

Mrs Janet Anderson: Resolution Letter

Letter to Mr Mark Baker from the Commissioner, 16 September 2010

I have now completed my inquiries into the complaint which you sent me on 18 March against Mrs Janet Anderson, then the Member for Rossendale and Darwen, about her use of House of Commons stationery and pre-paid envelopes for the letters she sent to some of her constituents.

In essence, the complaint I accepted from you was that Mrs Anderson used House of Commons pre-paid envelopes to send unsolicited letters to her constituents, and that those letters may have been funded from the Communications Expenditure at a time when that budget was no longer available for this sort of letter.

I have consulted Mrs Anderson and the House authorities about this matter. Mrs Anderson has told me that some 300 common format letters, on the lines of the one you received in March this year headed "Dear Resident", were sent out to her then constituents. Some 100 of these letters were sent in first-class pre-paid House of Commons envelopes. About a hundred were sent in House of Commons pre-paid second-class envelopes. The remaining hundred were hand-delivered. The notepaper used was funded from Mrs Anderson's Communications Expenditure.

Mrs Anderson has readily accepted that this letter should not have been sent out using House of Commons stationery funded from her Communications Expenditure, or using House of Commons pre-paid envelopes. This is because, from the beginning of January 2010, Members could not use their Communications Expenditure to fund this sort of letter; and House of Commons pre-paid envelopes cannot be used to send what are in effect unsolicited letters. The dispatch was handled by a member of her staff, although Mrs Anderson accepts full responsibility. She has apologised for this breach. She is repaying the full sum involved, £82.

I consider that Mrs Anderson has made an acceptable response to this matter and I now regard it as closed.

If the House of Commons agrees to my recommendations which the previous Committee on Standards and Privileges supported, this letter and the evidence on which it is based will in due course be published on my web pages.

I am copying this letter to Mrs Janet Anderson.

16 September 2010

Mrs Janet Anderson: Written evidence

1. Letter to the Commissioner from Mr Mark Baker, 11 March 2010

I have received a number, over time, of unsolicited letters from my MP Janet Anderson written on House of Commons paper. A copy of the most recent, received today is enclosed.¹

It would appear to be the most blatant of electioneering the main purpose of which is to secure a vote for herself and Labour.

I must therefore lodge with you my formal complaint, at such a letter is a misuse of State funds or, that not being the case) (deliberately deliberately intended to mislead through the use of the House of Commons name and logo.

I trust to your comments and advice.

11 March 2010

2. Letter from Mrs Anderson to Mr Baker, received 11 March 2010

The last couple of years have not been good. The recession hit us hard; house prices fell; people lost their jobs; the £ fell in value; and many of our high street banking institutions were on the brink. Some of this will have affected you and your family.

Thankfully we now seem to be coming out of the recession. I believe that is due to the steps taken by Gordon Brown to support the national economy, by securing the recovery, protecting front line services, and working to ensure a future fair for all.

I recently attended a breakfast meeting of around 30 local businesses in Rossendale and Darwen. They told me they thought the government had done the right thing in the difficult circumstances we faced during the world recession.

The other issue has been the expenses of Members of Parliament. I make no excuse for the abuses that have taken place. Indeed I myself have agreed to repay expenses which, although agreed by the authorities at the time, may appear to be excessive. What went on with some was wrong. I hope the new system to be in place after the election will help to reassure you that MPs are putting their own house in order.

Investment in our public services continues. The new Health Hub in Rawtenstall, restoring a birthing unit to Rossendale, previously lost in 1986; improvements to our local health centres, dignity and respect for pensioners, the life-saving cancer treatment guarantee, and the continuing success of our schools and children's centres. Our services are vital, and I will always fight to protect them.

As we become more confident about our future economic prosperity, I would like to reassure you that my priority is always to fight the corner for Rossendale and Darwen. I am proud to represent you in Parliament, and, as always, please do not hesitate to get in touch if I can help in any way.

