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## Summary

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I investigated allegations that the Member had acted in breach of paragraph 14 and 15 of the Code of Conduct for Members.

5 I found no evidence that the Member had breached paragraph 14 and did not, therefore, uphold that allegation. I found that the Member had used the crowned portcullis badge inappropriately. He had written letters the administrators of various social media sites asking them to remove comments that he considered defamatory and the use of the crowned portcullis on those letters wrongly gave the impression that they carried the authority of the House of Commons. That was a  
10 breach of paragraph 15 of the Code of Conduct.

The Member accepted my decision, apologised and agreed to refund the House authorities an amount equivalent to the value of the misused stationery.

I concluded the inquiry using the rectification procedure available to me in accordance with Standing Order No 150.

## Mr Ian Lavery MP: Resolution letter

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### Letter from the Commissioner to Mr David Bawn, 14 May 2018

5 I wrote to you on 15 January to tell you that I had begun an inquiry into your allegations that Mr Ian Lavery MP had breached paragraphs 14 and 15 of the House of Commons Code of Conduct.

10 I have exchanged correspondence with Mr Lavery about that matter. I found no evidence that he acted in breach of paragraph 14 of the Code and Mr Lavery has given me an assurance that he identified the addresses of the recipients of the letters in question via public records. In the absence of evidence to support that allegation, I do not uphold it.

15 I found that Mr Lavery did act in breach of paragraph 15 of the Code of Conduct by using stationery bearing the royal badge (the crowned portcullis) when writing to you and to the administrators of various social media sites about comments which he considered to be defamatory. As you will see from my letter to Mr Lavery of 28 March 2018 (item 12 in the enclosed evidence pack) that gave the impression that Mr Lavery's letters carried the authority of the House when they did not. I therefore uphold that allegation.

20 Mr Lavery has accepted my decision. He has acknowledged his breach of the rules, apologised and agreed to refund an amount equivalent to the value of the misused stationery to the House authorities. On this occasion, the refund is of significantly less importance than the principle that the crowned portcullis should not be used where there is a risk that the correspondence might wrongly be regarded as having the authority of the House.

25 I have concluded the matter by way of the rectification procedure available to me under Standing Order No 150. I will notify the Committee on Standards in due course of this outcome. The matter is now closed.

*14 May 2018*

## Written evidence

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### 1. Letter from Mr David Bawn to the Commissioner, 2 January 2018

I am writing to lodge a formal complaint regarding Mr Ian Lavery MP for Wansbeck.

5 I am an administrator of a popular Facebook Group called "Morpeth Matters" which deals with events, news and topics of interest regarding the town of Morpeth (which is within the Wansbeck constituency). It has over 18,000 members.

10 Topics of local interest are often discussed, as are local political issues. As you will recall in April 2017 there was much commentary in the national press and on the BBC regarding Mr Lavery and his connection to the NUM and matters pertaining to his mortgage and allegations of impropriety. The Times carried out an investigation into these allegations.

These allegations subsequently forced Mr Lavery to make an apology to the House.

15 Such matters were thus in the public domain and an appropriate topic for discussion. As an administrator of a Facebook site, I am alive to the possibility of libel and any libellous posts (not that there were any) are removed as a matter of course.

I was very concerned in April 2017 to receive a letter on House of Commons letterhead, utilising House of Commons postage from Mr Lavery in which he wrote to me in my capacity as an administrator of the Facebook Group "Morpeth Matters".

20 The letter read as follows:

*Dear Administrator*

*Re: Morpeth Matters*

25 *It has come to my attention that your social media pages contain serious, untrue and highly defamatory comments towards myself, some of which contain malicious falsehood. In allowing these posts, defamatory comments are being communicated to thousands of people throughout the world, posing a serious threat to my reputation.*

30 *Having taken legal advice and in line with pre-action protocol I write to require you immediately to remove all defamatory comments and to ensure that they are not repeated and that no similar comments are published on your site.*

*I reserve the right to take legal action to enforce my rights and in relation to the damage caused.*

*Regards*

*Ian Lavery*

5 Being concerned by this, I checked the page of Morpeth Matters and could not locate anything which would be regarded as defamatory, false or malicious. The only mention of Mr Lavery was legitimate comment regarding revelations in the national media already alluded to in this letter regarding Mr Lavery's financial dealings.

