

Contents

	Summary	2
	The Right Hon. the Lord Goldsmith of Richmond Park: Resolution Letter	3
	Letter from the Commissioner to the complainants, 1 June 2020	3
5	Written evidence	4
	1. Letter from the first Complainant to the Commissioner, 5 November 2019	4
	2. Letter from the second Complainant to the Commissioner, 5 November 2019	5
	3. Letter from the Commissioner to The Right Hon. the Lord Goldsmith of Richmond Park, 8 January 2020	8
10	4. Letter from The Right Hon. the Lord Goldsmith of Richmond Park to the Commissioner, 17 January 2020	11
	5. Letter from the Commissioner to The Right Hon. the Lord Goldsmith of Richmond Park, 21 January 2020	12
	6. Letter from the Commissioner to the Director of Customer Experience and Service Delivery, 21 January 2020	13
15	7. Letter from the Director Experience and Service Delivery to the Commissioner, 23 January 2020	13
	8. Letter from the Commissioner to The Right Hon. the Lord Goldsmith of Richmond Park, 27 January 2020	14
20	9. Letter from The Right Hon. the Lord Goldsmith of Richmond Park to the Commissioner, 5 February 2020	16
	10. Letter from the Commissioner to The Rt Hon. the Lord Goldsmith of Richmond Park, 24 February 2020	16
	11. Letter from The Rt Hon. the Lord Goldsmith of Richmond Park to the Commissioner, 2 March 2020	18
25	12. Letter from the Commissioner to The Rt Hon. the Lord Goldsmith of Richmond Park, 20 March 2020	19
	13. Letter from The Rt Hon. the Lord Goldsmith of Richmond Park to the Commissioner, 24 March 2020	20
30	14. Letter from the Commissioner to The Rt Hon. the Lord Goldsmith of Richmond Park, 23 April 2020	20

Summary

The allegation I investigated was that the former Member had used House-provided stationery in a way that was contrary to the published Rules, which put the former Member in breach of the requirements of Paragraph 16 of the Code of Conduct.

5 I upheld the allegation.

I considered the timing, tone, and content of the letter and concluded that it was of a party-political nature rather than a communication for parliamentary purposes. I considered that to be a breach of the House's rules on the use of House-provided stationery and a breach of paragraph 16 of the Code of Conduct for Members.

10 The former Member told me that he had drafted his letter carefully, in good faith, and he had believed he was complying with the rules. However, after some discussion, he accepted my decision, acknowledged and apologised for his breach of the Code, and undertook to refund to the House authorities the sum of £8,954.33 to reimburse the public purse the value of the misused stationery.

15 I considered the former Member's remedial actions to be an appropriate outcome and concluded the matter by way of the rectification procedure available to me under Standing Order 150.

The Right Hon. the Lord Goldsmith of Richmond Park: Resolution Letter

Letter from the Commissioner to the complainants, 1 June 2020

5 I wrote to you on 8 January, to tell you that I had begun an inquiry into your allegation that the Rt Hon. Lord Goldsmith of Richmond Park, during his tenure as an MP, had breached paragraph 16 of the House of Commons' Code of Conduct for Members by misusing House-provided stationery.

10 Having investigated this matter, I found that Lord Goldsmith acted in breach of the Code. Looking at the mailing as a whole, including the tone, timing, and content of the letter which you had enclosed in your letter of complaint to me, I found that it was party-political rather than parliamentary in nature. I therefore uphold your allegation.

My full decision and rationale will be published on my webpage in due course, which will include the correspondence I exchanged with Lord Goldsmith.

15 Lord Goldsmith has accepted my decision. He has acknowledged his breach of the rules, apologised, and has agreed to refund the value of the misused stationery to the House authorities. I have therefore 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
20 closed.

1 June 2020

Written evidence

1. Letter from the first Complainant to the Commissioner, 5 November 2019

I would like to complain about the blatant misuse of House of Commons headed paper, envelopes and postage by Zac Goldsmith MP.

5 We received the enclosed letter on Friday 1st November 2019 which I believe is unfairly promoting the Conservative party in the run up to an election. I believe it is directly 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" as published on your website at:

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

In particular, the rules state members must not exploit the system:

1. "...to confer an unfair advantage on a political organisation"
- 15 2. "for newsletters (including annual reports or general updates to constituents on a range of issues)" and
3. "in a way that can be construed as campaign expenditure..."

