



House of Commons
Committee on
Standards and Privileges

Mrs Caroline Spelman

Sixth Report of Session 2008–09



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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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The constitution and powers of the Committee are set out in Standing Order No. 149. In particular, the Committee has power to order the attendance of any Member of Parliament before the committee and to require that specific documents or records in the possession of a Member relating to its inquiries, or to the inquiries of the Commissioner, be laid before the Committee. The Committee has power to refuse to allow its public proceedings to be broadcast. The Law Officers, if they are Members of Parliament, may attend and take part in the Committee's proceedings, but may not vote.

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at: www.parliament.uk/sandp.

Committee staff

The current staff of the Committee are Mr Steve Priestley (Clerk), Mrs Sarah Hartwell-Naguib (Second Clerk) and Ms Jane Cooper (Committee Assistant).

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Mrs Caroline Spelman

Introduction

1. On 9 June 2008, Mrs Caroline Spelman, the Member for Meriden, asked the Parliamentary Commissioner for Standards to investigate the circumstances of the employment of a member of her staff from 1997 to 1999, following press reports that parliamentary allowances may have been misused. Normally, the Commissioner does not consider cases that go back more than seven years. Neither may the Commissioner launch an investigation in the absence of a complaint, without the express authority of the Committee on Standards and Privileges. Having considered Mrs Spelman's request, the Commissioner sought the Committee's agreement for him to accept the referral and to waive the seven-year rule.¹

2. On 17 June, the Committee authorised the Commissioner to investigate allegations of misuse by Mrs Spelman of Parliamentary allowances in relation to employment of staff.² The Commissioner has since carried out his investigation and has reported his findings. These are published as Appendix 1 to this Report. In accordance with our normal practice, we invited Mrs Spelman to send us her observations on the Commissioner's memorandum. Mrs Spelman's evidence is published as Appendix 2.

The allegation

3. The allegation against Mrs Spelman was first raised in a BBC television report. As the Commissioner notes:

In essence, the allegation is that Mrs Spelman subsidised the cost of nannying services out of her parliamentary allowances and that her administration assistant did not undertake secretarial or administrative duties to the extent for which she was paid.³

The Rules of the House require—as they required throughout the period covered by the allegation—that all expenditure from parliamentary allowances should be incurred “wholly, exclusively and necessarily” in connection with a Member's parliamentary duties.⁴

The Commissioner's investigation

4. Over a period of eight months, the Commissioner conducted a most thorough investigation of the allegation referred to him by Mrs Spelman. In the course of this investigation, the Commissioner gathered relevant records and documents (to the extent

1 Appendix 1, paragraph 6

2 Appendix 1, paragraph 6; see also Minutes of Proceedings, Session 2007-08, 17 June 2008, available at www.parliament.uk

3 Appendix 1, paragraph 7

4 Appendix 1, paragraph 10

these were still available), obtained statements from a range of witnesses and interviewed several of those most closely concerned. Mrs Spelman has thanked the Commissioner and his staff for their approach to the investigation.⁵ We wish to add our thanks. There are very good reasons why cases that go back more than seven years are not normally investigated: records are less likely to be retrievable or even to exist at all; and memories fade or become unreliable. In the circumstances, the Commissioner has done a remarkable job in coming to clear conclusions, founded on firm evidence.

5. The Commissioner elected to adopt a high standard of proof in this inquiry. He did so because of the seriousness of the allegations, which called into question Mrs Spelman's personal integrity, and because of the "very long passage of time" since the events took place.⁶ The standard of proof adopted was that the allegation should be shown to be significantly more likely to be true than not to be true. We agree with the Commissioner's decision to adopt this high standard of proof. We have applied the same standard of proof when reaching our own conclusions, as set out later in this Report.

The Commissioner's memorandum

6. The Commissioner has set out his findings of fact at paragraphs 168 to 192 of his memorandum and his conclusions at paragraphs 195 to 217. We summarise them below, but we strongly recommend that all those who read our Report should also read the Commissioner's memorandum in full.

7. Mrs Spelman was elected to the House in May 1997. She had three young children. She had been assisted in looking after those children by a live-in *au pair*. Following her election, Mrs Spelman engaged an experienced nanny, Mrs Tina Haynes, to look after her children. Mrs Haynes agreed to Mrs Spelman's suggestion that she should also act as her part-time constituency administration assistant. Initially, Mrs Haynes moved into the Spelman family home in Kent and, according to the evidence of both Mrs Haynes and Mrs Spelman, she focused on dealing with the backlog of work that had accumulated since the sudden death in February 1997 of the previous Member, Mr Iain Mills, while an *au pair* continued to provide child care.⁷

8. The Commissioner notes that:

Mrs Haynes moved with the family from Kent to their rented house in Knowle [in the Meriden constituency] in July 1997. The family subsequently moved in October 1997 to a house which they bought nearby, and to a larger house in October 1998. Mrs Haynes took up responsibility as the children's nanny when the *au pair* left the family in August 1997. Mrs Haynes had sole care of the children during the working

5 Appendix 2

6 Appendix 1, paragraph 193

7 Appendix 1, paragraphs 168 to 172

week from that time until 2002, whenever Mrs Spelman was absent in London on parliamentary business.⁸

9. In her capacity as nanny, Mrs Haynes received free board and lodging, expenses and the use of a car, but no financial remuneration.⁹ In her capacity as Mrs Spelman's administration assistant, Mrs Haynes was paid £13,000 a year for an 18-hour week, from Mrs Spelman's parliamentary office costs allowance.¹⁰ The full-time equivalent salary would be about £27,100.

10. Following a discussion between Mrs Spelman and the Conservative Chief Whip, Mrs Haynes ceased to be paid from parliamentary allowances after about June 1999. She then became Mrs Spelman's full-time nanny, with some additional domestic responsibilities to those she had already been carrying out and spending more time with Mrs Spelman's children. From this point on, Mrs Haynes received from Mrs Spelman a salary of £13,000 *per annum*, in addition to the board, lodging and use of a car that were already provided. Mrs Haynes continued to undertake some administrative duties related to Mrs Spelman's parliamentary responsibilities.¹¹ Mrs Haynes left Mrs Spelman's employment in September 2002.¹²

11. From June 1999, the administrative and secretarial support to Mrs Spelman previously provided in part by Mrs Haynes was provided by a constituency secretary employed by the Meriden Conservative Association, who worked for Mrs Spelman for 14 hours a week. The Association fixed the secretary's pay at a rate which would have been equivalent to about £8,200 *per annum* for an 18-hour week and Mrs Spelman repaid the Association from her parliamentary allowances.¹³ The Commissioner points out that, on the basis of an 18-hour week, Mrs Haynes was paid £4,800 *per annum* more than her successor.¹⁴ He also notes that in 1999, Mrs Spelman paid her Westminster-based secretary £15,000 *per annum* for a three-day week. This was equivalent to a full-time salary of £25,000.¹⁵

12. The Commissioner concludes that the increase in financial remuneration paid by Mrs Spelman herself to Mrs Haynes from nothing to £13,000 *per annum* in about April 1999 cannot be explained by the increase in Mrs Haynes' domestic and child care duties.¹⁶ He is also "driven to the conclusion" that the salary paid to Mrs Haynes from parliamentary allowances in the period 1997 to 1999 allowed her to undertake her nannying duties "without additional or separate financial reward" and thus subsidised her work as a nanny.¹⁷ The Commissioner points out that Mrs Haynes was not an *au pair*; she was in fact

8 Appendix 1, paragraph 173

9 Appendix 1, paragraph 180

10 Appendix 1, paragraphs 178 and 180

11 Appendix 1, paragraphs 100 and 211, and Appendix 2

12 Appendix 1, paragraph 171

13 Appendix 1, paragraph 181

14 Appendix 1, paragraph 215

15 Appendix 1, paragraph 185

16 Appendix 1, paragraph 211

17 Appendix 1, paragraphs 212 and 213

“an experienced and well qualified professional nanny” receiving no financial reward. He concludes that “it is difficult to see how anyone in Mrs Haynes’ position could have sustained a career on that basis.”¹⁸

13. As for the administrative duties for which Mrs Haynes was paid from parliamentary allowances, the Commissioner has concluded that during the period she worked as Mrs Spelman’s constituency administration assistant, Mrs Haynes was capable of performing her administrative duties and that the evidence does not support an allegation that she did not perform those duties for the 18 hours a week for which she was paid.¹⁹ However, the Commissioner also concludes that Mrs Spelman was in breach of the Rules of the House, because the expenditure on Mrs Haynes’ employment as an administration assistant was not incurred wholly or exclusively in support of Mrs Spelman’s parliamentary duties, but was also used to support Mrs Haynes’ separate work as her live-in nanny.²⁰

14. Finally, the Commissioner concludes that there is:

... no evidence that it was a calculated breach on Mrs Spelman’s part. I have received striking evidence of Mrs Spelman’s personal integrity, probity and standing in the community and among her colleagues. She must have been under intense personal and professional pressure when she was first elected in 1997. She had very little time to prepare. She had to move home and her family in the space of a few short, and what I am sure were frenzied, months. She had to manage the pressures of a new constituency, a backlog of casework and her family responsibilities, and to adjust to the distinctive environment of the House of Commons which puts pressure on any new Member.²¹

Mrs Spelman found an arrangement that worked for her as a new Member of Parliament and for her family. Were it not for the way she apportioned the remuneration between the dual roles, it was, in my judgement, a perfectly reasonable arrangement to have made at the time and in all the circumstances. I do not believe that at the time, or perhaps since, Mrs Spelman considered whether the terms on which she employed Mrs Haynes as her nanny benefited from her employment as her administration assistant. My belief is that, in the rush of business, Mrs Spelman did not consider separately what would be a reasonable remuneration including pay for nannying duties and what pay was necessary solely to support her in her parliamentary duties. As a result, the arrangements had the unintended, but in my view undoubted, effect of misapplying some of Mrs Spelman’s parliamentary allowances for non parliamentary purposes.²²

18 Appendix 1, paragraph 209

19 Appendix 1, paragraphs 204 to 207

20 Appendix 1, paragraph 214

21 Appendix 1, paragraph 216

22 Appendix 1, paragraph 217

Conclusion

15. Before reaching our overall conclusion, we discuss below several aspects of this case that need to be taken into account. We then consider a number of points made to us by Mrs Spelman in her evidence.

Some relevant considerations

16. *First*, we note that in May 1997 Mrs Spelman was a newly elected, first-term Member, who had been selected to fight her seat only three months earlier, following the sudden death of the sitting Member, Iain Mills. She had little time in which to prepare for membership of the House. While Mrs Spelman was not alone in this—especially in 1997—her limited familiarity with the Rules of the House at the time is understandable. Mrs Spelman also faced a backlog of constituency casework which had accumulated following the death of her predecessor and, as the Commissioner notes, this must have placed her under additional pressure at what was a frenzied time.²³

17. *Second*, The Rules were less stringent and less detailed in 1997 than they later became, and expectations were lower. It is important to judge Mrs Spelman’s conduct against the standards that existed at the time.

18. *Third*, at the time of her election Mr and Mrs Spelman had three young children, for whom she was the main carer, although she was assisted in this by an *au pair*. We recognise that the duties of a child-carer are time-consuming and that the burden of providing that care can be onerous. We accept that there was a clear need for Mrs Spelman to obtain assistance with looking after her children once she had been elected to Parliament, a point to which we return at the end of this Report. Like the Commissioner, we do not believe that it was in any way wrong for Mrs Spelman to combine in one person the dual roles of nanny and administration assistant. This case is solely about how those dual roles were remunerated.

19. *Fourth*, the Commissioner has found evidence that Mrs Spelman was entirely open with the House authorities about the dual role nature of her employment of Mrs Haynes, and that she sought advice at the time.²⁴ As well as initiating the Commissioner’s investigation, Mrs Spelman has cooperated fully with it and has accepted the Commissioner’s findings. She has also told us that she “take[s] any misapplication of public funds extremely seriously.”²⁵ We welcome this statement.

23 Appendix 1, paragraph 216

24 Appendix 1, paragraphs 43 and 44

25 Appendix 2

Points made by Mrs Spelman

20. Mrs Spelman has made a number of points in support of her actions. We were struck by her statement, both to the Commissioner in the course of his inquiry and in her letter to the Committee, that Mrs Haynes would have seen her free board and lodging as nanny and her remuneration as Mrs Spelman’s administration assistant as “a total package.” Mrs Spelman told us that Mrs Haynes “would have been most interested in the take-home pay received for her employment as a whole.”²⁶ In our view, this does not help Mrs Spelman’s case. Rather, it tends to support the Commissioner’s view that Mrs Haynes would have been unlikely to have worked as Mrs Spelman’s nanny without some separate financial remuneration. The fact that Mrs Haynes was paid nothing as Mrs Spelman’s nanny while she was also working and being paid as Mrs Spelman’s administration assistant, but after giving up the latter role was paid a salary as nanny of £13,000, is in our view telling.

21. Mrs Spelman told the Commissioner that, prior to Mrs Haynes taking on her full responsibilities as a nanny, she had employed an *au pair* to provide assistance with child care.²⁷ Like Mrs Haynes, the *au pair* was given free board and lodging and her expenses were paid. Unlike Mrs Haynes—who needed to be able to drive both in order to take Mrs Spelman’s children to school and to travel around the constituency as part of her administrative duties—the *au pair* did not have use of a car.²⁸ Mrs Spelman told the Commissioner that Mrs Haynes had sole care of her children “in the same way as an *au pair* or mother’s help.”²⁹ She told us that “the remuneration arrangement I had with Ms Haynes was entirely consistent with the one I had in place previously [when] I had employed the use of an *au pair* or mother’s help (as opposed to a nanny).”³⁰ However, Mrs Haynes’ duties as nanny, which involved taking sole care of the children, including overnight, for most of the working week, exceeded those of an *au pair*. The suggestion that the employment of an experienced, professional nanny—in the form of Mrs Haynes—represented a continuity of a previous arrangement such as typically applies to unqualified, inexperienced *au pairs* is in our view not sustainable.

22. Mrs Spelman has also argued that, if it is the case that the cost to her of employing Mrs Haynes as a nanny was subsidised from parliamentary allowances, then the reverse can also be said to be true, in that from April 1999 to August 2002, when Mrs Haynes continued to perform some residual administrative functions, she was paid solely from Mrs Spelman’s own resources. Mrs Spelman suggests that it could be said that she subsidised work which she could have claimed against her parliamentary allowances.³¹ We have considered this argument, but we feel unable to take it into consideration. Members cannot offset allowances that they have failed to claim (setting aside for the moment the question of

26 Appendix 1, paragraph 210, and Appendix 2

27 Appendix 1, paragraph 169

28 Appendix 1, paragraphs 141 and 145

29 Appendix 1, paragraph 133

30 Appendix 2

31 Appendix 2

whether a claim would have been within the Rules) against those that they have wrongly claimed.

23. Mrs Spelman has pointed out that she paid Mrs Haynes' successor in the part-time administrative role, Mrs Paula Yates, at a rate set by Mrs Yates' main employer, the Meriden Conservative Association.³² Mrs Yates' rate of pay was equivalent *pro rata* to a salary of £4,800 *per annum* below that which Mrs Haynes had been receiving. Mrs Spelman does not accept that this indicates that Mrs Haynes' salary might have been excessive.

Overall conclusion

24. The Commissioner has concluded that the arrangements entered into by Mrs Spelman with Mrs Haynes had the unintended, but in his view undoubted, effect of misapplying some of Mrs Spelman's parliamentary allowances for non-parliamentary purposes.³³ In effect, as the Commissioner has found, there was an element of cross-subsidy.³⁴ The Commissioner has reached this conclusion on the basis of the high standard of proof adopted by him for this inquiry, i.e. that it is significantly more likely to be true than not to be true.

25. We have adopted the same high standard of proof. On that basis, **we agree with the Commissioner's conclusion that for two years from June 1997 Mrs Spelman paid Mrs Haynes from her parliamentary allowances a salary as her part-time administration assistant that enabled Mrs Haynes to work also as her nanny without additional or separate financial reward. This had the effect of misapplying part of Mrs Spelman's parliamentary allowances. We accept that this breach, which occurred at a time when both the Rules and expectations were less stringent than they are now, was unintentional. Mrs Spelman has accepted the Commissioner's findings and has told us that she will pay back the misapplied sums.**

26. It is difficult to calculate with precision the sum that may have been misapplied, given the absence of pay records for most of the period of Mrs Haynes' employment as Mrs Spelman's administration assistant from 1997 to 1999, and bearing in mind the lack of official guidance on rates of pay for Members' staff at the time. Using the figure of £4,800 in the Commissioner's memorandum, which has been accepted by Mrs Spelman, **we recommend that Mrs Spelman repay the House the sum of £9,600.**

Child care for Members of Parliament

27. In accordance with good employment practice, parliamentary staff—both those employed by the House and those employed by Members—have access to a child care voucher scheme and to advice on where they may obtain child care, whether in

32 Appendix 2

33 Appendix 1, paragraph 217

34 Appendix 1, paragraph 213

Westminster or elsewhere. Members of Parliament have no such access and must make their own arrangements. We consider this to be inequitable, and disproportionately so for women Members, who are more likely to have primary responsibility for child care. We understand that the House of Commons Administration Committee is presently considering the question of Members' child care requirements. We look forward to that Committee's conclusions.

Appendix 1: Memorandum from the Parliamentary Commissioner for Standards

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Allegation against Mrs Caroline Spelman

Introduction

1. This memorandum reports on my inquiry into the employment by Mrs Caroline Spelman, the Member for Meriden, of an administration assistant¹ from 1997 to 1999 who was also her children's nanny.

2. The matter was first raised in a report for BBC Television's *Newsnight* on 6 June 2008. The allegation was that Mrs Spelman had used parliamentary funds to pay her nanny for childcare services and that this individual did not undertake sufficient Parliamentary work to justify the payment she received from parliamentary allowances.

3. Mrs Spelman told newspaper reporters on 7 June that she would be meeting the Parliamentary Commissioner for Standards on 9 June to discuss the matter.

4. At her request, I met Mrs Spelman on 9 June. In view of the publicity which had already been given to this meeting, with Mrs Spelman's agreement I issued a press statement on 9 June stating that I had received representations from Mrs Spelman that I should investigate the circumstances of the employment of her then secretary in 1997 and that I was carefully considering the matter.² I noted that it would be exceptional for the Commissioner to institute an inquiry into matters which went back more than seven years. It would also be exceptional to do so on a self-referral from a Member.

5. The only previous case in which the Commissioner had accepted a self-referral was in the case of Mr Clive Betts MP in 2003.³ In that case, the Commissioner sought the agreement of the Committee on Standards and Privileges before instituting his inquiry. The Committee had also made it clear that it would expect the Commissioner to consult it before accepting for investigation a complaint which went back more than seven years.⁴

6. Having carefully considered the circumstances of this case, and the precedents, I considered that the allegation was sufficiently serious for me to recommend to the Committee that exceptionally I should accept the referral from Mrs Spelman (rather than await any complaint from a third party) and waive the seven year rule. The Committee considered this matter at its meeting on 17 June. It authorised me to undertake an inquiry into whether Mrs Caroline Spelman breached the rules of the House in the arrangements she made for the employment of an assistant who was also her children's nanny for a

1 There was no formal title for the post. At the time suggested job titles were not provided by the House authorities. In places in this memorandum, Mrs Spelman's assistant is referred to as a "secretarial assistant". Mrs Spelman considers "administration assistant" more accurately describes her role.

2 WE 1

3 Fifth Report of the Committee on Standards and Privileges, Session 2002-03, HC 947

4 Procedural Note 1 published in September 2003, paragraph 5.

period from 1997. Following the meeting, and with the agreement of the Committee, I issued a press notice announcing that I was initiating this inquiry.⁵

Allegation

7. This inquiry originated therefore with Mrs Caroline Spelman's request that I undertake an inquiry into the allegation against her. In essence, the allegation is that Mrs Spelman subsidised the cost of nannying services out of her parliamentary allowances and that her administration assistant did not undertake secretarial or administrative duties to the extent for which she was paid.

Relevant Rules of the House

8. Mrs Spelman began to employ her assistant following the general election in May 1997. The relevant rules of the House, therefore, are the rules in force in May 1997.

9. Paragraph 14 of the Code of Conduct for Members of Parliament at that time (as now) provides as follows:

“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.”

10. In 1997, payments for secretarial expenses were made under the Office Costs Allowance (OCA). The Green Book on Parliamentary Salaries, Allowances and Pensions published in May 1997 made the following relevant provisions for the use of the OCA:

“10.1 The purpose of the OCA is to provide Members with the necessary funds to cover office, secretarial and research expenses incurred in connection with their Parliamentary duties...”

10.7 All claims against the OCA are subject to the certification that the expenses have been “wholly, exclusively and necessarily” incurred in connection with a Member's Parliamentary duties. Items of a personal or political nature are clearly inadmissible as a charge against public funds.”

11. There were at the time no more detailed provisions about arrangements for employing Members' staff or the rates at which they should be paid. There was, however, a cap on the OCA from which staff salaries, among other costs, had to be paid. The maximum sum available under the OCA in 1997-98 was £47,568.

My Inquiries

12. Before the Committee's meeting on 17 June, I had invited the Acting Director of Operations in the Department of Resources to let me have any documents or information held by the Department in relation to the employment of Mrs Spelman's assistant from 1997 to about 1999. The Acting Director replied on 12 June.⁶ He noted that the Department held no records, electronic or paper, which gave any information about the nature of the employment of Mrs Spelman's assistant. No payments were made on behalf of the employee to a personal pension fund. The Department's electronic records did not show the details of any member of staff employed before 17 July 2000.

13. I wrote to Mrs Spelman on 17 June to invite her comments on the allegation.⁷ In particular, I asked her to let me know the circumstances in which she came to offer her children's nanny the post of secretarial assistant; the dates of her assistant's appointment; the hours she was contracted to work and the financial and other remuneration she received, together with the place or places where she worked; similar information in respect of the employment of the same person as her children's nanny; the nature and volume of the secretarial work she required of her; this person's qualifications for undertaking this work; how this dual appointment worked in practice; the circumstances in which Mrs Spelman came to terminate the arrangement and the arrangements she put in its place; what other staff she employed; and whether she had at any time consulted the House authorities about her staffing arrangements.

14. I recognised that, because of the passage of time, it was likely to be difficult to provide much in the way of documentary evidence, so I asked if Mrs Spelman could identify any witnesses who might be able to help me in establishing the arrangements which she made.

