

Ms Diana Johnson MP: Resolution Letter

1. Letter to Mr Andrew Allison from the Commissioner, 11 March 2010

I have now concluded my consideration of the complaint you sent me on 22 September against Ms Diana Johnson MP in respect of her letter of 14 September 2009 about the Kingswood traffic and transport survey.

In essence, your complaint was that Ms Johnson used pre-paid House of Commons envelopes to send unsolicited correspondence to some of her constituents and, despite its party political content, that she may have claimed from parliamentary allowances for the notepaper. As you know, I did not accept that part of your complaint which related to the use of House stationery, since the style of the notepaper did not appear consistent with original House stationery.

I have consulted Ms Johnson and the House authorities about this matter.

I have established that Ms Johnson decided that it would be helpful to ascertain the views of constituents living in Kingswood about transport problems which had been raised separately by a number of her constituents. Ms Johnson sent out survey letters to about 1,200 homes in the area. The letter did not use official House of Commons stationery. It was, however, printed on paper provided from Ms Johnson's Administrative and Office Expenditure. 700 of the surveys were distributed by hand by volunteers, 300 were sent out using postage stamps in non-House of Commons envelopes, again funded from Ms Johnson's Administrative and Office Expenditure. 200 surveys were placed inside second-class franked House of Commons envelopes.

Ms Johnson has readily accepted that it was a breach of the rules of the House to have used prepaid House of Commons envelopes for any part of this communication. Nor should she have used stationery, including postage stamps, provided from her Administrative and Office Expenditure. This is because Ms Johnson was sending a proactive communication to her constituents, and a separate allowance, the Communications Expenditure, was available for that purpose. It would have been acceptable however for Ms Johnson to have used the Communications Expenditure for this communication, since it is permitted to send constituents the sort of survey which Ms Johnson has produced, and the references to political parties in her covering letter do not, in my judgement, reach the level to suggest that the letter breached the rules against using the allowance for party political activity.

Ms Johnson has apologised for her breaches of the rules. They were caused by an error in her office in respect of the use of the prepaid envelopes and by a misinterpretation of the scope of the relevant allowances. She has made arrangements for the cost of this dispatch (£190.62) to be transferred from her Administrative and Office Expenditure and her provided stationery expenditure to her Communications Expenditure. She has spoken to her staff about the use of each of the allowances, and taken action within her office to avoid a recurrence. I have accepted the action which Ms Johnson has taken in response to your complaint. I now regard the matter as closed. I will report the outcome to the Committee on Standards and Privileges.

I am copying this letter to Ms Diana Johnson MP.

1 March 2010

Ms Diana Johnson MP: Written evidence

2. Letter to the Commissioner from Mr Andrew Allison, 22 September 2009

Further to my e-mail correspondence with [your staff], ¹I wish to make a formal complaint against my MP.

Please find enclosed a letter and questionnaire — in the original envelope — I received from Ms Johnson last Friday. As the letter was printed on House of Commons notepaper, using a House of Commons envelope, Ms Johnson must have paid for this mailing out of the communications allowance she receives as a member of parliament.

This allowance should be used by her to inform constituents of her work. Instead she has used the allowance to pay for literature that attacks another political party and to gather information in the form of a questionnaire that will be used to help her fight for her seat in the forthcoming general election.

Instead of giving us information about her work, she has in effect contacted hundreds of householders hoping they will give her some political ammunition and has done this at the taxpayers' expense, instead of paying for it out of funds collected by North Hull Constituency Labour Party. I believe this to be a misuse of public money and I would like you to investigate this matter further for me please.

22 September 2009

3. Letter to Mr Andrew Allison from Ms Diana Johnson MP, 14 September 2009

Many local residents on Kingswood have been in touch with me in recent weeks to raise a number of issues including: the bottle neck of cars trying to exit Kingswood in a morning during the rush hour and the restricted bus service in the area.

These are issues that should be addressed by the Lib Dem controlled Hull City Council who are responsible for roads and ensuring an adequate bus service for the area. I do not control the council but am happy to raise any issues with them.

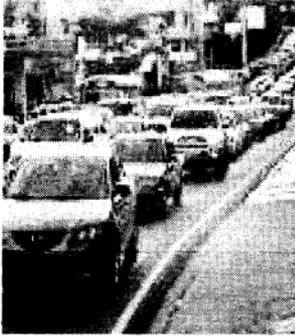
Your views on issues such as transport are important to me. I always ask people to 'let me know'; because with you comments and views on local issues, I can make sure that your concerns are raised. It would be very helpful if you could complete the enclosed traffic survey and return it to me.