I believe this is a serious, wilful and calculated abuse of the rules bearing in mind that there is now such a short time period before Parliament is dissolved prior to the election. May I therefore ask that this is urgently investigated and the strongest penalties applied if appropriate.

20

I would also ask that a check is made to see whether any other MP's posted similar letters around this time which would then suggested a co-ordinated campaign by the Conservative party.

May I thank you in advance for your urgent attention.

25 *5 November 2019*

Enclosures: Letter from Rt Hon. Zac Goldsmith MP to constituents, undated, and a House of Commons provided envelope

School funding is one of the biggest issues that residents write to me about - so I wanted to update you on recent progress.

I am delighted the Government has announced a £14 billion cash boost to schools across the UK.

That means that every primary school across the UK will now be guaranteed at least £4000 per pupil, and every secondary school at least £5000 per pupil.

5 **In Richmond Borough, that means an increase of 5.13% per pupil next year.**

There are few things more important in life than education, and every child in Richmond deserves the best possible start in life - regardless of their background or where they live.

10 The per pupil funding boost next year will mean that every school in our area will receive a budget increase, giving teachers, parents and pupils the certainty to plan, and supercharging standards in our schools.

As your MP, I have always backed our brilliant schools here in Richmond, and this extra funding will help to make sure that high standards are maintained.

15 This new funding will also target those schools who need support the most, making sure that every parent in Richmond can be sure their children are getting a world class education.

I have been working hard to support provision for pupils with Special Educational Needs and welcome the additional £700 million funding.

20 Following a long campaign with local Councillors and residents, I am delighted that the Government is funding a new free school in Barnes for children with Special Educational Needs. This is intended to open in September 2022, and will provide 90 places for children aged seven to nineteen who have social, emotional and mental health needs.

Has your local school visited Parliament?

25 One of the most rewarding parts of my job is showing students around Parliament. This year 21 schools have visited, so please encourage your local schools to contact me and arrange a tour around Parliament.

2. Letter from the second Complainant to the Commissioner, 5 November 2019

30 I am writing further to recent email correspondence with [name redacted], Senior Investigations and Complaints Manager.

On Friday 1st November I received by post, to my home address, a letter from the local MP Zac Goldsmith (Richmond Park and North Kingston) and Minister of State for the Environment and International Development.

5 The letter, which was undated, is on House of Commons headed paper and arrived in a pre-paid second class House of Commons envelope. The letter primarily talks about school funding. In my view it is quite clearly part of Mr Goldsmith's campaigning activity for the forthcoming election - indeed having received (hand-delivered) election material today from Mr Goldsmith, I note that some wording used in both documents is virtually identical. My partner received the same letter by
10 post, also on 1st November. I enclose the original letter and envelope as well as a copy of the hand delivered campaigning material for your information.

I don't recall previously receiving campaigning correspondence from any politician on House of Commons stationery and/or in pre-paid envelopes. I was both surprised and deeply unhappy to see House of Commons (and I assume therefore public) funds
15 being used by Mr Goldsmith in this way. I assume many other households in the constituency also were recipients.

Having reviewed the document setting out the rules for use of stationery and postage paid envelopes provided by the House of Commons and for use of the crowned portcullis, I believe that Mr Goldsmith may have breached the rules set out
20 in paragraph 3. Specifically, stationery and postage appears to have been used to support the return of a person to public office. It may also be the case that stationery and postage may have been used in a way which can be construed as campaign expenditure.

I'd be grateful if you could investigate and confirm whether any rules relating to the use of stationery and postage-paid envelopes provided by the House of Commons
25 have been breached by Mr Goldsmith and advise me on the outcome of your investigation.

I understand from [name redacted] that you are unable to take decisions during Dissolution so I look forward to hearing from you in due course.

30 Should you require any further information from me, please do be in touch.

5 November 2019

Enclosure 1: Letter from Rt Hon. Zac Goldsmith MP to constituents, undated, and a House of Commons provided envelope

35 School funding is one of the biggest issues that residents write to me about - so I wanted to update you on recent progress.

I am delighted the Government has announced a £14 billion cash boost to schools across the UK.

