

Rt Hon Sadiq Khan MP: Resolution Letter

Letter to Mr Greg Hands MP from the Commissioner, 4 October 2010

I have now concluded my inquiry into the complaint you sent me on 10 May about the use by Rt Hon Sadiq Khan MP of House stationery and postage for a letter he sent to his constituents shortly before the Dissolution of the last Parliament.

In essence, your complaint was that shortly before the Dissolution of Parliament, Mr Khan used House of Commons pre-paid envelopes and perhaps House of Commons provided stationery to send unsolicited letters to his constituents, and that he did so in support of his return to public office.

I have consulted Mr Khan, the House authorities and another Member of Parliament, Mr Jim Hood, in the course of my inquiries.

Mr Khan's evidence is that since the beginning of this year, his office and he had received numerous inquiries from Tooting residents about how the Dissolution of Parliament and the General Election campaign would affect their relationship with their Member of Parliament. His evidence is that many constituents presumed that he would be able to continue to assist them during the election campaign in exactly the same way as he did whilst a Member of Parliament. Others expressed concern about what would happen to ongoing cases when Parliament was dissolved. And, Mr Khan said, he had many constituents asking for appointments at his advice surgeries during what would be the election campaign. Mr Khan's evidence is that the majority of his constituents who had approached him did so on immigration matters, and, he believes, were not entitled to vote.

Mr Khan's evidence is that he wrote only to constituents who had previously contacted him on constituency casework. He has told me that the Dissolution guidance for Members allowed for the continuation of urgent constituency casework during the election campaign. His overriding concern was to ensure that the constituents whose cases he was dealing with knew what the arrangements were during the election campaign and how it would affect those cases. He wanted to make clear that he was not the Member of Parliament for Tooting, or for any other constituency, during the election period. As he was no longer a Member of Parliament he would not be able to respond to new enquiries or continue with ongoing enquiries in a Parliamentary capacity. And he wanted to make clear that he would not be conducting advice surgeries. Mr Khan told me that the Tooting Labour party was also getting a number of inquiries about advice surgery appointments and he was concerned that, by doing nothing, members of the public would visit the Tooting Labour party to talk about his work, and this could be construed as electioneering.

Mr Khan therefore drafted the letter that was the subject of your complaint. It was addressed to named constituents, but was a common format letter with a facsimile signature. Mr Khan's evidence is that the phone number given was that of the constituency party which they had had for many years (it was not a special campaign number). Given the shutdown of parliamentary facilities, he considers it is hard to see what other number he could have given.

Mr Khan used notepaper from his provided House of Commons stationery account and House of Commons pre-paid envelopes from the same account. He sent out approximately 500 letters in this way. Although this number of letters was far less than the number of cases he was dealing with, he is not able to say categorically that all those to whom he wrote were on his current caseworker database. He could not be sure, therefore, that the letter went only to constituents whose cases he was currently handling. Some may have gone to constituents whose cases he had previously handled.

Mr Khan's evidence is that he intended that all his letters should be sent using second class House of Commons pre-paid envelopes. He had identified two boxes of these envelopes for this dispatch and these were the ones he believed had been used by his staff. He has said that his staff may have asked interns or work experience students to stuff the envelopes and there may have been some "cross-stuffing" with other urgent casework correspondence which he would send in first class envelopes.

Mr Khan's evidence is that the purpose of the letter was not to support his return to public office. Indeed, taking the letter overall, he considers that the references to his own performance as a constituency member did not claim such a high standard of service as to amount to an assertion that he should be re-elected. These references were put in to avoid it being curt, alarmist or overly blunt or legalistic. His evidence is that he intended no political benefit from the letter.

Mr Khan drew my attention to the letter which another Member had sent to his constituents shortly before Dissolution. I therefore took evidence from that Member and consulted the House authorities about it. Mr Jim Hood MP has confirmed to me that he sent a letter about post-Dissolution arrangements to constituents shortly before Dissolution using House of Commons provided stationery and pre-paid envelopes. Unlike Mr Khan, however, he sought and received the approval of the Department of Resources for the text of his letter. It makes no reference to Mr Hood's performance as a constituency MP. It identifies other elected representatives who could take the constituent's case forward while Parliament was dissolved. It also notes that he would continue working on the case if he were re-elected, and that, if he were not, the constituent would need to write to the new Member. Unlike Mr Khan's letter, it was sent only to constituents whose cases Mr Hood was currently handling.

The Department has noted that both stationery and postage are provided for Members' duties. In their view, since the information in Mr Khan's letter provided a benefit to the constituent after Dissolution had occurred, the letter was not a proper use of House of Commons stationery and postage since it referred to a time when no parliamentary duties could be undertaken. The Department also considered that Mr Khan's letter was a general update for which the use of House of Commons pre-paid envelopes was not permitted. The Department, however, have considerable sympathy with the concerns Mr Khan raised with me that many constituents did not appreciate that when Parliament is dissolved, they no longer have the Member of Parliament to represent them. The Department do not believe that the text of his letter supported the return of Mr Khan to public office (except in the general sense that it presented a positive view of his activity as a constituency Member, which they recognize is an argument for his re-election). They do not judge that the content of the letter related to party political activity and note that there was no evidence of party affiliation in the letter. They have advised that the cost of 500 sheets of House of Commons notepaper and 500 second class pre-paid envelopes was together £173. I do not know the number of any first class envelopes used and so have not included that in the calculation.

Having carefully considered all the evidence, I have concluded that the text of Mr Khan's letter had the effect, which I accept was not intended, of supporting his return to public office, contrary to the rules of the House. I do not, therefore, accept the conclusions of the Department of Resources on this, although I note their view that the letter in a general sense presented a positive view of Mr Khan's activities as a constituency Member. In my judgment, presenting such a view, particularly in the period shortly before a General Election, had the effect of supporting Mr Khan's return to public office. It would have been possible to have drafted an informative and approachable letter, as did Mr Hood, without having that effect. I conclude also that, as it was sent to constituents whose cases Mr Khan was not currently handling, the letter could not be held to be an update responding to a specific case, which, subject to the letter's content, could have been allowed under the rules.

More generally, the Department has made an interesting point about future benefit to constituents, but I believe they were right to decide in Mr Hood's case that it was acceptable within the rules to use parliamentary resources to inform constituents whose cases the Member was handling of the effects on their case of the forthcoming General Election, and the options open to them. I consider that the same principle should apply to Mr Khan's letters. I do not therefore consider that writing to constituents whose cases he was handling, about the effect of Dissolution on those cases, was outside his parliamentary duties.

Mr Khan has accepted my judgment that, while this was not his intention, the effect of his letter was to support his return to public office as well as to inform his constituents about the position regarding constituency cases during the Dissolution period. He has accepted, therefore, that he was in breach of the rules of the House in this respect. He has also accepted that he was in breach of the rules in using House of Commons pre-paid envelopes to send out his common format letter to constituents who may have included some whose cases he was not currently handling. He had voluntarily re-paid the full sum, £173, before I had reached this conclusion. He has apologised. He will ensure that his office is reminded of the rules in relation to provided House stationery.

I consider that Mr Khan has made an appropriate response to your complaint. Given his understandable wish to inform his constituents about the handling of constituency cases during the election period, and that he did not intend to breach the rules of the House in sending out his letter, and given the scale and costs involved, I consider that the matter can be resolved on the basis of Mr Khan's response. I therefore now regard the matter as closed. I will report the outcome to the Committee on Standards and Privileges.

I accept that there may be a wider issue about advising constituents about how they can have their cases pursued during the Dissolution of Parliament. There is no reference in the rules to such pre-Dissolution letters. It is, of course, open to Mr Khan, as it is for any Member, to raise the matter with the House in good time before any forthcoming election.

I should point out that if the House approves my recommendations supported by the Committee on Standards and Privileges in the last Parliament, this letter, and the relevant evidence, will in due course be published on my webpages.

I am copying this letter to Rt Hon Sadiq Khan MP.

4 October 2010

Rt Hon Sadiq Khan MP: Written evidence

1. Letter to the Commissioner from Mr Greg Hands MP, 10 May 2010

I am writing to you to renew my complaint¹ that Sadiq Khan, Member of Parliament for Tooting, has potentially breached parliamentary rules by using taxpayer-funded stationery to send unsolicited mail to his constituents ahead of the General Election. You suggested in a letter to me last month² that you were unable to take the complaint, as it was made after the dissolution proclamation had been made.

In the letter attached, printed on House of Commons paper and including the Portcullis logo, Mr Khan writes about *"the arrangements for contacting me during the forthcoming election period...You and I have corresponded, or perhaps, we have also met at one of my regular advice surgeries."*³ The letter is unsolicited but includes Mr Khan's contact number, which is the same as the Tooting Labour Party's campaign number.

