



Summary of Statement of Findings Report

Mr Liam Byrne MP
Member of Parliament for Hodge Hill, Birmingham
COM -1381 and COM-1382

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Compliance Officer for IPSA
24th May 2023

Section One – Introduction

- 1.1 This report is a summary of the Statement of Findings which was issued in accordance with Section 9 and 9A of the Parliamentary Standards Act 2009 ('the Act') and the Fourth Edition of the 'Procedures for Investigations by the Compliance Officer for IPSA' ('the Procedures'). The Act and Procedures allow for the Compliance Officer to publish the full report or summary thereof and it is a matter for the Compliance Officer to decide as they see fit.
- 1.2 The Compliance Officer may, under Section 9(1) of the Act, conduct an investigation, if he or she has reason to believe that an MP may have been paid an amount under the Scheme of MPs Staffing and Business Costs ('The Scheme') that should not have been allowed. This may be initiated by the Compliance Officer, as a result of a complaint by an individual ('the complainant') or following a request for an investigation made by IPSA.
- 1.3 Following two separate complaints being received in April 2021 which related to the MP, Liam Byrne, the Compliance Officer made some initial enquiries. As a result of the enquiries, additional information was received, which led to the Compliance Officer initiating a formal investigation into claims that Liam Byrne had used his IPSA funded parliamentary staff in support of his campaign to become the Metro-Mayor of the West Midlands. The claims, fall under the Eleventh and Twelfth Editions of the Scheme.
- 1.4 Following the decision to initiate an investigation and in accordance with paragraph 11 of the Procedures, the Compliance Officer can make a formal request for information from IPSA, the MP concerned or any other person the Compliance Officer deems appropriate. During this investigation information was sought from several parties including the MP, members of his staff and independent sources.
- 1.5 Paragraph 16 of the Procedures require that the Compliance Officer shall inform the MP concerned and IPSA of all material information which the Compliance Officer has received (which may be communicated in summary or by the supply of copy documents).
- 1.6 It is worthy of note, this investigation has been significantly delayed because of an Independent Complaints and Grievance Scheme (ICGS) process which was already ongoing at the time these matters came to light. This meant that some aspects of Compliance investigation were suspended for 12 months and resumed in May 2022.

1.7 The section of “The Scheme of MPs’ Staffing and Business Costs” which the Compliance Officer considers relevant to the complaints are set out below:

1.8 **Part A Fundamental Principles for MPs**

In claiming for public funds through the Scheme, MPs must adhere to the following principles.

1. Parliamentary: MPs may only claim for expenditure for parliamentary purposes.
2. Value for Money: MPs must have regard to value for money when making claims.
3. Accountability: MPs are legally responsible for all money claimed and for managing their budgets and their staff.
4. Probity: When making claims, MPs must adhere to the MPs’ Code of Conduct, including the seven principles of public life

1.9 **Chapter 3 General Conditions of the Scheme**

The following are examples of activities that are not considered parliamentary for the purposes of this Scheme, and are therefore not claimable from IPSA:

- a. attendance at political party conferences or meetings;
- b. work which is conducted for or at the behest of a political party;
- e. any other activities whose purpose is to give MPs a campaigning advantage in general elections and referendums; (Paragraph 3.5)

1.10 **Chapter Seven Staffing Costs**

Staffing costs may be claimed to meet the cost of staff who support MPs in performing their parliamentary functions. (Paragraph 7.1)

Section Two - Details of Complaint

Complaint One

- 2.1 On 13th April 2021, a complaint was received that Mr Byrne was using his parliamentary staff in support of his campaign to run for Mayor of the West Midlands. In support of the complaint, a link to a social media blog 'skwawkbox' was received.¹ The social media article referred to a communication sent in March 2021 to members of the Labour Party's National Executive Committee which made allegations about a staff member's employment which included the fact they had worked on the Mayoral Campaign.

Complaint Two

- 2.2 On 23rd April 2021, the CEO of IPSA made a referral to the Compliance Officer following receipt of a letter from another Member of Parliament. In the letter, which also referred to article by "skwawkbox" the MP alleged that.