10 I then discovered that this was not a letter solely received by me but by all the administrators of Morpeth Matters in identical terms. Being myself, [Information about third parties redacted.]

It then transpired that not only had Mr Lavery written to the administrators of Morpeth Matters but to many other local Facebook Groups, also in identical terms.

15 In my professional life I am a solicitor and am therefore aware that the letter from Mr Lavery is not a properly constructed legal letter, it does not comply with pre-action protocol (mentioned in the letter), and does not identify any phrase or wording he identifies as libellous and in the knowledge that this has been sent generically to the administrators of many sites it is an attempt to make a generalised threat.

20 It appears to be an attempt to stop legitimate questioning of his financial dealings to prevent political embarrassment to Mr Lavery.

25 However to a lay person, like many of the other administrators who received identical letters, this could be read as an official legal letter, especially as Mr Lavery used official stationery to "add weight" to his threat. Many I have spoken to were very distressed and upset by this unfounded letter.

The contents of the letter can only be regarded as a threat and an attempt to bully social media pages into not discussing a legitimate and public domain topic of discussion by making groundless threats of legal action.

30 The fact that the letter is on House of Commons letterhead and utilised House of Commons' postage seems to me to be a blatant abuse of Parliamentary rules in using official MP stationery and postage for personal purposes. If Mr Lavery wants to make threats of legal action he should do so on his own personal letterhead or that of his solicitor, the subject matter of the letter was not concerning his role as an MP.

The combination of use of Parliamentary stationery and cod-legal language also constitutes bullying behaviour unbecoming in a Member of Parliament and an abuse.

5 Having discussed this matter with other recipients of the letter we now feel that action should be taken, however other recipients, who are concerned by repercussions from Mr Lavery and his associates do not want their names directly linked to the complaint.

10 I have already disposed of the original letter I received, however I now enclose the original letter received by my co-administrators of Morpeth Matters [name redacted] and the original letter and envelope received by [name redacted] the administrator of a site called [details redacted].<sup>1</sup>

We are all concerned regarding data protection, in that Mr Lavery seems to have obtained our postal addresses and we query how he managed to do this and whether he misused the data he holds as an MP for private purposes.

15 Please can you investigate whether the sending of such letters on Parliamentary letterhead, using parliamentary postage, breaches the Code.

*2 January 2018*

## **2. Letter from the Commissioner to Mr Ian Lavery MP, 15 January 2018**

20 I would be grateful for your help with an allegation I have received from Mr David Bawn, the administrator of a local Facebook Group in your constituency, concerning your use of House-provided stationery.

The Inquiry

25 The allegation I will investigate is that by using House-provided stationery to write to the administrators of social media sites asking them to remove comments which you considered to be defamatory you acted in breach of paragraphs 14 and 15 of the Code of Conduct. If relevant, I will also consider whether you have acted in breach of paragraph 16 of the Code.

I enclose a copy of Mr Bawn's letter and the enclosures. Please note I have redacted the names of the individuals to whom the letters were addressed.

30 The Code of Conduct for Members and relevant rules

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<sup>1</sup> Original letters and 1st-class postage paid envelope received: not reproduced here as text consistent with Mr Bawn's quoting of the letter addressed to him

Paragraph 14 of the Code of Conduct for Members<sup>2</sup> states

5                   *“Information which Members receive in confidence in the course of their parliamentary duties should be used only in connection with those duties. Such information must never be used for the purpose of financial gain.”*

The Code, in paragraph 15, provides that

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

Paragraph 16 of the Code states

15                   *“Members shall never undertake any action which would cause significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally.”*

20                   I enclose a copy 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.<sup>3</sup> The rules include the following statement.

*“Principles*

25                   *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....”*

30                   Paragraph 3 of the rules gives examples of purposes for which House-provided stationery should not be used. Paragraph 8 gives examples of permissible uses, and paragraph 5 allows *“modest use of stationery (but not pre-paid envelopes) for personal correspondence”*.

Paragraph 9 of the rules deals specifically with the use of the crowned portcullis.

