



House of Commons
Committee on
Standards and Privileges

**Conduct of Mr Derek
Conway**

Fourth Report of Session 2007-08

*Report and Appendices, together with formal
minutes*

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The Committee on Standards and Privileges

The Committee on Standards and Privileges is appointed by the House of Commons to oversee the work of the Parliamentary Commissioner for Standards; to examine the arrangements proposed by the Commissioner for the compilation, maintenance and accessibility of the Register of Members' Interests and any other registers of interest established by the House; to review from time to time the form and content of those registers; to consider any specific complaints made in relation to the registering or declaring of interests referred to it by the Commissioner; to consider any matter relating to the conduct of Members, including specific complaints in relation to alleged breaches in the Code of Conduct which have been drawn to the Committee's attention by the Commissioner; and to recommend any modifications to the Code of Conduct as may from time to time appear to be necessary.

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Conduct of Mr Derek Conway

Introduction

1. We have considered a memorandum submitted by the former Parliamentary Commissioner for Standards before he left office relating to a complaint against Mr Derek Conway, Member for Old Bexley and Sidcup, by Mr Michael Barnbrook. The Commissioner's memorandum is reproduced at Appendix 1.

2. Mr Barnbrook's complaint was that Mr Conway was paying his son £981 a month from his parliamentary staffing allowance while his son was still in full-time education at Newcastle University, and was refusing to indicate what work his son undertook on his behalf or how many hours he worked for Mr Conway.¹ The complaint was informed by an article which had been published in the *Sunday Times* on 27 May 2007.²

3. As is our usual practice, we have shown Mr Conway a copy of the Commissioner's report and he was offered the opportunity to give oral evidence. Mr Conway has made two written submissions to us, which are reproduced at Appendices 2 and 3.

4. There appears to be no dispute over the basic facts of this matter. Mr Conway employed his younger son, Frederick, (FC) as a part-time research assistant from 1 September 2004 to 24 August 2007.^{3 4} When first employed, FC was 19 years of age, had recently completed his A levels, and was about to begin a full-time undergraduate course at Newcastle University. FC's job description was based on a standard job description provided by the DFA⁵ for a Member's research assistant.⁶

5. Neither the original complaint and its associated newspaper article, nor the Commissioner's investigation, has revealed any evidence to suggest that FC performed, or was asked to perform, any tasks that went beyond assisting his father in the performance of his parliamentary duties.

6. FC's contract of employment provided for him to work for seventeen hours a week.⁷ He had originally been employed on a salary of £10,000 per annum, subsequently increased to £11,773 per annum, backdated to the start of his employment. His basic salary, equivalent to a full-time rate of £25,970 per annum, had remained at that level throughout his employment, and was within the pay range set by DFA for the relevant grade.⁸ FC had also received, on his father's instruction, four one-off sums, namely, £2000 in September 2005,

1 WE 2, p. 37.

2 WE 1, p. 35.

3 FC had been on sick leave from May to the end of his period of employment (see WE 13, para. 29, p. 65).

4 A similar arrangement had existed for his elder son (WE 13, para. 4, p. 63).

5 With effect from 1 January 2007, the DFA became part of the Department of Resources.

6 Appendix 1, paras. 7-9.

7 Appendix 1, para. 16.

8 Appendix 1, para. 17. See also paragraph 46.

£5000 in May 2006, £1300 in January 2007 and £1765.94 in May 2007.⁹ Mr Conway told the Commissioner that these sums had all been intended in lieu of annual salary uprating and as bonuses for work satisfactorily done.¹⁰

7. In essence, the Commissioner reached three conclusions—

- that Mr Conway authorised bonus payments to his son which exceeded the limit set by the House;
- that it is unlikely, on the balance of probabilities, that the work done by Mr Conway’s son was so extensive, or his availability in term-time was such, as to enable him consistently to meet his contractual commitment to an average of seventeen hours a week; and
- that Mr Conway paid his son substantially more than an appropriate rate for the job he was employed to perform, having regard to his son’s experience, qualifications and level of responsibility.¹¹

To this extent, he recommends that Mr Barnbrook’s complaint be upheld.

Mr Conway’s response

8. Mr Conway, for his part, accepts that he failed to keep adequate records as an employer and to take due account of the contents of the Green Book; had used the wrong form to authorise one-off payments that were, in effect, bonus payments; and that the bonuses paid to FC had exceeded the maximum level permitted.¹² He has apologised to the Commissioner for his failure to keep proper records¹³ and to comply with all DFA requirements, and to us for not reading the Green Book provisions.¹⁴

9. Mr Conway does not, however, accept the Commissioner’s conclusion that FC did not work the contracted hours,¹⁵ nor does he accept that his son was inappropriately remunerated overall. He has commented:

“I hope the Committee will conclude that actual salary payments to Freddie were well within the published grade, and therefore appropriately approved by the DFA and that no infringement of the rule applied.”

In a subsequent letter to the Chairman, he added:¹⁶

9 Appendix 1, para. 18. The original request submitted by Mr Conway which led to the May 2007 bonus payment was for £5000.

10 Appendix 1, para. 40.

11 Appendix 1, paras. 78-9.

12 Appendix 2, p. 70.

13 Appendix 1, para. 81.

14 Appendix 2, p. 70. See also Appendix 3, p. 78.

15 Appendix 2, p. 72.

“...the payments were within the permitted maximum limits overall and....the figures, including the excess bonus payment, could have been paid in a fashion that would not have given rise to this problem....”

10. Mr Conway in effect argues that, provided the remuneration paid to an employee falls within the relevant scale approved by the DFA, there is no limit on Members’ discretion in setting its level. Whether or not that proposition is true in relation to salaries generally, a question we examine further below, it is certainly not true in relation to one-off bonus payments. The Green Book makes clear that their purpose is “to incentivise or reward staff” and that they are limited to 15% of the gross annual salary received by that employee in the year in question.”¹⁷

11. Mr Conway maintains, however, that the four lump-sum payments to FC had all been intended in lieu of annual salary updating and as bonuses for work satisfactorily done.¹⁸ The House’s system does not recognise hybrid payments of this nature, and at no stage in the inquiry has Mr Conway sought to disaggregate the two elements. Like the Commissioner, we have therefore viewed the whole of the sums as bonus payments. In his letter to the Chairman of 16 January,¹⁹ Mr Conway asks us to “bear in mind that...had I paid the maximum permitted salary, when in fact I paid him no increase in those years, he would have received a salary increase larger than the excess of the bonus payment”. However, the fact is that he did not do so. We comment below on the appropriateness of FC’s basic salary.

Our Analysis

12. It appears to us that there are three possible scenarios:

- that, as Mr Conway argues, the basis on which he employed FC complied with the spirit, if not the precise letter, of the rules;
- that the employment of FC met a genuine need as identified by his father, but that the level of salary and bonus given the duties he was asked to perform were sufficiently inappropriate as to constitute an unreasonable use of the Staffing Allowance and thus a breach of the Code; and
- that, as Mr Barnbrook suggested to the Commissioner, the entire employment by Mr Conway of FC might constitute a misappropriation of public funds.

13. The Table below shows the breakdown of bonus requests in respect of FC submitted to DFA by Mr Conway, the maximum allowable bonus, the sums paid, and the extent to which the lump-sum payments over each year concerned exceeded the 15% cap. In the table, each payment has been attributed to the financial year in which the request was submitted.

16 Appendix 3, p 78.

17 Section 6.9.5.

18 Appendix 1, para. 40.

19 Appendix 3, p. 78.

Allowance Year	Basic salary per annum (£)	In-year Actual Salary Paid (£)	Allowable bonus (£)	Total Bonuses requested (£)	Total Bonus paid (£)	Gross bonus overpayment (£)
04-05 *	11173	6868	1030	—	—	—
05-06	11173	11173	1766	2000	2000	234
06-07	11173	11173	1766	6300	6300	4534
07-08 [†]	11173	4684	703	5000	1766	1063
TOTAL BONUS OVERPAYMENT						5831

Source: Department of Resources

All figures rounded to Nearest £

* From 1 September 2004

† To 24 August 2007

14. This figure is higher than the figure of £4620 quoted in the Commissioner's memorandum.²⁰ The principal reason for the difference is that the original DFA calculation was based on a comparison of the total bonuses paid with 15% of FC's total earnings in the course of his employment. The revised calculation excludes his earnings in 2004-05, a year in respect of which he received no bonus payment.

15. We agree with the Commissioner that Mr Conway paid bonuses to FC in excess of the maximum permitted levels in 2005-06, 2006-07 and 2007-08. We consider this matter further in our conclusions below. We are also concerned about the justification for paying bonuses at all, given that FC could not recall why he had received them²¹ and Mr Conway commented that they had been made because he "had been happy with FC's work".²²

16. As the Commissioner points out,²³ the staffing allowance is available to meet the costs "wholly, exclusively and necessarily incurred" on the provision of staff to help them perform their parliamentary duties. A predecessor Committee which considered a complaint about the use of the staffing allowance suggested that improper use of the staffing allowance would constitute a breach of the Code of Conduct.²⁴

17. As we have already pointed out, Mr Conway maintains that FC's basic salary was solely a matter for him, provided it remained within the approved scale. The various salary scales

20 Appendix 1, para. 79. See also WE 15, p. 68.

21 WE 11, para. 27, p.61.

22 WE 13, para. 31, p.66.

23 Appendix 1, para. 4.

24 Fourth Report, Session 2003-04, para. 19.

typically have a wide range, are of national application and are intended to include scope to reflect ability, experience, responsibility, local and national market conditions and a range of other factors that influence salaries. The current pay range for a research assistant is between £13,705 and £33,018 for a full-time employee, with a DFA-recommended minimum salary in London of £18,689. The corresponding figures in September 2004, when FC's employment commenced, were £12,184 and £29,353 for the scale minimum and maximum, and £16,614 as the recommended minimum starting salary in London.²⁵ DFA issues guidance to Members to assist them in setting appropriate salary levels.²⁶

18. We do not believe, as a matter of principle given the extent of the salary range, that Members' discretion in setting salaries can be regarded as completely unfettered. They are required to have regard to whether the costs concerned are "necessarily" incurred, a test which a salary significantly above the market rate would arguably not meet. Clearly, each case needs to be examined on its facts but we take the view that payment of an unreasonable salary would constitute an improper use of the Staffing Allowance, and thus a breach of the Code.

19. Was the salary paid to FC by his father so out of line with what was required, having regard to the duties of the job, as to constitute an unreasonable use of the allowance? As the Commissioner points out, there are two separate aspects to this:

- was FC's salary excessive in principle, having regard to his qualifications and experience; and
- was the volume of the work he was required to do reasonable given the number of hours for which he was being paid.

20. The Commissioner tested these questions against a series of guidelines approved by our predecessors in another case involving the Staffing Allowance.²⁷ We consider this to be a sensible approach.

21. One major difficulty in this case is that no records appear to exist of either actual work that FC did for his father, or of the work he was required to undertake. Mr Conway attributes this to his personal style of working, and the way in which FC worked.²⁸ Nor does anybody outside the Conway family appear to have been aware of whether, how and when FC did this work. We note the Commissioner's surprise²⁹ that Mr Conway was unable to supply any specific evidence of his son's work. **While we recognise that neither the complainant nor the associated newspaper article advanced any specific evidence in this respect, and it was not for Mr Conway to establish his innocence, we are astonished**

25 Figures with effect from 1 April 2004.

26 Appendix 1, paras. 6-7.

27 Appendix 1, para. 5.

28 Appendix 1, paras. 12-13, 21-27.

29 Appendix 1, para. 15.

that there appears to be no evidence, independent or otherwise, of any aspect of FC's work for his father.

22. We have examined carefully the Commissioner's assessment of the work requirement placed on FC by his father, and we agree with him that the duties he was asked to perform were unlikely to have required him to work all the hours for which he was being paid. In university vacations, Mr Conway maintains that his son worked for some 20 hours a week on average, but these periods would have overlapped significantly with time when the House was in recess. In university terms, FC was apparently working for 10 hours a week in Newcastle and 4 hours at home at the weekend: looking at Mr Conway's constructed log³⁰ of specific briefings he believed Freddie had prepared, which never exceeded seven in a calendar month, **we find it inherently improbable that this and other unspecified research occupied FC for 10 hours a week. We therefore agree with the Commissioner that, on the balance of probabilities, FC would not have needed consistently to work his full contracted hours to complete such work.**

23. Some limited independent correlation is, however, available of the possible demands on his time. In his comments on the Commissioner's memorandum, Mr Conway has said that the marking up of Parliamentary Bills was "an important part of the work Freddie had to do in regard to my duties as a member of the Speaker's Panel".³¹ The number of Bills, and the associated Committee sittings, chaired by Mr Conway during the period FC worked for him, is as in the Table below:

Session	No. of Bills	Committee sittings
2003-04	2	4
2004-05	1	7
2005-06	5	11
2006-07	2	3

Source: Sessional Returns plus Official Report of Committee proceedings.

- Note:
- 1) Meetings of Programming Sub-Committees have been ignored.
 - 2) For Bills where more than one Chairman was appointed, only sittings chaired wholly, or in part, by Mr Conway have been counted.
 - 3) A typical sitting lasts for about 2½ hours, but there can be significant variations.

We therefore doubt if this aspect of FC's work could have occupied a large amount of his time.

30 WE 10, p. 45-51.

31 Appendix 2, p. 70.

24. We turn now to the question as to whether the salary paid to FC was reasonable, given his age, experience and academic qualifications; the nature of the tasks he was expected to perform; and the hours he was contracted to work (as distinct from those he may actually have worked). As we have already noted, FC was paid at a full-time equivalent rate of £25,970 per annum throughout his employment.

25. Mr Conway expressed the view to the Commissioner that FC's salary was "in terms of what young people in London were earning...not out of line".³² He maintained that he had not paid FC beyond what was permitted by the rules "but whether he had been wise was another matter".³³ In a subsequent letter,³⁴ Mr Conway argued that FC was paid "6% above the mid-point and well below the [*current*] upper quartile for his grade".

26. We agree with the Commissioner that, on the evidence available, FC appears to have been paid a significantly higher salary than was justified by his qualifications and experience, and by the nature of the work he was required to perform, a significant amount of which, such as the post-handling and record keeping, appears to have been clerical work of a basic nature. We also note that FC was based in Newcastle during term time. His lack of experience and the level of his academic qualifications are in our view strong arguments for paying a salary at or close to the entry level. FC's 2004-05 salary, after the backdated increase, was over 50% above the DFA-recommended minimum for a London based new entrant, and nearly 40% above the current recommended minimum.³⁵ Mr Conway has been unable to produce any evidence to justify why it was right to pay such a salary; he appears not to have paid proper heed to the DFA guidance, and to have made an arbitrary judgement based on his own perceptions of earnings elsewhere. **Even assuming that the contracted work was performed. FC's salary was sufficiently far out of line with what would have been justifiable to represent an unreasonable exercise of Mr Conway's discretion in relation to the Staffing Allowance, and thus was of itself an improper use of the Allowance and a breach of the Code of Conduct.**

Conclusions

27. In paragraph 12, we set out the three possible scenarios. Having set out the facts in as far as we have been able to determine them, we now have to consider the wider implications.

28. **We reject Mr Conway's continued arguments, in relation to his employment of FC, that he did not infringe the rules relating to the Staffing Allowance. As we have shown above, there is conclusive evidence that Mr Conway authorised the payment of bonuses to FC that went way beyond the permitted ceiling, as clearly set out in the Green Book throughout the period of FC's employment.**³⁶ In support of our conclusions, we note

32 WE 13, para. 33, p. 66.

33 WE 13, para. 34, p. 66.

34 Appendix 3, p. 78.

35 Appendix 1, para. 46.

36 Green Book, para. 6.9.5.

that all bonuses for staff authorised by Mr Conway in the previous three years were within the permitted level.³⁷

29. We note that FC seems to have been all but invisible during the period of his employment. For the majority of that time he was based at Newcastle where he was engaged in a full time degree course at the university. He had little or no contact with his father's office, either in the House or in the constituency. No record exists of the work he is supposed to have carried out, or the hours kept. The only evidence available to us of work carried out was that provided by FC and his family.

30. This arrangement was, at the least, an improper use of Parliamentary allowances: at worst it was a serious diversion of public funds. Our view is that the reality may well be somewhere between the two.

31. Taking together our assessments of the salary level paid to FC, and the number of hours for which he was remunerated, we are of the view that Mr Conway misused the Staffing Allowance. He should have exercised his judgement more carefully, particularly as a family member was involved, as he could be seen as having a clear personal motivation for paying his son over-generously. He also seemed to be oblivious to the broader reputational risks to the House of any perception of personal benefit to his family.³⁸

32. Mr Conway should repay the overpaid bonus sums, together with the associated pension contribution received by FC. We understand that it is the practice of the Department of Resources, in relation to overpayments of staff by Members, normally to require only the net overpayment to be repaid, as it can in most circumstances reclaim the tax and National Insurance overpaid.

33. On this basis, we are advised by the Department of Resources that the gross overpayment of £5,831 resulted in a net overpayment to FC of £3,962.97.³⁹ We recommend that Mr Conway be required to repay this sum. If, for any reason, the House is unable to reclaim the tax and National Insurance overpayment, Mr Conway should repay the full cost of the overpayment, which amounts to £7,161.05.⁴⁰

34. As to the salary paid to FC, we have no doubt that it was excessive given both his limited experience and the work he was required to perform. We have given careful consideration to whether we should require a proportion of this also to be repaid by Mr Conway. Having regard to paragraph 79 of the Commissioner's memorandum,⁴¹ we recommend that he also be required to repay a further sum of £6,000.

37 Evidence not reported.

38 See WE 10, section 17, page 58.

39 Appendix 4.

40 Appendix 4.

41 See also WE 15, p. 66-7.

35. Mr Conway's admitted failure to keep proper records of FC's employment is also to be regretted. Had he paid more attention to the proper procedures, and used the correct forms, the DFA would have been unlikely to have paid the excess bonuses. To this extent he was the author of his own misfortune.

36. We regard this case as a serious breach of the rules and recommend that Mr Conway be suspended from the service of the House for 10 sitting days. Mr Conway should also apologise to the House for his shortcomings by way of a personal statement.

37. This case has demonstrated the importance of all Members ensuring that the terms on which they employ staff are reasonable and correct in all the circumstances, and of ensuring that they maintain adequate staff records. This is particularly important where there is any relationship with the employee that might suggest that the terms might be influenced by considerations of personal benefit. Members' use of allowances is a perennially sensitive issue, and allegations of real or perceived misuse risk damage to the reputation of the House as an institution, as well as to the personal reputations of individual Members. Mr Speaker has commented that "Members themselves are responsible for ensuring that their use of allowances is above reproach".⁴² It is in our view important that Members can demonstrate robustly, if challenged, that this is indeed the case.

42 Green Book (July 2006), Speaker's Introduction.

Appendix 1: Memorandum from the Parliamentary Commissioner for Standards

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Complaint against Mr Derek Conway

The complaint

1. On 27 May 2007 the *Sunday Times* published a story under the headline “MP hires son on expenses”.¹ The story alleged that Mr Derek Conway (the Member for Old Bexley and Sidcup—hereafter called ‘Mr Conway’) was paying his son, Freddie Conway, £981 a month from his Parliamentary staffing allowance to act as his Parliamentary research assistant even though Freddie Conway was at the time “a full-time undergraduate at university”.

2. On 3 June, Mr Michael Barnbrook, a constituent of Mr Conway, wrote to me saying that he wished to make a formal complaint against Mr Conway in respect of his employment of his son.² Mr Barnbrook suggested that Mr Conway might have misappropriated public funds and urged that I refer the allegations made by the *Sunday Times* to the police. In reply I said that, following Mr Barnbrook’s complaint I would make preliminary inquiries as laid down in the procedures approved by the House. I would decide what further action was appropriate when I had the result of those inquiries.³

Relevant Provisions of the Code and Rules of the House

3. Paragraph 14 of the Code of Conduct approved by the House provides:

*“Members shall at all times ensure that their use of expenses, allowances, facilities and services provided from the public purse is strictly in accordance with the rules laid down on these matters, and that they observe any limits placed by the House on the use of such expenses, allowances, facilities and services.”*⁴

4. The rules relating to Members’ Parliamentary allowances are contained in the ‘Green Book’ on Parliamentary Salaries, Allowances and Pensions.⁵ Those governing the use of the staffing allowance are set out in Section 6. Section 6.1.1 provides that:

“The staffing allowance is available to meet the costs wholly, exclusively and necessarily incurred on the provision of staff to help you [the Member] perform your Parliamentary duties.”

5. Following guidelines approved by the Committee in a previous case,⁶ section 6.2.1 continues:

1 The text of the article is at WE 1.

2 The text of Mr Barnbrook’s letter is at WE 2.

3 My reply to Mr Barnbrook, dated 5 June, is reproduced at WE 3.

4 The Code of Conduct together with the Guide to the Rules relating to the Conduct of Members, Session 2005-06 (HC 351).

5 The text of the latest (July 2006) edition of the Green Book can be found on the House of Commons website at www.parliament.uk.

6 Committee on Standards and Privileges, Fifth Report, Session 2002-03.

“It is a Member’s responsibility to ensure that staff paid from this allowance are:

- ❖ Employed to meet a genuine need in supporting you, the Member, in performing your Parliamentary duties;*
- ❖ Able and (if necessary) qualified to do the job;*
- ❖ Actually doing the job*

And that the resulting costs, in so far as they are charged to this allowance, are reasonable and entirely attributable to the Member’s Parliamentary work.”

A provision to this effect was included in the July 2004 edition of the Green Book, just as it has been included in subsequent editions.

My Inquiries

Preliminary Stage

6. I wrote to Mr Conway on 5 June drawing his attention to Mr Barnbrook’s complaint and inviting his response.⁷ In particular I asked Mr Conway to let me know:

- b) for how long his son had been working for him;
- c) his son’s hours of work and the precise nature of his duties;
- d) his son’s qualifications for undertaking the duties;
- e) how much his son had been paid for his work.

I also contacted the Department of Finance and Administration (DFA), the department responsible for administering Members’ allowances.

