have previously registered to vote. It was then forwarded by my university college to my current address.

15 When the letter was sent, Mr Zeichner was seeking re-election as the Member of Parliament for the Cambridge constituency. He was re-elected as the MP for Cambridge on 12 December 2019.

20 In the letter, Mr Zeichner namechecks political parties, stating that "I have strongly supported Keir Starmer and others on strengthening the Labour party position, so that today the Party supports a People's vote", and "I am convinced...enough Conservatives would have voted for a confirmatory referendum".

Mr Zeichner also strongly criticises other politicians, for example stating, "cross-party working not only stopped Prime Minister Johnson's reckless push for No Deal, it also boxed him in".

25 Mr Zeichner also makes inferences to the Liberal Democrat position on Brexit of revoking Article 50 and the Conservative campaign slogan 'Get Brexit Done', criticising both, stating that "Without [a second referendum], there is a real risk of a Farage-led, highly dangerous backlash" and, "the quickest way to 'get it done' is to have that referendum".

30 Mr Zeichner concludes by saying that "I will go on pushing for Remain as we go forward", which was a key pledge of his during the 2019 General Election campaign.

I believe this letter is a clear breach of Paragraphs 1 and 5 of the rules which respectively state:

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5 "House-provided stationary and pre-paid envelopes are provided only for the performance of a Member's parliamentary functions. In particular, this excludes using stationary or postage...**in connection with work for or at the behest of a political party (including fundraising for a political party, or supporting the return of any person to public office.**"

And,

10 "House-provided stationary and pre-paid envelopes are provided only for the performance of a Member's parliamentary functions. In particular, this excludes using stationary or postage **...in a way that can be construed as campaign expenditure within the scope of the Political Parties, Elections and Referendums Act 2000.**"

Section 72(2) of the Political Parties, Elections and Referendums Act 2000 defines 'campaign expenditure' as "expenses incurred by or on behalf of the party which are expenses falling within Part I of Schedule 8 and so incurred for election purposes"

15 Section 72(4) of the Act defines "For election purposes", as

a) promoting or procuring electoral success for the party at any relevant election, that is to say, the return at any such election of candidates —

i) standing in the name of the party, or

20 ii) included in a list of candidates submitted by the party in connection with the election; or

b) otherwise enhancing the standing—

i) of the party, or

ii) of any such candidates,

25 with the electorate in connection with future relevant elections (whether imminent or otherwise).

I believe it is clear that Mr Zeichner sent this letter, in one of the final days of the 2019 General Election long campaign and just days before the dissolution of Parliament, to seek support for his return as the MP for the Cambridge constituency.

30 I do not believe it is appropriate for Mr Zeichner to use public funds to garner support for himself and the Labour Party during a General Election campaign.

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I hope that you will investigate this matter fully. I would be pleased to answer any questions that you might have.

19 December 2019

5 **Enclosure: Letter from Mr Daniel Zeichner to the complainant, 1 November 2019**

It is November and we are still in the European Union! Last night I was delighted to attend the Cambridge Stays Rally where I was very clear: for a whole range of good reasons to do with peace, prosperity, and security, believe that we should remain in the European Union.

10 Nothing that I have seen or heard — and there has been plenty of debate in the House of Commons — has changed my mind. In fact, quite the opposite. The more one learns, the more overwhelming is the case for Remain. Like so many in Cambridge, I have marched and demonstrated. I've had the privilege of making the case in the Commons on behalf of Cambridge, where the impact on non-UK EU
15 nationals, and the huge risks for our research institutions have always loomed large for me.

I have always voted at every point for Remain, and I voted against triggering Article 50 back in 2017. That has sometimes meant disagreement with my own party, and led to my resignation from my frontbench position soon after the 2017 election. I
20 have strongly supported the People's Vote campaign, and was proud to speak at the regional launch at The Junction in Cambridge and at subsequent rallies and events. I've voted for a Final Say referendum at every opportunity and have encouraged colleagues to do the same. Behind the scenes, I have strongly supported Keir Starmer and others on strengthening the Labour Party position, so that today the Party
25 supports a People's Vote.

This year, I spoke in the debate following the petition calling on Parliament to revoke Article 50, which was signed by over 6 million people, 30,000 of whom live in Cambridge. I asked the then Prime Minister to revoke Article 50 in the national
30 interest, not least to allow those who claim to speak for the 52% to sort out what they actually want. She told me that revoking article 50 would mean staying in the European Union. Well, I and many others are fine with that.