- Expenses provided by IPSA were being diverted to Mr Byrne's Mayoral Campaign.
- His IPSA funded staff were being used in support of the Mayoral Campaign.
- A complaint was made to the NEC that the promise of a party contract to a staff member never materialised, and the staff member's salary was paid by IPSA despite the staff member working exclusively on the campaign.
- Mr Byrne's Head of research prepared local strategies in support of the Mayoral campaign.

- 2.3 Following receipt of complaints One and Two, the Compliance Officer wrote to all current and former staff members of the MP, in an effort to:

1. identify the member of staff who sent the communication to the NEC.
2. Identify if any other staff members had worked on the campaign during their IPSA contracted hours.

¹<https://skwawkbox.org/2021/04/11/exclusive-byrne-using-parliamentary-staff-for-Mayoral-Campaign-after-half-team-quits/>

- 2.4 On 5th May 2021, in response to receiving the Compliance Officer's letter, a staff member came forward and provided some initial information concerning their employment and stated they had supporting evidence they had worked on the campaign which included, diaries, call hub data and witness details which could be provided in support of the investigation. The staff member also indicated during the initial discussions, that colleagues from the MPs staff, had also worked on the campaign. The staff member was formally interviewed by the Compliance Officer in September 2022.
- 2.5 In their account the staff member provided information that following Liam Byrne's announcement to run as the Labour party candidate to become the Mayor of the West Midlands, all of their contracted IPSA hours were spent in support on that campaign, and a significant amount of overtime was worked outside of their contracted hours. In addition, they stated other members of staff had been directed to work on the campaign during their IPSA contracted hours. The staff member acknowledges there was clear cross over between some of the work on the campaign and Mr Byrne's role as an MP.
- 2.6 During the course of the investigation, the Compliance Officer contacted other members of the MP's staff to ascertain whether or not they worked on the mayoral campaign during times they were contracted to work for IPSA. In total, 4 Members of staff confirmed they did work on the campaign but not during times they were contracted to work for IPSA. They claimed their support to the campaign took place outside of office hours, in their own time in the capacity as volunteers or they had taken annual leave in order to assist.

Section Three - Scope of the Investigation into the Complaints

- 3.1 During this investigation, the Compliance Officer has:
- obtained all relevant documentation and data from IPSA.
 - Communicated with and/or interviewed members of Mr Byrne's staff.
 - Communicated and held meetings with Mr Byrne.
 - Contacted and obtained accounts from a number of potential witnesses.
 - Reviewed a significant amount of material provided by both Mr Byrne and a staff member.
 - Reviewed the report from the Independent Expert Panel which related to the ICGS process..
 - Made enquiries with the Labour Party.
 - Reviewed the Scheme for MPs Staffing and Business Costs.
- 3.2 This investigation has taken several months to complete, notwithstanding the 12-month suspension due to the ICGS process, because a significant amount of information has been gathered and reviewed and a number of people contacted to see if they could assist with providing information. In addition, it has been necessary for the Compliance Officer to have numerous contacts with Mr Byrne and a staff member to make requests for information. This investigation has been time consuming for all concerned, and the Compliance Officer is grateful for the co-operation which has been received.
- 3.3 A significant amount of information has been gathered in the form of written information, Mayoral and MP diaries, call hub data, staff diaries, and witness information which is referred to later in this report.
- 3.4 The Compliance Officer contacted a number of persons who included other staff members who worked for Mr Byrne, local councillors and members of the Labour Party who had knowledge of the Mayoral Campaign.
- 3.5 The Compliance Officer also reviewed all of the information stored on IPSA systems which included details of staff contracts, salaries, and case management records.
- 3.6 All of the above is summarised in the next section of this report.