7. Mr Conway replied promptly to my initial approach. He wrote on 8 June, enclosing a copy of his son’s contract of employment.⁸ This showed that Freddie Conway had been employed by his father since 1 September 2004 as his part-time research assistant. His initial contract had shown his hours of work as *“as arranged”* with no specific expectation as to the number of hours he would work, but this had subsequently been amended (probably following the Department’s scrutiny of the initial contract—see paragraph 16 below) to specify seventeen as his expected net weekly working hours. The hours themselves were to be worked *“as arranged”*, that is there were no hours during which he was specifically required to work, so that, provided he worked seventeen hours in any one week, his duties could be undertaken flexibly as his father’s requirements and his own other commitments (including as a student) allowed.

⁷ WE 4

⁸ Mr Conway’s letter of 8 June, but not the contract, is reproduced at WE 5.

8. Freddie Conway's job description is reproduced at WE 6. It is based on the standard job description which the DFA offers to Members as a starting point, for them to adapt as necessary when employing a research assistant. As such and in itself it is unexceptional.

9. In his letter enclosing the contract,⁹ Mr Conway said that his son had begun work for him on 1 September 2004 and was due to end his part-time employment with his father in August 2007. (In fact, his son's employment ended on 24 August 2007.) Other key points made by Mr Conway in his initial response to the complaint were:

- a) to describe his son's university course as 'full-time' was misleading.¹⁰ His son's course had not been particularly time-demanding. Many undergraduates undertook part-time work, which did not necessarily detract from their studies;
- b) his son's hours were worked "*as arranged*". None of his staff had ever been required to maintain a time-sheet;
- c) although his son's job description included liaising with Mr Conway's constituency personal assistant and others in the constituency, in practice his son had not been involved in constituency support as constituency matters were handled almost solely in the constituency office, not in Mr Conway's Parliamentary office which had been the focus of his son's activities;
- d) Freddie Conway's "*principal function*" had been "*... one of research, assisting me in general and with my particular interests in foreign affairs and defence ...*";
- e) there were no qualifications for such duties but his son had "*gained top grades from A-level examinations and the political and foreign affairs aspect of his Geography undergraduate course were relevant to the foreign data and the research I required in support of my extensive foreign and defence affairs interests*".
- f) his son's remuneration had been within the pay scales issued by the DFA.

10. Mr Conway concluded:

*"I understand the duty placed upon you to answer Mr Barnbrook's complaint and I hope the information provided enables you to conclude that no breach of the requirements of the House has occurred."*¹¹

11. I subsequently sought the comments of the DFA in the light of Mr Conway's response. I also put some supplementary questions to Mr Conway, asking him to:

- give me examples of specific pieces of research work done by his son over, say, the last 12 months;

9 WE 5.

10 His son was a student at the University of Newcastle.

11 *Ibid.*

- give me an estimate of the hours his son had worked during, respectively, term-time and vacations;
- tell me where his son had been based when doing work for him, and whether any others would have seen his work;
- let me know whether his son had worked mainly in vacations or whether the work had been spread evenly over the year. I asked this because an article in Mr Conway's local paper had reported him as saying that the payments made to his son had been for "*part-time holiday work*".¹²

12. Mr Conway replied on 4 July.¹³ No record of work done was kept for any of his staff, nor was any record maintained of the hours they worked. His son had access to Mr Conway's Parliamentary office, but the nature of what he required of his son meant that "*much of the research could be done on his laptop so he could access the internet from my office, office at home or wherever a broadband facility has availability*".

13. His son had helped with photocopying and other constituency-related tasks but had not been based in the constituency office nor had dealings with constituents. His son's pattern of work had been variable. The phrase 'part-time and holiday work' would give a more accurate reflection of his son's commitment than that quoted in his local paper.

14. Mr Conway concluded his letter by referring to the quality of the evidence brought by the complainant.

"This charge by Mr Barnbrook does not compare with that against Mr Duncan Smith. In that instance allegations were made by his senior staff, whereas in this case Mr Barnbrook can have no idea of my workload or what support I have to fulfil a very wide remit of interests.

"Mr Barnbrook is a serial complainer to your office and I find it difficult to answer charges which cannot be sustained. I doubt many, if any, Members of Parliament could provide the evidence required and I hope you will conclude that given Freddie's part-time studies, the entire basis of the Sunday Times report and Mr Barnbrook's subsequent complaint was based on a misconception of how much time an undergraduate on an humanities course has to spend in formal contact with tutors."¹⁴

15. In acknowledging Mr Conway's letter, I said that, while I accepted his statement that he had no record of his son's work, I was surprised that a combination of his own memory and that of his son, assisted by the electronic memory on his son's computer, could not apparently furnish me with any specific examples of work his son had done. Mr Conway replied that up to that point he had not troubled his son with my inquiries, because his son

¹² Letter of 26 June 2007 at WE 7.

¹³ WE 8.

¹⁴ *Ibid.*

had for some months been undergoing medical treatment for a sports injury, which was still in progress.

16. The DFA's Director of Operations wrote to me on 23 July, in the process clarifying that the copy of Freddie Conway's contract held by the Department gave his expected net weekly hours of work as seventeen and "as arranged". The Director said that, in respect of actual work done, the Department did not interpose itself between a Member and his staff. However, Members were advised that good record-keeping was an essential part of their role as an employer.¹⁵ The Director commented:

"It is, therefore, disappointing that few records appear to exist in this case and, it would seem, for other members of Mr Conway's staff."

17. The Director gave the following information in relation to Freddie Conway's remuneration. He had originally been employed on a salary of £10,000 per annum. In February 2005, Mr Conway had requested that this be increased to £11,773 per annum, backdated to the start of his son's employment. The present salary had remained at that level and been paid monthly since. The salary, for 17 hours work a week, was equivalent to a full-time rate of £25,970 per annum. This was within the pay range permitted by the House.

18. In addition to this salary, Freddie Conway had, on his father's instruction, been paid four one-off sums:

- £2,000 in September 2005
- £5,000 in May 2006
- £1,300 in January 2007
- £1,765.94 in May 2007

No explanation had been given to the Department in respect of the first three of these payments (Members were not required to provide such an explanation), although the Department's assumption was that they were some sort of 'overtime' payment for extra work done. The payment made in May 2007 had followed an original application by Mr Conway for the payment to his son of a bonus of £5,000 but this had been scaled down because it exceeded the maximum allowable.¹⁶

19. In the light of this information, I wrote to Mr Conway on 24 July pointing out that the figures given indicated that by the time his son left his employment at the end of August as

15 Section 6.9.8 of the Green Book says, for example: "as part of our payroll service we will keep records of payments made. However you are responsible for keeping other records eg of contractual changes (please also notify the DFA), holiday taken by your employees and sickness absence".

16 Green Book, Section 6, Allowable Expenditure. Bonuses paid may not exceed 15% of that employee's gross annual salary/received in the year.

was then expected, he would have been paid a total of some £45–50,000 from public funds.¹⁷ I noted that Mr Conway had not been able to give me:

- any indication of the hours worked by his son
- specific examples of work actually done by his son
- the name of any person, other than himself and his son, who would have been in a position to see the work done by his son.

In all the circumstances, I was not satisfied, on the evidence available to me that I would be justified in dismissing Mr Barnbrook’s complaint. I therefore intended to pursue my inquiries. These would include interviewing Mr Conway, his son and his Parliamentary personal assistant (PA), who is in fact Mr Conway’s wife. Unless my inquiries produced clear and convincing evidence that the payments made to his son had been justified, I would have no alternative but to report accordingly to the Committee.

Further Inquiries

20. Mr Conway acknowledged my letter on 27 July, saying that he would “*do everything possible to cooperate with [my] further enquiries*”. He came to see me on 2 August for a preliminary conversation (at which the Registrar of Members’ Interests was also present) about the process and timetabling of my inquiry. During our conversation Mr Conway indicated that he was already working with his son on a response to the questions I had previously put to him

Mr Conway’s Full Response

21. This response arrived in a lengthy letter dated 11 October.¹⁸ The Committee will wish to read the text of this in full. The following are the key points:

- a) Mr Conway’s son had been employed by him to undertake research and generally support Mr Conway in his Parliamentary duties between 1 September 2004 and 24 August 2007;
- b) Mr Conway believed that his son was qualified to carry out the tasks he required his son to perform and that his job description fairly described the work his son did;
- c) the work his son had done was done at Mr Conway’s direction and Mr Conway took full responsibility for his son’s employment and his discharge of his duties under his contract;
- d) his son’s work “*related to my extensive activities covering my duties to the constituency, responsibilities in the House and involvement in international affairs*”. The work had been undertaken “*throughout the year*”. The nature and timing of the work done

¹⁷ WE 9.

¹⁸ The full text of his letter is at WE 10.

reflected Mr Conway's own preferred method of working, and the fact that, like all Members, he did not work a conventional working week. It also reflected his preference for 'hard copy' materials; given that Mr Conway was not as skilled in using computers as some others, he had "*relied heavily*" in this respect on assistance from his son.

- e) work had not flowed consistently and he had not kept a log of the precise hours worked by his son:

"I was satisfied [my son] was working the appropriate number of hours under his contract and I did not think it was necessary to keep precise records of how long he did work."

22. As regards the precise nature of the work done by his son, Mr Conway described this as follows:

- a) Research—the preparation of briefings consisting of extracts from journals and newspapers ('briefing extracts') relating to overseas visits to be made by Mr Conway, to international visitors Mr Conway was to receive, or to meetings or Parliamentary proceedings in which Mr Conway was to be involved.
- b) Organisation of Papers—in respect of Mr Conway's duties as a member of the Speaker's Panel of Chairmen, both in relation to the chairing of standing committees on bills and statutory instruments and to chairing debates in Westminster Hall. In respect of the former, his son would relate the clauses of a Bill to the Explanatory Notes on the measure, and update them as necessary. In respect of the latter, his son would update the session chairing schedule. In order to help Mr Conway manage these and his many other Parliamentary commitments (including his role as a member of various Committees of the House), his son would keep two files—a 'Raise Again File' and an 'Awaiting Replies File'—so that papers were kept up-to-date and in order, and Parliamentary commitments and outstanding replies were not overlooked.
- c) IT Tasks—including research as described above using the internet; the sifting of e-mails sent to Mr Conway's parliamentary e-mail address; and the downloading, editing and attaching of photographs to accompany press releases made by Mr Conway to the local press (relating, for example, to visits by Mr Conway in the constituency or by constituents to Westminster).
- d) Administrative support—including the collection of mail; photocopying of papers; enveloping of replies; and keeping of the 'Raise Again' and 'Awaiting Reply' files previously mentioned.

23. As to where his son had carried out this work, Mr Conway said that most of it had been done at the family's Westminster apartment where Mr Conway preferred to work. When working there (or, very occasionally, in Mr Conway's room at the House), Freddie Conway had not had a separate Parliamentary e-mail account but had used his father's. Mr Conway had not required his son to generate documents for him on the apartment or office computers. When at university in Newcastle, Freddie Conway had continued to provide briefing for his father, using the computers in the university library to access relevant material on the web which he had then posted in hard copy form to his father.

24. Mr Conway said that his son had not had a consistent pattern of work. What he had done had depended on his father's needs at the time. When his son was not at university, he would work approximately 20 hours a week. When at university, he would work on average 14 hours a week. His son had returned to London quite often during term-time, as much of his social life was focused there. Moreover his degree course did not require him to be present all the time at university, either for lectures or other forms of study.

25. Mr Conway said that it was not uncommon for research assistants to Members to split their time between a course of higher education and part-time work for a Member. His son's qualifications and interests (he had planned, prior to his sports injury in February 2007, to enter the army) had fitted him for what he had been asked to do. As a member of the family, he was willing and able to work flexibly to meet his father's needs.

26. Mr Conway acknowledged that it would have been better if he had kept a note of his son's work-schedule but had thought that there was no need to do so. He now realized that he should have kept such records and apologized for his omission. As for the four additional payments he had made to his son,¹⁹ these had been intended as bonus payments in recognition of work effectively done and of the fact that he had not increased his son's rate of pay in the latter two years his son had worked for him. Mr Conway had acted in good faith in making them, and apologized if he had misunderstood any aspect of the relevant procedure. He also apologized for his failure to inform the DFA that his son had not been able to work normally during June, July and part of August 2007 because of treatment relating to his sports injury.

27. As to evidence of work done by his son, Mr Conway said that his son's work had not brought his son into contact with Mr Conway's constituency secretary or anyone in the Palace of Westminster. It was not Mr Conway's practice to keep papers etc.: these were disposed of once the immediate need for them had passed. There were no examples of his son's work therefore, or witnesses to that work, he could produce.

28. Mr Conway said that he hoped I would, on the basis of his explanation, conclude that his son had fulfilled a supporting role in a post it had been reasonable for him to have:

“That given, my personal preference for working from more than one location and on days other than normal working days, it was understandable and not unreasonable to have a member of my family, capable of doing so, undertake activities during times that a conventional appointee could not be expected to work.”

Should I consider that anything had been amiss—which he hoped I would not—this was his responsibility, and not his son's. He had not at any time intended to breach any Parliamentary rule.

¹⁹ See paragraph 18 above.

Evidence of Mr Freddie Conway and Mrs Conway

29. Having received Mr Conway's full response to the complaint on 11 October, I made arrangements to interview his son and his wife. The interviews took place on 12 November. On both occasions Mr Greg Knight (Member for East Yorkshire) was present in the capacity of 'friend'. I was accompanied by Ms Alda Barry, the Registrar of Members' Interests.

30. An agreed note of my meeting with **Freddie Conway** is at WE 11. The picture he presented of his work was consistent with the explanation given by his father. His duties had centred mainly around computer and camera technology; internet research; cutting out press articles on topics of interest to his father; and general administrative support. He had the necessary skills and could fit the work in with his undergraduate course. Much of the work had been done at home in London, even during term-time (he had spent most weekends at home). Whilst at university in Newcastle, he had used the computer in the university library to search the internet for briefing material (relevant press articles, etc) relating to his father's interests; in London, he had used his father's computer at home. He had rarely visited his father's Parliamentary office, even during vacations.

31. Apart from his parents, he had not related much to anyone else in carrying out his work. Nor had he mentioned the fact that he was doing work for his father to any of his university friends: it was a matter between his father and himself. The 'briefing extracts' he had prepared for his father had consisted of print-outs of information on economic, political and defence material gathered from the web relating to, e.g., countries to be visited by his father. He would assemble a hard copy of the material, highlight passages of likely interest and sometimes add a manuscript explanatory covering note. When at university he would then post the material off to his father. He would not prepare analyses or summaries of the material, or prepare other documents on a word processor.

32. During the period of his sick leave in the summer of 2007, he had not ceased to do all work but (because of the nature of his injury) had not been able to sit at a computer screen for any period. The work he had done for his father might seem mundane but its nature meant that it was not work his father could have done for himself (his father was not skilled or at ease with using computers).

33. **Mrs Conway** said that she had worked as her husband's Parliamentary assistant (PA) since his first election to the House in 1983.²⁰ Constituency case-work was dealt with separately, in the constituency office; indeed her husband tended to compartmentalise the different aspects of his work in order to help him manage it, so that she did not have a detailed knowledge of what her son had done for his father. The younger Conway had done research on foreign affairs matters, as well as assisting, when he was in London, with IT-related and administrative matters. When he was at university he would send down

20 There had been only one gap after Mr Conway had lost his seat between 1997 and 2001. An agreed note of my meeting with Mrs Conway is at WE 12.

material by post on countries his father was to visit. In London, he would collect and sort post; edit photographs for press releases; sort and file papers; and weed out unwanted e-mails (her husband 'hated and loathed' computers). Most of her son's work in London had been done in the family's flat. Her son's work would not have brought him into contact with other people in the House, apart from, to some extent, herself.

34. The pattern of her son's work had varied, as his father's did: as far as she could see, however, her son had worked hard enough to justify the payments made to him. Her husband had employed another part-time research assistant (who was also a student) since her son had ceased to work for him. It was not her husband's practice to keep files for any period of time, which accounted for the lack of any written evidence of work done for him by her son.

Interview with Mr Derek Conway

35. After a preliminary meeting with the DFA's Director of Operations—whose views I record in the following section of this report—I interviewed Mr Conway on 29 November.²¹ Mr Conway said that he had employed his elder son, Henry, as a research assistant while he was a student before the younger one had come to work for him. His elder son had assisted with computer work and the post, and in helping his father to understand London issues following his election for a London constituency. Mr Conway's involvement in foreign affairs and defence matters had increased—interests which his younger son shared—and so it had been convenient and necessary to employ Freddie in turn to continue to undertake computer-related and administrative tasks and also to provide briefing on these interests. Since his younger son had completed his undergraduate course he had employed another student on a part-time basis to continue to provide such help.

36. Mr Conway was not himself computer literate and so he had particularly valued this aspect of the help all three of his research assistants had in turn given him. He found the briefing his younger son had provided on foreign affairs and defence matters useful in supplementing material he had been given from 'official' sources, which in any case had been limited. His son knew his father's interests and the extracts of material he had sent to his father gave an alternative view from that provided officially. His son's services in this area were particularly helpful in relation to Mr Conway's commitments arising from receiving overseas visitors and from a number of All Party Groups, for which no briefing from official sources was provided. He had prepared the extensive list of overseas commitments in section 2 of his letter of 11 October²² by consulting his diaries for the period his younger son had worked for him. He had not asked his younger son if he recalled preparing briefing for these commitments but he himself recalled at least some occasions on which he was certain his younger son had done so.

21 An agreed note of our meeting is at WE 13.

22 WE 10.

37. As regards his son's support for Mr Conway's work chairing committees on bills and statutory instruments, he had found it helpful for his son to mark up explanatory notes to measures and also to mark up bills showing where amendments would go. This was not a service provided by the Legislation Office, nor would his son have had any contact with the staff of that office in doing it.

38. To undertake his research his son had used either the computer at the university or the one in the family's London flat. The work his son would have done when at university would have been that involved in assembling briefing extracts and relevant press cuttings for his father. The time involved in this would have varied; however, the demands of his university course were such that, working flexibly, it could be accommodated. This and other work would have been done in London, where his son had frequently been, even in term-time.

39. Mr Conway did not think any of his parliamentary colleagues would have been aware of what his son had done for him. It was not surprising that others did not know of it either: his son had not needed to contact others in the course of doing it, and the family did not discuss its business with others. He had not required his son to prepare briefs or documents on computer, and he was not in the habit of keeping papers once they were no longer needed.

40. He had not read the Green Book as thoroughly as he might and, with the benefit of hindsight, regretted that he had not kept employment records for his staff as he could see that this might have provided some kind of protection given the current complaint. The four additional payments he had made his son had all been intended in lieu of annual salary updating and as bonuses for work satisfactorily done. Provided the means to do so was available in his allowances, it had been his practice to give bonuses to all his staff. He had not been aware of the 15% limitation on the amount of a bonus.²³ As to the rate of pay he had given his son—which I pointed out was well above the starting rate recommended by the DFA—he had thought it reasonable in terms of what other young people in London were earning.

41. Mr Conway concluded that he had acted in good faith throughout. His son's services had been useful to him and he had not paid his son more than was permitted by the rules. Mr Barnbrook, the complainant, had been an opposing candidate at the last election. He believed this was relevant to Mr Barnbrook's motivation in making his complaint. Being a Member was a seven day a week commitment, for Mr Conway and his wife. Enforcing too rule-bound an approach to the job would lead to a loss of flexibility and a poorer service for constituents.

42. Mr Conway underlined a number of these points in a letter he sent me on 7 December covering his comments on the draft record of our meeting.²⁴ He had not breached the rules

23 See footnote 15 above and paragraph 74 below.

24 The text of the letter, but not its attachment, is at WE14.

of the House in employing a family member. The work done by his son was capable of being undertaken in conjunction with his son's university course and was consistent with his son's interests and likely future career path (given that it meant that both father and son shared an interest in defence matters). The remuneration he had paid his son was within the pay-scales permitted by the House, specifically within the scale maxima for a senior researcher/parliamentary assistant and a researcher/parliamentary assistant. He had submitted bonus recommendations to the DFA for his son and his other staff by letter, supported by forms SA3 and SA2.

43. He accepted that he might not have followed the correct procedures, kept records and approached the calculation of his son's remuneration as he should, but he had throughout acted in good faith and in the belief that what he was doing was acceptable to the DFA. His son's work had been "very valuable" and enabled him to carry out a wide range of parliamentary duties. Mr Conway concluded:

"I hope you will accept from the evidence which my wife, my son and I have given independently that the work described by my son was done. You have had full explanations as to the way in which we worked and the basis of trust rather than full record keeping that governed our relationship. We have explained how we worked and why we worked in that way. I appreciate others would possibly do things very differently and I fully understand why you raised the questions which you did. However, I do want to stress that no-one has contradicted what my wife, my son or I have said."

Comments by the DFA's Director of Operations

44. At the meeting with the DFA's Director of Operations which preceded my conversation with Mr Derek Conway, I had asked the Director for advice on:

- a) the total staff costs incurred by the House as a result of Freddie Conway's employment by his father;
- b) the guidance given to Members about appropriate levels of starting pay for new employees;
- c) the level of bonus payments made to Freddie Conway ;
- d) whether, in his view, there had been any element of overpayment in Freddie Conway's remuneration and, if so, how much.

The Director's advice on these matters is reproduced in his letter of 7 December.²⁵

45. The Director said that Freddie Conway's gross pay during his employment had been £45,163 (£32,240 net). In addition he would have received a pension contribution worth

10% of gross pay and Mr Conway's staffing allowance would have had to meet an employer's National Insurance contribution of £3,876.74.

46. The rules and guidance given Members about pay rates were "light touch". Members were given model job descriptions and associated pay ranges, but had a lot of discretion left to them in determining the content of a job and its pay level, though they were expected to apply salaries within the range appropriate to the job type. The current pay range for a research assistant (Freddie Conway's job type) was between £13,705 and £33,018, though the recommended minimum salary for staff in London was higher. Currently this recommended London minimum was £18,689: in 2004, when Freddie Conway had started to work for his father, it had been £16,614 (for a full-time employee).

47. While the DFA guidance gave Members a good deal of discretion, it said in relation to starting salaries:

"We [DFA] recommend that new staff outside London with little relevant experience should be paid at the bottom of this range, particularly if pay rates in the locality are low. But you may want to pay a little more for a new employee with some relevant experience, and to staff based in London or other areas where pay rates are higher. We recommend that new starters should only be paid in excess of recommended starting pay if they are fully experienced—for example, a researcher with many years' experience transferring from another Member."