I was delighted when March 29th came and went, and we were still in the EU. I am similarly delighted that October 31st has been and gone, and we are still in the EU. The helter-skelter, nail biting votes of the last few weeks have been stressful for all,
35 but good cross-party working not only stopped Prime Minister Johnson's reckless push for No Deal, it also boxed him in.

On numerous occasions, tempting though it was, our discipline held, and we avoided the pitfall of putting a referendum to the vote in the Commons when the numbers just weren't there — we were likely to get just one opportunity, and the timing had

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to be right. For reasons still not fully clear, the discipline broke down last week. Just as we had the Prime Minister boxed in, came the push for an early General Election. I am convinced that had everyone held their nerve, we would have got to a position where enough Conservatives would have voted for a confirmatory referendum —
5 and the path to remain would have opened up.

That was not to be. Now the dice have been rolled, with unpredictable consequences. I called for revoking Article 50 in the Chamber almost a year ago, but my involvement in the People's Vote campaign has convinced me that the best way is to give the people the final say. Without that, there is a real risk of a Farage-led, highly
10 dangerous backlash. Most people just want it over — I will be arguing that the quickest way to 'get it done' is to have that referendum.

The last three and a half years have been miserable for many, but together we have kept the United Kingdom in the European Union. I will go on pushing for Remain as we go forward.

15 **2. Letter from the Commissioner to Mr Daniel Zeichner MP, 27 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 for your information.

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

My inquiry

My inquiry will focus on whether your use of House-provided stationery and postage-paid envelopes, for a mailing sent out on 1 November 2019, breached paragraph 16 of the House of Commons' Code of Conduct for Members. (A copy of
25 your mailing is also enclosed.)

The Code of Conduct

Paragraph 16 of the Code states:

30 *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 anyone else, or confer undue advantage on a political organisation.*

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Further to this, the **Rules on the use of stationery and postage-paid envelopes provided by the House of Commons, and for the use of the crowned portcullis** state the following.

“Principles

5 *2. These rules are not 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*
10 *system for personal financial advantage, nor (by breaching the rules in paragraph 3 below) to confer an undue advantage on a political organisation.”*

Paragraph 3 of these rules lists circumstances when House-provided stationery should not be used. It says that *“House-provided stationery and pre-paid envelopes are provided only for the performance of a Member’s parliamentary functions”*. The
15 rules clearly exclude using stationery or postage:

20 *i. “in connection with work for or at the behest of a political party (including fund-raising for a political party, advocating membership of a political party or supporting the return of any person to public office)”*

Paragraph 6 of these rules states, *“When a Member is **replying to correspondence**, party political references are allowed in House-provided stationery or in correspondence sent in pre-paid envelopes, subject to the restrictions in paragraph 3 above.”* [**my emphasis**].

25 **Use of the crowned Portcullis**

Paragraph 9 relates specifically to the use of the crowned portcullis. It begins with the following explanation:

30 *The principal emblem of the House is the crowned portcullis. It is a royal badge and its use by the House has been formally authorised by licence granted by Her Majesty the Queen. It should not be used where its authentication of a connection with the House is inappropriate, or where there is a risk that its use might wrongly be regarded or represented as having the authority of the House...*

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Next steps

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 answers to the following questions:

- 5 1. Were you aware of the Rules regarding the use of House-provided stationery and postage and particularly the guidance set out in paragraph 6?
2. When you sent out the mailing on the 1 November 2019, were you in each case replying to correspondence you had previously received?
- a) If so, please provide supporting evidence.
- 10 b) Please also let me know how many letters, which were not sent in response to a relevant enquiry, were distributed as part of this mailing.
3. 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 provide copies of any correspondence you exchanged with House officials on the matter.
4. Do you believe that the letter could reasonably be construed as being “in connection with work for or at the behest of a political party...” and/or for purposes other than “in support of your parliamentary duties...”?
- a) If not, please explain your reasons for that belief.
- 20 5. Have you distributed any similar letters using House-provided stationery and/or postage pre-paid envelopes 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)

25 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 be most welcome.

Important information

30 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 alleged breach of the Code of Conduct. My office will not comment on any aspect of the inquiry to third parties. They will answer direct factual

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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

5 I enclose a copy of the *Commissioner's Information Note*, which sets out the procedure for inquiries. Please note that this has not yet been updated to reflect the changes flowing from the decision of 19 July 2018.

