

Review of a determination by the IPSA in relation to Claim 60093212.

**Review conducted at request of Imran Khan
Member of Parliament for Wakefield.**

Tracy Hawkings
Compliance Officer
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Introduction

1. This review has been conducted following a request by Imran Khan, the MP for Wakefield, to consider a determination made by the IPSA in relation to claim number 60093212 which related to the purchase of two walking canes at a total value of £1200. The purchase was made by the MP with the use of his procurement card and was rejected by IPSA on the grounds the purchased items did not represent value for money.
2. IPSA publishes and operates The Scheme of MPs' Staffing and Business Costs (the Scheme) in exercise of the powers conferred on it by section 5(3)(a) of the Parliamentary Standards Act 2009. "The Scheme is intended to ensure that MPs' use of taxpayers' money is well regulated, and that MPs are resourced appropriately to carry out their parliamentary functions."¹
3. The guidance which applies in this case comes under Part D Chapter Ten (Miscellaneous Costs and Financial Assistance – Disability Assistance) within the Thirteenth Edition of the Scheme 2021/22.
4. *Section 6A of the Parliamentary Standards Act 2009* (the Act) provides that if:
 - (1)(a) the IPSA determines under section 6(3)² 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).(2) 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 that consideration, decide whether to confirm or alter it.
5. Paragraph 9 of the notes for Guidance on the Conduct of Reviews by the Compliance Officer for IPSA states that:

¹ The Scheme of MPs' Staffing and Business Costs. (Thirteenth edition).

² 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”.

6. As IPSA has conducted an internal review on this matter, there is no impediment to the Compliance Officer accepting the request for a review from Mr Khan.

The Review.

7. In conducting the review, the Compliance Officer has utilised the thirteenth edition of the Scheme which came into force on 18th March 2021.
8. In addition, the Compliance Officer has conducted the following enquiries:
 - Reviewed the information provided by Mr Khan and his office manager.
 - Held a virtual meeting with Mr Khan on (Date)
 - Reviewed the notes held on the IPSA case records management system.
 - Reviewed the internal review report conducted by IPSA
 - Researched the Scheme for MPS Staffing and Business Costs
 - Reviewed the workplace adjustment reports relating to Mr Khan dated March 2019 and July 2021.
 - Consulted with the assessor who conducted the July 2021 assessment
 - Gathered information from the suppliers of the items subject of the claim.
 - Sought advice from the Equality Advisory and Support Service.

The basis for the review request by Mr Khan.

9. On 20th July 2021, Mr Khan purchased two walking canes, total value £1200, with the use of his MPs procurement card. The items were purchased from a supplier in Oxford Street, who had previously made walking aides for Mr Khan.
10. When the procurement card bill was sent to IPSA, the claim was rejected on the grounds the items did not represent value for money; the equipment could have been supplied by the NHS or another supplier at a much lower cost and the items did not form part of a work-place disability assessment conducted to assess Mr Khan’s needs for specialist equipment for use within the workplace. Mr Khan subsequently

requested a meeting with senior staff at IPSA which took place on 29th October 2021. Mr Khan was advised; the rejection of the claim was correct as it did not fall within the rules under the Scheme for MPs business and staffing costs.

11. The MP requested an internal review be conducted by IPSA. The case presented by the MP was as set out below:

“When I was first elected a Member of Parliament, the Chief Executive of IPSA at the time told me I was able to purchase custom canes and IPSA will fund their purchase. Since then, I have not taken up IPSA on their offer as I already had canes.

Since then, I now have a requirement for new canes as I misplaced some of my existing canes whilst travelling. The claim that has been submitted to IPSA is for 2 canes - one for use in the constituency in Wakefield, and one for use in Parliament and Westminster.

I would argue that the canes were value for money and are required due [REDACTED] that IPSA is already aware of. The canes have to be custom made due to the fact that my [REDACTED] condition requires the canes to be of a certain size to support my body weight, hence why I had them custom made.