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<sup>2</sup> <https://publications.parliament.uk/pa/cm201516/cmcode/1076/107601.htm>

<sup>3</sup> <http://www.parliament.uk/documents/facilities/Accommodation-and-Logistics/Stationery-rules-March-2015.pdf>

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*“The principle 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....”*

10

I would be grateful for your response to this complaint, taking into account the *Code of Conduct*; 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* (a hard copy of which I enclose).

It would be helpful to have the following information.

15

- Whether you took advice from the House authorities before using House-provided stationery for this purpose
  - If you did, please say from whom, and describe the advice given or provide copies of any correspondence on the matter
- Whether you consider your use of House-provided stationery falls within the rules and, if so, the basis for that belief.
- How the names and addresses of the administrators of these websites were identified
- Details of the allegedly defamatory comments which prompted you to contact each of the administrators
- How many similar letters have been sent since your election to the House in 2010

20

Any other comments you wish to make would be most welcome.

25

I enclose a copy of the *Commissioner's Information Note*,<sup>4</sup> which sets out the procedure for inquiries. I am writing to Mr Bawn to let him know that I have decided to begin an inquiry into this matter. I will shortly update my parliamentary web pages to show that I am conducting an inquiry into an allegation into an alleged breach of paragraphs 14 and 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

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<sup>4</sup> <http://www.parliament.uk/documents/pcfs/New%20Website%20Documents/PCS-Information-Note.pdf>

and they will answer factual questions about the standards system more generally, including those about the inquiry procedures.

As you will be aware, my inquiries are conducted in private. This letter, and any subsequent correspondence between us, is protected by parliamentary privilege.  
5 Until such time as any final report is published the contents of our correspondence should not be disclosed to any third party. (Any such report will include all the relevant evidence, including our correspondence.) I would, therefore, ask that you respect that confidentiality. I have made a similar request of Mr Bawn.

10 As a matter of courtesy, I should say now that I may make enquiries of the relevant House authorities in due course. If that is necessary, the correspondence will be shared 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.

Action

15 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 29 January 2018.

*15 January 2018*

### **3. Letter from Mr Ian Lavery MP to the Commissioner, 29 January 2018**

20 Thank you for your letter dated 15 January 2018 concerning the complaint from Mr David Bawn. For your information, in case you were not aware, Mr Bawn is not simply a member of the public but, rather a Conservative Party councillor on Northumberland County Council.

25 I note you are proposing to conduct an investigation into allegations that I have acted in breach of paragraphs 14 and 15 of the Code of Conduct based on my using House provided stationery to write to the administrators of social media sites asking them to remove various comments.

For the avoidance of doubt, I deny that I have breached any of the provisions of the Code of Conduct cited in your letter.

30 Background to Mr Bawn's complaint

On or around April 2017 I became aware of various postings on three social media sites on Facebook including Morpeth Matters concerning myself that I considered both abusive and defamatory and which were clearly related to and/or based on my status as an MP.

The comments included the following [details redacted as not relevant to my decision].

I enclose for your information screenshots of some of the actual postings on Facebook.<sup>5</sup>

5 Abuse on social media is, unfortunately, an increasing feature of our society. The postings on Facebook that came to my notice as a result of comments and complaints to me by constituents went well beyond legitimate political comment and descended, in my view, into pure abuse, smears and insults.

10 These postings were not about my political views but sought to smear and attack me personally based erroneously and without foundation on issues relating to my previous role as a trade union official. They were also clearly linked to my role as an MP. I do not believe the posts would have been made were I not an MP and a number of them refer directly to my status as an MP - accusing me of being a corrupt MP.

15 I did not consult the House authorities about this matter. However, I did take legal advice and, based on this, I decided that, before commencing legal proceedings or sending a formal letter from my solicitor, I would write to the administrators to ask them to take down any defamatory posts voluntarily.

20 I was being attacked and abused because of my status as an MP so I considered it legitimate and proportionate to respond in that capacity using my official note paper. I do not possess any personal note paper. I consider that my use of House-provided stationery falls within the rules for the reasons set out below.

25 I obtained the addresses of the administrators from various sources as set out in the attached schedule.<sup>6</sup> These were not taken from my own files but were all a matter of public record. These are the only letters of this kind that I have sent since being elected in 2010.

