

Contents

	Summary	2
	Ms Preet Kaur Gill MP: Resolution letter	3
	Letter from the Commissioner to Ms Tanya King, 30 October 2019	3
5	Written evidence	4
	1. Letter from Ms Tanya King to the Commissioner, 26 July 2019	4
	2. Letter from the Commissioner to Ms Preet Kaur Gill MP, 5 August 2019	5
	3. Letter from Ms Preet Kaur Gill MP to the Commissioner, 15 August 2019	9
	4. Letter from the Commissioner to Ms Preet Kaur Gill MP, 17 September 2019	10

Summary

5 I investigated an allegation that Ms Gill's office had misused House-provided stationery and postage-paid envelopes by using it for personal correspondence. During my investigation it became clear that a member of her staff had used House provided stationery inappropriately without Ms Gill's agreement or knowledge.

10 Although the correspondence was sent without Ms Gill's prior knowledge, the *Guide to the rules* clearly states, "...Members are personally responsible for their adherence to the Code including when breaches may have been caused by the actions of a member of Staff." The Member told me that her staff sign a contract which she thought should have made clear that House-provided resources should be used only in connection with her parliamentary activity. However, the Member acknowledged that when she had not specifically talked the individual through the implications of this. If she had done so, this breach of the rules might have been avoided.

15 I concluded that the Member is responsible for the breach of the rules on the use of House-provided stationery, and that has put her in breach of paragraph 16 of the Code of Conduct for Members. However, I found that the breach was inadvertent, and that the Member has also put in place the necessary steps to ensure no recurrence of this breach will occur in the future.

20 I consider this breach to be at the less serious end of the spectrum. Therefore, I have concluded the inquiry through the rectification procedure, available to me through Standing Order No 150.

Ms Preet Kaur Gill MP: Resolution letter

Letter from the Commissioner to Ms Tanya King, 30 October 2019

5 I wrote to you on 5 August 2019 to tell you that I had begun an inquiry into the misuse of House provided stationery by [name redacted], an employee of Ms Preet Kaur Gill MP.

When I put the allegation to Ms Gill, she responded by return. She acknowledged that the letters sent by [name redacted], on 2 July 2019, was a misuse of House provided stationery. That misuse put Ms Gill in breach of paragraph 16 of the Code of Conduct for Members.

10 As a result of my inquiry it became clear that [name redacted] used House provided stationery without Ms Gills agreement or knowledge. It is also clear that [name redacted] now understands that this was a mistake. From the evidence made available during my investigation it would appear that Ms Gill's breach was
15 inadvertent. I am also persuaded that she has put in place the necessary steps to ensure a recurrence of this breach will not occur in the future.

I consider this breach to be at the less serious end of the spectrum. Therefore, I have decided this inquiry should be concluded through the rectification procedure, available to me through Standing Order No 150.

Written evidence

1. Letter from Ms Tanya King to the Commissioner, 26 July 2019

I received the enclosed correspondence from [name redacted] on 3 July 2019.

5 Copies were sent to the Chief Executive and two Directors at [name redacted] where I work. I understand you are not able to investigate complaints from a corporate body, and I have been advised to write from my home address. I trust this personal information will be kept completely confidential within your office.

His letter relates to an unsuccessful funding bid made by a separate individual [third party name redacted].

10 The letters arrived in House of Commons envelopes and with House of Commons watermarked paper, so I naturally assumed [name redacted] was an MP or writing on behalf of an MP.

15 Having looked into [name redacted], it appears he is neither, although there was some online information to suggest he may be a parliamentary assistant for an MP in Birmingham.

I was therefore concerned that he has potentially misused House of Commons stationery to give the impression he holds an official position, and I was advised by the local MP's office [name redacted] to pass this onto you for further investigation.

20 If you require any further information, please do not hesitate to contact me at the above home address or via my personal mobile [number redacted].

26 July 2019

Letter sent as evidence: Letter and postage-paid envelope from [name redacted] sent 2 July 2019

25 The letter is not reproduced here as the content is not relevant to this inquiry. The facts, that are not in dispute, are that this letter was printed on House-provided, cream coloured stationery, embossed with the crowned portcullis. The paper had also been over-printed, on the top right-hand side, with a political slogan. The first-class postage-paid envelope is clearly printed with the crowned portcullis and the words House of Commons. The letter was not sent by, or on behalf of, the Member.

30 *Sent on 2 July 2019*

2. Letter from the Commissioner to Ms Preet Kaur Gill MP, 5 August 2019

I would welcome your help with an inquiry I have begun following an allegation I have received from Tanya King, about a potential breach of paragraph 16 of the House of Commons Code of Conduct for Members. I enclose a copy of Ms King's correspondence and the enclosures she sent via the post as evidence.

I appreciate that this inquiry may come as a surprise as you may not have been aware of a letter sent, on 2 July 2019, by one of your staff to [name redacted] about a funding application. It is that letter which has led me to begin this inquiry.

My inquiry

My inquiry will focus on whether the letter sent by [name redacted] has put you in breach of paragraph 16 of the House of Commons' Code of Conduct for Members.