15. Mrs Spelman responded on 3 July.⁸ She annexed to her letter a letter from the then President of the Meriden Conservative Association;⁹ the Minutes of the Meriden Conservative Association's Finance and General Purposes Committee Meeting on 22 July 1997;¹⁰ a Memorandum of Sale to Mrs Spelman and her husband for a property in Solihull, dated 24 October 1997;¹¹ a statement from Linda McDougall, an author and journalist;¹² a copy of a deductions working sheet showing National Insurance contributions for Mrs Spelman's nanny in 1999;¹³ a copy of a working sheet showing some Income Tax information, also for 1999;¹⁴ two invoices dated June and July 2000 showing salary costs for

6 WE 3

7 WE 4

8 WE 5

9 WE 6

10 WE 7

11 Not included in the written evidence

12 WE 8

13 Not included in the written evidence

14 Not included in the written evidence

her then constituency secretary;¹⁵ a statement from the then Head Teacher of Knowle CE Primary School;¹⁶ a statement from the current Head Teacher;¹⁷ a statement from Mrs Paula Yates (formerly Monkhouse) dated 20 June 2008;¹⁸ a statement from the then Conservative Women's Chairman for the West Midlands region;¹⁹ a statement from a constituent;²⁰ a statement from a councillor who attended surgeries with Mrs Spelman;²¹ a statement from Mr Nigel Waterson (the Member for Eastbourne, Willingdon and East Dean);²² a statement from a volunteer who worked in Mrs Spelman's office in 1998;²³ a statement from her parliamentary researcher who worked for her from 1998 to 2001;²⁴ a statement from the gardener who worked for her in 1998,²⁵ and a statement from the vicar of Mrs Spelman's parish church in Knowle.²⁶

16. Mrs Spelman stated at the outset of her letter that she strenuously denied the allegations being made against her and any wrongdoing on her part. She did not during the period 1997 to 1999 (or thereafter) subsidise the cost of nannying services out of parliamentary allowances. Her nanny at that time did carry out administrative duties to the extent for which she was paid.

17. Mrs Spelman said that the events took place during an extremely demanding period. She was taking over after the sudden death of the previous Member for Meriden, dealing on her arrival with the resulting backlog of work, adjusting to the House as a new Member with no previous experience of parliamentary life and dealing with the upheaval of moving from her family home in Kent with three young children to the midlands. The Conservative party was unable to provide much by way of induction to the House rules, or guidance for women Members with dependent children.

18. Mrs Spelman said that her employment of Mrs Tina Haynes (née Rawlins) to provide both administrative support and childcare gave her what she considered to be a workable solution at that time within the rules of the House. She was entirely open about this arrangement with her party, fellow Members and the House officials. As far as she was aware, there was no prohibition against an individual undertaking a dual role (that was both childcare and administrative/secretarial functions). Provided she was able to distinguish the work which was being done and paid for as parliamentary work, she saw no reason why she should not employ someone to perform a dual function. The dual

15 Not included in the written evidence

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arrangement was a very common practice among male Members of Parliament at that time, and she noted that it had continued to be, with wives and partners looking after their children while also being paid to perform administrative/secretarial work.

19. The circumstances of Mrs Haynes' appointment were that Mrs Spelman put herself forward for selection as a Conservative candidate for the Meriden constituency following the death in January 1997 of the sitting MP, Mr Iain Mills. The selection process took place during February 1997. At the time she and her family were living in Kent. She had undertaken that, were she to be selected, she would move to Meriden and would educate her children in the local schools. She was selected as the prospective Conservative candidate on 5 February 1997. Mrs Spelman said that under normal circumstances she would have had 12 months or more from selection to prepare for the next election, but she had 11 weeks. The election was called for 1 May 1997. This was an extremely busy period for campaigning. Mrs Spelman moved to Meriden immediately, while her children remained in Kent and were looked after by her *au pair* until the end of the school summer term in July 1997.

20. Mrs Spelman had noted that she was going to be schooling her children in Meriden, some 120 miles away from where she was working (in Westminster) from Monday to Thursday. She therefore needed to find a local nanny to take sole charge of her three children, including overnight during the week. She also needed to maintain "*a clear anchor in the constituency*". This would be somebody who could quickly assess and redirect correspondence so that her constituents received the best possible service from the outset.

21. Since her children were to be in full time education, it was clear that the person employed to look after her children would have six clear hours at their disposal each day. She believed that, given her needs in the constituency, it would be most sensible if this person could devote part of this time to address the administrative tasks of a secretarial assistant based in the constituency. Mrs Spelman asked around the area for names of people who might fit the bill and was given the name of Mrs Haynes (*née* Rawlins). It was clear from her references that Mrs Haynes had previously worked in quite demanding roles. She had effectively taken responsibility for running the household in her previous job, and had therefore demonstrated her capacity to carry out duties of an administrative nature and make responsible decisions in the absence of the parents.

22. Mrs Spelman gave three further reasons why she believed it was sensible at the time to have her nanny undertake administrative functions. The first was that the local party Association secretary was not able to provide much support to her at that time. She believed that this was confirmed by the minutes of the local Conservative Association's meeting of 22 July 1997 attached to her letter.²⁷ The Association was also unable to provide any office space. The local Association office was in any case not in her constituency, but in the Solihull constituency. Mrs Spelman considered it important to have a "*proper base in*

my own constituency". She had insufficient funding to open an independent constituency office and so it seemed the most appropriate, if not the only, solution to use her rented home as her constituency office.

23. The second reason was that the Office Costs Allowance did not stretch to employing two full time secretaries – one in the House and one in the constituency. She chose to employ an experienced House of Commons secretary in London and opt for more junior administrative support in her constituency.

24. Thirdly, she hoped that by employing a person in a dual capacity her young children would adjust to a consistent presence within the household. Limited space in their initial house in the constituency was also a factor.

25. Turning to Mrs Haynes' employment, Mrs Spelman had been unable to locate a copy of Mrs Haynes' contract. She believed that she must have taken up her post around 1 June 1997. She could not recall her precise job title. She had a recollection that Mrs Haynes was required to undertake 18 hours of administrative work for her per week. She did not expect a rigid number of hours per day because the nature of the tasks she undertook would vary. In the recess, which for the most part coincided with school holidays, she was able to share the childcare with her nanny (Mrs Haynes) who could continue to work flexibly to undertake the same administrative functions that she did in term time. As far as she could recall, Mrs Haynes received the statutory four weeks' holiday a year.

26. Mrs Spelman could not recall the amount that Mrs Haynes received for this role. There were no guidelines in force at the time. Mr Alan Marskell, Head of the Fees Office in 1997, had confirmed to her that the Fees Office would refuse to pay any salary which they felt was unreasonable, and no such issues were raised in respect of Mrs Haynes' salary or her capacity to undertake the work required of her.

27. Mrs Haynes was based in Meriden, performing her administrative functions. She worked from Mrs Spelman's home there, which was also her constituency office. Mrs Haynes was not based in Kent, although during Mrs Spelman's first four weeks as a Member of Parliament, she travelled to and from Kent with Mrs Spelman to assist in transferring her office and to familiarise herself with the children.

28. Mrs Haynes ceased any administrative work on the parliamentary payroll by 1 June 1999, although the arrangement may have concluded earlier in the previous month. When the arrangement changed, Mrs Spelman began paying the local constituency Association secretary (Mrs Paula Yates, formerly Monkhouse) for the time she devoted wholly and exclusively to parliamentary activity, reflecting the transfer of administrative work from Mrs Haynes at that time. By January 2000, Mrs Spelman was paying the Association £10 an

hour²⁸ for 14 hours each week for the time and costs of the help Mrs Yates gave Mrs Spelman with constituency administration.

29. Mrs Haynes' employment as her children's nanny began on the same date as her administrative functions (sometime in June 1997). She lived at Mrs Spelman's home from Monday through to Thursday night each week. The children moved to the constituency during the summer holidays of 1997. They were all in full time education there from the beginning of the autumn term 1997. From this point, Meriden was the children's full time home. Mrs Spelman noted that the evidence from the then Head Teacher at their school stated that Mrs Haynes undertook both childcare and administrative functions for Mrs Spelman at that time.²⁹

30. For her role as a nanny, Mrs Spelman said that Mrs Haynes was provided with free board and accommodation, the use of a car and all expenses. Mrs Haynes worked through the school holidays, except for two weeks in August, a week at Christmas and a week at Easter. She continued to work as Mrs Spelman's children's nanny until September 2002.

31. Turning to the nature of Mrs Haynes' work, Mrs Spelman noted that the duties were more administrative than secretarial. Mrs Haynes did not type letters. Any constituent could visit or telephone her home at any time of day. Mrs Haynes' role was to be around during the day to deal with this: to answer the door and telephone when required. She was responsible for dealing with incoming calls, answer-machine messages, opening post and transferring paperwork. Mrs Haynes helped open and sort the initial backlog of constituency post when Mrs Spelman started as the Member for Meriden. Mrs Haynes' local knowledge helped Mrs Spelman plan where she had to be to attend local functions and meetings, providing travel directions. She would act as a driver and chaperone for staff and others visiting from London on parliamentary business. She judged the degree of urgency of messages/letters and passed these on to Mrs Spelman directly. She used her judgement as to when messages left for Mrs Spelman needed urgent action by local councillors, the local party Association or the Member of the European Parliament. She acted as the message liaison with the Association office and Mrs Spelman's London based Commons secretary as necessary.

32. There were two deliveries of post a day. Mrs Haynes' job was to open the post and sort it. If a letter was so urgent that it needed to be faxed, she would do this on her own initiative. Mrs Haynes would collect post from, as well as deliver it where appropriate to the Association office. In support of this, Mrs Spelman drew attention to the statements from the then Association secretary and the wife of their Member of the European Parliament.³⁰

28 This included overhead costs.

29 WE 9

30 WE 11,12

33. The Association secretary, Mrs Paula Yates, arranged regular Friday evening and Saturday morning surgeries for constituents. However Mrs Spelman took the surgery notes home with her and went through them with Mrs Haynes. Constituents would often drop off documents they did not wish to risk in the post and would hand these over to Mrs Haynes in person. Councillors who attended the surgeries would report back to Mrs Spelman the outcome of their actions, usually through Mrs Haynes, as shown in the letter from a councillor.³¹ Delivering and collecting post and messages between the constituency office and the local Association office required a drive between Meriden and Solihull of approximately a ten mile round trip.

34. In addition, a number of local organisations preferred to ring Mrs Spelman's home number rather than make a call to London.

35. Mrs Haynes was not qualified as a secretary, but her references had made it clear that she had the practical and intellectual capacity to undertake administrative support tasks over and above childcare. Neither her constituents nor the local Association officials ever raised a complaint against Mrs Haynes' role or the way she carried it out. The letter from one of Mrs Spelman's constituents confirmed his dealings with Mrs Haynes.³²

36. Mrs Spelman said that in practice, Mrs Haynes would drop the children off at school and then would use the time during school hours to perform basic administrative tasks. These varied on a day to day basis. They included staffing the home (constituency) telephone, opening and sorting post, performing administrative errands and liaising between constituents, the local Association office, her parliamentary secretary and herself. Mrs Haynes would carry out some of these duties after the children had gone to bed.

37. The arrangement worked extremely well during Mrs Spelman's first two years as a Member of Parliament. It was a practical solution to the problem that there were insufficient funds for two full time secretaries in the allowances at the time.

38. In April 1999, the then Opposition Chief Whip, the Rt Hon James Arbuthnot, spoke to Mrs Spelman about the dual arrangement. He said it had come to his attention via a member of staff that, while this arrangement did not break the rules, and he was aware of other MPs who had similar arrangements, it was open to misrepresentation. He advised Mrs Spelman to split the childcare and administrative roles. Mrs Spelman decided to act on this straightaway. She approached the Association to take on the additional parliamentary work, which they were now able to do. She paid Mrs Haynes separately for her nanny role. The Association's secretary agreed to give Mrs Spelman the extra time each week to take over the casework and correspondence received at the constituency. This was possible because the secretary's child had just entered nursery. Mrs Haynes continued as a nanny

31 WE 14

32 WE 13

only, but in reality she still answered the phone and opened the post, although this was now remunerated by Mrs Spelman and not by Parliament.

39. Turning to her other staff, Mrs Spelman said that she had been aware that the OCA would not accommodate two full time secretaries. She considered it was a wise course to have a full time secretary based in the House of Commons who understood Westminster rules and procedures. She therefore employed a full time secretary based at the House from May 1997 to approximately March 1999. She could not now recall her salary. She then employed another Commons secretary in April 1999. This secretary went initially to another Member to complain about the arrangement with Mrs Haynes very soon after starting to work for Mrs Spelman, without giving any significant time to assess the practicality of the arrangement.

40. To Mrs Spelman's recollection, neither Commons secretary visited the constituency more than once. They did not undertake any constituency located work and were not able to assess how much work Mrs Haynes did there.

41. In addition, in September 1997, Mrs Spelman had an intern paid for by Christian Action Research and Education (CARE) for whom she provided free accommodation until the end of her internship in July 1998. From February 1998 to the end of September 1998 she had *pro bono* help from a trainee barrister. He was paid for the one month he worked full time, and saw the work that Mrs Haynes did in the constituency.³³ His evidence stated that he had made several visits to Meriden. He was normally collected from Birmingham International station by Mrs Haynes, who would drive him around the constituency and would frequently accompany him to the meetings as she knew some of the people concerned. The day would often end at Mrs Spelman's house, where Mrs Spelman would make supper for the children after school as Mrs Haynes and he updated Mrs Spelman about the meetings that they had had that day.

42. In September 1998, Mrs Spelman had another intern paid for by CARE to whom she also provided free London accommodation. This intern (Mr Tim Collins) was also her nephew. In his evidence he noted a "*strained relationship*" between Mrs Spelman and her first House of Commons secretary.³⁴ He understood that this was caused, in part, by that secretary's reluctance to use an answer machine, voicemail or a new computer provided by Mrs Spelman. He was aware that Mrs Haynes carried out parliamentary work at Mrs Spelman's home. Mrs Haynes frequently sent him parcels of local newspapers.

43. Turning to her consultations with the House authorities, Mrs Spelman said that she recalled meeting the then Head of the Fees Office to discuss her staffing arrangements in detail in her first six weeks as a Member of Parliament. She explained that she had opted for a full time secretary in the Commons but needed part time administrative support in

33 WE 16

34 WE 17

the constituency. She recalled explaining that she was addressing this issue by employing one person to assist with childcare and administration. She was not told that the dual role breached the rules and as far as she was aware the Fees Office authorised Mrs Haynes' contract.

44. Mrs Spelman said that these recollections were supported by the then Head of the Fees Office, Mr Alan Marskell. In a telephone conversation with Mrs Spelman following the news reports in June 2008, Mr Marskell had confirmed to her that the Fees Office would have scrutinised Mrs Haynes' contract of employment and checked the hours to be worked, the location of the work and the nature of the role. Mrs Spelman reported that he had confirmed that there was no rule preventing MPs from having one employee who performed two roles. Mrs Spelman recalled explaining to the Fees Office that Mrs Haynes would have 30 clear hours each week when the children were in school and, in her view, asking Mrs Haynes to provide administrative work for her in 18 of those hours each week was reasonable. Mrs Spelman said that the Fees Office had agreed and the contract was signed off by them. Mrs Spelman noted that Mr Marskell had said that the definition which the Fees Office used in 1997 was:

“If it was party political or personal/private then it could not be parliamentary, but if they are asking for reimbursement it would be acceptable as long as it did not come under one of those four Ps.”

Mr Marskell had confirmed to her that, if the Fees Office had agreed the contract of employment, they would have been satisfied that the nature of the role was not one of those four Ps and therefore perfectly permissible.

45. Following on from her letter of 3 July, Mrs Spelman sent me a testimonial from the then Chairman of the Solihull Healthcare NHS Trust and Chairman of the Solihull Bench dated 12 July.³⁵ It stated that she would trust absolutely the honesty, transparency and integrity of Mrs Spelman in whatever situation she happened to be.

46. Having carefully considered Mrs Spelman's response and the evidence she provided, I decided I needed some more information from some of Mrs Spelman's witnesses and from some of the people referred to in her letter. Accordingly I wrote on 9 July to Mrs Paula Yates (formerly Mrs Monkhouse),³⁶ to Mrs Sally Hammond,³⁷ to the Chairman of the Meriden Conservative Association³⁸ and on 16 July to Mrs Georgina Perry,³⁹ having informed Mr Tim Collins that I would be showing his letter to her. I wrote also on 9 July to the Acting Director of Operations in the Department of Resources to show him a copy of

35 WE 20

36 WE 21

37 WE 22

38 WE 23

39 WE 24

Mrs Spelman's evidence and to invite any further help he could give me on the employment arrangements for staff in 1997.⁴⁰

47. Mrs Paula Yates responded with her letter of 11 July.⁴¹ She enclosed with her letter the statement she prepared on 20 June 2008⁴² and her job description in 1997.⁴³ She confirmed that she was not able to provide support for Mrs Spelman upon her election. At that time her hours of work as part time organising secretary with the Meriden Conservative Association were 9am to 1pm. She did not want to commit more hours while her daughter was still very young. The job description which she enclosed with her letter made no mention of working for a Member of Parliament. The workload from the branches within the Association already exceeded her capacity in the hours available. There was also no office space available to house a constituency office for Mrs Spelman.

48. Mrs Yates said she had contact with Mrs Haynes every week (typically on a Monday and Friday) to exchange correspondence and the advice surgery schedules. Post would come both to Mrs Spelman's home and to the office. It would be collected by Mrs Haynes and in exchange she would bring in work from Mrs Spelman. Following a weekend surgery, Mrs Haynes would bring in paperwork from some of the local councillors. Sometimes Mrs Haynes would take the work to the councillors directly as she was familiar with the locality and the individuals involved. The volume of work would fluctuate. In the early days there was a backlog inherited from the previous Member, but Mrs Spelman's workload steadily increased as she became better known. Mrs Haynes would also bring in articles for local newsletters and parliamentary reports. Mrs Yates did not open the post for Mrs Spelman. She did not know how many hours Mrs Haynes spent on administrative work, but from her own experience of working with Mrs Spelman from 1999, she imagined it would consume a significant part of her day. Telephone calls to her office would be referred to Mrs Haynes if Mrs Yates needed Mrs Haynes to come in. Mrs Yates said that Mrs Spelman inherited a heavy surgery schedule which cost about £250 a month to administer.

49. In 1999, Mrs Yates was asked if she could work more hours to take on the constituency casework arising from the advice surgery. Mrs Spelman explained that she needed to end the dual role performed by Mrs Haynes. The new arrangement was that Mrs Spelman would be invoiced for the time Mrs Yates spent dealing with casework on her behalf. Over a week, this was calculated to be approximately two full days, although Mrs Yates said that she regularly took work home to ensure tasks were completed. So from 1999, Mrs Yates not only booked the advice surgeries and appointments, but also dealt with all correspondence arising from the local advice surgeries, which involved typing letters to

40 WE 25

41 WE 26

42 WE 11

43 Not included in written evidence

various agencies and to constituents, while continuing to carry on with her permanent position as organising secretary for the Association.

50. Mrs Yates said that the work she took on was relatively straightforward. All the constituency files held at Mrs Spelman's home were gradually brought to the Association office. She still saw Mrs Haynes on a regular basis as paperwork still needed to be passed back and forth to Mrs Spelman. The handover from Mrs Haynes was gradual.

51. Following receipt of this letter, I wrote to Mrs Yates on 15 July asking for some further clarification of what she had told me.⁴⁴ I asked what the task described in the job description as "*To work closely with the Conservative Member of Parliament*" entailed; whether she had a copy of her job description as it had changed in 1999; some details about Mrs Spelman's surgeries; her references to telephone calls and the administration costs; subsequent contacts with Mrs Haynes; the tasks she had inherited from Mrs Haynes; and whether it was necessary to make any changes to the office accommodation in 1999 to reflect the new arrangements.

52. Mrs Yates responded on 6 August.⁴⁵ She said that the reference in her previous letter to working closely with the Member of Parliament was nothing to do with Mrs Spelman's parliamentary duties, but with the political side of her work—working towards the re-election of a Conservative MP. Mrs Yates said that her job description remained the same since the additional work and hours she had agreed to carry out for Mrs Spelman in respect of her parliamentary duties were negotiated verbally. The terms, conditions and salary remained with the Conservative Association, as they thought the work for Mrs Spelman was going to be a temporary arrangement since she wished to find a full time constituency secretary. She believed local councillors began to attend Mrs Spelman's surgeries in 1999 when she had had an incident with a constituent and from this time onwards councillors were there to provide assistance. The heaviest surgeries were in Chelmsley Wood and Castle Bromwich. Mrs Yates would refer telephone calls not requiring surgery appointments to the parliamentary secretary in London. She would telephone Mrs Haynes if she needed her to call in to her office to collect post or other documents or to pass messages on to Mrs Spelman. The costs for the surgeries were made up of costs incurred by the Association for such matters as room hire, advertising, telephone/fax costs and administration costs.

53. Mrs Yates said that Mrs Spelman first spoke to her about taking on extra work in April 1999. A handover of work and files occurred gradually after this. She could not recall the exact timing, but she still had contact with Mrs Haynes after June 1999 because there was ongoing political work and Mrs Haynes would also bring to her any correspondence from Mrs Spelman's home. The additional work she took on was the opening and sorting of the post arriving in the constituency and dealing with any follow up actions. This included

44 WE 27

45 WE 28

faxing urgent letters to London. She took on casework arising from the surgeries. There was also a significant amount of parliamentary work which was dealt with locally rather than going through London. Once the correspondence and casework was dealt with, she filed the documents away. She also had more driving around the constituency and would regularly drop off work for Mrs Spelman at her home.

54. Mrs Yates said there was no room for Mrs Spelman to have an office at the Association. They had to find a lot of extra space for the files, including having to store some of them in the loft space. Two filing cabinets of live files were housed in the Chairman's office. Mrs Spelman had asked if she could take over the Chairman's office, but this was refused because it was needed for the Association. No other changes were made to the accommodation.

55. The Chairman of the Meriden Conservative Association responded to my letter on 14 July.⁴⁶ He noted that in 1997 he was the Association's treasurer. Mrs Paula Yates had become the organising secretary after the 1997 general election, but was only able to work mornings. The Association continued the arrangement with the previous Member of Parliament, paying for advice bureau surgeries and advertising them in the local press and libraries. This work was carried out by Mrs Yates. She could not give Mrs Spelman any further help. The Association received £250 a month from the parliamentary allowances for this work.

56. Mrs Spelman had been faced with a large backlog of work from the previous Member. She employed Mrs Haynes in the dual role of secretary/nanny to help her in following up the correspondence and to deal with the new work resulting from her own surgeries. Mrs Spelman's workload was "*incredible but she managed it extremely well*".

57. The Chairman had little contact with Mrs Haynes when he was treasurer. But he knew that she had visited the office a couple of times a week to pick up and leave the post connected with her secretarial duties involving constituents. Mrs Spelman allowed her home telephone number to be known by the public. Judging by the number of calls the Association still got for Mrs Spelman, he could imagine Mrs Haynes found little time to attend to her duties as the nanny.

58. The Chairman concluded that residents of the constituency, and not just Conservative supporters, were horrified with the inquiry which "*we find quite absurd*". He noted that Mrs Spelman had proved to be a straightforward, honest and hardworking public servant and had done much to restore faith in the whole parliamentary democratic process.

59. I received a response from Mrs Sally Hammond, also dated 14 July.⁴⁷ Mrs Hammond said that she was extremely upset that this matter had been raised by the media. Neither

46 WE 29

47 WE 30

she nor her husband had ever spoken to Mr Crick of *Newsnight*. She thought this matter had been resolved nine years ago.