The text of this letter, which is generic, is also suggestive of it being sent to thousands of eligible voters in the Tooting constituency. For example, Mr Khan writes: *'I have dealt with the queries or problems of thousands of local residents.. .In all cases, I hope you will feel that I have responded to your concern in a respectful and conscientious fashion.'* There is nothing in the letter that suggests it is personal to the recipient.

I believe that this letter, which was also sent in a House of Commons pre-paid branded envelope, is in breach of rules set out in the Department of Finance and Administration's The Communications Allowance and the use of House stationery (April 2007):

- **Breach of rule on use of stationery.** '7: Original House stationery, however it is acquired, should not, in any circumstances, be used for the following purposes.. .b) in connection with fund raising for the benefit of a political party, advocating membership for a political party, or supporting the return of any person to public office.' (page 33)
- **Breach of rule on pre-paid envelopes.** '14: Pre-paid envelopes must not be used.. .h) for correspondence with constituents on issues on which they have not previously contacted you or on which they have only contacted you at your own instigation.' (page 34)

I also attach press coverage of the letters from April.⁴

Therefore, I would be grateful if you could look into this matter further and inform me of whether you will launch an investigation into potential breaches of parliamentary rules. I have included a scan of two examples of the letter⁵ and an envelope for your information.

Please do not hesitate to contact me if you require any further information.

10 May 2010

¹ Originally submitted during the Dissolution period, during which the Commissioner is not able to accept complaints for inquiry.

² That exchange is not included in the evidence

³ WE 3

⁴ WE 2

⁵ The text is at WE 3

2. Extract from *Daily Telegraph* article of 12 April 2010

A SENIOR Labour minister has been accused of abusing House of Commons expenses to support his election campaign.

Days before the dissolution of Parliament for the election, Sadiq Khan, a transport minister, used Commons stationery and prepaid envelopes to write to hundreds of voters in his marginal seat lauding his record.

The Conservatives will make a formal complaint today to the Parliamentary Commissioner for Standards about Mr Khan, the MP for Tooting in south London.

Under Commons rules, prepaid envelopes and official stationery can only be used for official parliamentary business.

MPs are not allowed to use them to send unsolicited mail, or for campaigning purposes.

Mr Khan earlier this year repaid more than £2,500 in parliamentary expenses and apologised after breaking those same rules by sending cards and letters to young voters in his seat.

Over the past week, many of Mr Khan's constituents have received unsolicited letters from him, detailing his record in office and telling voters how to contact him during the election campaign.

He said: *"Over the past five years as the local MP I have dealt with the queries or problems of thousands of local resident. In most cases, I believe I have been able to provide a positive answer."*

Several of the recipients of Mr Khan's letters passed them to the Conservative Party. Tooting is a Tory target seat, and must change hands if the Conservatives are to win a majority at the election.

Greg Hands, a Conservative shadow Treasury minister, said that before the dissolution, he would report Mr Khan to John Lyon, the Parliamentary Commissioner for standards. *"Labour's Sadiq Khan appears to have sent out thousands of unsolicited letters to Tooting residents at almost the last possible moment, using taxpayer-funded stationery and taxpayer-funded postage,"* he said. *"This is a disgraceful abuse by a senior Labour minister."*

Mr Khan did not return messages seeking comments on his letters.

12 April 2010

3. Undated letter to constituents from Rt Hon Sadiq Khan MP

I am writing to let you know about the arrangements for contacting me during the forthcoming election period. Once Parliament is formally dissolved all current Members of Parliament (including me) cease to be MPs, unless we are re-elected at the General Election.

You and I have corresponded or, perhaps, we have also met at one of my regular advice surgeries. Indeed, over the past five years as the local MP I have dealt with the queries or problems of thousands of local residents. In most cases, I believe I have been able to provide a positive answer. Sometimes, I acknowledge, we have not achieved the outcome you would have desired. In all cases, I hope you will feel that have responded to your concern in a respectful and conscientious fashion.

I believe that helping the people in my constituency with their concerns is one of the most important duties in my role as an MP, and that direct link between constituent and MP is one of the great assets of our political system. I have been happy to undertake these cases and feel I have dealt with them to the best of my ability.

I am not allowed to hold my advice surgeries as the MP once the election is underway. My surgeries will not be taking place during the campaign but will begin again should I be re-elected at the General Election. The rules of the House of Commons make clear that I do not have access to my files, email or parliamentary network from 5pm on the day Parliament is dissolved. However, even though I am no longer the Member of

Parliament, (unless I'm re-elected) I am happy to help you. If you need to get in touch with me, you can contact me at [...]

4. Letter to Rt Hon Sadiq Khan MP from the Commissioner, 18 May 2010

I would welcome your help on a complaint which I have received from Mr Greg Hands MP in respect of letters you purportedly sent to your constituents towards the end of the last Parliament using House of Commons stationery and House of Commons pre-paid envelopes.

I attach a copy of the complainant's letter of 10 May, together with copies of the letters and a pre-paid House of Commons envelope, in which the complainant says that one of these letters was sent.⁶ I attach also a copy of the press article included with the complainant's letter.⁷

In essence, the complaint is that, shortly before the Dissolution of Parliament, you used House of Commons pre-paid envelopes and perhaps House of Commons provided stationery to send unsolicited letters to your constituents, and that you did so in support of your return to public office.

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 postage at that time are set out in the Green Book published in July 2009. Section 1.3 sets out the fundamental principles which apply to all claims against parliamentary allowances. These include:

" ...

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 House stationery are set out in section 2.6 of the Green Book. Paragraph 2.6.3.1 provides the rules in relation to the use of pre-paid envelopes, including:

"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.

...

⁶ WE 1, 2

⁷ WE 3

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.”

The same paragraph later gives a list of circumstances in which pre-paid envelopes must not be used, including:

- “ ...
- *✗In connection with fund raising for the benefit of a political party or supporting the return of any person to public office*
- ...
- *for correspondence you instigate with constituents on issues on which they have not previously contacted you”.*

And the same paragraph provides as follows:

“You are encouraged to use second-class pre-paid envelopes. First-class envelopes should only be used for priority mail.”

Provisions on the use of House stationery are set out in paragraph 2.6.3.2, including the following:

“House stationery, however it is acquired, should not be used for the following purposes:

- ...
- *✗In connection with fund raising for the benefit of a political party, advocating membership of a political party, or supporting the return of any person to public office*

...

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.”

From 1 January 2010, the Communications Expenditure was suspended for the majority of costs normally incurred under that provision. In a letter of 15 December 2009 to all Members, the then Director of Operations wrote, “No claims for expenditure incurred on or after 1 January 2010 will be paid from the Communications Expenditure” (There were certain exceptions, which do not apply in this case). He continued:

“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 production and distribution of surgery leaflets and fliers (in other words, a ban on anything that can be put through the letter box).”*

The attached guidance note makes clear as follows:

“The new rules have arisen because of commitments made in the House connected to the implementation of section 21 of the Political Parties and Elections Act 2009. The Act introduces for the first time a ‘long

campaign' period beginning on 1 January 2010 and lasting until Dissolution. As a result, certain expenditure by Members from 1 January can be considered as an election expense under the Representation of the People Act 1983. The Electoral Commission, which regulates election expenses, has advised that, in general, expenditure on items clearly falling within the Green Book rules would not constitute an election expense; but Members should be aware that there is no blanket dispensation for expenditure from Members' parliamentary allowances."

The questions and answers which follow include the following:

"Q. Can I use Administrative and Office Expenditure after 1 January 2010 to find what would otherwise be Communications Expenditure costs?

A. No. The Administrative and Office Expenditure 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 Administrative and Office Expenditure."

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. why you decided to send these letters to your constituents;
2. the dates when you sent out these letters, and who you decided to send them to;
3. whether the notepaper used was drawn from your stationery allowance, or if not, how it was funded;
4. whether you consider that some parts of your letter could be taken as supporting your return to public office, given the proximity of the letter to the General Election. In particular:

"Indeed, over the past five years as the local MP I have dealt with the queries or problems of thousands of local residents. In most cases, I believe I have been able to provide a positive answer [...] I believe that helping the people in my constituency with their concerns is one of the most important duties in my role as an MP [...] I have been happy to undertake these cases and feel I have dealt with them to the best of my ability ... However, even though I am no longer a Member of Parliament (unless I'm re-elected), I am happy to help you."

5. why you apparently used House of Commons first-class pre-paid envelopes to send these common format letters to your constituents;6. how many such letters you sent to your constituents and how many of those letters were dispatched using House of Commons first-class pre-paid envelopes.

Any other points you may wish to make to help me with my inquiry would, of course, be most welcome.

I attach a note which sets out the procedure I follow.

I wrote to the complainant to let him know that I would be considering his complaint once the new Parliament had assembled on 18 May.⁸ I have now written to him again to let him know that I have accepted his complaint and am writing to you about it. I would welcome 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 look forward to your help on this matter.

