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## Summary

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5 The allegation I investigated was that the Member had acted in breach of paragraph 15 of the Code of Conduct for Members by using House-provided paper to write to some of her constituents about a Question she had asked at Prime Minister's Questions on the day after the Prime Minister had announced her intention to seek a Dissolution of Parliament.

10 From the time of the announcement on 18April 2017 all communications from sitting MPs were likely to be read in the context of an imminent General Election, when party political sensitivities would be very much heightened. That did not mean that MPs could no longer use House-provided resources to perform their parliamentary functions, but it did mean that particular care was needed. I found that on this particular occasion an unsolicited letter drawing attention to the Member's own activities and asking the Prime Minister to "reaffirm her commitment to fairer funding for Wiltshire schools" could not reasonably be regarded as performance of the Member's parliamentary functions and instead crossed the boundary into party political activity. That was a breach of the rules.

15 The Member accepted my finding. She apologised and agreed to refund the sum of £317.53 to the House authorities for the misused stationery. I concluded the matter under the rectification procedure open to me under the terms of House of Commons' Standing Order No. 150.

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## Ms Michelle Donelan MP: Resolution letter

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### Letter from the Commissioner to Mr Alex Tabrah, 22 January 2018

5 My predecessor, Kathryn Hudson, wrote to you on 3 July to say that she was beginning an inquiry into your allegation of a misuse of House-provided stationery by Ms Michelle Donelan MP. I recently took up post as Commissioner and I have now completed the work on this inquiry. I am writing to let you know that Ms Donelan did break the *Rules for the use of stationery and pre-paid envelopes provided by the House of Commons, and for the use of the Crowned Portcullis*. That amounts to a breach of paragraph 15 of the Code of Conduct for Members and I have, 10 therefore, upheld your allegation.

Mrs Hudson's letter of 30 November 2017 to Ms Donelan (item 13 in the written evidence pack enclosed) explains how the decision was made. All the evidence relevant to the inquiry is provided.

15 Ms Donelan has said that she believed that she was acting within the rules because she wrote to you before Dissolution on 3 May 2017. However, she has now acknowledged her breach of the rules, apologised and agreed to refund the value of the misused stationery. She has also given an assurance that she will not repeat her breach of the rules.

20 I consider that to be an appropriate outcome and the matter is now concluded, 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.

*22 January 2018*

## Written evidence

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### 1. Letter from Mr Alex Tabrah to the Commissioner, 10 June 2017

5 On 29 April 2017, my wife and I both received a letter from Michelle Donelan MP on "Portcullis" headed paper and in a pre-paid House of Commons envelope (enclosed).<sup>1</sup> This was an unsolicited mailing that I assume was also sent to other constituents, dated a day after the announcement of a General Election. Ms Donelan has not chosen to write to me about the issue within the letter at any time before the announcement of the General Election.

10 I suggest that this is an inappropriate use of House of Commons stationery in that it was clearly intended to generate support for Ms Donelan's return to public office in the forthcoming General Election. I further suggest that Ms Donelan has used official stationery in a way that could be construed as campaign expenditure within the scope of the Political Parties, Elections and Referendums Act 2000 (the Electoral Commission defines the 'regulated period' as 9 June 16 - 8 June 17).

15 I would be grateful if you could investigate this matter.

*10 June 2017*

#### **Enclosure 1: text of letters from Ms Michelle Donelan MP to Mr Alex Tabrah and his wife, 19 April 2017**

20 Today I used a question to Theresa May at Prime Minister's Questions to call for a review of what qualifies as being "disadvantaged" when allocating school funding. As well as asking the Prime Minister to reaffirm her commitment to fairer funding for Wiltshire schools - something I have campaigned for years on.

25 The Pupil Premium is additional funding for schools to raise the attainment of disadvantaged pupils of all abilities. It is worth over £2 billion per year and is hugely valuable. Currently, "disadvantaged" is assessed as any child registered as eligible for free school meals. It only includes financial disadvantage.