16 March 2010

3. Letter to the Commissioner from Mr Mark Baker, 18 March 2010

... as requested, I enclose the original letter received. Previous mailings have not been retained.

¹ WE 2

It would appear to be the most blatant of electioneering, self-congratulatory and the main purpose of which is to secure a vote for herself and Labour. Devoid of substance it appears only to serve to boast of government achievements.

I must therefore lodge with you my formal complaint, that such a letter is a misuse of public funds or, if funded separately, is deliberately intended to mislead through the use and authority of the House of Commons name and logo.

I trust to your further comments and advice.

18 March 2010

4. Letter to Mrs Janet Anderson from the Commissioner, 22 March 2010

I would welcome your help on a complaint I have received from Mr Mark Baker about a letter he received from you, apparently on 11 March.

I enclose a copy of the complainant's letter of 11 March with copies of the relevant letter from you and envelope, and a copy of his letter of 18 March which he sent me, as I had requested, with the original versions of this material.

In essence, the complaint I have accepted is that you used House of Commons pre-paid envelopes to send unsolicited letters to your constituents and that those letters may have been funded from the Communications Expenditure at a time when that budget was no longer available for this sort of letter. I have not accepted that part of the complaint which suggests that the content of the letter was not appropriate for a letter using the House of Commons heading and the portcullis emblem, since it is open to a Member to state their views and opinions and I do not consider that the content of the letter could be held to be so party political as to rule out the use of the portcullis and the House of Commons heading. I have also told the complainant that I will not be inquiring into possible previous communications, since he has not been able to provide me with evidence which I can put to you.

The Code of Conduct for Members of Parliament sets out in paragraph 14 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 the use of House of Commons pre-paid envelopes are set out in the Green Book published in July 2009. The Green Book sets out the fundamental principles in Section 1.3 which apply to claims against all parliamentary allowances. They include:

☒ *“Claims should be above reproach and must reflect actual usage of the resources being claimed.*

...

☒ *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 specific rules on House stationery and postage are set out in Section 2.6 of the Green Book. Section 2.6.3.1 makes the following provision for 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.

Pre-paid envelopes may not be used to transmit mail intended generally to inform your constituents about your work as a Member. Such communications may be funded through Communications Expenditure.”

Section 2.6.3.2 includes the following reference in relation to House stationery:

“If you wish to use House of Commons stationery to write to people on issues on which they have not previously contacted you, you must purchase it from the suppliers, not as part of your cash-limited entitlement. Alternatively, you may photocopy stationery which includes the crowned portcullis and the words ‘House of Commons’. Any such use must also comply with the three requirements set out earlier in this section.”

A letter dated 15 December 2009 from the Director of Operations to all Members restricted the use of the Communications Expenditure. The second and third paragraphs of that letter stated:

“From 1 January 2010 the Communications Expenditure will be suspended for the majority of costs normally incurred. No claims for expenditure incurred on or after 1 January 2010 will be paid from the Communication Expenditure except when used to pay the following:

- Surgery posters or small advertisements in local and regional newspapers; these must not include party colours, logos or slogans and should not include other extraneous material.*
- Contractual agreements associated with the maintenance or lease of equipment entered into on or before the 23 November 2009.*
- Cancellation fees for any good or services entered into on or before the 23 November 2009, if the goods or services cannot be provided by 31 December.*

You cannot therefore use the Communications Expenditure or utilise resources acquired from the Communications Expenditure from 1 January 2010 for:

- The production and distribution of newsletters, Parliamentary reports, targeted letters, petitions and surveys.”*

...

The guidance note approved by the Members Estimate Committee and attached to that letter includes the following:

“Q1. Can I use Administrative and Office Expenditure after 1 January 2010 to fund what would otherwise be Communications Expenditure costs?”

A1. No. The AOE cannot be used for expenditure normally associated with Communications Expenditure as no provision is made in the Green Book for such costs to be paid for from the AOE.”