14 September 2009

¹ Correspondence relating to the complaints process

4. Survey sent to Mr Allison with the letter from Ms Diana Johnson MP, 14 September 2009

Diana Johnson MP
Kingswood Traffic and Transport
Survey



From speaking to local residents on Kingswood about road access and public transport I believe there needs to be improvements within the area. I would like to get your views on this issue. Please take a few minutes to fill out the survey on the back and return it to me:

Diana Johnson MP
The House of Commons
London
SW1A 0AA

Your contact details:

Name:

Postcode:

Address:

Contact telephone number:

Traffic and Transport on Kingswood - please circle as appropriate

Are you happy with the road access to Kingswood? Yes

No

Other Comments:

Do you have problems in a morning leaving Kingswood via Kesteven Way and Wawne Road?

Yes

No

Do you agree that another access road out of Kingswood would reduce congestion?

Do you use the local bus service?	Yes	No
If so are you happy with this service?	Yes	No
What improvements would you like to see to transport links on Kingswood?		
Traffic and Transport links in Hull		
Do you own a car?	Yes	No
Do you have any views on the condition of roads in Hull		
Do you think that there are too many pot holes on Hull 's roads?		
Yes		No
If so where? _____		
Do you cycle?	Yes	No
If yes, are you happy with cycle routes in Hull ? Comments _____		
Do you walk regularly?	Yes	No
Are you happy with the state of footpaths in Hull ?	Yes	No
Other comments:		
Do you travel by train regularly?	Yes	No
If so, what do you think about the train service to and from Hull?		
Do you ever use the ferry service from Hull?	Yes	No
Humber Bridge		
Do you think that the Humber Bride debt should be scrapped?		
Yes		No
Do you think the toll should be reduced to £1		
Any other comments		

5. Letter to Ms Diana Johnson MP from the Commissioner, 24 September 2009

I would welcome your help on a complaint I have received from Mr Andrew Allison about a transport survey in Kingswood you sent him, apparently using House of Commons resources.

I enclose a copy of the complainant's letter of 22 September, together with its enclosures, including a copy of your letter and survey dated 14 September and a copy of a second class pre-paid House of Commons envelope in which the complainant said it was sent. In essence, the complaint is that you have used pre-paid House of Commons envelopes to send unsolicited correspondence to some of your constituents and, despite its party political content, may have claimed from Parliamentary allowances for the notepaper. I have not accepted that part of the complaint, which relates to the use of House stationery since the style of your notepaper does not appear to be consistent with original House stationery.

Paragraph 14 of the Code of Conduct for members provides as follows:

"Members shall at all times ensure that their use of expenses, allowances, facilities and services provided from the public purse is strictly in accordance with the rules laid down on these matters, and that they observe any limits placed by the House on the use of such expenses, allowances, facilities and services."

The rules in relation to communications expenditure and the use of House stationery and postage are set out in the Green Book for July 2009. The rules in relation to communications expenditure are set out in Section 2.5.

Section 2.5.1 sets out the purpose of the allowance as follows:

"Communications Expenditure is designed to help Members communicate proactively with their constituents about their work in furtherance of their parliamentary duties."

The allowance may be used to meet expenses for:

- *"Regular reports and constituency newsletters; questionnaires, surveys and petitions..."*

The more detailed guidance on the use of what was then called the Communications Allowance and use of House stationery was published in April 2006. Appendix Two sets out the rules and guidance on producing newsletters and other publications from the allowance.

Paragraph 7 sets out the following principle:

"No party political or campaigning material is allowable in any part of a publication funded, wholly or in part, from the allowance."

And paragraph 18 provides as follows:

"Your publication must include a short notice explaining that costs are to be met from the allowances, and giving the source of any other funding."