30 I believe, however, that there are far more ways that pupils could be disadvantaged other than simply financial. Young people can fall through the cracks at school for many different reasons. These range from bereavement, mental and physical ill-health or being a young carer. The current system is too crude and should be adapted to cater for the needs of our young and listen to teachers.

In Parliament, I chair a cross-party group working on policies to help support more disadvantaged pupils. We believe that schools should be allowed far more flexibility

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<sup>1</sup> Two cream-coloured second class postage pre-paid House of Commons window envelopes were enclosed - both were post-marked 28 April 2017

when it comes to managing the Pupil Premium funding they receive and ideally more money available to help these pupils.

5 It is vital that we give every child a fair shot at life and ensure that they have the life chances that they deserve. To do this we must challenge social inequalities meaning not just "financial poverty", but also "social poverty"; bereavement, family breakdown, having family members in prison or being a young carer all impact upon the lives and chances of young people in Wiltshire and the country.

The Prime Minister's words at PMQs were encouraging and I hope that a full review of Pupil Premium will be carried out soon to ensure that all pupils get a fair shot.

10 If you have any thoughts about how different disadvantages affect young people's learning, please do not hesitate to contact me.

## 2. Letter from the Commissioner to Ms Michelle Donelan MP, 3 July 2017

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

The scope of my inquiry

The scope of my inquiry will be, in essence, to establish whether you have used parliamentary resources to confer an undue advantage on a political organisation.

20 The relevant rules and guidance

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

25 *"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.*

30 *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 say, at paragraphs 2 - 4:*

*"2. The rules cannot be expected to cover every eventuality; Members should therefore always behave with probity and integrity when using House-provided stationery and postage. Members should regard themselves as personally responsible and accountable for the use of*

*House-provided stationery and postage. They must not exploit the system for personal financial advantage, nor (by breaching the rules in paragraph 3 below) to confer an undue advantage on a political organisation.*

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

10           *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;*

*...."*

*4. In addition:*

*....*

15           *Pre-paid envelopes may only be used for correspondence sent by or on behalf of Members. They should not be sent to others to facilitate a reply. Members should set up an individual Freepost account with the Royal Mail for surveys and other such requirements."*

Paragraph 8 of the rules on the use of House-provided stationery outline the permitted uses of such stationery.

20           *"8. Examples of proper use of stationery and pre-paid envelopes include:*

*....*

25           *correspondence with constituents, including contact by Members about a specific issue with people who have not previously contacted them and questionnaires and surveys (but not newsletters, annual reports or general updates on a range of issues)..."*

Next steps

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

- how the database for the distribution of this letter was populated;

- how many letters were distributed as part of this mailing;
- whether this mailing was distributed using House-provided stationery (Mr Tabrah has sent me two copies of the same letter addressed to him and his wife separately and two postage pre-paid envelopes – the paper and the envelopes both appear to be House-provided);
- on what basis you considered this mailshot to be part of your parliamentary activities, bearing in mind that the letters are dated 19 April 2017 and the envelopes provided by Mr Tabrah are post-marked 28 April 2017, and were clearly sent after the House had agreed to the early Dissolution of the 2015 Parliament; and
- whether you consider these letters might reasonably be considered an attempt to confer an undue advantage on a political organisation, contrary to the Code of Conduct and, if you do not, the reason(s) for that belief.

I enclose a copy of the *Commissioner's Information Note*,<sup>2</sup> which sets out the procedure I follow. I am writing to Mr Tabrah 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 paragraph 15 of the Code of Conduct. My office will not comment further on any aspect of the inquiry to third parties. (They will, however, confirm that I have begun an inquiry if asked before this information is posted on my webpages and they will answer factual questions about the processes I follow and the standards system more generally.)

As you will be aware, my inquiries are conducted in private. This letter and any subsequent correspondence between us is protected by parliamentary privilege until such time as a final report is published. (Any such report will include all the relevant evidence, including our correspondence.) I would, therefore, ask that you respect that confidentiality.

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

I would appreciate your help and co-operation, and welcome your comments on the allegation, together with any evidence you feel may assist my investigation, as soon

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<sup>2</sup> <http://www.parliament.uk/documents/pcfs/New%20Website%20Documents/PCS-Information-Note.pdf>

as possible and no later than 17 July 2017. Given the proximity of recess, please let me know the address at which I should write to you over the summer.