30 I received a letter in response from [name redacted] one of Mr Bawn's co-administrators on the Morpeth Matters site, on 6 April 2017 and attach a copy for your information. I note that this was not provided to you by Mr Bawn although it is likely that he is aware of its existence as it is expressed as being written on behalf of all the administrators of Morpeth Matters of which he was one.<sup>7</sup>

You will see [this] letter is perfectly civil in tone and makes no objection to my having written to them as an MP using my official note paper. Instead, he says they will remove the comments out of respect for my office and does not suggest that they feel threatened. On the contrary, [Mr Bawn's co-administrator] invites me to

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<sup>5</sup> Not reproduced because not relevant to my decision

<sup>6</sup> Schedule not reproduced to protect third party personal data. The schedule contains no evidence of the sources relied upon.

<sup>7</sup> Letter not reproduced because it is not relevant to my decision

write to them directly (prior to taking legal advice) should I have concerns about any future posts. Both [his co-administrator] and Mr Bawn are solicitors.

5 I also received a letter from [details redacted] also dated 6 April 2017, I attach a copy. Again, the letter is civil, offers to remove posts and does not give any intimation that any of the 4 signatories feel threatened.<sup>8</sup>

There have been no further posts of a similar nature to my knowledge and I had thought that this was the end of this matter.

10 I was very surprised to receive your letter enclosing Mr Bawn's complaint nine months after my letter and after the letter from [his co-administrator]. The delay and the identity of the complainant as well as the contrast in its tone from [his co-administrator]'s letter leads me to believe that it is not based on any real concern but, instead, is simply an attempt to make political mischief using your office as a conduit. In that respect I note the story that appeared in The Times newspaper on 15 18 January that gave details of your inquiry which since it didn't come from me I can only assume came from Mr Bawn or someone to whom he passed the information.

#### Breach of Code of Conduct

I cannot see how my actions are in any way a breach of the Code of Conduct.

#### Paragraph 14

20 Paragraph 14 deals with information received in confidence by Members in the course of their parliamentary duties which is only to be used in connection with those duties and never for the purposes of personal gain.

25 I have not misused any confidential information. As stated above, the administrators' addresses were obtained from publicly available records and not my own files. There is no breach of the Data Protection Act. I certainly have not used confidential information obtained through my duties as an MP, let alone done so for the purposes of financial gain.

#### Paragraph 15

30 I cannot see how I have breached paragraph 15. Paragraph 15 concerns the misuse of public resources which I accept includes House stationery and postage. However, I have not used House stationery or postage for any of the reasons prohibited under the rules. Specifically:

(a) I was not carrying out work for or at the behest of a political party;

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<sup>8</sup> Letter not reproduced because it is not relevant to my decision

(b) I was not writing for business purposes;

(c) there is no suggestion of my sending a newsletter;

(d) I was not sending a birthday or greeting card;

(e) my letters cannot possibly be construed as campaign expenditure.

5 I was attempting to stop defamatory comments and abuse which related to my  
status as an MP without recourse to lawyers or legal proceedings. I believe this was  
a proportionate, appropriate and legitimate way to deal with the issue. I was not  
using resources to confer any unfair personal or financial benefit on myself or  
10 anyone else. I cannot understand how anyone could consider my use of the House  
stationery or postage as in breach of the Code in these circumstances.

#### Paragraph 16

I do not accept I have breached paragraph 16 of the Code as my letters have not  
caused any damage let alone 'significant' damage to the House of Commons as a  
15 whole or of its Members generally. On the contrary, by persuading the  
administrators to remove the posts, I believe my letters have helped preserve and  
maintain the reputation of Parliament and MPs.

In any event, these letters were sent to just 11 administrators of 3 Facebook sites  
(not 'many' as claimed in Mr Bawn's letter). Consequently, it is difficult to see how  
they could cause significant damage either to the reputation of the House of  
20 Commons or of MPs as a whole.

Mr Bawn says in his letter of 2 January 2018 that my letter could be construed as an  
official legal letter and that many of the recipients were very distressed and upset  
by it. He goes on to accuse me of bullying and conduct unbecoming of a Member of  
Parliament.

25 I do not accept he believes this, nor is it true in fact. It is clearly not a legal letter as  
it is not from a legal firm. Mr Bawn would know this as he is a solicitor and so is [his  
co-administrator]. He says this in his letter to you.