The Code of Conduct

Paragraph 16 of the current Code states:

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.

In a footnote to the introduction to the *Guide to the rules relating to the conduct of Members* it is stated that "*Members are personally responsible for their adherence to the Code including when breaches may have been caused by the actions of a member of staff.*"

The **Rules on the use of stationery and postage-paid envelopes provided by the House of Commons**, and for the use of the crowned portcullis¹ state the following.

"Principles

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 system for personal financial advantage, nor (by breaching the rules

¹ <https://www.parliament.uk/documents/facilities/Accommodation-and-Logistics/Stationery-rules-March-2015.pdf>

in paragraph 3 below) to confer an undue advantage on a political organisation.”

Paragraph 4 of these rules says, among other things that “*Pre-paid envelopes may only be used for correspondence sent by or on behalf of Members....*”

- 5 Paragraph 9 of the rules is specifically concerned with the use of the crowned portcullis. It begins:

10 *“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 be wrongly regarded or represented as having the authority of the House. It may be used by Members on their stationery provided by the House or used for their parliamentary functions....”*

15 **Next steps**

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

- 20 1. Were you aware of the Rules regarding the use of House provided stationery and pre-paid postage?
2. When did [name redacted] beginning working for you?
3. Did you make him aware of the rules concerning the use of House-provided resources?
- 25 4. Were you aware of the letter of 2 July 2019 from [name redacted] to [name redacted]?
- a) If you were, were you also aware that it was sent using cream paper embossed with the crowned portcullis and in a House-provided, pre-paid envelope? (Copies enclosed. If you or [name redacted] wish to see the originals, please call my office to arrange a time to inspect them.)
- 30 5. Do you consider it was appropriate for [name redacted] to use paper bearing the crowned portcullis and a House-provided pre-paid envelope to write to [name redacted]?

6. What arrangements/policies do you have in place to ensure that your staff use House-provided resources (stationery, IT equipment, etc.) in accordance with the rules?

5 I would be grateful if you would ask [name redacted] to answer the following questions and send his replies to me when you send your response to this letter.

Questions for [name redacted]

1. How and from where did you obtain the paper and envelope used to send the letter of 2 July 2019?
- 10 2. Were you aware 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?
3. Before using this stationery, did you consider whether the use of the crowned portcullis might give the impression that your correspondence would be regarded as having the authority of the House?
- 15 4. Do you consider now that using this stationery risked giving the wrong impression?
5. Did you consider whether it was appropriate to send the letter using postage pre-paid envelopes?
6. Do you consider now that it was appropriate to do so?
- 20 7. Whose is the address given at the bottom of the letter [address redacted]?
8. The first page of your letter of 2 July bears the slogan [details redacted]– please say whether this is a slogan you have used, or intended to use, in connection with any bid for public office in your own right.
- 25 9. The letter of 2 July 2019 was copied to two other people; were those copies also printed on paper bearing the crowned portcullis and sent using House-provided pre-paid postage?
- 30 10. Has there been other correspondence for which you have used House-provided stationery and/or pre-paid postage which was not directly related to your duties in Ms Gill's employment, or that of any other MP by whom you have been employed?
 - a) If there has been other such correspondence, please provide details about the content and addressees and, if possible, copies of any such letters.

b) Please provide details of the quantity of stationery and postage involved.

11. Have you ever used the slogan [details redacted] or similar on House-provided stationery for any other purposes?

Important information

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

Given the inquiry touches on an employment relationship you may want to seek HR advice from the Members' HR Advice Service on [details redacted].

Procedure

15 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.

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.

20 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 or [name redacted] about this matter, it would be open to you both to be accompanied at any
25 such interviews. I am, of course, very happy to meet with you at any stage if you would find that helpful.

Action

30 I would be grateful to have your response to this letter as soon as possible and no later than 23 August 2019. It would be helpful to receive any supporting evidence you have at the same time as receiving your response to these questions. Any other points you may wish to make to help me with this inquiry would also be most welcome. If you have difficulty meeting this deadline, please contact my office in advance.

5 August 2019

3. Letter from Ms Preet Kaur Gill MP to the Commissioner, 15 August 2019

Thank you for your letter regarding the inquiry you are conducting into the use of Parliamentary material by [name redacted] in his correspondence to [name redacted].

5 In answer to your questions:

1. I was and am aware of the Rules.

2. [name redacted] began working for me on the 28th of January 2019.

10 3. I never went through what he couldn't use house provided resources for but I and the other caseworker did make it clear what it was to be used for in his role as a caseworker. By outlining what it was to be used for I felt it was clear that those were the only things it was to be used for.

Furthermore, as he was coming from working for another MP I believed he had a good understanding of the roles and responsibilities associated with the position of caseworker.

15 4. I became aware of the letter of 2 July from [name redacted] when [name redacted] emailed me with her concerns. Until your letter, I did not know he had used pre-paid envelopes too. Having discussed the issue with HR I began a formal disciplinary process in line with their suggestions.

