



Review of a determination by IPSA to refuse an expense claim

Rt Hon Liam Byrne MP
Member of Parliament for Birmingham Hodge Hill
COM-1060

9 March 2016

Peter Davis
Compliance Officer for IPSA
4th Floor
30 Millbank
London
SW1P 4DU

Introduction

1. In March 2015, the Rt Hon Liam Byrne MP submitted a claim to the Independent Parliamentary Standards Authority (IPSA) for costs relating to the postage of leaflets, under the *MPs' Scheme of Business Costs and Expenses* (the Scheme).
2. The claims for £491.08 were initially paid in full. Following a post-payment assurance check in April 2015, it was determined by IPSA that the costs related to newsletters which are prohibited under the Scheme. As a result, the MP was told that the costs would need to be repaid.
3. MPs are sent financial statements each month detailing their financial position with IPSA. These statements contain details of any amounts which are required to be repaid. If MPs miss deadlines to repay, they are put into 'offsetting'. During 'offsetting' any future claims for eligible business costs and expenses are not reimbursed until the amount due to be repaid is recovered in full. In this instance, Mr Byrne was placed in offsetting in order to recover the amount.
4. On 17 February 2016, Mr Byrne's office contacted the Compliance Officer for IPSA to request a review of the decision by IPSA to refuse the expense claims (and in this instance, to require repayment of the claims).
5. *Section 6A of the Parliamentary Standards Act 2009* (the Act) provides that if:
 - (a) *the IPSA determines under section 6(3)¹ that a claim is to be refused or that only part of the amount claimed is to be allowed, and*
 - (b) *the member (after asking the IPSA to reconsider the determination and giving it a reasonable opportunity to do so) asks the Compliance Officer to review the determination (or any altered determination resulting from the IPSA's reconsideration)*

The Compliance Officer must -

 - (a) *consider whether the determination (or the altered determination) is the determination that should have been made, and*
 - (b) *in light of the consideration, decide whether or not to confirm or alter it.*
4. Paragraph 9 of the notes for *Guidance on the Conduct of Reviews by the Compliance Officer for IPSA* states that:

¹ Section 6(3) of the Act states that on receipt of a claim, the IPSA must – (a) determine whether to allow or refuse the claim, and (b) if it is allowed, determine how much of the amount claimed is to be allowed and pay it accordingly.

The Compliance Officer will, taking into account all information, evidence and representations, decide whether the determination (or the altered determination) is the determination that should have been made under the Scheme and in light of that, whether or not to confirm or alter it.

5. There are three claim lines in question: two in form number 424961, and one in form number 415186. The total cost of the three claims is £491.08. A breakdown of the claims in question can be found at Annex A.
6. The Compliance Officer has established that an internal review of the initial decision to reject the claim has been conducted by IPSA and the original decision upheld.
7. As a result there is no impediment to the Compliance Officer accepting the request for a review.

The Basis for the Review

8. In an email to the Compliance Officer, the proxy for Mr Byrne stated: *“Our contention is that these were invitations to residents meetings as opposed to newsletters. The invoice has been erroneously labelled as “A4 newsletter leaflets”; as you can see from the accompanying artwork these were A3 products and were invitations to a residents meeting”*.

The Review

17. In conducting the review, the Compliance Officer has relied upon the Sixth Edition of the Scheme (April 2014 to March 2015) and, in addition, has utilised the following:
 - Validation Notes – notes appended to a claim submitted by an MP by the IPSA Validator describing the reason for the rejection of a claim;
 - Workflow History – shows the date the claim was opened by the MP or proxy, the date of submission to IPSA and details of how the claim was processed by IPSA;
 - Correspondence between IPSA and the MP; and
 - Copies of the mailings in question.
18. The following areas of the Scheme are relevant to the review:

Fundamental Principles

MPs have the right to be reimbursed for unavoidable costs where they are incurred wholly, exclusively, and necessarily in the performance of their parliamentary functions, but not otherwise.

Chapter 6: Office Costs Expenditure

6.1 Office Costs Expenditure (OCE) is provided to meet the costs of renting, equipping and running an MP's office or offices and surgeries where these costs are not claimable from other budgets under this Scheme, or from other sources.