I would welcome your comments on this complaint in the lights of this summary of the rules. In particular, it would be helpful if you could let me know:

1. the circumstances in which you came to send out your letter, apparently on or about 11 March 2010, using pre-paid House of Commons envelopes;
2. the source of the notepaper used for this letter; whether the costs were met from parliamentary resources; and, if so, from which budget;
3. how many of these letters were sent out; whether they were all sent to your constituents or whether they were sent also to other people;
4. how many House of Commons pre-paid envelopes were used for this dispatch; and
5. whether you have consulted the House of Commons authorities about the dispatch of these letters.

...

Any other points you may wish to make to help me with this inquiry would be most welcome.

I attach 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 and am writing to you about it.

It would be very helpful if you could let me have a response to this letter within the next three weeks, although I appreciate that we are now very close to Dissolution and it is therefore unlikely that I will be able to resolve this before then. If that is the case, I will need to return to it once Parliament resumes.

If you would like a word about any of this, please contact me at the House. I do appreciate your help on this matter.

22 March 2010

5. Letter to the Commissioner from Mrs Janet Anderson, 8 June 2010

Thank you for your letter of 18 May² which I am afraid only reached me a few days ago as it was forwarded to my former constituency address. My apologies, therefore, for the delay in replying.

The mailing to which Mr Baker's complaint refers was sent out by a former member of my constituency staff, who has now been made redundant. However, I have checked the position with him which is as follows:

He tells me that a number of these letters were previously dispatched before Christmas but that there were some not dealt with at that time and he sent the remaining approximately 300 out in March. He tells me some were sent 1st class, some 2nd class and some were hand delivered, as we had insufficient envelopes to post all of the letters. I was not aware of this (the signature was an electronic one) although I accept of course responsibility for the letters.

I also accept that this should not have happened and I apologise unreservedly for any breach of the rules in place at the time.

If you require any further information, please do not hesitate to let me know.

8 June 2010

6. Letter to Mrs Janet Anderson from the Commissioner, 9 June 2010

Thank you very much for your letter of 8 June responding to this complaint about a letter which you sent to some of your constituents.

It was most helpful to have this response. In the light of this response it would be very helpful if you could clarify for me the following:

1. How many letters were sent out before Christmas? I need to have this information because the complaint is that these were unsolicited letters which should not have been funded from your provided stationery account and that you should not have used House of Commons pre-paid envelopes for any part of this dispatch;
2. Could you let me know of the total dispatch how many first and second class pre-paid envelopes were used;
3. Could you let me know the sources of the funding of the notepaper—was it drawn from your provided stationery account or funded from other parliamentary resources?

² With this letter, which is not included in the evidence, the Commissioner forwarded a further copy of his letter of 22 March.

4. Do you accept the suggestion that none of these letters should have been drawn from your provided stationery account and none should have used House of Commons pre-paid envelopes?

I appreciate that it has taken some time for my previous letter to find you—and I apologise for that—but if you could let me have a response to this letter within the next two weeks, that would be most helpful.

9 June 2010

7. Letter to the Commissioner from Mrs Janet Anderson, 12 June 2010

Thank you for your letter of 9 June requesting further details.

I will try to respond to this as quickly as I can. The problem I have is that my former member of staff who dealt with all of this is now abroad and not easy to contact. In addition, all our files have now been shredded and our computer data wiped.

However, I will do my best and will contact you again as soon as I am able to answer your questions in full.

12 June 2010

8. Letter to the Commissioner from Mrs Janet Anderson, 30 August 2010

Further to my recent telephone conversation with [your office], I am writing again about the above complaint. My apologies for the delay in doing so.

As you know from previous correspondence, I am in some difficulty about this as I have been unable to make contact with the former member of staff who dealt with these matters. ...However, my former office manager has now given me an account of what she recalls in relation to this matter.