That means that every primary school across the UK will now be guaranteed at Least £4000 per pupil, and every secondary school at Least £5000 per pupil.

5 **In Kingston-upon-Thames, that's £4781 per pupil - an increase of 4.56%.**

There are few things more important in life than education, and every child in Kingston deserves the best possible start in life - regardless of their background or where they live.

10 The per pupil funding boost next year will mean that every school in our area will receive a budget increase, giving teachers, parents and pupils the certainty to plan, and supercharging standards in our schools.

As your MP, I have always backed our brilliant schools here in Kingston, and this extra funding will help to make sure that high standards are maintained.

15 This new funding will also target those schools who need support the most, making sure that every parent in Kingston can be sure their children are getting a world class education.

I have been working hard to support provision for pupils with Special Educational Needs and welcome the additional £700 million funding.

20 Given the particular pressures our Borough faces with funding in this area, this extra money is a welcomed boost to support our special education needs facilities across the region.

Has your local school visited Parliament?

25 One of the most rewarding parts of my job is showing students around Parliament. This year 21 schools have visited, so please encourage your local schools to contact me and arrange a tour around Parliament.

Enclosure 2: Undated Conservative Party pamphlet [extract included only]

10 Ways Zac Goldsmith is delivering for you

1. More Money for every school in Richmond & Kingston

30 I'm delighted that the Government has recently committed an extra £14 billion to schools across the UK, over the next three years.

That means that every primary school across the UK will now be guaranteed at least £4000 per pupil, and every secondary school at least £5000 per pupil.

5 Here in Richmond Park & North Kingston, every school will receive an increased in funding of around 5% next year, with further additional investment for following years.

3. Letter from the Commissioner to The Right Hon. the Lord Goldsmith of Richmond Park, 8 January 2020

10 I would welcome your help with an allegation I have received from [names redacted] about your compliance with the rules regarding the proper use of House of Commons provided stationery. I enclose a copy of their letters and the enclosures for your information.

Despite being a former member of the House, I am writing to you now to seek your assistance with my inquiry.

My inquiry

15 My inquiry will initially focus on the allegation that your actions have put you in breach of paragraph 16 of the Code of Conduct for Members (copy enclosed). Specifically, I will initially investigate the issue below, but the scope of my inquiry may reduce or expand as the inquiry progresses.

20 1. Whether you have used House-provided stationery in a way that is contrary to the Rules for the use of stationery and postage-paid envelopes provided by the House of Commons, and for the use of the Crowned Portcullis by using the stationery in connection with work for a political party that was intended to confer an undue personal benefit and/or an undue advantage on a political organisation.

25 The Code of Conduct

Paragraph 16 of the Code of Conduct states:

30 "Members are personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services provided from the public purse is in accordance with the rules laid down on these matters. Members shall ensure that their use of public resources is always in support of their parliamentary duties. It should not confer any undue personal or financial benefit on themselves or anyone else, or confer undue advantage on a political organisation."

Further to the Code the Rules for the use of stationery and postage-paid envelopes provided by the House of Commons, and for the use of the Crowned Portcullis (copy enclosed) state the following:

“Principles

- 5 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
- 10 the system for personal financial advantage, nor (by breaching the rules in paragraph 3 below) to confer an undue advantage on a political organisation.

Rules

- 15 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:

20 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)”

Next steps

I would welcome your comments on the allegations outlined above and, in particular, I would appreciate your comments on the following questions:

- 25 1. Were you aware of the rules regarding the use of House provided stationery and the limitations of its use for work in connection with a political party.
2. Did you take advice from the House authorities before using House-provided stationery for the purpose of sending out this communication. If you did, please describe the advice given and copies of any correspondence you exchanged with House officials on the matter.
- 30 3. Whether you consider this letter could reasonably be construed as being in connection with work for a political party. If you do not, please let me know the reason(s) for that belief.

4. Whether you consider that the content, and potentially the timing of this letter, could reasonably be considered as conferring an undue benefit to yourself or a political organisation. If you do not, please let me know the reason(s) for that belief
5. Please let me know how many letters were distributed as part of this mailing. It would be helpful to know whether all of the letters were distributed using House-provided second-class postage-paid envelopes.

10 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.