The rules in relation to House stationery and postage are set out in Section 2.6 of the July 2009 Green Book. Paragraph 2.6.3.1 makes the following provision in respect of pre-paid envelopes:

"Pre-paid envelopes are designed to enable you to reply to letters or other contacts you receive, and to write to individuals and organisations in pursuit of your parliamentary duties. They should not be used to send mail to people on issues on which they have not previously contacted you. You can use stationery and pre-paid envelopes to respond to contacts you have received through any medium..."

and it also identifies circumstances where pre-paid envelopes must not be used including:

- *for questionnaires and surveys...*

and:

- *for correspondence you instigate with constituents on issues on which they have not previously contacted you*

I would welcome your comments on this complaint in the light of this summary of the rules. In particular, it would be helpful to know:

1. The circumstances in which you came to write your letter and survey to some of your constituents;
2. Which constituents were targeted for your letter and how many such letters you sent out;
3. The source of your notepaper for the letter and the source of its funding;
4. If the letter was funded from allowances, on what grounds you consider its content did not prohibit such funding, and why it did not include a notice identifying the funding source;
5. The distribution arrangements including how many second class (or first class) House of Commons pre-paid franked envelopes you used for this dispatch;
6. Whether you consulted the Department of Resources at any time about any aspect of your letter or its dispatch.

Any other comments you may wish to make to help me with inquiry would, of course, be very welcome.

I enclose a note which sets out the procedure I follow. I have written to the complainant to let him know that I have accepted his complaint in part and am writing to you about it. I would be very grateful if it were possible to let me have a response to this letter within the next three weeks. If you would like a word about any of this, please contact me at the House.

I would be most grateful for your help on this matter.

24 September 2009

6. Letter to the Commissioner from Ms Diana Johnson MP, 20 October 2009

I am responding to your letter of 24 September 2009 concerning the complaint by Mr Andrew Allison.

Because my mail to the Commons is redirected to my constituency office during the Summer Recess your letter was only received in Hull on 30 September.

I am now in the process of investigating the matters that you raise with those who work in my constituency office, where casework and related mail is dealt with.

Once I have completed this investigation and established as clearly as possible what exactly happened in the case of the recent transport mailing, I will write to you again giving the fullest possible answers to your questions.

20 October 2009

8. Letter to the Commissioner from Ms Diana Johnson MP, 5 November 2009

I am responding to your letter of 24 September 2009 concerning the complaint by the above named constituent.

I now write further to my interim response on 20 October 2009 and set out my response to each question in the sequence posed in your original letter.

1. **"The circumstances in which you came to write your letter and survey to some of your constituents".**

A number of constituents in the Kings Park Ward in my constituency had contacted me over a period of time about problems with transport, both road access and public transport, in their area. Initially, I regarded this matter as casework and have been writing letters on behalf of individual constituents to the relevant bodies.

However, it became clear to me that this issue affects a large number of constituents in this part of my Hull North Constituency, rather just a few individuals. Therefore I thought that in pursuing the broader issues in an effective way, it would be helpful to ascertain the views of people living in the part of the ward known as Kingswood, who may be experiencing the same or similar problems. You will note that the survey asked a number of questions including national and local travel questions.

2. **"Which constituents were targeted for your letter and how many such letters were sent out".**

I sent out survey letters to residents in the area affected at the top end of the Kings Park Ward over the summer of 2009. This amounted to 1,200 homes.

3. **"The source of your notepaper and the source of its funding."**

The notepaper was not House of Commons stationery. See answer to 4 below.

4. **"If the letter was funded from allowances, on what grounds you consider its content did not prohibit such funding, and why it did not include a notice identifying the funding source."**

The letter did not use official House of Commons stationery with the portcullis. It was copied on the office risograph on ordinary white paper paid for out of my Administrative and Office Expenditure (AOE). There was no specific definable printing cost, as it was produced in-house, and therefore meant no print production claim upon the Communications Allowance.

The issue of a printing imprint did not arise as it was not printed under the Communications Allowance and was already clearly identified as being from the local MP. I am still unclear as to whether there is a requirement for an imprint in these circumstances and would welcome guidance on this issue.

5. **"The distribution arrangements including how many second class (or first class) House of Commons pre-paid franked envelopes you used for this dispatch."**

These surveys were distributed by hand or using postage stamps on non-House of Commons envelopes. These envelopes were purchased through the AOE allowance for general office use.

I have now established that one batch of around 200 surveys were placed in error inside 2nd class stamped House of Commons envelopes by an intern, who was helping out in my Hull constituency office during Summer Recess. I am happy to make arrangements to cover this cost if required. This was a genuine mistake by a volunteer.

6. **"Whether you consulted the Department of Resources at any time about any aspect of your letter or its dispatch."**

No, as the survey was produced in-house, did not exceed the cost of £1,000 (2.5.4.1 Green Book) and was mainly distributed by hand by volunteers.