A number of the administrators were local councillors representing the  
Conservative Party and Independents. Others were candidates including [his co-  
30 administrator] who was a Conservative Party candidate for the County Council in  
2017.

I have no doubt that all of the recipients knew this was not a legal letter.

I also do not accept, given their legal knowledge, that the fact that I used my official  
notepaper would have given any greater weight to my 'threat' of legal proceedings.

All of these people knew I am the local MP and was writing to them in that capacity. Indeed, I do not accept my letter contained any such threat. It simply reserved my position on taking legal action if they refused to comply with my request to remove the posts.

5 I also ask you to contrast Mr Bawn's statement with the letter from [his co-administrator] some nine months earlier. [That] letter demonstrates that he and his fellow administrators (including Mr Bawn with whom he discussed my letter) knew it was not a legal letter. It states,

10 *"Whilst we could correct **you** with regard to what constitutes defamation following changes to the law in 2014, and on proper compliance with the pre-action protocols, we have more pressing issues to deal with, such as the upcoming local elections."*

[Mr Bawn's co-administrator] does not in any way suggest either he or his fellow administrators felt distressed or threatened. In fact, as above, at the time they  
15 actually invited me to write again should I have concern about further comments. They also offered to remove any comments they considered defamatory themselves.

If Mr Bawn or any of his colleagues genuinely felt distressed or threatened it is surprising they have taken no action for nine months either through writing to me or anyone else.

20 Conclusion

I ask you to accept I have not breached the Code of Conduct and that this is not a serious complaint with any merit.

I hope you will agree that Members should not be subject to these sorts of abusive and denigrating comments simply for doing the job they have been elected to do and  
25 that they damage the reputation of MPs and Parliament.

I also hope you will accept that this was a proportionate and appropriate way to deal with this issue.

*29 January 2017*

30 **4. Letter from the Commissioner to the Director of Accommodation and Logistics Services, 30 January 2018**

I would like to ask for your advice on a complaint I have received concerning the conduct of Mr Ian Lavery MP, and into which I have begun a formal inquiry. In essence, the complaint from Mr David Bawn is that Mr Lavery has misused House of Commons stationery by using it to write to the administrators of various social  
35 media sites asking them to remove comments which he considered to be libellous.

I enclose the relevant correspondence, together with the papers that led to the inquiry.

5 As you can see, in his letter of 29 January, Mr Lavery says that the posts to which he had objected related to his previous role as a trade union official and to his current role as a Member of the House of Commons.

10 Mr Lavery also says that he was “attempting to stop defamatory comments and abuse which related to [his] status as an MP...” and that he believes that the action he took “*helped preserve and maintain the reputation of Parliament and MPs*”. While the question of whether his action has significantly damaged the reputation of the House as a whole or of its Members generally is a matter for me, I thought it fair to draw Mr Lavery’s points to your attention in case they are also relevant to the advice you might have given had he sought your advice.

15 Please would you let me know what advice you would have given Mr Lavery about the appropriateness of using House-provided stationery to write in the terms that he did to the 11 administrators.

It would be helpful to have your observations on the factors you have taken into in reaching a view on these matters and to have your response by 13 February 2018, if possible.

Thank you for your assistance.

20 30 January 2018

#### **5. Letter from the Commissioner to Mr Ian Lavery MP, 30 January 2018**

Thank you for your letter of 29 January 2018. The information you have provided is very helpful.

25 I said at the outset that I might seek advice from the House authorities. In accordance with my usual practice, I have today written to the Director of Accommodation and Logistics Services, [named redacted], to seek her advice. I enclose a copy of that letter (minus enclosures, as you have seen them already) for information.

I will write to you again when I have the Director’s advice to give you an opportunity to comment before I take any final decision on the allegation.

30 In the meantime, I should emphasise that there are two criteria for an investigation:

- a) whether the matter is within my remit and
- b) whether there is sufficient evidence to justify beginning an inquiry. I begin an inquiry into any allegation where these two criteria are met; it is

not for me to assess whether the individual making the allegation is a “member of the public” nor is it for me to attempt to assess their likely motives.

5 My decision at the end of the inquiry will be confined to the question of whether or not the House’s rules were breached.