Section Four - The evidence

4.1 This section will include a brief summary of the key evidence gathered during the investigation.

4.2 **The Account of a former staff member.**

A staff member of Mr Byrne responded to a letter received from the Compliance Officer and provided information and documentary material in support of the investigation. In summary, during their initial employment, they were involved with creating and managing events around the West Midlands which focused on outreach work and homelessness policy work. During the summer of 2019, Liam Byrne publicly stated his intention to run for West Midlands Mayor and from that point, the staff member's work was focused on assisting the MP in securing support for the campaign from within and outside of the Labour Party. They took a lead role in organising events linked to the campaign, completing administrative tasks from home, and accompanying the MP to the events. Their work included gaining support from the twenty-eight parliamentary constituencies in the West Midlands, and then from the thousands of local members. The staff member stated that by for periods of time, they were working six days a week running phone banks for the MP's internal campaign. This meant they spent all day calling Labour Party members and assisting others to do the same. This took place remotely through software called Call hub. The staff member made 2500 recorded calls to members of the local Labour Party, each call lasting several minutes. The MP won the nomination to become the Labour Party candidate to run for Mayor and thereafter, the staff members continued to work six days a week on the campaign as the MP's assistant at events and overseeing his diary management. They would frequently work 12hour days with little time off. The staff member states he raised this with the MP and other staff and party members. After the election was postponed due to covid, the staff member reverted to working from home for five days a week and worked on a transport plan and Mayoral stakeholder management.

The selection process took place in February 2020 and Liam Byrne was selected as the Labour candidate. The elections were supposed to take place in May 2020, but by April 2020, an announcement had been made that they were to be delayed because of covid. The staff member believes, had it not been for the delay in the process, they may have been given a full-time job on the Mayoral team.

Following the Country entering the first period of lockdown in March 2020, the staff member assisted with work on a transport plan which involved meeting with stakeholders and local councillors. Regular updates were provided to Liam Byrne and the campaign policy lead. They

are aware Liam Byrne has subsequently denied they were ever tasked with this work and says this is a blatant lie. The staff member has provided some evidence which confirms they had some involvement with this piece of work.

In summary, the staff member provided information that they and other staff members worked on the campaign from the point Mr Byrne announced his intention to run for Mayor. In support of the information, evidence in the form of Mayoral diaries, call hub data, what's app conversations, a list of 204 campaign events and a list of allocated roles to other members of staff was supplied. They also provided a list of witnesses to be contacted which will all be referred to later in this report and a detailed timeline containing the detail of events they were involved with including dates and hours worked.

4.3 Account of Liam Byrne

During the course of the investigation, the Compliance Officer exchanged a number of communications with Mr Byrne which took the form of letters, e mails and held two personal meetings. The below is a summary of the information provided by him.

The staff member worked for Liam Byrne in two roles: one as an administrative officer assisting him with research on food poverty within his constituency and region. This was used to inform his wider parliamentary work on food poverty. His second role was unpaid as Campaign and Labour Party volunteer working on Liam Byrne's selection to become the West Midlands Metro-Mayor. Mr Byrne states the two roles were kept very separate. The staff member was never employed full-time and their work each week was split into two - contracted hours paid by IPSA, and non-contracted hours, which were purely voluntary. Mr Byrne asserts that the staff member was aware of his obligations for his IPSA role and his signature appears on repeated contracts.

The work as an administrative officer included:

- Researching opportunities to visit foodbanks and other counter poverty organisations especially those working with the homeless, liaising with staff at the foodbanks to visit and collect evidence of food poverty and the response of organisations to the crisis.
- Liaising with members of parliament across the West Midlands to engage them in this work, including food collections.
- Liaising with civil society organisations to understand their perspective on food poverty.
- Accompanying Mr Byrne on these visits to smooth logistic, provide navigation and other private secretary duties.

- Providing drafts of articles for Mr Byrne to adapt and publish.
- Recording videos of the visits.

Mr Byrne supplied diaries, e mail evidence and written articles to illustrate the range of work conducted during the staff members contracted hours, principally on organising food-bank work and conducting research. Mr Byrne states, at no time did he stipulate when the contracted hours had to be worked. He says, the staff member was never employed full time precisely because they were asked to do some political work, but this work could only be done outside of contracted hours.

Mr Byrne states he was elected as the Labour Party Mayoral candidate on 6th February 2020: at this stage the Labour Party put in place a campaign team. The elections were postponed on 13th March 2020 for 12 months (due to covid) and shortly afterwards all staff started working from home due to lockdown restrictions. Mr Byrne became aware, that whilst working from home, the staff member had contacted local councillors and claimed to be working on a Metro Mayor transport policy. He said they were instructed to stop working on the plan as there was a paid campaign member, leading on this piece of work.