She tells me that, in fact, the despatch due before Christmas never happened. The matter at issue would, therefore, seem to be the 300 that were despatched in March. She further tells me that, to the best of her recollection, about one-third were first class, one third second class and the remainder were hand delivered; and that the paper was funded from the communications allowance.

I accept that no prepaid stationery should have been used. While I was not aware at the time this had happened, I, of course, accept that the responsibility lay with me and I apologise for that.

If you require any further information, please let me know.

30 August 2010

9. Letter to the Director of Strategic Projects, Department of Resources from the Commissioner, 2 September 2010

I would welcome your help on a complaint I received against Ms Janet Anderson when she was the Member for Rossendale and Darwen, about her use of House of Commons stationery and pre-paid envelopes for a letter she sent to some of her constituents.

I attach [relevant correspondence].

In essence, the complaint I accepted from the complainant was that Ms Anderson used House of Commons pre-paid envelopes to send unsolicited letters to her constituents and that those letters may have been funded from the Communications Expenditure at a time when that budget was no longer available for this sort of letter.

As you will see, Ms Anderson has accepted that she should not have used House of Commons pre-paid envelopes for this dispatch in March this year, and that she should not have funded the notepaper from her Communications Expenditure (which she refers to as “Communications Allowance”).

I would be grateful for any comments you may wish to make on Ms Anderson’s conclusions. It would be helpful, too, if you could let me know the cost of 300 sheets of the paper used, and of 100 first-class envelopes and 100 second-class envelopes.

I would be most grateful if you could let me have a response to this letter within the next two weeks. Thank you for your help.

2 September 2010

10. Letter to the Commissioner from the Director of Strategic Projects, Department of Resources, 6 September 2010

Thank you for your letter of 2 September.

The cost of 300 sheets of paper is £11.58, of 100 first class envelopes £39.50 and of 100 second class envelopes £30.50.

I do not think that there is anything else in the correspondence which you copied to me on which I need to comment.

Please let me know if I can help further.

6 September 2010

11. Letter to Mrs Janet Anderson from the Commissioner, 7 September 2010

I last wrote to you on 2 September about this complaint, to let you know that I was consulting the Department of Resources.

I have now heard back from the Department. I attach a copy of my letter to the Department of 2 September and their response of 6 September. As you will see, they have identified that the cost of the notepaper and envelopes was, to the nearest pound, £82. I need now to consider how best to resolve this complaint. Given that you have accepted that that letter should not have been sent using House of Commons stationery and pre-paid envelopes, and have apologised, and given the amount of money involved, I consider that it would be right to resolve this matter using the rectification procedure provided under the standing orders. That means that, if you agree, I would be able to resolve the complaint by writing to the complainant to let him know the outcome. The matter would then be closed. I would report the outcome to the Committee on Standards and Privileges. If the House approves a recommendation which I made to the previous Committee on Standards and Privileges, and which they supported, you can expect my resolution letter, and the evidence on which it is based, to be published in due course on my web pages.

I attach an extract from the draft of the rectification letter which I would propose to send the complainant. I would be grateful to know whether you agree with this course of action and whether you have any comments to make on the factual accuracy of my draft.

If you do agree to this course of action, I would be very grateful if you could contact the Department of Resources straightaway and make arrangements to pay the £82 involved. It would be helpful if you could confirm that you have done so when you reply to this letter.

I hope that you might be able to respond within the next two weeks, so that I can write to the complainant and thus close the matter. I am most grateful for your help on this matter.

7 September 2010

12. Letter to the Commissioner from Mrs Janet Anderson, 10 September 2010

Thank you for your letter of 7 September. I am grateful to you for your suggestion to resolve this matter and agree with your course of action.

I am sending a copy of this letter to the Department of Resources, together with a cheque for £82 made payable to [...]. I will also send them a copy of your letter of 7 September so they are aware of the background.

10 September 2010