60. Mrs Hammond said that she believed she started working for Mrs Spelman at the beginning of April 1999. Mrs Spelman had told her that her then full time House of Commons secretarial arrangements were unsatisfactory and that she felt that she could manage with somebody part time. Mrs Hammond believed that she was paid for the equivalent of three days a week spread over four days. She left Mrs Spelman's employment around the end of August 1999.

61. When Mrs Hammond started work for Mrs Spelman, the only other person in Mrs Spelman's House of Commons office was her full time research assistant. She was not aware of any other staff doing constituency work and Mrs Spelman had not informed her that anyone else was also employed by her to assist in constituency work. All Mrs Spelman's mail came to the House of Commons and was opened by her or the research assistant. She typed the correspondence and it was filed at Westminster. She believed that the constituency office (i.e. the local Conservative office) took the surgery bookings and these were faxed through to Westminster. Mrs Hammond did not have regular contact with Mrs Haynes, whom she knew as Mrs Spelman's nanny. She occasionally spoke to Mrs Haynes to ask her to give Mrs Spelman a message and on one occasion Mrs Haynes posted some papers back to Westminster from Mrs Spelman's home.

62. When Mrs Hammond started work for Mrs Spelman in early April 1999, Mrs Spelman mentioned on several occasions that she did not have any money left in her staffing allowance in the last financial year. Mrs Hammond had assumed that Mrs Spelman's research assistant must have been on a very good salary, but one day the research assistant had mentioned that he was on a very low salary as he received free board and lodging from Mrs Spelman. She could not understand, therefore, why Mrs Spelman did not have any money left in her allowance. She contacted the Fees Office at the House of Commons, explained who she was and asked them to tell her who was being paid by Mrs Spelman. The Fees Office gave her the names of three employees and Mrs Hammond identified the third as Mrs Haynes. The Fees Office told her how much Mrs Haynes was being paid. Mrs Hammond recalled that it was in the region of £12,000 or £13,000 a year. She found out this information in late May/early June 1999.⁴⁸ She felt that, after working for Mrs Spelman for two months, she would have been aware of anyone else doing her work.

63. Mrs Hammond went to another Member of Parliament, Mr Peter Ainsworth, the Member for East Surrey, for advice. He said that he would mention this to the then Opposition Chief Whip. She had no knowledge of what transpired after that.

48 Mrs Spelman has stated that since Mrs Haynes' dual role ended from the beginning of May 1999 it seemed very likely that any such discussion would have taken place in April 1999, shortly after the start of Mrs Hammond's employment.

64. When I received this letter, I wrote to Mrs Hammond to see if she could recall the date of her meeting with the Member of Parliament in 1999, and what were the nature of the concerns she had raised with him.⁴⁹ I also wrote to the Acting Director of Operations to ask for his comments on Mrs Hammond’s reported discussions with the Fees Office.⁵⁰

65. Mrs Hammond replied on 18 July.⁵¹ She believed her meeting with Mr Peter Ainsworth was probably in late May or early June 1999.⁵² She had discussed with Mr Ainsworth her concerns that Mrs Spelman appeared to be paying her nanny out of her staffing allowance when it was not evident to Mrs Hammond that any parliamentary work was being carried out by her.

66. I received on 21 July a response from Mrs Georgina Perry.⁵³ She enclosed with her letter a copy of a letter to her from Mrs Spelman written on or about 25 February 1999 explaining why she was bringing Mrs Perry’s employment to an end, together with a copy of Mrs Spelman’s reference for Mrs Perry.⁵⁴ Mrs Perry noted that she had worked for Mrs Spelman from May 1997 until 31 March 1999. She worked 40 hours a week. Her duties were full secretarial—opening the post, compiling correspondence, the diary, arranging meetings, liaising with government departments and local authorities, answering telephone queries and filing. As far as she was aware, Mrs Spelman employed herself (Mrs Perry), a researcher (Mr Collins) and Mrs Paula Yates, who worked in the Association/constituency office. She understood that Mrs Haynes was employed by Mrs Spelman as the nanny for her three children. Mrs Perry did not have regular contact with Mrs Haynes nor did she see any work generated by her. To her knowledge, all the constituency post came direct to the House of Commons.

67. Mrs Perry said that Mrs Spelman had told her on 25 February 1999 that she did not require a full time secretary in London, and felt that she could manage with a part time secretary. She wanted to employ Mrs Yates for more hours in the constituency office. She did not recollect Mrs Spelman and herself having a “*strained relationship*” as described by Mrs Spelman’s researcher, Mr Tim Collins. There was no reluctance on her part to use the new computer, although it had significant problems in the early stages. She did not remember Mrs Spelman mentioning the use of an answering machine. She was surprised at the researcher’s comments given the calibre of the Members she had worked for in the House.

68. I wrote to Mrs Perry on 22 July asking for some further clarification.⁵⁵ I asked her to let me know at what point she became aware (if at all) that Mrs Haynes was employed by Mrs

49 WE 31

50 WE 32

51 WE 33

52 For the reasons stated in FN 48 Mrs Spelman considers this must have occurred before May 1999.

53 WE 34

54 WE 35. The reference is not included in the written evidence

55 WE 36

Spelman as her assistant; what was the nature of any contact she had with Mrs Haynes and what was the nature of her contact with Mrs Yates.

69. Mrs Perry responded on 7 August.⁵⁶ She said that she did not know that Mrs Haynes worked as Mrs Spelman's assistant. She recalled seeing a House of Commons contract between Mrs Spelman and Mrs Haynes, but she could not recall when she saw it or what its contents were. She could not remember having any contact with Mrs Haynes, although it would be surprising if she had not bearing in mind that Mrs Haynes lived in Mrs Spelman's household. But she did not recall having any contact with her in connection with work-related matters. She did have telephone contact from time to time with Mrs Paula Yates and met her on one or two occasions when she visited the constituency. Contacts were with regard to constituency matters. She believed Mrs Yates organised Mrs Spelman's constituency surgeries. She believed that Mrs Spelman was employing Mrs Yates because, in the letter Mrs Spelman had sent her, she had stated: "*I would like to employ Paula for more hours in the constituency office*".

70. The Acting Director of Operations in the Department of Resources wrote to me on 22 July in response to my letter to him.⁵⁷ He noted that the processes in place between 1997 and October 2001, when the Personnel Advice Service was set up, were less rigorous than they are now. The Department did not generally give specific advice on the level of salaries and employment law issues. The contract of employment provided by the Department in 1997 was a standard one: it was, however, up to Members to decide the salary level, working hours and holiday entitlements.

71. The Acting Director said that a further search of their archive storage files had uncovered one file for Mrs Sally Hammond which showed that Mrs Hammond was employed by Mrs Spelman from 12 April 1999 to 10 September 1999 as a secretary at the rate of £15,000 a year. No records for other staff were available. There were no job titles designated by the then Fees Office at the time. Administrative Assistant appeared to be a reasonable job title given the tasks summarised by Mrs Spelman as undertaken by Mrs Haynes.

72. There were no pay scales in place at the time: these were not introduced until after the Senior Salaries Review Body review in 2001. No guidance was given by the Department on salary levels. It was a matter for the Member and their staff, based on how much money they had available in the Office Costs Allowance. In 1997, this was £47,568, which had to fund all office and staffing expenses.

73. The Acting Director said that it was difficult to give figures on the salaries of staff employed in similar duties. There were 77 staff remaining on the payroll who were newly employed in May 1997. The Department had looked at the contracts of 10% of these staff

56 WE 37

57 WE 38

and found an annual salary range between £5,400 and £19,224 for a range of jobs including research assistants, personal assistants and secretaries. There were no administrative assistants.

74. As was the practice at the time, senior managers in the Fees Office interviewed new Members of Parliament following the 1997 general election. There was no documentation about this induction and no records were kept about what was discussed. Staff in the Department of Resources who worked in the secretarial salaries section at that time had confirmed that employing someone in a dual role would not have breached any rules in place, although they would not have known about a dual role unless they had been told about it. The relevant Green Book said nothing about such matters.

75. The Acting Director said that the National Audit Office would not have checked the individual content of a contract in 1997 (contrary to what Mrs Spelman reported was Mr Marskell's understanding in his conversation with her in June 2008). They would have expected Members to have provided a contract of employment which incorporated a job description. The job description, if attached, would have been looked at to ensure that the duties described were acceptable. Mr Marskell's definition of "*not party political or personal/private*" would have been broadly the line taken by staff at that time.

76. Referring to the comments made by Mrs Hammond in her letter of 14 July⁵⁸, the Acting Director said that there were at least two male members of staff in the then secretarial salaries section during 1999. But it had never been the practice of the Department to disclose information about the salaries of staff to other members of staff without the explicit permission of a Member to do so. There was no password system in place in 1999 to allow Members to nominate a member of their staff to use the password for the purposes of gaining personal information, but the Acting Director would be surprised if such information was divulged to anyone other than the Member in question, although he could not rule out the possibility that this could have happened.

77. Having reviewed the evidence provided by Mrs Spelman and the Acting Director of Operations, I decided I needed the help of Mr Alan Marskell, who was Head of the Fees Office in 1997, in recalling further his discussions with Mrs Spelman about her arrangements. Accordingly, I wrote to him on 29 July.⁵⁹

78. Mr Marskell gave his evidence orally to a member of my staff on 20 August and an agreed note of his evidence was produced.⁶⁰ Mr Marskell said that, as part of the induction process, senior people from the Fees Office would go through the Green Book with each new Member. He had seen Mrs Spelman, as part of her induction, on 14 May 1997. He recalled that Mrs Spelman had referred at this meeting to some administrative help which

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was combined with home assistance. He made the analogy with a Member's wife who would stay in the constituency and deal with such things as the diary and phone calls. If such a Member had money left in his allowances at the end of the year and wanted to pay his wife a small sum for this work, then £3,000–£5,000 was the figure that the Fees Office might allow. If, on the other hand, a salary was to be paid, it would be dependent on hours and what the person actually did. An employment contract had to be drawn up, accompanied by a job description.

79. Mr Marskell confirmed from his diary that he had also met Mrs Spelman on 21 July and 30 July 1998. It could not have been in 1999 as he had left the House by then. He had no record or recollection of what had been discussed at these meetings. Neither could he recollect the salary paid to Mrs Haynes. He did not know about the release of information to a secretary (Mrs Hammond) in 1999 as he had left the House by then. He could not remember any detail of Mrs Haynes' working hours, but he thought that 18 hours might at that time have had some significance in employment law.

80. Mr Marskell said that he had met the Rt Hon James Arbuthnot (the Member for North East Hampshire who was then Opposition Chief Whip) on 16 October 1997. This was a general meeting and he had no record that Mrs Spelman's arrangements were discussed. Having checked his diaries, he could find no record of other meetings with Mrs Spelman in 1997 and 1998, or with Mr Arbuthnot before he (Mr Marskell) left the service of the House on 31 October 1998.

81. In the light of all the evidence I had received, I decided that I needed to take evidence from the Member of Parliament to whom Mrs Hammond had spoken in 1999, Mr Peter Ainsworth, the Member for East Surrey. Accordingly I wrote to him on 23 July.⁶¹ He responded on 12 August.⁶² He said that he recalled he had had a conversation with Mrs Hammond in the spring of 1999 in the course of which she had expressed some concern about Parliamentary monies being paid by Mrs Spelman to her nanny. He advised her that he would inform the then Opposition Chief Whip of her concerns, which he did.

82. I wrote to Mr Ainsworth on 13 August to ask whether he could recollect a little more fully the concerns which he recalled Mrs Hammond expressed to him.⁶³ Mr Ainsworth responded on 22 August.⁶⁴ While he appreciated that I would welcome a fuller recollection of the concerns which were expressed by Mrs Hammond at the time, he hoped that I would understand that it was simply not possible to conjure up such a thing. While it was not possible for him to attempt to reconstruct what happened at the time, he could speculate that he did not seek details of the concerns expressed by Mrs Hammond because it was not his business to obtain them or to investigate them. He did recall mentioning the

61 WE 41

62 WE 42

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64 WE 44

fact that the issue had been raised with him to the Opposition Chief Whip. As far as he knew, that was the end of the matter. He did not recall any further discussions about the issue with either the Opposition Chief Whip or with Mrs Hammond. He concluded that he had come to know Mrs Spelman as a person of the utmost integrity and he was inclined to accept reports that, if any misunderstanding had occurred at the time, it was corrected at the earliest opportunity.

83. I wrote on 13 August to the Opposition Chief Whip at the time, the Rt Hon James Arbuthnot, the Member for North East Hampshire, to ask for his recollections of the discussion with Mr Ainsworth, his discussion with Mrs Spelman and whether he had discussions with others about this matter at or about the same time.⁶⁵

84. Mr Arbuthnot responded on 15 August.⁶⁶ He said that when the story first hit the headlines earlier in 2008, he “*did very vaguely remember that I had had a conversation with Caroline Spelman about something like this*”. He did not remember any details. He did not, for example, remember that it had been Mr Ainsworth who had passed on comments from Mrs Hammond, nor that he had advised Mrs Spelman to change her arrangements. He had no reason to question Mrs Spelman’s account of what happened. He would be inclined from what he knew of her personally to accept it as being true unless he had very strong reason to doubt it, which he did not. It seemed likely to him that this matter was not one that he had regarded as serious. He was not left with any impression that Mrs Spelman was the sort of person who would be in any way at all dishonest or likely to try to cheat the allowance system or the public purse, in fact quite the reverse. “*Of all colleagues, Caroline Spelman errs on the side of rectitude.*”

85. Mrs Spelman wrote to me on 4 September to let me have a full list of the surgeries she held on Thursdays, Fridays and Saturdays in July 2008 and on 6 September 2008.⁶⁷ She said this showed that roughly half of her surgery cases were really Council issues. Mrs Spelman said that she hoped this would demonstrate the extent to which her surgery paperwork related to Council matters, and therefore the degree to which she would rely on Mrs Haynes to shuttle the documentation between her home and councillor colleagues after she had worked on it over the weekend. Mrs Yates did not have the time to drive to her home and collect the paperwork before delivering it to councillors and she relied on Mrs Haynes to give her administrative support of that nature.

86. Mrs Spelman wrote to me again on 17 September to set out the position on funding available to MPs in 1997 for running their offices as best she could recollect it.⁶⁸ She said that in 1997, there was a fixed sum of £47,568 to set up and run her office. She could not recall the exact salary that her Parliamentary secretary was paid, but it seemed to her that

65 WE 45

66 WE 46

67 WE 47 (schedules not included in the written evidence)

68 WE 48

appointing a secretary of her seniority and experience she would have had to pay something in the region of £30,000 a year. She believed she would have been likely to have wanted to hold back at least £5,000 for costs such as stationery and incidental office expenses. The outcome was that she would have been left with about £12,000 for any further staff or office arrangements she needed. Setting up a constituency office would have cost in the region of £10,000 a year. That would have left her in the position of not then being able to afford anyone to staff the office. She therefore needed to base her constituency office in her home. Given that she had to base her office in her home, where her children were living, asking Mrs Haynes to undertake some administrative help for her when the children were at school “*simply seemed like the best, workable solution within the circumstances*”.

87. Mrs Spelman concluded that she hoped this provided some further explanation as to why the budget she was accorded in 1997 limited the options that were available to her in terms of setting up offices and appointing staff.

88. I sent to the Director of Operations in the Department of Resources on 11 September and 23 September respectively Mr Marskell’s evidence to me and Mrs Spelman’s letter of 17 September about the Office Costs Allowance for any comments he was able to make.

89. The Director of Operations responded on 10 October.⁶⁹ He noted that some of what had been described as office practice some ten years ago was very far from what they did now. It was therefore difficult to comment on it. For example, he was puzzled by Mr Marskell’s reference to “*home assistance*” and how this was equated with parliamentary duties for which pay could be received. Another example of different practices was that in 1997 it was apparently not uncommon for Members to pay individuals a lump sum amount at the end of each year for *ad hoc* work done during the year. The Director noted that, following Mr Marskell’s reference, I had asked whether there was any relevance to Mrs Haynes being employed for 18 hours a week. The Department’s Personnel Advice Service knew of no employment reason why this would have been significant. Qualifying employees, however, could at that time have claimed Family Credit if they worked for 16 hours or more a week, which may have been relevant.

90. The Director of Operations confirmed that the Office Costs Allowance in 1997 was £47,568, as stated by Mrs Spelman in her letter of 17 September. The allowance for 1998 was £49,232 and in 1999 £50,264. In the majority of cases, Members would have used a large percentage of their allowance on staffing costs. However this would also have depended on whether a Member ran a free-standing constituency office (i.e. one not located in party related premises or at home). Since Mrs Spelman did not have a constituency office at that time and therefore worked from home, her costs would have been relatively low, leaving her more resources for staff salaries. He noted that Mrs Spelman suggested that she would have paid in the region of £30,000 a year for her senior

secretary in 1997, to which would have been added the employer National Insurance costs of around £3,000. While no House guidance existed at the time and salary levels were at the Member's discretion, this seemed to the Director somewhat high in 1997, even for a very experienced secretary, given that a Member's salary at that time was £43,680. The guidance issued in 2001 provided that the annual rate of salary for a senior secretary in London was between £17,500 and £23,500, and for an executive secretary between £22,400 and £31,000.

91. Having reviewed the evidence I had so far received from those who had worked for Mrs Spelman at the time, I decided that it would be helpful to receive evidence from another of her employees. I was able to make contact with Ms Sarah Murton, who I understood was an intern in Mrs Spelman's office from September 1997 to July 1998. I wrote to her on 11 September.⁷⁰ I asked whether she could let me know what she saw and knew of the secretarial work which Mrs Haynes undertook for Mrs Spelman.

92. Ms Murton replied on 1 October.⁷¹ She confirmed that she had worked as an intern in Mrs Spelman's office in an unpaid capacity through CARE as part of a graduate training year. She believed she was there between October 1997 and July 1998. While Ms Murton was unsalaried by Mrs Spelman (she received a small stipend from CARE), Mrs Spelman generously provided accommodation for her in a basement flat of her house in London. Because of her focus on national politics, Ms Murton had very little contact with the constituency. She recalled visiting the constituency about three times. She was certain that there was a constituency office separate from Mrs Spelman's house which she recalled visiting. She could not remember who worked there. She did not recall the details of who she dealt with on the few occasions she had to make a telephone call, although she remembered speaking to someone who was definitely not Mrs Haynes.

93. As far as she could recall, Mrs Haynes was employed by Mr and Mrs Spelman as their children's nanny, working at their home. She did not recall having any face-to-face contact with Mrs Haynes, other than meeting her on at least one visit to the constituency and spending time with her on a Lords and Commons ski trip in January 1998 (when Ms Murton had participated as a temporary nanny). She remembered making a few telephone calls to Mrs Haynes from the London office at Mrs Spelman's request, but could not recall their date or nature. She apologised for the vagueness of her response, but it was some time ago and constituency matters were not part of her daily work.

94. I decided that I needed Mrs Tina Haynes' help with this inquiry. Accordingly I wrote to her on 30 September.⁷² I asked her to let me know how she came to be employed by Mrs Spelman as her secretarial assistant and her children's nanny and if she could confirm the dates of her employment, the hours she worked and her remuneration for the two roles. I said that I understood that she was not paid for her childcare duties from 1997 to 1999, but

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received board and lodging, the use of a car and all expenses. I asked if she could give me details of the time she spent in Mrs Spelman's house in Kent and for details of the work she undertook for Mrs Spelman from 1997 to 1999, and the circumstances in which she came to stop working for Mrs Spelman as her assistant.

95. Mrs Haynes responded on 20 October.⁷³ She said she had done her best to recall what she could to answer my questions as fully as possible, but I would appreciate that she could not remember every detail.

96. To the best of her recollection, Mrs Haynes said that she was employed by Mrs Spelman as a nanny through a friend of Mr and Mrs Spelman's family. When she was at the interview, Mrs Spelman asked if she would do secretarial duties while the children were at school/nursery, to which she agreed. She confirmed that to the best of her recollection the dates of her employment as Mrs Spelman's assistant were from 1 June 1997 until no later than 1 June 1999. She ceased to be employed by Mrs Spelman as a nanny in August 2002. The hours she worked providing secretarial assistance were around 18 hours a week. She could not remember what she was paid.

97. The time she spent in Kent was from around the beginning of June 1997 to early July 1997 when the children finished school. "*We then moved up to Knowle.*" Whilst in Kent she did a combination of childcare and secretarial duties, the latter when she had free time during school/nursery hours. The early months when Mrs Spelman had become a Member of Parliament were very busy. Her recollection was that she stayed at the Kent home in the week and spent the weekends elsewhere: "*As far as the duration of secretarial duties in this phase it was up to 18 hours a week.*"

98. The work she undertook for Mrs Spelman doing secretarial duties in the constituency was posting letters, answering telephone calls, telephoning Mrs Spelman, sending and receiving faxes, filing information and transporting people associated with parliamentary business when required. She undertook the majority of secretarial duties during school/nursery hours, although faxes and telephone calls were still received into the early evenings. She believed she fulfilled and performed these duties well.

99. She could not remember the details of her remuneration, but she could remember having board and accommodation and the use of a car. She could not confirm the payment she received in 1999/2000 for her nanny duties.

100. Mrs Haynes said that she recollected that, around June 1999, Mrs Spelman explained that as she had now employed a full time secretary in the constituency, Mrs Haynes would no longer be paid for secretarial duties from Parliament and would be paid from Mrs Spelman's personal account for the nanny duties only. After June 1999, Mrs Haynes would refer any telephone calls, faxes or post coming to the house relating to constituency matters

to the constituency office. Occasionally, she would transport people associated with parliamentary business to and from places at Mrs Spelman's request.

101. Having considered Mrs Haynes' evidence, I decided that it would help my inquiry if I met her to discuss her recollections more fully.

102. Accordingly I wrote to Mrs Haynes on 21 October to arrange a meeting with her and to let her know the main areas I needed to discuss. I met Mrs Haynes on 12 November.⁷⁴ Mrs Haynes was accompanied by a friend. A member of my staff took the note, which was subsequently agreed with Mrs Haynes.

103. Mrs Haynes said that, from what she could remember, she went to Mrs Spelman's midlands residence for an interview for the duties of a nanny. While she was at the interview, Mrs Spelman said that she had recently been elected as the Member of Parliament, but she had no secretary or office. She asked whether Mrs Haynes, for the initial few months, would be prepared, "*aside of nanny duties*", to answer telephone calls, open the post, and deal with faxes and post coming in. Mrs Haynes recalled a first interview and she believed she had then been called back. The interview was the first time she had heard of the dual role. I asked her whether the job offer was dependent on her agreeing to do both jobs, and she said that she thought "*it probably was*".