⁸ That exchange is not included in the evidence.

18 May 2010

5. Letter to the Commissioner from Rt Hon Sadiq Khan MP, 7 June 2010

Thank you for your letter, dated 18th May 2010. You have invited me to comment on the complaint made by Mr Greg Hands MP.

I note that you have decided to accept the complaint from Mr Greg Hands MP. I am disappointed by this. I believe the complaint is a vexatious complaint, originally made during the course of the General Election campaign to cause me maximum political embarrassment. It is noteworthy that the press were contacted before you or me. The complaint was not made by a constituent, and I have already suffered electorally for this, via the coverage the Conservative Party were able to generate during the election campaign.

Since the beginning of 2010 my office and I received numerous enquiries from Tooting residents about how the dissolution of Parliament and the General Election campaign would affect their relationship with their Member of Parliament.

Many constituents presumed that I would be able to continue to assist them in exactly the same way during the election campaign as I did whilst a Member of Parliament. Others expressed concern about what would happen to ongoing cases (such as housing and immigration cases) when Parliament was dissolved. I also had dozens of people asking for appointments at my advice surgeries during what would be the election campaign. My staff had to inform them I would only be holding further advice surgeries if re-elected. Much of this was able to be done over the telephone, face-to-face at surgeries, and via email. Further, a considerable number of my constituents are extremely anxious about obtaining regular updates of their cases, especially involving asylum and family reunion cases.

A considerable proportion of constituents who contact me for assistance do not have English as a first language or access to email, and the majority of constituents who approach me are for immigration matters, and are accordingly not entitled to vote in elections! This therefore contradicts the central basis of the complaint from Mr Greg Hands MP, that I was using stationery to 'support the return of myself (sic) to public office'.

I only wrote to constituents who had cases as a result of their initiating contact with me. Accordingly, they were not unsolicited, as alleged.

Constituents in general don't understand that MPs are not MPs during an election campaign. They still have casework that requires attention, particularly in an area like Tooting where there are a high number of urgent immigration issues. And they don't draw a distinction between their MP, and the local party, that MP belongs to (particularly where office space is shared). I did NOT write 'unsolicited to thousands of voters (sic) as Mr Greg Hands MP suggests.

My overriding concern was to ensure that my constituents, who I had cases for, knew what the arrangements were during the election campaign and how it would affect their case. Namely that:

- There was not a Member of Parliament for Tooting, or any other constituency.
- As I was no longer a Member, I would not be able to continue with casework or issues of policy asked of me in a Parliamentary capacity.
- That I would not be conducting advice surgeries.
- That I would not have access to constituents' records but that I would be happy to continue to do casework on their behalf (as permitted in the Members' guidance on dissolution arrangements). As both my Parliamentary and constituency offices were closed for the election campaign, I felt it imperative that I provide a landline number where I could be contacted.

In this context, I don't see anything wrong with the use of the constituency party phone number (this was not a special campaign number, as Mr Greg Hands MP misleadingly suggests) which the constituency party has

had for many years. The constituency party gets calls for me from members of the public all the time. Short of publishing my personal telephone number, it's hard to see what else I could have done (given the shutdown of parliamentary facilities), and in fact the purpose of the letter was to prevent such calls.

The letter was printed on paper funded through parliamentary allowances, and sent out using envelopes supplied by central provisions. I have always instructed my office to use second-class envelopes unless mail is urgent. I have asked my team about the use of first-class envelopes, and they have no knowledge of these being used, notwithstanding your enclosure.

I strongly dispute the suggestion that the letter was sent to "support my return to public office (sic)". I thought it was a responsible use of my provisions to ensure my constituents who had cases with me were aware of the changes the dissolution of Parliament brings, and of how this would affect them.

With respect, the sentences you have highlighted in your letter of 18th May (p.4) are selective, and can't fairly be read by themselves. On reading my letter in its entirety, there is little in fact that asserts that I achieved a standard deserving re-election: being '*respectful and conscientious*' is in fact a fairly low standard. Indeed, I have acknowledged to constituents I have helped that I haven't always been successful!

Personalising the letter, based on the particular status of my constituents' case/correspondence, was impracticable and given the limited time between announcement and dissolution, writing in generic terms was the only realistic approach. So it was an individual letter, not a general one.

The proximity of the letter to the General Election is explained by the fact it relates to dissolution arrangements. It would have been inappropriate to send it at any other time. The dissolution guidance for Members specifically stated that former Members could continue to do casework throughout the election campaign. I do not consider it electioneering to inform constituents with cases of this or to let them know how they can contact me about their cases.

Having reflected upon this, I think this shows a wider problem: that when MPs are no longer MPs, the public still needs MPs — especially given how the casework aspect of our role has become more important. I appreciate this is not an issue for you as Parliamentary Commissioner, but you may want to recommend that someone gives this some consideration; at a minimum, the House could provide standard wording and communication support to spread this message and avoid further dispute. It would certainly be improper to consider penalising me for addressing this in the absence of any central assistance.

I do of course understand your responsibility to investigate all complaints, and recognise the potential severity of the issues raised in this specific complaint. However, I do not believe I have breached the rules on House stationery or postage. Accordingly, the complaint should be dismissed. It is clear that Mr Greg Hands MP is trying to make party-political gains through the use of your office.

I hope that this letter helps with your enquiries.

Please do not hesitate to contact me should you have any further questions or queries. I would also be happy to meet with you should you wish to discuss this matter.

7 June 2010

6. Letter to Rt Hon Sadiq Khan MP from the Commissioner, 8 June 2010

Thank you for your letter of 7 June responding to mine of 18 May about this complaint in respect of letters which you sent to some of your constituents shortly before the General Election.

I was grateful for this response. Could I ask you for the following further help?

1. Could you let me know how many copies of this letter you sent out, as requested in my letter of 18 May?

2. Could you confirm that each letter was individually addressed to a named constituent, albeit that the content was identical and you did not personally sign each of the letters?
3. Do you believe that at least some of the letters may have been sent in first-class envelopes (given the evidence provided by the complainant), or that the complainant is mistaken in suggesting that the envelope he copied with his complaint was used for this dispatch?
4. Could you let me have some examples—say, up to 20—of the sort of enquiries you were receiving to which your letter was the response?
5. I have noted the point you make about reading the text of the letter to your constituents in its full context. Given the stated purpose of the letter, as set out in the bullet points at the eighth paragraph of your letter to me, I would be very grateful to know why you considered it necessary to include the references which I highlighted in my last letter and which together take up more than half of the letter and represent two of its four paragraphs. It would appear that the points you wanted to make were only covered in the final paragraph.

If you could let me have a response to these further points within the next week, I would be most grateful. I would propose then to consult the House authorities. Thank you for your help.

8 June 2010

7. Letter to the Commissioner from Rt Hon Sadiq Khan MP, 14 June 2010

Thank you for your letter, dated 8th June 2010.

In response to the questions you have asked for further information on;

1. My office sent out approximately 500 letters. I know this to be correct as I had identified two boxes of House of Commons issued pre-paid 2nd class DL envelopes to be used for this.
2. I can confirm that each letter was individually addressed to a named constituent, and signed electronically (which is common in my office).
3. I would be very surprised if the letters were sent out in first-class envelopes, as I insist upon my office to only use second-class envelopes unless the mailing is of urgent necessity. It is possible that there may have been some cross-stuffing of these letters with other correspondence from my office — I do approve of using first-class envelopes for urgent casework matters. You will appreciate that I do not personally stuff my letters, and often my permanent staff ask interns or work experience students to stuff envelopes.
4. Given the number of enquiries my office received, I should stress that the purpose of my letter was also to pre-empt further enquiries post-Dissolution. The majority of the enquiries were for details about and appointments for my advice surgeries in the forthcoming weeks. The vast majority of the enquiries were to my staff and came verbally either over the phone or from visitors to the constituency office. I was also approached on the street and at local events. Neither my staff or I can quote my constituents verbatim, however *when is your next advice surgery?*, *what if I want an update on my immigration case during the General Election?*, *will you still be my MP during the General Election?*, *why can't you help me during the General Election?* *is my housing case not important to you because there is an election coming?*, *can I have appointment to see you at Balham Community Centre?*, *when can I discuss my benefits case with Sadiq?* were some of the questions that my staff and I were being asked. I also put up a poster on the constituency office window (which was closed, once Parliament was dissolved) displaying similar information to that which was in my letter. Also, the Tooting Labour Party were receiving a number of enquiries about advice surgery appointments. I felt that by doing nothing to notify my constituents of this fundamental change in our relationship could itself be construed as electioneering; inertia on my part would be essentially letting members of the public visit the Tooting Labour Party, to talk about my work, when I knew I could have prevented that from happening by publicising that change to those who have previously come to me for help.