5 November 2009

9. Letter to Ms Diana Johnson MP from the Commissioner, 9 November 2009

Thank you for your letter of 5 November responding to mine of 24 September about this complaint in respect of the circulation of your Kings Ward traffic and transport survey.

I was most grateful for this response. I am now consulting the Department of Resources and seeking their advice. In the meantime, I would be grateful if you could help me with a little more information. You say in your letter that the letter to your constituents (and presumably the accompanying survey) were copied on your office risograph on ordinary white paper paid for out of your administrative and office expenditure. You say later that the non-House of Commons envelopes you used were purchased through the AOE allowance. You do not mention the cost of the postage stamps used or any other paid distribution costs, but I assume that these too were met from the Administrative and Office Expenditure.

It would be helpful, however, if you could just confirm my understanding that your AOE was used for the costs of the paper for the letter and survey, the non-House of Commons envelopes and the postage stamps. Could you also confirm that no other distribution costs were involved? Finally, could you let me know the costs which you have claimed or intend to claim against the AOE for this dispatch, which I take to be some 1,000 envelopes?

My letter of 24 September did not summarise the rule in relation to administrative and office expenditure. They are, as you know, set out in the Green Book published in July 2009. The principles governing all allowances are set out in the first chapter. They include:

- *“Claims should be above reproach and must reflect actual usage of the resources being claimed.*
- ...
- *Allowances are reimbursed only for the purpose of a Member carrying out his or her parliamentary duties. Claims cannot relate to party political activity of any sort, nor must any claim provide a benefit to a party political organisation.*
- ...
- *Individual Members take personal responsibility for all expenses incurred, for making claims and for keeping records, even if the administration of claims is delegated by them to others.”*

The rules in relation to the Administrative and Office Expenditure are set out in Section 2 of the Green Book. Paragraph 2.2.1 gives the purpose of the allowance, including that it may be used for: *“Equipment and supplies for the office or surgery”*.

Paragraph 2.2.3.2 gives examples of appropriate expenditure on equipment and supplies, including: *“Purchase of stationery and office consumables”*.

If you could let me have a response to this letter within the next week that would be most helpful. I would then pass it to the Department of Resources to assist them in preparing their advice to me. Thank you for your help.

9 November 2009

10. Letter to the Director of Operations, Department of Resources from the Commissioner, 9 November 2009

I would welcome your help on a complaint I have received against Ms Diana Johnson MP in respect of a traffic survey she recently sent to local residents in the Kings Ward part of her constituency.

I attach [relevant correspondence] In essence, the complaint is that Ms Johnson used House of Commons prepaid envelopes to send unsolicited correspondence to some of her constituents, and despite its party political content, may have claimed from parliamentary allowances for the note paper.

As you will see, Ms Johnson has said that she made no claims from her Communications Expenditure for the printing, but that 200 of the surveys were placed in error inside second class House of Commons prepaid envelopes.

I am taking it from her evidence that Ms Johnson drew on her Administrative and Office Expenditure for the costs of the paper used for the survey and letter, the costs of the envelopes (except for the prepaid ones) and the costs of the stamps and any other distribution arrangements. I have asked for her confirmation of this and will let you know of her response. In the meantime I would welcome your guidance on this matter, including your view on whether the content of Ms Johnson's letter and survey breached the principle that claims should not relate to party political activity of any sort. You may also wish to respond to Ms Johnson's question about whether an imprint is required on a communication such as this when the Member has funded it from their Administrative and Office Expenditure. If you could let me have a response to this letter within the next three weeks, I would be most grateful. Thank you for your help.

9 November 2009

11. Letter to the Commissioner from Ms Diana Johnson MP, 19 November 2009

I am responding to your latest letter of 9 November 2009 concerning the complaint by the above named constituent.

I am happy to set out further details of the actions I took, in good faith, in sending out a survey to constituents in the Kingswood area of my constituency, seeking their views on road and transport difficulties. As set out in my earlier letter dated 5 November this arose out of casework and a number of constituents raising the issue with me in person.

The Green Book

I note that from The Green Book (July 2009) under 2.2.3.2 'Equipment and supplies' the items that MPs were advised are allowable under the Administrative and Office Expenditure (AOE) includes:

"Purchase of stationery and office consumables' and 'Postage over and above that provided by the House."