6.5 MPs are entitled to exercise discretion over claims for items that meet the purposes of Office Costs Expenditure budget, provided that the claims meets the general conditions of the Scheme and the conditions of this chapter.

6.6 Office Costs Expenditure may only be claimed for the performance of parliamentary functions. It may not be claimed for:

c. newsletters

19. The claims relate to three monthly mailings in January, February and March 2015, sent to constituents with the title 'Liam's Local News'. The mailings are A3 in size and contain:

Side 1 – news and updates from the MP, accompanied by photos; and

Side 2 – an invitation to local meetings being held with the MP and local councillors regarding community issues. Also, a short questionnaire and space for constituents to fill in their contact details.

A copy of the January mailing can be found at Annex B.

20. The content of side 2 of the mailing inviting constituents to local meetings is parliamentary in nature and would on its own be an eligible cost under the Scheme.

21. The content of side 1, entitled 'Liam's Local News', is, without equivocation, a newsletter.

22. The Scheme is clear that costs will only be reimbursed *where they are incurred wholly, exclusively, and necessarily in the performance of their parliamentary functions, but not otherwise.*

23. The Scheme is also clear that costs relating to the production or distribution of newsletters are not eligible.

Conclusions

24. Although elements of the mailing in question may otherwise have been eligible under the Scheme, a significant proportion of the mailing is a newsletter, which is explicitly prohibited.

25. The mailing cannot be said to be 'wholly, exclusively and necessarily' parliamentary and is therefore not allowable under the Scheme.
17. **Taking into account all available information, the Compliance Officer believes that the determination made by IPSA to refuse the three claims was correct and made in accordance with the Scheme.**
18. **The Compliance Officer therefore concludes that IPSA were correct in recovering £491.08.**
19. Section 6A(6) of the Act provides that an MP requesting a review may appeal the decision of the Compliance Officer to a 'First-tier Tribunal' if they are not satisfied with the outcome. The appeal must be submitted within 28 days of receiving the decision. Further information on how to appeal a decision by the Compliance Officer can be found at the following address: <https://www.gov.uk/guidance/mp-expenses-appeal-a-compliance-officers-decision>.
20. In accordance with the Guidance on the Conduct of Reviews by the Compliance Officer for IPSA, details of the review will be published in a manner decided by the Compliance Officer.

A handwritten signature in grey ink, appearing to read 'Peter Davis', is centered on a light grey background.

Peter Davis
Compliance Officer for IPSA
compliance@theipsa.org.uk

Annex A: Refused Claims

Form Type	Form No.	Date	Expense Type	Reimbursed	Status
EXPENSES: Office Costs	0000415816	09/03/2015	Postage Purchase	128.28	Repaid by MP
EXPENSES: Office Costs	0000424961	29/03/2015	Postage Purchase	157.12	Repaid by MP
EXPENSES: Office Costs	0000424961	29/03/2015	Postage Purchase	205.68	Repaid by MP

Please join us!

SPEAK OUT

Liam Byrne MP

Along with Councillors Ian Ward, Marje Birdle and John Cotton invite you to share your views and concerns about issues big and small in our community.

Saturday 31 January 2015
11.00 am to 12.00 am
Shard End Community Centre
Packington Ave
B34 7RD

**Your Member of Parliament and
Shard End Councillors**



Speak Out by post:

If you can't make it in person, you can always Speak Out by sending us your ideas and opinions by post. Simply fill out and return the form below using the FREEPOST address.