5. As an inner-London MP, often dealing with vulnerable constituents, I make a conscious effort to write in a style that is personal, and not overly-blunt or legalistic. The letter was padded to avoid being curt or alarmist. No political benefit was intended. Indeed, I would point out that I specifically referred in my letter to my sometime failing to assist constituents as they had hoped...

I hope that this letter helps with your enquiries.

Please do not hesitate to contact me should you have any further questions or queries. I would also be happy to meet with you should you wish to discuss this matter.

14 June 2010

8. Letter to Director of Strategic Projects, Department of Resources, 15 June 2010

I would welcome your help on a complaint I have received against Rt Hon Sadiq Khan MP in respect of a letter he sent to some of his constituents shortly before the Dissolution of Parliament, using House of Commons-provided stationery and pre-paid envelopes.

I enclose [relevant material]. In essence, the complaint is that, shortly before the Dissolution of Parliament, Mr Khan used House of Commons pre-paid envelopes, and perhaps House of Commons-provided stationery, to send unsolicited letters to his constituents, and that he did so in support of his return to public office.

I would welcome your comments and advice on this matter. In particular, it would be helpful to know whether, taking account of the Department's approach to these matters and the timing of the letter, the Department consider that the letter's content supported the return of Mr Khan to public office, or otherwise related to party political activity; and, whether or not it related to party political activity, if in the Department's judgement it was within the rules to use House of Commons-provided notepaper and House of Commons pre-paid envelopes to send a letter of this sort to 500 of Mr Khan's constituents whose cases he had dealt with. It would be helpful if your advice could take account as necessary of the restrictions on the use of the Communications Expenditure which applied from 1 January 2010. Could you also let me know the cost of 500 sheets of Mr Khan's House of Commons notepaper and 500 second-class pre-paid envelopes?

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

I would be most grateful if it were possible to let me have a response to this letter within the next two weeks.

15 June 2010

9. Letter to the Commissioner from Director of Strategic Projects, Department of Resources, 22 June 2010

Thank you for your letter of 15th June which I received on 21st June.

I have considerable sympathy with the points which Mr Khan makes about the understandable way in which constituents do not appreciate that, when Parliament is dissolved, they no longer have a Member of Parliament to represent them.

Stationery and postage are provided for Members' parliamentary duties. Therefore the question seems to me to be whether a Member who writes to a constituent before dissolution explaining how he or she should contact him or her when he or she has ceased to be a Member is performing a parliamentary duty towards that constituent at the time of the letter, or whether the Member is providing a prospective service for a time when he or she will not be a Member. Both points of view can be argued. However, my judgement is that the important consideration is when the benefit to the constituent is realisable. This can only be after dissolution has occurred - when no parliamentary duties can be undertaken. Therefore such a letter seems to me not to be a proper use of stationery or postage.

Even if the conclusion I reach in the previous paragraph is mistaken, I would regard Mr Khan's letter as in the class of a general update, for which the use of pre-paid envelopes is not permitted.

I do not, however, believe that the letter supported the return of Mr Khan to public office (except in the very general sense that it presented a positive view of his activity as a constituency Member, which is an argument for re-election), or that it related to party political activity (there is no evidence of party affiliation in the letter).

The allowance for stationery and postage was separate from the Communications Expenditure, and therefore the restrictions on Communications Expenditure which applied after 1st January 2010 do not seem relevant to this case.

The cost of 500 sheets of Mr Khan's House notepaper was £19.30, and the cost of 500 second-class pre-paid envelopes was £154.06.

Please let me know if I can help further.

22 June 2010

10. Letter to Rt Hon Sadiq Khan MP from the Commissioner, 23 June 2010

I have now heard back from the Department of Resources with their advice on this complaint about your use of House of Commons stationery and envelopes to write to some of your constituents shortly before the Dissolution of the last Parliament.

I mentioned in my letter to you of 15 June that I was writing to the Department to seek their help with this inquiry. I enclose a copy of my letter to the Department of 15 June and a copy of their response of 22 June.

You will see that, while the Department have considerable sympathy with the wider points you have made, they have concluded that, since your letter related to circumstances after the Dissolution of Parliament, it was not a proper use of House of Commons stationery or postage. And in any event, since it was a general update, the use of pre-paid envelopes was not permitted. They do not believe, however, that the letter supported your return to public office, except in the very general sense that it presented a positive view of your activities as a constituency Member, which was an argument for re-election. Nor do they consider that it related to party political activity, since there was no evidence of party affiliation in the letter.

I need now to consider how best to resolve this complaint. I am minded to accept the Department of Resources' conclusions in relation to their view that the letter was not a proper use of House of Commons stationery or postage since it referred to matters after the Dissolution of Parliament and because it was a general update. Since House of Commons stationery should not have been used for this dispatch, I consider I do not need to come to a considered view on the content of the letter since clearly, had you not used House of Commons stationery, the content would not have been subject to the rules of the House.

Given the nature of the breach, and the costs involved (which the Department estimates to have been a total of £173.36), I would be ready, if you agree, to consider the use of the rectification procedure to conclude this complaint. In order for me to use the rectification procedure you would need to accept that your use of House of Commons stationery breached the rules, undertake to ensure that it does not happen again, and pay back the costs of the stationery (£173.36) from your own resources. The Committee on Standards and Privileges also expects a Member to have apologised.

If you were to agree to rectification on these lines, then I would write to the complainant and close the complaint. I attach a copy of the draft letter which, if you agree, I have it in mind to send to the complainant. I would report the outcome to the Committee on Standards and Privileges when it is appointed. But I would not prepare a formal memorandum to the Committee and they would not, therefore, consider my memorandum and produce and publish their own report.

If the House agrees to a recommendation made by the Committee in the previous Parliament, then you can expect my letter to the complainant and, in due course, the evidence on which it is based, to be published on my webpage.

If you were not to agree to this course of action, then I would need to consider preparing a full memorandum to the Committee. I would show you the draft factual sections of that memorandum, add my own conclusions, and submit it to the Committee for their consideration. Having taken account of any points you may wish to make, they would produce and publish their own report with their recommendations on the actions that they would wish the House to take in response to this matter.

I would be grateful:

1. for any comments you may wish to make on the Department's advice;
2. to know whether you would like me to consider rectifying this complaint on the lines set out in this letter and in the attached draft;
3. if you would like me to consider rectification, whether you have any comments on the factual accuracy of the attached draft.

If you were to agree to rectification on the lines proposed, I would write straightaway to the complainant and close the complaint on that basis. If it were possible to let me have a response within the next week, I would be most grateful, as I have been for your prompt responses so far. Thank you for your help.

23 June 2010

11. Letter to the Commissioner from Rt Hon Sadiq Khan MP, 5 July 2010

Thank you for your letter dated 23rd June 2010.

I welcome your suggestion that we could resolve this complaint by agreement between ourselves, for two reasons. First, I would suggest that the value placed on the mailing (£173.36) by the Department of Resources is probably less than the value of the time you have already expended on this matter. Complaints ought to be resolved in a proportionate manner.

Second, it is clearly beneficial both for the complainant and accused for the complaint to be resolved in a timely fashion. Due in part to the General Election, nearly three months has already passed and it seems unlikely that the Standards and Privileges Committee could consider the matter until September at the earliest.

On that basis, I would like to make some comments on your tentative conclusions and the letter from [the Director] in the Department for Resources. [the Director] states that he believes my letter does not support the return of me to public office, nor did it relate to party political activity.

Therefore it seems to me that Mr Hands' central complaint that I broke the rule prohibiting using House stationery "*supporting the return of any person to public office*" must be rejected.

I would also draw your attention to "The Communications Allowance and use of House stationery" (Issued by the Department of Finance and Administration) Para 21 (page 35) which directly deals with Dissolution.

"Dissolution

21. House stationery, House emblems and pre paid envelopes should not be used during the period of (my emphasis) dissolution. In correspondence you should not use the title MP, or the address of the House of Commons until after polling day."

I did not use House stationery, House emblems or pre-paid envelopes during the period of dissolution. There is no further information, guidance or rules in relation on Dissolution, and therefore no prohibition on referring to "matters after Dissolution", to quote from your letter.

[The Director] raises the issue of when the benefit from the letter is realisable by the constituent. I would suggest that this is a moot point as there is no basis for this test in House rules. I was within the rules (as set out explicitly above), as all the letters were sent before Dissolution.

Nevertheless, even if you accept [the Director]'s criterion, I believe his conclusion is flawed, for two reasons. First, there is no benefit to the constituent in my not being available to help them following dissolution. Second, a benefit to a constituent was realisable as the letter enabled them to contact me pre-dissolution, when I was still able to help them (rather than having their case 'on ice' for 4 weeks).

This brings me to [the Director's] point regarding whether the letters qualify as a "general update". I accept that the content was identical to all recipients and they were not personalised to include references to their case. This was purely for practical reasons.