20 I do not consider it appropriate for [name redacted] to use the paper or the pre-paid envelope to write to [name redacted].

5. The contract which all my staff sign clearly states that "all documents, manuals, hardware and software provided for your use by me... remain my property". This shows that it should not be used for anything other than things related to my own work.

25 6. The two members of my staff who have roles which are more likely to do things concerning the conference of an undue advantage on a political organisation speak to one another and to me to ensure the rules are not broken.

30 More broadly, whenever someone is unsure about anything they are encouraged to come to me or ask a more senior member of the team.

You also asked me to ask [name redacted] some questions. My senior Parliamentary Researcher [name redacted] has done so and the replies are as follows:

1. I obtained the paper and envelope from the constituency office from which it is available in the drawers we have for paper and envelopes.
2. I wasn't aware of the rules at the time. I only became aware of the rules once the disciplinary proceedings started and it was explained to me by the MP.
- 5 3. I hadn't considered that and with it being embossed I hadn't realised it had a logo on it. I thought it was just "posh" paper for want of a better word and hadn't realised the portcullis was on there.
4. Absolutely. I feel mortified.
5. I didn't consider this at the time.
- 10 6. I understand and consider it inappropriate to have used them for personal reasons rather than solely in my work for the MP.
7. The address given at the bottom of the letter is my home address.
8. It is a slogan I used over a period of two weeks when applying to become the [details redacted] candidate.
- 15 9. That is correct they were.
10. No, this was the only instance and I have since had the rules re-iterated to me by the MP, some of which I wasn't aware of.
 - a) N/A
 - b) N/A
- 20 11. No, this was the only instance.

On the advice of the HR department I have conducted a formal meeting with [name redacted] regarding his actions. Once written up, I can share the notes from that meeting if that would be helpful.

15 August 2019

25 **4. Letter from the Commissioner to Ms Preet Kaur Gill MP, 17 September 2019**

Thank you for your letter of 15 August 2019. The very detailed answers you provided have been very helpful. Thank you also for the full account of [name redacted] answers to my questions. I now have sufficient information to make a decision.

My Decision

House of Commons stationery, which is provided for use in connection with Members' parliamentary activities, was misused by a member of your staff. That
5 misuse has put you in breach of paragraph 16 of the Code of Conduct.

The rationale for my decision

I should first say that it is clear from [name redacted] answers that he used the House provided stationery without your agreement or knowledge. However, Paragraph 16 of the Code of Conduct states:

10 *Members are personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services provided from the public purse is in accordance with the rules laid down on these matters. Members shall ensure that their use of public resources is always in support of their parliamentary duties...*

15 And, in a footnote to the introduction to the *Guide to the rules relating to the conduct of Members* it is also stated that;

"Members are personally responsible for their adherence to the Code including when breaches may have been caused by the actions of a member of staff."

20 In my letter of the 5 August 2019 I explained that the crowned portcullis, the principle emblem of the House, should not be used where *"...it's use might be wrongly regarded or represented as having the authority of the House."* In making her complaint, Ms Tanya King said, *"I naturally assumed [name redacted] was an MP or writing on behalf of and MP."* Given that he was not, the use of the embossed
25 stationery gave a false impression.

In your letter of 15 August 2019, you gave me an assurance that you were aware of the rules. You said, *"The contract which all my staff sign clearly states that all documents, manuals, hardware and software provided for your use by me ... remain my property."* I can see that, having explained this, you thought he should
30 understand that he should only use the resources provided in connection with his work as a caseworker. But you have acknowledged that when you employed [name redacted] you did not go through with him *"...what he couldn't use House provided resources for..."* If you had done so, this breach of the rules might have been avoided.

Next steps

I acknowledge the breach of the rules was inadvertent on your part, and I consider it to be at the less serious end of the spectrum. With your agreement, this inquiry could be concluded through the rectification procedure available to me through Standing Order No 150. This makes provision for me to end an inquiry without
5 making a referral to the Committee on Standards in certain circumstances. The Committee would generally expect the Member to have acknowledged and apologised for their breach of the rules, and to have taken any steps necessary to rectify their error.

10 Rectification of breaches of the stationery rules would generally also include refunding the House Authority for the cost of the stationery that had been mis-used. Given that at most 3 letters were sent, I do not consider asking for a refund to be proportionate in this case.

Action required

15 Acknowledgement of, and an apology for, the breach can be made by way of your response to this letter. You would also need to tell me about the measures you will take/have taken to ensure there is no repeat of this breach in the future.

Concluding the inquiry

20 I have enclosed a draft of my letter to Ms Tanya King concluding my inquiry and the evidence pack that will accompany it. The content of the letter is, of course, a matter for me alone but I am giving you the opportunity to check the factual accuracy of the pack. You may allow [name redacted] to see the written evidence pack and he can submit any comments alongside your own.

25 If you agree to this proposal for rectification, I will publish the evidence pack on my webpages, I would also report the outcome to the Committee on Standards in due course.

Please let me have a response to this letter by 24 September 2019. In the meantime, our correspondence remains protected by parliamentary privilege.

17 September 2019