However, this advice would need to be modified in cases in which staff entering the grade would be assuming a significant level of responsibility. Typically, such staff would also have relevant experience or be well qualified or both.

48. Without solid documentary evidence it would not be possible to form a view of the responsibility level at which Freddie Conway had been operating. Nevertheless he had been paid from the outset above the median pay level as well as above the mid-point of the range. The Director continued:

"Overall—and perhaps on incomplete information—I find this somewhat surprising. However, as mentioned above salary decisions within the approved ranges are entirely at the discretion of the Member, who will take local market factors (e.g. the cost of London-based staff) into account as well as responsibility levels, experience and qualifications."

49. As to the additional payments made to Freddie Conway, the Director said that since it now appeared that the first three as well as the last of these had been bonus and not, for example, overtime payments, he considered that these three had breached the cap on such payments. He calculated that Freddie Conway had received a total bonus overpayment of £4,620 (net £3,439).

50. Given the relatively high starting salary paid to Freddie Conway, I had also asked the Director to offer a view on the extent to which it might be argued that Freddie had been overpaid for what he was known to have done. The Director said that, using the 2006-07 median pay figure as a proxy for a fair and appropriate salary throughout the period

(suitably adjusted for earnings changes) it would be possible to contend that an excess salary payment of some £5,400 (gross) had occurred during Mr Conway's entire employment. If this proxy salary was applied it would increase the level of bonus overpayment and result in a total gross overpayment of £10,900 (approximately £7,300 net) plus a pension overpayment of some £1,000. I emphasise that the overpayment of bonus noted in paragraph 49 is an actual overpayment: the sum of £10,900 is a theoretical figure based on a notional calculation of an average salary plus the actual overpayment of bonus.

51. Two other relevant pieces of information were subsequently given me by the DFA. First, the Department said that it had no record of Mr Conway having submitted letters in support of bonus payment applications after forms SA2 and 3 had been introduced in March 2005. Only the forms had been used from that point.

52. Secondly, following references made by Mr Conway at my meeting with him on 29 November to his previous engagement of his elder son, Henry, and his practice in respect of bonus payments to all his staff,²⁶ I asked the DFA for pay and bonus information in respect of Mr Conway's other staff. This showed that:

- a) Mr Conway's elder son, Henry, had from March 2003 been paid at approximately the same rate (£10,000 pa, in Henry's case for 18 hours work per week) at which the younger son, Freddie, had initially been employed (in Freddie's case, for a contracted 17 hours a week);
- b) the research assistant who had succeeded Freddie had been paid slightly below the level paid to Freddie for the same hours of work;
- c) all the above payments had been within the permitted pay ranges for the research assistant grade;
- d) the bonuses paid by Mr Derek Conway to members of his own family were, in absolute and percentage terms, substantially in excess of those paid to staff who were not family members.

Further Comments by Mr Derek Conway

53. I sent the draft factual sections of this report to Mr Conway on 14 December. In an e-mail of 17 December, Mr Conway said that he was content with their accuracy, with the exception of some queries he had about various financial calculations made by the DFA.

Findings of Fact

54. Mr Conway employed his younger son, Freddie, between 1 September 2004 and 24 August 2007 as his research assistant, having previously employed his older son, Henry, in a similar capacity. During the bulk of this period Freddie Conway was undertaking a nominally full-time undergraduate course of study at Newcastle University. Freddie

²⁶ WE 13, paragraph 32.

Conway's contract gave his expected net weekly working hours as seventeen, to be worked "as arranged". The job description accompanying the contract was consistent with the guidance on the appropriate duties for a research assistant issued to Members by the DFA.

55. In interview, Freddie Conway, supported by his father and mother (who is Mr Conway's Parliamentary Assistant), has described his duties as falling into four main categories:

- the preparation of briefing and press extracts associated in particular with his father's extensive overseas and defence interests, using the internet to search for appropriate sources;
- the management of Committee and other papers needed by his father in connection with his Parliamentary duties;
- IT-related activities (assisting in the manipulation of photographs to accompany press releases, and in sifting e-mails);
- general administrative support (collecting and sorting mail, photocopying, etc).

The first of these duties had been undertaken by him both at university and in London: the others when he was in London, which he was extensively even in term-time.

56. Freddie Conway says that when at university in Newcastle, he undertook his work for his father mainly using the facilities in the university library. At home, he worked almost exclusively at the family's London apartment. He would work flexibly, as his father's needs required. While his university course was nominally "full-time", it was research-based and his lecture and other commitments were not extensive. He could therefore fit in the work he was contracted to do for his father with his academic studies.

57. According to all three members of the Conway family I interviewed, the nature of Freddie Conway's work, his father's working practices and the way in which he himself undertook the work he was asked to do meant that Freddie did not have contact with non-family members when doing it. Nor was it his father's habit to keep papers once the immediate need for them had passed. He did not expect his son to originate documents for him using a word-processor. Consequently neither Mr Conway nor his son have been able to provide me with examples of work actually done by his son or to point me towards people with whom his son would have come into contact when doing work for his father. Mr Conway has, however, provided me with a list of events in connection with which he says his son would have provided him with briefing or helped him marshal his papers, and an estimate of the average pattern of hours his son would have worked.²⁷ He did not, however, keep a record of the number of hours worked by any of his staff.

58. On his appointment in September 2004, Freddie Conway was paid £10,000 pa, the same sum as his elder brother before him had received for a broadly similar number of

27 See WE 10.

hours work.²⁸ In February 2005, this was increased to £11,773 pa, backdated to his first day of work. Subsequently, the amount he was paid remained at that level (the full-time equivalent salary being £25,970). This level of salary was significantly above the DFA recommended starting salary for a new entrant research assistant in London, though within the permitted salary range.

59. In addition to his basic salary, Freddie Conway was, on his father's instruction, paid four one-off sums:

- £2,000 in September 2005
- £5,000 in May 2006
- £1,300 in January 2007
- £1,765.94 in May 2007

These sums were all intended as bonus payments. The last was reduced by the DFA to the amount paid to bring it within the permissible ceiling for such payments. The other three were not understood by the DFA to be bonus payments because the wrong form was used by Mr Conway when he applied for them. As a result, Freddie Conway's first three bonus payments exceeded the permissible level by a total of £4,620 gross (£3,439 net).

60. Mr Derek Conway has apologized for his failure to keep records and follow appropriately all the procedures laid down in the Green Book. He has stressed that at all times he has acted in good faith and in the belief that what he was doing was consistent with DFA-approved practice.

Conclusion

61. I set out in paragraphs 4-5 above the relevant tests against which Mr Conway's employment of his younger son as his part-time research assistant falls to be judged. It is important to note at the outset that there is nothing in the rules of the House that bars a Member from employing a member of his or her family on his or her Parliamentary staff. The overall requirement Mr Conway was obliged to meet—set out in paragraph 6.1.1 of the Green Book—is that the cost to Parliamentary funds (in total, some £53,000 over a three year period) should have been "*wholly, exclusively and necessarily incurred*" in helping Mr Conway to perform his Parliamentary duties. The guidelines in paragraph 6.2.1²⁹ provide the following questions against which to assess whether or not that overall requirement was met in this case:

- a) Was Freddie Conway employed to meet a genuine need in supporting his father in his Parliamentary work?
- b) Was Freddie Conway able and qualified to undertake the work required of him?

²⁸ The elder son had been contracted to work 18 hours per week; the younger son was contracted to work 17.

²⁹ Reproduced in paragraph 5 above.

- c) Did he actually do the work?
- d) Were the resulting costs charged to the Staffing Allowance reasonable and entirely attributable to his father's Parliamentary work?

I examine the evidence in respect of each of these questions in the following paragraphs of this report.

a) Was Freddie Conway employed to meet a genuine need in supporting his father in his Parliamentary work?

62. As Mr Conway has himself pointed out,³⁰ how Members of Parliament undertake their role varies widely. In recognition of this, they are given a great deal of discretion as to the type of staffing support they need to undertake the role. The DFA provides guidance to Members in the form of model contracts, a broad grading structure, illustrative job descriptions and recommended pay bands. But as we have already seen, the job descriptions are fairly general and the pay bands very wide.

63. Mr Conway is adamant that the assistance he received from his younger son was “*very valuable*” to him and enabled him to carry out a wide range of Parliamentary duties.³¹ In part, he maintains, the assistance helped him in an area in which he was less than proficient (IT-related work). In part, he argues, it ensured he had briefing on his extensive overseas and defence interests which supplemented the briefing available from official quarters or filled the gap where none was provided. In part it supplemented the help already provided by his wife, as his Parliamentary assistant, in relation to his general administrative support and the management of his papers.

64. Some evidence of the genuine nature of these needs is provided not only by the testimony of the Conway family but by other factors. These include the fact that Mr Conway had previously employed his elder son as his research assistant to undertake a somewhat similar range of duties and, since his younger son, Freddie, ceased to work for him, has employed another part-time research assistant with, he says, a similar brief. The type of work undertaken by the younger son was of a sort undertaken by other research assistants employed by Members and fell within that specified by the DFA as consistent with the grade of research assistant.

65. I have to say that, on the basis of the description Mr Conway and his son have given me of the nature of the work done, I am dubious about the real substance of much of it. A lot of it seems to have been pretty low-grade in character. The ‘briefing extracts’ Freddie Conway prepared do not appear to have required him to undertake summaries or analyses of the material he had assembled.³² The ‘flagging up’ of Explanatory Notes on legislation was a simple clerical task. I am not clear why Mr Conway could not have made greater use

30 WE 10.

31 WE 14.

32 WE 11, paragraphs 21-23.

of other resources available to him, as to other Members, in the staff of the Library or the Legislation Office. Was it sensible for Mr Conway's son to work on preparing briefing and on organising papers on legislation in such isolation from other sources of help available to Mr Conway in the House? Although the routine clerical help Freddie gave his mother and father on those weekends when he was down in London may have been useful, was it an efficient use of resources to pay him a not insignificant salary to undertake a round-trip of some 500 miles to provide it?

66. That said, I think anyone who has not themselves been a Member should be wary, without clear evidence to justify them doing so, in substituting their judgment for the Member's on how best the job can be done. It is clear from Mr Conway's evidence that he regarded his son's work for him as meeting a variety of needs he had in carrying out his duties as a Member. What Freddie did for his father appears to have met satisfactorily his father's requirements. While I have reservations about the real substance of the work he is said to have done (for the reasons I have set out), I conclude on this point that Freddie Conway was employed to meet a genuine need, as perceived by his father, in helping him to undertake his Parliamentary duties.

b) Was Freddie Conway able and qualified to undertake the work required of him?

67. No formal qualifications are laid down by the DFA as being required of someone to undertake the role of Parliamentary research assistant. However, it is clear that the Department would expect that someone employed in that capacity would have the intellectual skills of analysis and understanding, etc required to undertake research and to assemble briefing on the basis of that research. When employed by his father, Freddie Conway had a set of good A levels and was undertaking a course of undergraduate study with some relevance to his father's interests in international affairs. He planned a career in the army, so sharing his father's defence interests. He possessed sufficient skills in using a computer to undertake the tasks in that respect which his father expected of him. In short, whilst he was by no means as well qualified as some others who undertake the role of research assistant for Members, I am satisfied that he was able, in terms of his qualifications and skills, to do what was required of him by his father.

c) Did Freddie Conway actually do the work he was contracted to do?

68. I find this a much more difficult question to answer than the previous one. The difficulty arises from the complete lack of any documentary evidence of work done by Freddie Conway coupled with the absence of any evidence from witnesses, apart from Mr and Mrs Conway, who saw him undertaking work for his father. In his letter of 11 October,³³ Mr Conway sets out a lengthy catalogue of work in which he says his son would have assisted him. It is clear, however that this is more a list of Mr Conway's commitments

during the period his son worked for him than it is a firm statement of work actually done by the son.³⁴

69. One matter which is relevant to answering the question is that raised by the complainant and in the *Sunday Times* article at WE 1: as a student pursuing a “full-time” university course, would Freddie Conway have had the time to do what was required of him? In vacations the answer is clearly “yes”, but would he have had the capacity during term-time?

70. Mr Conway and his son both say that to call the son’s course “full-time” is misleading. Freddie Conway says that his lecture and other academic commitments were not demanding.³⁵ Both father and son point out that many other students undertake part-time work to help finance them through their university studies. Freddie adds that because of the nature of the work he did for his father, it could be done flexibly, at a time of his choosing, unlike other forms of student part-time work.³⁶

71. I do not doubt that Freddie Conway could have done some part-time work for his father while at university during term-time. In his letter of 14 October his father estimates that he would have averaged 14 hours work a week while at university (20 hours a week at home during vacations).³⁷ The only type of work it would have been possible for him to have done while at university would have been the preparation of “briefing extracts” for Mr Conway’s overseas visits, etc and press cuttings on topics of interest to Mr Conway. All the other types of work Freddie Conway is said to have undertaken would have required his presence in London. Even assuming that Freddie spent many of his weekends during term-time in London (a factor which in itself would have removed from his available working time, by my calculation, some 10-12 hours a week spent on travel to and from university in Newcastle) I doubt that, during term-time, Freddie would either have been faced with the requirement to work 14 hours a week for his father or had the capacity to do so.

72. To sum up on this point, having interviewed Mr and Mrs Conway and their son, I am prepared to accept their assurances that Freddie Conway did do work for his father of the sort his father has described. I doubt whether that work was so extensive, or his availability during term-time in particular was such, as to enable him consistently to meet his contractual commitment to do an average of 17 hours work a week for his father.

34 WE 13, paragraphs 12-13.

35 WE 11, paragraph 8.

36 *Ibid*, paragraphs 11-12.

37 WE 10, sections 14 and 15.

d) Were the costs of his son's employment charged by Mr Conway to the Staffing allowance reasonable and entirely attributable to Mr Conway's Parliamentary work?

73. It will be apparent from the preceding paragraph that I have reservations as to whether Freddie Conway did as much work as that for which his father paid him. There are two additional respects in which I believe the question I have just posed can only be answered in the negative.

74. First it is clear from the information provided by the Director of Operations in the DFA that the first three bonuses paid by Mr Conway to his son broke the 15% cap on such payments.³⁸ Mr Conway told me that he had been unaware of this cap.³⁹ However, in March 2004, Mr Conway was informed by letter by the DFA that bonuses he had proposed at that time to pay his wife and his elder son could not be paid because they exceeded 15% of the relevant current annual salary, and would be reduced accordingly. Whether or not he retained knowledge of this rule, it is clear that Mr Conway submitted his first three requests for bonuses to be paid to his younger son on the wrong DFA form and that in total his younger son received bonus payments of £4,620 gross (£3,439 net) which he should not have received.

75. Secondly, I have significant reservations about the level of salary Mr Conway paid his younger son. This was initially set at £10,000 pa and later raised to £11,773 pa backdated to the start of his son's employment, equivalent to a full-time rate of £25,970 pa. Whilst I accept that the rate was not subsequently increased in line with general salary increases (although generous bonuses were paid, as we have seen), the recommended starting salary for a new-entrant research assistant in London when Freddie Conway took up his post was £16,614 pa for a full-time employee. As I have recorded earlier,⁴⁰ Members are given a good deal of discretion as to where they place their staff within the recommended pay band, and they can adjust a starting rate of pay to reflect local employment market conditions and the level of experience and responsibility held by the person they are employing. Even so, the relevant DFA guidelines say now as they said in 2004:

“We recommend that new starters should only be paid in excess of recommended starting pay if they are fully experienced—for example, a researcher with many years' experience transferring from another Member.”

The salary paid Mr Conway's son was, I believe, very generous when set against his lack of experience and (at that time) limited academic qualifications, and when the relatively modest demands placed upon him in terms of the substance or 'quality' of the work he was required to do are taken into account.

38 See paragraph 49 above and WE 15.

39 WE 13, paragraph 32.

40 See paragraphs 45-48 above.

76. As Mr Conway points out,⁴¹ the rate at which he paid his son was well within the broad scale for the research assistant grade. Freddie Conway was paid at the full-time equivalent rate of £25,970 pa. Taking current figures actually paid by Members to their research assistants, this salary would place Freddie well above both the mean and the median rate of pay for the grade (£23,212.14 pa and £22,494.60 pa respectively) and just £1,000 below the current upper quartile payment of £26,974.92.

77. To sum up my assessment of the position in relation to this final test of the appropriateness or otherwise of Mr Conway's employment of his younger son, I do not think that all the costs he charged to his Parliamentary Staffing allowance were "*reasonable and entirely attributable to [Mr Conway's] Parliamentary work*". They were not reasonable in that they included bonus payments in excess of the permitted maximum and in that Freddie Conway's salary was, in my view, excessive having regard to his limited experience and qualifications and the relative degree of responsibility he carried. They were not entirely attributable to Mr Conway's Parliamentary work to the extent that (a) the work Mr Conway required his son to do could probably have been purchased at a lower price, and (b) I doubt (for the reasons I have set out in paragraphs 68-72 above) that Freddie Conway consistently met his contractual commitment in terms of the quantity of work he did.

Summary of Findings and Recommendation

78. Mr Barnbrook's complaint was that Mr Conway had misappropriated public funds by paying his son £981 a month from his Parliamentary Staffing allowance whilst his son was still in full-time university education. One possible implication of this was that Freddie Conway had done no work to justify the payment he received from his father. There is little evidence other than the word of the Conway family to counter this implication. However, for the reasons I have given earlier I believe, on the balance of probabilities, that Freddie Conway did do some work, for which he was appropriately qualified, which did meet a genuine need, as perceived by his father, in discharging his Parliamentary duties.

79. However, I have found, on the balance of probabilities, that it is unlikely that the work done by Freddie Conway was so extensive, or that his availability during term-time in particular was such, as to enable Freddie consistently to meet his contractual commitment to do an average of 17 hours work a week for his father. I have also found that:

- a) Mr Conway authorised bonus payments to his son which, in total, exceeded the maximum allowed by £4,620 gross (£3,439 net);
- b) in my opinion, Mr Conway paid his son substantially more than an appropriate rate for the job he was doing, given his son's relatively limited experience, qualifications and level of responsibility.

41 WE 14.

c) In total, the cost to Parliamentary funds of these infringements of the rules of the House is likely to exceed £10,000.⁴²

80. **I therefore recommend that Mr Barnbrook's complaint be upheld in the respects indicated in the preceding paragraph.** In doing so, I make clear that, as Mr Conway has himself accepted, responsibility for the shortcomings identified rests with him, not primarily with his son.⁴³

81. Mr Conway has said that he has all along acted in good faith and has apologised for his failure to keep adequate records as an employer and to comply with all DFA requirements. As Mr Conway has himself noted, following the requirements of the Green Book in all respects not only protects the public but also the Member.⁴⁴ Unless all Members accept and act on this, they will continue to find themselves vulnerable to this kind of complaint.

21 December 2007

Sir Philip Mawer

42 WE 15.

43 WE 10.

44 WE 13, paragraph 28.

Written evidence received by the Parliamentary Commissioner for Standards

1. Article in Sunday Times, published 27 May 2007

A SENIOR Tory MP is paying his son to act as his parliamentary assistant even though he is still a full-time undergraduate at university.

Commons records reveal that Frederick Conway was paid at the rate of Pounds 981 a month from the parliamentary staffing allowance handed to his father Derek, a former government whip.

Derek Conway's wife, Colette, is also on the payroll and is paid Pounds 3,271 a month as another of his registered parliamentary assistants, according to the returns for November last year.

Conway, who ran the leadership campaign of David Davis, the shadow home secretary, is the latest MP to stand accused of exploiting the expenses awarded to parliamentarians.

Frederick Conway's personal website reveals he is a geography student at Newcastle university set to graduate this summer.

As a registered parliamentary assistant he has a Commons pass and last summer held his 21st birthday party on the House of Commons terrace overlooking the Thames, attended by his parents and friends.

He has also played for the parliamentary rugby team.

Photographs of the events appear on his Facebook website page. It is not known how long he has worked for his father or in what capacity, although parliamentary records show he had a Commons pass in 2005.

Derek Conway, 54, is one of the most senior Tory backbenchers. He was first elected to parliament in 1983 and served as a junior minister before becoming a whip under John Major's premiership. He is regarded as a parliamentary bruiser and has criticised the conduct of Labour cabinet ministers, including John Prescott.

He sits on the all-party Commons administration committee that oversees the operation of the parliamentary estate.

Conway, now MP for Old Bexley and Sidcup in southeast London, has previously attracted criticism over his expenses. In 2005-6, he claimed Pounds 4,072 for car mileage, which can be claimed for journeys between home, Westminster and the constituency, and for travel up to 20 miles outside of an MP's seat on local business. Conway's claim would equate to about 1,000 trips between Westminster and his constituency.

He also claims the full allowance for the costs of running a second home for those who need a constituency and a central London base.

Yesterday, when asked about his son's employment, he initially denied a professional relationship. However, when confronted with details of the payments he said: "It's not something that I am going to be drawn into talking about ... I'm not talking about individuals and you must print what you want to print. I am not going to comment." Although the question was put to him six times, he declined to respond further.

MPs receive a "staffing allowance" of more than Pounds 80,000 annually to pay employees in their parliamentary and constituency offices. These staff are entitled to full-time contracts, pension entitlements and other perks. The rules stipulate that members of staff must be "employed to meet a genuine need in supporting you, the member, in performing your parliamentary duties; (be) able and (if necessary) qualified to do the job; (and) actually doing the job".

The Sunday Times has established that several other MPs are also employing family members as parliamentary staff. Malcolm Bruce, the Liberal Democrat MP, pays his wife Rosemary Pounds 28,500 a year.

Sir Stuart Bell, Labour MP for Middlesbrough, employs his wife Margaret for Pounds 35,000 a year and Nick Ainger, Labour MP for Carmarthen West and South Pembrokeshire, pays his wife Sally about Pounds 19,000 a year. They all confirmed the arrangements and said they had complied with the rules.

Iain Duncan Smith, the former Tory leader, had to resign amid allegations that he was paying his wife for parliamentary duties she did not perform. An inquiry later ruled that she had carried out the work within the rules.

The latest disclosures come amid growing unease at attempts by MPs to exempt themselves from Freedom of Information (FOI) laws. MPs disclose only total expenditure claims—but are under pressure to reveal a breakdown of their staffing, office and other expenses.