*3 July 2017*

### **3. Email from Ms Michelle Donelan MP to the Commissioner, 24 July 2017**

5 I do apologise for the delay but am writing in response to case PSC090 regarding the complaint made by Mr Alex Tabrah. As requested, I have answered all of the questions you have asked. Firstly, I would like to say I do appreciate, understand and always adhere to the rules regarding parliamentary stationery.

The database was created using the Parliamentary resource Cross Reference.

10 The number of letters within this mailing was 350 and they were all using Parliamentary stationery.

15 Education and specifically school funding is the key issue in my constituency. It is the topic that I regularly receive the most correspondence on both written and email. I have regularly communicated with local people for the last two years on this topic, doing a petition, surveys and follow-up correspondence. I was a Member of the Education Select Committee for two years (from 2015 to the election) and spoke regularly in Parliament in the Chamber on Education so it has been important to keep constituents up to date regarding the key topic in the area. I have also visited every school in the constituency and done a lot of work on education locally as well.

20 It is important to reiterate that I have been contacting constituents consistently over the last two years on this topic and I believe that given I was still officially an MP on 19 May and being paid to perform my role as an MP it was only right and proper that I continue to fulfil my role to the same level. Otherwise that would be an abuse of taxpayers funding. Parliament did not dissolve until June.

25 I had planned to ask my PMQ for some time and was selected the week before. When selected I informed the PM's PPS of my Question and knowing that I was on the order paper I was 100% sure that I would be asking a question. These letters take time to write, print, stuff and organise and I did this in advance of the question so when I had asked it they were almost ready to go. You can tell this from the very vague line  
30 about the PM's response which highlights that I had in fact written it before she gave an answer. I did not at that time know that the PM would announce the date of the dissolution of Parliament that day. However to have thrown out all of these letters on the key local issue would have been a gross waste of tax payer money as well as denying an update to my constituents.

35 In response to your question as to whether I think the letters were in any way giving an advantage to a political party I would strongly argue no. As you can see the letter makes no reference to any political party, in fact it talks of a cross party group. It is also about a campaign I have been running in conjunction with the funding issue for

a review of Pupil Premium which is not the policy of any political party and nor was it at the time however it does address some of the concerns that constituents regularly contact me about.

*24 July 2017*

5 **4. Letter from the Commissioner to the Director of Accommodation and Logistics Services, 24 July 2017**

I would like to ask for your advice on a complaint I have received about Ms Michelle Donelan MP, and into which I have begun a formal inquiry. In essence, the complaint from Mr Alex Tabrah is that Ms Donelan misused House of Commons stationery and pre-paid envelopes for what appear to be party political purposes.

I enclose the relevant correspondence, together with the papers that led to the inquiry. Please would you let me have your advice on whether, under the guidance given to Members on the use of stationery and postage-paid envelopes provided by the House of Commons, you consider the correspondence Ms Donelan sent to Mr Tabrah and others after the General Election was triggered on 19 April was acceptable. As you can see, Ms Donelan has told me that the mailshot had been prepared in advance of that date although the letter refers to a PQ she asked of the Prime Minister that day.

I would be grateful to have your views on whether the letter and envelope fall within the definitions of acceptable use of House-provided resources. I appreciate that there is no published definition of where the boundary between parliamentary and political use lies and it would be helpful to have your observations on the factors you have taken into in reaching a view in this instance.

It would be very helpful to have your response to this letter by 7 August. Thank you for your assistance.

*24 July 2017*

**5. Letter from the Director of Accommodation and Logistics Services to the Commissioner, 25 July 2017**

Thank you for your letter dated 24 July concerning a complaint you have received from Mr Tabrah and others regarding Michelle Donelan MP's use of stationery.

I note you have asked for advice on whether the correspondence, using pre-paid postage envelopes and stationery, Ms Donelan sent out the day the General Election was called was acceptable within the current rules on House of Commons provided stationery. You have asked that I include the factors I have taken into account when reaching my view; I have referred to your November 2014 guidance to Members, which I believe was re-issued to all Members in the last Parliament (before the

Referendum on exiting the European Union), on the use of House provided stationery in a period of heightened sensitivity.