104. Mrs Haynes said that she had an NNEB qualification awarded in 1991. In 1997 she had had six years experience and had done about three jobs. She also had an RSA Computer Literacy qualification from 1990 and a Pitman Typing Certificate from 1988. Office or administrative work was often part and parcel of her nanny jobs—she opened the post, faxed documents and took telephone calls. But she had never done any clerical work in an office. Mrs Haynes could not remember what she had been paid as a secretarial assistant. For her nannying duties, she had her own room, her own bathroom, the use of a car and an expenses card for food and the children. Generally as a nanny she got paid, but "*these circumstances were totally different from my previous jobs*". Her hours of nannying were three to four hours a day so "*the pay would have been minimal.*" And she pointed out that "*all expenses were covered*". She was living in, so "*the need for a higher wage wasn't there*".

105. Turning to her time in Kent, Mrs Haynes remembered that there was an *au pair* in Kent, but she herself did "*the odd bit of childcare*". Overall her work as a secretarial assistant was about 18 hours a week, although the time she spent on it varied each day and depended on the telephone calls, faxes and post received. She did not know how people knew to send things to Kent, but it did happen. She could not remember the exact amount of post. She recalled travelling with Mrs Spelman to her constituency, but could not remember the reasons for doing so. She could not remember whether the children had moved at the same time as she did to Knowle in July 1997, but they had arrived "*a little*"

while before school started in September". They finished school for the summer and then came. Mrs Haynes confirmed that after that, she was the sole nanny or carer in charge.

106. On a typical day, Mrs Haynes said that she would take the children to school, she thought for about 9am. Occasionally Mrs Spelman or her husband would do this. While the children were at school, she would do the duties asked of her—dealing with faxes, post and telephone calls. School finished at about 3.15pm or 3.30pm. She would then have sole charge of the children because Mrs Spelman was usually in London from Monday to Thursday. She was available for secretarial work, therefore, between 9.30am and 3.00pm. The work was spread over five days. She was available for 18 hours.

107. Turning to the volume of work, Mrs Haynes said that: *"As for the post, I wouldn't say it was daily. The telephone calls might be several one day and the next day one or two."* From what she could remember, five or ten letters could come in in a day; telephone calls were more regular, although they were not more than eight or nine calls a day; there could be five or six faxes a day. Generally, the people telephoning her were constituents of Mrs Spelman's, but sometimes it would be other Members of Parliament. She filed papers according to what was coming in, including copies of faxes which she sent out.

108. Mrs Haynes could not remember exactly how many visitors she escorted—*"it was a regular part of the job, but I couldn't say how frequent"*. Visitors to the door might be people from the constituency Association. She would also take material directly to councillors at their home addresses. And she would take material to the local Member of the European Parliament. She would report actions taken by councillors to Mrs Spelman.

109. Mrs Haynes remembered also taking material to Mrs Paula Yates in the Association office. To go there and back, including the time taken while there, took about one to one and a half hours. She thought she probably went about twice a week, but she could not *"honestly remember"*.

110. Overall, Mrs Haynes said that there was a steady flow of work, with some days a lot more and some a lot less. She would balance the work out, so she would be doing something on a daily basis.

111. Mrs Haynes said that she organised her day so that she had around three hours in the morning when she would do the secretarial work. She would do duties in the early evenings since she was living in. She could do some tasks while the children were present. During the holidays, she could do the constituency work while the children were at clubs, and Mrs Spelman was around more.

112. The children would go to bed at about 7.30pm. Mrs Haynes could get a break when the children were at school or in bed in the evening. She was technically on duty, but she had time in the evenings to relax. There was no constituency work on Saturday or Sunday, although she might do babysitting then and get paid or receive time off in lieu.

113. Turning to the office equipment Mrs Spelman had, Mrs Haynes said there was one telephone line for both fax and telephone. There was an office upstairs which Mrs Spelman used with a telephone and filing cabinet. The fax was downstairs. She did not remember using a computer. She had access to office supplies, but she could not remember whether it was her responsibility to look after the store cupboard.

114. Referring to the ending of her employment as a secretarial assistant in 1999, Mrs Haynes said that Mrs Spelman saw her and explained that she had now found a suitable candidate to fulfil the secretarial duties. Mrs Haynes thought it was Mrs Paula Yates, who did a lot more than she did, including typing. She remembered Mrs Spelman saying that the Whips' Office were saying that there was a better way of doing things. But she believed the main reason was that Mrs Spelman had found a suitable candidate to fulfil the whole constituency role. Mrs Haynes recalled a discussion with Mrs Spelman after her first six months as a secretarial assistant when she had sat down with Mrs Spelman and Mrs Spelman had said that the six months had come up and the duties would need to carry on for a while as she had not been able to find a suitable person. She could not recall whether this discussion happened again.

115. Mrs Haynes said that in April 1999 she came to an agreement with Mrs Spelman that she would be paid for her nanny duties. She took on more of a role during the day: not doing the cleaning, but making sure the cleaner was paid, and she had more duties associated with the children. They spent less time at clubs in the holidays. During the week, she would pick up dry cleaning, and undertake tasks outside normal duties: "*extra bits and pieces*". She spaced the jobs out. During the holidays, she spent more time with the children and took them to London to see Mrs Spelman.

116. Mrs Haynes said that she could not remember how Mrs Spelman had explained to her the offer of a salary for being a nanny. "*She might have said that the circumstances had changed and this was how it would be*". Mrs Haynes said that Mrs Spelman was a very good employer—"*Mrs Spelman did not expect anyone to work for nothing*".

117. After Mrs Paula Yates had taken over the work, there was still a cross-over period since Mrs Haynes still received letters sent to Mrs Spelman's home address. She would take post to the constituency office. She would also take faxes or fax them on. She would still drive visitors around in term time but not in the holidays when she had the children.

118. Mrs Haynes said that she could not say that her pay had dropped when Mrs Spelman started to pay her as a nanny in 1999. It might have stayed the same or gone up: she could not remember.

119. Having reviewed all the evidence, I decided that I should have a discussion with Mrs Spelman. Accordingly, I wrote to her on 25 November. I copied to her all the evidence I

had received during the course of my inquiry and outlined the main areas I wished to cover at interview.⁷⁵

120. Mrs Spelman wrote to me on 3 December in advance of our meeting to respond to a number of points in the evidence of the other witnesses which I had sent her.⁷⁶ Her comments on the evidence received from particular witnesses may be summarized as follows:

- Mrs Georgina Perry – Mrs Spelman said that Mrs Perry was not correct to say in her letter of 21 July⁷⁷ that during the period May 1997 to March 1999 Mrs Paula Yates was one of Mrs Spelman’s employees. Mrs Spelman said that Mrs Yates was not on the parliamentary payroll during this time. Nor was it correct, as asserted by Mrs Perry, that all the constituency post came direct to the House of Commons. That was not true, as others had confirmed. Indeed, up to the present time, post addressed to Mrs Spelman was sent to her home address (which, at that time, was also her constituency office) as well as to the local Association office and the parliamentary office;
- Mrs Sally Hammond – Mrs Spelman said she would like to make clear that her permission to disclose information about the salaries of her staff was neither sought nor given either to Mrs Hammond or to the Fees Office at that time (nor since). While she could not recall the specific salary levels of her staff from such a long time ago, she did not agree with the figures stated by Mrs Hammond [Mrs Hammond recalled that Mrs Haynes’ salary was in the region of £12,000 - £13,000 a year].⁷⁸ Mrs Hammond’s assertion that all Mrs Spelman’s mail came to the House of Commons was not correct.
- Ms Sarah Murton—Mrs Spelman noted that Ms Murton had said that there was “*certainly a constituency office separate from Caroline’s house.*”⁷⁹ Mrs Spelman said that this was not accurate. There was a local Association office, but it was not located in her constituency and, as the Chairman of the Conservative Association had stated in his submission of 14 July,⁸⁰ the Association secretary was not in a position to give Mrs Spelman any secretarial support at that time. Mrs Spelman used her home as a constituency office.
- Mrs Tina Haynes – Mrs Spelman noted that Mrs Haynes had told me in our discussion on 12 November⁸¹ she did not know how constituents knew how to send things to Kent, but it did happen. Mrs Spelman said she would like to explain this. During those first few weeks, Mrs Haynes and she were extremely busy going

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through the backlog of correspondence left from her predecessor. This correspondence had been collected into large black bin bags by the local Association office. She collected these bags and either she or her husband transported them back to their Kent house by car. Mrs Haynes and Mrs Spelman then tackled their contents during the working week. They went through each letter to work out how urgent it was and how it ought to be dealt with. During that time, Mrs Haynes also helped Mrs Spelman set up her office in the constituency and transfer files and paperwork between Kent and the constituency. The *au pair* who was living with them had full responsibility for the children during that time, so Mrs Haynes was free to concentrate her time in Kent on the administration duties.

121. I met Mrs Spelman on 10 December. She was accompanied by her chief of staff. The Registrar attended and took a note which was subsequently agreed with Mrs Spelman.⁸²

122. I asked Mrs Spelman first about any plans she had made before her election. Mrs Spelman said that her main focus in the short time at her disposal had been campaigning. But she had given an undertaking to send her children to school in the constituency. She was aware that if elected, the result would be a major change in the family's lifestyle. She had certainly thought about how she would manage if she did win the seat, and other people in the constituency had made suggestions. She had not known her predecessor, Mr Iain Mills. She did not know what his secretarial arrangements had been. She did not think he had a constituency office. There was no ready made set-up that she could have inherited.

123. Turning to the options for her constituency arrangements, Mrs Spelman said that she had made enquiries about renting office space locally, but it was quite expensive. The salary of a Westminster secretary absorbed about half the allowance, which was much less than now, and the remainder had to cover everything else including office equipment. Her thinking at the time was influenced by cost, but also by her need as a non-local person to establish her local credentials immediately. She believed that having Mrs Haynes working from her family home would achieve that.

124. Mrs Spelman said that she had hoped that the Association secretary (Mrs Paula Yates) might have been able to help, as was the usual model and which other Members had said was a common solution. She had expected that this would be possible in her case, but for perfectly good reasons it had not been. She could not remember if Mrs Yates had said to her that when her child was at school she might be able to help.

125. Referring to the possibility of employing someone else to work in her home, Mrs Spelman said that the job needed to be undertaken by someone she could trust with sensitive matters. Such people were not easily available at short notice. The dual role for

Mrs Haynes had seemed a workable alternative, given that the nanny work gave her time to do the work and a relationship of trust existed. That relationship was initially based on Mrs Hayne's references. In any event, Mrs Spelman felt that it would be better to restrict the number of people with access to her home and children.

126. Mrs Spelman said that she could not remember whether she had consciously thought about all these matters: "*The run into a new job had been difficult.*" She had needed an "*anchorman*". The constituency Association had made clear that they could not help. It had seemed practical to ask Mrs Haynes to do the work. She had discussed the matter with the Fees Office and they had said that there was no problem. She had not discussed it with the Conservative Party Whips' Office, but had been quite open about her arrangements.

127. Mrs Spelman noted that in the case of other Members, their families sometimes played a dual role. In her case, it had not been possible for her husband to do this. She believed that other female Members had the same sort of arrangement as she had in respect of their childcare. She had needed to have someone on the ground so that letters did not lie on the mat from Monday to Thursday.

128. Mrs Spelman said that she had spoken of the dual role with Mrs Haynes from the beginning. While she had not considered it in this way, she accepted that the job offer was dependent on Mrs Haynes doing both roles. It had seemed a practical solution to which the Fees Office, when consulted, had not objected. She was absolutely satisfied that Mrs Haynes had kept the roles separate. She noted that her London staff had had difficulty seeing what Mrs Haynes did. People in the constituency had not. This was because the London staff did not often visit the constituency.

129. Mrs Spelman said that she had hoped at the time that Mrs Yates would be able to take up more work. She thought that Mrs Yates might have said that she would be more available when her daughter started nursery. She did not recollect having a conversation with Mrs Haynes about six months into the arrangement, as Mrs Haynes had recalled, but it would have been good practice to have done so. She had not been looking for anyone else to undertake the role of her assistant. She had been waiting for Mrs Yates, who would have been aware of her interest.

130. Mrs Spelman said that she could not recall whether she had signed one employment contract or two at the beginning of Mrs Haynes' employment. While she did not challenge Mrs Hammond's account of her approach to the Fees Office in 1999, she would have been very concerned had she known that the Fees Office had given out information about her staff salaries to Mrs Hammond, as Mrs Hammond had reported in her evidence.

131. Turning to Mrs Haynes' work while the family was in Kent in June/July 1997, Mrs Spelman said that she had gone to the constituency every weekend. Her husband took bags of constituency correspondence from the constituency to their Kent home when he drove back on Sunday evening. Mrs Spelman felt it important that the letters sent to her predecessor which had not been replied to should be properly dealt with. In Kent, Mrs Haynes would open up the letters and arrange them sequentially looking for a series from

the same writer. This was work that her Westminster secretary had been unwilling to take on. The volume of the correspondence meant they continued to work on the backlog of correspondence after they had left Kent for the constituency home. Mrs Haynes was also with Mrs Spelman in the constituency on Thursday, Friday and some Monday mornings. They had worked together to set up the office there.

132. Some of the new correspondence went to the home in the midlands which was rented in March 1997. Mrs Spelman believed that the address was in the directories although she could find no evidence of that now. The volume of the backlog meant that she believed that Mrs Haynes had “*easily*” spent 18 hours a week on parliamentary work when she was based in Kent.

133. Mrs Spelman said that the *au pair* had lived in and had continued to work for Mrs Spelman until the family had gone on holiday in August 1997. In general, Mrs Spelman had not needed Mrs Haynes for childcare purposes in Kent. She said that the family had moved to Knowle almost immediately after the school term had ended in the first week of July 1997. After the *au pair* had left, Mrs Haynes had sole care of the children in the same way as an *au pair* or mother’s help: she had lived in and taken responsibility overnight.

134. Turning to Mrs Haynes’ work once they were established in the constituency, Mrs Spelman confirmed that the rented home and subsequently her own home had one phone for everything, including faxes, an office with filing cabinets and a fax machine downstairs. She recalled that she and Mrs Haynes had gone together to buy second hand office equipment, such as filing cabinets. Constituents knew her home address and phone number. The local Association had been eager that it should be known that she was living locally and she had not discouraged them from publishing her details in as many documents as possible.

135. Mrs Spelman said that she and Mrs Haynes would agree on Monday mornings what work Mrs Haynes would do during the week. This would include taking to local councillors cases which had come up at surgery and which would need to be dealt with by them. This meant a lot of driving for Mrs Haynes. Mrs Haynes would also go to the Association office to collect the surgery schedule. She would open post, deciding whether something was sufficiently urgent to be sent to London. She would also pass on messages.

136. Mrs Spelman said that there was no reason to believe that Mrs Haynes had not worked 18 hours a week on Parliamentary business. She had the evidence in the product and others had remembered it. Of its nature, there would be no evidence in London of such work. She noted that Mrs Yates had found it hard to fit in all the work when she had taken over from Mrs Haynes. While Mrs Yates was working 14 hours a week in this role and not the 18 hours that Mrs Haynes had worked, she noted that Mrs Haynes had continued dealing with letters and phone calls which had continued to go to Mrs Spelman’s home. Mrs Spelman had been happy to pay for this service out of her own pocket, once the dual arrangement had ended.

137. Mrs Spelman said that Mrs Haynes had given no indication that she was overloaded in the dual role. Her main workload as a nanny had been after school, except for about half an hour in the morning. The children had been young and would have been in bed early. She noted that once the children were at school, many mothers scaled down their nanny requirements, but she had thought it appropriate to have someone in the house overnight. She confirmed that she herself had helped with the childcare during recesses and that the children attended clubs in the holidays, which might last all day. No problem had arisen with child sickness since, except for one day, none of her children had been ill throughout the period in question.

138. Turning to Mrs Haynes' pay, I noted the evidence from Mrs Hammond who believed that in 1999 Mrs Haynes' pay had been £12,000 or £13,000; the PAYE working sheet she had shown me which showed that Mrs Haynes had been paid around £13,000 for her nannying duties in 1999; Mrs Spelman's letter of 17 September which suggested that she had had about £12,000 left for constituency staff and office costs from her OCA in 1997; and the invoices she had shown me which suggested that Mrs Yates was paid about £8.60 an hour for 14 hours a week, the equivalent of £6,300 a year.

139. Mrs Spelman accepted that the payment to Mrs Haynes as her assistant must have been between £6,300 and £13,000 a year, but she could not recall the sum. She had decided to pay Mrs Haynes £13,000 a year after the ending of the dual arrangement because she was a trusted employee. This must have been more than Mrs Haynes was receiving in 1997 since it would have been only fair to have given her an uprating to reflect any uprating given to Members. She knew she could not stop some Parliamentary tasks continuing. She thought it appropriate that Mrs Haynes should not be "*out of pocket as a result.*" Mrs Haynes had continued to perform some administrative tasks which had been reflected in her salary. The children were now older and more demanding, needing more help with homework in the evenings.

140. Mrs Spelman said that while no contract existed, she would have paid Mrs Yates what Mrs Yates would have regarded as a fair salary. Mrs Yates was not on a parliamentary employment contract. The Association billed Mrs Spelman for Mrs Yates' services. Local salaries were lower than parliamentary ones. When I noted that Mrs Haynes also worked locally, Mrs Spelman said that she had taken advice from the Fees Office on Mrs Haynes' salary.

141. I noted that up to 1999, Mrs Haynes had not been paid for her nannying work. Mrs Spelman said that she had been on the same basis as an *au pair*, living in and receiving her board. A car had been bought for her use in her dual role. After 1999, the arrangement had been changed to pay her £13,000 a year as well as board, lodging and use of a car. She believed Mrs Haynes had seen her remuneration as a total package, and Mrs Spelman had not wanted Mrs Haynes to lose out. She had not wanted to lose her services. Mrs Haynes had been happy with the arrangement. As long as the taxpayer did not suffer, Mrs Spelman's childcare arrangements were a matter between her and Mrs Haynes. There were no parliamentary rules on the subject. Mrs Haynes had been content to do the nannying

work on the basis of board, lodging and use of a car. Money from Parliament had not been spent on providing Mrs Spelman with childcare. It was not the case that the salary Mrs Spelman was paying Mrs Haynes from parliamentary allowances enabled Mrs Haynes to work for Mrs Spelman as a nanny without additional cash payments. She paid Mrs Haynes the rate for her parliamentary work and she had made provision for Mrs Haynes to do the nannying duties which were the same as she had made for the *au pair*, except that Mrs Haynes also had use of a car.

142. Mrs Spelman said that she did not recall comparing the salary she had been paying Mrs Haynes with what she paid Mrs Yates. Mrs Haynes had had a contract drawn up by the Fees Office for her parliamentary activities, and Mrs Yates had not, so the comparison was not obvious.

143. Mrs Spelman said that she could not remember precise conversations she had had with the Fees Office, but she could not think that they would have had a view on the terms under which she was employing Mrs Haynes as a nanny. She noted that Mrs Haynes *“had been happy with the arrangements; she had been proud to be working for an MP, and the quality of her service showed that she was right to be.”* Mrs Spelman confirmed that, while there had been a household float, neither the *au pair* nor Mrs Haynes received any money for themselves. Mrs Haynes had accepted the same working conditions as an *au pair* in respect of her nannying duties, and this had seemed reasonable to both parties.

144. In subsequently considering the draft note of the meeting, Mrs Spelman said that she thought it worth reiterating that when she was employing Mrs Haynes in her administrative role, she had paid her what was regarded as a reasonable rate following her discussions with the Fees Office. After the dual role ceased, she simply went on to pay Mrs Yates the amount for which the local Association invoiced her at the time. She did not carry out any specific analysis of the two rates or roles. It was possible that the Association had billed her at a lower rate for Mrs Yates’ time than she had previously paid to Mrs Haynes. This may have been because Associations tended to have very limited resources and accordingly had relatively low wage costs. She had no reason to think there was anything unusual or irregular about this. She added: *“I should stress that I do not believe that there is anything significant in this in the event that there was any discrepancy.”*

145. In concluding our meeting on 10 December, Mrs Spelman said that none of the evidence hostile to her was from people in the constituency. Mrs Haynes was the only person doing parliamentary work for her when she was first elected and no complaints had been made about this work. Unlike most candidates, she had had no planned run up to the election and had had to dismantle and relocate all her arrangements while Parliament was sitting. The pay and conditions for Mrs Haynes for childcare were commensurate with those previously given to her *au pair* and she had in addition provided a car. The rules governing the use of parliamentary allowances in 1997 were different from those in 2008. Mrs Hammond must have been a very recent employee when she went to Mr Ainsworth raising questions about the employment of Mrs Haynes.

146. Mrs Spelman added that she thought of herself as a good employer. She was not given to sacking people and would always try and work things out. She had just wanted a better service for her constituents. In 1997, a senior secretary would have absorbed about half the funds available and no additional provision was made for office equipment. She had a large constituency with a big caseload and was expected to live in the local community. She had initially expected more help from Mrs Yates, which had eventually materialised, and when the dual arrangement was terminated, she had known that Mrs Haynes would continue to do some parliamentary work. It had never occurred to her that there was a difference between the pay levels of Mrs Haynes and Mrs Yates and that this might be regarded as significant.

147. Finally, Mrs Spelman submitted a note from the Chairman of the Central Warwickshire National Farmers Union⁸³. He had noted from his diary, the dates on which he had contacted Mrs Haynes at the constituency home. He was an example of someone who did not make trunk calls to London.

148. Having reviewed the evidence, I concluded that I had identified sufficient evidence to enable me to conclude my inquiry. I therefore prepared the draft sections of my memorandum and sent them to Mrs Spelman on 26 January. Mrs Spelman responded on 2 February.⁸⁴

149. Mrs Spelman said that she had some late evidence to submit. In looking again at all the evidence which she had submitted to me in July, Mrs Spelman had come across eight payslips for Mrs Haynes dating from 30 June 1997 to 31 January 1998. These were filed in a wallet entitled 2001/02 within a leaflet entitled “*Do you need a nanny?*” Mrs Spelman had not previously looked into this wallet, as she did not believe it to be relevant. She apologised for submitting this evidence so late in the day.

150. Mrs Spelman said that the payslips “*do not, in fact, add anything substantially ‘new’ to the inquiry*” but they confirmed Mrs Spelman’s recollection that “*Tina herself received approximately £9,000 for the work she undertook for me as my administration assistant.*” They also confirmed that “*her gross salary would have been just under £13,000.*”

151. Mrs Spelman said that it was the net amount which was the important figure as it reflected her take home pay for the work she was doing. Additionally, nanny roles were discussed as weekly net pay. While Mrs Haynes “*was taking on a dual function and this sum was to cover her administrative role*”, it seemed entirely logical that “*we would always have thought in terms of take home pay*”.