After a battle, the Commons had to publish a breakdown of travel allowances by car, train and flights. This embarrassed Barry Gardiner, the environment minister, as it showed he had claimed mileage allowances last year equivalent to driving his family car to Delhi and back, even though he is a London MP with an official government car.

The information commissioner believes even more detailed information on every claim met by the taxpayer should be published. A similar disclosure in Scotland led to the resignation of David McLetchie, the Scottish Tory leader, who could not account for Pounds 5,000 of “personal” taxi journeys.

A Whitehall review of parliamentary pay and allowances, which will report to the prime minister next month, is expected to call for an end to the “gravy train” of MPs’ expenses.

MPs can claim Pounds 250 “petty cash” a month without stipulating what the money is for. A further Pounds 400 a month can be claimed for food without producing receipts. In total, MPs can legitimately pick up Pounds 7,800 tax-free per annum on trust because they are presumed to be “honourable” members.

The Senior Salaries Review Board is conducting a review of parliamentary pay and allowances which will report to the prime minister next month. It is also understood to be analysing the system of claiming expenses.

One source said: “They are looking at the system itself and the reputational impact that some of the current practices may have. However, there is a lot of pressure from senior MPs on the board only to look at the level of pay and not make recommendations on the detail”.

Ten days ago MPs caused uproar after voting in favour of a backbench bill which would exclude them from FOI laws, apparently with the tacit support of the government and the opposition front benches. The bill is now due to be heard in the Lords.

Gordon Brown and David Cameron have both pledged to continue publishing information about expenses. This is unlikely to include the detailed breakdown being demanded and the information commissioner would have no powers to force the release of the information. MPs do well at our expense

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WHAT MEMBERS ARE ALLOWED

Staffing allowance Pounds 84,081

To pay for employees’ pay, pensions and perks Additional costs allowance Pounds 21,634

To cover mortgage interest for a second property, utility bills, grocery bills, council tax and insurance

Incidental expenses allowance Pounds 20,000

To pay for office and surgery costs. MPs can also pick up Pounds 250 every month in petty cash from this allowance

Travel expenses No maximum

27 May 2007

2. Letter to the Commissioner from Mr Michael Barnbrook, 3 June 2007

I wish to register a formal complaint against my local Member of Parliament, Mr Derek Conway.

My complaint is based on newspaper reports that Mr Conway is paying his son £981 a month from his parliamentary staffing allowance whilst the son is still in full time education at Newcastle University.

According to press reports Mr Conway is refusing to indicate what work his son undertook on his behalf or how many hours he worked for him.

This reluctance to reveal information, which should be in the public domain, may be due to a possible misappropriation of public funds by Mr Conway, which is a criminal offence.

For this reason I am requesting that you instigate the protocol entered into between yourself and the Metropolitan Police, which was formulated as a direct result of my complaint against Mr Michael Trend.

That protocol states that all cases of possible abuse of parliamentary allowances by Members of Parliament will be referred to the Metropolitan Police Service Economic and Specialist Crime Unit for consideration and assessment of possible criminal conduct.

I enclose a copy of a letter from the MPS Directorate of Professional Standards dated 30th June, 2004 which refers to the protocol between you and the Metropolitan Police.

I also enclose a copy of a letter from you to me dated 13th January, 2005 which sets out the procedure you should adopt in any complaint alleging possible criminal conduct by a Member of Parliament.

In conclusion, I am concerned about comments made by Mr Matt Cartmell, a journalist with the Bexley Times who states in an article dated 1st June, 2007 that a spokesman on your behalf said that no complaint had been received against Mr Conway's conduct, so no action will be taken against him at this stage.

If that statement was made by your spokesman I would refer him to Section 55, page 17, of the Fifth Report of Session 2002-03 relating to the complaint against Mr Clive Betts, MP, which mentions a willingness by the Committee on Standards and Privileges to take the initiative in authorising an investigation, when the Parliamentary Commissioner for Standards places a request before it, without waiting for a complaint from a Member of Parliament or member of the public.

I would be interested to know why you were reluctant to approach the Committee on this occasion.

3 June 2007

3. Letter to Mr Michael Barnbrook from the Commissioner, 5 June 2007

Thank you for your letter of 3 June, in which you say that you wish to make a formal complaint about Mr Conway's employment of his son. The essence of your complaint is the allegation that Mr Conway is paying his son £980 from his Parliamentary staffing allowance whilst the son is still in full-time education.

You refer to an alleged protocol between the Metropolitan Police and me about the investigation of such matters. As I made clear in my letter to you of 13 January 2005, there is no such written protocol.

Having received your complaint, I will make preliminary inquiries as set out in the enclosed note. I will decide what, if any, further action is appropriate once I have the result of those inquiries.

Finally, you refer to a report in the Kentish Times of 31 May. I understand that the reporter asked if my office had received a complaint against Mr Conway. At the time of their inquiry the answer was 'no'. That is the answer they were given.

I will write again in due course.

5 June 2007

4. Letter to Mr Derek Conway from the Commissioner, 5 June 2007

I enclose a copy of a letter of complaint I have received from one of your constituents, Mr Michael Barnbrook.

You will see that the focus of Mr Barnbrook's complaint is an allegation which first appeared in an article in the "Sunday Times" of 27 May 2007. This was that you had paid your son £981 a month from your Parliamentary staffing allowance to act as your Parliamentary assistant, although your son is still a full-time undergraduate. The implication was that any work done for you by your son could not justify the payment made to him.

You will also see that Mr Barnbrook goes into a number of other matters in his letter which are for me rather than for you to answer. I enclose a copy of my letter in reply, for your information.

Paragraph 14 of the Code of Conduct approved by the House provides:

"Members shall at all times ensure that their use of expenses, allowances, facilities and services provided from the public purse is strictly in accordance with the rules laid down on these matters, and that they observe any limits placed by the House on the use of such expenses, allowances, facilities and services."

Section 6 of the "Green Book" sets out the scope and purpose of the Parliamentary staffing allowance. It makes clear that the allowance is available "*to meet the costs wholly, exclusively and necessarily incurred on the provision of staff to help you perform your Parliamentary duties*" (paragraph 6.1.1). Paragraph 6.2.1 says that:

"It is a Member's responsibility to ensure that staff paid from this allowance are:

- employed to meet a genuine need in supporting you, the Member, in performing your Parliamentary duties;
- able and (if necessary) qualified to do the job;
- actually doing the job

and that the resulting costs, in so far as they are charged to this allowance, are reasonable and entirely attributable to the Member's Parliamentary work."

In accordance with the procedures set out in the enclosed note, I should be grateful if you will let me have your response to Mr Barnbrook's complaint. It would be helpful if, in so doing, you could tell me:

1. for how long your son has been working for you?
2. what have been his hours of work and the precise nature of his duties?
3. what are his qualifications for undertaking these duties?
4. how much has he been paid to do them?

When I have your response, I will consult the Director of Operations in the Department of Finance and Administration (... to whom I am copying this letter,) before letting you know how I intend to proceed.

5 June 2007

5. Letter to the Commissioner from Mr Derek Conway, 8 June 2007

Thank you for your letter of 5th June and for the enclosures concerning the complaint of Mr Michael Barnbrook. The definition of a 'full-time' undergraduate implies that Freddie was engaged at university for a majority of his time, which is not the case.

Very few, if any, undergraduate courses require attendance for twelve months a year and it would not be unfair to observe that his Geography course, since completed, was not particularly time-demanding. Many undergraduates undertake part-time work, which does not necessarily detract from their partial studies.

He commenced on 1st September 2004, on a part-time Contract of Employment, a copy of which is appended. He will terminate in August 2007.

Item 4 of the Contract of Employment sets the hours as for part-time staff to be 'as arranged'. None of my staff has ever been required to maintain a time-sheet.

His Job Description, also attached, formed part of the Contract of Employment and was the format recommended by the House authorities at the time. In practice he had no involvement with Constituency support as I divide the workload so that anything with an Electoral Register number is dealt with in my constituency office and all other matters in my parliamentary office.

His principal function was one of research, assisting me in general and with my particular interests in foreign affairs and defence, as an Officer of the Inter Parliamentary Union British Group, Commonwealth Parliamentary Association UK Branch, UK Delegate to the NATO Parliamentary Assembly, Officer of several bi-lateral and regional All Party Groups, Executive of the British American Parliamentary Group, IPU International Facilitator for Cyprus and Member of the Defence Select Committee.

There are no qualifications for such duties but he gained top grades from A level examinations and the political and foreign affairs aspects of his Geography undergraduate course were relevant to the foreign data and the research I required in support of my extensive foreign and defence affairs interests.

Mr Bird will report to you on the specifics of his remuneration and my records are not complete, but his initial contract was for £10,000 per annum and then increased to £981.08 per month; the present level. In addition, occasional bonus sums were paid.

I understand his remuneration to be within the scales issued by the Finance & Administration Department.

I have asked Mr Bird if he is able to send me a copy of his report to you.

I understand the duty placed upon you to answer Mr. Barnbrook's complaint and I hope the information provided enables you to conclude that no breach of the requirements of the House has occurred.

8 June 2007

6. Job Description of Freddie Conway

Job title: Research Assistant

Responsible to: The Member of Parliament for Old Bexley & Sidcup

Main Role: The duty of the Research Assistant is that of support and assistance to the Member of Parliament. Duties can be wide-ranging and the post requires the ability to communicate at all levels, conduct research on designated projects and assist in drafting speeches.

Constituency: The Research Assistant may be required to deal with constituents who contact the constituency office or the House of Commons, investigating the circumstances of their case.

Parliamentary: The Research Assistant will, from time to time, be allocated research projects which will involve gathering briefing from the Parliamentary information network, Departments of State, Conservative Central Office Research Department or external bodies to which the subject matter may relate.

This information will be collated and presented in an ordered format by the Research Assistant.

Record Systems: The Research Assistant will maintain subject matter files, and ensure the safekeeping of completed projects.

Liaison: The Research Assistant will be responsible for liaising with the Parliamentary Personal Assistant, the Constituency Personal Assistant to the MP and other Research and Media assistants, local Members of the European Parliament, the Member of the Greater London Assembly, local Councillors and the Old Bexley & Sidcup Conservative Association.

Attitude: This part-time post establishes the holder as the personal representative of the Member of Parliament. The attitude both verbal and written when dealing with the groups set out above, should be polite and efficient.

Confidentiality: The post-holder is required to accept that the responsibilities required of a Research Assistant require a high level of confidentiality.

7. Letter to Mr Derek Conway from the Commissioner, 26 June 2007

I am sorry not to have acknowledged earlier your letter and enclosures of 8 June. I am afraid I have been dealing with other pressing matters.

As I indicated when I wrote on 5 June, I am in touch with the Department of Finance and Administration, whose advice I will seek in the light of your response. I will contact you again when I have received and considered that advice.

I am grateful for the information about your son's contract and duties which you have given me in your letter. Would it be possible for you to fill that out by listing for me the specific pieces of research work which he has undertaken over, say, the last 12 months in support of you and your Parliamentary interests? Given that you say you have no record of the hours worked by your son, that would seem a possible way of giving some detailed substance to your description of the work he has done for you. It would also be helpful if you could at least give me an estimate of the hours per week your son has worked, during, respectively, term time and vacation periods.

There are two other queries I have. You say that your son had no involvement with your constituency support. Can you please tell me where he has been based when doing work for you? Would his work have been seen by any person other than yourself, and if so, can you please identify them?

Finally, are you able to give me any indication of the pattern of your son's work, i.e. whether it was mainly done in vacations or evenly spread throughout the year? I ask this because the Bexley Times article forwarded by Mr Barnbrook quotes you as saying that the payment to your son was for "part-time holiday work".

I shall be grateful for any further help you can give me on these matters.

26 June 2007

8. Letter to the Commissioner from Mr Derek Conway, 4 July 2007

Thank you for your letter of 26 June 2007 and for the further advice given.

With regard to paragraph three, no record of work is kept for any of my staff. It had not occurred to me that such a record would ever be required and I doubt if any colleague maintains such a record.

As I mentioned in paragraph four of my letter to you dated 8 June 2007, his Contract specified part-time, but no record of weekly or monthly hours was required or has been maintained.

With regard to location, he has a part-time Researcher's Pass and a key to my office. I have only one workstation allocated to me and used by a full-time staffer, so when on the Parliamentary Estate he has used my office, which is isolated and on the ground floor of Speaker's House.

The nature of my support requirement from Freddie meant much of the research could be done on his laptop so he could access the internet from my office, office at home or wherever a broadband facility has availability.

The statement about constituency support is not absolute in that he would help me with photocopying and folding mail-outs, stuffing envelopes, etc. By the phrase in my letter of 8 June, I meant he was not based in my Sidcup office nor had dealings with constituents.

The pattern of work was variable and not exclusive to certain months. I do not record my conversations with local journalists so cannot vouch for the accuracy of the report Mr Barnbrook has given you but the phrase “part-time and holiday work” gives a more accurate reflection of Freddie’s commitment than Mr Barnbrook’s “full-time student”.

I realise it would be preferable to be able to place before you a set of time sheets, work records, etc, but they simply do not exist.

This charge by Mr Barnbrook does not compare with that against Mr Duncan Smith. In that instance allegations were made by his senior staff, whereas in this case Mr Barnbrook can have no idea of my workload or what support I have to fulfil a very wide remit of interests.

Mr Barnbrook is a serial complainer to your office and I find it difficult to answer charges which cannot be sustained. I doubt many, if any, Members of Parliament could provide the evidence required and I hope you will conclude that given Freddie’s part-time studies, the entire basis of the Sunday Times report and Mr Barnbrook’s subsequent complaint was based on a misconception of how much time an undergraduate on an humanities course has to spend in formal contact with tutors.

4 July 2007

9. Letter to Mr Derek Conway from the Commissioner, 24 July 2007

Further to my e-mail in reply to yours of 16 July, I have now received from the Department of Finance and Administration (DFA) details of your son’s contract of employment and remuneration over the period since he has been working for you.

The contract held by the Department is different from the one you forwarded to me in that it states that your son’s net weekly working hours are seventeen and “As Arranged”. The explanation for this difference is, I am told, probably that the Department returned to you the contract when it was initially submitted in September 2004 because details were omitted. The working hours were then added and you and your son initialled the addition. I enclose a copy of the contract as held by the Department.

As to your son’s remuneration, the DFA tells me that your son was originally employed as a Research Assistant from 1 September 2004 on a salary of £10,000 per annum. In February 2005 you requested an increase in the salary to £11,773 p.a., backdated to the start of your son’s employment. For 17 hours work a week, this is equivalent to a full time rate of £25,970, which is within the pay range permitted by the House.

In addition to his salary, paid monthly, your son has, on your instruction, been paid the following one-off sums:

- £2,000 in September 2005
- £5,000 in May 2006
- £1,300 in January 2007

No explanation was given to the Department of the justification for these one-off payments, although the Department’s assumption is that they were some sort of ‘overtime’ payment for extra work done. It would be helpful if you would clarify for me the purpose of and justification for these extra payments.

In May 2007, a bonus was paid to your son of £1,765.94. You originally requested, I am told, payment of a bonus of £5,000 but this exceeded the maximum allowable and so the payment was reduced to the sum I have mentioned.

By my calculation, this means that by the time your son ceases to work for you (as currently expected) at the end of August 2007, he will have been paid a total of some £40-50,000 from public funds.

In my letter of 5 June seeking your initial response to Mr Barnbrook's complaint, I quoted those provisions of the Green Book which make clear that it is a Member's responsibility to ensure that staff paid from the Parliamentary Staffing Allowance are employed on Parliamentary duties to meet a genuine need, are able and qualified to do the job, and actually do it (Green Book paragraph 6.2.1). In reply to Mr Barnbrook's complaint, you have told me that your son:

- was principally employed to undertake research to assist you in general and with your varied interests in foreign affairs and defence.
- had gained top grades at A level and was undertaking an undergraduate course in Geography, some aspects of which were relevant to his research duties.
- was able to accommodate the work required within the demands of his university course.

However, you have not been able:

- to give me any indication of the hours actually worked by your son.
- to give me specific examples of work actually done by your son.
- to name any person, other than yourself and your son, who would have been in a position to see the work done for you by your son.

You have told me that:

"None of my staff has ever been required to maintain a time-sheet."

However, as paragraph 6.9.8 of the Green Book makes clear it is a Member's responsibility to keep records other than records of payment, including records of contractual changes, holidays and sickness absence.

In your e-mail of 16 July, you told me that your son had sustained, in February of this year, a serious injury ..., which had required extensive treatment. The DFA tells me that it has not, at any point, been notified of sick leave taken by your son as a result of this injury, or indeed for any other reason.

I understand your concern about the impact of an inquiry into these matters on your son. However, I am afraid I am not satisfied that, on the evidence currently available to me, I would be in any way justified in dismissing Mr Barnbrook's complaint.

I therefore intend to pursue my inquiries into the matter, which will inevitably include interviewing you, your son and others including your Parliamentary staff. Unless these inquiries produce clear and convincing evidence that the payments made to your son were justified, I am afraid I shall have no alternative but to report accordingly to the Committee on Standards and Privileges.

It would be helpful if you will let me know your availability and that of your son over the forthcoming recess.

24 July 2007

10. Letter to the Commissioner from Mr Derek Conway, 11 October 2007

This letter seeks to answer the various questions you have raised concerning the employment of my son, Freddie Conway (FEC). He was employed as a part-time research assistant from 1 September 2004 until 24

August 2007. I below set out the details of some of the research and general support he carried out on my behalf. He also assisted me generally in the performance of my parliamentary duties in the ways that I have also set out. The term “research assistant” accurately describes part of what Freddie did. In my judgement he was qualified to carry out the tasks I required him to perform. I hope you will be satisfied that he did do the work he was employed to perform. He also carried out a number of other tasks in connection with my work as a Member of Parliament. The term “research assistant” is a generic term commonly used in the House for parliamentary assistants and was one recommended to me by the House authorities when drawing up the contract and I believe it fairly describes what Freddie did. The job description is that of support to the Member of Parliament and speaks of the duties being wide-ranging. This job description was approved by the House authorities. The work Freddie did was done at my direction and I take full responsibility for his employment and his discharge of his duties under his contract of employment.

As you will know, the level of activity in Parliament varies throughout the year. Freddie has performed work for me throughout the year, under his contract of employment which was essential for me to perform my parliamentary duties. What he did for me related to my extensive activities covering my duties to the constituency, responsibilities in the House and involvement in international affairs. I shall explain what these duties were and how Freddie assisted me as a part-time researcher. I apologise for the length of this response but I wanted to ensure that you had all the facts before you bearing in mind, as I explain below, that there is unfortunately a lack of documentation for the reasons I have set out.

I doubt if any two MPs work in the same way. An individualistic if not idiosyncratic approach to the duties and responsibilities that attend the position is the norm. Like so many other MPs, I did not work anything remotely resembling a Monday to Friday, nine to five existence and therefore the support I had in place to sustain such a wide variety of activities and interests reflected that. I would like to emphasise the breadth of the matters that I had to cover as a relatively senior MP and also the system of work that I adopted. I would like to stress that I am a person who prefers to work with hard copy and to use briefing papers for the task in hand. I am afraid that I am not as skilled with computers as some others of my parliamentary colleagues and to supplement this deficiency I relied heavily on the assistance given to me by Freddie.

It is difficult to give a consistent weekly pattern of Freddie’s activities as my requirements were so varied. During an average week in London he would produce research briefings in the extract format that suited me, in addition to helping with emails and more general administrative tasks set out below. When he was at university the support would be a continuation of the briefing extracts as required and newspaper cuttings on international coverage. At weekends in London, he would assist with continued email monitoring and post, therefore his week was as mine, not Monday to Friday.

Some weeks would be busier than others and therefore a consistent flow of hours worked is difficult to create. I am afraid that I have not kept a log of the precise hours worked by Freddie. I was satisfied Freddie was working the appropriate number of hours under his contract and I did not think it was necessary to keep precise records of how long he did work.

Because there are no such records I will have, therefore, to give you an example of what he would do in an average week in terms of hours spent when he was working in London. I will do a similar exercise in respect of his work when he was at university but I think it may be clearer if I set that out after I have explained what my duties were and the areas in which I was assisted by Freddie.

1. International activities

During the period concerned I was a representative of our Parliament to the NATO Parliamentary Assembly, an officer of both the Inter-Parliamentary Union and Commonwealth Parliamentary Association and an officer of several All-Party Parliamentary Groups.

Freddie would assist me in these foreign affairs responsibilities and interests by keeping agenda notices and meeting papers in the Raise Again File and by providing press cuttings of articles related to a schedule of countries. Under the system I used, Raise Again meant papers that were needed for a forthcoming meeting and which would be brought to the front of the file as the meeting came closer. This would be a file that needed updating regularly, but not daily, so Freddie could do it at the time that suited him best. Where my position in an All-Party Group was administrative, he would assist in photocopying papers and stuffing envelopes for circulation to colleagues. At my direction he would produce extracts of briefings on a specific

country or issue. I should explain that I mention all these areas as they were all matters that required work from time to time and which he would have dealt with in the three years that he worked for me.

- 1.1. UK Representative to the North Atlantic Treaty Organisation (NATO) Parliamentary Assembly
- 1.2. Delegate to the Political Committee of NATO-PA
- 1.3. Delegate to the Economics Committee of NATO-PA
- 1.4. Member of the Transatlantic Relations Sub-Committee, NATO-PA
- 1.5. Vice-Chairman, British Group, Inter-Parliamentary Union (BG-IPU)
- 1.6. International Facilitator for Cyprus, Inter-Parliamentary Union Council.
- 1.7. UK Representative, 12+Regional Group, Inter-Parliamentary Union
- 1.8. Member, Inter-Parliamentary Union Council
- 1.9. Member British Group Inter-Parliamentary Union Delegation Selection Panel
- 1.10. Chairman BG-IPU Out-Del Briefing Sessions
- 1.11. Chairman BG-IPU Out-Del Report Back Sessions
- 1.12. Vice-Chairman of the UK Branch of the Commonwealth Parliamentary Association.
- 1.13. Member UK-CPA Finance & Audit Committee
- 1.14. Chairman, British-Morocco All-Party Group
- 1.15. Board Member, Moroccan-British Society
- 1.16. Chairman, British-Venezuelan All-Party Group
- 1.17. Vice-Chairman, British-Turkish All-Party Group
- 1.18. Vice-Chairman, British-Canadian All-Party Group
- 1.19. Secretary, United Arab Emirates All-Party Group
- 1.20. Vice-Chairman, British Virgin Islands All-Party Group
- 1.21. Vice-Chairman, British-Montserrat All-Party Group
- 1.22. Vice-Chairman, All-Party Caribbean Group
- 1.23. Secretary, Central American All-Party Group
- 1.24. Vice-Chairman, Dominican Republic All-Party Group
- 1.25. Treasurer Turks & Caicos All-Party Group
- 1.26. Vice-Chairman, Trinidad & Tobago Group
- 1.27. Vice-Chairman, Belize All-Party Group
- 1.28. Executive Committee Member, British-American Parliamentary Group
2. Foreign Country Briefing

Freddie would support me by pulling together information on a country I was to visit or when I was to attend an All-Party meeting or receive an ambassador or visiting group of ministers or parliamentarians.