10 This letter and any subsequent correspondence between us in connection with this inquiry is protected by parliamentary privilege. It should be kept confidential until the outcome of my inquiry is published. All the relevant evidence, including our correspondence, will be published when I have concluded my work.

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 helpful.

15 I should say now, as a matter of courtesy, that I may seek the advice of the House authorities and others as part of this inquiry.

Action

I would be grateful to have your response to this letter as soon as possible and no later than 10 February 2020.

20 *27 January 2020*

3. Email from Mr Daniel Zeichner MP to the Commissioner, 29 January 2020

25 I am in receipt of your letter of January 27 raising a complaint made by [name redacted]. This is the first time, so far as I am aware, that any of my constituents have raised a complaint about communications – I have a very engaged electorate, and from feedback, I would say that the vast majority are very happy with being kept up to date on issues that they have raised with me. In answer to your specific questions:

Yes, I am aware of the rules regarding Parliamentary stationery

30 The letter to [name redacted] was sent following his email to me of 13 February about the relationship with the European Union post-Brexit – attached. It may be that he had forgotten that he had contacted me on this issue.

- It is not possible to say exactly how many letters I sent out on this subject, nor of other letters sent through the post – this is because we write to people for

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whom we have a postal address, but for many more we only have an email address. The extract file would have been deleted after use.

- I use the caseworker.mp system which does record every email I receive and send but does not record every postal letter I receive and send
- 5
- In the year 2018/19 I spent £4,626.01 on parliamentary stationery.
 - I regularly receive over a thousand emails and letters a week - often with identical contents for example from 38 degrees or individual letter - I batch up similar themed enquiries and send standard replies.
- 10
- I would estimate 500 constituents who have contacted me about Brexit and provided a postal address received this letter. In total I have received correspondence from 7,444 people about Brexit.
 - I never contact anyone who has not contacted me previously
- 15
- The letter was not party-political campaign material - indeed the Labour Party's position on Brexit was not very popular in November - and it was by no means certain at that point that there would be an imminent election. As you can see from the letter, it referenced an event in Cambridge that week, and given the high level of interest I thought it helpful to explain my position to the many people who had expressed concern.
- 20
- I did not take any specific advice from the House of Commons authorities in this case - I have taken advice previously in relation to use of parliamentary stationary and APPGs
 - Letters written on House of Commons paper by me are personally signed or individually stamped by a member of my staff.

I hope that this is helpful, I am very happy to assist in any way that I can.

25 *29 January 2020*

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Enclosure 1. Email from the complainant to Mr Daniel Zeichner MP, 9 February 2018

From: Complainant

Sent: 9 February 2018 18:54

5 To: Daniel Zeichner

Subject: EFTA

Hi Daniel,

I am a student at Cambridge University and one of your constituents. I strongly believe that joining EFTA is now the most preferable option for the UK in terms of our relationship with the European Union post-Brexit. It allows us full access to the Single Market but allows us not to be party to CAP, CFP, CFSP, EMU or the ECJ. It also means we would only have to implement between 15-20% of EU laws which we would have a hand in shaping. We would also have significantly reduced contributions to the EU, and a fully independent trade policy, meaning the UK could sign its own bilateral free trade agreements with third party countries.

I hope you will consider lobbying the government on the merits of EFTA, which I believe would best suit the concerns of those who voted both Remain and Leave in the 2016 referendum.

Best wishes [Name redacted]

20 **Enclosure 2. Email from Mr Daniel Zeichner MP to the complainant, 13 February 2018.**

From: Daniel Zeichner

Sent: 13 February 2018 10:44

To: Complainant

25 Subject: Re: EFTA

Dear [name redacted],

Thank you for writing to me about the EFTA.

The British people must have the opportunity to choose what happens after a departure from the European Union, or indeed staying in if that is the best option

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available. This could be by another referendum, or a General Election. I believe the evidence increasingly points to staying in as the least worst option, given the damage that the process has already done to our national interest. I voted for amendment 120 to the European Union (Withdrawal) Bill at the end of last year
5 which would have given the public a vote on the final deal, and an option to remain. You may also be aware that I have consistently voted for us to remain in the single market.