One aspect of Complaint was that Liam Byrne's Head of Research prepared local strategies in support of the campaign. Mr Byrne has stated his Head of Research did not work on any Mayoral Campaign material in IPSA funded time, any support provided to the campaign by that member of staff was done in their own time. (This was confirmed with the person concerned). He also provided evidence that two of his other staff members applied for annual leave to assist with the Mayoral Campaign for the month of April 2020.

Mr Byrne provided his analysis of the timeline supplied by the staff member and made the following points:

1. The total number of hours calculated on the timeline that were worked on the Mayoral Campaign is 1019.
2. 96.5 of those hours were political and legitimate parliamentary activity.
3. A total of 333 hours recorded were weekend or evening activity which is the normal activity for campaign activity.
4. 43% of the hours (435 in total) were worked after the first national lockdown period was imposed.

5. Following the lockdown period, Mr Byrne had no direct contact with the staff member and did not instruct them to do any work.
6. The staff member alleges they spent 41% of the hours alleged (416 hrs) working on a transport plan. Mr Byrne states he did not commission the staff member to assist with this piece of work. His policy lead wrote the policy plan. (There is corroborative evidence from policy lead to this effect). The 416 hours are included within point four above.

4.4 Other Witnesses

A number of people were written to during the course of this enquiry, which included other staff members who worked for Liam Byrne, local and National Labour Party Members and local councillors. The information provided by all witnesses can be summarised as follows:

4.5 Staff Members

There were members of Mr Byrne's staff who acknowledged they worked on the Mayoral Campaign. Without exception, they all stated they did so in their own time as a volunteer or took annual leave in order to assist with this work. Mr Byrne was able to provide annual leave records for staff members for some of the relevant period. No information/evidence has been provided which confirms/negates the voluntary work conducted by other staff members. This forms the basis of a recommendation to IPSA.

4.6 Members of the local Labour Party

There were members of the local Labour Party who confirmed they attended Mayoral or party events where the staff member was present with Liam Byrne. Some of the events took place during the evening or at weekends. No-one could provide any information relating to the status of the staff member's attendance e.g. during IPSA hours, as a volunteer or whilst on leave.

There were two witnesses of note who provide information in support of the staff member, Witness 18 and Witness 23.

4.7 Summary of witness 18's information

Witness 18 was the representative on the regional Labour Party involved with Liam Byrne's Campaign in 2020. They can say the staff member was present at meetings with Liam Byrne to discuss and plan the Mayoral Campaign. This witness was under the impression the staff member was working as Mr Byrne's Chief of Staff and was being lined up to run his campaign team. However, the staff member seemed to disappear and – without comment – no longer appeared to be working for Mr Byrne. Another staff member then appeared to be working on

the Mayoral Campaign and was present at many meetings and completed digital and advertising work for the campaign. Latterly in the campaign, when this witness asked about employment arrangements, he was informed that Mr Byrne's Parliamentary staff had taken extended leave to work on the Mayoral Election Campaign.

4.8 Witness 23

Witness 23 is a councillor and a Labour Party Member and has known the staff member for several years through their connection with the Labour Party.

This witness was aware and can say the staff member worked excessively long hours over many months. This witness believes the lines could not be blurred and is unequivocal in their opinion that all work conducted by the staff member was connected to the Mayoral Campaign.

4.9 National Labour Party member – Witness 15

This witness confirmed they were a recipient of an email sent to the NEC. His reply to a letter from the Compliance Officer outlining the complaint was "Similar allegations were previously made to the Labour Party (referring to NEC e mail) in relation to the employment of a staff member who we understand was previously employed in the Parliamentary Office of Liam Byrne MP. Mr Byrne became the Labour candidate for the West Midlands Metro Mayor around 06.02.2020 and following on from this selection, the staff member has not had any formal or informal role within the Metro Mayor Election Campaign. It is this witness's understanding however that the staff member may have volunteered to support Mr Byrne during the period in which he was seeking selection as the candidate. Labour Party selection campaigns rely on volunteers, and it would not be in any way out of the ordinary for Labour Party members to give their time to support such internal selection campaigns".