As a research source he had access to the usual general reference sites but he was also able to procure academic work through the university library. His degree modules reflected his interest in foreign affairs covering subjects such as world development, politics of the middle-east, international perspectives on race and third world development.

From an examination of my diaries which show what I was working on at the time and also from my memory of the work that Freddie was doing for me, I have set out on a month by month basis the projects upon which he was assisting me by doing research.

This is by no means an exhaustive list as he would also provide me with briefing extracts on issues that he knew to be of interest to me, for example Islamist terrorism, though perhaps not related to an impending meeting or visit.

2.1. September 2004

2:1:1 FEC prepares briefing extracts for DC's meeting with British Virgin Islands Chief Minister as Vice-Chairman of the All-Party Parliamentary Group.

2:1:2 FEC prepares briefing extracts for DC's meeting with the Angolan IPU delegation as Vice-Chairman of the British Group Inter-Parliamentary Union.

2:1:3 FEC prepares briefing extracts for DC's meeting with visiting Turkish business representatives, as Vice-Chairman of the All-Party Parliamentary Group.

2:1:4 FEC prepares briefing extracts on United States political issues.

2:1:5 FEC prepares briefing extracts for DC's meeting with visiting German group as Vice-Chairman British Group, Inter-Parliamentary Union.

2.2. October 2004

2:2:1 FEC prepares briefing extracts on Morocco for DC's visit to Rabat for the state Opening of the Moroccan Parliament and to meet HM King Mohamed VI & Foreign Minister Benaissa.

2:2:2 FEC prepares briefing extracts on United Nations issues for DC's visit to New York for IPU-UN session as Vice-Chairman of the British Group, Inter-Parliamentary Union.

2.3. November 2004

2:3:1 FEC prepares briefing extracts for DC on United States for DC's meeting on forthcoming elections.

2:3:2 FEC prepares briefing extracts for DC's Commonwealth Parliamentary Association meeting on Kenya.

2:3:3 FEC prepares briefing extracts on Turkey for DC's reception for visiting Turkish MPs group, as Vice-Chairman of the All-Party Parliamentary Group.

2:3:4 FEC prepares briefing extracts on Morocco for DC's reception for their Prime Minister, as Chairman of the All-Party Group. I recollect particularly that Freddie had a special interest in Morocco and that we discussed the Human Rights situation in Morocco.

2:3:5 FEC prepares briefing extracts on the British Virgin Islands for DC's meeting with Chief Minister as Vice-Chairman of the All-Party Parliamentary Group.

2.4. December 2004

2:4:1 FEC prepares briefing extracts on United States for DC's British-American Parliamentary Group meeting.

2:4:2 FEC prepares briefing extracts on Turkey for EU statement.

2:4:3 FEC prepares briefing extracts on Italy for DC's meeting with their Ambassador as a Member of the Inter-Parliamentary Union Council.

2:4:4 FEC prepares briefing extracts on Switzerland for DC's meeting with Swiss MPs & Ambassador as Vice-Chairman of the British Group, Inter-Parliamentary Union.

2:4:5 FEC prepares briefing extracts on Montserrat for DC's meeting as an officer of the All-Party Parliamentary Group.

2:4:6 FEC prepares briefing extracts on Turks & Caicos for DC's meeting as an officer of the All-Party Parliamentary Group.

2.5. January 2005

2:5:1 FEC prepares briefing extracts on the British Virgin Islands for DC's meeting as Vice-Chairman of the all-Party Parliamentary Group.

2:5:2 FEC prepares briefing extracts on Overseas Territories for DC's Commonwealth Parliamentary Association meeting.

2:5:3 FEC prepares briefing extracts on Morocco for DC's visit to Wiltshire Moroccan Community as Chairman of the All-Party Parliamentary Group, with Dr. Andrew Murrison MP.

2:5:4 FEC prepares briefing extracts on Austria for DC's All-Party Parliamentary Group meeting.

2:5:5 FEC prepares briefing extracts on Finland for DC's All-Party Parliamentary Group meeting

2:5:6 FEC prepares briefing extracts on Caribbean issues for DC's meeting with the Caribbean Council.

2.6. February 2005

2:6:1 FEC prepares briefing extracts on Palestinian issues for DC's reception.

2:6:2 FEC prepares briefing extracts on Turkey for DC's reception for Turkish MPs delegation as Vice-Chairman of the All-Party Parliamentary Group.

2:6:3 FEC prepares briefing extracts on Pakistan, for DC's meeting with their visiting Speaker and MPs as Vice-Chairman UK Commonwealth Parliamentary Association.

2:6:4 FEC prepares briefing extracts on Italy for DC's meeting with the Speaker of Italian Parliament, as Council Member, Inter-Parliamentary Union.

2:6:5 FEC prepares briefing extracts on Caribbean issues for DC's Caribbean trade meeting

2:6:6 FEC prepares briefing extracts on United States for DC to host visiting Congressmen.

2:6:7 FEC prepares updated briefing extracts on Morocco for DC as Chairman of the All-Party Parliamentary Group to host visiting Moroccan Chamber of Deputies delegation.

2.7. March 2005

2:7:1 FEC prepares briefing extracts on Turkey for DC as Vice-Chairman of the British Group Inter-Parliamentary Union to host visiting Turkish MPs.

2:7:2 FEC prepares briefing extracts on British Virgin Islands for DC's meeting as Vice-Chairman of the All-Party Parliamentary Group.

2:7:3 FEC prepares briefing extracts on Morocco for DC's meeting as Chairman of the All-Party Parliamentary Group with their Ambassador.

2:7:4 FEC prepares briefing extracts on United Arab Emirates for DC's meeting as an officer of the All-Party Parliamentary Group.

2:7:5 FEC prepares briefing extracts on Caribbean issues for DC's meeting with the Caribbean Council.

2.8. May 2005

2:8:1 FEC prepares briefing extracts on United States for DC's meeting.

2:8:2 FEC prepares briefing extracts on Commonwealth issues for DC's meeting as Vice-Chairman of the UK Commonwealth Parliamentary Association.

2.9. June 2005

2:9:1 FEC prepares briefing extracts on Taiwan for DC's meeting with Taipei Representative as Vice-Chairman British Group Inter-Parliamentary Union.

2:9:1 FEC prepares briefing extracts on the British Virgin Islands for DC's meeting as Vice-Chairman of the All-Party Parliamentary Group.

2.10. July 2005

2:10:1 FEC prepares briefing extracts on Turkey for DC's meeting as Vice-Chairman of the All-Party Parliamentary Group.

2:10:2 FEC prepares briefing extracts on Canada for DC's meeting as Vice-Chairman of the All-Party Parliamentary Group.

2:10:3 FEC prepares briefing extracts on Turks & Caicos for DC's meeting as an officer of the All-Party Parliamentary Group meeting.

2:10:4 FEC prepares briefing extracts on Caribbean issue for DC's meeting with the Caribbean Council.

2:10:5 FEC prepares briefing extracts on Trinidad & Tobago DC's meeting as Vice-Chairman of the All-Party Parliamentary Group.

2:10:6 FEC prepares briefing extracts on Morocco for DC's meeting with HM Ambassador as Chairman of the all-Party Parliamentary Group.

2:10:7 FEC prepares briefing extracts on United States for DC's British American Parliamentary Group meeting.

2.11. October 2005

2:11:1 FEC prepares briefing extracts on Morocco for DC's conference as Chairman of All-Party Parliamentary Group.

2:11:2 FEC prepares briefing extracts on British Virgin Islands for DC to host visiting Chief Minister as Vice-Chairman of the All-Party Group.

2:11:3 FEC prepares briefing extracts on the United Arab Emirates for DC's meeting as Hon. Secretary of the All-Party Parliamentary Group.

2.12. November 2005

2:12:1 FEC prepares briefing extracts on Morocco for DC's meeting as Chairman of the All-Party Parliamentary Group.

2:12:2 FEC prepares briefing extracts on Argentina to chair Inter-Parliamentary Union meeting.

2:12:3 FEC prepares briefing extracts on Uruguay to chair Inter-Parliamentary Union meeting.

2:12:4 FEC prepares briefing extracts on Denmark for DC's visit to Copenhagen as UK NATO-PA Delegate.

2:12:5 FEC prepares briefing extracts on Russia for DC's meeting with member of the Duma.

2:12:6 FEC prepares briefing extracts on Poland for DC's meeting with Polish MPs.

2:12:7 FEC prepares briefing extracts on United States for DC's meeting with their Ambassador.

2.13. December 2005

2:13:1 FEC prepares briefing extracts on Antigua for DC's meeting with HM High Commissioner.

2.14. January 2006

2:14:1 FEC prepares briefing extracts on Morocco for DC to host visiting Human Rights group as Chairman of the All-Party Parliamentary Group.

2:14:2 FEC prepares briefing extracts on Canada for DC to host visiting British Columbia Speaker as Vice-Chairman of the All-Party Parliamentary Group.

2:14:3 FEC prepares briefing extracts on Montenegro for DC to host visitors as Vice-Chairman of the British Group, Inter-Parliamentary Union.

2:14:4 FEC prepares briefing extracts on New Zealand for DC to host meeting as Vice-Chairman of the UK Branch, Commonwealth Parliamentary Association.

2:14:5 FEC prepares briefing extracts on Australia for meeting as Vice-Chairman of the UK Branch, Commonwealth Parliamentary Association.

2:14:6 FEC prepares briefing extracts on Thailand for DC to receive visiting MPs as Vice-Chairman of the British Group, Inter-Parliamentary Union.

2:14:7 FEC prepares briefing extracts on Israel for DC's meeting as member of the 12+ Committee of the Inter-Parliamentary Union.

2.15. February 2006

2:15:1 FEC prepares briefing extracts on Antigua for DC's meeting as Vice-Chairman of the UK Branch, Commonwealth Parliamentary Association.

2:15:2 FEC prepares briefing extracts on Grenada for DC to host High Commissioner, as Vice-Chairman of the UK Branch, Commonwealth Parliamentary Association.

2:15:3 FEC prepares briefing extracts on St. Lucia for DC to meet their High Commissioner, as Vice-Chairman of the UK Branch, Commonwealth Parliamentary Association.

2.16. March 2006

2:16:1 FEC prepares briefing extracts on Turkey for DC's meeting with visiting Turkish MPs as Vice-Chairman of the All-Party Parliamentary Group.

2:16:2 FEC prepares briefing extracts on Caribbean for DC's meeting with the Caribbean Council.

2:16:3 FEC prepares briefing extracts on the British Virgin Islands for DC's meeting with their UK Representative as Vice-Chairman of the all-Party Parliamentary Group.

2:16:4 FEC prepares briefing extracts on Morocco for DC's meeting with their Ambassador as Chairman of the all-Party Parliamentary Group.

2:16:5 FEC prepares briefing extracts on Dominican Republic for DC's meeting as Vice-Chairman of the All-Party Group.

2:16:6 FEC prepares briefing extracts on Kenya for DC's meeting with their High Commissioner as Vice-Chairman of the UK Branch of the Commonwealth Parliamentary Association.

2.17. April 2006

2:17:1 FEC prepares briefing extracts on Egypt for DC's meeting with their Prime Minister and Foreign Minister.

2:17:2 FEC prepares briefing extracts on Guatemala for DC's meeting as Vice-Chairman of the British Group, Inter-Parliamentary Union.

2.18. May 2006

2:18:1 FEC prepares briefing extracts on Trinidad & Tobago for DC's meeting as Vice-Chairman of the All-Party Parliamentary Group.

2:18:2 FEC prepares briefing extracts on Kenya for DC's Inter-Parliamentary Union conference as Vice-Chairman of the British Group, Inter-Parliamentary Union.

2:18:3 FEC prepares briefing extracts on France for DC's meeting with HM Ambassador.

2.19. June 2006

2:19:1 FEC prepares briefing extracts on Iceland for DC to host visiting Icelandic MPs as Vice-Chairman of the British Group, Inter-Parliamentary Union.

2:19:2 FEC prepares briefing extracts on United States for DC's visit as Member of the Transatlantic Subcommittee of the NATO Parliamentary Assembly.

2:19:3 FEC prepares briefing extracts on Nepal for DC's meeting with their Speaker as Vice-Chairman, British Group Inter-Parliamentary Union.

2.20. July 2006

2:20:1 FEC prepares briefing extracts on Egypt for DC's meeting.

2:20:2 FEC prepares briefing extracts on United Arab Emirates for DC's meeting as an officer of the All-Party Parliamentary Group.

2:20:3 FEC prepares briefing extracts on United States for DC's meeting with visiting American politics students as Executive Member, British American Parliamentary Group.

2:20:4 FEC prepares briefing extracts on Morocco for DC's meeting of the All-Party Parliamentary Group as Chairman.

2:20:5 FEC prepares briefing extracts on Turkey for DC's meeting with their Foreign Minister as Vice-Chairman of the All-Party Parliamentary Group.

2:20:6 FEC prepares briefing extracts on Cyprus for DC's meeting with their High Commissioner as Inter-Parliamentary Union Facilitator.

2:20:7 FEC prepares briefing extracts on Jamaica for DC's meeting with the delegation of Jamaican MPs as Vice-Chairman of the UK Branch, Commonwealth Parliamentary Association.

2.21. September 2006

2:21:1 FEC prepares briefing extracts on Cyprus for DC's meeting with their Speaker and Cypriot MPs as Inter-Parliamentary Union Facilitator for Cyprus.

2:21:2 FEC prepares briefing extracts on Trinidad & Tobago for DC's meeting as Vice-Chairman of the All-Party Parliamentary Group.

2:21:2 FEC prepares briefing extracts on Austria for DC's meeting with visiting MPs as Vice-Chairman, British Group, Inter-Parliamentary Union.

2:21:3 FEC prepares briefing extracts on Kosovo for DC's NATO visit to meet their Prime Minister and MPs.

2:21:4 FEC prepares briefing extracts on United Nations Special Representative for Kosovo for DC's meeting.

2.22. October 2006

2:22:1 FEC prepares briefing extracts on Switzerland for DC's meeting with visiting MPs as Member 12+ Committee of the Inter-Parliamentary Union.

2:22:2 FEC prepares briefing extracts on Turkey for DC's meeting as Vice-Chairman of the All-Party Parliamentary Group.

2:22:3 FEC prepares briefing extracts on Central American issues for DC's meeting as an officer of the All-Party Parliamentary Group.

2:22:4 FEC prepares briefing extracts on Tanzania for DC to host visiting Tanzanian MPs as Vice-Chairman of the Inter-Parliamentary Union.

2:22:5 FEC prepares briefing extracts on Morocco for DC's meeting with their Ambassador as Chairman of the All-Party Parliamentary Group.

2:22:6 FEC prepares briefing extracts on Turks & Caicos for DC's meeting of the All-Party Parliamentary Group as Vice-Chairman.

2:22:7 FEC prepares briefing extracts on Finland for DC's meeting with their Ambassador as Vice-Chairman of the British Group, Inter-Parliamentary Union.

2.23. November 2006

2:23:1 FEC prepares briefing extracts on Belize for DC's meeting with their Prime Minister as Vice-Chairman of the All-Party Parliamentary Group.

2:23:2 FEC prepares briefing extracts on Canada for DC's meeting with their High Commissioner, as Vice-Chairman of the All-Party Group.

2:23:3 FEC prepares briefing extracts on United Arab Emirates for DC's meeting as an officer of the All-Party Parliamentary Group.

2:23:4 FEC prepares briefing extracts on Jordan for DC's, meeting for the visit of His Majesty The King, as Vice-Chairman of the British Group, Inter-Parliamentary Union.

2:23:5 FEC prepares briefing extracts on Morocco for DC's meeting with HRH Princess Lala Julmaila, as a Member of the Board of the Moroccan British Society.

2:23:6 FEC prepares briefing extracts on United States for DC's meeting with their Ambassador.

2.24. December 2006

2:24:1 FEC prepares briefing extracts on Morocco for DC's meeting with Moroccan community leaders as Chairman of the All-Party Parliamentary Group.

2:24:2 FEC prepares briefing extracts on Iraq for DC's meeting with visiting Iraqi parliamentary leaders as Vice-Chairman of the British Group, Inter-Parliamentary Union.

2.25. January 2007

2:25:1 FEC prepares briefing extracts on Canada for DC's meeting with delegation of Canadian MPs as Vice-Chairman of the All-Party Group.

2:25:2 FEC prepares briefing extracts on Indonesia for DC's meeting with their Ambassador as Vice-Chairman of the British Group, Inter-Parliamentary Union.

2:25:3 FEC prepares briefing extracts on Belize for DC's meeting as Vice-Chairman of the All-Party Group.

2:25:4 FEC prepares briefing extracts on Madagascar for DC to chair meeting as Vice-Chairman of the British Group, Inter-Parliamentary Union.

2.26. February 2007

2:26:1 FEC prepares briefing extracts on Germany for DC's meeting with German MPs as NATO-Parliamentary Assembly delegate.

2:26:2 FEC prepares briefing extracts on Morocco for DC's meeting as Chairman of the All-Party Parliamentary Group.

2:26:3 FEC prepares briefing extracts on Iraq for DC's meeting with visiting Iraqi Speaker, as Vice-Chairman of the British Group, Inter-Parliamentary Union.

2:26:4 FEC prepares briefing extracts on British Virgin Islands for DC's meeting with their Chief Minister, as Vice-Chairman of the all-Party Group.

2:26:5 FEC prepares briefing extracts on Bolivia for DC's meeting with their Ambassador as Vice-Chairman of the British Group, Inter-Parliamentary Union.

2.27. March 2007

2:27:1 FEC prepares briefing extracts on France for DC's meeting with HM Ambassador.

2:27:2 FEC prepares briefing extracts on Ukraine for DC's meeting with their Foreign Minister as NATO-Parliamentary Assembly delegate.

2.28. April 2007

2:28:1 FEC prepares briefing extracts on Italy for DC's meeting with their Foreign Minister, as Vice-Chairman of the British Group, Inter-Parliamentary Union.

2:28:2 FEC prepares briefing extracts on Indonesia for DC's meeting with their Ambassador as Vice-Chairman of the British Group, Inter-Parliamentary Union.

2:28:3 FEC prepares briefing extracts on Burundi for DC to host their visiting Vice-President, as Vice-Chairman of the British Group, Inter-Parliamentary Union.

2:28:4 FEC prepares briefing extracts on Dominican Republic for DC's meeting as Vice-Chairman of the All-Party Group.

2.29. May 2007

2:29:1 FEC prepares briefing extracts on Mexico for DC's meeting as Vice-Chairman of the British Group, Inter-Parliamentary Union.

2:29:2 FEC prepares briefing extracts on Portugal for DC's meeting as NATO Parliamentary Assembly delegate.

2:29:3 FEC prepares briefing extracts on Japan for DC's meeting with their Foreign and Defence Ministers as Member of NATO Parliamentary Assembly Political Committee.

3. Speaker's Panel of Chairmen

Freddie would assist me in preparation for the committee stage of Bills. Once a Bill I was to chair in Standing Committee had secured its Second Reading, Freddie would assist me by relating the sections and clauses of the Draft Bill to the Explanatory Notes "flagging-up" and marking the latter so that during the cut and thrust of committee sessions I could quickly check that contributions to a given clause were in Order and that the Member speaking was following the purpose of the clause under consideration. This would be updated as the committee sessions progressed.

I did not retain these heavily annotated Bills and Explanatory Notes when the Committee Stage was concluded for as chairman I was precluded from taking any further part in the consideration by the House of the legislation at Report and Third Reading. I wished to supply you with an example of legislation I had chaired but the Vote Office does not retain Bills and Explanatory Notes either, once the legislation has been passed, so they can only offer an actual Act.

From September 2004 I chaired:-

- 3:1 Penalties for Disorderly Behaviour (Minimum Age) Order
- 3:2 Companies (Audit, Investigations and Community Enterprise) Bill
- 3:3 Fishing Boats (Satellite-Tracking Devices) (England) Order
- 3:4 School Transport Bill
- 3:5 Electricity and Gas (Energy Efficiency Obligations) Order
- 3:6 Financial Provisions (Northern Ireland) Order
- 3:7 Non-Domestic Rating (Chargeable Amount) (England) Order

During 2005 I chaired:-

- 3:8 Identity Cards Bill
- 3:9 Southern Regional Flood Defence Order
- 3:10 Scotland Act 1998 (Modifications of Schedule 5) Order
- 3:11 Scotland Act 1998 (Functions to the Scottish Ministers Etc) Order
- 3:12 Data Protection (Subject Access Modification)(Social Work) Order
- 3:13 Public Audit (Wales) Act 2004 (Restriction on Disclosure) Order
- 3:14 Criminal Procedure and Investigations Act 1996 (Code of Practice) Order
- 3:15 Civil Procedure (Amendment No2) Rules
- 3:16 Consumer Credit Bill
- 3:17 Traffic Management (Northern Ireland) Order
- 3:18 Civil Partnership Act 2004 (Overseas Relationships) Order
- 3:19 Electoral Administration Bill
- 3:20 Safety of Sports Grounds (Northern Ireland) Order
- 3:21 Serious Organised Crime and Police Act 2005 (Amendment) Order

During 2006 I chaired:-

- 3:22 Criminal Defence Services Bill
- 3:23 Scotland Act 1998 (Functions of the Scottish Ministers Etc) Order
- 3:24 Gaelic Language (Scotland) Act 2005 (Modifications) Order
- 3:25 Police and Justice Bill
- 3:26 Serious Organised Crime and Police Act (Section 61) Order
- 3:27 Pensions Appeal Tribunals (Additional Rights of Appeal)(Amendment) Regulations
- 3:28 Pensions Appeal Tribunals (Armed forces and Reserve Forces Compensation Scheme)(Rights of Appeal) Amendment Regulations
- 3:29 Medical Act 1998 Miscellaneous Amendments Order
- 3:30 Safeguarding Vulnerable Group Bill

During 2007 until August, I chaired:-

- 3:31 Digital Switchover (Disclosure of Information) Bill
- 3:32 Representation of The People (England and Wales) and the Representation of The People (Combination of Polls)(England and Wales)(Amendment) Regulations
- 3:33 Local authorities (Mayoral Elections) (England and Wales) Regulations
- 3:34 Immigration and Nationality (Fees) Regulation
- 3:35 Vehicle Registration Marks Bill
- 3:36 Lord Chancellor (Modification of Functions) Order
- 3:37 Extradition Act 2003 (Amendment to Designations) Order

4. Chairing Westminster Hall debates

For my sessions chairing Adjournment debates to be held in Westminster Hall, Freddie would keep the session chairing schedule updated in the Raise Again File.