Communications Allowance Guidance

At page 12 in the 'Frequently asked questions' section of the guidance booklet *The Communications Allowance and the use of House stationery*, it lists as allowable 'costs associated with the publishing, printing or distribution the above including direct mailing and postage: The list of items referred to as 'above' included 'Questionnaires or surveys.

Paper and envelopes

White plain paper is purchased in my office as a basic item of stationery. We purchase in quantities that enable us to be get most economical deals. The same applies to envelopes.

As we try and run an efficient and professional office we keep a stock of paper and envelopes as a matter of course. As far as I was aware, the paper and envelopes had already been purchased as part of the general office stationery that we order regularly, and was paid for by the AOE.

It would be helpful to confirm whether you are suggesting that I should attribute every piece of paper and envelope used to a budget head, either to the AOE or to the Communication Allowance budget? This would prove a wholly unnecessary burden on a small office. If there is a notional amount you feel should be moved between budget heads I would welcome guidance on this and how it can be done without establishing yet another new layer of administrative bureaucracy for a small office.

Postage stamps

Secondly, you ask about stamps. Again, I purchase stamps as a matter of course as a basic office requirement. Some of the stamps are bought from the AOE, but also the Communications Allowance. I have a stock of stamps in my office which we use as required.

As mentioned in my previous letter of 5 November, we delivered a large number of these Kingswood transport surveys by hand and used stamps to send by post others. My office manager in Hull is away on annual leave this week and I am therefore not able to ask him if he recalls the exact number we posted.

Conclusion

Finally, I would reiterate that none of the content of the survey was party political in the sense of soliciting support for, or opposition to, any political party and only mentioned party labels in a descriptive and factual sense. This was consistent with guidance that my office had received from the House authorities on the use of allowances in previous years for producing printed publications, such as annual reports.

I hope that this further information is helpful.

19 November 2009

12. Letter to Ms Diana Johnson MP from the Commissioner, 24 November 2009

Thank you for your letter of 19 November responding to mine of 9 November about this complaint in respect of the circulation of your traffic and transport survey.

The reason I wrote to you was simply to confirm that all the costs of the paper used for the survey and letter, the envelopes and the stamps were met from your Administrative and Office Expenditure. I have taken it from your response that they were.

The reason I asked about other costs of distribution was in case the hand-delivered envelopes were delivered by a distribution company. I suspect that is wide of the mark and that they were delivered by volunteers. I was asking for confirmation of that and, if possible, it would be helpful to have that confirmed.

The reason I was asking about the overall numbers sent out was to get an idea of the proportion of this communication that went out in pre-paid House of Commons envelopes. If your office manager can give me a figure, which I recognise would be an estimate, that would be helpful.

Finally, I should say that I am not implying anything in relation to budget heads under which you pay for notepaper. At this stage, I was simply trying to get the factual background clear so that I can receive advice on the complaint.

I will copy your letter and this response to the Department of Resources so that they may take it into account in preparing the advice which I have sought from them. If you can let me have ideally within the next week the final piece of information confirming that parliamentary funds were not used for hand-delivering the letters, and the overall number sent out, that would be most helpful.

24 November 2009

13. Letter to the Commissioner from the Director of Operations, Department of Resources, 7 December 2009

Thank you for your letter of 24 November 2009 about the complaint against Ms Johnson in respect of a traffic survey sent to certain residents in her constituency. You asked for my comments on whether the content of Ms Johnson's survey breached the principle that claims should not relate to party political activity. You also wanted me to respond to Ms Johnson's question about whether an imprint is required on a communication when it has been funded from the Administrative and Office Expenditure.

One of the fundamental principles contained in 'The Green Book' (July 09 version, page 7) is that allowances "are reimbursed for the purpose of a Member carrying out his or her parliamentary duties. Claims cannot relate to party political activity of any sort, nor must any claim provide a benefit to a party political organisation."

In my opinion, it was reasonable for Ms Johnson to write to constituents in a particular area seeking their views about traffic issues that had been raised with her. The Communications Allowance (now Communications Expenditure) was introduced in April 2007 to provide explicitly for this sort of pro-active constituency endeavour by Members. This questionnaire itself is not untypical of others we have seen on such matters. In general, the questions are fair and not obviously biased, although the Humber Bridge questions would seem likely to elicit only answers in the affirmative.

Had our advice been sought, we would have advised that a brief data protection disclaimer be added to the survey and asked for the inclusion of a funding statement also. These minor matters apart, I consider that the survey complies with the rules and guidelines governing the Communications Expenditure.