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152. Mrs Spelman noted that this late find “*only went to show how difficult it had been to try and reconstruct events and have them analysed out of context, without full documentary evidence and nearly twelve years after the event.*”

153. Mrs Spelman added two general observations. She said that the reason she had referred herself for this inquiry was because “*I was extremely keen to demonstrate that I had not breached any House rule that was in place at the time. I continue to deny that I have done so. The Rules in place at the time, so far as I was concerned, did not prohibit a dual role.*” Mrs Spelman remained of the view that, provided the rules did not prohibit the dual role, and provided that Mrs Haynes undertook sufficient work to justify her pay, then “*this notion of ‘subsidy’ is, I respectfully submit, a little misleading.*”

154. Secondly, Mrs Spelman noted that one of the issues that had come out during the inquiry was the amount paid to Mrs Paula Yates when she took over as Mrs Spelman’s constituency support. Mrs Spelman noted that this amounted to around £6,300 a year, which would have been equivalent to just over £8,000 a year for an 18 hour week, which is what Mrs Haynes had been doing. Mrs Spelman said that it was extremely important to note that this would not be a very different figure to that which Mrs Haynes had been receiving. For comparable hours, Mrs Haynes received approximately £9,000. Mrs Yates would have received approximately £8,000. The net figure for Mrs Haynes was the relevant comparator because Mrs Spelman said that she was not responsible for paying Mrs Yates’ tax or National Insurance contributions (employer and employee) as she did for Mrs Haynes. In respect of the “*small difference between Tina’s net rate and Paula’s pay*”, Mrs Spelman reiterated that it was not her responsibility to decide Mrs Yates’ rate of pay: “*this was for the local Association. I simply paid the sum invoiced to me.*”

155. I incorporated others of Mrs Spelman’s comments in the factual sections of this memorandum.

156. Having considered the new evidence which Mrs Spelman submitted in her letter of 2 February, and her interpretation of the relative pay differences between Mrs Tina Haynes and Mrs Paula Yates, I wrote to Mrs Spelman on 3 February.⁸⁵ I noted that Mrs Spelman had referred in her letter to the payslips confirming her recollection that Mrs Haynes received approximately £9,000 a year for the work she undertook for her as her administration assistant. I suggested that her evidence had been that she had had no recollection of what Mrs Haynes was paid.

157. Turning to the comparison Mrs Spelman had made between what she had paid Mrs Haynes and what she had paid Mrs Yates, I noted that the invoices for Mrs Yates’ pay in 1999 which Mrs Spelman had included with her letter of 3 July 2008,⁸⁶ showed an hourly rate which included her National Insurance Contribution of 7%. I noted also that it must

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86 These invoices are not included in the evidence.

have been the case that Mrs Yates would have had to pay tax out of her remuneration. I suggested that the appropriate comparison would be to identify what Mrs Yates would have been paid for 18 hours a week, reflecting her basic hourly rate and an employee's National Insurance Rate of 10%. On this basis, I suggested that the equivalent of Mrs Yates' salary paid to an employed person for 18 hours a week would have been about £8,200 a year. I invited Mrs Spelman to confirm this figure.

158. Mrs Spelman responded with her letter of 11 February.⁸⁷ Mrs Spelman said that her statement in her letter to me of 2 February⁸⁸ that the payslips for Mrs Tina Haynes confirmed her recollection that Mrs Haynes had received approximately £9,000 for the work she undertook, referred simply to her acceptance that her pay fell within the parameters I had suggested to her during our interview of 10 December [£6,300-£13,000]. One of her frustrations was that she could not recall the precise salary figure for Mrs Haynes, as she had made clear throughout the inquiry *“and answered entirely honestly”*. Mrs Spelman said: *“my sense was that £13,000 as take home pay seemed a little high to me, and point one of my letter of 2 February was meant to convey that my instinct was quite right and that Mrs Haynes' take home pay had indeed been quite less.”*

159. In respect of the comparison between what Mrs Spelman had paid Mrs Haynes and what she had paid Mrs Yates, Mrs Spelman accepted my calculation [that the equivalent of Mrs Yates' salary paid to an employed person for 18 hours a week would have been about £8,200 a year]. Mrs Spelman said that she had to admit that even at the time she would not have paid particular attention to the specific amounts of National Insurance Contributions which would have been paid in respect of either employee. In respect of Mrs Yates, she noted that she *“simply paid the amount invoiced to me by the Association.”* She noted also that when it came to paying Mrs Haynes, *“I paid what I believed was a fair salary for the work she undertook”*. Mrs Spelman said that as she had previously explained, and the Fees Office had confirmed, she discussed the dual role and salary with them. The Fees Office *“certainly expressed no concern to me at the time about the arrangement or the level of salary.”*

160. Mrs Spelman also took the opportunity to clarify changes in her residence in her constituency in 1997 and 1998. She said that in autumn 1997 *“we moved from a property we rented on a shorthold tenancy [...] to an identical property three doors down[...] which had become available to buy.”* It was not a larger property in any way. The family subsequently bought a larger house, but they were not able to move to that property until October 1998.

161. Now that Mrs Haynes' salary had been established as £13,000 a year in 1997-98, I considered I needed also Mrs Spelman's help in comparing it to the salary which she had paid one of her House of Commons secretaries in 1999. I wrote to Mrs Spelman about this

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on 4 February.⁸⁹ I noted that the Acting Director of Operations had reported that the secretary in question, Mrs Hammond, had been employed from April to September 1999 at a rate of £15,000 a year.⁹⁰ Mrs Hammond's evidence stated that she believed that she had been paid for three days a week, spread over four days.⁹¹ I noted that, on that basis, Mrs Hammond's full time equivalent rate in 1999 would have been £25,000. I noted that Mrs Tina Haynes worked for Mrs Spelman from 1997 to 1999 for a salary of £13,000 for an eighteen hour week. The full time equivalent salary, assuming a 37½ hour working week, would have been £27,083. I noted that, on the basis of this evidence, it would appear that Mrs Spelman was paying Mrs Haynes as her administration assistant working in her constituency at a rate above that which she paid her House of Commons secretary working in London. Taking into account the nature of the two jobs, their locations and the experience of both employees, I asked if she could help me on how she came to establish the two salary levels, how she would explain the apparent differential, and whether she considered that justified in the light of the work which Mrs Haynes undertook as her administration assistant.

162. Mrs Spelman responded to these points in her letter to me of 11 February.⁹² Mrs Spelman said: "*I must state my firmest objection to what I regard as a wholly unfair and artificial comparison now being drawn between the salaries of Tina Haynes and that of Sally Hammond.*" She said that she did not accept any suggestion that the rate paid to Mrs Haynes may have been inappropriate by virtue of the comparative amounts which she paid to her other staff Members (Mrs Hammond and Mrs Paula Yates): "*I continue to deny that the amount paid to Tina Haynes was anything other than fair and reasonable within the House Rules at the time for the work she undertook.*"

163. Mrs Spelman said that notwithstanding this, she would consider as best she could, at this stage, the circumstances surrounding the employment of Mrs Haynes and Mrs Hammond. Mrs Spelman said that, before agreeing any salary for Mrs Tina Haynes as her administration assistant, she had sought and obtained the advice and guidance of the Fees Office. The Fees Office had full knowledge of the contracts in place for her staff and they did not at any time object to the rates which she was paying these individuals. As she understood it, the independent scrutiny of staff salaries, which the rules required at the time, was applied by the Fees Office. Mrs Spelman said that had the Fees Office regarded the amount to be paid to Mrs Tina Haynes as being inappropriate, she would have expected the Fees Office to have said so, and they did not.

164. Mrs Spelman said that she could not now recall how the level of salary for Mrs Haynes was decided, other than that it would have been done in accordance with guidance received from the Fees Office. It is most likely that they would have advised her of an appropriate

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salary range, but she could not be sure of this. Any discussion she would have had with the Fees Office in respect of Mrs Haynes' salary would have been in terms of take home pay. This would also have been the rate referred to in her discussions with Mrs Haynes.

165. As regard Mrs Hammond, she could not now recall the particular conversations which took place about the start of her employment. It was worth noting that Mrs Hammond did not start work for her until almost two years after Mrs Spelman had started to employ Mrs Haynes. The Fees Office would have been informed of Mrs Hammond's proposed salary. There were no objections made to Mrs Spelman that this salary was regarded as inappropriate. The salary offered to Mrs Hammond must have been acceptable to her as she took the position.

166. Mrs Spelman said that, aside from the difference in the periods in which these individuals worked for her, Mrs Hammond and Mrs Haynes were fulfilling quite different functions in quite different locations, (one in Westminster, one in the constituency). The factors that would have been at play in determining the appropriate salaries for each role would not necessarily have been comparable. Without knowing the precise circumstances, she submitted that to compare the two could not be done meaningfully at this late stage.

167. Mrs Spelman concluded by noting her increasing concern that the inquiry now seemed to have shifted somewhat away from looking at whether a dual role was permissible, and whether the remuneration for the parliamentary payroll position was within the House rules, to a technical question of "*subsidy*" focussing on a comparative analysis of her other staff salaries. Mrs Spelman stated that Mrs Yates was not her employee but remained the employee of the local Association operating under terms and conditions which were agreed between Mrs Yates and the Association at the time she was engaged by them, thus making such a comparison "*virtually impossible.*" Mrs Spelman said that she would like to confirm that "*at no time did I ever carry out such a forensic analysis and accordingly, any conclusions that are drawn from the numbers can only be based on inference with twelve years hindsight.*" Mrs Spelman added: "*Most importantly, I should also like to confirm with certainty that there was no motivation or intention on my part to obtain any personal material gain from my employment of Mrs Haynes in a dual capacity.*" As Mrs Spelman had hoped she had made clear throughout "*this lengthy inquiry*", the employment of Mrs Tina Haynes in the dual role was what she believed to be a practical solution, within the House rules, to the circumstances in which she found herself at the time.

Findings of Fact

168. Mrs Caroline Spelman was first elected to represent the Meriden Constituency in Parliament at the general election in May 1997. She had been selected to contest the seat by the Meriden Conservative Association in February 1997, following the death of the sitting Member, Mr Iain Mills.

169. At the time of her election, Mrs Spelman lived in Kent. She had three young children and was assisted in their care by an *au pair*. Mrs Spelman had given a commitment to the

Meriden Conservative Association that if selected to contest the seat, she would move to live in the constituency and that her children would be educated there. Mrs Spelman rented a home in the constituency in March 1997.

170. Shortly before her election, Mrs Spelman sought a nanny to live with the family in the constituency and to look after her children. She was recommended an experienced nanny, Mrs Tina Haynes. When she interviewed Mrs Haynes, Mrs Spelman suggested to her that, as well as carrying out nannying duties, Mrs Haynes should act as her constituency administration assistant. Mrs Haynes agreed to undertake the dual role.

171. Mrs Haynes was appointed as the live-in nanny to Mrs Spelman's children and as her constituency administration assistant in about June 1997. Mrs Haynes held both positions until about June 1999. From June 1999, she continued as Mrs Spelman's children's nanny until September 2002.

172. Mrs Haynes spent about four weeks in June/July 1997 living and working in the family home in Kent. Mrs Spelman's evidence is that Mrs Haynes accompanied her to the constituency on a number of occasions during this period. The principal part of the work, which continued once she moved to the constituency, was to open and sort the backlog of constituency correspondence which had accumulated following Mr Mills' death, thus allowing Mrs Spelman to deal with the issues raised by these constituents. Mrs Spelman's evidence is that Mrs Haynes also helped Mrs Spelman establish her constituency office in her home in Knowle. The evidence that Mrs Spelman and Mrs Haynes have given is that Mrs Haynes undertook her administration duties during this period for 18 hours a week. An *au pair* was responsible for childcare.

173. Mrs Haynes moved with the family from Kent to their rented house in Knowle in July 1997. The family subsequently moved in October 1997 to a house which they bought nearby, and to a larger house in October 1998. Mrs Haynes took up responsibility as the children's nanny when the *au pair* left the family in August 1997. Mrs Haynes had sole care of the children during the working week from that time until 2002, whenever Mrs Spelman was absent in London on parliamentary business.

174. Mrs Haynes' evidence is that Mrs Spelman initially asked her to undertake administration duties in the constituency for a provisional period of about six months whilst she sought a secretary in the constituency. Mrs Haynes' recollection is that she had a discussion with Mrs Spelman after about six months, when Mrs Spelman asked her to continue with her administration duties. She has no recollection of any subsequent discussion to review the arrangement until Mrs Spelman told her in 1999 that she no longer needed her to undertake constituency duties as she had found someone else to undertake this work.

175. Mrs Spelman's evidence is that she had always intended to appoint Mrs Paula Yates (formerly Monkhouse) as her constituency secretary, but because of her family commitments, Mrs Yates was not available to undertake this work until April 1999. Mrs Yates was throughout this period constituency Association secretary and operated from the

Association's office in Solihull, which was outside the Meriden constituency. Mrs Spelman appointed Mrs Paula Yates as her part time constituency secretary from about June 1999 in succession to Mrs Haynes.

176. There is no documentary evidence relating to the terms and conditions of Mrs Haynes' appointment as Mrs Spelman's constituency administration assistant. There is evidence that Mrs Spelman had a meeting with the then Head of the House of Commons Fees Office in May 1997 when, according to the evidence both have given, there was some discussion of the arrangements Mrs Spelman was making for her staff and a reference to her employing Mrs Haynes in a dual role. The House authorities would not have checked the details of the arrangements Mrs Spelman made in respect of the nannying work, but would have seen the contract and job description for the role as her assistant and, on that basis, would have authorised—and did authorise—her request for Mrs Haynes' payment.

177. There was no guidance at the time from the House authorities about job titles or appropriate pay levels for Members' staff. Pay was a matter for the discretion of the Member within the total budget allocated under the Office Costs Allowance (OCA). The OCA available for both a Member's staff and office costs was £47,568 in 1997-98, £49,232 in 1998-99 and £50,264 in 1999-2000.

178. There are no surviving copies of any contract for Mrs Haynes' employment as an administration assistant (or as a nanny). Both Mrs Haynes and Mrs Spelman have given evidence that Mrs Haynes was employed for 18 hours a week as Mrs Spelman's assistant throughout the period of this employment. In 1997-98 Mrs Haynes was paid £13,000 a year from parliamentary allowances for her work as Mrs Spelman's administration assistant, the equivalent of about £27,100 a year for a 37 ½ hour week.

179. Mrs Haynes received no pay for her nannying duties while she worked as Mrs Spelman's administration assistant. Her remuneration for her duties as a nanny was free board and lodging in the family home, the use of a car and expenses. The car was used in support of her work as well as being available to her for her own use.

180. When Mrs Haynes ceased to work as Mrs Spelman's administration assistant in 1999, Mrs Spelman paid Mrs Haynes just over £13,000 in the year 1999–2000 for her nannying duties in addition to continuing to allow her free board and lodging in the family home, expenses and use of a car.

181. Based on the rates set by Mrs Yates' employer, the Meriden Conservative Association, Mrs Spelman paid Mrs Paula Yates as her constituency secretary in June 1999 just under £8.60 an hour for a 14 hour week, or around £6,300 a year. Had she worked an 18 hour week, as did Mrs Haynes, and taking account of differences in National Insurance contributions, the equivalent pay would have been around £8,200 a year. Mrs Spelman was billed by the local Conservative Association for the costs associated with Mrs Yates' employment in this capacity and she recouped those costs through her parliamentary allowances.

182. The evidence from Mrs Spelman and Mrs Haynes, with some corroboration from Mrs Paula Yates and other witnesses, is that Mrs Haynes' work as her administration assistant was to answer the phone in Mrs Spelman's home and take messages, to receive and send faxes, to open and sort post in her home, to fax relevant papers to Mrs Spelman in the House of Commons, to fax or carry relevant papers to Mrs Yates in the Association office, to local councillors and to the local MEP, to file papers, to meet some visitors from the railway station and drive them to their destinations in the constituency.

183. While neither Mrs Spelman nor Mrs Haynes can recall with any precision at this distance in time the volume of work undertaken by Mrs Haynes, Mrs Haynes' recollection is that, while the volume varied, she received some five to ten letters a day relating to Mrs Spelman's parliamentary business, eight or nine phone calls a day and up to five or six faxes. The evidence from Mrs Yates is that Mrs Haynes visited her in the constituency office about twice a week.

184. The evidence from Mrs Spelman's London based staff is mixed. Some recall Mrs Haynes working as Mrs Spelman's constituency assistant. The evidence of two of Mrs Spelman's London based secretaries, however, is that they had very little contact with Mrs Haynes and knew of her as Mrs Spelman's children's nanny. Mrs Spelman's evidence is that Mrs Haynes' work was focussed in the constituency. Witnesses there had provided corroboratory evidence. Mrs Spelman would not have expected her London secretaries to have had knowledge of Mrs Haynes' role in the constituency.

185. The House authorities have documentary evidence of the pay of one of Mrs Spelman's London staff. Mrs Spelman's House of Commons secretary was paid in 1999 £15,000 a year for a three day week, equivalent to a full time pay of £25,000 a year.

186. Mrs Haynes' evidence is that she was available to work as Mrs Spelman's constituency administration assistant from about 9.30 am to 3.00 pm each day of the working week. During this time, she undertook very little work in support of her nannying duties. She undertook no work as Mrs Spelman's administration assistant over the weekend. Mrs Haynes' evidence is that she ensured that the children got ready for school each day in term time. She usually took them to school for about 9.00 am and met them from school at about 3.30 pm. She looked after them until their bedtime at about 7.30 pm. She was also on call for them overnight Monday to Thursday inclusive.

187. During the school holidays, Mrs Haynes' evidence, confirmed by Mrs Spelman, is that she continued her work as Mrs Spelman's administration assistant. For some of the time, Mrs Spelman would look after the children and they would attend clubs (as they did in term time).

188. In the spring of 1999 Mrs Spelman's then parliamentary secretary expressed concern to Mr Peter Ainsworth, the Member for East Surrey, about Mrs Spelman paying her nanny from parliamentary allowances. Mr Ainsworth passed on that concern to the then Opposition Chief Whip, Rt Hon James Arbuthnot, the Member for North East Hampshire. While the details of the discussion are not recorded or recollected by Mr Arbuthnot, and its

date is uncertain, it is common ground that Mrs Spelman had a discussion with him and decided to bring the dual arrangement with Mrs Haynes to an end, which she did without delay.

189. Mrs Yates was able to work for Mrs Spelman in succession to Mrs Haynes in June 1999 because Mrs Yates' family commitments were less intensive than they had been in 1997. She had the time to take on the extra commitment. Some space was found in the Association office in Solihull for Mrs Spelman's constituency files and she was able to have some use of the Chairman's office.

190. Letters, phone calls and faxes continued to come into Mrs Spelman's home after Mrs Yates had taken on the job in 1999. They were dealt with by Mrs Haynes without any remuneration from parliamentary resources. Over time the volume of these communications declined. Mrs Spelman's evidence is that Mrs Haynes was also required to take on additional childcare duties once the dual role ended as the children were growing older and were more demanding. Mrs Haynes' evidence is that she undertook some other household duties as well.

191. In the course of my inquiry, a number of people from the constituency and Members who were asked to give evidence, expressed their confidence in the probity and integrity of Mrs Spelman.

192. Mrs Spelman has firmly denied the allegations that she subsidised the cost of nannying services out of parliamentary allowances and that her administration assistant did not undertake the administration duties for which she was paid from her parliamentary allowances. Mrs Spelman has stated that there was no motivation or intention on her part to obtain any personal material gain from her employment of Mrs Haynes in a dual capacity.

Standard of Proof

193. The allegation which is at the heart of this inquiry is serious since it calls into question Mrs Spelman's personal integrity. The strength of the evidence is inevitably affected by the very long passage of time since the events described in this memorandum took place. The Committee has made clear that in serious cases, a higher standard of proof is expected. In their second report of Session 2000-01, the Committee said:

“The Courts have interpreted the concept of balance of probabilities to require a higher standard of proof in serious cases. A case such as this has serious implications for holders of public office. Accordingly, we have concluded that we should need to be persuaded that the allegations were significantly more likely to be true than not to be true before we could properly uphold them.”⁹³

194. I consider that a higher standard of proof is right for this inquiry. The standard of proof that the allegations are significantly more likely to be true than not to be true, is the one I have adopted.

Conclusions

195. The questions I must address are whether Mrs Spelman paid Mrs Haynes as her administration assistant for work that she did not do, and whether Mrs Spelman subsidised from parliamentary allowances the cost of Mrs Haynes' work as her children's nanny.

196. The rules and the expectations on Members in 1997 were much less developed than they are now. I have come to my conclusions on the basis of the rules and expectations at the time. The test at this time was whether the expenditure was "*wholly, exclusively and necessarily*" incurred in connection with the Member's parliamentary duties. The rules made explicit that items of a personal nature were inadmissible as a charge on public funds.

197. The expenditure of parliamentary funds for full or partial remuneration of Mrs Spelman's children's nanny would be inadmissible expenditure. It would be expenditure on an item of a personal nature. And it would follow that the expenditure was not wholly, exclusively or necessarily incurred in connection with Mrs Spelman's parliamentary duties. Such expenditure would be a breach of the rules of the House.

198. I have considered whether there is sufficient evidence, against the standard of proof I am operating in this case, to show that the allegations against Mrs Spelman are substantiated. That evidence is inevitably degraded by the passage of time. Witnesses have, I believe, given me the best of their recollections and I am grateful to them: but they are often no more than recollections. The difficulties that this inquiry has presented in collecting substantive evidence and in applying it objectively and fairly to events which began more than ten years ago, reinforce, in my view, the decision agreed by the Committee that complaints should not normally be considered if they relate to events more than seven years in the past – and even that in my estimation is quite a long time over which to retain a reasonable prospect of receiving reliable and timely evidence. It has inevitably added to the time taken to complete this inquiry. It was perhaps a symptom of the difficulties caused by the passage of time that a key piece of evidence (Mrs Haynes' salary) did not emerge until the very end of the inquiry.

199. In order to help focus the issues, I have followed the more detailed guidance on the employment of Members' staff first published in July 2004. It would be unfair, however, to judge Mrs Spelman's actions on the basis of this guidance since her decisions long predated these more detailed rules. But they are helpful in identifying how far Mrs Spelman's expenditure was wholly, exclusively and necessarily incurred in connection with her parliamentary duties.

200. The 2004 criteria are that the member of staff paid for from allowances must be:

- employed to meet a genuine need in supporting the Member;

- able and (if necessary) qualified to do the job; and
- actually doing the job.

201. I consider Mrs Spelman's expenditure in respect of her employment of Mrs Haynes under each of these headings in the following paragraphs. I then consider whether the costs were wholly, exclusively and necessarily incurred.

A Genuine Need

202. I am satisfied that Mrs Spelman's employment of an administration assistant in her constituency performing the functions undertaken by Mrs Haynes met a genuine need. Mrs Spelman said that she needed someone in the constituency to support her in handling communications with her constituents and others. Such communications are a legitimate—and very important—part of a Member's parliamentary duties. It was entirely reasonable for Mrs Spelman to decide that she needed such support and to use her parliamentary allowances to enable her to secure it.

Able to do the Job

203. I consider Mrs Haynes had the necessary ability to do the job in terms of her personal skills. She was well qualified as a nanny and had some administrative qualifications. She had no experience of work in an office. But the nature of the job that Mrs Spelman asked her to undertake required only the sort of skills which I accept from Mrs Haynes' evidence, well qualified nannies ought to have: efficiency, an ability to deal with people, an ability to carry out their employers' instructions, and an ability to handle paperwork. There is no evidence that Mrs Haynes was not capable of fulfilling the work she was asked to do and I am satisfied that she had the ability to do so.

