

# Dr Nigel Griffiths: Resolution Letter

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## Letter to Mr Derek Hammersley from the Commissioner, 6 July 2010

I have now completed my inquiries into the complaint which you sent me on 29 March against Dr Nigel Griffiths, then the Member of Parliament for Edinburgh South, about the unsolicited letter which you received from him on House of Commons notepaper and in a House of Commons envelope.

In essence, your complaint was that Dr Griffiths wrongly used House of Commons pre-paid envelopes and original House stationery to send unsolicited letters to his constituents.

I have consulted Dr Griffiths and the House authorities about this matter.

I understand from Dr Griffiths that the letter you received about a community meeting arranged for Saturday 13 March 2010 was sent to around 60 constituents who had written to him to complain about the impact of funding cuts on their local school. Dr Griffiths' evidence is that the letter was sent out on notepaper paid for by him at his own expense, and that he also paid for the envelopes and the stamps used. He has no record of sending the letter to you and cannot now say why you were included in the mailing as he has no record of your contacting him about this matter. Dr Griffiths accepts that you should not have been sent this letter and certainly not using a pre-paid envelope.

I accept Dr Griffiths's evidence that he personally paid for the production and, with a single exception, for the dispatch of these letters. The pre-paid House of Commons envelope which you received would appear to have been a single mistake made in the course of the dispatch. Dr Griffiths has readily accepted that the mistaken and unintentional use of a pre-paid envelope was a breach of the rules of the House and he has apologised. I consider Dr Griffiths has made a satisfactory response. I therefore regard the matter as closed. I will report the outcome to the Committee on Standards and Privileges when it is appointed.

I should point out that, if the House of Commons approves a recommendation from the Committee on Standards and Privileges in the last Parliament, this letter, and in due course the evidence which I have collected for this inquiry, will be published on my webpages.

I am copying this letter to Dr Nigel Griffiths.

*6 July 2010*

# Dr Nigel Griffiths: Written Evidence

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## 1. Letter to the Commissioner from Mr Derek Hammersley, 29 March 2010

I enclose an unsolicited letter from Edinburgh South MP, Nigel Griffiths.<sup>1</sup> I have never contacted Mr Griffiths for any reason or in any way and I was therefore very surprised to receive a letter from him on House of Commons notepaper.

I apologise for the torn state of the envelope as I initially assumed the communication to be a party political one and threw it away. It was only later that the significance of the franking occurred to me.

On the face of it this letter appears to be in breach of Section 2.6.3.1 of the Green Book and I should be most grateful if you would establish whether this is indeed the case.

*29 March 2010*

## 2. Undated letter to Mr Hammersley from Dr Nigel Griffiths

**Community Meeting, Gilmerton community Centre, Saturday 13 March, 10.30am**

I am writing to thank you and other local residents who share my concerns about the education cuts. I am especially grateful to everyone who accompanied your Councillor, [...], to ask my support in pressing the Council to reverse the £2.4m cuts from primary, secondary, and special schools. Following this, Councillor [...] spoke out at the Council meeting but sadly these cuts were passed by 29 votes to 28 at the last Council meeting. I am now seeking details of the impact of these cuts on your local school.

On another matter, following the heavy snow we had in January, I have pressed the council to improve gritting services after hundreds of elderly and disabled people complained that they could not make it out of their homes. If you have any further problems with the condition of a local pavement or road, please do not hesitate to contact me.

Lastly, many residents have complained to me about the change in Council policy to bring in charges for the Garden Aid scheme. This scheme provides free garden maintenance to the most elderly and disabled citizens, but now a £75 charge will be made and I am keen to ensure that the Council realises the full impact of this on local residents.

The councillors and I are calling a public meeting in Gilmerton Community Centre at 10.30am on Saturday 13 March to discuss anti social behaviour, local maintenance (litter, dogmess, pavements) and general issues such as busses and housing. I hope you can join us.

I would also be grateful if you would take the time to fill in the survey on the reverse side of this letter. As always, if there are any other matters I can help with, please do not hesitate to contact me.

*Survey on reverse side of letter:*

**What local issues are most important to you and your family?**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> <input type="checkbox"/> Crime     | <input checked="" type="checkbox"/> <input type="checkbox"/> Schools & Nurseries |
| <input checked="" type="checkbox"/> <input type="checkbox"/> Pavements | <input checked="" type="checkbox"/> <input type="checkbox"/> Health Care         |

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<sup>1</sup> WE 2



In essence, the complaint is that you wrongly used House of Commons pre-paid envelopes and original House stationery to send unsolicited letters to your constituents.