Outcome

There are three possible outcomes to my inquiry:

1. The allegations concerning your conduct are not upheld and no further action is needed.
- 15 2. Some or all of the allegations concerning your conduct are upheld, and it is decided that this amounts to a breach of the Code, but the matter can be rectified using the powers available to me under Standing Order 150.
- 20 3. Some or all of the allegations concerning your conduct are upheld, and it is decided that this amounts to a breach of the Code, and the matter is serious enough to warrant being put before the Committee on Standards.

Important information

25 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 generally but will neither confirm nor deny that I have begun an inquiry.

Procedure

30 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 am also writing to [names redacted] to let them know that I have decided to begin an inquiry into this matter.

5 This letter and any subsequent correspondence between us in connection with this inquiry is protected by parliamentary privilege. Until such time as a final report is published, I must ask that you respect that confidentiality and do not disclose the contents of our correspondence to any third party. I have made a similar request of [names redacted]. My decision and all the relevant evidence, including our correspondence, will be published at the end of the inquiry.

I should say now, as a matter of courtesy, that I may seek the advice of the House authorities and others as part of this inquiry. If I do so, I will share that correspondence with you.

10 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.

Action

15 I would be grateful to have your response to this letter as soon as possible and no later than 24 January 2020.

8 January 2020

4. Letter from The Right Hon. the Lord Goldsmith of Richmond Park to the Commissioner, 17 January 2020

20 Thank you for your letter regarding complaints you have received from two of my former constituents.

First, I apologise for the delay. I only received the letter yesterday, as it was sitting in a pigeon hole I was unaware of.

25 Below I have responded as well as I can to your five questions. Please feel free to call [number redacted] or email me any time if there's more to discuss.

1. Yes - I was aware of the rule regarding the use of House provided stationary and strongly believe I have used stationary in accordance with them.
2. I did not take advice from the House authorities verbally however I read the 'Commons Commission Stationary Rules' available here
30 - www.parliament.uk - before sending out the correspondence.
3. The letter is not in any way linked to my work with or for a political party. Taking advice from section 3,4, 7 & 8 of the Stationary Rules I did not include

any references to a political party, membership, fundraising or supporting the return of any person to public office.

4. Taking advice from section 8 of the Stationary Rules, I wrote to my former constituents in regards to a specific issue in letter format. Parliament had not yet been dissolved, and I was writing purely in my capacity as the then Member of Parliament for Richmond Park. Like many Members of Parliament, I had received many hundreds (perhaps thousands) of messages from constituents who were concerned about funding cuts for schools. Each of them asked me to lobby Government for more funding, which I did. Because of the sheer volume of letters I received, it was clear this was a constituency-wide concern and merited a serious response. The Government's decision to provide a significant boost to school funding was therefore good news, and I felt residents would benefit from hearing it formally from their MP.
5. The letter was sent to a wide range of constituents of all political leanings and was not used to target a specific voter base for campaign purposes. Had the budget permitted, it would have gone to everyone.
6. Total letters sent - 13,179. All of these were sent using house-provided second class postage-paid envelopes.

I am happy to elaborate on the above, and my former Agent is also happy to provide any information requested of us. As a general comment, I believe our use of stationary in this way was exactly as intended by the rules. I don't believe those rules were casually interpreted by me or my team – in any way.

I would only add that for the best part of a decade that I was MP, we never made use of this facility – unlike (I understand) a majority of other MPs. That may explain why it might have appeared unusual to the constituent in question.

17 January 2020

5. Letter from the Commissioner to The Right Hon. the Lord Goldsmith of Richmond Park, 21 January 2020

Thank you for your helpful letter of 17 January 2020, in response to my initiation of the inquiry into the complaints regarding your use of the House provided stationery.

As you will recall, in my first letter to you, of 8 January 2020, I explained that I might seek the advice of the House authorities as part of my inquiry. In accordance with my usual practice regarding inquiries into the use of House provided stationery, I have today written to the Director of Customer Service and Delivery, [name redacted], seeking his advice. I enclose a copy of that letter for your information.

I will write to you again when I have the Director's advice and to give you an opportunity to comment. In the meantime, our correspondence remains protected by parliamentary privilege and I must ask that you continue to maintain the strict confidentiality of the inquiry.

