
**Joint Statement and Memorandum of Understanding
between
the Independent Parliamentary Standards Authority,
the Compliance Officer for the Independent Parliamentary
Standards Authority,
and
the Parliamentary Commissioner for Standards**

(1) Introduction

- 1 This Joint Statement and Memorandum of Understanding is entered into between the Independent Parliamentary Standards Authority (IPSA)¹, the Compliance Officer for the Independent Parliamentary Standards Authority (CO)² and the Parliamentary Commissioner for Standards (PCS)³—
- (a) in satisfaction of the duty in section 10A(1)(a) of the Parliamentary Standards Act 2009 for IPSA and CO to prepare a joint statement setting out how they will work with PCS⁴; and
- (b) for the purpose of clarifying the division of responsibilities between IPSA, CO and the Office of PCS (OPCS) in relation to enforcement

¹ Established by section 3 of the Parliamentary Standards Act 2009.

² Established by section 3(3) of the Parliamentary Standards Act 2009 as substituted by s.26(1) of the Constitutional Reform and Governance Act 2010.

³ Established by House of Commons Standing Order No. 150(1).

⁴ This Joint Statement and Memorandum of Understanding replaces the *Joint Statement of the Independent Parliamentary Standards Authority, the Parliamentary Commissioner for Standards and the Compliance Officer for IPSA* signed on 20th January 2015.

action in respect of breaches, and alleged breaches, of rules by Members of Parliament.

2 This Joint Statement and Memorandum is to be published by IPSA, CO and OPCS.

3 In this Joint Statement and Memorandum—

(a) “IPSA” means the Independent Parliamentary Standards Authority;

(b) “PCS” means the Parliamentary Commissioner for Standards;

(c) “CO” means the Compliance Officer for IPSA;

(d) “the 2009 Act” means the Parliamentary Standards Act 2009;

(e) “the Code and Guide” mean the Code of Conduct for Members of Parliament and the Guide to the Rules relating to the Conduct of Members⁵; and

(f) “the Procedural Protocol” means the Procedural Protocol relating to the Code of Conduct⁶; and

(g) “the Scheme” means the scheme of MPs’ allowances (staffing and business costs) prepared by IPSA.

⁵ HC 1083, Published 10 February 2023.

⁶ HC 1084, Published 24 February 2023.

(2) Over-arching principles

- 4 IPSA is responsible for setting and enforcing rules (“the Scheme”) relating to Members’ staffing and business costs; and for determining Members’ salaries and pensions.
- 5 CO is responsible for investigating the payment to MPs of amounts under the Scheme that they have reason to believe should not have been allowed.
- 6 PCS is responsible for investigating complaints of non-compliance with the Code and Guide, and related rules.

(3) Division of responsibilities

- 7 Paragraph 19(b) of the Procedural Protocol provides that:

“The Commissioner cannot investigate in any circumstances: ...

(b) alleged breaches of [the Scheme], which are matters for the Independent Parliamentary Standards Authority (IPSA)”.

- 8 Paragraph 21(e) of the Procedural Protocol provides that:

“The Commissioner can start an investigation into an alleged breach of the rules that has been brought to their attention in the following ways: ...

(e) matters referred to them by IPSA and certain other bodies”.

9 Footnote 4 to paragraph 21 of the Procedural Protocol provides:

“Complaints about the misuse of the scheme for parliamentary expenses since May 2010 are a matter for the Independent Parliamentary Standards Authority. However, where the Independent Parliamentary Standards Authority or its Compliance Officer consider that a Member’s conduct justifies it, they shall refer that Member, with the relevant evidence, to the Commissioner for the Commissioner to decide whether to investigate a potential breach of the Code of Conduct and its associated rules.”

10 The intentions of Parliament as to the division of responsibilities between IPSA and PCS are helpfully elucidated in the following passages from the Second Report of Session 2009–10 of the House of Commons Committee on Standards and Privileges – *Implementing the Twelfth Report from the Committee on Standards in Public Life*⁷:

“13. The CSPL has recommended the abolition of the newly-created post of Commissioner for Parliamentary Investigations and the creation instead of a new post of “compliance officer” within the IPSA. [8] If this proposal were implemented, the compliance officer at the IPSA would have a significantly more limited role than that which has been created for the Commissioner for Parliamentary

⁷ HC 67 – Published 24 November 2009.

⁸ [Note – This change was effected by the substitution of sections 9 and 9A of the 2009 Act by the Constitutional Reform and Governance Act 2010, ss. 33, 52. The position of IPSA and HM Government is that the substituted sections 9 and 9A are in force as from 27 July 2010 as a result of S.I. 2010/1931, art. 3(c), 4 and 5), notwithstanding that section 9 of the 2009 Act as originally enacted was never brought into force.]

Investigations. In consequence, the Parliamentary Commissioner for Standards would be drawn back into investigation of expenses issues.

...