5 In regard to the letter, the current rules do allow for Members to use stationery and envelopes to contact constituents and others proactively and I note that Ms Donelan sent out her letter to coincide with her Oral Parliamentary Question to the Prime Minister on the same topic; and that her letter makes reference to a cross party group that she chairs which relates to her parliamentary role. In this case that date also coincided with the date that the General Election was triggered. I think this was  
10 Ms Donelan's correspondence may be read in a period of heightened sensitivity. In this case if I had been asked to provide advice, I would have informed the Member that in my view the text of the letter was in line with the current rules on stationery usage, and it would be for her to decide on sending it out on the date the General Election was triggered.

15 *25 July 2017*

#### **6. Letter from the Commissioner to Ms Michelle Donelan MP, 17 August 2017**

When I wrote to you on 3 July I said that I might take advice from the House authorities in due course. On receipt of your email of 24 July 2017, I wrote to the Director of Accommodation and Logistics Services, [redacted], about the advice she  
20 would have given had you sought it before sending the letter about which Mr Tabrah has complained. (You were, of course, under no obligation to seek such advice.)

I enclose a copy of [the Director's] letter for your information and so that you may comment on it before I reach my decision on the allegation of misuse of House-provided stationery.

25 I think it is fair to say now that I think [the Director] makes an important point in the second paragraph of her letter. In case you do not have it easily to hand, I enclose a copy of the reminder I issued to Members in November 2014 and reissued before the referendum. The most relevant part of the reminder can be found in the covering letter. In the letter, dated 1 April 2016, I said:

30 "I first published this circular a little over a year ago in the run up to the [2015] General Election and I know that some Members still find the attachment useful. With several elections and the referendum now on the horizon, I thought it might be helpful to issue an updated version to assist all Members, and especially those who are relatively new to the House.

35 It is important that every item of house-provided stationery leaving your office is used strictly in accordance with the House's rules. Any breach of the rules on the use of stationery may cause you unnecessary and unwelcome work, as reputational damage. Every year, a significant proportion of the in-remit complaints I receive are about the misuse of stationery and the number increases in the periods before an

election. Every such complaint has the potential to undermine public confidence in Members' proper use of public money.

5 The next few months will be a period of heightened sensitivity. Your correspondence may already be being read in the context of party political messages and emerging campaign themes. Bearing that in mind, I recommend you pay particular attention to the content of any unsolicited letters to constituents about specific subjects, especially those where the subject also features in campaign messages."

10 I did not reissue that guidance in 2017 but its content remains valid (and the stationery rules have not changed in the interim).

15 I have noted your explanation about the preparatory work undertaken before 19 April 2017 in connection with this particular mailshot. The fact that the letter bears that date and that in parts it is as you say "very vague" are consistent with your explanation. I do appreciate that there is some work involved in physically producing the letters and stuffing the envelopes for a mailshot of 350 items. However, I note that the envelope which Mr Tabrah provided was postmarked 28 April 2017 – over one week after the date you asked your question and the Dissolution decision was taken, and just two working days before Parliament dissolved. (Dissolution occurred at one minute past midnight on 2/3 May 2017.)  
20 From 3 May there were no MPs until after the General Election.

In addition to any comments you wish to make in the light of [the Director's] advice, it would be helpful to know – if you are able to tell me this now – on what date the envelopes were stuffed and sealed.

25 I would be grateful if you would respond to this letter as soon as possible and no later than 4 September 2017.

*17 August 2017*

**7. Email from Ms Donelan's office to the Commissioner's office,  
21 August 2017**

30 Following my phone call to the office just now with regards to a "restricted access" letter to Michelle Donelan MP, I wanted to confirm that Michelle is away until 4 September and will be unable to action any requests contained in the letter.

I would be grateful if any deadlines, if appropriate, could please be adjusted accordingly to Michelle can reply in full where necessary.

