

Review of a determination by	the IPSA in relation to	o Claim 60093212
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Review conducted at request of Imran Khan Member of Parliament for Wakefield.

Tracy Hawkings Compliance Officer February 2022



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 that IPSA is already aware of. The canes have to be custom made due to the fact that my condition requires the canes to be of a certain size to support my body weight, hence why I had them custom made.

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



The MP stated he

used the supplier in Oxford Street as they had supplied items for him before and they supplied quality products which were custom made to suit his needs. He said he was not eligible for equipment from the NHS as his previous surgery and treatment was provided privately and, in any case, he required specialist equipment. He gave his consent for the Compliance Officer to consult with the suppliers.

Position of IPSA

- 14. The claim was initially rejected as part of the payment card reconciliation process for the reasons set out above. There was a process error, and the payment system showed the item as being approved. In order to rectify the mistake, IPSA issued a credit note which required the MP to repay a sum of £1200 for the canes. As a result of this, the MP requested a meeting with senior personnel within IPSA where it as explained to the MP, the claim was rejected because it did not represent value for money and had not been included as a requirement in a workplace disability assessment conducted on 7th July 2021.
- 15. The matter was then considered as part of an internal review by a member of the policy and assurance team. The review concluded:

"This claim was initially approved in error, and a credit note has since been raised to recuperate the cost. In a meeting that took place on 29th October between yourself, the Head of Operations, the MP Support Deputy Manager, and your Account Manager, it was advised that this cost was not compliant with Scheme rules and therefore would not be approved. Upon review, we have upheld the original decision to not pay the claim.

The Scheme sets out that where a large cost is involved IPSA may require an independent assessment of the disability to be provided. The assessment provided in this case did not recommend that the items were required for your parliamentary duties to be carried out. We also note that walking aids can be provided by the NHS and therefore that the items claimed may not provide value for money, which MPs must have regard to under the Scheme."



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.

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- 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.

	Due to the fact he chose to have the
custom i	nade and there are much cheaper options available on the market, he should, arguably
sought p	ior permission from IPSA before making the purchases and this he failed to do. There have
at least t	wo updated versions of the Scheme since he had a conversation with the former CEO whe
rules are	set out very clearly. In addition, the MP has been reminded of the guidance by IPSA, post
In additio	n, Mr Khan, did have a workplace assessment conducted on 7 th July 2021, not as a result
claim, be	cause the claims post dated the assessment, however the information within the assessm
relevant	and details



- 23. The report did not make a specific recommendation in relation to the purchase of custom-made canes but at the time the assessment was carried out, Mr Khan, had access to canes which he subsequently lost.
- 24. The compliance officer has contacted the assessor and asked him, would this have formed the basis of the recommendation if Mr Khan had required the support of canes when being assessed. The assessor wrote "I would probably not have made reference to a cane because this is required all the time and not just for the workplace" but went on to say "Looking at his case from a humanistic standpoint, there is a duty of care, and one might argue everything else falls if this item is not provided and, on that basis, I would have considered it. I feel a contribution might be appropriate. It is down to the employer do decide what is reasonable".
- 25. The compliance officer has also sought advice from the Equality Advisory Service who were unable to assist as the advice was being sought by a third party and not the individual affected by the decision.

The compliance officer contacted the supplier of the canes to gain an understanding as to whether that were custom made for Mr Khan's specific condition. The manager of the store confirmed the canes were handmade and custom finished for Mr Khan

- 27. Based on reviewing all the evidence and considering the rules under the Scheme, the compliance officer has reached the conclusion, IPSA should contribute towards the cost of one cane. They are under no obligation to contribute towards equipment for use within the parliamentary estate but should pay towards the one required to assist the MP when in his constituency.
- 28. There is a wide variety of umbrella walking canes available on the open market and the prices vary significantly. The compliance officer believes a reasonable contribution would be in the region of between £200 and £300.
- 29. 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.

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