5 Thank you for your continued co-operation with this matter.

21 January 2020

6. Letter from the Commissioner to the Director of Customer Experience and Service Delivery, 21 January 2020

10 I would like to ask for your advice on a complaint that I have received regarding Lord Goldsmith of Richmond Park who at the time was the Member of Parliament for Richmond Park.

15 The complaint is that Lord Goldsmith used House of Commons stationery and pre-paid envelopes to send out a letter, which allegedly was in connection with work for a political party that was intended to confer an undue personal benefit and/or an undue advantage on a political organisation, and which therefore put him potentially in breach of paragraph 16 of the House of Commons Code of Conduct for Members.

20 I enclose a copy of the relevant correspondence, including Lord Goldsmith's response to my initiation of this inquiry, and the envelope used by Lord Goldsmith in his mailing. I would be grateful if you would tell me how you would have advised the former Member at the time, had he sought your advice about using House-provided stationery and postage pre-paid envelopes for this mailing.

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

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

Thank you for your continued assistance with these matters.

21 January 2020

7. Letter from the Director Experience and Service Delivery to the Commissioner, 23 January 2020

30 I am writing with regards to the letter dated 21 January 2020.

I can confirm Zac Goldsmith did not seek our advice regarding the use of stationery. If he had, our advice would have been:

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

Please see the stationery rules for more details below:

[intranet link]

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

20 Although this letter about school funding could be argued to be an update on a specific subject, I would suggest the timing of sending this out unsolicited in the week before the House dissolved before a General Election would be unwise. One of the rules under rule 3 advise against using the stationery or postage '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)' so I would advise against sending an unsolicited letter
25 about the cash boost to schools in your constituency when you are about to enter a period of campaigning.

Additionally, the flyer '10 ways Zac Goldsmith is delivering for you' could be construed as campaign expenditure which is not allowed under rule 3."

Please do not hesitate to contact me if you have any further queries.

30 *23 January 2020*

8. Letter from the Commissioner to The Right Hon. the Lord Goldsmith of Richmond Park, 27 January 2020

35 As promised in my letter of 21 January, I am now able to share with you the response from the House's Director of Customer Service and Delivery, [name redacted], which we received on 24 January. [name redacted] writes:

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

10
15 In the period leading up to a General Election, it is a time of heightened sensitivity, and correspondence you send to constituents may be being read in the context of party-political messages and emerging campaign themes. I would therefore pay attention to the content of unsolicited letters to constituents about specific subjects, especially those where the subject may feature in a campaign message.

20 Although this letter about school funding could be argued to be an update on a specific subject, I would suggest the timing of sending this out unsolicited in the week before the House dissolved before a General Election would be unwise. One of the rules under rule 3 advise against using the stationery or postage '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)' so I would advise against sending an unsolicited letter about the cash boost to schools in your constituency when you are about to enter a period of campaigning."

30 I would be grateful to receive any observations that you may care to make about [name redacted] advice by return and no later than Monday 10 February please.

In the meantime, and as previously, our correspondence remains protected by parliamentary privilege and I must ask that you continue to maintain the strict confidentiality of the inquiry.

Thank you for your continued assistance with this matter

27 January 2020

9. Letter from The Right Hon. the Lord Goldsmith of Richmond Park to the Commissioner, 5 February 2020

5 Many thanks for your response to my letter below and for your advice, which I received on January 27th. I apologise for the delay in responding to you.

Bearing your comments in mind, I do remain firmly of the opinion that the communication sent to my constituents was within the rules. The letter was considered thoroughly and sent in good faith to update constituents in regards an issue that I had received thousands of letters on.

10 I can confirm that no money was spent out of my stationary budget during the regulated period.

I note [name redacted] advice at the end of his response. I am no longer an MP and so the facility is no longer available to me.

Please do be in touch if you have any outstanding questions.

15 *5 February 2020*

10. Letter from the Commissioner to The Rt Hon. the Lord Goldsmith of Richmond Park, 24 February 2020

Thank you for your email of 6 February, providing your comments on the advice from the Director of Customer Service and Delivery.

20 **My decision**

I have considered the content of the correspondence in question, the published Rules concerning the use of House provided stationery, the Director's advice, and your comments very carefully before coming to a decision. I have also had regard to the outcome of earlier inquiries into similar matters. I have decided that in using
25 House-provided stationery and envelopes for this correspondence you have acted in breach of the House's Rules for the use of stationery and postage-paid envelopes provided by the House of Commons, and for the use of the Crowned Portcullis.