20. The CSPL has also recommended that the Independent Parliamentary Standards Authority (IPSA) should have the power to “impose, subject to the procedural safeguards laid out in the [Parliamentary Standards] Act, its own nonparliamentary sanctions for breaches of the expenses regime (including where necessary of a financial nature) analogous to those available to HMRC and DWP, without the need to report to the Commissioner for Parliamentary Standards.” It suggests that the IPSA would publish a report on any case that raised “standards issues”. “It would then be up to the Commissioner for Standards to investigate the case and, if applicable, it would be up to the Standards and Privileges Committee to decide whether a parliamentary sanction (eg suspension from the House) was appropriate.”

21. The Committee notes that implementation of these changes is likely to require legislation. [9] We believe that it will be necessary for the nature and extent of the planned non-parliamentary sanctions to be carefully defined, in order that they do not become in effect disciplinary sanctions, which will remain a matter for the House. We suggest that the legislation could also provide for a robust quality assurance regime in relation to the IPSA.”

⁹ [Note: Now effected by the insertion of section 9A and Schedule 4 into the 2009 Act by the Constitutional Reform and Governance Act 2010 s.34(1) with effect from 27 July 2010, subject to transitional provisions specified in SI 2010/1931 arts. 4 and 5.]

11 At the time when the House of Commons was considering the introduction of the Compliance Officer and regulatory sanctions system for IPSA, express attention was given to the relationship between the regulatory responsibilities of IPSA and the disciplinary jurisdiction of the House initiated in the first instance by the Commissioner. The Seventh Report of the Committee on Standards and Privileges for Session 2010-11 – *Power of the PCS to initiate investigations* – observed¹⁰:

“3. In addition, it is necessary in our view that the Commissioner should be able to carry out an inquiry pursuant to a finding by the Compliance Officer that a Member has breached the current House of Commons Allowances Scheme. Under the Parliamentary Standards Act 2009 as amended, the Compliance Officer has power to require reimbursement by a Member of sums that have wrongly been paid to him. The Compliance Officer also has limited powers to recover costs, although neither the Compliance Officer nor IPSA have power to impose a Parliamentary sanction on a Member, such as suspension of salary or suspension from the service of the House. Neither may they require a Member to apologise in person, on the floor of the House. Only the House may impose such a sanction. It does so following a recommendation to that effect by this Committee.”

12 Section 10A(3) of the 2009 Act provides:

“Nothing in sections 9 to 9B (or Schedule 4) affects the disciplinary powers of the House of Commons.”

¹⁰ HC 578 – Published 4 November 2010 – debated and approved by the House on 2 December 2010.

13 Taking these provisions and indications together, our shared understanding is that—

(a) it is the responsibility of IPSA to impose appropriate regulatory sanctions for breaches of the financial rules by Members, in accordance with the powers conferred on IPSA by Schedule 4 to the 2009 Act, and

(b) it is for PCS to consider whether there is a breach of the Code of Conduct that requires to be addressed by the House having regard to reputational or other implications of a particular case.

14 (In this respect the division of responsibilities is similar to that between PCS and the police. There too, paragraph 19 of the Procedural Protocol precludes the Commissioner from investigating allegations of criminal misconduct, which are generally a matter for the police. Following investigation by the police, prosecution by the Crown Prosecution Service and conviction by a court, however, it is routine for PCS to consider whether there are matters that should be referred to the House for it to consider exercising its own disciplinary powers, in which case PCS reports to the Committee on Standards in the usual way.¹¹)

(4) Complaints to PCS

15 Where a complaint is made to PCS that a Member has failed to comply with IPSA's rules, PCS will reply to the complainant declining jurisdiction and inviting them to consider referring the matter to IPSA.

¹¹ See, for example, House of Commons, Committee on Standards, Ninth Report of Session 2022–23 – *Margaret Ferrier* – HC 1276 Published 30 March 2023; upheld on appeal by the Independent Expert Panel, HC 1400 Published 22 May 2023; the Panel's Report includes observations on double jeopardy.

(5) Complaints to IPSA / CO

- 16 If a complaint is made to IPSA or CO in respect of a matter that does not appear to engage IPSA's rules, IPSA or CO will reply to the complainant declining jurisdiction and inviting them to consider referring the matter to PCS, if the complainant believes that the matter may concern the possible breach of the Code and Guide by a Member.
- 17 Having concluded an investigation under section 9 of the 2009 Act and decided whether to take action under Schedule 4, CO will consider whether to make a referral to PCS.
- 18 In determining whether to make a referral CO is not making a finding, or expressing a view, as to whether a rule of the Code of Conduct has been breached, but bringing the possibility to the attention of PCS for consideration whether to open an investigation, for which purpose PCS will apply the assessment set out in paragraphs 23 and 24 of the Procedural Protocol in the usual way.
- 19 When making a referral to PCS, CO will generally exercise the power under section 9B(2) of the 2009 Act:

“The Compliance Officer may provide to the Parliamentary Commissioner for Standards any information connected with an investigation under section 9 or action taken under Schedule 4 which the Compliance Officer considers may be relevant to the work of the Parliamentary Commissioner for Standards.”

20 If CO has reason to believe in the course of an investigation that a criminal offence may have been committed (whether under section 10 of the 2009 Act – *Providing false or misleading information for allowances claims* – or otherwise), CO will not make a referral to PCS in respect of any potential criminality (but may make a referral in respect of any potential breach of the Code)¹².