4.10 Call hub data

Both parties provided information regarding telephone campaign work through a call hub database. The call hub facility started in earnest in January 2020 and continued into early February. The idea was to contact people and canvass their votes in support of Liam Byrne's Campaign. There was a prepared list of questions, and each call could take between five and ten minutes to complete. A screenshot shows the staff member made the 2500 calls and topped the leader board. The staff member stated each call could take between 5 and 10 minutes and on average they made between 6 and 12 calls an hour.

Mr Byrne agreed there was a script listing the questions. He believed the technology allowed for 40 to 60 calls an hour. His position is the majority of the calls were not picked up and so a pre-

recorded voicemail message could be left which meant the call would only last between one or two minutes. He said in order to maximise effectiveness, he encouraged calls to be made during evenings and weekends. He believes the amount of time spent by the staff member on call hub work between the months of October to February would have totalled 40 to 60 hours equating to 5 or 6 hours a week.

There is a disagreement between the staff member and Mr Byrne over the amount of time spent on this activity. There was no data provided which would have enabled the Compliance Officer to work out how much time was spent on this activity, as the data hub company confirmed it was no longer available at the time of the request.

4.11 Transport Plan

The staff member has stated they spent a lot of time working on the transport plan and provided regular updates on the progress to the policy lead. This activity took place during the lockdown period, and they spent over one hundred hours of work conducting research for it. At the request of the Compliance Officer, the policy lead was contacted about the transport plan, and he provided information that he led this piece of work, and the staff member was not commissioned to work on it. This point is contested by the staff member who has provided some information which shows they provided regular updates with regards to the work they were doing.

4.12 WhatsApp groups

Copies of three What's app groups set up by Liam Byrne were provided to the Compliance Officer. 1. 'Team hodge hill' was the Parliamentary staff chat, 2 'metro Mayor media team' was in effect a general Mayoral chat, and 3 'Liam Core' sat above both. Within the groups are members of Liam Byrne's staff and it is clear work was tasked and discussed within the groups.

Section Five - Analysis of the evidence

- 5.1 There is no dispute from either party that the staff member and others worked on Liam Byrne's Mayoral Campaign. What is in dispute is the status of the staff member when the work was completed.
- 5.2 The information provided by the staff member supports the position that all work conducted on the Mayoral Campaign was during contracted hours when IPSA paid them. In addition to this they worked extensive overtime and on average worked six days a week on the campaign for in excess of 12 months.
- 5.3 Liam Byrne has stated that all the work on his campaign conducted by his staff members was in their capacity as volunteers for the Labour Party or during periods of time when they had booked annual leave.

Staff Member

- 5.4 Only one staff member provided information to the contrary and in support this supplied copies of the Mayoral diary, a timeline of events, what's app group messages, call hub data for telephone campaigning, a list of roles and responsibilities for the Mayoral Campaign. They also provided a list of witnesses, many of whom were contacted, and some of their accounts are detailed in this report.

5.5 Liam Byrne

Mr Byrne's position is that the staff member fulfilled their IPSA contracted hours working on parliamentary activities such as food banks, and homeless projects and any work on the Mayoral Campaign including arranging and attendance at events, telephone canvassing and non-commissioned work on the transport plan was in their own time in the capacity as a volunteer. He, too, has provided a significant amount of information in support of his argument.

Mr Byrne was not able to provide any documentary evidence to show there was a formal agreement in place that all of the staff member's work on the campaign was to be conducted in the capacity as a volunteer or any information to support the fact they were asked to make up the time when a Mayoral event took place during their contracted hours. Neither is there any evidence of records of work which details the staff member's parliamentary related work. (It is worthy of note, there is no requirement for MPs to retain such records for their staff).