Doing the Job

204. On the evidence I have received, I am satisfied that Mrs Haynes did undertake the work of an administration assistant which Mrs Spelman asked her to do. I recognise that such work was much less visible to Mrs Spelman's London staff, in particular to her successive secretaries in London. But the evidence from Mrs Yates, supported by Mrs Haynes and Mrs Spelman, plus some other witnesses in the constituency, is I believe fully sufficient for me to draw this conclusion. Evidence to the contrary is not sufficiently strong, particularly taking account of the standard of proof I am operating, to substantiate an allegation that Mrs Haynes did not undertake legitimate work as an administration assistant to Mrs Spelman.

205. It is understandable that, at this remove, and given the nature of the duties, it is not possible to provide substantive evidence that Mrs Haynes worked for 18 hours a week on these duties. I am satisfied, however, from the evidence which she and Mrs Spelman have given me, that Mrs Haynes was available to work for 18 hours a week. I do not believe the evidence is sufficient for me to conclude that she did not carry out work in support of Ms

Spelman's parliamentary duties for that period of time each week, including the initial period when Mrs Spelman still lived in Kent.

206. I consider also that it was acceptable that Mrs Haynes should be employed in a dual role as long as the two roles were clearly differentiated, both in terms of the work undertaken and of the remuneration received. I am satisfied from the evidence I received from Mrs Haynes and Mrs Spelman that there was a reasonable separation of the two roles in terms of the time allocated to them. I shall consider the latter requirement, for financial separation, more fully in the following paragraphs.

207. I conclude, therefore, that the evidence is not sufficient to substantiate an allegation that Mrs Haynes did not work for 18 hours a week as an administration assistant initially in Kent and subsequently in Mrs Spelman's constituency. I therefore dismiss this part of the allegation against Mrs Spelman.

The Costs

208. The key issue in respect of costs is whether the expenditure on Mrs Haynes' employment as Mrs Spelman's administration assistant was wholly, exclusively and necessarily incurred in connection with her parliamentary duties. In my judgement, that would not be the case if the salary Mrs Haynes received from parliamentary allowances enabled her to work for Mrs Spelman as her children's nanny on terms which would not have been acceptable but for the salary funded from parliamentary allowances.

209. Mrs Haynes received no financial reward for her work as Mrs Spelman's nanny before 1999. She received non-financial remuneration in terms of board, lodging, use of a car and expenses. It is not possible to say with certainty whether Mrs Haynes would have been prepared to work for Mrs Spelman as her children's nanny for no financial reward. It might be thought unlikely. It is difficult to see that she was the equivalent of what is normally regarded as an *au pair*. Mrs Haynes was an experienced and well qualified professional nanny being asked to take sole charge of Mrs Spelman's children during the working week, including overnight. She did so without separate financial remuneration for that important work for two years. It is difficult to see how anyone in Mrs Haynes' position could have sustained a career on that basis.

210. But that was not the position she was in, because she received a salary from the parliamentary allowances. I consider it significant that Mrs Spelman told me in oral evidence that she believed Mrs Haynes saw her remuneration as a total package. It was understandable that she should do so. Mrs Spelman was a good employer. As Mrs Haynes said in oral evidence, "*Mrs Spelman did not expect anyone to work for nothing*".

211. I accept the evidence from Mrs Spelman and Mrs Haynes that Mrs Haynes had some additional nannying and domestic duties from 1999, and that she continued to undertake some work in support of Mrs Spelman's parliamentary work (without any pay from parliamentary allowances). But I consider it significantly more likely to be true than not

that the change in job weight was insufficient to explain an increase in Mrs Haynes' pay as a nanny from nothing to £13,000 a year. And despite Mrs Spelman's explanation, it seems to me difficult to understand how an administration assistant working in the midlands should have been paid by the Member at a higher rate than the Member's experienced House of Commons secretary working in London was to be paid two years later. (In making such comparisons. I think it reasonable to compare salaries before tax and employees' National Insurance contributions, rather than adopt, as Mrs Spelman has suggested, the conventions followed for the pay of nannies.)

212. Having carefully considered all the evidence in relation to the matter, I am driven to the conclusion that it is significantly more likely to be true than not that the salary which Mrs Spelman paid Mrs Haynes from her parliamentary allowances allowed Mrs Haynes to undertake her nannying duties for two years without additional or separate financial reward which Mrs Spelman would otherwise have had to have given her.

213. The problem was not in my judgement the dual roles undertaken by Mrs Haynes, but the remuneration arrangements made by Mrs Spelman for the two roles. These arrangements led in my judgement to Mrs Haynes' work as a nanny being subsidised by the payment for her work as an administration assistant.

214. My finding therefore is that Mrs Spelman was in breach of the rules of the House when she incurred parliamentary expenditure for the employment in her constituency of her administration assistant because that expenditure was not incurred wholly or exclusively in support of her parliamentary duties, but was also used to support her assistant's separate work as her live-in children's nanny.

215. It is difficult, particularly after the passage of time, objectively to identify what might have been an appropriate level of remuneration for a live-in nanny working in this part of the midlands at the time; or what might have been an appropriate pay level for an administration assistant working in the same area. In terms of Mrs Haynes' pay as an administration assistant, it may be relevant that the person who succeeded her in that role, had she worked the same number of hours as Mrs Haynes, would have been paid nearly £4,800 less than she was.

216. It would be unfair for me not to give my own impression of how this came about. I have no evidence that it was a calculated breach on Mrs Spelman's part. I have received striking evidence of Mrs Spelman's personal integrity, probity and standing in the community and among her colleagues. She must have been under intense personal and professional pressure when she was first elected in 1997. She had very little time to prepare. She had to move home and her family in the space of a few short, and what I am sure were frenzied, months. She had to manage the pressures of a new constituency, a backlog of casework and her family responsibilities, and to adjust to the distinctive environment of the House of Commons which puts pressure on any new Member.

217. Mrs Spelman found an arrangement that worked for her as a new Member of Parliament and for her family. Were it not for the way she apportioned the remuneration

between the dual roles, it was, in my judgement, a perfectly reasonable arrangement to have made at the time and in all the circumstances. I do not believe that at the time, or perhaps since, Mrs Spelman considered whether the terms on which she employed Mrs Haynes as her nanny benefited from her employment as her administration assistant. My belief is that, in the rush of business, Mrs Spelman did not consider separately what would be a reasonable remuneration including pay for nannying duties and what pay was necessary solely to support her in her parliamentary duties. As a result, the arrangements had the unintended, but in my view undoubted, effect of misapplying some of Mrs Spelman's parliamentary allowances for non parliamentary purposes.

17 February 2009

John Lyon CB

Written evidence received by the Parliamentary Commissioner for Standards

1. Press Notice issued by the Parliamentary Commissioner for Standards, 9 June 2008

The Parliamentary Commissioner has received representations from Mrs Caroline Spelman MP that he should investigate the circumstances of the employment of her then secretary in 1997.

The Commissioner is considering carefully this matter against the procedures agreed by the Committee on Standards and Privileges for the investigation of complaints against Members. This includes the nature of the information he has received, the passage of time since the circumstances in question and acting on a referral from the Member concerned rather than a complainant. It would be exceptional for the Commissioner to institute an inquiry into matters which go back more than 7 years. It would also be exceptional for him to do so on a self-referral. In either of these circumstances, the procedure is that the Commissioner consults the Committee on Standards and Privileges before deciding to initiate an inquiry.

9 June 2008

2. Press Notice issued by the Parliamentary Commissioner for Standards, 17 June 2008

The Parliamentary Commissioner for Standards has been authorised by the Committee on Standards and Privileges to undertake an inquiry into whether Mrs Caroline Spelman MP breached the rules of the House in the arrangements she made for the employment of a secretarial assistant who was also her children's nanny for a period from 1997.

The Commissioner had a meeting with Mrs Spelman on 9 June to discuss this matter with her. He undertook to consider carefully her request that he undertake an inquiry, despite having received no formal complaint about her conduct and that the events complained of were more than seven years ago. Such an inquiry would be exceptional and would require the agreement of the Committee.

Having carefully considered the matter the Commissioner has recommended to the Committee that exceptionally he should conduct an inquiry. The Committee has accepted that recommendation.

The Commissioner is therefore initiating an inquiry into whether the circumstances of Mrs Spelman's employment of her secretarial assistant from 1997 breached the rules of the House in force at the time.

17 June 2008

3. Letter to the Commissioner from the Acting Director of Operations, Department of Resources, 12 June 2008

Thank you for your letter of 10 June concerning the employment of Mrs Tina Haynes by Mrs Spelman.

You have asked for any information we hold about the employment of Mrs Haynes and any other employees employed between 1997 and 1999.

We hold no records, electronic or paper, which gives any information about the nature of the employment of Mrs Haynes. We transferred our computer records in April 2003 to a new payroll and financial system and we no longer have access to the previous payroll system. In line with the Department's retention of records policy, paper records have also been destroyed for all staff that ceased employment prior to 2004, so these are not available for scrutiny.

Our pension records, which are kept for a longer period, show that no payments were made on behalf of Mrs Haynes to a personal pension fund. This is not unusual as in 1997 staff were required to set up a plan of their own. If Mrs Haynes did not set up a plan then no contribution would have been paid.

Our electronic records do not show the details of any member of staff employed prior to 17 July 2000 which is outside the period you are looking at.

I am sorry that I cannot be of any assistance in this matter, but I enclose a copy of the 1999 Green Book as requested.

12 June 2008

4. Letter to Mrs Caroline Spelman MP from the Commissioner, 17 June 2008

This letter is to confirm that, with the agreement of the Committee on Standards and Privileges, I have decided to accept your invitation to undertake an inquiry into the arrangements for the employment for a period from 1997 of your constituency secretarial assistant who was at the same time your children's nanny.

In essence, the allegation is that you subsidised the cost of nannying services out of parliamentary allowances and that your secretarial assistant did not undertake the secretarial duties to the extent for which she was paid.

During the period in question, payments for secretarial expenses were made under the Office Costs Allowance (OCA). The Green Book on Parliamentary Salaries, Allowances and Pensions published in May 1997 made the following relevant provisions for the use of the OCA in Section 10:

10.1 The purpose of the OCA is to provide Members with the necessary funds to cover office, secretarial and research expenses incurred in connection with their Parliamentary duties.

10.7 All claims against the OCA are subject to the certification that the expenses have been "wholly, exclusively and necessarily" incurred in connection with a Member's Parliamentary duties. Items of a personal or political nature are clearly inadmissible as a charge against public funds.

I would be grateful for your comments on the allegation in the light of the relevant rules at the time. In particular, it would be helpful if you could cover the following matters, including identifying the source of any documentary or corroborating evidence you may be able to provide for me:

1. the circumstances in which you came to offer your children's nanny the post of secretarial assistant;
2. the dates of her employment by you as your secretarial assistant, the hours she was contracted to work as your secretarial assistant, the financial and other remuneration she received and the place or places where she worked and any variations according to school terms and holiday times;
3. similar information in respect of your employment of her as your children's nanny;
4. the nature and volume of the secretarial work you required of her together with any evidence you can offer me that she carried it out;
5. any qualifications she had for undertaking the work of a secretarial assistant;
6. how the arrangements of her dual appointment worked in practice;
7. the circumstances in which you came to terminate this arrangement;
8. what arrangements you put in its place, both for provision of a secretarial assistant and for the continuing employment of your children's nanny, including any changes to the hours she worked as your children's nanny and to her remuneration;

9. what other staff you employed, and what were their job titles and responsibilities, over the period in question;
10. whether at any time you consulted the House authorities (the Fees Office) about your staffing arrangements.

I appreciate that, at this remove in time, it is likely to be difficult to provide much in the way of documentary evidence (and I am aware that there is none available from the Department of Resources' records) so it would be particularly helpful if you could identify any witnesses who might be able to help me in establishing the arrangements which you made.

Any other comments you may wish to make to assist in my inquiry would, of course, be very welcome.

I attach a Note which sets out the procedures I follow. They will, of course, have to be modified in as much as there is no complainant in respect of this allegation. If you would like a word about any of this at any time, please contact me at the House or give me a call.

I am grateful for your help with this inquiry.

5. Letter to the Commissioner from Mrs Caroline Spelman MP, 3 July 2008

I write in response to your letter of 17 June 2008.

I should like to state at the outset that I strenuously deny the allegations set out in your letter being made against me and any wrongdoing on my part. I did not during the period 1997–1999 (or thereafter) subsidise the cost of nannying services out of parliamentary allowances and I confirm that my nanny at that time did carry out administrative duties to the extent for which she was paid.

Before I turn to respond to the specific points raised in your letter, I would like to provide you with some background to the events in question. These events took place during an extremely demanding period—taking over after the sudden death of the previous MP for Meriden and dealing on my arrival with the resulting backlog of work in a constituency which is very demanding in terms of casework, adjusting to the House as a new MP with no previous experience of parliamentary life and the upheaval for my family of moving my family home and three young children from Kent to the midlands. This was all at a time when the Party was unable to provide much by way of induction to the House rules (or guidance for women MPs with dependent children on recovering the costs arising from seeking to meet the competing demands of meeting parliamentary, constituency and family commitments) given that we were in the midst of a leadership contest immediately following the May election. My employment of Tina Haynes to provide both administrative support and childcare gave me what I considered to be a workable solution at that time within the rules of the House. I should point out that I was entirely open about this arrangement with my Party, fellow MPs and the House officials and yet, to my knowledge, no formal complaints were made to any Party or House officials about this arrangement at that time and no-one from the Party or the House spoke to me at any time to say that by employing such an arrangement I was considered to be breaking any House rules.

As far as I was aware, there was no prohibition at that time against an individual undertaking a dual role (that is, to perform both childcare and an administrative/secretarial function) provided the two roles could be distinguished. As you have stated in your letter the requirements were that the expenses be “wholly, exclusively and necessarily incurred in connection with a Member’s parliamentary duties” (under section 10.7 of the Green Book on Parliamentary Salaries, Allowances and Pensions). My interpretation of these rules was that provided I was able to distinguish the work which was being done and paid for as parliamentary work, I saw no reason why I should not employ someone to perform a dual function. Indeed, it seemed to me to provide the most sensible workable solution to the demands and constraints I faced at that time. The dual role arrangement was a very common practice amongst the male MPs at that time (and has continued to be), with wives/partners looking after their children whilst also being paid to perform administrative/secretarial work—the only difference in my case being that as both myself and my husband worked, we had to actually employ

someone to undertake the childcare function too. I also understand there were other female MPs who came into Parliament in 1997 and had to make similar arrangements.

I would also ask you to bear in mind that these events took place over 11 years ago. Whilst I have been doing my best to remember what happened, my recollection of precise details has been inevitably hampered by the lengthy passage of time since the events in question. This has not been helped by the fact that there are, not surprisingly, few contemporaneous documents, which still exist today and it is a time consuming task to locate them. Therefore, the statements made below are made to the best of my recollection and belief.

I should also like to confirm, for the avoidance of doubt, that where I have named an individual as being willing to assist with your enquiry, no pressure has been brought to bear either by me personally nor, so far as I am aware, by anyone connected with me in order to influence their decision to do so.

- **Circumstances of appointment**

1.1 In January 1997 the MP for Meriden, Mr Iain Mills, died. Following his death, I put myself forward for selection as the Conservative Candidate for the Meriden constituency. The selection process took place during February 1997. At that time I was living with my husband and three young children in Kent. As part of the selection process and my willingness to show my commitment to the constituency, I undertook to those involved in my selection that, were I to be selected as the Conservative candidate, I would move to Meriden and would educate my children in the local schools (as confirmed in writing by the Association President) [WE 6]. I was selected as the prospective Conservative candidate on 5th February 1997. Under normal circumstances I would then have had 12 months or more from selection to prepare and campaign for the next election, but owing to Iain's untimely death and the election being called for 1 May 1997, I had just 11 weeks from selection until election day.

1.2 Inevitably this was an extremely busy period of campaigning. I moved up to Meriden immediately and lodged with a local councillor and his wife. My children remained in Kent staying in the family home looked after by our *au pair* until the end of the summer school term in July 1997. However, I realised that in order to actually make good my promise to move the family to Meriden, if elected, I needed to put in place quite rapidly a plan for how I would be able to take on my new role as MP as well as ensuring the children were looked after.

1.3 In essence this meant that I was going to be schooling my children some 120 miles away from what was to be my place of work from Monday to Thursday. Given my husband's role as a global partner at [...] which requires him to frequently travel internationally, this meant trying to find a local nanny with sufficient experience to take sole charge of three young children including overnight during the week. At the same time, as a new MP on a tiny majority of 582, I needed to maintain a clear anchor in the constituency, somebody who, to avoid unnecessary delays in correspondence, could quickly assess and redirect correspondence so that my constituents received the best possible service from the outset.

1.4 Given that the children were to be in full-time education, including my youngest child who had morning and afternoon sessions of nursery per day covering the 9am to 3pm period, it was clear to me that the person employed to look after the children would have six clear hours at his/her disposal each day. I believed that, given my needs in the constituency, it would be most sensible if this person could devote part of this time to address the administrative tasks of a secretarial assistant based in the constituency. To support the fact that my children were enrolled at full-time local school, I have received a statement from [...], the current Head Teacher of Knowle C of E Primary School which my children attended ...[WE10] and a letter from [...], Head Teacher of the school during the relevant period [WE 9].

1.5 I asked around the area for names of people who might fit the bill and I was given the name of Tina Haynes (*née* Rawlins). From the references provided to me, it was clear that Tina had previously worked in quite demanding roles, and this included a stint working for a family with three children ...during which time Tina had provided childcare support to the family and had effectively taken responsibility for running the household. She had, therefore, demonstrated her capacity to carry out duties of an administrative nature and make responsible decisions in the absence of either parent.

1.6 I interviewed Tina at the house I was then renting in Meriden and explained the two roles which I needed her to assist me with. I also explained that I could not offer her any promises that I would be able to employ her at that stage as the election was by far from a foregone conclusion.

1.7 There were three further additional reasons why I saw it as sensible at the time to have my nanny undertake administrative functions for me. The first of these was that the local party Association secretary was not able to provide much support to me at that time. The minutes of the meeting in July 1997 [WE 7] confirm that the Association secretary, Mrs Paula Monkhouse, was at that time “inundated with work from and for the Branches”. Therefore, it was not feasible for the local Association secretary to act as my “anchor” given her extensive other commitments at that time. The Association was also unable to provide any office space. I should also add that the local Association office was not in my constituency, but in the Solihull constituency. Given my commitment to Meriden and my determination to overcome being seen as “not local”, I considered it important to have a proper base in my own constituency. There was insufficient funding to open an independent constituency office and so it seemed by far the most appropriate, if not the only, solution to use my rented home as my constituency office.

1.8 The second reason was that the Office Costs Allowance did not stretch to employing two full time secretaries - one in the House and one in the constituency. Therefore, I had to choose where most sensibly to deploy the limited resources available to me and I chose to employ an experienced Commons secretary in London and opt for more junior administrative support in my constituency.

Thirdly, I was conscious of the strain the move to Meriden placed upon my children at a time when both my husband and I were often away during the week. I hoped that by employing a person in a dual capacity my young children would adjust to a consistent presence within the household. The limited space available in our initial house in the constituency was also a factor as it simply would not have been practical to have two employees working in our home.

- **Details of Tina Haynes’ employment as secretarial assistant**

2.1 As stated above, it is difficult at this stage (without any contractual documentation) to remember the precise details surrounding Tina’s employment. I have been unable to locate a copy of Tina’s contract and the Fees Office has confirmed that they have no records going back before 2005/2006. As far as I can recall, Tina had to give four weeks notice after I offered her a job on being elected on 1 May 1997 and I therefore believe that she must have taken up her post around 1 June 1997. I was unable to offer her a job before this time because, as I have said, my election was not a foregone conclusion - in the event I succeeded with a majority of just 582 (after two recounts).

2.2 I cannot state with certainty what administrative/secretarial role Tina would have been designated on her contract as I recall that the definitions of the type of employee an MP could have were more variable in those days. I recall they included the terms both “research assistant” and I believe, “administrative assistant”. I do not believe that Tina was described as my secretary as that attribution was given to the House of Commons secretary only.

2.3 I have a recollection that Tina was required to undertake 18 hours of administrative work for me per week. I believed this to be entirely reasonable to expect during the 30 hours of free time she had during the children’s schooling. However, I did not expect a rigid number of hours per day because the nature of the tasks she undertook would vary, provided that the weekly total number was achieved.

2.4 For the most part, school holidays coincided with parliamentary recess. This meant that I was based back in Meriden, particularly as I took on a lot of constituency-based engagements in recess to help me establish myself locally, something which I had had so little time for before the election. This meant that I was able to share the childcare with Tina and she could continue to work flexibly to undertake the same administrative functions that she did in term-time.

2.5 So far as I can recall, Tina received the statutory 4 weeks’ holiday per year because, even in parliamentary recess, there was still work to be done in the constituency. Therefore, I needed her to be around doing the administration work for as much of the time as possible.

2.6 I cannot now recall the amount that Tina received for this role, as this would have been paid to Tina directly by the Fees Office. There were no guideline rates in force at that time. However, Mr Alan Marskell, senior Accountant at the Fees Office in 1997 (now retired) has confirmed that they undertook a due diligence process at that time and would refuse to pay any salary which they felt was unreasonable. No such issues were raised regarding Tina's salary and capacity to undertake the work required of her.

2.7 Tina was based in Meriden when performing administrative functions. She worked from our home there, which, as I said above, also served also as my constituency office for that period. She was not based in Kent, although during my first four weeks as an MP she travelled to and from Kent with me to assist in transferring my office and at the same time familiarising herself with the children. Solihull Council confirm that the council taxed me at [...], Knowle, from 5 March 1997 and subsequently at [...] which we purchased [Memorandum of Sale not reproduced here]. A television producer, Linda McDougall has written to confirm visiting my address at [...] which I occupied for around six months from 5 March 1997 in the constituency and her letter makes clear that our constituency house was our family home and the logic of that is that Tina would clearly have been resident in the constituency rather than Kent. [WE 8]

2.8 Tina ceased any administrative work on the parliamentary payroll by 1 June 1999 at the latest, although the arrangement may have concluded earlier in the previous month, as outlined in paragraph 7 below. I have been able to locate a fully made up PAYE form for the month of June 1999 [not reproduced here] and importantly I also have the Meriden Conservative Association accounts which show that when the arrangement changed I began paying the Association secretary for the time devoted wholly and exclusively to parliamentary activity which she recorded on time sheets reflecting the fact that there was a transfer of administrative work from Tina at that time which resulted in an additional cost charged by the Association secretary. The paperwork relating to this arrangement is limited but I have located an invoice which shows that by January 2000, I had started to pay the Association £10 per hour for 14 hours each week of Paula Monkhouse's time and costs, and this was for work done in helping me with constituency administration. [Invoice not reproduced here.]

- **Details of Tina Haynes' employment as nanny**

3.1 Tina's position as my children's nanny began on the same date as her administrative functions (that is, sometime in June 1997). As I have already explained, her role was a dual one from the outset. She lived in our home from Monday through to Thursday night and then went home to her parents' house in [...] after finishing work on a Friday. Her role as nanny was to look after my children, who at that time were aged 6, 4 and 2.