Ms Johnson's covering letter raises slightly different issues and had we seen this prior to production and distribution, we would have asked her to remove the reference to the Council's controlling political group and remove one of the two references to her being a Labour Member of Parliament. These seem to us to be somewhat unnecessary. However, notwithstanding these points, I do not consider the tone of the letter to be party political.

It is the Communications Expenditure which is provided to Members for proactive communications with their constituents, not the Administrative and Office Expenditure (AOE). There is no provision within the AOE to produce or distribute pro-active communications and Ms Johnson is, unfortunately, mistaken in her understanding of the rules and procedures in this respect. Hence, neither the letter nor the survey should have been printed or distributed using paper, envelopes and stamps purchased from the AOE as Ms Johnson would seem to have done.

I take Ms Johnson's point about the extra effort it would take to reallocate costs from one budget head to another, but the allowances scheme in its totality, as approved by Members, is predicated upon each allowance being for a different purpose. Therefore, simple administrative procedures within Ms Johnson's office to claim for, or to reallocate, costs would avoid complications later on.

Finally, I can confirm that pre-paid House of Commons envelopes should not have been used in the distribution. Ms Johnson has said that two hundred such envelopes were used in error. She has volunteered to reimburse the £68.53 cost of these envelopes.

You may consider that, notwithstanding some of the minor reservations expressed above, it would be incorrect to describe the letter and accompanying survey as 'party political activity'. The survey's content appears neutral and without obvious political bias. Therefore, you may also consider that this situation is best resolved by the costs incurred from the stationery budget and the AOE being reallocated to Ms Johnson's Communications Expenditure.

Please let me know if you require any further information.

7 December 2009

14. Letter to the Commissioner from Ms Diana Johnson MP, 8 December 2009

I am responding to your letter of 24 November 2009 concerning the complaint by the above named constituent about my Kingswood transport casework survey that was distributed from my office this summer.

You had two outstanding questions regarding any resources used for hand delivery of some of these surveys and the overall numbers that went out.

I have now discussed these matters further with the office manager of my Hull constituency office.

As set out in my letter of 5 November, an approximate total of 1,200 of these transport surveys went out in Kingswood.

We estimate that around 500 of these went out by post, of which 300 carried 2nd class stamps. As was also set out in my 5 November letter; a further batch of 200 was placed in error by a volunteer in 2nd class pre-paid envelopes.

The remaining 700 surveys were delivered by hand. I can confirm that these were done by volunteers and not through any paid commercial arrangement, with budgetary implications.

8 December 2009

15. Letter to Ms Diana Johnson MP from the Commissioner, 10 December 2009

Thank you for your letter of 8 December responding to mine of 24 November clarifying some remaining points in respect of the distribution of the travel survey you sent to some of your constituents. This is most helpful.

I have now heard back from the Department of Resources with their advice on this complaint.

I attach a copy of my letter of 24 November to the Department of Resources and a copy of their response of 7 December. As you will see, the Department's view is that the content of your survey complied with the rules and guidelines governing the Communications Expenditure, and overall they do not consider the tone of your covering letter to be party political. They confirm that the stationery and stamps should not have been drawn from your Administrative and Office Expenditure Allowance (AOE) and that you should not have used House of Commons prepaid envelopes for some of the dispatch (as you know). The Department therefore suggest that you might agree to transferring the costs of this dispatch from your AOE and from your provided stationery allowance to your Communications Expenditure provision. I am checking with them the costs involved in the transfer.

I need now to consider myself how to resolve this complaint. If I were to accept the Department's advice, and you were to agree, I consider that it might be possible for me to resolve this complaint through the rectification procedure provided under the Standing Orders of the House. I can use this procedure where I consider any breach of the rules was not so serious as to require me to report it to the Committee on Standards and Privileges by way of a formal Memorandum (which would be published with the Committee's report); and if the Member agrees that there has been a breach and has taken suitable action to rectify it. The Committee also expects that the Member should have apologised for the breach. In such cases I write to the complainant to set out my conclusions and close the complaint on that basis. I report the outcome briefly to the Committee.