- 5.6 It is the role of the Compliance Officer to examine all the evidence in an impartial and independent manner and come to a judgement as to whether the MP claimed monies from IPSA, in this case by way of a staff member salary, that ought not to have been claimed. To that end the Compliance Officer has spent a significant amount of time reviewing all the material gathered during this investigation and analysing the timeline and Mayoral diary of Liam Byrne in an effort to reach a judgement.
- 5.7 There is a document which was supplied by Liam Byrnes office which sets out the contracted hours and leave taken by the staff member between during their employment. This document details the fact the staff member was contracted to work 1929 hours during that period and took 60 hours annual leave. This information is independently verified by records held on IPSA systems.
- 5.8 The timeline produced by the staff member has notated the amount of time spent at each event. This does not include travel time to and from the events. These total 1019 hours. However, there are several entries which did not have a notated number of hours against the entry and were left blank. The staff member's position is that any time shown on the timeline as "working from home on election or Mayoral Campaign", they worked between 5 and seven-hour days and when working on the telephone campaign throughout January into early February they worked on average a ten- or eleven-hour day.
- 5.9 There are 126 days shown on the timeline as days when the staff member is shown as working from home, not including the period following lockdown. This adds between 630 and 882 hours to the total number of hours (1019) the staff member says they worked on the Mayoral Campaign. This means the total number of hours worked on the Mayoral Campaign by the staff member equates to between 1650 and 2000 hours.
- 5.10 The Compliance Officer gave Mr Byrne the opportunity to go through the timeline and detail any events he could say were parliamentary in nature or to dispute the staff member was involved or otherwise comment on. Mr Byrne presented an argument that 746 hours should not be considered and provided a rationale in support of his position.
- 5.11 The Compliance Officer is prepared to accept and concede all of these points in favour of Mr Byrne. However, this still means there are between 900-1250 hours when the staff member worked on the Mayoral Campaign during weekly daytime hours. This does not take in to account any travel time, so in reality this is a conservative estimate.

Section Six – Representations

- 6.1 Before reaching a final conclusion, a Provisional Findings Report was sent to Mr Byrne and the CEO of IPSA. Both parties were given an opportunity to make representations on the initial findings of the Compliance Officer.
- 6.2 The conclusion reached by the Compliance Officer in her Provisional Findings Report was that a staff member worked on the Mayoral Campaign during times they were contracted to work in support of Mr Byrne’s role as an MP. However, due to a number of factors which are detailed in section eight of this report, the Compliance Officer did not make a repayment direction against Mr Byrne in respect of the staff member’s salary. The complaint, therefore, is upheld.
- 6.3 The Compliance Officer made two recommendations to IPSA for their consideration. These are detailed in Section nine of this report.
- 6.4 The CEO of IPSA indicated, he had no representations to make and accepted the conclusions and recommendations.
- 6.5 Mr Byrne responded to the Compliance Officer and provided a document entitled “Reflections on Provisional Findings”. In general terms, Mr Byrne accepted the initial findings of the Compliance Officer but requested that some of the points contained within the document be reflected in the Final Statement of Findings Report. The Compliance Officer has summarised the comments of Mr Byrne in section seven of this report and has incorporated certain aspects in the Final Conclusion. (Section Eight).

Section Seven – Mr Byrne’s Reflections

7.1 On 28th April 2023, Mr Byrne provided his response to the Provisional Findings Report. The below provides a summary of his views.

7.2 Mr Byrne thanked the Compliance Officer for the report and acknowledged the thorough analysis of the large volume of evidence which had been gathered during the investigation. The MP welcomed the recommendations within the report and believed they would also be welcomed by members across the house.

7.3 Mr Byrne made a series of points he requested be included in the final report. These can be summarised as follows:

7.4 Point One

Mr Byrne wanted it noted that the analysis of this case is very complicated because much of the period was spent during lockdown, when new norms around home working were in place. He requested this point be acknowledged in the final report.

7.5 **Comment**

The first national lockdown was imposed on 26th March 2020 and was in place until July 2020. The Compliance officer does not believe this point to have any relevance because the hours worked by the staff member during this period were not considered as part of the overall complaint.

7.6 Point Two

There was no contact between the parties, following lockdown and Mr Byrne does not believe the staff member can claim they were working under his instruction on political activity for this period.

7.7 **Comment**

This point has been accepted in the body of the report.