I recently spoke in a Westminster Hall debate on the issue, and referenced the work of the Constitution Unit and of [name redacted] at the University of Cambridge who
10 have both run detailed discussions and Citizens' Juries to examine in depth the views of a cross-section of the electorate. What they find is that when people are presented with the more complex choices and trade-offs around the alternatives to membership of the European Union, they come to something much closer to our current position. This rather demonstrates that the real question of where we go to
15 next...[email evidence ended here]

[date?####]

4. Letter from the Commissioner to the Director of Customer Experience and Service Delivery, 24 February 2020

I would like to ask for your advice on a complaint I have received about Mr Daniel
20 Zeichner MP. In essence the complaint is that Mr Zeichner used House of Commons stationery and pre-paid envelopes to send out a letter which was in breach of paragraph 16 of the House of Commons Code of Conduct for Members.

I enclose a copy of the relevant correspondence and envelope used by Mr Zeichner in his mailing. I would be grateful if you would tell me how you would have advised
25 him at the time, had he sought your advice about using House-provided stationery and postage pre-paid envelopes for this mailing.

In addition, I have also enclosed a copy of my initiation letter to Mr Zeichner, his reply to my questions, dated 29 January 2020, as well as the evidence he mentions in his reply.

30 I appreciate that the published guidance regarding the use of stationery cannot cover every eventuality, and it would be useful to have your observations on the factors you have taken into account in reaching a view in this instance.

It would be very helpful to have your response to this letter as soon as possible and no later than 5 March 2020.

35 Thank you for your assistance.

24 February 2020

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5. Letter from the Commissioner to Mr Daniel Zeichner MP, 24 February 2020

Thank you for your email received on the 29 January 2020, and the information it provided. I'm sorry it has taken longer than usual to respond.

5 In my first letter to you, sent on 27 January 2020, I explained that I might seek the advice of the House authorities as part of my inquiry. In accordance with my usual practice, I have today written to the Director of Customer Service, Mr James Turner, to ask how he would have advised you, had you sought advice about using House-provided stationery and postage pre-paid envelopes for the mailing you sent out on the 1 November 2019. I enclose a copy of that letter for information.

10 I will write to you again when I have the Director's advice, and to give you an opportunity to comment. In the meantime, our correspondence remains protected by parliamentary privilege.

24 February 2020

15 6. Letter from the Director of Customer Experience and Service Delivery to the Commissioner, 2 March 2020

Thank you for your letter dated 24 February 2020, regarding the complaint you received about Mr Daniel Zeichner MP.

I can confirm that Mr Zeichner did not seek advice regarding this letter.

20 If the Member has approached the Customer Relationship team in advance, the following response would have been given:

25 *The House provides the stationery budget to assist Members in performing their parliamentary duties but the rules cannot be expected to cover every eventuality; ultimately it is incumbent on the Member to always behave with probity and integrity when using House-provided stationery and postage and they should regard themselves as personally responsible and accountable for the use of it. Although we can provide guidance on usage, if a complaint were made, it is the Commissioner for Standards who rules on individual cases, and our guidance cannot bind the Commissioner's ability to come to a*

30 *different conclusion. Please see the stationery rules for more details.*

35 *In the period leading up to a General Election, it is a time of heightened sensitivity, and correspondence you send to constituents may be being read in the context of party-political messages and emerging campaign themes. I would therefore pay particular attention to the content of unsolicited letters to constituents about specific subjects, especially those where the subject may feature in a campaign message. One*

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example of particular concern would be 'I have strongly supported Keir Starmer and others on strengthening the Labour Party position'.

5 *This letter clearly states your position on Brexit and I would suggest the timing of sending this out in the week before the House dissolved before a General Election would be unwise.*

I would advise that this letter is not sent out on House of Commons stationery or using postage paid envelopes.

If you need any further information on this to assist with your investigation, please do not hesitate to contact me.