Rationale

30 The relevant rules make clear that they cannot cover every eventuality and that it is for each Member always to behave with probity and integrity when using House provided stationery and postage. Although the rules do not attempt to define the boundary between parliamentary activity and party-political activity, the rules do

ask Members to distinguish between the two. In the absence of a neatly and easily defined boundary, each piece of correspondence must be considered carefully on its own merits.

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

10 The Early Parliamentary General Election Act 2019 passed through the House of Commons on 28 October 2019 and received Royal Assent on 31 October. This mailshot, which was received by the complainant on 1 November, was therefore sent during a period of heightened sensitivity as highlighted by Director of Customer Service and Delivery.

15 Your correspondence on this occasion was sent to constituents on an important, but not an urgent, matter. The announcement concerning a special education needs free school for Barnes was initially made several months earlier in March 2019 and was publicised on your website and attracted local press coverage. The Government announcement concerning additional funding for schools generally, which attracted national press coverage, was made at the end of August 2019.

20 Paragraph 6 of the stationery rules does not allow for party-political references in unsolicited correspondence. Earlier decisions by me, and my predecessors, have highlighted concerns regarding correspondence in which references to a government decision or policy can be seamlessly changed to references to a party decision or policy. The news concerning the additional school funding features on the Conservative Party website and was reported as a decision made by the Conservative Party and as a reason to not to support the Labour Party, with criticism
25 of the Labour Party's record on school performance. The same policy decision also appears as the first entry on the Conservative Party campaign literature, entitled "10 Ways Zac Goldsmith is Delivering for You", which one of the complainants reportedly received a few days after your correspondence.

30 Additionally, as you highlight, increased school funding and funding for pupils with special educational needs are issues on which you have personally lobbied for and you draw the attention of the reader to your actions in your letter. Earlier decisions on similar cases have also highlighted the concern that can arise when value orientated statements are included in correspondence. Although I am not persuaded that this statement is likely to have conferred a significant boost to your
35 standing or profile, when viewed alongside the detail on your website, I am satisfied that there was at least some intent to highlight the personal value that you have added as the local elected representative in a mailing to constituents received in the period running up to a general election.

40 Rule 2 of the stationery rules states that Members "must not exploit the system...(by breaching the rules in paragraph 3 below) to confer an undue advantage on a

political organisation” and Rule 3 continues by expressly prohibiting the use of House provided stationery “in connection with work for or at the behest of a political party (including...supporting the return of any person to public office)”.

5 For the reasons above, I have concluded that your correspondence could reasonably be characterised as party political; promoting local and national Conservative Party policy and highlighting your own work on an issue of local interest shortly before an election. That should not have been done using publicly funded resources. I have decided that a breach of the stationery rules has occurred and that this breach is contrary to paragraph 16 of the Code of Conduct for Members of Parliament.

10 **Next steps**

As you may be aware, having decided that a breach of the Rules has occurred, I can, with the co-operation of the Member concerned, rectify less serious breaches using the powers available to me under Standing Order 150 or for more serious breaches, or in instances where the Member rejects rectification, refer the matter to the
15 relevant committee.

Therefore, before I can decide how to conclude this inquiry, I need first to ask you to consider my decision and to tell me whether you accept it. I understand that you will be disappointed by my decision, but I would ask you to reflect carefully on my reasoning above before replying. Please let me have your comments by 9 March
20 2020.

24 February 2020

11. Letter from The Rt Hon. the Lord Goldsmith of Richmond Park to the Commissioner, 2 March 2020

Thank you for your letter.

25 I appreciate you explaining the rationale for your decision.

I would like to answer two points you've raised. The first relates to the date of the letter. I have consulted with my former agent, and he tells me categorically that all of them, without exception, were sent before the Early Parliamentary General Election Act 2019 was taken through the Commons (Oct 28th). It was therefore not
30 a question of rushing the mailing out. Second, it is true that some of the material covered in the letter appeared on my website, but the number of people who view such a site is derisory, and in the overwhelming majority of cases, my press releases only ever appeared on my site - for use in electronic newsletters throughout the year.

