

Compliance Officer for IPSA

Summary of investigation and findings

Mr Stephen Twigg MP
Member of Parliament for Liverpool West Derby
(IN/0026/310311)

11 October 2011

Martyn Taylor
Compliance Officer for IPSA
PO Box 68209
London SW1P 9TZ

Investigation summary

1. The Compliance Officer for the Independent Parliamentary Standards Authority carried out an investigation into whether Stephen Twigg MP was paid an amount under the MPs' Expenses Scheme (the Scheme) that should not have been allowed.
2. The investigation was conducted in accordance with section 9(1) of the Parliamentary Standards Act 2009 (as amended by the Constitutional Reform and Governance Act 2010) (PSA).
3. The investigation was initiated by the Compliance Officer, as he had reason to believe Mr Twigg may have received funding for a claim relating to a website (www.stephentwiggmp.co.uk) that did not comply with the rules of the Independent Parliamentary Standards Authority (IPSA) as set out in the Scheme.
4. On 11 April 2011 the Compliance Officer notified Mr Twigg that he was the subject of a preliminary investigation and on 5 July 2011 the Compliance Officer opened a substantive investigation into this matter.
5. On 26 August 2011, the Compliance Officer issued a Statement of Provisional Findings. That statement provides full details of the investigation. The findings are summarised below.

Findings

6. The Compliance Officer found:
 - a. that, in contravention of the rules of the MPs' Expenses Scheme, Mr Twigg received reimbursement for a claim he submitted for costs relating to his website at a time when the website contained party political logos in the form of favicons in the title bars;
 - b. that Mr Twigg acted swiftly to rectify the contravention and by submitting a cheque to IPSA by way of repayment for the amount of the claim;
 - c. that IPSA was in part at fault as its validation procedures should have prevented reimbursement being made;
 - d. that seeking a repayment for this contravention would be neither proportionate nor reasonable and that IPSA should return Mr Twigg's repayment to him; and
 - e. that IPSA had strengthened its validation practices.

Resolution

7. On 5 September 2011, Mr Twigg wrote to confirm that he accepted the provisional findings. Consequently, IPSA returned Mr Twigg's repayment to him.
8. No further action was required either of Mr Twigg or of IPSA and on 22 September 2011 the investigation was closed.

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Martyn Taylor
Compliance Officer for IPSA

11 October 2011

Compliance Officer for IPSA

Statement of Provisional Findings

Mr Stephen Twigg MP
Member of Parliament for Liverpool West Derby
(IN/0026/310311)

26 August 2011

Martyn Taylor
Compliance Officer for IPSA
PO Box 68209
London SW1P 9TZ

A. Introduction

1. The Compliance Officer¹ for the Independent Parliamentary Standards Authority has carried out an investigation into whether Stephen Twigg MP was paid an amount under the MPs' Expenses Scheme (the Scheme) that should not have been allowed. This investigation was conducted in accordance with section 9(1) of the Parliamentary Standards Act 2009 (as amended by the Constitutional Reform and Governance Act 2010) (PSA).
2. The investigation in respect of Mr Twigg was initiated by the Compliance Officer, as he had reason to believe Mr Twigg may have received funding for a claim relating to a website (www.stephentwiggmp.co.uk) that did not comply with the rules of the Independent Parliamentary Standards Authority (IPSA) as set out in the Scheme.
3. This statement sets out the Compliance Officer's provisional findings in respect of this investigation.
4. Mr Twigg and IPSA may make representations in writing to the Compliance Officer in respect of the provisional findings in this statement within fifteen working days of the date of this statement.
5. If representations are received, the Compliance Officer will consider these and may prepare a Statement of Findings.

B. Summary of the investigation

6. In December 2010 a member of the public made a complaint to the Compliance Officer about the use of party political logos on the website of an MP, the costs of which were claimed through the Scheme.
7. Sections 10.6 of the Second Edition of the Scheme, which was in effect at that time, stated that "*[expenditure] may not be claimed for (a) funding any material that contains a party political logo or emblem; or (b) publishing any material which could be construed as election campaign expenditure within the scope of the Political Parties, Elections and Referendums Act 2000*". Both the First Edition and the current (Third) Edition of the Scheme stated the same under sections 10.6 and 6.6 (d) and (f) respectively. The Scheme, therefore, does not provide for reimbursements of the costs of material that contains a party logo, no matter the size, location or purpose of the logo.

¹ For the purposes of this statement, actions of the Compliance Officer may have been carried out by the members of his staff acting on his behalf.