5. Constituency representative

During an average week, my workload covered the usual activities and duties of a constituency representative. In general anything related to an Electoral Register number would be processed by the Sidcup office, excluding engagements and visits. Constituency matters were dealt with by my secretary at the Constituency Office in Sidcup. That was, in principle, kept separate from the work Freddie did and he did not work with my constituency secretary. The two offices were separate but there was inevitably an overlap between the two functions in that all correspondence was routed through Westminster and Freddie would, when required, sort out which was Westminster work and which was Constituency work and Freddie would, when required, assist with providing material for constituents in terms of photocopying ministerial replies, responses from agencies, the local Council and other material to be sent with my covering letter replies to constituents. Contact with schools, businesses, groups and press would be handled by Colette Conway, in the parliamentary office or Westminster apartment office.

5:1 Correspondence with constituents

During the week Colette would collect, open and sort incoming mail into constituency, parliamentary and general categories.

For individual constituent letters, I would draft responses in longhand—an indication perhaps of my preferred more old-fashioned way of working but, by this means, I dealt with every constituency contact personally—and these would be sent to the Sidcup office where replies were prepared, constituent files maintained and top copies returned to me for signature and mailing. Freddie would fold and envelope my replies when signed.

I am one of a handful of Members' for whom, at weekends, the Members' Post Office would leave mail at Members' Entrance to be collected either on Saturday or Sunday. Depending on my constituency duties, either Freddie or I would make the collection. For reasons perhaps to do with screening, the weekend mail was frequently more substantial than that during the week. Freddie would open and sort the general mail from that which required my attention, arranging the correspondence and then leaving me with piles for constituency, parliamentary and general interest. This enabled me to spend many Monday mornings in the constituency in the knowledge that a good volume of post had already been attended to.

5:2 Representations to Ministers/Statutory Bodies

Letters to Ministers or departments and agencies related to individual constituent cases would be sent to the Sidcup office for processing, but any accompanying documents would be copied, by Freddie, either at the House or Westminster apartment. Those related to general constituency issues, local Council, NHS, statutory bodies such as water/electricity/gas and the Metropolitan Police Bexley Division, would be handled by Colette at either the parliamentary or apartment offices. Freddie would assist by keeping and monitoring letters in the Awaiting Reply File and with photocopying attachments. As with the Raise Again file, Freddie had a system whereby he could monitor the progress of this file at a time of his choosing.

5:3 Contact with businesses

Any business based in the constituency or general approaches on issues from elsewhere, business groups such as the two Rotary Clubs etc would be handled by Colette. Freddie would assist by keeping letters in the Awaiting Reply File and the agendas/papers for any visit in the Raise Again File.

5:4 Contact with Schools/Community Groups

Any schools correspondence, community groups or charities based in the constituency would be dealt with by Colette as would arrangements for me to visit or for a school/group to visit Parliament in the same way as set out in 5.3 above. Freddie would assist me by keeping letters in the Awaiting Reply File and the papers for any visit in the Raise Again File.

5:5 Statutory Bodies

Correspondence with and arrangements for me to visit the local hospital, Council offices, Care Trust, Metropolitan Police Bexley Division etc would be handled by Colette. As with 5.3, Freddie would assist by keeping letters in the Awaiting Reply File and the papers for any future visit in the Raise Again File.

5:6 Emails

Presently it is not possible to differentiate between an incoming email from a constituent and the thousands sent by campaign groups, lobbyists, charities and vested interests. My parliamentary email account would be opened at the apartment office and Freddie would screen these, deleting the in-box messages and reducing the time I would otherwise have to spend reading the hundreds of general circular emails received daily.

Freddie is considerably more adept at using computers than I and his assistance in clearing unwanted email traffic in the morning and then again later in the day, effected a considerable saving of time and frustration on my part.

5:7 Surgeries

Appointments are arranged through the Sidcup office and held in that location and also libraries across the constituency. Colette would prepare the notices for circulation. Freddie would keep these in the Raise Again File.

5:8 Arranging Visits

Tours of Parliament, Tickets for the Gallery and my visits in the constituency were all handled by Colette. Freddie's role was to keep papers in the Raise Again File.

5:9 Local Press

Press releases, drafted in longhand by me, would be prepared by Colette for distribution to the five local newspapers covering the constituency. Freddie would assist with downloading, editing and attaching the photographs taken during a constituency visit. Again I stress the point that when it came to dealing with computer matters Freddie's assistance was invaluable and constituted a considerable saving of my time.

6. Chairman of the Accommodation & Works Committee

In addition to chairing meetings of the Accommodation & Works Committee, this position generated a high work-load dealing with the Clerks Department, Officers of the House, colleagues with concerns and opinions and the Party Whips.

After the last election the committee was merged into the Administration Committee to which, for continuity, I was appointed. Freddie would assist by keeping issues awaiting a response in the Awaiting Replies File and future meeting papers in the Raise Again File.

7. Member of the Finance & Services Committee

I was a member of this committee representing the Accommodation & Works Committee. Freddie would assist by keeping committee papers in the Raise Again File.

8. Liaison Committee

As chairman of a House domestic committee I was an ex-officio member of the co-ordination committee of all Select Committee chairmen which met to arbitrate issues between the House authorities, the Government and within committees. Twice a session it questioned the Prime Minister extensively. Freddie would assist by keeping Committee papers in the Raise Again File.

9. Administration Committee

Member of this successor committee to the Accommodation and Works Committee dealing with House administrative affairs, as delegated by Mr. Speaker and the Commission. Freddie would assist by keeping Committee papers in the Raise Again File.

10. Select Committee on Defence

I did not serve for very long on this committee, as a change in the timing of its sessions coincided with other duties, but it involved scrutinising administration of the Ministry of Defence, ministerial strategy, arms procurement, armed forces personnel and defence issues. Freddie would assist by keeping committee papers in the Raise Again File and by providing press cuttings on defence related issues of interest.

11. Debates & Ministerial Statements

For speaking or intervening in debates and statements in the Chamber, Freddie would assist by keeping briefing papers in the Raise Again File.

12. Parliamentary Questions

When putting oral questions to departmental ministers and the Prime Minister or placing Written Questions, Freddie would assist this process by keeping Written Parliamentary Questions in the Awaiting Reply File.

13. Working location

It may be helpful if I explain how I prefer to work, so that Freddie's supporting role can be understood. I have two desks with a comparable set-up in my room at the House and at my Westminster apartment.

These are both linked to the parliamentary computer network through my named account, so I (or Freddie or Colette) could log-on at either of the locations.

Working from my desk, in the House of Commons and at my Westminster apartment, I had no daily routine or timescale. During the week, if not chairing something, required for a Division or with an appointment at the House, I preferred to work from the apartment. It therefore suited me personally to have the Raise Again File and the Awaiting Replies File at the apartment rather than my Commons room. It was also convenient to have personal engagement papers kept together with parliamentary papers in the Raise Again File so that confusion or double-booking could be avoided.

With only one work station at the Commons, and that allocated to Colette, it was therefore personally convenient and practicable to have Freddie, on most occasions, work from the Westminster apartment. Logging onto the parliamentary network via either desk was equally convenient. I saw no particular advantage in having a separate email account for him as it was my incoming mailbox I wished editing.

Furthermore, I did not require him to generate documents for me to read on the computer screen as my personal preference was for a hard-copy presentation.

A large number of MPs have support staff who work from a residential location and what is lost in immediate access and supervision is gained in flexibility and availability. When it was necessary for Freddie to be in my room at the House, he had a part-time parliamentary pass and an intel-key to my room.

14. Days Worked

In the period late September 2004 to April 2007 Freddie was studying geography at university in Newcastle. It was envisaged that after university he would, in September 2007, start training at the Royal Military Academy Sandhurst, for which he had attained a guaranteed place.

As will be seen from the list of my parliamentary duties, there was really no typical week and what Freddie did for me depended on what I required doing that particular week. However, doing the best that I can in terms of the work done by him, I would state that when Freddie was not at university and would be working for me in London, he would be working for me approximately 20 hours a week, performing the tasks that I have listed above. This work would normally be done daily, including weekends, and would usually be done between the hours of 9am and 12 noon. However, there was a degree of flexibility according to what my requirements were as to when the work was done and he would often do some email editing in the late afternoon/early evening. Doing the best I can to explain what and how it was done, I would state that in an average week in London, Freddie would work

Monday	3 hours
Tuesday	3 hours
Wednesday	4 hours
Thursday	3 hours
Friday	3 hours
Saturday	2 hours
Sunday	2 hours

As I have explained, the bulk of this work would be done in the office space in my Westminster flat. In a typical week of say 20 hours work done in such circumstances by Freddie I would estimate that 16 or 17 of those hours would be at the Westminster flat and only a couple of hours in my parliamentary office.

Because of my wish to keep on top of mail throughout the week and at weekends, it meant that Freddie would assist with sorting that out on either a Saturday or Sunday and would also do email editing at weekends, see 5:1.

15. Freddie at University

By my estimation, the university terms amounted to 24 weeks per year, which is 120 working days. On 48 of those Freddie would not be required at all and on 72 there would be lectures of which, approximately, he attended on 60 days. Clearly there was a substantial reading and research requirement to supplement the formal seminars, but the presumption that an undergraduate's commitment is "full-time" was not the case for Freddie.

It meant in practice that Freddie could apply his time at university as he wished and carrying out research and collating newspaper cuttings for me did not conflict with his course studies in any way. On the contrary, the substantial element of international studies within his geography syllabus complemented his efforts for me.

During the course of his degree studies, the number of lectures and seminars would vary from term to term depending on the number and subject matter of modules undertaken. They varied in length and number but averaged six modules per academic year which equated to a maximum of six hours per week, though it was not compulsory to attend each of them. A point to bear in mind is that lecture notes could be retrieved off the internet from any location, so if in London Freddie could still access the material via the university "blackboard".

A further point to bear in mind is that Freddie was not deeply involved in university life. He played no part in the Students Union, or in any of the various societies and clubs.

He would return to London quite often during term-time and that included many long-weekends on days between compulsory seminars. In essence when he did not have to be in Newcastle, he was in London. In this regard his outlook was probably different from the majority of students for he already knew the course of his future career in the Armed Forces and preferred the world outside the university. Freddie saw the work he was doing for me, admittedly not the administrative jobs, as interesting and broadening his horizons, developing his interest in world affairs and defence matters.

This meant that he was available to assist me in London during the time that he was not at university and this is what he did. Freddie was born whilst I was already an MP and grew up surrounded by politics it is therefore not really surprising that he enjoyed the responsibility of being involved in my work as an adult and I too enjoyed the enthusiasm he displayed for what I was doing.

Therefore, in a number of weeks during term time, Freddie would be doing the research work partly in Newcastle and partly in London. That would involve cutting out newspaper articles likely to be of interest to me on international affairs or defence issues. When in Newcastle he would use the university library to search the internet for briefing on a specified country, print that off and with the newspaper articles, send these to me in pre-labelled Commons envelopes. I do not read from a computer screen with ease, so preferred this background information prepared for me in hard-copy format so that I could study it at a time of my choosing.

Taking an average week during term time when he was in Newcastle, the hours that Freddie would spend working for me would be:

Monday	3 hours
Tuesday	3 hours
Wednesday	1 hour
Thursday	2 hours
Friday	1 hour
Saturday	2 hours
Sunday	2 hours

16. Freddie's Qualifications

It will be appreciated that qualifications for any given appointment to a Member's staff is left, by the House authorities, as a matter for the judgement of the individual Member.

In the case of parliamentary research assistants most seem to fall between the ages of eighteen and twenty-five and will either possess a decent clutch of A-levels or be on or have recently completed a degree course. It is not uncommon for researchers to split their time between a course of higher education and part-time work for an MP.

In Freddie's case he obtained three A-levels at ABB and was studying for a BA (Hons) in Geography with a strong international syllabus to his course. I referred earlier to the types of module involved and this gave him a specific interest in foreign affairs, particularly Arab countries, which complemented my own sphere of interests.

The fact that for at least five years he was due, prior to his accident, to attend the Royal Military Academy Sandhurst gave him an obvious interest in defence matters, which again complemented my NATO interests.

My estimation of his worth is clearly biased but the fact that he secured his Royal Military Academy nomination against considerable competition and then, when unable to pursue that ambition, achieved a post-graduate full-time position with a major financial institution, which carries a good deal of personal responsibility, once again against very stiff competition, I think demonstrates the value others have put on Freddie's capacity and potential.

I would also like to add that a non-related third party would not have been willing to work around my hours, particularly at the weekends. Freddie's willingness and ability to undertake such a varied range of activities enabled me to function effectively over a very wide scope of interests. I had limited resources and I was dealing with people who expected me to be well briefed and familiar with their areas of expertise. The work I required to be done could be scheduled so that it was ready in time for the appointment.

These dates had generally been fixed some time in advance so Freddie had some flexibility as to when he did the work, having his assistance and back-up also meant that I was available for the unexpected emergencies that arise in the life of any Member of Parliament.

17. Freddie's work pattern

Freddie sometimes came to my office and had a part-time parliamentary pass and an intel-key to enable this, but more often he would work from the apartment. It suited me better and as many MPs have staff based as home-workers, I did not consider this arrangement inappropriate.

My room in the House is reached via a door under Speaker's House, through rarely used kitchens. The corridor is a dead-end so very few people have cause to walk by this remote part of the Palace. I would often take Freddie for lunch in the cafeteria in Portcullis House or the Adjournment Restaurant. I could probably find people who would have seen Freddie in such places but that would not, I believe, assist you in what you have to determine.

With the benefit of hindsight, it would have been wiser to keep a work-schedule but as he was never likely to sue for breach of contract and as he was a trusted, responsible and hard-working member of my family, I regarded his formal contract of employment and the standard job description as having been agreed. Probably because he was a member of my family I did not foresee that there would be issues arising from his employment. Having reviewed the rules, I realise that I should have kept such records and I apologise for my omission.

18. Additional Payments

In your letter of 24th July 2007, paragraph five, you draw attention to the additional payments and note that "no explanation was given to the department". Again I apologise if I have misunderstood the application of the rules but I hope that you will accept my assurance that I have at all times acted in complete good faith. I would like to set out for you how I approached this matter.

In the House guidance on pay rates for staff it states that "You may pay bonuses to your permanent staff, provided that you can afford these out of the Incidental Expenses Provision or the staffing budget. Bonuses

should not exceed 15% of gross annual salary". At no stage was an explanation required or requested by the department. I did not hold any formal assessment before awarding these additional sums. I did not think that it was incumbent on me to do so and, as I say, I apologise if I have misunderstood the procedure. My understanding—and it may well be incorrect—is that bonus payments are quite commonly awarded by Members to their staff, indeed the Operations Directorate sends out advice to the House well before the budget year end as the volume of instructions is so great for them administratively. I understand that the payment of bonuses is a widespread practice in the House as indicated by the circular letter from Mr. Bird of 19th January 2007 a copy of which is appended. Again, I apologise if I have inadvertently followed the wrong procedure.

With regard to 2006 and 2007 I would like to draw your attention to the fact that I had not adjusted his annual salary level so the sums were a combination of that, a bonus for being effective in his supporting role and dependent upon the budget being available. Again, if I have not followed the correct procedure, I hope that you will accept that I have acted in good faith and I apologise if I have not dealt with this appropriately.

19. Freddie's injury

From past correspondence you will recall that unfortunately he sustained a sports injury in late February 2007. Low key medical and chiropractic treatment during February and March did not resolve the problem and in late May he underwent ... surgery. ... a second operation will be necessary in November. Throughout June and July and part of August he was on sick-leave.

Because of the risks to the nervous system in spinal surgery, doctors had tried all options to avoid surgery and he had, for example, had two epidurals in the course of his earlier treatment. I was at the time uncertain what his prospects were. With the benefit of hindsight, I realise I should have discussed the implications of his being unable to work in the usual way, with the Operations Directorate but the action taken was within the terms of his contract of employment and I apologise for this omission. He ceased working for me formally on 24th August 2007.

20. Records and Reports

When I left Parliament in 1997, following over fourteen years service, my entire records system filled one cardboard filing box. It has never been my practice to keep papers, personal press cuttings or old correspondence. Returning in 2001 I saw no reason to change and, during my four year enforced sabbatical, had had no need to refer to any previous paper or record. I know some colleagues do exactly the opposite and keep everything they have ever said or done for posterity, but that is not in my nature and frankly I do not think that I would thereby add to the sum of human happiness. It may seem unusual, but I dispose of committee papers, press cuttings, briefing notes etc., once my immediate need for them has ended.

21. Conclusion

I hope you will conclude that Freddie fulfilled a supporting role in a post it was reasonable to have. That given, my personal preference for working from more than one location and on days other than normal working days, it was understandable and not unreasonable to have a member of my family, capable of so doing, undertake activities during times that a conventional appointee could not be expected to work. I hope I have, to your satisfaction, shown that my administrative shortcomings aside, I was entitled to employ Freddie as a part-time researcher and assistant and that he performed the tasks he was requested to carry out.

Should you be of the opinion—which I hope you are not—that there was any shortfall, that is my responsibility as the employer and not Freddie's who did all that he was requested to do, competently and within the allotted timescale.

Recognising the damage this incident has undoubtedly done to my parliamentary career and the concern and embarrassment it has caused Freddie, I hope you will accept that whilst my personal working pattern may be erratic and my aversion to filing regretful, there has been no intentional breach of any Parliamentary rule.

11 October 2007

11. Agreed Note of Meeting with Freddie Conway, 12 November 2007

Present: Mr Freddie Conway (FC), Mr Greg Knight, MP (GK), Sir Philip Mawer, Parliamentary Commissioner for Standards (PM), and Miss Alda Barry, Registrar of Members' Interests (AB).

1. Unless otherwise stated the questions were posed by PM.
2. PM explained the procedure, stressing that FC was a witness only, the complaint being against Mr Derek Conway, MP (DC). A record of the meeting would be made and sent to the participants for checking. It might subsequently be published in the context of any report the Commissioner might make to the Committee on Standards and Privileges, but would not otherwise become public. The Commissioner and Committee would be sensitive to requests to treat certain information as confidential unless it was necessary to refer to it in the context of such a report.
3. How long had FC been employed part-time by DC? Between 1 September 2004 and 21 August 2007.
4. PM commented that his application for a House of Commons pass pre-dated the earlier date somewhat. Had he done some voluntary work before being employed by his father? FC said he had not. The pass application might simply have been in anticipation of his employment.
5. What had been the dates of FC's undergraduate studies? The dates of the terms varied a little. The years were 2004 to 2007. The terms had each been of 8–10 weeks duration.
6. What had been FC's principal duties for DC? They had centred mainly around computers and camera technology; internet research; cutting out press articles on topics of interest to his father; general administrative support such as opening and sifting post and e-mails; photocopying; and stuffing envelopes.
7. How would FC describe the demand on his skills as an undergraduate? FC found he had the time to do both kinds of work, and the necessary skills, especially in IT.
8. Was the degree demanding? Not overly; it had been research-based, so there were few lectures. To describe the course as full-time in the sense that it filled all his waking hours was misleading.
9. What were FC's work patterns? It had depended what he was doing at the time. If he was researching a country profile for his father he would usually have a week's notice, which would enable him to do more of the work at weekends. He would do less on Wednesdays because that was the day on which he engaged in social sport. He did not belong to university clubs.
10. Would any of FC's friends know of his work for his father? He did not discuss the work with his friends – it was between his father and himself.
11. Would FC describe the pattern of his commitment to the work? At university, because he was pursuing a degree as well, the pattern varied. He had spent a lot of time at home even during term time (including most weekends), when he would do more of the mundane work.
12. PM commented that FC's work for his father represented a considerable time commitment. FC replied that it was flexible and could be done when he chose, unlike, for instance, bar work.
13. FC's degree course had mainly entailed research in the university library. When working for his father he had used one of the computers in the university library (it had usually been possible to find one available). At home he had usually used his father's computer in the London apartment.
14. Where had he worked in the vacations? On his father's computer in the London flat.
15. Did he go into his father's parliamentary office? Not very often at all.
16. How often was FC in London? He drove down on most weekends. Most of his friends were in London; it was the centre of his social and sporting life.