*21 August 2017*

**8. Email from the Commissioner's office to Ms Donelan's office,  
21 August 2017**

5 Thank you for letting us know. It would be helpful to have Ms Donelan's response to the Commissioner's letter as soon as possible after her return, and by 16 September at the latest. I would be grateful if you would let Ms Donelan know about the extended deadline on her return.

*21 August 2017*

**9. Email from the Commissioner's office to Ms Donelan's office,  
20 September 2017**

10 We exchanged emails on 21 August about the Commissioner's letter to Ms Donelan. We have not, as yet, received a reply and the extended deadline has now passed. Please can you let me know urgently what is happening. The Commissioner is out of the office at present but it would help to avoid further delay if we could have Ms Donelan's reply as soon as possible. Please would you give me a call to discuss.

15 *20 September 2017*

**10. Email from Ms Michelle Donelan MP to the Commissioner,  
26 September 2017**

20 Firstly I do apologise for the delay – I have been quite unwell the past week after speaking with your colleague [redacted].<sup>3</sup> [Information about a separate matter redacted.]

25 Thank you for your [letter of 17 August] and the letter from the Director of Accommodation and Logistics Services. I note that her advice would have been that “it was in line with the current rules of stationary usage” – which is what I believed at the time and still do. [The Director] also states that “it would be for her to decide on sending it out on the date the General Election was triggered,” meaning me. As you know I took the decision to send out the letter given the reasons expressed in my first response to you, mainly that myself and my team had already written and prepared all the letters so by not sending them would be wasting taxpayers' money. In addition it is the key local issue in my constituency which I receive most of my  
30 correspondence on and I felt that in my role as an MP it was my job to send out an updating letter. It is important to reiterate again that I have been contacting constituents consistently over the last two years on the topic of education and I do believe that given I was still officially an MP on the 19th May and being paid to perform my role as an MP it was only right and proper that I continued to fulfil my  
35 role to the same level. Otherwise that would be an abuse of taxpayers funding.

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<sup>3</sup> The Commissioner's office telephoned Ms Donelan on 22 September, not having received a reply to the email of 20 September

In terms of the postage date we did send them on the 19th and 20th – I have no idea as to why the postage is dated the 28th and can only assume that this one got way laid in the Royal Mail system. We have had a couple of incidents before where we have sent out casework letters that have been delayed or not received so I can only  
5 presume this is like that.

I have re-read the reminder that you issued and the covering letter. In the section that you copied it states the importance of being within House rules – as I noted above both myself and the Director of Accommodation and Logistics Services believe my use of Parliamentary stationary to be within the House rules. It also  
10 states the importance of paying attention to subject matter – which I did given this is the most important issue in the constituency. It also states especially those “where the subject also features in campaign messages” – as stressed in my last note my question and letter was not party political and the letter was about what I have been pushing for in conjunction with the funding issue i.e. for a review of Pupil Premium  
15 which is not the policy of any political party and nor was it at the time, however it does address some of the concerns that constituents regularly contact me about.

I am more than happy to answer any additional questions or meet with you if you would prefer.

*26 September 2017*

20 **11. Letter from the Commissioner to Ms Michelle Donelan MP,  
13 November 2017**

Thank you for coming to see me on 31 October. As agreed, I enclose a draft note of our meeting which I hope captures all of the key points.

Please let me know whether you have any corrections or points of clarification as soon as possible and by 27 November 2017 at the latest. Some of the text is in red.<sup>4</sup>  
25 (Unfortunately, neither [my Complaints Manager] nor I caught [the] second name [of your member of staff] and it would be helpful to have that to complete the note. There were also a couple of points on which [he] offered further information and I would be grateful to have that material with your reply to this letter.)

30 Once I have your reply and any further evidence/information you wish to submit, I expect to make a decision on each of the allegations. I will write to you to tell you my decisions as soon as possible after that.

As you know, each decision will in due course be published, alongside all the relevant evidence. It is likely to include all of our correspondence as well as the  
35 meeting note. (The initials of your office manager will be redacted in the published material.)