3.2 I sought a place at Knowle CE Primary School immediately after my election as I had missed the February application date, but they were granted places and in the September following my election, the children commenced at the primary school. I have a written note from the Headmaster of the Kent School wishing them good luck and that is dated at the beginning of July 1997. The children moved up to the constituency during the summer holidays of 1997. All the children were in full time education there from the beginning of the autumn term 1997, including my youngest who did a morning and afternoon session with lunch in the on-site nursery at the school. From this point, Meriden was the children's full time home.

3.3 I have referred above to a letter I have received from [...], the former Head Teacher of Knowle C of E Primary School confirming my children's attendance at the school. This letter also confirms [the Head Teacher's] belief that Tina undertook both childcare and administrative functions for me at that time [WE 9].

3.4 For her role as nanny, Tina was provided with free board and accommodation, the use of a car and all expenses. She was allowed to use the car for her own purposes when not working.

3.5 Tina worked through the school holidays except for 2 weeks in August, 1 week at Christmas and 1 week at Easter when our own family holidays and hers coincided.

3.6 Tina worked for us as a nanny for 5½ years, until September 2002, as when my eldest child entered secondary education, I transferred all of the children to schools in London. This was done with the agreement

of my local Party Association and meant that I no longer had need of a nanny in the constituency and by this stage the administrative functions had been transferred to Paula Monkhouse.

- **Nature/volume of secretarial work**

4.1 As I have said above, Tina's duties were more administrative than secretarial. I did not expect her to type letters and nor, to my knowledge, did she do this. My full time Commons based secretary at that time felt strongly that only one person should be responsible for output to constituents to avoid any risk of duplication. In addition, Tina was not qualified as a secretary. However, she was perfectly capable of undertaking administrative support in the constituency.

4.2 I did not have a separate constituency office. This meant that any constituent would visit or telephone my home at any time of day. Tina's role was to be around during the day to deal with this: to answer the door and telephone when required. She was responsible for dealing with incoming calls, answer machine messages, opening post and transferring paperwork as required. I should point out that I did not take over as MP until four months after Mr Mills' death so there was a large back-log of constituency post to be dealt with. I recall there being five black sacks full of post, which needed opening and sorting. Tina helped with this. Tina's local knowledge of the constituency also helped me plan where I had to be to attend local functions and meetings, providing travel directions and a map before GPS existed. Tina would also act as a driver and chaperone for staff and others visiting from London on parliamentary business. My Commons-based secretary lacked this local knowledge and I had to rely on Tina for advice on how much travel time I needed between constituency engagements and where places were located. My constituency is a large, rural constituency up to 45 minutes from North to South and realistically I didn't have the local knowledge I needed to carry out my constituency duties without the aid of Tina's local knowledge.

4.3 Tina also performed a valuable function in judging the degree of urgency in messages/letters received and passing these on to me directly. This was particularly useful when I was first elected and was based in the Whips' Office without a parliamentary office elsewhere on the Estate. Tina also had to use her judgement as to when messages left for me needed urgent action by local Councillors, the local Party Association or our Member of the European Parliament. Tina acted as a message liaison with the Association office and my London-based Commons secretary as necessary.

4.4 In those days we had two deliveries of post a day, and Tina's job was to open the post and sort it for me. She devised a system of categorisation: constituency, other political and general, which I still use today. If in her judgement, a letter was so urgent that it needed to be faxed, she would do this on her own initiative or if I was urgently waiting for a document, I would ring her and ask her to look out for it in the post. The Association secretary has provided a written statement of her own recollection of the interaction she had with Tina who would both collect post as well as deliver post where appropriate to the Association office [WE 11]. There is also a written statement from the wife of our local MEP about her own recollection of Tina's administrative role [WE12]. I believe that is particularly insightful because [she] performs a similar anchorman role for her parliamentary husband.

4.5 The one thing which the local Association secretary, Paula Monkhouse, did do for me was arrange my regular Friday evening and Saturday morning surgeries for constituents. However, I took the surgery notes home with me after the surgeries and went through with Tina anything that needed to be redirected. For example, constituents would quite often drop off documents they did not want to risk in the post such as birth certificates, passport applications or bulky items. They preferred to hand these over in person to Tina at our home in the knowledge that they would come directly to me. Tina would then pass them on either to me or would take them to the Association office, as necessary [WE 13]. All my surgeries were conducted with a borough councillor present on a rota of about nine of them, as quite often constituents brought council matters rather than parliamentary matters to me, and also for security. At the end of the surgery we would agree which of us would take the matter forward and the councillors would report back to me the outcome of their actions, usually through Tina as demonstrated in the letter from [a councillor] [WE 14].

4.6 As I have mentioned, at that time, the local Association office was not in the constituency but was in Solihull so delivering and collecting post/messages that needed to be taken there and brought back meant a drive between our home in Meriden and Solihull (approximately a 10 mile round-trip).

4.7 A number of local organisations like church groups, cricket clubs and suchlike preferred to ring my home number rather than make a trunk call to London. In particular, I recall the local branch chairman of the NFU locally always used Tina and our home phone number to arrange meetings. I have asked for confirmation from him and other farmers who attended these kitchen table meetings which took place in their homes and mine with Tina's help that they can also be approached.

- **Qualifications**

5.1 Tina was not qualified as a secretary but her referees had made it clear that she had the practical and intellectual capacity to undertake administrative and supportive tasks over and above childcare, which is what I employed her for. She was reliable, trustworthy with money, a safe and responsible driver and dedicated to the fulfilment of tasks set for her, which included looking after other people's personal details and keeping confidences. None of my constituents or the local Association officials ever raised a complaint regarding Tina's role or the way in which she carried it out and like me, I believe they found her reliable. I have a letter from one of my constituents who contacted me when he read the allegations in the media, in which he confirms his dealings with Tina in regard to his constituency case were perfectly satisfactory [WE 13].

- **Dual Role in practice**

6.1 I have explained above how the two roles operated and in addition the gentleman who helps me with my garden has written with his recollections of how the arrangement would work [WE 18]. In summary, Tina would drop the children off at school and then would use the time during school hours to perform basic administrative tasks. The nature of these varied on a day-to-day basis so there was no set routine. However, they included staffing the home (constituency) telephone, opening and sorting post, performing administrative errands and liaising between constituents, the local Association office, my parliamentary secretary and myself, as necessary. Tina would also carry out some of these duties after the children had gone to bed. For example, I used to call Tina routinely from London each evening to get an update on matters arising in my constituency that needed to be actioned by me.

6.2 Tina was able to continue these administrative tasks during school holidays, as I was also at home then. She continued to fit these in flexibly around the requirements of childcare.

6.3 I would add that the arrangement worked extremely well during my first two years as an MP, as a practical solution to the problem that there were insufficient funds in the allowances at the time for two full time secretaries, one in London, one in the Constituency.

6.4 Furthermore, as I have said above, the local Association secretary has made it clear in her written statement that she had no capacity to take on extra work for me during the period May 1997–April 1999 because her eldest child was not yet in nursery.

- **Circumstances in which arrangement terminated**

7.1 It was not until April 1999 as best I can recall, that the then Chief Whip spoke to me about the dual role arrangement I had in place. He said to me that the matter had come to his attention via a member of staff and that whilst this arrangement did not break the rules and indeed he was aware of other MPs who had similar arrangements, it was open to misrepresentation and advised me to split the childcare and administrative roles. I decided to act on this straightaway, by approaching the Association to take on the additional parliamentary work, which they were now able to do on the basis that I would pay them separately for these additional hours (which I then reclaimed). I paid Tina separately for her nannying role and the PAYE tax return I have demonstrates this was the case.

7.2 I should like to make very clear that there was no suggestion that I had broken any rule by using this arrangement. The concern was only one of perception. Nor did I change the arrangement because I believed or was concerned that I had broken a rule. I did so because of my commitment to absolute transparency and openness and as I did not want there to be any possible misinterpretation of the position, which indeed has turned out to be the case.

- **What arrangements were put in place subsequently**

8.1 The Chief Whip advised me that the Association secretary could take over the parliamentary work providing she kept a clear separation between party political and parliamentary work. This was also something which worried me as I was conscious that this arrangement too could have been open to misinterpretation. I approached the Association secretary whose child had just entered nursery and she agreed to give me the extra time each week to take over the casework and correspondence received at the constituency end. Tina continued in the capacity of a nanny only, but in reality she still answered the phone and opened the post only this was now remunerated by me and not by Parliament. However, I regarded this as the price to be paid for my commitment to transparency.

- **Other staff**

9.1 When I initially took office in May 1997 I was aware that the Office Costs Allowance would not accommodate two full time secretaries. As I have explained, after weighing this up, and reading of other MP's experiences, I considered that it was a wise course to have a full time secretary based in the Commons who understood Westminster rules and procedures and then use Tina to act as an administrative support in the constituency.

9.2 Therefore, I employed Georgina Perry as a full time secretary based at the House of Commons Secretarial from May 1997 to approximately March 1999. I cannot now recall her salary but it would have reflected her considerable experience and years in this role. There were issues with how much constituency correspondence (letters and phone calls) Georgina was willing to deal with, which had the effect of increasing Tina's workload. Georgina worked for me for one year and eleven months.

9.3 I considered the principle of having a full-time Commons secretary to be a good one and so I employed Sally Hammond in what I believe was the April of 1999, who had been working for Peter Ainsworth when Georgina Perry ceased working for me. Sally initially went to Peter Ainsworth to complain about my arrangement with Tina very soon after starting to work with me, and without giving any significant time to assess the practicality of the arrangement with Tina and how it worked. At this point I served in the Whips' office where my daily contact with Tina would have been unobserved by Sally, but colleagues who served with me at the time recall me getting a fax machine installed in order that I could receive communications from Tina [WE15].

9.4 To my recollection, neither Georgina nor Sally visited the constituency more than once. Accordingly, they did not undertake any constituency-located work and nor were they able to assess how much work Tina did there.

9.5 In September 1997 I had an intern paid by CARE to whom I provided free accommodation until the end of her internship in July 1998.

9.6 From February 1998 to the end of September 1998 I had *pro bono* help from a trainee barrister who undertook a project on the council estate in my constituency. He was paid for the one month he worked full time and saw the work that Tina did in the constituency [WE 16].

9.7 In September 1998 I had another intern called Tim Collins who was paid by CARE to whom I also provided free London accommodation. I should point out that Tim is my nephew but he has written a letter outlining his recollection of the time he was an intern with me, in light of the allegations that have been made [WE 17].

- **Consultation about staffing**

10.1 In my first six weeks as an MP, I recall meeting the Head of the Fees Office to discuss my staffing arrangements in detail and I explained I had opted for a full time secretary in the Commons but needed some part time administrative support in the constituency where I had no other staff and where my local knowledge was extremely limited. I recall explaining that I was addressing this issue by employing one person to assist with childcare and administration. I was not told that the dual role breached the rules and as far as I am aware, the Fees Office authorised Tina's contract.

10.2 My recollections are supported by those of Mr Alan Marskell, who was the senior Accountant in the Fees Office in 1997. Mr Marskell has confirmed that he remembers meeting with me on Wednesday 14 May and again on 21 and 30 July 1999. Mr Marskell voluntarily contacted my parliamentary office when he saw the news reports as he recalled meeting me and was confident the procedures in place at the time would have meant that the accusations could not be true owing to the safeguard procedures that were in place at the time. He gave permission for my member of staff to take notes from the call and use his comments. Mr Marskell confirmed that the Fees Office would have scrutinised Tina's contract of employment and checked the hours to be worked, the location of that work and the nature of the role. The Fees Office themselves would then exercise a duty of care in checking that the amount being paid for that role was reasonable and that the employee, the nature of the work and the salary were all reasonable. He said these contracts would also be checked by the National Audit Office. Mr Marskell also confirmed there was no rule preventing MPs from having one employee who performed two roles, typically this was the case when MPs employed wives who would clearly provide administrative help for which they were salaried whilst also providing childcare and domestic duties. Mr Marskell confirmed that the advice he would give the MPs who had similar arrangements in 1997 was that it was within the rules to have a dual role employee as long as they segregated "in their heads and on paper" the two roles. This concurs with my own recollection of the conversation I had with the Fees Office about how and why I was employing Tina. I explained to the Fees Office that Tina would have 30 clear hours each week when the children were in school, and asking her to provide administrative work for me in 18 of those hours each week was reasonable. The Fees Office agreed and the contract was signed off by them. Mr Marskell told my member of staff that in 1997 the Fees Office could not get a definition of what was a legitimate parliamentary expense so they therefore had to use their own definition which was as follows "If it was Party Political or Personal/Private then it could not be parliamentary, but if they are asking for reimbursement it would be acceptable as long as it didn't come under one of those four 'Ps'". Mr Marskell confirmed that if the Fees Office had agreed the contract of employment they would have been satisfied that the nature of the role was not one of those four "Ps" and therefore perfectly permissible.

10.3 I would add that, in general terms, there was not much by way of induction as a new MP at that time. There was no formal induction programme, just a lecture on process given by the Clerks of the House in week 1 after election. The Party was also unable to provide much assistance at that time as it had been thrown into the leadership contest immediately following the election. However, from the advice which was available to me and which I took at that time, there was no suggestion that I was breaking any parliamentary rule.

As I hope to have made clear, I will co-operate in any way I can with this enquiry in order to clear my name. In this letter I have confined my response to addressing the questions you raise in your letter of 17 June, and have not sought to correct the many unsubstantiated allegations made recently in the press, although in no way should that be interpreted as giving credence to such allegations.

In the interests of a prompt resolution of this matter, I am submitting this letter as early as possible. I hope that should I receive any further supporting evidence you will be willing to consider it.

This is an extremely difficult time for me, helped only by the letters of support I have received. I have attached one I feel to be of particular significance from an individual of standing in the community with observations which I would like you to have sight of and I have attached it

If there are any matters upon which you would like me to provide further comment/clarification, please do not hesitate to contact me.

Received 3 July 2008

6. Letter to Mrs Caroline Spelman MP from the President, Meriden Conservative Association, 21 June 2008

As President of the Meriden Conservative Association in the Spring of 1997 I was present at all stages of the selection process to choose a candidate to stand at the forthcoming General Election.

I am certain that you were asked the question "where would you educate your children should you be elected as MP for Meriden". This was asked as I recall at the second stage of interviews in front of the Meriden

Executive Committee by a gentleman who was a governor of one of the local junior schools in the constituency. You assured the Committee that you would and indeed all three of your children went on to attend the Knowle C of E Junior and Infant School.

I trust these recollections help to clear any confusion of events at the time.

21 June 2008

7. Extract from Minutes of the Meriden Conservative Association, Finance & General Purposes Committee Meeting, 22 July 1997

5. Staffing of the Office

The Chairman said that Mrs Paula Monkhouse was currently inundated with work from and for the Branches. He would be grateful if each branch could take responsibility for their own clerical work – using machinery at HQ where necessary. Changes in the Conservative organisation were of course, in the air. Work for Mrs Spelman had now been defined.

...

22 July 1997

8. Statement from Linda McDougall

In 1997 I was writing a book, and preparing a television series *Westminster Women*. The book was published by Vintage in 1998. The television series was broadcast on the ITV Network in 1998.

The 1997 General Election doubled the number of female Members in the House of Commons overnight. I wanted to show who these new women were, how their lives had changed and how Westminster might change with their arrival.

I interviewed Caroline Spelman twice, once in London and once in her constituency Meriden where I also filmed her with her husband and children.

Caroline Spelman was one of the last candidates chosen for the 1997 election. Her predecessor Iain Mills died suddenly a few weeks before polling day.

Caroline who had tried hard to get a Conservative seat told me she had finally given up hope. She had gone back to her job in London where she lived and worked with her husband and family.

More or less at the last minute she was offered an interview for Meriden, and chosen as candidate.

Caroline and I discussed the situation in depth. What happened to her was very similar to what had happened to me when my husband Austin Mitchell was chosen as the Labour Candidate in a by election twenty years before. Within weeks he had become an MP and had promised that he would move his family to live in his constituency, Grimsby.

Caroline had made exactly the same promise. She would bring her husband and children to live in the constituency. Constituencies are always keen to get their prospective members engaged in local life, and back in 1997 and 1977 no one considered the practical difficulties for a mother bringing up young children. I was a TV producer with Granada Television's *World in Action*, and a spouse. I spent a lot of time filming abroad.

Caroline was a businesswoman working in London and she was about to become the MP.

In both cases the situation was impossible and in Caroline's more so. No one expected Austin Mitchell to manage the childcare along with his constituency responsibilities.

When I went to film Caroline and her husband and children a few weeks after the election, they were camping out in a rented house in Meriden, Caroline's new constituency. The situation was chaotic and all hands to the pump. The three young children had to be transported backwards and forwards from London, and when they were left in the constituency someone had to care for them while their mother attended the Commons. It seemed to me that everyone in Meriden was helping out as best they could.

I was very sympathetic to Caroline's plight and advised her, as I have many MPs since, that there was no way she could keep the children in the constituency on a long term basis as the result would be bad for all concerned.

My children were often left alone in the constituency with hired staff and without either parent in an attempt to fulfil my husband's promise to his constituents. It was a disaster.

Caroline had made the same promise and for several years she struggled heroically to cope with an impossible situation. I am quite certain that any staff employed by the Spelmans then would have needed to be able to turn their hands to every task that came along as the new MP struggled to cope with her role at Westminster and continue to bring up her family.

Caroline was flexible, calm and determined. It is an absolute tribute to her that she got through those difficult early years with shining distinction and a happy well adjusted family.

The accusations made against Caroline re the precise nature of the work carried out by people she employed back in the nineties are offensive and an invasion of her privacy. Anyone who knows anything about MPs' families and their struggles to keep family life on an even keel, will know that the wonderful people who work for us and who are flexible and sympathetic to the magical multitasking MP Mum, deserve all our thanks.

Undated

9. Letter to Mrs Spelman from former Head Teacher, Knowle CE Primary School

I am writing to confirm that I was Head Teacher of Knowle CE Primary school when you became the local MP and moved into the area. I admitted your three children to the school and the current Head Teacher and the Local Authority will be able to confirm the dates from their records.

The three children attended school full time, including your youngest who did a double session in the on-site nursery. I remember arranging with you that we would allow your personal assistant to bring and collect the children as she had some responsibility for them as well as other administrative duties for you.

Undated

10. Statement from the current Head Teacher, Knowle CE Primary School, 19 June 2008

To whom it may concern:

Re: [Spelman children]

I am writing to confirm that the above named children attended Knowle CE Primary School between the following dates:

[Child A] 3 September 1997 — 18 July 2002

[Child B] 3 September 1997 — 18 July 2002

[Child C] 14 September 1998 — 18 July 2002

This information has been confirmed by the Local Education Authority.

If you require any further information please do not hesitate to contact me.

19 June 2008

11. Statement from Mrs Paula Yates, 20 June 2008

In March 1997 I was employed on a temporary contract via Sarah Harvey Recruitment Agency to give clerical support to the Meriden Conservative Association office at 2 Manor Road, Solihull, B91 2BH. This office is not in the Meriden Constituency but in the Solihull Constituency.

On 5th May 1997, due to the retirement of the existing Organising Secretary [...] I was made a permanent member of staff by Meriden Conservative Association. I was employed as the Organising Secretary of the Association on a part time basis from 9am to 1 pm Monday to Friday. This was a new role for me and I had to learn the ropes.

I was working part time as I had a small child and could not commit more hours at this time. I was employed and paid by Meriden Conservative Association.

Meriden Conservative Association rents one small office and shares a larger office with the Solihull Conservative Association Secretary. Solihull Conservative Association is the landlord for the building. The building was fully let with no room for Caroline Spelman to have an office at this time. Mrs Spelman was anxious to have a constituency based office where people could contact her locally.

In these early days, I used to book the advice surgeries and appointments only. Caroline Spelman inherited the surgery timetable from the late Iain Mills MP. Any post delivered to Manor Road for Mrs Spelman was collected by Tina Rawlins on a regular basis along with the advice surgery schedule required for that weekend's session. Any post/correspondence for the Association was exchanged at appropriate times for example "*In Touch*" newsletter articles. Tina and I grew to know each other fairly well whilst she was employed by Mrs Spelman.

In 1999, I was asked if I could also do the constituency casework arising from the advice surgeries until a more permanent solution could be found. This was a temporary arrangement. I increased my hours of work and my salary was increased to reflect the extra work taken on. This involved typing up letters and liaising with various agencies on behalf of constituents as well as continuing to organise the advice surgeries. I carried out these duties until [...] took on the role of Parliamentary Secretary. My employment and payments were maintained by Meriden Conservative Association throughout this period and Mrs Spelman was invoiced by Meriden Conservative Association for work carried out by me on her behalf.

20 June 2008

12. Statement from the Conservative Women's Chairman for the West Midlands Region, 21 June 2008

I write with reference to your enquiry into Caroline Spelman MP's expenses arrangements concerning Tina Haynes and to give you my recollections of the period concerned. I hope that you may find them useful in considering the evidence.

By way of explanation as to my connections with Caroline I have lived in Solihull since 1972 and my husband and I have been active in the Conservative Party since then. Living in the neighbouring constituency to Meriden and with the two Conservative Constituency Associations sharing an office I have naturally been very close to all the activities and office arrangements in Meriden. In 1997 when Caroline won the Meriden seat I was the Conservative Women's Chairman for the West Midlands Region and also the secretary of the Coventry and North Warwickshire Euro Conservative Council. I was therefore very aware of all that was going on at that time.

On election Caroline and her family moved to a rented house in [...], Knowle and then subsequently bought a house in the same road. Caroline's children attended Knowle Infant School from September, 1997. Caroline

employed Tina Haynes to work for her from her home in Knowle not only to act as a nanny out of school hours but very importantly to be her assistant managing the post, telephone calls and other matters relating to her work as an MP. It was well known to all the local party activists that Caroline was operating her constituency office at that time from her Knowle home and that if we needed to contact Caroline we should contact Tina first. As I recall this arrangement with Tina lasted until the Spring of 1999.

Since 1999 my husband has been an MEP and I now work for him managing his office here in the West Midlands. I know only too well how important it is to have someone to field the phone calls and pass on the messages. There is always a great deal of liaison work that has to be done between local councillors, the MP and the MEPs quite apart from the constituents' enquiries. In 1997 email was not in widespread use and the first point of contact from a constituent would usually have been a phone call. Some days there would no doubt have been more calls on Tina's time than on others but it was important for Caroline to have someone there to answer the phone every day and to pick up on the post too. Tina may not have realised just how important her work was to Caroline but she was a crucial member of Caroline's team.

I hope this helps you with your enquiry. Local people have been appalled at the treatment Caroline has had from the press; their misleading comments and distortions of the facts. She is enormously popular and highly respected; known for her great integrity and dedicated hard work as a constituency MP. Two weeks ago immediately following the original *Newsnight* "revelations" she gave a sermon at Knowle Parish church and the congregation spontaneously clapped her; not something that usually happens. I think that should say it all.