10 *2 March 2020*

7. Letter from the Commissioner to Mr Daniel Zeichner MP, 12 March 2020

When I wrote to you on 24 February 2020, I said that I was seeking the advice of the House authorities which I would share with you. I have now received a response from the Director of Customer Experience and Service Delivery. He said;

15 I can confirm that Mr Zeichner did not seek advice regarding this letter.

If the Member has approached the Customer Relationship team in advance, the following response would have been given:

20 *The House provides the stationery budget to assist Members in performing their parliamentary duties but the rules cannot be expected to cover every eventuality; ultimately it is incumbent on the Member to always behave with probity and integrity when using House-provided stationery and postage and they should regard themselves as personally responsible and accountable for the use of it.*
25 *Although we can provide guidance on usage, if a complaint were made, it is the Commissioner for Standards who rules on individual cases, and our guidance cannot bind the Commissioner's ability to come to a different conclusion. Please see the stationery rules for more details.*

30 *In the period leading up to a General Election, it is a time of heightened sensitivity, and correspondence you send to constituents may be being read in the context of party-political messages and emerging campaign themes. I would therefore pay particular attention to the content of unsolicited letters to constituents about specific subjects, especially those where the subject may feature in a campaign message. One*
35 *example of particular concern would be 'I have strongly supported Keir Starmer and others on strengthening the Labour Party position'.*

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This letter clearly states your position on Brexit and I would suggest the timing of sending this out in the week before the House dissolved before a General Election would be unwise.

5 *I would advise that this letter is not sent out on House of Commons stationery or using postage paid envelopes.*

Before I make a decision on the allegation under investigation, I would like to invite your comments on his advice. I also have some additional questions (set out below) which I would like to raise with you.

10 In your email to me on 29 January 2020, you stated that the letter you had sent to [name redacted] on the 1 November 2019 “...was sent following his email to me on 13 February...”. You helpfully provided a copy of that email exchange, in which [name redacted] forwards his own opinion in favour of the UK joining the European Free Trade Association (EFTA).

15 I note from the email attachment you provided, that [name redacted] email was sent to your office on 9 February 2018, and you replied to this email on 13 February 2018.

20 In your email to me you also stated “...I batch up similar themed enquiries and send standard replies.” Bearing in mind that you had answered [name redacted] email in 2018, and in light of the fact that your mailing was sent over 20 months later, I would invite your thoughts on the following questions.

- When you decided to send your mailing to [name redacted], did you consider the content to be a further reply to his original enquiry?
- If so, please could you explain your reasons for this.
- 25 • For how long do you generally continue to write to constituents with updates about a matter they have raised?
- When writing to other constituents who had previously corresponded with you, did you offer the option of receiving further updates from your office?
- If so, please could you provide an example of this agreement/message.
- 30 • Had all 500 recipients of this particular mailing requested, or agreed to receive, updates regarding your stance on the UK leaving the EU?
- Please tell me what steps your office takes to ensure that the personal contact details of constituents who contact you in connection with your parliamentary activity are used only

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- in support of your parliamentary functions; and
- in accordance with the purposes for which those details were provided.

I would be grateful to receive any comments you wish to make in the light of the above advice, either via post or by emailing [my office], by 26 March 2020.

5 *12 March 2020*

8. Letter from Mr Daniel Zeichner MP to the Commissioner, 17 March 2020

Thank you for your recent letter dated 12th March 2020 and I do hope we can bring this matter to a resolution soon.

10 Firstly I would like to make the observation that the original complaint was untrue — [name redacted] said that this was entirely unsolicited mail when he had in fact contacted me, on the subject of Brexit, a copy of which I sent to you.

15 Throughout the period in question the issue of Brexit was of extreme concern to Cambridge people and I considered my letter to be a further reply to his original enquiry. In relation to the timing of the letter, it was my view, and the view of most of the country and media, that an important milestone had been reached in the UK and EU's future relationship and that therefore that warranted a further reply.

20 I do dispute that I knew this was a period in the run up to an election. It was not at all clear that we were facing a General Election — indeed under the fixed terms Parliament Act we should not have been, and I voted against it. If the Government changes the rules, it is easy to see in hindsight, but not at the time. I also cannot see what party political gain would have come to me as this letter was sent to people who contacted me regardless of their pro or anti Brexit views.

25 Moving on, in relation to my statement that "I batch up standard themes enquiries and send standard replies", I would like to clarify this using this week as a good example. This morning I received 170 emails about coronavirus from different constituents and 35 about anti-microbial resistance. My office will group these emails and send all constituents the same or a very similar reply. I believe this is relatively standard practice and why organisations such as PRS exist to provide "standard" responses. The need for such standard replies is perhaps more vital in a
30 seat like Cambridge where there is a highly engaged electorate.