17. When FC was at home at the weekends he would sort out e-mails on the computer (deleting irrelevant material), computer-edit photographs to put on press releases, pick up the post and sort it.
18. To whom did FC relate at work apart from his parents? He did not relate much to anyone. He could not remember the name of his father's constituency secretary.⁴⁵ He had no contact with her or with staff in the House and did not use the parliamentary library. When his father was chairing a committee his father would give him the bill and Explanatory Notes to mark up; he would not have any contact with the clerks in the Legislation Office. Nor did he have any contact with the secretariats of the IPU or CPA, nor with other MPs' research staff. He *had* been a member of the parliamentary rugby team.
19. PM said that the allegation against DC was that FC did not do any, or very little work for him. There were three main kinds of evidence which might be produced to refute this suggestion: evidence arising out of relationships with other people; evidence from the computers; and hard copy material produced by FC. He was seeking evidence of any of these kinds.
20. FC said that he had no parliamentary e-mail account of his own. He had used the computers in the college library or the one at the work-station in the London flat; that was still there, used by his mother.
21. What were the 'briefing extracts' referred to in DC's letter? FC said that he would seek the information (economic, political, profiles of individuals) DC needed for a foreign visit using internet search engines, print it out and send or take it down to London.
22. What would such a brief look like? It would contain print-outs from e-journals and FC would highlight relevant passages and add a manuscript covering note.
23. FC would sometimes copy and paste extracts of material but did not prepare analyses or summaries.
24. There was a brief discussion of the nature of the 'raise again' and 'awaiting reply' files, which FC had also maintained during time he spent in London.
25. Why did DC not keep any of the material prepared by FC? PM must ask DC.
26. The discussion turned to FC's injury and subsequent sick-leave. The injury had occurred in February 2007. He had continued to work until June when he had had an operation which had necessitated his being essentially off work for June, July and part of August (he had been able to perform some of the basic functions but was unable to sit at a computer screen for any period).
27. What had FC understood to be the reason for the bonuses DC had paid him? FC said that PM must ask DC. What explanation had been given at the time? FC could not really recall.
28. GK commented that the work done by FC might not have been intellectually stimulating, but it was work which DC could not have done himself, particularly in so far as it involved the use of computers.
29. Concluding the meeting, PM said that FC would be sent the draft meeting note for comment. He invited FC to contact him if he remembered anything else relevant, especially if he recalled anyone with whom he had had contact about the work he had done.

12. Agreed Note of Meeting with Mrs Conway, 12 November 2007

Present: Mrs Colette Conway (CC), Mr Greg Knight, MP (GK), Sir Philip Mawer, Parliamentary Commissioner for Standards (PM), and Miss Alda Barry, Registrar of Members' Interests (AB).

1. Unless otherwise stated the questions were posed by PM.

45 In a subsequent letter, FC said that he had become confused at this point because DC's constituency secretary is popularly known by a different name from that in which she is known in Parliamentary records.

2. PM explained the procedure, stressing that CC was a witness only, the complaint being against Mr Derek Conway, MP (DC). A record of the meeting would be made and sent to the participants for checking. It might subsequently be published in the context of any report the Commissioner might make to the Committee on Standards and Privileges, but would not otherwise become public. The Commissioner and Committee would be sensitive to requests to treat certain information as confidential unless it was necessary to refer to it in the context of such a report.
3. CC said that she had worked for her husband, DC, since his first election to the House in 1983, subject only to the gap after he lost his seat between 1997 and 2001. Her role as his PA had been to deal with correspondence and keep his diary. She also arranged meetings, and visits to Parliament by groups, etc. from the constituency, of which, because of the constituency's proximity to London, there was a considerable number. She would greet DC's visitors in the Central Lobby, escort them to his room and provide refreshments as needed.
4. Was CC focused on the work at Westminster or did she do constituency work as well? DC kept the constituency case-work separate and this was dealt with by [...], the constituency secretary, though CC dealt with churches, schools and organisations in the constituency.
5. PM said that he had seen DC's response to his questions but he now wanted CC's own account of what she had seen her son do.
6. CC said that FC did all the research on foreign affairs matters. He would bring it or send it down by post from university, or do it in Westminster or DC's office in their London apartment.
7. What exactly was the product of the work? CC did not know exactly, but sometimes she would open the post and find 'reams' of material from FC on a country to be visited – printed-off papers highlighted with a marker pen.
8. What else? If FC collected the post from the House on Saturdays he would open it. The amount of post varied but there seemed to be a lot at weekends. 40 pieces on a Saturday would not be unusual. He would sort the post according to who was to deal with it, and make appropriate photocopies. He would edit photographs for press releases, and weed the incoming e-mails, deleting the dross.
9. DC liked to work from home a lot (his room in the Commons could get very stuffy in the summer, for example), so it was easier for FC to work in the flat with him. The 'raise again' and 'awaiting reply' files were kept in the London flat.
10. Did FC visit DC's parliamentary office often? Sometimes, usually on a Saturday.
11. Did FC use DC's parliamentary office computer? Probably, if he was in London, though he would more often work from the flat. She did not know, as she had her own work and did not stand over him.
12. Neither male Conway had a regular work pattern.
13. How often was FC in London in term-time? Quite a lot at weekends—his social life was mainly in London.
14. What did she understand was FC's work practice at university? CC did not know, as she was not there. He would send or bring material down to London.
15. How had FC helped CC with her work? By deleting e-mails (there was a cross-over between them here), by downloading and editing photographs for press releases and by filing—the 'raise again' and 'awaiting reply' files were mainly FC's responsibility.
16. DC was anxious to compartmentalise work in order to help him organise and manage it. This meant that there was little overlap between the different people who worked for him.
17. PM asked if CC left material for FC to file. She left it for DC and he would direct it as appropriate.
18. As far as CC could see, FC had worked hard enough.

19. AB asked if DC had employed a research assistant before FC had reached an age to do the work? No, there had only been the odd intern. But the work-load had increased, and one of the advantages of employing a family member was that 'you did not have to explain things'.
20. GK said that another part-time research assistant had been employed since FC—a post-graduate student of international business practice.
21. With whom had FC interacted at work? To some extent with CC, not at all with the constituency staff. No-one would have seen him—when he worked in the House, he had been in DC's office not hers, and that was out of the way at the end of a corridor and reached through some semi-used kitchens. FC had had no cause to have other work contacts.
22. Did CC still have the same computer? Yes, in the London home (though PICT had changed all the computers over during late 2005-06).
23. Did CC ever see FC producing original documents? No, but she had not been looking.
24. PM commented that he had asked the last question because it was difficult to prove a negative. Nonetheless, if FC was producing work, one would expect him to leave some traces of it.
25. DC had told PM that he had not kept documentary material produced by FC. Could CC help him understand why that might be so? CC said that DC did not keep files. The constituency secretary was instructed to shred papers, other than those for the current year and those relating to controversial cases. CC kept files for herself for as long as she needed them and then destroyed them. She reminded PM that at the end of every Parliament, Members were asked to empty their offices. DC had done so. DC did, however, she thought, sometimes get rid of material too quickly.
26. CC emphasised that DC 'hated and loathed' computers and anything else mechanical, hence the usefulness to him of FC.
27. Concluding the meeting, PM said that CC would be sent the draft meeting note for comment. He invited CC to contact him if she remembered anything else relevant.

13. Agreed Note of Meeting with Mr Derek Conway, 29 November 2007

Present: Derek Conway, MP (DC), Sir Philip Mawer (PM), Parliamentary Commissioner for Standards, Miss Alda Barry (AB), Registrar of Members' Interests.

1. Questions were put by PM unless otherwise stated.
2. DC thanked PM for his courteous approach in his interviews with Mrs Colette Conway (CC) and Mr Freddie Conway (FC).
3. PM described the purpose and status of the meeting. A record would be taken, the draft of which DC would be invited to check for accuracy.
4. Did DC have a research assistant before FC? Yes, his elder son, Henry Conway (HC). He had held a House of Commons staff pass as a part-time employee. For a while his pass had overlapped with FC's, though they had not both been remunerated at the same time. HC had assisted with computer work and with the post; also in helping DC understand London issues when returned to Parliament as a London MP. He had not been as involved as FC in the foreign affairs side. HC had also been studying, in London.
5. Why had DC taken the decision to appoint FC as HC's successor?
6. There was a need, especially given DC's increasing foreign affairs involvement. DC's involvement with the IPU and CPA had begun during his first term as a Member of Parliament – he had been Vice-Chairman of the IPU before he had been made a Minister. He had been an officer of the IPU and member of the Executive Committee for six years and Vice-Chairman of the CPA for about the same.

During his time as IPU Treasurer he had not been as involved in presiding over the group's meetings as he had since he had become Vice-Chairman. FC shared his father's interest in foreign affairs and it had been convenient—given DC's preference for working at home, rather than in the House—to have an assistant who was a family member.

7. DC now had another research assistant, who had a first degree in philosophy and history and was now studying international relations. He too assisted with foreign affairs matters and also with research in the context of DC's proposed Private Member's Bill. Recently he had attended a media interview and taken notes. He currently shared a desk (on a 'hot-desking' basis) with a member of the staff of another MP. His salary was higher than FC's had been; he too was expected to work 17 hours a week. Unlike FC, not being family, he did not work in the London flat.
8. PM asked a number of questions about the research/briefing side of FC's work. DC emphasised once again that he was not computer-literate, and that FC would download material for him. He did not ask for 'dissertations' as provided by the Commons Library. The material provided by FC had become more useful as FC had become familiar with his father's requirements. FC had not provided any kind of summary of the material he provided, as DC did not want it. This was also the practice with the current researcher.
9. The CPA and IPU provided briefings only for out-bound delegations and these were from the FCO, Department for International Development and British Council and were given out a few days before departure. They would largely reflect the official line and views, and would not cover what the media might report. Further, DC liked to be informed about relevant issues further in advance of his travel than the delegation meetings allowed (he would usually know about a visit about a month in advance). In terms of briefing for inward visits, CPA and IPU had provided very little. AB drew DC's attention to a description by the IPU of the briefing provided in respect of an incoming delegation, which was quite extensive and included material from the BBC World Service. DC said that such briefing must be a recent development. He had not received CPA or IPU briefing for meetings with individual ambassadors.
10. Members of All-Party Groups received no central briefings at all: they were entirely dependent on their own research staff. Asked if FC had liaised with the staff of CPA or IPU, DC said that he had not.
11. PM summarised what DC had said on this point as follows. DC had felt a particular need for briefing in respect of incoming visits and in preparation for All Party Group meetings. In addition, FC had provided briefing for outward visits and other such occasions which supplemented that available from other sources. DC concurred.
12. How had DC compiled the exhaustive list of foreign commitments he had submitted to PM? By referring to his diaries. Had DC spoken to FC to see whether he remembered providing briefing for any of the events in the list? No.
13. PM suggested that what DC had provided was a list of foreign commitments, drawn up by consulting his diary, which illustrated the extent of these commitments. Was DC certain that FC had prepared briefs for each of these or was it a question of 'FC prepared briefs for my meetings; I had these meetings; therefore it is likely that FC prepared briefs for them'. DC said that he did recall aspects of certain briefings—for instance that on Morocco prepared for the meeting in January 2006 described in paragraph 2.14.1 of his submission.
14. PM commented that the amount of work involved in preparing briefings must have varied. DC agreed. He mentioned a delegation from Pakistan, referred to in paragraph 2.6.3 of his submission; it had been a difficult and controversial delegation, there had been no background provided by the CPA and no Minister from the FCO had been prepared to meet the visitors.
15. The discussion turned to FC's support for DC's work chairing committees on bills and statutory instruments. DC explained that the Legislation Office did not mark up explanatory notes to bills in the same way as it did order papers, or mark up bills to show where amendments would go. This was done by FC, a couple of weeks ahead of the meeting. This would enable DC better to understand the debates in order to keep them in order. He would then be less dependent on the committee clerks for this and in a better position to make up his own mind on matters of order. He showed PM a copy of the explanatory

notes to a bill marked up with stickers and highlighter as FC would have done it. FC would not have had any contact with the staff of the Legislation Office.

16. PM turned to the question of where and how FC had done his research. DC had said that FC had worked on a laptop, but FC had said that he had used the university computers or worked at home. DC reminded PM that in his earlier correspondence he had said that he had not consulted FC about the complaint as he did not wish to worry him. He had had no real knowledge of *how* FC had done the work. FC had had a laptop, but if he said he worked otherwise, then he did.
17. PM referred to the breakdown of FC's working hours provided by DC. PM assumed that it had only been the briefing on which he had worked at university, as he would have needed to be in London for the other work. DC confirmed that FC had worked at university on preparing briefing: when at university he had also produced press extracts of interest to DC.
18. PM said that allowing for long weekends in London, during term time FC would have been at university from Monday to Thursday. DC commented that there would not have been lectures every week. PM said that according to DC, FC was working for him for 9 hours Monday-Thursday plus 5 hours on Friday-Sunday when at university. How was he finding the time for that? DC pointed out that some of the work FC did for him would be useful in his course. On Wednesdays, when he played social rugby, he might only put in an hour, reading and making cuttings from the Times, Telegraph and sometimes the Guardian; these he would send to his father. DC had not thought it appropriate to mock-up a time-sheet for FC when none would have been kept in reality.
19. PM said that the major problem he was facing in assessing the complaint was the lack of tangible evidence in respect of work done by FC. There was no physical evidence of work done (copies of papers, etc) and no-one, outside the family, was apparently in a position to say they had seen FC doing it.
20. AB asked if FC had talked to his military liaison officer about it? DC did not know. As a family the Conways did not talk to outsiders about their business; FC had been imbued with this culture, and that of Parliament, since birth.
21. As to the lack of documentary evidence, DC said that his constituency secretary would confirm that most material passing through the office was shredded after use. MPs did not need to keep records in the same way as other professions—it was a matter of choice; some did and some did not.
22. DC confirmed again that it was his habit to generate his correspondence in manuscript longhand.
23. Were the country briefs not of any lasting value? DC had not thought it necessary to keep them.
24. Might any of DC's parliamentary colleagues be aware of the work FC was doing? Probably not.
25. PM re-iterated that there were three possible kinds of evidence as to the work done—physical documents, electronic records and witness evidence—and none seemed to be available.
26. DC said that FC did not prepare covering notes on the computer; he had prepared his covering notes in manuscript longhand. He could probably produce parliamentary colleagues who had seen FC in the Palace of Westminster, but they would not be able to say on which days he had been there.
27. PM referred to the Green Book, with particular reference to the requirement to keep records in respect of employees. These records were the responsibility of the Member him or herself.
28. DC said that he had not read the Green Book thoroughly. He could see that it provided some protection for the Member. PM commented that this was especially so where the Member was employing family.
29. PM noted that when he had met FC, the latter had said that he had sustained a sports injury in February and had an operation in May, whereafter he had been on sick-leave until August. There was no problem,

given his length of service, with his entitlement to sick pay, but the DFA should have been informed and had not been. DC said that when his secretary had gone on maternity leave the DFA *had* been informed. Even after May, FC had still been doing some work. PM re-iterated that he was only saying that the DFA should have been informed of the position.⁴⁶

30. As to the bonus payments made to FC, PM understood that there had been four; £2000 in September 2005, £5000 in May 2006, £1300 in January 2007 and £1765.94 in May 2007. The last request had originally been for £5000, which had been reduced because it exceeded the maximum allowable. PM referred to DC's letter of 11 October 2007 in which he explained that the last three payments had been made because FC's salary had not been increased in 2006 and 2007.
31. PM said that the DFA had told him that the first three requests had been submitted on form SA3, which was for temporary staff and extraordinary expenditure such as overtime for working very long hours. The correct form was SA2, as had been used on the last occasion. As the first three requests came in with an SA3, the DFA had assumed that they related to extra hours, or similar. DC confirmed that the payments were bonus payments and did not relate to extra hours. They had been made because DC had been happy with FC's work.
32. PM pointed out the DFA rules about the extent of bonuses in relation to the salary. These provided that they should not exceed 15% of the gross annual salary for the period in question. He was awaiting an analysis from the DFA but thought that at least the payment of £5000 had broken the rules. DC had not been aware of the bonus rule. He confirmed that it was his practice to give bonuses to staff—he had done so for his constituency secretary and his wife. He could not recall how much their bonuses had been but the DFA could supply the figures.
33. PM pointed out that FC had been employed as a research assistant. Looking at the DFA guidance about rates of pay for 'Research/Parliamentary assistants', which best seemed to fit the work FC was doing, it might be suggested that FC had been overpaid. DC said he did not know how to answer that; it would be a subjective judgement. His view was that in terms of what young people in London were earning, the sum was not out of line. PM said that it appeared that in 2004 FC, in the possession of A-levels and with no relevant experience except for that gained through being born into a parliamentary family, was on the equivalent of £25,000 annually, which put him close to though not in the top quartile of research assistants even at 2007 rates of pay. He would appear to have been generously rewarded, particularly taking account of the significant bonuses and the pension entitlement. How had DC arrived at the salary—had he taken advice? DC had thought that the pay had seemed reasonable in terms of what other young people in London were earning. HC had been paid a lot less.
34. DC said that PM's comment about the pay rate was not an unfair observation. He did not think he had paid FC beyond what was permitted by the rules, but whether he had been wise was another matter. He had acted in good faith. He added that it was clear that the world was changing and he wondered if it was time for him and his wife to stop regarding being an MP as a seven-day-a-week job. The result of strict adherence to the rules was likely to be a loss of flexibility.
35. DC pointed out that the complainant, Mr Barnbrook, had been an opposing candidate at the last election. He believed that this was relevant to Mr Barnbrook's motivation in making his complaint. He suggested that Mr Barnbrook's assertion that a student could not do the work FC had been employed to do was based on a false premise. It betrayed a misunderstanding of the actual time commitment involved in undertaking a 'full-time' university course.
36. Concluding the meeting PM explained that the draft note of it would be sent to DC for comment as to its accuracy. He expected to submit a report to the Committee on Standards and Privileges on the case and

46 The Commissioner based this statement on information supplied to him by the DFA on 23 July 2007, which he communicated to Mr Conway on 24 July (see WE 9, p. 40). Following a check in January 2008 of calls to its telephone advice line, DFA found that Mr Conway had reported the sickness absence orally to the payroll section, following referral by the advice line, on 30 July, but the information was not recorded in his son's staff file.

to do so before Christmas, but he could not say when the Committee would consider it. The Clerk of the Committee would be able to advise DC on that nearer the time

14. Letter to the Commissioner from Mr Derek Conway, 7 December 2007

Thank you for your letter of 4th December and the draft notes of our exchange on 29th November. I attach my comments for your consideration.

I would be grateful for your guidance as to the extent to which you will share with me any conclusion you have reached with regard to any breach of the Rules of the House, before presenting your report to the Committee and likewise the extent to which I will have an opportunity to comment on your conclusions. It would also be very helpful to me to know what your proposed timetable is.

While, of course, Mr Michael Barnbrook is entitled as a citizen and political opponent to raise these matters you will, I am sure, bear it in mind that there is a political aspect to this in that he was an opposing Party candidate in my constituency at the 2005 General Election.

As I understand it, there is no breach in employing a family member and believe that there are numerous other instances with other Members. I hope we have demonstrated to your satisfaction that in Freddie's case full-time education does not necessarily require the same level of commitment as, for example, full-time employment would. Many students work part-time and are still able to satisfy the requirements of their degree course.

I would like to stress the point that this was not simply a question of Freddie having the advantage of being born into a parliamentary family. He saw this job as falling in line with what he perceived his interests in life to be and as having an opportunity of doing interesting work and broadening his horizons in a way that he saw as being consistent with his future career. In this connection I am sure you will have in mind what I said in paragraphs 15 and 16 of my submission to you.

With regard to pay ranges, page 21 of The Green Book refers Members to the advice issued by DFA, most recently in March 2006. Paragraph two of that memorandum allows Members to "pick" the pay range and job description which they consider fits best and acknowledges that none of the job descriptions DFA provides will be an exact fit. It is my understanding that the remuneration paid to Freddie during his thirty-six months of part-time employment were within the permitted scales. I do not have a copy of the DFA average salary chart which you showed me during our meeting of 29 November, I recall your observation that Freddie was not in the top quartile of the average payments to researchers/parliamentary assistants.

While I, of course, realise my responsibilities in this regard and accept that I would have benefited from a closer study of the Green Book, I would like to put, if I may, these administrative shortcomings on my part in context.

- The maximum pay for a full-time senior researcher/parliamentary assistant was £38,623. If that person received the maximum 15% bonus, the maximum salary increases to £44,416.
- For a researcher/parliamentary assistant, the comparable figures are £33,018 and £37,970.
- In your letter of 24th July 2007 you aggregated the payments to Freddie over the thirty-six months of his paid employment I believe the sums during this period fall within the permitted maximum scales for both grades of assistant.
- Remuneration instructions to DFA over that period were by letter, Form SA3 and Form SA2 though none of these formats reflected the intention of salary up-rating and bonus within the payment.
- That format was also used for other staff who were not family members so this was not exclusively applied to Freddie.

From what you have told me, I accept that I may not have followed the appropriate procedures and the correct working of the rules. This, of course, I very much regret but I do want to stress that I have acted

throughout in good faith. I of course, accept my responsibilities in this matter but I believed that what I was doing was acceptable to the DFA.

I now realise that I appear to have approached the calculation of his remuneration in the wrong fashion. The calculation should have been the basic salary to which approved increases could have been applied year by year plus the bonus. I approached this in a somewhat different manner which I thought was acceptable practice of focusing on the total remuneration package within the permitted limits. I can only apologise for this. My son was paid at a rate outside the top quartile of parliamentary assistants. His work was very valuable to me and enabled me to carry out a wide-range of parliamentary duties.

Although in some respects subsidiary to Mr Barnbrook's complaint, I have acknowledged that Green Book requirement 6.9.8 on Record Keeping, for holiday and sickness absence, was not met by me as I recall mentioning during our exchange. I am not alone in poor record keeping. I hope you will accept that this was not a deliberate breach of that Rule and I repeat my apology for my inadvertent lack of record-keeping.

I hope you will accept from the evidence which my wife, my son and I have given independently that the work described by my son was done. You have had full explanations as to the way in which we worked and the basis of trust rather than full record keeping that governed our relationship. We have explained how we worked and why we worked in that way. I appreciate others would possibly do things very differently and I fully understand why you raised the questions which you did. However, I do want to stress that no-one has contradicted what my wife, my son or I have said.

Clearly I would prefer you to conclude that the complaint was not upheld but I understand your decision to make a formal Report to the Committee. However, I wish to record that throughout this unpleasant and distracting process, both you and Ms Barry have undertaken the investigation with scrupulous fairness and courtesy and I thank you for that.

7 December 2007

15. Letter to the Commissioner from the Director of Operations, DFA, 7 December 2007

We spoke last week about Mr Conway's employment of his son, Mr Freddie Conway. I promised to let you have certain pay information.

The pay details of Freddie Conway were as set out in my letter of 18 July. I can confirm that his total gross pay during his employment was £45,163 (£32,240 net). In addition, he would have received a pension contribution worth 10% of his total gross pay. Mr Derek Conway's staffing allowance also had to meet an employer's NICs charge of £3,876.74.

You asked about the rules in respect of pay rates and the guidance available to Members. In general the House applies quite a light touch in this area. There are seven generic job types set out in the guidance each with associated job descriptions. Whilst actual jobs will vary from the generic job descriptions, we expect Members to apply actual salaries from within the pay ranges appropriate to the job type. Freddie Conway was a Research Assistant. This job type has a current pay range of £13,705 to £33,018. DFA guidance recognises that London-based staff might have a higher salary minimum of £18,689. In 2004 this London minimum figure was £16,614.