I had received a particularly high level of correspondence in the weeks before the election was announced — in part I believe due to the higher profile of politics at such a time, and also the number of bills expected to be brought to a conclusion ahead of the election (for example, the Digital Economy Bill generated a high level of interest amongst constituents). This had led to a backlog of work, with my staff working evenings and weekends to catch-up before Dissolution. In light of this and expecting a response to this letter from a number of constituents unable to wait 4 weeks for my help, I did not believe it reasonable to ask my staff to personalise the letter with case-specific information.

I would repeat that compared to the number of constituents I serve (approximately 100,000), this was a targeted mailing to a small number of constituents who had been in contact with me on specific cases.

Therefore, I do not believe that this letter constituted a "*general update*" and as such did not breach the rules on the use of pre-paid envelopes.

I am very pleased to see that [the Director of Strategic Projects] in the Department for Resources has 'considerable sympathy' with the points I made regarding the fact that many constituents do not know that an MP does not exist once parliament is dissolved. This in my view justifies my original well-meaning intention of sending the letter.

I would welcome central assistance being provided to all Members in advance of future elections and a consequent clarification of House rules. Once this specific complaint is concluded, I shall give consideration as how best this could be pursued and would of course welcome any thoughts you may have.

As outlined at the start of this letter, my intention is to invite you to reconsider [the Director's] observations in light of the information I have provided in response to them. Having done so, I hope that you will be able to reconsider your initial findings and that we can reach agreement on the way forward.

Accordingly, I have not commented on your draft letter to Mr Hands. I would of course be happy to do so at the appropriate time.

I hope this letter is helpful. Please do let me know should you have any further questions, and I look forward to hearing your thoughts on the above points in due course.

5 July 2010

12. Letter to Rt Hon Sadiq Khan MP from the Commissioner, 7 July 2010

Thank you for your letter of 5 July responding to mine of 23 June about the possible resolution of this complaint.

I agree with you about proportionality. But, as Commissioner, I have three options in resolving a complaint: I can dismiss it; I can rectify it with the Member's agreement; I can submit a memorandum to the Committee on Standards and Privileges.

I have carefully considered your letter. While clearly it is a matter of judgement, my current judgement, taking account of the points you have made, is that I would not be justified in dismissing this complaint on the basis you have suggested. While no doubt it would have been possible for you to have sent individual letters to each of your constituents about their particular cases, the fact is that you did not do so. This was a common format letter. It was also a letter whose purpose, confirmed by the first sentence of the first paragraph, was to let the constituent know about the arrangements for contacting you "*during the forthcoming election period*".

I do not, therefore, think that I would be justified in dismissing this complaint.

Given its nature, however, I was and remain prepared to offer you rectification of this matter. This would be on the basis that the provided House stationery should not have been used and, since that was the case, it is not necessary for me to come to a conclusion on any political content that might be in this letter.

If you wish me to pursue this avenue of resolution, then I would be grateful if you could let me know, and let me have any comments on the factual accuracy of the draft letter to the complainant which I sent you with my letter of 5 July. You will appreciate, of course, that this is an opportunity to confirm the facts as I have presented them, and that I must myself remain responsible for the terms in which I would write such a letter.

If, on reflection, you are not prepared to accept this conclusion, then I would need to prepare a formal memorandum to the Committee.

I would be very grateful if you could let me have a response to this letter within the next week so that I can either move to closing this complaint, or to preparing the necessary draft memorandum for the Committee. I look forward to hearing from you.

7 July 2010

13. Letter to the Commissioner from Rt Hon Sadiq Khan MP, 27 July 2010

Thank you for your letter dated 7th July. I apologise for the delay in responding which was caused by pressure of work. No discourtesy was intended.

I note that your current judgement is not to dismiss the complaint. I appreciate the weight you have given to [the Director of Strategic Projects'] conclusions. In this regard I would be grateful if you could indicate if [the Director] has had a chance to consider my further comments in my last letter of 5th July?

I am enclosing with this letter an authorisation email from [name] who is the Validation Officer of The Department of Resources to Jimmy Hood MP dated 9 March 2010 and the letter that Mr Hood sent to this constituents (undated and impersonal).⁹ If it is the case that my letter is a "*common format letter*" and that the letters purpose "*was to let my constituents know about the arrangements for contacting me during the forthcoming election period*" then the same applies to the authorised letter from the Department of Resources which I have enclosed. This was used as the basis for a considerable number of MPs sending out similar letters to their constituents that was not as narrow and defined as mine.

Further, I would respectfully point out that [the Director] has already concluded (in his letter of 22nd June) that my letter did not support my return to public office, nor did it relate to party political activity.¹⁰

⁹ WE 15, WE 16. WE 14 was also enclosed.

¹⁰ WE 9

I would hope that upon considering the above, the enclosures and the Department of Resources' views you may reconsider this matter and dismiss this complaint. As I have explained, the intention of my original letter was well-meaning.

In your previous letter of 15th June you reminded me that it is open for me to ask for a formal interview. If you are not minded to dismiss the complaint I would like to ask for an opportunity to meet you as this may avoid to to-ing and fro-ing of correspondence between us and speed matters up.

I am happy to discuss this matter further with you.

27 July 2010

14. Email to the Department of Resources from Mr Jim Hood MP, 9 March 2010

I'm attaching my amendments to my previous communique~ re dissolution letter.

I am sure this covers your earlier amendments.

9 March 2010

15. Email to Mr Jim Hood MP from the Department of Resources, 9 March 2010

Thank you for sending in your amended letter. I confirm the content is acceptable. Please let me know if you have any further questions on this matter.

9 March 2010

16. Undated letter to constituents from Mr Jim Hood MP

By the time this letter arrives you will probably be aware that the Prime Minister has called for the dissolution of Parliament and named the day for a General Election. Parliament will not be sitting during the election campaign. Because the case or issue you raised with me is current and/or ongoing, I thought you might be interested to know how the dissolution of Parliament affects you.

From the moment Parliament is dissolved, I will no longer be the MP. I now become the Parliamentary Candidate for the Lanark & Hamilton East seat. Depending on the area of the constituency you live in, there are three MSP directly elected in my constituency - Tom McCabe MSP, Karen Gillon MSP and Michael McMahon MSPS who will be available to you as usual for advice: surgeries during the election. You can contact Scottish Parliament, Edinburgh ES99 ISP Tel: [...]for details on how to contact them. Your Local Councillors will continue to hold surgeries as normal. For details of your Councillor's Surgery, or any other Council Department phone[...].

If I am successful at the election, I am re-elected immediately as your MP, to continue representing the Lanark & Hamilton East Constituency in Parliament. I will then obviously carry on where I left off and get on with the outstanding constituency casework

If I am not re-elected, the House of Commons Authorities have advised MPs not to pass on outstanding files or details to the new MP except in exceptional circumstances In that event, please note that you will need to write to the next MP to explain your concerns once again if you have an ongoing case.

I hope this helps to explain the situation during the election campaign.

It has been an honour to represent Lanark & Hamilton East in the House of Commons.

Undated

17. Letter to Rt Hon Sadiq Khan from the Commissioner, 28 July 2010

Thank you for your letter of 27 July responding to my letter to you of 7 July. I note from your letter that you do not accept my proposals for rectifying this complaint.

You ask that I should consult the Department of Resources, both about your letter of 5 July¹¹ and a letter to constituents from another Member which the Department apparently approved on 9 March 2010.¹² I did not think it necessary to consult the Department about your letter of 5 July, since, as you know, this is a matter which I need to decide independently of the Department, while taking account of the points which they make. Your letter of 27 July, however, raises questions in relation to the approval given for the terms of a letter from another Member in March this year, and I will consult the Department about that matter.¹³ I will also invite any comments they may wish to make on the response in your letter of 5 July to their letter of 22 June. And I will ask the Department whether they have any record of you having consulted the Department about your letter before it was sent. I would be grateful if you could let me know in the next week whether you consulted the Department about any aspects of your letter and, if so, when and what was the outcome. I am also writing to the Member you identify for his help, and will show you his response.

I have noted that you would like me to arrange a formal interview with you. I will myself consider whether I do need to invite you to give oral evidence once the written evidence is concluded, and that would perhaps be the time when you can consider whether you would anyway like me to take formal oral evidence from you.

Once I have completed my further inquiries following on from your letter and any interview with you, I will then need to come to my own conclusion about this matter, including the possible party political content of your letter. At this stage, I should let you know that I am minded to submit a memorandum to the Committee on Standards and Privileges on this complaint, although you should draw no inferences from that. If I do decide to submit a memorandum, I will show you the draft of the factual sections of that memorandum so that you can comment as necessary on their factual accuracy. I will then add my conclusions and submit the memorandum to the Committee. The Clerk to the Committee will show you the full memorandum and give you an opportunity to comment before the matter is considered by the Committee.