7.8 Point Three

Referring to the remaining two thirds of the staff member’s contracted hours. Mr Byrne refers to the timeline prepared and commented on by him by way of a separate document. The staff member was contracted to work 1929 hrs. In his submission, the staff member provides information on how they spent 1019 of these hours (documented hours). The staff member does

not assert that any hours other than those hours documented were spent on political work. He is silent on the remaining 900 hours and accordingly there is no evidence to support a contention or reason to believe, they were working on political work during this time.

7.9 **Comment**

As stated above, the total number of hours, the staff member claims they worked on the Mayoral Campaign totalled between 1650 and 2000 hours. They did not provide a numerical number of hours that were worked on the 126 days worked from home. When those hours are added to the total, this equates to 1650-2000 and does not include the hours they worked during the lockdown period. Mr Byrne was given the opportunity to comment, and concessions were made by the Compliance Officer.

7.10 Point Four

Mr Byrne had some observations to make on some of the wording within the concluding section of the provisional findings report. This is covered in section eight of the report.

7.11 Overall

Mr Byrne accepts he did not put adequate measures in place to distinguish between the work the staff member did in support of his role as an MP, and the work they did in support of the Mayoral Campaign.

Section Eight – Conclusion

- 8.1 In reaching a conclusion on this case, the test applied is “on the balance of probabilities”. In simple terms this means “Is it more likely than not, the staff member worked on the Mayoral Campaign during some of the time they were contracted to work for Mr Byrne in his role as an MP?”.
- 8.2 The Compliance Officer has determined the staff member did work on the Mayoral Campaign during some of the time they were contracted to work for the MP in his parliamentary role. The Compliance Officer believes there is overwhelming evidence that many of the Mayoral events/activities took place during the staff member’s contracted hours.
- 8.3 Mr Byrne, in his representations, has challenged the comment “overwhelming evidence” on the basis that the staff member’s work schedule was approached flexibly, with some of their parliamentary duties discharged outside of conventional office hours, and similarly, sometimes during regular office hours where they were not occupied with parliamentary duties, they were free to undertake personal pastimes, including political activity. Mr Byrne’s contention is therefore that the staff member was fully employed on IPSA contracted hours for the full extent of those hours even if the work pattern did not precisely match a seven-hour time block on four days per week (rising to five days a week after lockdown).
- 8.4 Mr Byrne believes the Compliance Officer’s reference to ‘overwhelming evidence’ suggests he disputed the fact the staff member worked on his campaign, and the complaint has been resolved against him. Mr Byrne wanted to make it clear, he does not dispute (and has never disputed) that some political activities undertaken by the staff member occurred during conventional office hours. His position is that on such occasions, the staff member was not ‘on the clock’ in terms of their IPSA contracted hours. Mr Byrne does acknowledge, however, that he could have better protected himself by formalising such flexible working arrangements and will do so in the future.
- 8.5 The Compliance Officer is prepared to acknowledge that although staff contracts formally set out the days/hours of work, it is accepted practice there has to be a degree of flexibility due to the diverse nature of the role of an MP. The flexibility is there, however, to support MPs in their parliamentary role and not to support them in campaign activities. Mr Byrne is unable to provide any supporting evidence that he put measures in place to formalise any arrangements for the staff member to work on the campaign and he has acknowledged this point. Nothing that Mr Byrne has said on this point, convinces the Compliance Officer to change her determination.