The DFA guidance has the following advice about starting salaries:-

“We (DFA) recommend that new staff outside London with little relevant experience should be paid at the bottom of this range, particularly if pay rates in the locality are low. But you may want to pay a little more for a new employee with some relevant experience, and to staff based in London or other areas where pay rates are higher. We recommend that new starters should only be paid in excess of recommended starting pay if they are fully experienced - for example, a researcher with many years' experience transferring from another Member.”

However, it is my view that this advice needs to be treated with some care. The salary range for this job type is wide, which suggests there are a number of responsibility levels within it. As a result, Members are likely to

start those staff with significant responsibility some way up the pay range. Typically, such staff would also have relevant experience or be well qualified or both.

In 2006/07 the spread of salaries for this job type was as follows:-

Upper quartile	£26,974.92
Median	£22,494.60
Lower quartile	£18,976.37

Without solid documentary evidence of actual work done it is not possible to form a view of the responsibility level that Freddie Conway was operating at. Nor is clear to me the extent to which Freddie Conway at the point he was hired had relevant experience or qualifications that would justify a higher starting pay. Nevertheless, Freddie Conway was paid above the median pay level as well as above the mid-point of the range.

Overall—and perhaps on incomplete information—I find this somewhat surprising. However, as mentioned above salary decisions within the approved ranges are entirely at the discretion of the Member, who will take local market factors (e.g. the cost of London-based staff) into account as well as responsibility levels, experience and qualifications.

A separate matter which arises from the information you have received from Mr Derek Conway is the very strong likelihood that the additional payments made to Freddie Conway in Sept 05, May 06 and Jan 07 were in fact bonus payments. The Department did not recognise these as bonuses because they were submitted on form SA3 as a one-off salary payment. There is a different form SA2 for bonus payments. This was an administrative error by Mr Derek Conway. Whilst bonuses can be paid to employees the Green Book caps the total payable to 15% of gross pay for the year in question. I calculate that Freddie Conway was paid bonus amounts which exceeded the bonus cap.

At your request I have attempted to put a cost to the known bonus overpayment to Mr Freddie Conway and to a potential overpayment taking account of both salary and bonuses. On the former, I estimate the gross overpayment to be £4,620 (net £3,439.76) which is entirely attributable to payments exceeding the bonus cap.

On the latter, the picture is more complicated. Using the 2006/07 median pay figure as a proxy for a fair and appropriate salary for Freddie Conway throughout the period (suitably adjusted for earnings changes) it is possible to contend that an excess salary payment occurred of some £5,477 (gross) during his entire employment. If this proxy salary was applied it would in turn generate a bonus overpayment of £5,442 (instead of £4,620). Taken together this would mean a total gross overpayment of £10,919, plus a pension overpayment of £1,091. The net pay overpayment is approximately £7,315 (the pension payment is unchanged because it is tax free).

I would be happy to discuss the contents of this letter with you.

7 December 2007

Appendix 2: Letter to the Clerk of the Committee from Mr Derek Conway, 14 January 2008

I would be grateful if you could submit this letter to Members of the Committee for consideration with Sir Philip's report.

Section (a) Could I draw the Committee's attention particularly to the Commissioner's conclusion that Freddie "was employed to meet a genuine need, as perceived by his father in helping him undertake his parliamentary duties" (para 66). I would in that regard point out that I had no other research assistant and that the Commissioner recognises that Members of Parliament work in different ways and have different needs. With regard to paragraph 65 (page 26 lines 3-4) I would like to make it clear that Freddie was not paid a salary to commute between London and Newcastle, nor was any travel claim made for him.

Section (b) Likewise I would like to draw attention to what the Commissioner concludes in (para 67) namely that Freddie "was able, in terms of his qualifications and skills, to do what was required of him".

Section (c) The Commissioner accepts that Freddie did do the work but has concerns as to how much he did during term-time. In paragraph 71 he notes that the work involved covered researching extracts, scanning newspapers and making cuttings. In paragraph 65 he comments that some of this work could have been done by the House Library staff. However, the Library staff have considerable pressures on their time and cannot in any event assist with marking up Parliamentary Bills which, as I explained in my statement to the Commissioner, was an important part of the work Freddie had to do in regard to my duties as a member of the Speakers Panel. He does, however, accept in (paragraph 66) that there is a great deal of discretion about staffing support. The issue is not, I would respectfully suggest, how it might have been done but how it was done. As indicated, the Commissioner accepts that Freddie had the appropriate intellectual skills to do the work. To that I simply add that he fully applied himself. My son had a deep interest in these matters which motivated him to conscientiously spend the time he and I described to the Commissioner.

His was a geography course with limited time demands in terms of lectures. Many students have part-time jobs, so Sir Philip's doubts about Freddie's capacity to do the work (page 28, line 7) is, I believe, wide of the mark. Freddie frequently travelled between Newcastle and London (never at public expense) and the journey is only 3 hours by train and 4.5 by car. As a young man he was doing a journey which many Hon. Members twice and three times his age travel on a weekly basis—or further.

Section (d) With regard to bonuses, in his first year no bonus was paid and in the subsequent years no salary up-rating applied. My error was in using form SA3 for one-off payments to reflect the combination of up-rating and bonus. I hope the Committee accepts that my error in which form to use was inadvertent and I accept that a proportion of those sums related to a bonus which exceeded the 15% maximum should be repaid.

What proportion of that £4620.90 should be repaid is a matter for the Committee's judgment. I hope the Committee will bear in mind that over the three year period the maximum of the DFA grade would have allowed for a total payment of £48137.79 combined salary and bonus and Freddie was paid £45163.29 salary and bonus which is £2974.50 below the maximum set by the House.

Unfortunately I had not read the Green Book provisions and I accept I was in error for which I apologise unreservedly.

In paragraph 75 Sir Philip expresses his reservations about salary level but does not refer to any breach of the rules. The figures upon which he bases his report were only made by DFA in December 2007 and were not available to Hon. Members.

The Director of Operations has explained to me that he expressed a number of qualifications in providing the figures and that, with regard to paragraph 76, they are based on an average of payments made to all lower grade staff across the UK and Northern Ireland. He offered Sir Philip an "arithmetic mean" but that was a higher figure and would have reduced the discrepancy between hypothetical assertion and actual salary paid to Freddie.

The issue of an appropriate level of payment is a somewhat different allegation from the original complaint. It is not an easy matter to deal with as Members do not have access to the analysis documents on which the Commissioner relies, nor can one get information as to comparable rates of payment as the information is necessarily confidential. That guidance is provided by the DFA annually in a table of employment grades showing a maximum permissible and minimum recommended. It is upon these published grades that I make this submission to the Committee.

Attached is a chart giving the maximum salary that could be paid, the middle of the scale and the actual salary paid, all the figures are pro-rata from the DFA 37.5 hour week to Freddie's contractual 17 hours.

This shows:

Column 1—the three year total as £41858.95 for the permitted DFA maximum.

Column 2—the figures £35097.35 being the actual payment made for the three years to Freddie.

Column 3—the figure of £32770.89 being the mid-point figure between recommended maximum and minimum salary figures.

Column 4—shows year by year that Freddie was paid £6761.60 and 16.95% less than the permitted DFA maximum (in column 1).

Column 5—Freddie was paid over three years £2326.46 and 6.63% more than the mid-point of the scale (in column 3).

The House does not stipulate the point within the grade to which Hon. Members appoint. If the Committee were to conclude, as Sir Philip has argued, that a middle point would have been more appropriate (though DFA had the forms giving his age and salary level and

raised no objection to the point set within the scale) then this would have resulted in a salary overpayment of £2326.46 over three years.

In summary, were the Committee inclined to uphold Sir Philip's view on salary, then I would be judged against a scale not available to me and would call in to question the "appropriateness" of every remuneration point selected by Hon. Members for their staff.

I hope the Committee will conclude that actual salary payments to Freddie were well within the published grade, and therefore appropriately approved by the DFA and that no infringement of the rule applied.

F E Conway Salary Scale Analysis

	1	2	3	4	5
YEAR	DFA Max Scale	FEC Actual	DFA Mid-point	FEC Compared to Max	FEC Compared to Mid-point
2004	7762.29	6867.56	6077.90	- 894.73	789.66
2005	13905.55	11772.96	10888.16	- 2132.59	884.80
2006	14434.13	11772.96	11297.05	- 2661.17	475.91
2007	5756.98	4683.87	4507.78	- 1073.11	176.09
TOTALS:	41858.95	35097.35	32770.89	- 6761.60	+2326.46
	83.05%		93.37%	-16.95%	+6.63%

N.B. Figures based on DFA published scales, adjusted for the 37.5 hour week to FEC's 17 hour week.

DFA Guidance 2004

NB: Freddie started in September 04 making this a 7 month financial year so all scales are divided by 12 and multiplied by 7 for comparative analysis.
 The standard DFA week of 37.5 hours equates to 1137.5 hours and Freddie's part-time 17 hour week to 515.67 hours.

DFA Pay Range Maximum	£17122.68	
Freddie hours equivalent		£7762.29
DFA Pay Range MID-POINT		
	7762.29	
	<u>4393.51-</u>	
	3368.78	
	<u> 2÷</u>	
	1684.39	
	<u>4393.51+</u>	
		£6077.90
Freddie ACTUAL		£6867.56

Comparison:-

Max Grade	Mid-Point
7762.29	6077.90
<u>6867.56</u>	<u>6867.56</u>
-00894.73	+00789.66

DFA Guidance 2005

NB: The standard DFA contract of 37.5 hours per week equates to 1950 hours per annum and Freddie's part-time 17 hours per week equates to 884 hours so for comparative analysis scales have been dived by 1950 and multiplied by 884.

DFA Pay Range Maximum	£30674	
Freddie hours equivalent		£13905.55
DFA Pay Range MID-POINT		
	13905.55	
	<u>7870.77-</u>	
	6034.78	
	<u>2÷</u>	
	3017.39	
	<u>7870.77+</u>	
		£10888.16
Freddie ACTUAL		£11772.96

Comparison:-

Max Grade	Mid-Point
13905.55	10888.16
<u>11772.96</u>	<u>11772.96</u>
-02132.59	+00884.80

DFA Guidance 2006

NB: The standard DFA contract of 37.5 hours per week equates to 1950 hours per annum and Freddie’s part-time 17 hours per week equates to 884 hours so for comparative analysis scales have been dived by 1950 and multiplied by 884.

DFA Pay Range Maximum	£31840	
Freddie hours equivalent		£14434.13
DFA Pay Range MID-POINT		
	14434.13	
	<u>8169.97-</u>	
	6264.16	
	<u>2÷</u>	
	3132.08	
	<u>8169.97+</u>	
		£11297.05
Freddie ACTUAL		£11772.96

Comparison:-

Max Grade	Mid-Point
14434.13	11297.05
<u>11772.96</u>	<u>11772.96</u>
-02661.17	+00475.91

DFA Guidance 2007

NB: Freddie ended 3rd week of August 07 making this a 20 week year, so all scales are divided by 52 and multiplied by 20 for comparative analysis.

The standard DFA contract of 37.5 hours per week equates to 750 hours and Freddie's part-time 17 hours per week equates to 340 hours.

DFA Pay Range Maximum	£12699.23	
Freddie hours equivalent		£5756.98
DFA Pay Range MID-POINT		
	5756.98	
	<u>3258.59-</u>	
	2498.39	
	<u> </u> 2÷	
	1249.19	
	<u>3258.59+</u>	
		£4507.78
Freddie ACTUAL		£4683.87

Comparison:-

Max Grade	Mid-Point
5756.98	4507.78
<u>4683.87</u>	<u>4683.87</u>
-1073.11	+ 176.09

Appendix 3:

Letter from the Chairman of the Committee to Mr Derek Conway, 15 January 2008

At its meeting this morning, the Committee on Standards and Privileges had a first discussion of the memorandum submitted by the Commissioner in the light of his investigation of Mr Barnbrook's complaint against you relating to your employment of your younger son as a research assistant.

In the light of its discussion, the Committee asked me to extend to you a further invitation to give oral evidence before it decides how to dispose of this case in the light of the Commissioner's findings. If you choose to take up this invitation, the session will be held on Tuesday next, 22 January, at 9.45 am in Committee Room 13. As with all the Committee's evidence sessions on standards matters, it would be held in private, but the transcript would be published with the Committee's report.

The Committee has decided not to require you to give oral evidence if it is your preference not to take up this invitation. It will draw no inference from the fact that you have chosen not to do so.

Letter from Mr Derek Conway to the Chairman of the Committee, 16 January 2008

Thank you for your letter of 15th January. I do not seek to specifically come before the Committee, as I hope I have sufficiently covered the issues in my responses to Sir Philip's inquiry and my submission on his memorandum to the Committee. As you will have observed there is a considerable amount of evidence in this matter and I do not think that my attendance would assist the Committee. I understand from your letter that the Committee does not require oral evidence from me.

I have accepted personal error and offered apologies for my shortcoming in maintaining records and in the confusion between forms SA2 and SA3.

On the mathematics, I accept that the figure of £4620.90 is correct, if one treats it as a bonus only. I equated it in my mind as partly bonus and partly salary increase. The Committee I hope will bear in mind that, ironically, had I paid the maximum permitted salary, when in fact I paid him no increase in those years, he would have received a salary increase larger than the excess of the bonus payment.

I simply make this point to underline that the payments were within the permitted maximum limits overall and that the figures, including the excess bonus payment, could have been paid in a fashion that would not have given rise to this problem. I accept, however, my fault in how I handled this.

I realise I should have studied the Green Book and I hope the Committee will bear in mind that the payment of bonuses is widespread, as indicated by the latest circular letter from DFA (14 Jan 08 attached) which makes no mention of the 15% cap rule.

The question of the level of payment will rest with the Committee deciding whether the House should assess every salary paid to a Member's staff for "appropriateness" or whether the presently published grades scale is adequate. In this regard I am being judged retrospectively upon assumed information not available to DFA until a month ago and not made known to any Member. The retrospective aspect is, I believe, important. The contract which detailed matters such as Freddie's age and his responsibilities would not, I believe, have been accepted by the DFA if it was out of line with comparable contracts.

As I stated in my letter to Dr Ward of 14th January 2008, this part of the investigation is somewhat different to what was originally alleged. I hope the Committee will bear in mind that it is difficult to deal with in view of the limited material available to any Member about comparable salaries.

My contention that Freddie was paid 6% above the mid-point and well below the upper quartile of the lowest grade causes me to hope that the Committee resolves that no infringement of this provision applied.

Annex: Circular letter from the Director of Operations, Department of Resources, 14 January 2008

End of Year bonuses for Members ' staff

This letter is to let you know that following the practice of previous years, bonus nominations to Members' staff received after 14 February 2008 in respect of work done in the 2007-08 allowance year will be processed and paid in May 2008. This is in order for the Department of Resources to provide better certainty to Members on their spending and financial commitments and to manage effectively the large increase in payment requests at this time of year. Only in exceptional circumstances will bonuses be paid in March or April, for example, where a formal contractual commitment exists.

Bonuses held back and paid in May will be recharged to the 2007-08 allowance year. However, as in previous years, employers' national insurance contributions (ERNIC) for payments made after 5 April 2008 will be charged to the 2008-09 allowances unless you indicate to the contrary. If you would prefer other ERNIC arrangements to be made and you have the necessary funds, please confirm this in writing to the Validation Team at the address below and we will make the necessary arrangements.

If you have any queries or concerns please do not hesitate to call the Enquiry Team on extension 1340 or alternatively e-mail via dfamembersadvice@parliament.uk.

Appendix 4: Extract from a letter to the Clerk of the Committee from the Director of Operations, Department of Resources, 21 January 2008

Mr Derek Conway MP

You asked me to calculate the bonus overpayment to Mr Freddie Conway during his employment with Mr Derek Conway. Sir Philip Mawer's report to the Committee on Standards and Privileges mentioned a gross figure of £4,620 (excluding pension contributions) which was provided by me in my letter of 7 December 2007. However this has changed somewhat as more information has come to light.

The rule in the Green Book is that *"Bonuses paid during the year may not exceed 15% of that employee's gross annual salary received in the year"*. For these purposes the year is the relevant financial year. Typically Members award bonuses towards the end of the year and therefore their 'gross annual salary received' is effectively their annual rate of pay. A Member awarding a mid-year bonus should limit this to 7.5% of the gross annual salary: in other words, 15% of the salary received up to that point in the year. This is relevant to Mr Conway's situation as will be shown below.

I can confirm that Mr Freddie Conway was awarded four bonus payments, one in the 2005/06 financial year, two in 2006/07 and one in 2007/08. The gross total was £10,065.94. The details are as follows:-

2005/06: £2,000 payment requested on a SA3 form dated 12 September 2005 and received by DFA on 13 September 2005.

2006/07: £5,000 payment requested on a SA3 form dated 17 April 2006, received by DFA on 18 April 2006.

2006/07: £1,300 payment requested on a SA3 form dated 10 January 2007.

2007/08: £5,000 bonus payment requested on a SA2 form dated 2 April 2007, received by DFA on 2 April 2007. Request reduced to £1,765.94 by the Department to reflect the 15% gross salary cap. (At that time in the financial year the salary received was virtually nil, but see below.)

Mr Freddie Conway's rate of pay in each of the relevant years was £11,772.96. He received exactly this amount in 2005/06 and 2006/07; he received £4,683.86 in 2007/08 because his employment ended in the summer of that year. If you were to apply the 15% cap in each year the overpayment schedule is as set out below.

Overpayment Schedule: gross figures

Allowance Year	Basic annual Salary	Allowable bonus (15% of annual salary)	Bonus paid (gross)	Gross overpayment of bonus by financial year
05-06	£ 11,772.96	£ 1,765.94	£ 2,000.00	£ 234.06
06-07	£ 11,772.96	£ 1,765.94	£ 6,300.00	£ 4,534.06
07-08	£ 4,683.86	£ 702.58	£ 1,765.94	£ 1,063.36
Totals		£ 4,234.46	£10,065.94	£ 5,831.47

I believe this is the best and fairest estimate of the overpayment to Freddie Conway. The sum of £5,831.47 is the gross overpayment to Mr Freddie Conway; the net sum (i.e. cash) received by him as an overpayment after tax and NI was £3,379.81.

Two other calculations are relevant. The sum incorrectly paid from the Staffing Allowance as a result of the bonus overpayments would also include the employer NI, which was £746.43 making a total of £6,577.90. The House would also have paid a pension contribution of £583.15, which means the total cost to the House (Members Estimate) would have been £7,161.05.

To put this in context, when a staff member is overpaid the Department would ask the individual to repay the net overpayment and the Department itself can in most circumstances reclaim the tax and NI overpaid. This approach could reasonably be applied here but with the addition of the pension contribution, giving a grand total of £3,962.96 representing the net cash gain by Freddie Conway. Alternatively it could be argued that the total outflow from the House is relevant, which was £7,161.05.

The principle we use is that the public purse should be restored to the position as if the overpayment had not occurred.

Formal minutes

Tuesday 22 January 2008

Members present:

Sir George Young, in the Chair

Mr Kevin Barron
David Curry
Mr Andrew Dismore
Nick Harvey
Mr Elfyn Llwyd

Mr Chris Mullin
The Hon Nicholas Soames
Mr Paddy Tipping
Dr Alan Whitehead

Draft Report [Conduct of Mr Derek Conway], proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 11 read and agreed to.

Paragraph 12 read, amended and agreed to.

Paragraphs 13 to 20 read and agreed to.

Paragraphs 21 and 22 read, amended and agreed to.

Paragraphs 23 to 27 read and agreed to.

Paragraphs 28 to 31 read , amended and agreed to.

Paragraphs 32 and 33 read and agreed to.

Paragraphs 34 to 37 read, amended and agreed to.

Several Papers were ordered to be appended to the Report.

Resolved, That the Report , as amended, and Appendices be the Fourth Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

[Adjourned till Tuesday 5 February at 9.30 am

Reports from the Committee on Standards and Privileges in the current Parliament

Session 2007-08

First Report	Conduct of Mr Elfyn Llwyd, Mr Adam Price and Mr Hywel Willilams	HC 94
Second Report	Conduct of Mr Norman Baker, Mr Malcolm Bruce and Mr Sadiq Khan	HC 182
Third Report	Communications Allowance	HC 232
Fourth Report	Conduct of Mr Derek Conway	HC 280

Session 2006-07

First Report	Evidence to the SSRB Review of Parliamentary pay, pensions and allowances	HC 330
Second Report	Conduct of Mr David Cameron	HC 429
Third Report	Complaints about alleged misuse of Parliamentary dining facilities	HC 431
Fourth Report	Conduct of Mr Julian Brazier	HC 682
Fifth Report	Handling of future complaints on misuse of the private dining facilities	HC 683
Sixth Report	Conduct of Mr George Galloway	HC 909
Seventh Report	Conduct of Mr Gregory Campbell	HC 992
Eighth Report	Conduct of Mr Martin Salter and Mr Rob Wilson	HC 1071

Session 2005-06

First Report	Conduct of Mr Jonathan Sayeed	HC 419
Second Report	Conduct of Mr John Horam	HC 420
Third Report	Conduct of Mr Tony Baldry	HC 421
Fourth Report	Pay for Standing Committee Chairmen	HC 568
Fifth Report	Electoral Administration Bill: Simplification of Reporting Requirements	HC 807
Sixth Report	Mr Stephen Byers (Matter referred on 19 October 2005)	HC 854
Seventh Report	Conduct of Mr George Galloway	HC 1067
Eighth Report	Conduct of Mr Mark Lancaster	HC 1144
Ninth Report	Lobbying and All Party Groups	HC 1145
Tenth	Conduct of Mr Michael Foster (Worcester)	HC 1223
Eleventh	Conduct of Ms Emily Thornberry	HC 1367
Twelfth	Conduct of Nadine Dorries	HC 1368
Thirteenth	Conduct of Mr John Prescott	HC 1553
Fourteenth	Conduct of Dr Desmond Turner	HC 1578
Fifteenth	Conduct of Mr Eric Illsley	HC 1579

Sixteenth	Review of the Guide to the Rules Relating to the Conduct of Members: Consultation Document	HC 1580
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