Liam Byrne MP Liam.Byrne.MP@Parliament.uk	Councillor John Cotton john.cotton@birmingham.gov.uk
Councillor Marje Birdle marje.birdle@birmingham.gov.uk	Councillor Ian Ward ian.ward@birmingham.gov.uk

<p>Tear off form</p> <p>Have you used the NHS in the last 12 months? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Did you experience any problems getting an appointment? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>Details</i></p> <p>Is there anyone living on your street using or dealing drugs? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Have you ever seen a drug deal in your street? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>I am happy for the police to contact me about it. <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>Details</i></p> <p>Are there any problems with green waste and rubbish on your street? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>Details</i></p>	<p>Your details</p> <p>Name _____</p> <p>Phone number _____</p> <p>Address _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Email _____</p>	<p>Address to</p> <p>FREEPOST RSAS RJUH KLYU Liam Byrne 354 Coleshill Rd Birmingham B36 8DT</p> <p>Would you like my free guide to benefit changes? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
---	---	---

Byrne calls for local action on the NHS as services hit breaking point

A&E waiting times at Heart of England NHS Foundation Trust increase by 240% since 2010

Liam is demanding a boost to care standards at Heartlands Hospital and an increase to the number of local doctors.

A report in October by the NHS watchdog, Monitor, has reported severe increases in waiting times for A&E, routine operations and cancer care patients at Heart of England NHS Foundation Trust.

New figures from the House of Commons library reveal that the number of those waiting over 4 hours in A&E at Heart of England NHS Foundation Trust has increased by 240% since 2009/10. In 2009/10 the number of people waiting more than 4 hours in A&E every 3 months was 1,619 in the latest figures show that number has now shot up to 5,518.

Liam said:

'Residents all over Shard End are telling me pressure on our NHS is hitting breaking point. And this reports shows why. The big cuts to Birmingham's social care means it's harder than ever to get older residents home from hospital. This means it's getting harder to get people in the front door through A&E.'

Liam has now written to Health Secretary Jeremy Hunt asking for him to take personal charge of getting health centres fully open, relieving pressure on local A&E services.

Care standards have got to go **UP**. No if's, no but's. And if the hospital needs more money or more staff, then I want to know about it so I can go and lobby the government.

Have you had an experience of bad care? Let me know. Email me at Liam.byrne.mp@parliament.uk and I'll add to my dossier of case studies I'm discussing with hospital chiefs.

Plans for Shard End Health Centre

Plans are also being made for a new Shard End Health & Leisure Centre with investment from the Council and Health Authorities amounting to over £3m. Councillor Ian Ward has been leading talks with the Health Sector to secure a leisure centre that will also deliver Health Services to local residents. Watch this space for further updates.



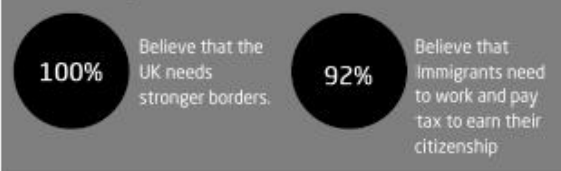
Liam and Councillor Ian Ward review a possible site for the new Shard End Health and Community Centre

Residents voice concern on immigration

A big thank you to everyone who returned our survey. The results showed us that Immigration is an issue of concern for the residents of Shard End. Immigration is something that we have to talk about.

The residents of Shard End have been clear they want strong border controls, the key word being control! This is a topic we will continue to debate across the community in the weeks and months ahead.

Our survey of Shard End residents said...



Our older workers and pensioners are the backbone of our community here in Shard End and Tile Cross



Cllr Ward has been collecting residents' signatures for a petition on street lighting in Yorkswood

Our older workers and pensioners are the backbone of our community here in Shard End and Tile Cross - we're determined to fight for a better deal. In our ward, 58% don't think the 'system' helps those who've paid in; lots have been hit by the hated Bedroom Tax and many worry about their pension and their bills which the Tory-Lib Dem coalition have let soar.

We say it's time for a fair deal! So here's our five point plan for older workers and pensioners. Let us know if you agree or what you'd like to add:

1. Put the 'something for something' back into the 'system' so those who have paid in more get a better rate of job seekers

allowance if they're out of work - with more help retraining

2. A 'triple lock' on pensions, so pensions rise by the best rate - inflation or earnings - whatever is higher

3. A new deal for carers: guarantee that every older person in need of social care will have a single point of contact for GP visits, physiotherapy and home adaptations.

4. A freeze on energy bills until 2017, saving people in Shard End, Kitts Green and Tile Cross an average of £120 a year

5. Abolish the hated Bedroom Tax