The Code of Conduct for Members of Parliament provides 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 stationery and pre-paid envelopes are set out in the Green Book published in July 2009. All claims for allowances should follow the fundamental principles set out in Section 1.3 of that book, including:

- *“Claims should be above reproach and must reflect actual usage of the resources being claimed.*
- *Claims must only be made for expenditure that it was necessary for a Member to incur to ensure that he or she could properly perform his or her parliamentary duties.*
- *...*
- *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.”*

Provisions in relation to House stationery and postage are set out in Section 2.6 of the Green Book. The purpose of the facility is set out in 2.6.1 as follows:

*“A cash-limited provision of House stationery and pre-paid envelopes is made available to Members for their parliamentary duties.”*

Paragraph 2.6.3.1 deals with pre-paid envelopes as follows:

*“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.*

*...*

*Pre-paid envelopes may only be used to send updates to constituents on an ongoing basis where the updates relate to specific cases (such as the progress on asylum applications). Pre-paid envelopes may not be used to send general updates.*

*Pre-paid envelopes must not be used*

*...*

- *for questionnaires and surveys*

*...*

- *For correspondence you instigate with constituents on issues on which they have not previously contacted you.”*

Paragraph 2.6.3.2 deals with the use of House stationery, including:

*“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.”*

In a letter to all Members dated 15 December 2009, the Director of Operations in the Department of Resources communicated the decision by the Members Estimate Committee in respect of the Committees Expenditure. It included the following:

*“From the 1 January 2010 the Communications Expenditure will be suspended for the majority of costs normally incurred ... You cannot therefore use the Communications Expenditure or utilise resources acquired from the Communication Expenditure from 1 January 2010 for:*

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

The Guidance Note which accompanies this letter gives further information about such letters, including the following question and answer:

*“Q1. Can I use Administrative and Office Expenditure after 1 January 2010 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 light of this summary of the relevant rules. In particular, it would be helpful if you would:

1. set out the circumstances in which you came to send your invitation and survey letter to your constituents;
2. let me know how many such letters you sent; how many were sent using House of Commons provided notepaper; how many were sent in House of Commons pre-paid envelopes; and how you decided to whom the letters were sent;
3. why you decided to use House of Commons notepaper and pre-paid House of Commons envelopes for this dispatch;
4. whether you consulted the Department of Resources at any time about this communication.

Any other points you may wish to make would, of course, be very welcome.

I enclose a note which sets out the procedure that 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.

I would be very grateful if you could let me have a first response to this letter if possible before dissolution. If you would like a word about any of this, please contact me at the House.

Thank you for your help.

*31 March 2010*

#### **4. Letter to the Commissioner from Dr Nigel Griffiths, 7 April 2010**

Thank you for your letter. I am checking this out with my [employee] who sent this letter—he is [abroad] — and I'll get back to you as quickly as possible.

*7 May 2010*

## 5. Letter to the Commissioner from Dr Nigel Griffiths MP, 12 April 2010

I responded to you last week about this matter.. [My employee is abroad] but I understand this letter was sent to around 60 constituents who wrote to complain about the impact of funding cuts on their local school, and was posted using stamps—not pre-paid envelopes. However, I can find no record of sending this to Mr Hammersley (nor indeed of Mr Hammersley contacting me about this matter). Clearly, he should not have been sent this, and certainly not using pre-paid envelopes.

*12 April 2010*

## 6. Letter to Dr Nigel Griffiths from the Commissioner, 27 May 2010

Thank you for your letter of 20 May<sup>3</sup> with the copy of the letter which you sent me on 12 April responding to this complaint, which I regret did not reach me here.

I was grateful for this brief response, but I am afraid it does not give me sufficient information to enable me to come to a view on whether your dispatch was in breach of the rules of the House. As I understand it, you invited sixty constituents to a public meeting on 13 March to discuss anti social behaviour, local maintenance (litter, dog mess, pavements) and general issues such as buses and housing. And you also sent them a questionnaire asking them about local issues of most importance to them, national issues, issues affecting the local community, repairs needed to local roads and pavements and other improvements. You say that these letters were sent in an envelope using a postage stamp. You have no evidence of having sent your letter to the complainant (although the evidence is clear that he received such a letter addressed to him). You accept that he should not have been sent such a letter, and that it should not have been sent in a House of Commons pre-paid envelope.