I hope that this has been helpful in setting out the way forward in the light of your letter to me of 27 July. I will be back in touch once I have received a response from the Department of Resources and the Member you identify. I hope you could respond within the next week to the remaining point about any consultations with the Department.

28 July 2010

18. Letter to Mr Jim Hood MP from the Commissioner, 28 July 2010

I would welcome your help on a matter which has arisen in my consideration of a complaint against Rt Hon Sadiq Khan MP in respect of a letter he sent to certain constituents, shortly before the Dissolution of Parliament, using House of Commons notepaper and pre-paid House of Commons envelopes.

I attach a note which sets out the procedure I follow in inviting evidence from witnesses. As you will see, this letter, and your response, is subject to parliamentary privilege and they should not, therefore, be disclosed to others. I would expect to show your response to Mr Khan and perhaps to the Department of Resources, and it would be included, along with the other evidence I have received, with any memorandum I submit about this matter to the Committee on Standards and Privileges. You can expect, therefore, your response to be published.

In essence, the complaint I have received against Mr Khan is that, shortly before the Dissolution of Parliament, he used House of Commons pre-paid envelopes and perhaps House of Commons provided

¹¹ WE 10

¹² WE 15

¹³ WE 13

stationery to send unsolicited letters to his constituents, and that he did so in support of his return to public office. The letter was about arrangements for constituents during the Dissolution.

In the course of his response, Mr Khan has told me that, in March 2010, you agreed with the Department of Resources the terms of a letter to your constituents about how the Dissolution of Parliament might affect them. I enclose the attachment which Mr Khan gave me, namely your email of 9 March to the Department with an amended version of a previous draft letter and an email of 9 March from the Department giving its confirmation that the content of the amended letter was acceptable. In his comments, Mr Khan has said:

“I am enclosing with this letter an authorisation email from [...] the Validation Officer of the Department of Resources to Jimmy Hood MP dated 9 March 2010 and the letter that Mr Hood sent to his constituents (undated and impersonal). If it is the case that my letter is a ‘*common format letter*’ and that the letter’s purpose ‘*was to let my constituents know about the arrangements for contacting me during the forthcoming election period*’ then the same applies to the authorised letter from the Department of Resources which I have enclosed. This was used as the basis for a considerable number of MPs sending out similar letters to their constituents that was not as narrow and defined as mine.”

In view of Mr Khan’s references to your letter, it would be very helpful if you could give me a little more information about the letter which you sent to your constituents. In particular, could you let me know the nature of the consultation which you had with the Department of Resources (I assume that there was an earlier exchange and, if so, it would be helpful to have copies, including the first draft of your letter which you apparently sent the Department); which of your constituents received such a letter; whether it was sent using House of Commons official notepaper and House of Commons pre-paid envelopes, or otherwise the nature and source of the funding of the letter paper used and the distribution arrangements. Could you let me know whether, and if so when, your claims for this letter against the relevant allowance were agreed and paid by the House authorities? Finally, were you aware that, according to Mr Khan, the text of your letter was taken up by other Members?

I should make clear that I am not investigating any decisions made in respect of the letter which you sent to your constituents, although it is, of course, possible that my conclusions on the complaint against Mr Khan could have implications for those decisions. Any further comments that you may wish to make, therefore, on the propriety of your Dissolution letter would be very welcome.

I appreciate that we are now in the recess, but I would be very grateful if you could let me have a response to this letter by the end of August. If you have any questions about the process, please feel free to contact me at the House. I would be most grateful for your help on this matter.

28 July 2010

19. Letter to the Director of Strategic Projects, Department of Resources from the Commissioner, 28 July 2010

I last wrote to you about this complaint on 23 June to thank you for your letter of 22 June commenting on this complaint. The purpose of this letter is, at Mr Khan’s request, to seek your comments on some further matters which he has put to me.

As you will know from my letter to you of 23 June, having considered the evidence I had received on this complaint, I concluded that it would be possible to resolve the matter through the rectification procedure. Mr Khan has not accepted this proposal. I attach a copy of my letter to him of 23 June and his response of 5 July, and my letter to Mr Khan of 7 July.

I did not at the time ask for your response to Mr Khan’s comments on your letter of 22 June, since I considered that it was for me to come to a conclusion on this matter, taking account of your guidance and Mr Khan’s comments. I did so in my letter of 23 June, which Mr Khan has declined to accept. In the light of that, any comments which you may wish to make on Mr Khan’s response of 5 July to the points made in your letter of 22 June would be welcome.

Mr Khan has responded to my letter of 7 July with his letter of 27 July. I enclose a copy of that letter with its enclosure. As you will see, Mr Khan has suggested that the Department has previously approved for funding from parliamentary resources a letter from another Member which gave constituents information about the handling of constituency cases during the Dissolution of Parliament. I take it from Mr Khan's argument that he does not believe that the advice you gave in your letter of 22 June—that correspondence about the Dissolution arrangements should not have been funded from Parliamentary resources, and that, in any event, Mr Khan's letter was a general update—was consistent with the Department's decision to approve the content of that other Member's Dissolution letter.

I would welcome your comments on Mr Khan's letter of 27 July, in particular on whether your comments and advice were consistent with the Departmental decision made about the other Member's letter in March 2010. It would be helpful also if you could give me any information about whether that other Member's letters were dispatched in House of Commons pre-paid envelopes, and the source of the funding for the letter and its dispatch. I would be grateful too for copies of any communications with that Member, including the early drafts of his letter which apparently the Department considered needed to be amended. And could you let me know if the Department was aware of other Members sending out similarly phrased Dissolution letters? Finally, could you let me know whether there is any record of Mr Khan having consulted the Department about his letter?

I am writing to the other Member to ask for his help with this inquiry, but I do not expect his response until the end of August. I am also asking Mr Khan to let me know if he consulted the Department about his letter, and will let you see his response.

If you could let me have a response within the next four weeks, I would be most grateful.

28 July 2010

20. Letter to the Commissioner from Director of Strategic Projects, Department of Resources, 5 August 2010

Thank you for your letter of 28th July.

You ask for any comments I may have on Mr Khan's letter of 5th July. As I implied in my previous letter, it is not clear cut that the benefit of the advice contained in the letter which was the subject of the complaint was realisable only after dissolution. The constituent could, for example, have used the non-parliamentary contact telephone number as soon as she received the letter. I also agree with Mr Khan that it was not a benefit to the constituent that Mr Khan was unable to assist her as a Member during the dissolution period. However, my point in my earlier letter was that Mr Khan was offering a service (a willingness to be contacted and a telephone number where this could be done) which was available during dissolution. This was a benefit to the constituent realisable during dissolution.

Mr Khan has forwarded to you a letter sent by Mr Jim Hood to Mr Hood's constituents, and has pointed out that this letter was approved by an official of the Department. That official no longer works for the House and I have not had an opportunity to speak to her. However, Mr Hood's letter is clearly intended for constituents who had a current or on-going case with which Mr Hood was dealing. His purpose was to tell these constituents what would happen to the on-going case 'or issue during dissolution. It seems to me that a letter of this nature, if sent as I assume it was before the election only to constituents whose cases were active, is different from the letter which Mr Khan sent out.

We are not able to find any records of our dealings with Mr Hood beyond the e-mail which Mr Khan sent to you, and we have no knowledge of whether or not Mr Hood used pre-paid envelopes or how he sourced the letter or its dispatch.

I understand that there were several telephone queries before the election as to what was appropriate in terms of pre-election communication to constituents. We can find no records of these, but I understand that the general advice was that letters to constituents with on-going cases in order to explain what would happen were acceptable. I also understand that Members were reminded that such letters should not be able to be construed as campaigning letters.

We can find no record of having had any communication with Mr Khan about the letter which he sent.

Please let me know if I can help further.

5 August 2010

21. Letter to Mr Jim Hood MP from the Commissioner, 10 August 2010

I wrote to you on 28 July to invite your help on one aspect of my consideration of a complaint against the Rt Hon Sadiq Khan MP in respect of a letter he sent to certain constituents shortly before the Dissolution of Parliament.

I have received some further information on this matter from the Department of Resources. The Department has pointed out that the official with whom you dealt no longer works for the House and they have not had an opportunity to speak to her. They have noted, however, that "Mr Hood's letter is clearly intended for constituents who had a current or ongoing case with which Mr Hood was dealing. Its purpose was to tell these constituents what would happen to the ongoing case or issue during Dissolution." The Department has said that, while they understand that several telephone queries were made before the election, they can find no record of these and they understand that "the general advice was that letters to constituents with ongoing cases in order to explain what would happen were acceptable." The Department also understands that "Members were reminded that such letters should not be able to be construed as campaigning letters." The Department has no knowledge of whether or not you used pre-paid House of Commons envelopes for this dispatch, or how you sourced this letter or its dispatch.