- 8.6 There is no dispute that working with outreach groups and other community related work, is parliamentary in nature. The work conducted which is not considered parliamentary is the telephone canvassing campaign work and any other campaign work associated with elections for the Mayoral Campaign pre and post the selection of Mr Byrne as the labour candidate. This included planning, preparation, and attendance at events/meetings. These events took place across the West Midlands and were not confined to Mr Byrne's constituency.
- 8.7 The Compliance Officer believes this case raises a wider question with regards to the employment of staff by MPs and their involvement in non-parliamentary activities. The nature of the employer/employee relationship creates an imbalance in power between the parties. It is right therefore that Mr Byrne is considered the accountable person in this case. Currently the relationship between MPs and their staff is unregulated. This issue forms the basis of two recommendations for IPSA to consider.
- 8.8 Mr Byrne agrees it is right that he is the accountable person, and he whole-heartedly agrees with the wider conclusions about protecting both the public purse, staff, and Members from the risks this case highlights. However, he feels it is unfair to imply that he was either aware or knowingly sought to exploit an 'absolute imbalance of power'.
- 8.9 The Compliance Officer is willing to accept the point that Mr Byrne did not deliberately exploit the imbalance of power, but she does believe he neglected to put measures in place which made a distinction between parliamentary and campaign work. The imbalance of power was commented on within an IEP report published in 2022 involving Mr Byrne and a staff member and is worthy of repetition here. The IEP report stated:
- "We recognise that MPs and their staff wear "multiple hats" in respect of their Parliamentary, constituency and party activities, and that the inherent imbalance of power between MPs and junior members of staff could make it difficult to maintain the distinction between these activities in practice".
- 8.10 Mr Byrne accepts in retrospect he made two errors; (a) not drafting the staff member's contract to make it clear that the expectation delivery of a set number of hours of parliamentary work over the course of a month, to be worked flexibly, and second (b) not ensuring there was a documented volunteer agreement governing the hours the staff member worked outside the IPSA-contracted hours.
- 8.11 Mr Byrne concluded his representations by saying "I respectfully appreciate your reasoning for upholding the complaint, but I hope that equally you can appreciate my case that on the balance of probabilities, it is very challenging to conclude that I knowingly instructed the staff member to

work on political activity during IPSA contracted time and I would be grateful if the final report could make that conclusion clear”.

- 8.12 The challenge for the Compliance Officer is to try and accurately assess how much of the staff member’s time was spent on legitimate parliamentary duties in support of Liam Byrne as an MP and how much time was spent on Mayoral or other campaign work during the time they were employed, and their salary paid by IPSA.
- 8.13 The Compliance Officer, after much deliberation, has decided, it is not possible to come to a determination with regards to how much of the staff member’s salary should be repaid to IPSA and will advise IPSA not to pursue any monetary reimbursement from the MP. This is based on:
- There is a huge disparity between the accounts of both parties with regards to the number of hours worked on the Mayoral Campaign during IPSA contracted hours.
 - It is impossible to calculate with any degree of accuracy or fairness, what financial penalty could be imposed. There is no requirement to maintain records of work and the nature of the staff member’s role was very much community based.
 - Although witnesses can say the staff member attended Mayoral events/meetings, no-one can offer any evidence to negate Mr Byrne’s claim that this was done in a voluntary capacity.
 - Mr Byrne has provided some evidence that the staff member did work in support of his role as an MP.
 - The staff member agrees that some of their work in the community on food banks, and working with the homeless was work which can be considered as parliamentary. In addition, they agree some of the Mayoral events were linked to parliamentary work.
 - There is a lack of regulatory oversight on the use of staff by MPs on the part of IPSA.
 - The Compliance Officer believes it would be unreasonable to impose a financial penalty on the MP at this stage due to the time it has taken to bring this matter to a conclusion.
- 8.14 In conclusion, the Compliance Officer upholds the complaint that Liam Byrne did use his staff member to work on his Mayoral Campaign during times the staff member was being paid by IPSA to conduct parliamentary work. The Compliance Officer will not be pursuing a repayment direction.
- 8.15 There will be two recommendations made to IPSA with regards to the putting specific measures in place to hold MPs accountable for the management and oversight of their staff and for staff members to be made accountable for fulfilling their contracted hours.

Recommendations

Recommendation One

It is recommended that IPSA consider amending the terms and conditions of all contracts for existing and new staff members that makes it very clear they are not permitted to take part in any non-parliamentary activities during their contracted hours of work. Any such activities should take place in their own time and in one of three ways:

1. having booked leave
2. taken time off in lieu of hours worked.
3. In a voluntary capacity outside of working hours

Recommendation Two

All Members of Parliament should be required to provide a written undertaking they will not use their IPSA funded staff for any non-parliamentary activities during their contracted hours of work. Any such activities should take place in one of three ways:

1. The staff member concerned books annual leave.
2. The staff member concerned takes time off in lieu of previous hours worked.
3. The staff member concerned performs the activity as a volunteer outside of contracted hours.

It should be made clear, there is an expectation that records will be kept for each staff member which records annual leave, time off in lieu and voluntary activities.