If this is an accurate summary, I need you to help me on the following:

1. Who paid for what appears to be original House of Commons notepaper for these sixty letters? Did the cost come from your provided stationery account?
2. Who paid for the envelopes and postage? Did you take the cost from your Communications Expenditure or from any other parliamentary account? If so, what was the cost?
3. Did you or your office consult the Department of Resources about this letter or survey at any time?

I would be very grateful if you could let me have a response to this letter within the next two weeks. Subject to your response I would hope then to consult the Department of Resources.

Thank you for your help so far.

*27 May 2010*

## 7. Letter to the Commissioner from Dr Nigel Griffiths, 28 May 2010

Thank you for your response to my letter of 12 April.

I understand that the letter headings were paid for by me as a part of a large order I placed before the last general election I fought—around 2002 or 2003—rather than paid for from the provided stationery allowance. Since my first election in 1987 often the stationery allowance was totally inadequate to meet the demands of my constituents so many thousands of letter heads were ordered and paid for directly from printers or from the House authorities. The stocks were then overprinted from time to time at my expense. We have just disposed of several thousand that remained and are now unusable.

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<sup>3</sup> With this letter Mr Griffiths sent a further copy of his letter of 12 April.

I paid for the envelopes and postage. The cost was not met from the Communications Expenditure or any other parliamentary account.

I do not know whether my ex-staff member consulted the Department of Resources. He moved [abroad] in April ...and was made redundant. If I can help you in any other way, please do not hesitate to contact me.

*28 May 2010*

### **8. Letter to the Director of Strategic Projects, Department of Resources from the Commissioner, 2 June 2010**

I would welcome your help on a complaint I have received against Dr Nigel Griffiths, the former Member for Edinburgh South, about his alleged use of parliamentary resources to send a letter to certain constituents with a survey and inviting them to a community meeting.

I attach a copy of [relevant material].

I would be grateful for any information the Department may hold which could help to substantiate the evidence which Dr Griffiths has given me in response to this complaint. It would appear that Dr Griffiths' note paper was funded by himself and the envelopes and postage he sent out was also funded by himself. On this basis, it would appear that using a House of Commons pre-paid envelope to send the invitation to the complainant was a single mistake. I would welcome any information you may have to help me on this matter and any comments you may wish to make to help me resolve this complaint.

If you could let me have a response to this letter within the next two weeks, that would be most helpful.

*2 June 2010*

### **9. Letter to the Commissioner from the Director of Strategic Projects, Department of Resources, 14 June 2010**

I am afraid that the Department has no information which could substantiate Mr Griffiths's response to the complaint you have received. There was no correspondence between Mr Griffiths and the Department on this matter; nor would we expect there to have been any.

I can, of course, confirm that it was outwith the provisions of section 2.6.3.1 of the Green Book to use a prepaid envelope to write to Mr Hammersley in the way that Mr Griffiths did.

I am sorry that I cannot be more helpful.

*14 June 2010*

### **10. Letter to Dr Nigel Griffiths MP from the Commissioner, 15 June 2010**

I have now heard back from the Department of Resources in respect of this complaint about the funding of the invitation you sent to certain of your then constituents for a community meeting on 13 March 2010.

I attach a copy of my letter to the Department of 2 June and their response of 14 June. You will note that they have no information to assist with the inquiry, other than to confirm that the use of a pre-paid envelope to write to the complainant was outside the rules.

I need now to consider how best to resolve this complaint. I take it from your evidence that you personally paid for the notepaper, production, envelopes and stamps for all the invitations you sent out, with the exception of one House of Commons pre-paid envelope which was mistakenly used to send the invitation to the complainant. The use of that envelope was, as I know you recognise, a breach of the rules of the House. If that is a fair summary of the position, the error would appear to have been a mistake. The breach was minor. In such circumstances, I am able to resolve the complaint with your agreement through the rectification procedure. In such a case, I write to the complainant to set out the facts and to note that the Member has accepted the breach. The Committee on Standards and Privileges also expects the Member to have apologised. Once I have written to the complainant, I regard the matter as closed. I report the outcome briefly to the Committee.

I would be grateful if you could confirm my understanding of your evidence and, if so, if you could let me know whether you agree with my proposal to resolve it now through the rectification procedure. I enclose the text of a letter which, if you agree, I would send the complainant. If you are content, I would be grateful if you could confirm the factual accuracy of the draft.

If you could let me know within the next week whether you are content with this course of action, I would, with your agreement, write to the complainant and close the complaint on that basis. I look forward to hearing from you.<sup>4</sup>

*15 June 2010*

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<sup>4</sup> Dr Griffiths confirmed that he was content with the letter.