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<sup>4</sup> This information was subsequently provided and incorporated into the note below where appropriate

*13 November 2017*

**Enclosure with letter: note of meeting of 31 October 2017**

Present: Kathryn Hudson (KH); Michelle Donelan (MD); MD's member of staff and the Commissioner's Complaints Manager

- 5 The meeting was held at KH's request to seek further information from MD about the background to two allegations of misuse of House-provided stationery.

10 KH said the key question was whether the letter to Mr Tabrah should have been sent once the election had been announced. While the content might have been acceptable for distribution on House-provided paper at another time, had it been an appropriate use of publicly funded resources at a time of heightened sensitivity, i.e. after the Prime Minister had announced her intention to call a snap election?

15 MD said the letters had been pre-prepared: she had tabled the question and the sentence referring the PM's answer was necessarily vague. It would have been a waste of public resources not to use the letters and, in MD's view it would have been morally wrong not to continue her activities as an MP while she continued to be paid to do that role. She said she had campaigned on education matters more than anything else and this was the most important issue in the constituency. MD said the issue itself was not party political. The particular point about disadvantaged pupils did not appear in any party manifestos.

20 MD asked if KH was suggesting that MPs should cease all casework once an election had been announced; it could be argued that in taking up constituents' problems in the period between the announcement and Dissolution MPs were seeking personal advantage. KH said that casework was different (from the unsolicited letter which Mr Tabrah received).

25 MD confirmed she had read the guidance (to which the Director of Accommodation and Logistics Services had referred) when KH had first issued it. She had not reread it on the announcement of the election. MD stressed that the letter to Mr Tabrah had already been prepared when the announcement was made and that the Director's advice was that the content was an acceptable use of parliamentary paper, although  
30 the timing was unfortunate.

35 KH said that she thought the emphasis was the other way about; the timing was unfortunate and while the content might have been acceptable at other times, it was a period of heightened sensitivity. The Complaints Manager added that the Director would not generally give absolutely definitive advice on whether a particular letter was an acceptable use of House-provided stationery; the decision would always be for the Member.

KH asked if MD had considered the possibility that her letter would be read as profile raising once the election had been announced. MD said that it had never occurred

to her and given the size of her majority, a mailing of 350 would not have been significant in any case.

KH acknowledged the preparatory work involved and said that other MPs would have had to sacrifice partially completed work once the election was announced. She asked what factors had led MD to allow the letter to go out. MD reaffirmed that, in her view, it would have been morally wrong to waste it. She said that she had a reputation for being a hardworking MP and she felt she should keep fulfilling her usual duties for as long as she was paid to do them, just as she had carried on with other aspects of her role including casework.

5 KH reiterated that there was a difference between this correspondence and casework. She said that Mr Tabrah had certainly read it as a party political item.

MD said the letter was not party political in tone but could see the point about name recognition. MD suggested that, if the letter breached the interpretation of the rules, perhaps there was a potential for a change in the rules so that it would be clear that there should be no use of House-provided stationery for any correspondence from the announcement of an election.

15 The Complaints Manager asked about the preparatory work. How much had been done in advance of the PMQ being answered? MD said the letters had been printed in advance. She said the envelopes were stuffed on 19 April. Her then office manager could recall that the envelopes were packed that day but not how many were completed in the morning before PMQs and how many afterwards. He was also certain that the letters had been posted on 19 and 20 April, not later. The only explanation for the later postmark was that there had been a delay somewhere in the postal system, which had happened occasionally before.

20 The Complaints Manager asked if consideration had been given to stopping the mailing to save at least the postal costs, once the election had been announced. MD said she did not think that the money was the issue; she did not consider the content of the letter to be in breach of the rules and so that was not an issue. KH reminded MD that the potential waste of money was a point MD had introduced.

25 KH asked MD about the cross-party group to which she had referred in the letter to Mr Tabrah. MD said this was not an APPG. It was NACRO<sup>5</sup> a “commission” which had done some work on social mobility.

30 KH explained that she would share a draft note of the meeting with MD, for her to comment on factual accuracy. She would also be able to clarify any of the points or to add any further evidence she would like considered. KH would then form a view on each of the allegations and share those with MD.