35 As I have previously explained I use the caseworker.mp system which I buy annually. This automatically stores all incoming and outgoing emails that I send. It does not store the Excel downloads that can be generated from it to create a mailing list. I have my contact details on the bottom of every email I send out from caseworker.mp. I have never included a disclaimer about sending further updates on topics. In the main I do not send out additional letters unless there seems to me to be a good reason. I don't have a general cut-off date for replying to constituents if

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I believe there is something I should pass on related to a case they have raised. Perhaps you could suggest when the cut-off period should have been for me not to keep people informed?

5 For general updates I have a separate e-newsletter. No email addresses where a constituent has emailed me in my capacity as an MP about a casework or policy matter are ever added to this. People have to pro-actively subscribe via my website and this has a disclaimer explaining how to opt out.

10 In order to keep Parliamentary and non-Parliamentary matters separate I also encourage Labour members to use a separate address [address redacted] and no data is ever passed to my political party.

15 In conclusion, I believe this to largely be a case of numbers. I often email or write to individuals or groups of two or three people to update them about an issue going through Parliament which they have previously written to me about. In the case of Brexit I had a far larger group who had all previously contacted me about their concerns regarding the UK's future relationship with the EU.

While on this occasion letters were more practical, I am not a particularly large user of parliamentary stationery, and you will note my expenditure this year was just £28.82, as I tend to use emails instead.

20 This is the only complaint I have ever had about Parliamentary stationery and I have only ever sent letters to constituents who have been in touch with me, and never send unsolicited mailings.

17 March 2020

9. Letter from the Commissioner to Mr Daniel Zeichner MP, 4 May 2020

25 Thank you for your letter of 17 March 2020, received by my office just before my team and I moved to working remotely. I know this is a challenging time for the whole country and I hope that you are keeping well.

30 I have considered all the correspondence, the published Rules concerning the use of House provided stationery, the Director of Customer Experience's advice, and your comments very carefully. I have also had regard to the outcome of earlier inquiries into similar matters before coming to a decision.

My decision

35 I have decided that in using House-provided stationery and envelopes, for your mailing of 1 November 2019, you acted in breach of the House's Rules for the use of stationery and postage-paid envelopes provided by the House of Commons, and for the use of the Crowned Portcullis.

RECTIFICATION

Rationale

5 The relevant rules make clear that they cannot cover every eventuality and it is for each Member always to behave with probity and integrity when using House provided stationery and postage. Although the rules do not attempt to define the boundary between parliamentary activity and party-political activity, the rules do ask Members to distinguish between the two. In the absence of a neatly and easily defined boundary, each piece of correspondence must be considered carefully on its own merits.

10 When making a judgement about whether a particular mailing should have been posted at public expense, I look at the communication as a whole and make my own independent finding about its aims, tone, and content.

15 [Name redacted] said in his letter of complaint that he had never been in contact with you, and you have provided me with a print-out of an email exchange you had with him in February 2018, when he sought your opinion on the European Free Trade Association (EFTA). You maintain that in writing to him 20 months after the initial contact, you were continuing the correspondence.

20 I understand from the complainant that your letter was sent to his former address at university, where he had been registered to vote, and it is not immediately clear to me how you would have connected that address to his email about EFTA. I would be interested to understand how you linked his email address with his former postal address.

25 Assuming that the [name redacted] who emailed you is the same [name redacted] to whom you sent your letter, I do not think its content can reasonably be characterised as a “reply” or continuation of an ongoing correspondence. [Name redacted] wrote to you seeking your opinion on whether EFTA represented the best route in the event of the UK leaving the European Union. Your letter, of 1 November 2019, summarises your own position on whether or not the UK should leave the EU and mentions recent milestones on that journey, but it did not make any reference to [name redacted] original question.

30 Taking all the above into account, I have decided that the mailing was unsolicited, and cannot be considered a further reply to his email. This means that paragraph 6 of the Rules concerning the use of House-provided stationery is relevant.

35 When asked about the timing of your mailing to constituents, you stated in your letter of 17 March 2020, “I do dispute that I knew this was a period in the run up to an election.” I find that assertion hard to reconcile with external events. The Early Parliamentary General Election Act 2019 passed through the Commons on 29 October and received Royal Assent on 31 October 2019, the day before the date of your letter. You also said in your letter that you were “...delighted that October 31st has been and gone...”. You also said, “Just as we had the Prime Minister boxed in, came the push for an early General Election.”

40

RECTIFICATION

It is clear that this letter was sent to constituents just ahead of, and with knowledge of, the imminent election. Therefore, it is unlikely this letter was sent without some consideration of its political impact on potential voters.