I would be grateful if you could take this further information into account when preparing your response to my letter to you of 28 July. In particular, it would be helpful to know whether your letter was sent only to those of your constituents who had an ongoing or current case which they had raised with you, whether you used pre-paid House of Commons envelopes, or otherwise how the letter and dispatch was effected and funded. If you were able to send me copies of the e-mail exchanges you had with the Department at the time, that would be most helpful. It would also be helpful to know whether the Department did point out to you the importance of your letter being drafted in a way to avoid it being construed as a campaign letter.

If you were still able to let me have a response by the end this month, taking account of this further advice, I would be most grateful.

10 August 2010

22. Letter to the Commissioner from Mr Jim Hood MP, 17 August 2010

Thank you for your letters of 28 July and 10 August.

It may be helpful if I first explained the letter agreed with [name of official], Dept of Resources was a prerequisite to any communique on information concerning the dissolution of Parliament that would be sent from my office. It was a strict policy of my office that all communications to my constituents outside the normal bread and butter correspondence must be agreed by the Dept. of Resources. This included adverts, circulars and surveys, allowable under the previous "Communication Allowance". So any dissolution letter had to be subjected to scrutiny and agreement by the House authorities, and it was. I do not have copies of earlier exchanges by emails with [official] except for a hard copy of her final confirmation of the letter text 9 March 2010. Only those constituents who were on my current caseworker files received a dissolution letter.

The discussions that took place between [official] and me were about how we refined the text to ensure that it could not be construed as a campaigning letter. I did share with some colleagues that my "*dissolution*" text had been approved. I am not aware that any MP used my text other than for reference. N.B. The text of my letter was very specific to Lanark & Hamilton East.

The letter was written on my House of Commons headed paper, mail merged, individually addressed and posted in pre-paid envelopes following the announcement of the dissolution of Parliament. There was no claim or charges against other allowances.

I hope this information answers the points raised with me.

17 August 2010

23. Letter to Rt Hon Sadiq Khan MP from the Commissioner, 2 September 2010

I have now heard back from Mr Jim Hood MP about the letter which he sent to some of his constituents following the announcement of the Dissolution of the last Parliament and from the Department of Resources about your letter to me of 5 July.

You sent me the text of Mr Hood's letter and of an authorisation e-mail from the Department of Resources when you wrote to me on 27 July. As you will know from my letter of 28 July, I wrote to Mr Hood and also to the Department of Resources to ask for their help.

I enclose copies of my letters of 28 July and 10 August to Mr Jim Hood MP, and a copy of his response of 17 August.¹⁴ As you will see, Mr Hood confirms that the text of his letter was agreed in advance with the Department of Resources, and that it was sent only to those constituents who were on his current caseworker files.

I attach also a copy of my letter of 28 July to the Department of Resources, and a copy of their response of 5 August which covers both your letter to me of 5 July and Mr Hood's Dissolution letter.¹⁵ As you will see, the Director of Strategic Projects has stated that it was not clear cut that the benefit of the advice contained in your letter was realizable only after Dissolution, but, in his view, you were in that letter offering a service, namely a willingness to be contacted and a telephone number where this could be done, which was available during Dissolution and therefore which was, in his view, a benefit to the constituent realisable during that period.

I would welcome any further comments you may wish to make on the Department's letter, and any comments you may wish to make on Mr Hood's letter. In relation to the latter, it would be helpful if you could confirm my understanding, which I had previously set out in my letter to you of 15 June, that your letter was not sent only to those whose cases you were currently then handling (live cases), and if you could let me know, as requested in my letter of 28 July, whether you consulted the Department of Resources about any aspect of your letter, including the text.

If you could let me have a response to this letter within the next two weeks, I would be most grateful. Subject to that response, I would hope that that would conclude this inquiry. There are no further points which I need raise with you in oral evidence, but if you wished me to take oral evidence from you, please let me know. That would also defer the conclusion of this inquiry by some weeks.

Once this inquiry is concluded I would then prepare the factual sections of my draft memorandum to the Committee, which I would show to you so that you could check their factual accuracy. I would then add my conclusions and submit the full memorandum to the Committee. The Clerk to the Committee would send you a copy of the full memorandum and invite any comments you may wish to make before the matter is considered by the Committee.

I look forward to hearing from you.

2 September 2010

¹⁴ WE 18, WE 21, WE 22

¹⁵ WE 19, WE 20

2 September 2010

24. Letter to the Commissioner from Rt Hon Sadiq Khan MP, 6 September 2010

Thank you for your letter dated 2nd September 2010. I am grateful for you undertaking the further queries.

Although I was aware of colleagues sending out similar letters to mine, which is confirmed by Mr Hood MP and also by [the Director of Strategic Projects in the Department of Resources], I did not get the text of my letter approved by the Department of Resources (as Mr Hood MP did) prior to sending this out.

Also, although the numbers of letters I sent out was far less than the numbers on my "*current or on-going cases*" I was dealing with in April 2010 (which runs into thousands) I cannot categorically confirm that all those I wrote to were on my current caseworker database (as it was in April 2010).

In the light of the above I would like to accept your proposal to resolve this matter through the rectification procedure.

You will of course be aware that [the Director of Strategic Projects] stated his view that my letter did not support my return to office nor did it relate to party political activity. I hope you will agree that my letter was well intentioned.

I have today sent a personal cheque for £173.36 to the Department of Resources which is the cost of the stationery as calculated by [the Director] .

I look forward to hearing from you shortly.

6 September 2010

25. Letter to Rt Hon Sadiq Khan MP from the Commissioner, 9 September 2010

Thank you for your letter of 6 September responding to mine of 2 September about this complaint and the evidence I received from Mr Jim Hood MP and from the Department of Resources.

I was grateful for this response. I appreciate that, in the light of my inquiries into the letter sent by Mr Jim Hood MP, you would like to accept my initial proposal to consider resolving this matter through the rectification procedure. I have considered this further in the light of the evidence of Mr Hood's letter and of your subsequent responses and of the Department's letter.

When I wrote to you on 23 June I considered I might resolve the complaint on the basis of your use of pre-paid envelopes for what was in effect an unsolicited letter offering, in the Department of Resources view, a benefit to constituents during dissolution, making it unnecessary for me to address whether the content of the letter had the effect of promoting your return to public office. The handling of Mr Hood's letter, however, does in my view mean that I will have to address the content of your letter and whether that content had the effect of promoting your return to public office following the then imminent General Election. I know you have addressed this in your evidence and I have the views of the Department of Resources. I will need, however, to come to my own views on this. Any further points you wish to make on this matter, including any points of comparison between the text of your letter and that of Mr Hood's, would therefore be welcome. Once I have your response, I will consider how best to proceed, whether by memorandum or rectification. If you would be ready to consider rectification on the basis of any conclusion I reach on the content of the letter, please let me know.

You will appreciate, I am sure, that there could be a question about campaign expenses, but I think it would be right for me to make clear that any such question would be a matter for the Electoral Commission.

I would be grateful if you could let me have a response to this letter within the next week. I will then be back in touch to let you know how I propose to proceed. Thank you for your help with this.

9 September 2010

26. Letter to the Commissioner from Rt Hon Sadiq Khan MP, 14 September 2010

Thank you for your letter dated 9th September 2010.

You have asked me to comment on whether my letter had the effect of "*promoting my (sic) return to public office following the then imminent General Election.*"

I had assumed from previous correspondence that this point had been dealt with.

I would like to make the following brief points which show my letter did not promote my return to public office;

1) I recognise that the judgement is one for you to take in the first instance, not the Department of Resources, but I would point out that in all other matters in this investigation you have accepted the advice of the Department. In this regard, I would like to reiterate the views of [name] , (Director of Strategic Projects in the Department of Resources);

"I do not, however, believe that the letter supported the return of Mr Khan to public office (except in the very general sense that it presented a positive view of his activity as a constituency Member, which is an argument for re- election), or that it related to party political activity (there is no evidence of party affiliation in the letter). "

2) My overriding concern was to ensure that my constituents, who had previously approached me, knew that there was to be an important change in `our relationship' due to the General Election. Namely that:

- There was not a Member of Parliament for Tooting, or in any other constituency, during the election period.
- As I was no-longer a Member of Parliament, I would not be able to respond to new enquiries, or continue with ongoing enquiries, asked of me in a Parliamentary capacity.
- That I would not be conducting advice surgeries.

That I would not have access to constituents' records but that I would be happy to continue to do casework on their behalf (as permitted in the Members' guidance on dissolution arrangements). As both my Parliamentary and constituency offices were closed for the election campaign, I felt it imperative that I provide a landline number where I could be contacted during the daytime.

3) On reading my letter in its entirety (rather than selective paragraphs), I feel that being `respectful and conscientious' is in fact a fairly low standard and hardly likely to be construed as a reason to return me to public office. Indeed, I also reminded my constituents that I was not always successful with what they asked of me!