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<sup>5</sup> NACRO is a social justice charity

**12. Extract from email from Ms Michelle Donelan MP to the Commissioner,  
28 November 2017**

Thank you for your letter summarising our meeting. [Administrative detail redacted.]

- 5 There were a few things that I felt lacked information that I had given in the meeting or needed further clarity. Please find the comments below and let me know if you have any questions.

[Redacted as text relates to a different allegation.]

- 10 ... the text states I did not think the money was the issue - where as I believe I actually said [it was] 'the key issue.' It is a factor and reason to have still sent out the mailing however the main argument for doing so was that I saw the letter as a key part of the job I was paid to do and that it was not party political.

- 15 In regards to your question Nacro is run by <http://www.citadelcomms.co.uk/about> Nacro is a cross party education panel involving many organisations that I have sat on for about just over a year and half. We have held cross party inquiries which have involved meetings and policy roundtables.

Thank you for your time and once again do let me know if you have any further questions or need any additional information.

*28 November 2017*

20 **13. Letter from the Commissioner to Ms Michelle Donelan MP,  
30 November 2017**

- 25 Thank you for your email of 28 November 2017. I have considered your comments carefully and I believe I now have sufficient information to come to a decision on the allegation made by Mr Alex Tabrah concerning your use of House of Commons stationery to distribute the mailing dated 19 April 2017 about the pupil premium.

My decision

- 30 Having considered very carefully all of the comments you have made during my inquiry and the advice I have received from the Director of Accommodation and Logistics Services, I have decided that the use of House-provided stationery to distribute the mailing dated 19 April 2017 was in breach of the *Rules for the use of stationery and postage-paid envelopes provided by the House of Commons, and for the use of the crowned portcullis.*

Reasons for my decision

The Director has told me that she would have advised you that the text of your letter was in line with current advice and that it would have been for you to decide whether to send it out on the day that the General Election was triggered.

5 As I hope was clear from the discussion when we met on 31 October 2017, my concern was very much about the timing of your letter. As the Director said in her letter of 25 July, the circular I sent to all Members in November 2014 remained valid in April 2017. Your letter of 19 April, which might have been unexceptional in other circumstances, would inevitably be read in a period of heightened sensitivity.

10 Although I consider the question of cost to be a peripheral matter, I have given careful thought to your contention that it would have been a waste of public resources not to have despatched a letter that had already been prepared and for which the envelopes had already been stuffed. When a General Election is called unexpectedly, it is almost inevitable that there will be ongoing work that has to be called to a halt prematurely, and that in some instances, public money will have been  
15 spent on projects that cannot be completed.

I do not think that the avoidance of waste is, in itself, sufficient reason to act in breach of the rules. However, that is a moot point on this occasion. The Prime Minister had announced her intention to call an early General Election on 18 April (this fact was widely covered in the media at the time), the day before she made the  
20 formal proposal to the Commons and the day before the envelopes for your mailshot were filled. On the basis of the information you provided when we met, it would have been possible to avoid the “waste” of the prepaid envelopes (by far the larger part of the total cost) as they were not used until the morning of 19 April, after the Prime Minister’s intentions had been made public.

25 From the time of the announcement on 18 April 2017 all communications from sitting MPs were likely to be read in the context of an imminent General Election, when party political sensitivities are very much heightened. That did not mean that MPs could no longer use House-provided resources to perform their parliamentary functions, but it did mean that particular care was needed.

30 Although you have told me that the topic about which you wrote to Mr Tabrah was one on which you had regularly updated constituents, Mr Tabrah is very specific that you had not previously communicated with him about it. Given the letter was unsolicited and drew attention to your own activities, including asking the Prime Minister to “*reaffirm her commitment to fairer funding for Wiltshire schools...*” I do  
35 not accept that it could reasonably be regarded as performance of your parliamentary functions and instead crossed the boundary into party political activity. As I explained when we met, I see a distinct difference between such correspondence and correspondence about constituency casework, where contact is initiated by the constituent and is focused on a specific problem or issue.