*30 January 2018*

**6. Letter from the Director of Accommodation and Logistics Services to the Commissioner, 8 February 2018**

10 Thank you for your letter dated 30 January 2018 concerning a complaint you have received from Mr David Bawn regarding Mr Ian Lavery MP’s use of stationery.

In responding to this complaint I have used as guidance the rules to the use of House provided stationery and postage agreed by the Administration Committee and Members Estimates Committee in March 2015. A link to the guidance is here:  
15 <http://www.parliament.uk/documents/facilities/Accommodation-and-Logistics/Stationery-rules-March-2015.pdf>

I have no record showing that Mr Lavery approached my office for advice on whether the letter was in line with the House of Commons Commission rules on the use of House-provided stationery. However, as you know, Members are under no obligation to ask for guidance on the use of stationery. If they do ask for advice my  
20 colleague and I provide guidance with the proviso that 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 always to behave with probity and integrity when using House-  
25 provided stationery and postage and they should regard themselves a personally responsible and accountable for the use of it. Although we can provide guidance on usage, if a complaint were made, it is for you as Commissioner for Standards to rule on individual cases, and our guidance cannot in any way bind your decisions.

However, had I been asked to provide advice to Mr Lavery I would have advised that whilst the rules do allow for modest personal use of House provided stationery; they  
30 do not allow for this correspondence to be sent in pre-paid envelopes. I would have advised not to use the pre-paid envelopes for his correspondence.

I hope this response is helpful.

*8 February 2018*

### 7. Letter from the Commissioner to Mr Ian Lavery MP, 19 February 2018

Last week, I received a response from the Director of Accommodation and Logistics to my letter of 30 January. I enclose a copy of her letter, as promised, so that you may comment before I reach a decision.

- 5 Having considered the Director's advice about the proper use of House-provided stationery and postage, I have today written to the Clerk [of the Journals], [named redacted], to seek some further advice, about the use of the crowned portcullis and the application of paragraph 9 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*.
- 10 I enclose a copy of my letter to [the Clerk of the Journals] and I will share his response in due course. As you can see, I have asked him to take into account the information you provided on 29 January.

In the meantime, I would be grateful to receive any comments you have on [the Director's] advice by 6 March 2018.

15 *19 February 2018*

### 8. Letter from the Commissioner to the Clerk of the Journals, 19 February 2018

- I would like to ask you advice about an allegation I am investigating concerning the conduct of Mr Ian Lavery MP. In essence, it is alleged that Mr Lavery misused House of Commons stationery by using it to write to the administrators of various social
- 20 media sites asking them to remove comments he considered libellous.

- I enclose copies of the relevant correspondence. I have obtained some advice from [name redacted], the Director of Accommodation and Logistics Services, concerning the use of House-provided stationery and pre-paid postage. I would be grateful for your advice on the application of paragraph 9 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*. As you know, that paragraph deals specifically with the use of
- 25 royal badge formally authorised by licence granted by Her Majesty the Queen.

- Please would you let me know what advice you would have given Mr Lavery about the appropriateness of using stationery bearing the crowned portcullis to write in
- 30 the terms that he did to the administrators, had he provided the information contained in his letter of 29 January 2018. I hope that this would have been sufficient for you to form a clear view. If it is not, or if you would have directed such an enquiry to other House authorities, please let me know.

*19 February 2018*

- 35 **9. Email from the Clerk of the Journals to the Commissioner, 21 February 2018**

I would break my answer to your question into two parts.

First, it is within the rules for the use of the Crowned Portcullis for a Member to include it on their official stationery and that use is appropriate as long as the rules on the use of House of Commons stationery are complied with.

5 Second, if a Member, not using House of Commons stationery, asked whether it would be appropriate to use the Crowned Portcullis in correspondence of the character you set out, I would advise not. It should be used by Members only for parliamentary functions, and it should not be used where that use was likely to give rise to a (mistaken) impression that the activity connected to the use carried the authority of Parliament.

10 [Name]in the Office of Speaker’s Counsel is in the process of finalising a consolidation of the guidance on the use of the Crowned Portcullis. It doesn’t have much more to say on the point at issue here, but I would be very happy to send you a copy when it is ready.

*21 February 2018*

15 **10. Letter from the Commissioner to Mr Ian Lavery MP, 5 March 2018**

When I wrote to you on 19 February, I said I would, in due course, share with you the advice of the [Clerk of the Journals]. I enclose a copy of his email of 21 February for your information.