8. Following this complaint, the Compliance Officer carried out an inspection of all the websites of MPs where the costs of the websites had been claimed through the Scheme.
9. When Mr Twigg's website was checked as part of this inspection, it was found to contain party political logos for the Labour Party as favicons in the title bars. A snapshot was taken of the site and retained as evidence.
10. This inspection gave the Compliance Officer a reason to believe that Mr Twigg may have been reimbursed for a claim under the Scheme that should not have been allowed, and on 11 April 2011 a Notice of Preliminary Investigation was issued to Mr Twigg and IPSA in respect of the claim set out below.

Claim Number	Date	Category	Expense Type	Amount
38060	06/10/10	General Admin	Website – Design/Production	£600

11. Mr Twigg contacted the Compliance Officer by telephone on 14 April 2011 and followed this up with an email and a letter in which he apologised for the error and set out that he had been unaware of the presence of the logos, and that he had acted immediately to remove the logos from his website. Mr Twigg provided a link to the proof of the website he had received from his designer for approval and which did not have the favicons. He further stated, and provided an email chain as evidence, that he had commissioned from his designer a website that did not contain material that was overtly party political in nature,
12. On 5 May 2011, Mr Luke Bozier, the Managing Director of Political Press Ltd, the website design company engaged by Mr Twigg, wrote to the Compliance Officer in which he stated that his company was responsible for the Labour Party favicons appearing on Mr Twigg's website and explained how it how come about.
13. Upon request, IPSA supplied all original invoices and supporting documentation held on its files relating to the above claim.
14. On 5 July 2011, following an analysis of the documentation from IPSA and the correspondence with Mr Twigg, the Compliance Officer notified Mr Twigg of his decision to carry out a Substantive Investigation, on the grounds that he was satisfied that Mr Twigg may have been paid an amount under the Scheme that should not have been allowed. IPSA received a copy of the Notice of Substantive Investigation on 21 July 2011.
15. Section 9(4) of the PSA provides that the Compliance Officer give the MP and IPSA an opportunity to make representations in respect of the substantive investigation.

16. Mr Twigg wrote to the Compliance Officer on 13 July 2011 and enclosed a cheque for £600 by way of repayment. Mr Bozier published a statement saying his company would be refunding these costs.
17. IPSA submitted representations to the Compliance Officer in writing on 28 July 2011.
18. During the investigation, the Compliance Officer considered, in addition to Mr Twigg's website, IPSA's validation practices and IPSA's policy position in respect of the presence of party logos and emblems on MPs' websites. He also considered the representations submitted to him.

C. Provisional Findings

19. Following an assessment of the evidence in this case and having given consideration to both Mr Twigg's and IPSA's representations, the Compliance Officer has made the provisional findings set out below.
 - i. The rules of the Scheme are clear that reimbursement may not be sought for the costs of material that contains a party political logo or emblem. IPSA has clarified that websites are covered by "material" and that it will not reimburse the cost of material that contains a party logo, no matter the size, location or purpose of the logo.
 - ii. Mr Twigg submitted a claim for costs relating to his website, and received reimbursement for these costs from IPSA, despite the website containing party political logos for the Labour Party in the form of favicons.
 - iii. Mr Twigg therefore contravened the rules of the Scheme and received reimbursement for a claim that should not have been allowed. The Compliance Officer has decided not to apportion a particular amount to this contravention on the grounds that it is not necessary in this case to disaggregate the costs of designing and hosting party logos from the other costs of designing and hosting Mr Twigg's website.
 - iv. Notwithstanding the fact that it is not possible retrospectively to check the content of Mr Twigg's website at the time the claim was submitted, IPSA's validation effort fell short. It did not meet its validation standards, which include provision that the front pages of websites for which claims are being made are checked for party political logos or campaign material, and which should have

resulted in this claim being turned down for reimbursement. Although MPs alone are responsible for the accuracy of the submission of their claims, IPSA is in this case in part at fault as it could, by following its validation procedures, have prevented a reimbursement being made to Mr Twigg for an amount that was not allowed under the Scheme.

20. When considering whether a repayment or penalty is appropriate in the case of a contravention of the Scheme, the Compliance Officer must consider a range of factors in order to ensure he adopts a proportionate and fair approach. The nature of the contravention, the nature of the claim that have been investigated, the context of the submission of the claim, and Mr Twigg's response are therefore relevant factors, and the Compliance Officer has provisionally found the following in respect of these:

- i. The contravention itself was minor in scale. With the exception of the presence of the party logos in the form of favicons, Mr Twigg's website was compliant with the Scheme. It is hard to envisage any personal financial, political or other particular advantage to Mr Twigg resulting from the presence of party political logo in the form of favicons in the title bars of his website.
- ii. The claim that has been subject to this investigation was for a paid-for service sought by Mr Twigg in pursuit of his parliamentary duties, rather than material goods that could more readily be exchanged or returned.
- iii. The claim in this case was made in the six months following the 2010 General Election, following which the new Scheme came into effect. IPSA has stated in its representations in respect of this case that during this period it took time for both MPs and IPSA itself to become fully familiar with the Scheme, to the extent that for much of this early period IPSA operated a "grace period" during which it returned rather than refused claims it found to be outside the rules.
- iv. Following the notification that a Preliminary Investigation was underway, Mr Twigg took swift and welcome action to ensure the website complied with the Scheme. A recent inspection of the website confirmed that it remains compliant.
- v. In addition, Mr Twigg sent IPSA a cheque to repay the amount for which he had received reimbursement, and Mr Bozier, the managing director of the company engaged by Mr Twigg, has published a statement taking responsibility for the error, and stating that his company would repay the cost of the claim.

Conclusion

21. Under section 9(8) of the Act, the Compliance Officer may determine what amount is reasonable to request an MP repay.
22. In doing so, the Compliance Officer has taken all relevant factors, as set out above, into account, and is, in addition, mindful of a recommendation to MPs by the National Audit Office (NAO) in its recent report on MPs' expenses² that *"MPs should submit claims for all expenditure they legitimately incur as part of their work"*.
23. Claims for the cost of a website are legitimate if the website assists MPs in carrying out their parliamentary functions and does not carry party political logos or emblems.
24. Consequently, the Compliance Officer finds that it would be neither proportionate nor reasonable to request a repayment, such as Mr Twigg has already made, and that Mr Twigg's repayment should be returned to him by IPSA. He also finds that it would be neither proportionate nor reasonable to impose penalties.
25. The Compliance Officer further finds that IPSA has acted to strengthen its validation practices in respect of section 6.6 (d) and (f) of the Scheme and that IPSA therefore need take no additional action.
26. The Compliance Officer does, however, remind Mr Twigg that he alone is responsible for the correct submission of claims and that a general condition of the Scheme is that *"[i]n making any claim under the Scheme, an MP must certify that the expenditure was necessary for performance of their parliamentary functions, and that in incurring the expenditure they had complied with the Scheme"* (section 3.2).

D. Representations and case resolution

27. Mr Twigg and IPSA may make representations in writing to the Compliance Officer in respect of these provisional findings within fifteen working days of the date of this statement.
28. If representations are received, the Compliance Officer will consider these and prepare a Statement of Findings.

² Independent Parliamentary Standards Authority: The payment of MPs' expenses (NAO, 7 July 2011, HC 1273 Session 2010-12)

29. The Compliance Officer may determine not to prepare a Statement of Findings, as per paragraph 36 of the Procedures for Investigations of the Compliance Officer, if Mr Twigg accepts the Provisional Findings.

Martyn Taylor
Compliance Officer for IPSA

26 August 2011

Compliance Officer for IPSA

Investigation Closure Report

Mr Stephen Twigg MP
Member of Parliament for Liverpool West Derby
(IN/0026/310311)

22 September 2011

Martyn Taylor
Compliance Officer for IPSA
PO Box 68209
London SW1P 9TZ

Investigation closure report

On 26 August 2011 the Compliance Officer sent Mr Stephen Twigg MP a Statement of Provisional Findings in respect of the investigation that was conducted in accordance with section 9(1) of the Parliamentary Standards Act 2009 (as amended by the Constitutional Reform and Governance Act 2010) (PSA).

The investigation was into the presence of political party logos on a website that was funded through the MPs' Expenses Scheme. The Statement of Provisional Findings sets out the details of the investigation and the Compliance Officer's reasoning for his findings.

The Compliance Officer also sent a copy of the Statement to the Independent Parliamentary Standards Authority (IPSA).

Section 9(5) of the PSA provides that both the MP in question and IPSA are given the opportunity to make representations to the Compliance Officer about the provisional findings.

On 5 September 2011, Mr Twigg wrote to the Compliance Officer to confirm that he accepted the findings. The Compliance Officer consequently instructed IPSA to issue a repayment of £600 to Mr Twigg, as set out in the provisional findings.

On 6 September 2011, IPSA's Chairman, Sir Ian Kennedy, wrote to the Compliance Officer to confirm that he would not be making any further representations in respect of this investigation.

No further action was required of Mr Twigg or of IPSA, and the Compliance Officer will not be preparing a Statement of Findings further to the Statement of Provisional Findings.

This investigation is now closed.

A handwritten signature in black ink, appearing to read 'M. Taylor', followed by a period.

Martyn Taylor
Compliance Officer for IPSA

22 September 2011