40 I acknowledge that the size of this particular mailing was relatively small when compared to the margin by which you held your parliamentary seat and I accept that you did not realise at the time that you were at risk of breaking the stationery rules.

Nonetheless, the effect of the mailshot in the run-up to the election would have been to increase your name recognition through the use of parliamentary resources, and that that was a breach of the stationery rules and a breach of paragraph 15 of the Code of Conduct for Members.

5 Resolving this inquiry

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

10 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. 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.

15 Under the rectification procedure, the Committee would normally expect the Member to have acknowledged their breach of the Code, apologised and taken any steps necessary to rectify the error. In this instance, this would involve acknowledging and apologising for the breach and refunding the cost of the misused stationery. I would consider that to be an appropriate resolution to this inquiry.

20 On the basis of the information you have provided so far, the refund would be £317.53 (based on 350 2nd class postage-prepaid envelopes (£210.63), 350 sheets of over-printed headed paper (£106.90).

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

It would be very helpful if you would let me know by close of business on 14 December 2017 whether you would like me to rectify the complaint on the basis I have suggested.

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

*30 November 2017*

**14. Letter from the Commissioner to Ms Michelle Donelan MP,  
19 December 2017**

I wrote to you on 30 November 2017. I asked for a reply by 14 December 2017.

You kindly called my office on 4 December and said that you accepted my decision on the allegation made by Mr Tabrah and asked how the inquiry would be brought to a conclusion. My Complaints Manager explained that once I had a written acknowledgement of, and apology for, your breach of the Code, I would explain how to make the required refund. (I had explained in my letter that I would also give you an opportunity to comment on the factual accuracy of the material to be published on my webpages.)

I am disappointed not to have received anything in writing from you since 4 December. This is the third time on which a reply to my correspondence has been late and I feel I must now remind you that paragraph 18 of the Code places Members under a specific obligation to "cooperate, at all stages, with [an] investigation by or under the authority of the House".

I would be grateful to have your formal reply to my letter of 30 November by return. An email will suffice.

15 *19 December 2017*

**15. Email from Ms Michelle Donelan MP to the Commissioner,  
20 December 2017**

Thank you for your letter regarding Case PCS090 regarding the complaint made by Mr Alex Tabrah. I would like to start by saying that I accept your decision and wish to pay back the sum owed in full. Please do let me know the payment details so that I can arrange this ASAP. I would also like to apologise for sending the mailing. I appreciate that this was not a clear cut black and white issue and I do respect the time you took to conduct your investigation and seek additional advice. I do apologise for the mailing and the judgement to send them. I must reaffirm that I honestly did believe it was in the rules given that Parliament had not dissolved and that I was contacting a small number of my constituents regarding a key issue. I meant no harm nor did I intend to overstep the rules. I know that you have reviewed the case and given it a great deal of time and interpreted the mailing as a breach and once again I apologise for this. I also wish to assure you that this will not happen again.

*20 December 2017*

**16. Letter from the Commissioner to Ms Michelle Donelan MP, 3 January 2018**

You wrote to my predecessor, Kathryn Hudson on 20 December. I took up post on 1 January and I am writing now to share with you a draft of the letter I intend to send to Mr Alex Tabrah to bring this inquiry to a conclusion.

While the content of the letter is a matter for me alone, I would welcome any observations you wish to make on its factual accuracy. (The draft letter is the first item after the summary, in the enclosed written evidence pack.) Once I have any

comments you wish to make, I will finalise the letter to Mr Tabrah, send you both a copy of the final evidence pack and post the material on my webpages shortly after.

5 All that remains is for you to make the refund of £317.53 to the House Authorities. You may do that either by electronic transfer using the following details (name: HOC MEMBERS 2, Account number: 10022325, Sort code: 60-70-80) or by sending a cheque payable to HOC MEMBERS 2 to my office. 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 would be pleased to have any comments you wish to make on the draft letter to Mr Tabrah as soon as possible and no later than 17 January 2018. If I do not hear from you by that date, I will go ahead and write to Mr Tabrah as outlined.<sup>6</sup>

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

15 *3 January 2018*

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<sup>6</sup> Ms Donelan did not reply