4) I thought it was responsible to write the letter to ensure my constituents, who had cases with me, were aware of the changes the dissolution of Parliament brings, and of how this would affect them.

5) Most of my casework relates to immigration matters. Many of those who I assist are not entitled to vote in General Elections — due to their nationality — which therefore invalidates the suggestion that I was seeking to use the letter to 'support the return of myself (sic) to public office'. Also, in my personal experience, these same constituents tend not to have strong English language skills, and are less likely to have internet access — so a personable letter seemed a sensible way to let them know about these the fundamental changes dissolution brings.

6) The proximity of the letter to the General Election is explained by the fact it relates to dissolution arrangements. It would have been inappropriate to send such a letter at any other time in the parliamentary cycle.

7) The dissolution guidance for Members specifically stated that former Members could continue to do casework throughout the election campaign. As my parliamentary and constituency offices were closed upon dissolution, and I was unable to access my telephones and email account, I thought it common sense to notify those constituents, who had previously approached me, of this change.

8) It appears that the reason for your most recent query is comparing the only other letter you have had sight on in relation to dissolution (the letter I sent you from Jim Hood MP) and my letter. Mr Hood MP has confirmed that he told colleagues that his "dissolution" letter had been approved. [The Director of Strategic Projects] (Department of Resources) has also confirmed that there were several telephone enquiries from MP's. Accordingly, it is clear that many other colleagues also sent letters to their constituents before the election about pre-election communications to constituents. I am reluctant to enter into a lengthy enquiry with the Department of Resource and/or other colleagues to obtain other letters as precedents for you to have sight of by way of further comparison. But, it can be assumed that the Department of Resources are the most experienced at considering these (having had sight of many) and [the Director] (from the Department of Resources) has given his expert view that my letter does not support my return to public office. My letter needs to be read "in the round" like a constituent recipient would rather than selected highlighted paragraphs as Mr Hands MP has invited you to do

9) I would also highlight that Mr Hood MP and I are as different as our respective constituencies, and this can be seen in both the language and tone of our letters. What is appropriate and effective for Mr Hood MP's constituents may not be to mine, and vice-versa.

As an inner-London MP, often dealing with vulnerable constituents, I make a conscious effort to write in a style that is personal, and not overly-blunt or legalistic as I have found that curt and direct letters can often be counter productive. I note that Mr Hood MP and I differ in our self-deprecation; that I specifically referred in my letter to my sometime failing to assist constituents as they had hoped!

I also note that Mr Hood MP was able to refer his constituents to their local Member of the Scottish Parliament (MSP) — of which there is not an equivalent in England for me to do so. Mr Hood MP also gave the contact details of local Councillors to his constituents, but I was unable to do the same as the elections for Wandsworth Council were held on the same day as the General Election.

The pro active signposting of constituents to alternative elective representatives could also be interpreted as 'presenting a positive view of his activity as a constituency Member, which is an argument for re-election' (to use the words of [the Director of Strategic Projects] in his letter of 22 June). Similarly, informing constituents that their casework will be continued uninterrupted if the Member is re-elected but that if a new Member is elected the constituent would have to write to the new MP to explain the case once again could also be interpreted as "promoting a return to public office following an imminent General Election". However, reading Mr Hood MP's letter "in the round" rather than selective cherry picking of the paragraphs leads to the conclusion that this (like my letter) was seeking to genuinely assist constituents.

Mr Hood MP and I are similar in our desire to provide the most helpful service possible to our constituents. How we choose to express it through written communication may differ, but I hope you agree that our intentions are honourable.

Rectification

For the sake of completeness and your records, I am enclosing a letter I sent, last week.¹⁶ To the Enquiry and Advice Team, enclosing a cheque for £173.36, accepting your proposal to rectify this matter.

¹⁶ Not included in the evidence.

I hope you will agree that I have tried to have this matter resolved in a proportionate and timely manner. I would also remind you that none of the recipients of my letter have ever complained about my letter and the only complaint has been from Mr Hands MP, who is not even a constituent.

I hope you will appreciate that I would like to consider your findings (on the additional matter you have raised in your last letter) before agreeing rectification on "any basis".

I hope we can now draw this matter to a conclusion.

14 September 2010

27. Letter to Rt Hon Sadiq Khan MP from the Commissioner, 16 September 2010

Thank you for your letter of 14 September responding to mine of 9 September about this complaint.

I was most grateful for your response. You asked about rectification. As you know, I may only consider rectification if, among other things, the Member has accepted the breach, has apologised and has made the appropriate reparation. And I need to be satisfied that the breach is at the less serious end of the spectrum.

Having considered the implications of Mr Hood's letter, including its implications for the content of your letter as well as the Director's arguments about a future benefit, I consider that you would need to accept that the content of your letter breached the rules against supporting a person's return to public office, albeit unintentionally, and that, as you have accepted, the letter should have not have been sent using pre-paid envelopes because it could not be held in all cases to be a response to a current constituents case.

Your letter recognises the basis on which a finding against you on content would be made. It would be that, taken overall, your letter was drafted in a way that had the effect of supporting your return to public office. That conclusion would, as you say, be contrary to the judgment of the Director.

It is entirely a matter for you whether you would like to accept rectification on the basis that you breached the rules in respect of both the content and the envelopes used for this distribution. I would be able to take account of any statement by you that, as implied strongly in your evidence, the breach was unintentional. While the content of a rectification letter is clearly a matter for me, I would show you any such letter in draft form so that you could comment if necessary on its factual accuracy.

If you were to decide not to accept rectification on this basis, then I would need to submit a memorandum to the Committee on Standards and Privileges. I would show you the draft sections of my memorandum so that you could comment if necessary on their factual accuracy. I would then consider and add my own conclusions on the basis of all the evidence and the agreed facts.

I hope this letter has made clear the basis on which I would be ready to consider the rectification procedure, but if you would like a word about any of this, please contact me at the House.

Thank you for your help.

16 September 2010

28. Letter to the Commissioner from Rt Hon Sadiq Khan, 20 September 2010

Further to our telephone conversation this afternoon I am writing to confirm that I would be willing to accept rectification of this matter.

I look forward to receiving the draft letter as discussed.

20 September 2010

29. Letter to Rt Hon Sadiq Khan MP from the Commissioner, 21 September 2010

Thank you for your letter of 20 September responding to mine of 16 September about your response to this complaint.

As I undertook when we spoke on the telephone on 20 September, I now enclose a draft extract of the rectification letter reflecting the points made in my letter to you of 16 September. While, of course, the content is a matter for me, I would be grateful for any comments you may wish to make on the factual accuracy of the draft. As you will see, I suggest that, as well as recording an apology to the House, you undertake to remind your office of the rules in relation to House stationery.

If you could let me have your comments on the factual accuracy of this draft within the next week, I will then aim to write to the complainant and close the complaint on that basis.

As you will see, if the House agrees to my recommendations which the Committee on Standards and Privileges supported in the last Parliament, then the letter to the complainant with the evidence related to this inquiry would in due course be published on my webpages.

I look forward to hearing from you.

21 September 2010

30. Letter to the Commissioner from Rt Hon Sadiq Khan MP, received 4 October 2010

Further to your letter dated 21 September 2010, I am writing to thank you for advance sight of your draft response to Mr Hands.

Whilst I do agree with the content, and tone, of your letter there are two minor amendments I would appreciate you considering:

Firstly, the first line in paragraph 13 ("*Mr Khan accepted my judgement that the effect of his letter was to support his return to office...*"). Would it be acceptable to amend this line to read:

"Mr Khan accepted my judgement that his letter could be interpreted to support his return to office..."

I feel that your sentence misconstrues my original intention – which was not to support my return to office, as you yourself agree with in paragraph 11.

Secondly, could I ask that you add a line to your letter clarifying the absence of specific House rules regarding such pre-Dissolution mailings? I think we are in agreement that this case is largely based on interpretation of my pre-dissolution letter, and knowing that your response will be in the public domain (on your website, if nowhere else) I would appreciate the observation that there is nothing *specifically* preventing such mailings *per se* - as the approval of Mr Jim Hood's letter shows.

I am happy to accept your decision on these two requests.

Please could you send me a copy of your letter to Mr Greg Hands MP, for my files?

I trust this now concludes the complaint.

Received 4 October 2010

31. Letter to Rt Hon Sadiq Khan MP from the Commissioner, 4 October 2010

Thank you for your letter which I received on 4 October responding to my letter to you of 21 September about the resolution of this complaint.

I was grateful for your response. I amended the letter to reflect both your points, which I agree were fair points relating to the facts of this inquiry.

I have now written to Mr Greg Hands MP. I enclose a copy of my letter of 4 October. I now regard the matter as closed. I will report the outcome to the Committee on Standards and Privileges at its next meeting.

Thank you for your help with this.

4 October 2010