[REDACTED]

[REDACTED]

[REDACTED]

The canes are made by the same company that already make my walking aides, such as my full weight bearing umbrella”.

12. The internal review conducted by IPSA upheld the original decision and the Mr Khan was informed he was required to reimburse IPSA for the full amount. (See IPSA section of report).
13. The MP then made a request for a Compliance Officer review. As part of that process, the MP requested a meeting which was held on 26th January 2021. During the meeting, Mr Khan provided additional information to the compliance officer about [REDACTED]

[REDACTED]

Considerations of the Compliance Officer

16. The Compliance Officer, on receipt of a request for a review, shall consider whether it is within his or her jurisdiction (IE does it relate to a refusal in part or whole of a claim under the Scheme) and whether the MP has given IPSA a reasonable opportunity to reconsider the determination.
17. The Compliance Officer will, considering 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 considering that, whether to confirm or alter it.

Rules under The Scheme for MPs Business and Staffing Costs

18. The guidance within the Scheme is set out in Section D Chapter Ten 10.10 and states:

Disability assistance may be claimed by any MP for additional costs incurred in the performance of an MP's parliamentary functions which are reasonably attributable to a disability of an MP, a staff member, a volunteer, a job applicant, or constituents visiting the MPs' office or a surgery. (Para 10.1)

In addition to the expenditure for which claims may be made under other parts of this Scheme, disability assistance may be claimed to meet the costs of any 'reasonable adjustments' required by the Equality Act 2010 including:

- a. staff and associated costs;*
- b. IT and other specialist equipment;*
- c. office furniture;*
- d. necessary adjustments to office premises or accommodation;*
- e. necessary costs of securing larger office premises or accommodation; and*
- f. necessary additional travel costs (including for carers or support staff where necessary). (Para 10.2)*

A claim for disability assistance must be accompanied by a clear statement of the nature of the disability in question and the assistance required. (Para 10.3)

*Claims for disability assistance can only be made by MPs for funding to support the performance of their parliamentary functions **outside the parliamentary estate**. There is no set limit on the amount of disability assistance an MP may receive; the level of allowable claims will be decided on a case-by-case basis. (Para 10.4).*

19. There is an advisory grey box which states:

“It will not always be necessary for MPs or staff to undergo an assessment of their disability in order to determine what reasonable adjustments are required. In many cases, the individual will already understand what is needed. However, if such an assessment is required, the cost should be claimed under disability assistance. MPs are recommended to seek prior approval for claims, especially if there is a large cost involved – for example, for buying specialist equipment IPSA will require an estimate of costs of the additional assistance to grant prior approval. In some circumstances, particularly where a large cost is involved, IPSA may require an independent assessment of the disability to be provided”.

20. Also included in the Scheme, within Section A General Principles, it states:

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.*

21.

[REDACTED]

[REDACTED]

[REDACTED] Due to the fact he chose to have the items custom made and there are much cheaper options available on the market, he should, arguably, have sought prior permission from IPSA before making the purchases and this he failed to do. There have been at least two updated versions of the Scheme since he had a conversation with the former CEO where the rules are set out very clearly. In addition, the MP has been reminded of the guidance by IPSA, post claim.

[REDACTED] In addition, Mr Khan, did have a workplace assessment conducted on 7th July 2021, not as a result of this claim, because the claims post dated the assessment, however the information within the assessment is relevant and details [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



by the Compliance Officer can be found at the following address: <https://www.gov.uk/guidance/mp-expenses-appeal-a-compliance-officers-decision>.

30. 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.

Final Update

31. A copy of this report has been sent to the MP and IPSA for them to be given the opportunity to make representations. The decision of the compliance officer has been accepted by both parties and the CEO of IPSA has agreed to contribute £300 towards the costs.

32. This matter is now resolved and will be closed.

Tracy Hawkings

Compliance Officer