I hope these answers are enough to persuade you to re-consider your decision, but if they are not then of course I will accept your decision.

2 March 2020

5 **12. Letter from the Commissioner to The Rt Hon. the Lord Goldsmith of Richmond Park, 20 March 2020**

Thank you for your email of 2 March, providing your comments on my letter of 24 February. I am sorry for the delay in replying.

10 I understand the points that you are making, but nonetheless it remains my opinion that your letter was contemplated, sent, and received in, as highlighted by the House's Director, a period of heightened sensitivity. The main content, concerning news that had been reported in the press earlier in the year, matched that contained within your campaign pamphlet and that of the Conservative Party website. The content also promoted the value that you have added as the elected representative. All of these factors push the correspondence into having been intended to support
15 your re-election. That should not have been done using publicly funded resources. I am therefore unable to change my decision.

20 Despite the value of the stationery used, I do not consider that the underlying breach of the rules to be so serious that it warrants referral a committee and I am content to resolve this matter by rectification under Standing Order 150. To be able to rectify this matter, I will need you to re-confirm that you accept my decision, apologise for the breach of the rules, and confirm that you are willing to repay to the House the sum of £8,954.33. This repayment is to cover the cost of the paper, envelopes, and second-class postage used for the 13,179 letters sent;

- 25
- HC19-116GAT headed paper at £9.03 per pack of 250 (total cost of £476.02)
 - HC228 branded window envelopes at £8.33 per box of 250 (total cost of £439.12)
 - 2nd class postage at 61p each (total cost of £8039.19)

Payment can be made using one of the following methods;

30 [details redacted]

If you are willing to agree to rectification, please write to me by 3 April, including confirmation of your preferred repayment method. If we are able to rectify and close this matter, I will share my written evidence pack with you, so that you can

check its factual accuracy before publication. I will also report the outcome to the Committee on Standards in due course as a matter of routine.

You are, of course, entitled to decline my proposed rectification, in which case I will refer this matter to the relevant committee for their review.

- 5 In the meantime, our correspondence remains protected by parliamentary privilege and I must ask that you continue to maintain the strict confidentiality of the inquiry.

As you may be aware, due to the current health crisis, my team are currently working from home only, so I would be grateful if you could please send your response electronically to standardscommissioner@parliament.uk.

- 10 Thank you for your continued co-operation with this matter.

20 March 2020

13. Letter from The Rt Hon. the Lord Goldsmith of Richmond Park to the Commissioner, 24 March 2020

- 15 Thank you for your letter. I am disappointed by your conclusions but of course I accept them - and your terms.

- 20 I sincerely regret having fallen foul of the rules. Unlike the vast majority of MPs, I had never before used this facility during my nine years as an MP. I did so on this occasion in good faith and to provide reassuring news to constituents on an issue about which I had been written to by many hundreds of former constituents. And before doing so, I had taken professional advice, both from a trained political agent and from Conservative Party headquarters.

Your judgment is that in doing so, I misused the facility. I therefore apologise for the breach of rules and confirm that I will repay the sum you cite, and that I will do so via bank transfer.

- 25 *24 March 2020*

14. Letter from the Commissioner to The Rt Hon. the Lord Goldsmith of Richmond Park, 23 April 2020

- 30 Thank you for your letter of 24 March, accepting my decision and acknowledging and apologising for your breach of the Rules concerning use of House-provided stationery. Thank you also for confirming that you will reimburse the House authorities the relevant sum, please can you let me know when you have done this.

5 Please find attached a copy of the written evidence pack that I intend to publish, which includes our correspondence exchanged during the investigation and the outcome letter that I plan to send to the two complainants (please see page 3 of the pack). While the content of the letter to the complainants is a matter for me alone, I would welcome any comments on the factual accuracy of this letter and the written evidence pack as a whole.

I would be pleased to receive any comments you wish to make on these items as soon as possible, and no later than 7 May 2020 please.

10 Once I have any comments you wish to make, I will finalise the pack and the letter to the complainants. The pack will then be published publicly on my webpage. I will notify you of the publication of the pack. I will also notify the Committee on Standards of the outcome of my inquiry in due course.

15 In the meantime, our correspondence continues to be protected by parliamentary privilege. Until I send you and the complainants' letters concluding the inquiry, this matter should remain confidential.

23 April 2020