(6) Parallel investigations

21 It is possible that PCS and CO may come to investigate the same matter at the same time, whether as a result of a referral or as the result of independent complaints. It is also possible that an IPSA investigation might follow a PCS investigation into the same matter, or *vice versa*.

22 The 2009 Act expressly contemplates the possibility of action by PCS and IPSA in parallel¹³, and that possibility will be borne in mind by PCS, IPSA and CO.

23 It might be appropriate in a particular case for a PCS or CO investigation to be suspended pending the outcome of an investigation by the other, to avoid prejudicing the examination of witnesses or for some other reason; that would be a decision to be taken by PCS or CO by reference to the particular circumstances of the case concerned.

¹² Paragraph 19(c) of the Procedural Protocol provides that PCS does not investigate allegations of criminal misconduct, which are generally a matter for the police.

¹³ Section 10A(4): “The powers conferred by sections 9 to 9B (and Schedule 4) may be exercised in relation to the conduct of a member of the House of Commons even if— ... (b) the House of Commons is exercising or has exercised any of its disciplinary powers in relation to that conduct.”.

(7) Stationery, facilities and Portcullis

- 24 The use of stationery provided directly by the House for the use of Members is governed by the Rules attached to the Seventh Report of Session 2022-23 of the Committee on Standards (*Rules for the use of House of Commons stationery*)¹⁴. Complaints of breaches of those rules are made direct to PCS, and not to IPSA, and are handled by PCS in the same way as any other complaint of a breach of the Code and Guide¹⁵.
- 25 Complaints relating to the alleged misuse of stationery or other facilities funded by IPSA should be made in the first instance to IPSA. In accordance with the principles above, CO will investigate possible breaches of IPSA's rules and, where appropriate, refer the matter to PCS for additional consideration of possible breaches of the Code and Guide.
- 26 The use of facilities on the Parliamentary Estate made available to Members by the Parliamentary authorities is governed by terms and conditions attached by the authorities to those facilities and by Rule 8 of the Code. Complaints of breaches in respect of those facilities are made direct to PCS, and not to IPSA, and are handled by PCS in the same way as any other complaint of a breach of the Code and Guide.
- 27 Complaints relating to the alleged misuse of constituency offices or other facilities funded by IPSA are to be made to IPSA in the first instance, and will proceed in accordance with the principles for division of responsibilities set out above.

¹⁴ HC 1263 – Published 5 April 2023.

¹⁵ Rule 8 of the Code requires Members to comply with, inter alia, the *Stationery Rules*.

28 In terms of advice—

- (a) IPSA will give authoritative advice to Members about the application of their rules to stationery and other facilities funded by them;
- (b) the Clerk of the Journals, in accordance with the Stationery Rules, is available to give Safe Harbour advice in advance about the application of the Stationery Rules; and
- (c) PCS is able to give advice in advance about the application of the Code and, in particular, the application of Rule 8 to facilities provided by Parliament.

29 Members are given the right to use the Crowned Portcullis¹⁶ to authenticate communications from them in their capacity as Members of Parliament and for other purposes in support of their parliamentary activities. Complaints of misuse by Members of the Portcullis are made direct to PCS, and not to IPSA – irrespective of the source of funding used for the stationery or other medium in which it was incorporated – and are handled by PCS in the same way as any other complaint of a breach of the Code and Guide¹⁷.

(8) General cooperation

30 IPSA, CO and PCS recognise the importance of the working together in a collaborative and constructive way.

¹⁶ The Crowned Portcullis is the principal emblem of the House: it is a royal badge and its use by the House has been formally authorised by licence granted by the Sovereign.

¹⁷ Misuse of the Crowned Portcullis by a Member might in principle engage a number of rules in the Code, including, in particular, Rule 8 (*Use of facilities for parliamentary activities only*) and Rule 11 (*Significant damage to reputation of the House as a whole*).

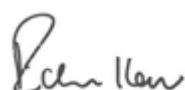
31 The Chair of IPSA, CO and PCS aim to meet regularly to discuss matters of mutual interest and, so far as possible and appropriate, to align their understanding in relation to matters of mutual relevance.

32 As a general rule, CO will inform PCS when opening an investigation into a Member.

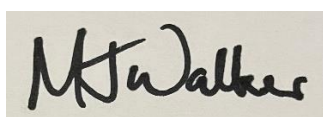
33 IPSA, CO and PCS will share materials relating to methods of work where likely to be of mutual relevance and assistance and will collaborate in such other ways as appear likely to be constructive. So far as is possible and appropriate, they will share data¹⁸, information and thematic findings in relation to complaints, investigations, and their outcomes.

34 IPSA, CO and PCS will review the operation of this Joint Statement and Memorandum of Understanding from time to time and agree any revisions that appear to be appropriate.

Signed,



Richard Lloyd OBE
Chair, Independent Parliamentary Standards Authority



Matt Walker
Compliance Officer for the Independent Parliamentary Standards Authority

¹⁸ PCS has no power to share personal data that has not been published.

Daniel Greenberg

Daniel Greenberg CB
Parliamentary Commissioner for Standards

Date: 18 March 2025