If you wished me to consider using the rectification procedure to resolve this matter, then it would be necessary for you to accept that it was a breach of the rules of the House to have used prepaid House of

Commons envelopes for part of this communication (as you have already done). You would also need to accept that you should not have used stationery, including postage stamps, from your Administrative and Office Expenditure. I would need to accept that it would have been within the rules for you to have used the Communications Expenditure for this communication and that your references to political parties in your covering letter do not reach the level to suggest the letter breached the rules against using the allowances for party political activity. It would be helpful if you were to apologise for these breaches of the rules and to make arrangements for the cost of this dispatch to be transferred from your AOE and provided stationery allowances to your Communications Expenditure. And it would be helpful to know that you had spoken to your staff about the use of these allowances and had taken action within your office to prevent a recurrence.

I would be grateful if you would let me know whether you are content for me to resolve this complaint on the basis described in this letter. If so, it would be helpful if you could confirm the actions described in the letter and let me have an apology which I can report to the Committee. If you agree to this course, I will then send you a draft of the letter I propose to send to the complainant so that you can comment on its factual accuracy. I would then write to the complainant, close the complaint, and report the outcome to the Committee.

If you could let me have a response within the next week, I would hope I might be able to conclude this matter before the Christmas recess.

I look forward to hearing from you.

10 December 2009

16. Email to the Office of the Commissioner from the Department of Resources, 13 January 2010

Sorry for the delay on this one.

I have looked at the paperwork but it is not clear from Ms Johnson's AOE claims if a particular invoice related to the purchase of paper and plain envelopes. However looking at claims throughout the period it would appear that Ms Johnson purchases paper and envelopes on a regular basis and I have estimated that the cost would be as follows:

200 prepaid envelopes £68.53

2,400 sheets of A4 paper £20.42

300 envelopes £11.67

300 2nd Class stamps £90.00

A total of £190.62

13 January 2010

17. Letter to the Commissioner from Ms Diana Johnson MP, 12 January 2010

I acknowledge your letter of 10 December 2009 concerning the complaint by the above named constituent about my Kingswood transport casework survey that was distributed from my Hull office last summer. I am pleased to note that the transport survey was not found to be party political - in my view the most serious aspect of this complaint.

I accept your advice for arrangements to be set in motion within the Department of Resources to transfer the appropriate sum for stationery and postage stamp costs from the Administrative and Office Expenditure (AOE) budget head to the Communications Allowance. I apologise to the House for any error made above and for the error made by a volunteer in my Hull office over the use of around 200 pre-paid Commons envelopes. I have reminded my staff of the rules on Commons allowances and to seek advice whenever they need to.

However, I believe that as an active local MP it is absolutely correct that I take up the problems and concerns of my constituents. In this case, I believe that this is exactly what I was doing.

12 January 2010

18. Letter to Ms Diana Johnson MP from the Commissioner, 14 January 2010

Thank you for your letter of 12 January responding to mine of 10 December about this complaint in respect of the distribution of the Kingswood transport casework survey that you distributed last summer. I was grateful to receive your response.

I attach a copy of the terms of a draft letter in which I propose to write to the complainant. I would be grateful to know if you are content with its factual accuracy. If so, I will write to the complainant as proposed and close the complaint. I will report the outcome to the Committee on Standards and Privileges.

I understand from the Department of Resources that the amount which you would need to transfer to your Communications Expenditure account from your provided stationery and Administrative and Office Expenditure is £190.62. This is the cost of 200 pre-paid envelopes, 300 other envelopes, 300 second-class stamps and 2,400 sheets of A4 paper. I would be grateful if you could get in touch with the Department straightaway to make the necessary arrangements.

I would be grateful if you could let me have a response to this letter within the next two weeks. I am copying it to the Director of Operations in the Department of Resources so that he may be aware of the position.

14 January 2010

19. Letter to the Commissioner from Ms Diana Johnson MP, 24 February 2010

I acknowledge your letter of 14 January 2010.

Having examined the proposed letter to Mr Allison, I attach an amended version. There were a few minor changes to the draft that you provided, dealing with issues of accuracy and minor typographical errors.

I am in the process of arranging for the required sum to be transferred between the two Commons allowances budget headings.

Could you also inform me when the outcome of this complaint will be reported to the Committee on Standards and Privileges?

24 February 2010

20. Letter to Ms Diana Johnson MP from the Commissioner, 24 February 2010

Thank you for your letter of 24 February responding to mine of 14 January about the resolution of this complaint.