5 In his letter of 2 March 2020, The Director of Customer Experience stated; “In the period leading up to a General Election, it is a time of heightened sensitivity, and correspondence you send to constituents may be being read in the context of party-political messages and emerging campaign themes.” He went on to explain, “One example of particular concern would be ‘I have strongly supported Keir Starmer and others on strengthening the Labour Party position’.” The Director also said that he
10 would have advised you that “This letter clearly states your position on Brexit and I would suggest the timing of sending this out in the week before the House dissolved before a General Election would be unwise.”

I accept and agree with the Director’s advice.

15 I have decided that your letter was in breach of paragraph 3(i) of the stationery rules and that, because it was not a reply to correspondence, the party-political references also breached paragraph 6 of those rules.

This letter should not have been sent using publicly funded resources.

20 For the reasons set out above, I have decided that a breach of the stationery rules has occurred and that this breach is contrary to paragraph 16 of the Code of Conduct for Members of Parliament.

Next steps

25 As you may be aware, having decided that a breach of the Rules has occurred, I can, with the co-operation of the Member concerned, rectify less serious breaches using the powers available to me under Standing Order 150. For more serious breaches, or in instances where the Member rejects rectification, I would refer the matter, via formal memorandum, to the Committee on Standards.

30 In this instance, should you accept my decision of Rectification, I would ask you to write to me, acknowledging my decision and apologise for the breach. You would also need to tell me about the measures you will take/have taken to ensure there is no repeat of this breach.

35 In the Guide to the Rules relating to the conduct of Members it says that, “In cases involving parliamentary facilities or resources, the rectification procedure normally requires the Member to make any repayment or other relevant rectification.” To rectify the misuse of public funds you would be required to refund to the House authorities the cost of the paper, envelopes and pre-paid postage, used for sending out your mailing. 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.

RECTIFICATION

Therefore, before I can decide how to conclude this inquiry, I need first to ask you to consider my decision and to tell me whether you accept it.

5 I understand that you will be disappointed by my decision, but I would ask you to reflect carefully on my reasoning above before replying. Please let me have your response as soon as possible and before 22 May 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.

4 May 2020

10. Letter from Mr Daniel Zeichner MP to the Commissioner, 4 May 2020

10 Thank you for your letter and your detailed investigation, the conclusion of which I accept and apologise for the error that was made.

15 I have, as you suggested in previous correspondence, taken steps so I can implement a cut-off date with regards to follow-up replies to letters. The debate over our relationship with the European Union was closely followed in Cambridge over a long period, with many correspondents engaging in multiple exchanges. I appreciate that the time gap in this case was lengthy and although I rather hope that we will not have such protracted debates in future, with such volumes of correspondence, there is a clear lesson to be learned and we can put measures in place to stop this recurring.

20 You asked me how I knew his term time address. He gave his postcode as [redacted]. This is the postcode solely for [name redacted]. I check names and postcodes against the electoral roll to check I am replying to my own constituents, in accordance with Parliamentary protocol.

4 May 2020

25 11. Letter from the Commissioner to Mr Daniel Zeichner MP, 20 May 2020

Thank you for your letter dated 4 May 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 assurance that you have taken steps to avoid a recurrence of this breach.

30 As I explained in my letter of the 4 May 2020, the rectification process requires a refund to the House authorities for the cost of the paper, envelopes and pre-paid postage that has been misused. In your letter of 29 January 2020, you estimated 500 letters had been sent out in this mailing. I'm aware that you have also liaised with my office and confirmed that all of these letters were sent using second-class
35 postage.

RECTIFICATION

As a result, I calculate the final amount required for repayment to the House authorities will be £343.96. Please can you arrange for payment to be made using one of the following methods;

- 5
- Complete a BACs transfer to [details redacted] stating who and what the payment relates to in the narrative
 - Pay by card (Amex not accepted) by calling [details redacted]

Please could you let me know when you have made your repayment and, if you choose to make an electronic transfer, I would be grateful if you would send me a copy of the confirmation of the transaction.

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

15 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 written evidence pack (redacting the complainant's name from the evidence), 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/>
20 I will notify the Committee on Standards of the outcome of my inquiry in due course.

I would be pleased to receive any comments you wish to make on these items as soon as possible, and no later than 2 June 2020.

25 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.

20 May 2020