20 The Clerk has considered specifically the use of the crowned portcullis and has told me that he would have advised against using it, had you consulted him about that before writing to the various social media administrators.

I think it would be fair, before you comment on the Clerk’s advice, to explain my emerging view, reading the two pieces of advice I have received together. I am not entirely persuaded that I would characterise your correspondence with the various  
25 social administrators as “personal” usage, as permitted under the rules for House-provided stationery. However, putting that doubt to one side, in light of the Clerk’s advice, I am inclined to the view that although it might have been acceptable to use plain House of Commons paper to write to the administrators, it was not appropriate to use any stationery with the crowned portcullis for such purposes. The Director’s  
30 advice about the use of House-provided pre-paid envelopes is unequivocal and I agree with that advice.

However, before I make a final decision, I would be grateful to have your comments on the advice of [the Clerk of the Journals]. Please let me have any comments you wish to make by 19 March 2018. I will consider them very carefully before taking a  
35 final decision.

*5 March 2018*

**11. Letter from Mr Ian Lavery MP to the Commissioner, 20 March 2018**

Thank you for your letter of 5 March and for sharing with me your correspondence with the Clerk of the Journals.

5 It seems, at the very least, that the position is unclear and that the guidance is opaque. I am pleased that the guidance is being reviewed and I welcome that MPs will be given a clearer understanding of the rules.

10 I appreciate that you must look into complaints which are raised with you, but I remind you that this complain was made by members of a rival political party, many months after the event, when no concerns were raised at the time and when the matter was satisfactorily dealt with by the correspondence to which the complaint relates.

15 Unfounded allegations were made against me as an MP, specifically referring to my capacity as an MP. I responded as an MP. I note the suggestion that I should have used House-provided stationery without the use of the crowned portcullis. I have not been provided with any such stationery and I do not possess any.

20 I certainly had no intention to breach any guidance on use of stationery or envelopes and was unaware that I may have done so. I still do not think the guidance is clear. If, despite this, you consider that I should not have used House-provided pre-paid envelopes then I shall of course be happy to repay the cost of those to the House authorities.

*20 March 2018*

**12. Letter from the Commissioner to Mr Ian Lavery MP, 28 March 2018**

25 Thank you for your letter of 20 March 2018. I have considered your comments carefully and am now able to make decisions on the allegations under inquiry. I have decided that you have breached paragraph 15 of the Code of Conduct, and the rules on the use of the crowned portcullis, but I have not found that you breached paragraphs 14 and 16. I explain my reasons below.

Decisions

Paragraph 14 of the Code of Conduct: use of information received in confidence

30 While Mr Bawn has expressed concern about how you obtained his, and others' addresses, you have given me an explicit assurance that you did so using publicly available information. The schedule you provided with your letter of 29 January does not identify how the addresses were sourced but I do not think I could reasonably expect that level of detail to be provided at this distance in time. Mr Bawn  
35 provided no evidence to support his concern about this particular point and, in the

absence of any evidence of a breach of this rule, I do not uphold the allegation of a breach of paragraph 14 of the Code.

Paragraph 15 of the Code of Conduct: use of public resources

5 You have told me that your letters to the administrators were sent in response to allegations “made against [you] as an MP” and that you “responded as an MP”. Paragraph 9 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*, allows Members to use the crowned portcullis on their stationery for their parliamentary functions. But I do not accept that when you wrote these eleven letters to the administrators  
10 of local Facebook groups, you were performing your parliamentary functions. Many of the comments you quoted in your letter of 29 January arise out of your conduct before you became an MP, and not out of your parliamentary role or even your wider role as an MP.

15 Your letters to the administrators bore the crowned portcullis on the headed paper used. The Clerk of the Journals has told me that he would have advised against using the crowned portcullis for correspondence of this character. I accept the Clerk’s advice. The use of the crowned portcullis gave the impression that your letters carried the authority of the House when they did not. I do not accept that plain paper, without the crowned portcullis, was not available to you. Members can order plain  
20 white paper through the Banner catalogue and it is widely available for purchase elsewhere.