I have carefully considered the points you have made. As you will know, I am solely responsible for the text of determination letters. But I do check them with Members for points solely of factual accuracy. While I have considered carefully the points you have made, I do not propose to incorporate them in the draft. In particular:

1. reference to "through casework" – I do not need to resolve the question of how far all these issues were raised by individual cases and do not think I can – or need to – give this assurance to the complainant;

2. the mistake by a volunteer – this is reflected more fully in the final paragraph of the extract I sent you and I do not propose to repeat it;
3. I have kept the active verb in the fourth paragraph of the letter since the principle is that Members are responsible, including for the actions of their staff;
4. I have kept the reference to the Communications Expenditure rather than Communications Allowance since the evidence is that your letter was sent out in September 2009: Communications Expenditure replaced the Communications Allowance in April 2009;
5. I have not included your proposed revisions to my determination paragraphs which, of course, are a matter for me to set out.

I do need now to resolve this complaint. The Committee on Standards and Privileges are otherwise likely to express some concern about the length of time it has taken to bring this matter to a conclusion. Could you kindly therefore confirm by return (by email if that is more convenient) that you remain content for me to rectify this complaint on the lines I have proposed? Subject to this, I will write to the complainant and that will close the complaint. I will report the outcome to the Committee on Standards and Privileges at its next meeting (which is next Tuesday), but under the Standing Orders of the House it is not open to the Committee to re-open the issue. I should add that the Committee on Standards and Privileges have agreed to my proposal that resolution letters like this, and the evidence on which they are based, should be published on my website. This proposal will, however, need the approval of the House before it can be implemented.

I look forward to hearing from you.

24 February 2010

21. Email to the Office of the Commissioner from Ms Diana Johnson MP, 2 March 2010

Thank you for the e mail and the attached letter. I would just like to make a few short comments.

I understood that I was being asked for my comments on the letter to the complainant. Now I understand that it was just being sent to me as a matter of courtesy. I made the proposed amendments on the basis that my views were being sought and gave them in good faith.

I know appreciate that was not the purpose of sending me the letter.

Secondly I would just note that as you will see from the time and date of this e mail - late on a Sunday evening- I have tried to deal with this complaint in as timely manner as possible but this is always against a background of the everyday work as an MP with a very demanding constituency and a high level of casework. It is difficult for MPs trying to do their very busy job whilst at the same time having to then turn their attention to complaints made against them and often obtain information which is often some time in the past. Whilst fully accepting that complaints must be investigated, there is no additional assistance/resource offered to assist MPs in dealing with complaints and so unfortunately they can take longer than any of us would like to reach a conclusion. I think it is often assumed that MPs offices have unlimited capacity to deal with these additional matters rather than accepting they have limited staffing and everyone in the office is usually working at 110% already.

I would be grateful for a letter now confirming what action happens next, and do I need to notify you about arrangements I agree with the Resources Department? It might be helpful if you list what you expect me to do and by when?

I would like to say thank you for the courteous way you have dealt with this issue.

2 March 2010

22. Letter to Ms Diana Johnson MP from the Commissioner, 2 March 2010

Thank you very much for your email of 2 March responding to my letter to you of 24 February.

I am most grateful for your help with this and apologise that my initial letter was obviously not sufficiently clear about its purpose. I am sorry for that. I do appreciate the pressures on Members in responding to these complaints in addition to all their other responsibilities both in the House and in their constituencies.

You asked what happens next. I think the next steps are:

1. I write to the complainant, copied to you, on the lines of the draft letter you have seen in the terms which I sent you on 14 February;
2. You ensure that you arrange with the Department of Resources for the cost of the dispatch to be transferred from your Administrative and Office Expenditure and your provided Stationery Expenditure to your Communications Expenditure for 2009-10. Your letter of 24 February said that you were in the process of arranging for this sum to be transferred between the Commons allowances budget headings so I hope that is well advanced. As I said to you when I wrote to you on 14 January, I understand the cost is £190.62. I propose to add a reference to this sum to the final paragraph of the draft letter you have seen so that the complainant is aware of the amount involved.
3. It would be helpful if you could confirm to me when the transfer has been effected, although I do not propose that it should hold up my letter to the complainant concluding my work on this inquiry.

I am copying this letter to the Director of Operations in the Department of Resources so that he too is aware of the position and can help if necessary in making the required transfer.

It would be very helpful if you or your office could let me know by return that you are content for me to go ahead on this basis. Thank you too for the kind words in the final paragraph of your letter, which I do appreciate.

2 March 2010