25 Turning to your use of pre-paid envelopes, the Director of Accommodation and Logistics has advised me that, in accordance with paragraph 5 of the stationery rules, sending personal correspondence in pre-paid envelopes provided by the House authorities is against the rules. While I expressed some doubt about whether your correspondence should be regarded as ‘personal’, in any event it cannot be acceptable to use House-provided envelopes, which in this case also bore the crowned portcullis, to distribute letters which should not have been sent on House of Commons headed paper.

30 These breaches of the stationery rules have put you in breach of paragraph 15 of the Code of Conduct for Members and I therefore uphold Mr Bawn’s allegation on this point.

Paragraph 16 of the Code of Conduct: significant damage to the reputation and integrity of the House .... or of its Members generally

35 Having found that your use of the crowned portcullis wrongly gave the impression that your correspondence carried the authority of the House, I must now consider whether that was so seriously misleading that it has put you in breach of paragraph 16 of the Code.

I am not persuaded by your argument that having sent the letter to “just 11” administrators of these Facebook pages could not cause significant damage to the reputation of the House as a whole, or of its Members generally. The important point here is the gravity of the damage to the reputation and integrity of the House or of its Members generally, not necessarily the number of people in whose eyes that damage has been caused.

I do place some significance on the argument that your letter could have been read by some recipients as a precursor to legal action. Although you maintain it was not a “legal” letter, you used legalistic language (for example, ‘defamatory’) and made explicit reference to:

- having taken legal advice;
- pre-action protocol; and
- reserving your right to take legal action to enforce your rights.

I think that the crowned portcullis on the notepaper and on the envelopes would, as has been suggested, have given the correspondence added impact. To do that inappropriately is damaging to the reputation of the House as a whole.

However, a breach of paragraph 16 occurs only when any such damage is “significant” and the Committee on Standards has made clear that this is likely to occur only in extreme and extremely limited circumstances. I do not consider that the damage caused here reaches that high bar. While I consider that your use of the crowned portcullis was seriously misleading, I do not, therefore, find you in breach of paragraph 16 of the Code of Conduct.

#### Resolving this inquiry

I need now to consider how best to resolve this matter.

Under Standing Order No 150, I am able to resolve an inquiry, without submitting a full and formal memorandum to the Committee on Standards, using the ‘rectification’ procedure. Under that procedure a refund should be made in respect of any misused resources provided through public funds.

With your agreement, I would be ready to consider resolving this matter through that procedure. I would inform the Committee of the outcome and my decision letter, with all the relevant correspondence, would be published on my webpages in due course.

In order for me to conclude the matter under the rectification procedure, an acknowledgement and an apology for your breach of the rules, together with a refund of £7.55 is required. I should emphasise that the principle that

House-provided resources and the crowned portcullis should not be used other than in support of parliamentary activities is far more important than the sum of money involved on this occasion.

5 If you agree, I would provide details about how to make the refund. I would also give you an opportunity to see the letter that I will send to Mr Bawn and the evidence which will be posted on my webpages before I conclude my inquiry. The content of the letter to Mr Bawn will, of course, be a matter for me alone but you will have the opportunity to comment on its factual accuracy.

10 It would be very helpful if you would let me know by close of business on 12 April 2018 whether you would like me to rectify the complaint on the basis I have suggested.

In the meantime, this matter remains protected by parliamentary privilege and the contents of our correspondence should not be disclosed to any third party.

*28 March 2018*

15 **13. Letter from Mr Ian Lavery MP to the Commissioner, 19 April 2018**

Thank you for your letter of 28 March, I acknowledge the findings contained therein.

It has never been my intention to break any of the rules outlined in the Code of Conduct and I apologise for having inadvertently done so. Please forward details on how to refund the £7.55 in question.

20 *19 April 2018*

**14. Letter from the Commissioner to Mr Ian Lavery MP, 24 April 2018**

Thank you for your letter of 19 April 2018, accepting my decision, and acknowledging and apologising for your breach of the rules on the use of the crowned portcullis.

25 As proposed, I enclose a copy of the letter I plan to send to Mr Bawn. 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.

30 Once I have any comments you wish to make, I will finalise the letter to Mr Bawn, send you both a copy of the final evidence pack. Shortly after that, 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 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 1 May 2018. You can make the refund of £7.55 at the same time, by sending a cheque payable to [redacted], which I will then forward to the House finance team.

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

*24 April 2018*