21 June 2008

13. Statement from a constituent, 2 July 2008

I am not sure if my information will help in any way?

I am a person who over the years has had many problems and many issues. Some one in 1997 suggested that I contact my MP to get advice. I did, that MP was in fact Caroline Spelman. I made a phone call to the number I had been given and a lady answered the phone who I assumed was Caroline Spelman. I immediately gave her my name and proceeded to tell her in an anxious manner about my problem. She broke the conversation and explained that she was the nanny, but also did some secretarial work, i.e. phone messages and written messages. She then told me she would get a note pad and a pen, and took my details and said she'd leave a message and get back in touch with me.

I phoned this number at least five times over a period of months, and the same lady answered the phone. She gave me her name as Tina, and told me once again that she did bits of secretarial work and was also the nanny. On one of our phone conversations, she cut my conversation short, because she was late for picking the children up. However, she still took the information from me, and I left it at that.

I again contacted Caroline Spelman's office on the number I was given, some time later (18 months-2 years) and a different lady answered the phone. I assumed that's when they switched the office. I have been in touch with Caroline Spelman on a number of occasions, on which she's both met me personally and spoken to me and advised me. On one occasion she approached the Chief of Police on my behalf. I do have a record of every call I have made, whether it is mobile or land line. If this information will be of any help to anybody I can dig it all out. All of the information I have provided here is true.

2 July 2008

14. Statement from a councillor, 25 June 2008

I am very concerned about the unfounded allegations in the press that Tina Haynes did not do secretarial and administrative work for Caroline Spelman in her early days as MP for Meriden. When Mrs Spelman became the MP for Meriden she had little knowledge of the area and had a serious need to get closer to her constituents.

I have been resident in Marston Green for over 75 years and ten years ago I was very active in the community.

I attended surgeries with Mrs Spelman at Castle Bromwich, Kingshurst and Chelmsley Wood. Matters would often arise, such as housing problems, which would more properly be dealt with at Borough Council level. Once dealt with I would report back to Caroline, often using Tina Haynes as the conduit either by telephone or in person if I met her in the constituency office, or when on occasion my wife and I collected the Spelman children from school and took them home.

Through Tina Haynes I used to notify Caroline of local events that she might wish to attend to meet more people. Typically the events were church fetes, flower shows, sports club events, school events etc.

I also gave Caroline via Tina early warning of possible problems that she would need to know about which had arisen at Bickenhill Parish Council meetings.

I always found Tina Haynes very helpful and do not recall any item passed on through her that did not arrive safely with Mrs Spelman.

25 June 2008

15. Statement from Mr Nigel Waterson MP, 1 July 2008

I just wanted to confirm my recollection that while we were both in the Whips' Office during 1998, I recall your having a fax machine on your desk. It only sticks in my mind because it was somewhat unusual at the time.

1 July 2008

16. Letter to Mrs Caroline Spelman MP from a volunteer in her office, 2 July 2008

I have been saddened to read in the press of the allegations that have been made against you. I know that you are a person of decency and integrity and that any suggestion that you have misused your parliamentary Allowances must be false.

I first met you in February 1998 while I was doing postgraduate study in London. We arranged that I would come in to the office as a volunteer every Wednesday afternoon and on other days as necessary. You asked me to work with you on a project entitled *Social Regeneration in Chelmsley Wood*, an estate in your constituency.

I did make several visits to Meriden to visit the Chelmsley Wood estate and other parts of your constituency. On these visits I was normally collected from Birmingham International by Tina Hayes who worked for you. Tina would drive me around the constituency and would frequently accompany me to the meetings as she knew some of the people concerned. The days would often end at your house where you would make supper for the children after school as Tina and I would update you about the meetings we had had that day.

The work I did for you continued over the summer of 1998 and because it was not completed I came to work for you full time for the month of September 1998.

In October 1998 I became the Special Adviser to Tim Yeo MP, the then Shadow Minister for Agriculture, Fisheries and Food. At the time you were the Whip to the Shadow Team, attending all meetings.

In my role as Special Adviser I coordinated the work of the Shadow Team and spoke frequently to the members of the team and their secretaries. In your case I nearly always spoke to you because you were always easier to get hold of than your secretary.

I do hope that this is of help to you. I am confident that when the allegations are looked in to they will be shown to be false.

2 July 2008

17. Statement from Mrs Spelman's Parliamentary Researcher, 2 July 2008

To whom it may concern:

I worked as a parliamentary researcher for Caroline Spelman MP between October 1998 and May 2001. Based at the House of Commons, I helped write speeches and articles and carried out political research.

For part of this time I was a colleague of Georgina Perry, who worked as Caroline's secretary.

My recollection is that Caroline and Georgina had a strained relationship. I understand that this was caused, in part, by Georgina's reluctance to use an answering machine or voicemail in her work. She preferred to rely on the House of Commons answering service - i.e. an attendant. In my experience, this was not a good method of receiving messages when out of the office. Details were not always taken down accurately and it was an impersonal way for people to contact an MP. Georgina was also reluctant to use a new computer provided by Caroline.

In my view, Georgina's working practices were unsuited to the demands of our modern parliamentary office and this resulted in definite tension between her and Caroline.

During my time as a researcher, I was aware that Tina Haynes (*née* Rawlins) carried out parliamentary work at Caroline's home. I understood that this consisted of receiving telephone calls, posting letters and providing directions for constituency visits. For example, Tina frequently sent me parcels of local newspapers which were invaluable in my PR work.

I worked closely with Caroline for the best part of three years. At all times, she demonstrated the highest standards of professionalism. I never had any reason to question her honesty and I believe she was, and continues to be, an MP of the greatest integrity. I have not met another politician who is more conscientious or principled.

2 July 2008

18. Statement from Mrs Spelman's gardener, 2 July 2008

To whom it may concern

I have worked for Mr and Mrs Spelman since October 1998 as a gardener working two days doing the gardens at [...], and odd jobs around the house.

I knew Tina, the nanny, well as she would sometimes make me a cup of tea and I soon got to know her routine.

I know for a fact that she used to sort the mail, into private and work related piles. She would open them, and then tell Mrs Spelman any important post that had arrived during the day, and sometimes receive parcels too.

Most days Tina would return from dropping the children off at school around 9.30 and be around [...], sometimes having to do errands for Caroline.

I know Tina was always in communication by phone with Caroline, as she used to tell me in conversations we had, of Caroline's movements.

Tina would always answer the phone and take messages and contact Mrs Spelman as necessary. I hope the above is of assistance to you, and if I can be of any further assistance please do not hesitate to contact me.

2 July 2008

19. Statement from the Vicar, Knowle Parish Church, 26 June 2008

Testimonial for Caroline Spelman MP

I have known Caroline Spelman since I became vicar of Knowle, the largest Anglican church in the Birmingham Diocese, in Easter 1998.

From the outset of my time here Caroline Spelman has been a regular and committed member of the church congregation, attending weekly for the vast majority of the time. It has only been latterly when in the shadow cabinet and as Party Chairman that wider responsibilities and Sunday commitments elsewhere have drawn her away.

When I began her children were in full time education in Knowle at the Church Primary School, an arrangement that continued for some years until they began education in London.

In my experience Caroline Spelman has been and is noted for her commitment to her constituency and its people. She is highly conscientious and pushes herself hard in the range of activities she is involved with especially on Fridays, Saturdays, and Sundays in the constituency. I have noticed time and again that people who would not have previously spoken well of a Tory MP, nor have been Tory voters, have become her supporters and voted for her because of the good work she has been seen to be doing. People appreciate her candid openness. She does not have “airs and graces”, she relates well to ordinary people, and so they relate well to her. She does not “spin” things, but will be candid, open, and honest about issues straightforward or difficult.

Neither do people see in her someone who is interested in the trappings of privilege, power or aggrandisement. She dresses in a straightforward way, she does not stand on ceremony waiting to be treated as an “elite” person, she drives around the constituency for the most part in a Corsa. She is known for rolling her sleeves up, serving the communities to the best of her ability, and way beyond the call of duty. She has ploughed an enormous amount of energy into the regeneration project in the north of the borough, I have seen her in action there. She has to my knowledge initiated the “Welcome Trust” working amongst drug addicts for their rehabilitation. Typically she volunteered and did help in the leadership of our Sunday Children’s groups for a significant period.

I find time and again she is very well respected in the community. The respect has been earned. It comes from ordinary people finding that here is someone who is straight, honest, and will do her very best for people.

People know she is married to an immensely capable business man who has had good success in his career. He has reaped the rewards of that financially. People should not I think confuse those rewards with the remuneration and expenses Caroline Spelman has had as an MP.

In my view Caroline Spelman would not have claimed for things on expenses as an MP that she believed to be outside the rules in force at the time.

I have seen enough of her life and work to realise there is a large overlap between home and work. When someone is as busy and committed as she has been and is, things do not settle into easy compartments of office for work and home for leisure. This is made yet more difficult by living in London midweek and being in the constituency at weekends and very often Fridays too. To my knowledge she has lived with work coming both to home as well as to a constituency office in Balsall Common, as well as to the Manor Road Constituency office. That Tina Haynes time in the day was divided between secretarial work and being a nanny seems entirely plausible. E-mail and texting were not used by most people back then and secretarial support for phone and post would have been needed in a different way to the present.

If politicians in this country all had the good reputation that Caroline Spelman does here their place would rise markedly in the public’s affections. She is the kind of MP we need more of. It would be a real tragedy if Caroline Spelman was to be hounded from office, or left with a tarnished reputation because of allegations concerning something eleven years ago. I hope she can be quickly cleared and allowed to concentrate on her job again.

26 June 2008

20. Statement from the former Chairman of the Solihull Healthcare NHS Trust and Chairman of the Solihull Bench, 12 July 2008

I first met Mrs Caroline Spelman when she was first elected as a Member of Parliament for Meriden and she came to visit me in my roles as Chairman of Solihull Healthcare NHS Trust and also Chairman of Solihull Bench. Her intention was to get as much information about the areas which I served to help her in her role as MP. I was impressed then with the thoroughness with which she tackled her position.

Subsequently in 2001 Mrs Spelman and I, with others, set up the Charitable Trust “*Make a Better Life Trust*” (MABL) to supplement the work of the statutory authorities in helping women and children who were the subject of domestic violence, because of our concern for their problems. We remain Trustees of the Trust, in fact Mrs Spelman is now Chairman.

During the time I have worked with Mrs Spelman I have always known her to be a “giver” not a “taker”, she has served Meriden with tremendous diligence and enthusiasm. Despite being a Shadow Cabinet Member Mrs Spelman is constantly working on behalf of her constituents. She has been a very refreshing change from the previous Member.

All the recent negative press reports do not accord in any way with the person I know and it is for this reason I would wish to support her in any way possible. She has not asked me to do this.

I would trust absolutely the honesty, transparency and integrity of Mrs Spelman in whatever situation she happens to be and I am very privileged to know her and to serve with her for the benefit of the local community.

12 July 2008

21. Letter to Mrs Paula Yates from the Commissioner, 9 July 2008

I am inquiring into an allegation about the use of Mrs Spelman’s parliamentary allowances from 1997 to 1999. I would be most grateful for your help with my inquiry.

In essence, the allegation against Mrs Spelman is that she subsidised the cost of nannying services out of her parliamentary allowances and that her secretarial assistant, Ms Tina Haynes, did not undertake the secretarial duties to the extent for which she was paid.

I would be grateful if you could let me have a note setting out your recollection, in as much as you saw them, of the duties performed by Tina Haynes for Mrs Spelman in supporting her on her parliamentary duties in the constituency.

In particular, it would be helpful if you could:

1. confirm what I understand to be the position that you were not yourself able to provide support for Mrs Spelman when she first became the Member of Parliament for Meriden, and that that position continued until 1999. Mrs Spelman has said that this is because your eldest child was not yet in nursery school. I would be grateful if you could confirm that this was the reason or otherwise let me know what it was. In this regard, you might find it helpful to see the attached extract of the Minutes of the Meriden Conservative Association’s Finance and General Purposes Committee meeting on 22 July 1997;
2. let me have information or your recollection of your contacts with Tina Haynes when she was supporting Mrs Spelman in her parliamentary capacity. I understand from Mrs Spelman that Tina Haynes would drive to your office with papers and documents received during Mrs Spelman’s constituency surgeries. It would be most helpful to have information about these contacts, including their frequency. Could you also let me know whether constituents wrote or contacted your office in Solihull if they needed help from Mrs Spelman and how liaison and the movement of papers and messages between

your office and Tina Haynes' office in Knowle worked in practice – including the volume of work, the frequency of the exchanges and the time taken on them by Tina Haynes;

3. let me know the circumstances in which you took over supporting Mrs Spelman in the constituency from June 1999. I understand from Mrs Spelman that you were initially paid around £8.50 an hour for a 14 hour week. I attach a copy of invoices dated June and July 2000 from the Meriden Conservative Association which Mrs Spelman has sent me. Could you also let me know what your duties were for Mrs Spelman when you took over supporting her in the constituency? Any information or recollection you may have of how far you inherited those duties from Tina Haynes would be most helpful. For example, did you have any handover discussions at the time you took on this role?

Any other information you could let me have which you think may be of help in my inquiry would be most welcome.

I attach a note which sets out the procedure I follow in taking evidence from witnesses. I should emphasise that information you give me is treated as personal and confidential during the course of my inquiry. If I report my conclusions to the House of Commons Committee on Standards and Privileges then I will attach to those conclusions the evidence on which I rely and your evidence is likely to be included in that and subsequently published by the Committee. I am asking for your responses in writing but it is possible that I may also ask you to come in for a discussion at a later stage.

I would be most grateful for your help on this matter. If you have any questions about the process, please do feel free to contact my office.

9 July 2008

22. Letter to Mrs Sally Hammond from the Commissioner, 9 July 2008

I am inquiring into an allegation about the use of Mrs Spelman's parliamentary allowances from 1997 to 1999. I would be grateful for your help with my inquiry.

In essence, the allegation against Mrs Spelman is that she subsidised the cost of nannying services out of her parliamentary allowances and that her secretarial assistant, Ms Tina Haynes, did not undertake the secretarial duties to the extent for which she was paid.

I would very much welcome any information you can give me about the arrangements which Mrs Spelman put in place for her employment of Tina Haynes as her secretarial assistant and what you saw of her and her work.

I would be particularly grateful for your help with the following:

1. the period for which you worked for Mrs Spelman, the hours you worked and the duties you were asked to perform. I understand from Mrs Spelman that you started working for her in about April 1999. I do not have your end date;
2. what Mrs Spelman may have told you about her decision to employ Tina Haynes in her constituency, and what you understood were her duties;
3. how far it was necessary for you to have regular contact with Tina Haynes and, if so, what those contacts were; their frequency and what you saw of the work which she undertook for Mrs Spelman. I understand from Mrs Spelman that she does not believe you visited the constituency more than once and so in her view you were not able to assess how much work Tina Haynes did there;
4. the circumstances in which you raised your concerns (if you did raise such concerns) with another Member of Parliament; what those concerns were; and what, as far as you know, was the outcome of you raising those concerns. I understand from Mrs Spelman that you complained about her arrangements with Tina Haynes very soon after starting to work for her and she considers you did not have sufficient time to assess the practicality of the arrangement with Tina Haynes and how it worked.

Any other points you may wish to make to help me with this inquiry would be most welcome.

I attach a note which sets out the procedure I follow in taking evidence from witnesses. I should emphasise that information you give me is treated as personal and confidential during the course of my inquiry. If I report my conclusions to the House of Commons Committee on Standards and Privileges then I will attach to those conclusions the evidence on which I rely and your evidence is likely to be included in that and subsequently published by the Committee.

I would be most grateful for your help on this matter. If you have any questions about the process, please do feel free to contact my office.

9 July 2008

23. Letter to the Chairman of the Meriden Conservative Association from the Commissioner, 9 July 2008

I am inquiring into an allegation about the use of Mrs Spelman's parliamentary allowances from 1997 to 1999. I would be grateful for your help with my inquiry.

In essence, the allegation against Mrs Spelman is that she subsidised the cost of nannying services out of her parliamentary allowances and that her secretarial assistant, Ms Tina Haynes, did not undertake the secretarial duties to the extent for which she was paid.

I would welcome any information you can give me about the circumstances in which Tina Haynes came to be employed by Mrs Spelman and what you saw of her work over the period of that employment, June 1997 to June 1999. In particular, it would be helpful if you could confirm:

1. that, in July 1997, it was clear that Mrs Paula Monkhouse could not be deployed to assist Mrs Spelman in the constituency. I attach an extract from the Minutes of the Meriden Conservative Association's Finance and General Purposes Committee meeting on 22 July 1997 which Mrs Spelman has sent me and which I see you attended as the then Treasurer. I understand from Mrs Spelman that Paula Monkhouse was not able to provide Mrs Spelman with support since her eldest child was not yet at nursery school. I am checking this recollection with Mrs Monkhouse. I see from the Minutes that the then Chairman stated "Work for Mrs Spelman had now been defined". If you were able to help me on what that reference meant, that would be most helpful;
2. what Mrs Spelman may have told you at the time about her arrangements for employing Tina Haynes both as her secretarial assistant and as her children's nanny, both when the arrangement was instituted in 1997 and when it was brought to an end in 1999;
3. what you saw of Tina Haynes and her work over this period, or what you heard of it from others. Tina Haynes was employed for some 18 hours a week and I need to get an understanding of how her time was deployed, how she balanced her secretarial work with her work as a nanny and the nature of her work in supporting Mrs Spelman in the constituency for that period of time a week.

Any other information you could let me have which you think may be of help in my inquiry would be most welcome.

I attach a note which sets out the procedure I follow in taking evidence from witnesses. I should emphasise that information you give me is treated as personal and confidential during the course of my inquiry. If I report my conclusions to the House of Commons Committee on Standards and Privileges then I will attach to those conclusions the evidence on which I rely and your evidence is likely to be included in that and subsequently published by the Committee.

I would be most grateful for your help on this matter. If you have any questions about the process, please do feel free to contact my office.

9 July 2008

24. Letter to Mrs Georgina Perry from the Commissioner, 16 July 2008

I am inquiring into an allegation about the use of Mrs Spelman's parliamentary allowances from 1997 to 1999. I would be most grateful for your help with my inquiry.

In essence, the allegation against Mrs Spelman is that she subsidised the cost of nannying services out of her parliamentary allowances and that her secretarial assistant, Ms Tina Haynes, did not undertake the secretarial duties to the extent for which she was paid.

I would very much welcome any information you can give me about the arrangements which Mrs Spelman put in place for her employment of Tina Haynes as her constituency assistant and what you saw of her and her work. In this context, I have received a statement from Mr Tim Collins, a parliamentary researcher for Mrs Spelman from October 1998 to May 2001, about your relations with Mrs Spelman and your working practices. I enclose a copy of that statement so that you are aware of it.

I would be particularly grateful for your help with the following:

1. the period for which you worked for Mrs Spelman, the hours you worked and the duties you were asked to perform. I understand from Mrs Spelman that you worked for her from May 1997 to approximately March 1999;
2. what Mrs Spelman may have told you about her decision to employ Tina Haynes in her constituency, and what you understood were her duties;
3. how far it was necessary for you to have regular contact with Tina Haynes and, if so, what those contacts were; their frequency and what you saw of the work which she undertook for Mrs Spelman. I understand from Mrs Spelman that she does not believe you visited the constituency more than once and so in her view you were not able to assess how much work Tina Haynes did there.

Any other points you may wish to make to help me with this inquiry would be most welcome.

I attach a note which sets out the procedure I follow in taking evidence from witnesses. I should emphasise that information you give me is treated as personal and confidential during the course of my inquiry. If I report my conclusions to the House of Commons Committee on Standards and Privileges then I will attach to those conclusions the evidence on which I rely and your evidence is likely to be included in that and subsequently published by the Committee.

I would be most grateful for your help on this matter. If you have any questions about the process, please do feel free to contact my office.

16 July 2008

25. Letter to the Acting Director of Operations, Department of Resources from the Commissioner, 9 July 2008

I am inquiring into an allegation about the use of Mrs Spelman's parliamentary allowances from 1997 to 1999. I would be grateful for your help with my inquiry.

In essence, the allegation against Mrs Spelman is that she subsidised the cost of nannying services out of her parliamentary allowances and that her secretarial assistant, Ms Tina Haynes, did not undertake the secretarial duties to the extent for which she was paid.

I attach a copy of a letter of 3 July from Mrs Spelman, together with its attachments, which sets out her response to the allegation against her.

I would welcome any comment or information you may be able to give me on Mrs Spelman's response to help me with my inquiry. In particular, I would be grateful:

1. if you could confirm that there is no relevant information available in the Department's records relating to Mrs Spelman's employment of her staff from 1997 to 1999;
2. for any help you can give me on job titles for the staff of Members of Parliament in 1997. You will see a reference in paragraph 2.2 of Mrs Spelman's letter. If there were established or indicative job titles, I would be grateful for your advice on what would be the appropriate job title given Mrs Spelman's description of Tina Haynes' work in her letter. Could you also confirm that there were no pay scales provided by the House authorities for staff doing this sort of work at that time? Can you help me with any evidence of the sort of salaries paid to Members' staff for this sort of work at that time?
3. I would be grateful also if you could confirm or comment on the evidence which Mrs Spelman includes in paragraph 10.2 of her letter, including Mr Marskell's recollection of the discussions the then Fees Office would have had with a Member in Mrs Spelman's position in 1997 and Mrs Spelman's own recollection of a discussion she had with the Fees Office in 1997 before instituting the arrangements for the employment of Tina Haynes.

Any other information you think may help in my inquiry would be most helpful.

9 July 2008

26. Letter to the Commissioner from Mrs Paula Yates, 11 July 2008

Thank you for your letter of 9th July. I set out answers your questions as follows:-

1. Yes, I confirm that I was not able to provide work for Caroline Spelman upon her election. I had already accepted the permanent position of part time organising secretary with Meriden Conservative Association from May 1997, having worked temporarily via an Agency from March 1997. My hours of work were 9 am to 1 pm. My daughter was only 6 months old at this time and I did not want to commit to more hours whilst she was so young. I enclose a copy of my job description which makes no mention of working for an MP. As the extract from the minutes of the 22nd July 1997 indicate, the workload from the branches within the Association already exceeded my capacity in the hours available. There was also no office space available to house a constituency office for Mrs Spelman at Manor Road which in any event is not in the Meriden constituency.

2. The contact I had with Tina would be on a weekly basis (typically a Monday and Friday) to exchange correspondence and the advice surgery schedules. Post would come both to Caroline's home and our office as it still does to date. This would be collected by Tina and in exchange she would bring in work from Caroline. Following a weekend surgery, for example Tina would bring in paperwork for some of our local councillors because in the early days, councillors did not attend advice surgeries with her, but often the work was for them. Sometimes, Tina would take the work to them directly as she was familiar with the locality and the individuals involved.

The volume of work would fluctuate, in the early days there was a backlog inherited from Iain Mills but Caroline's workload steadily increased as she became better known. There were peak times after the surgery in Chelmsley Wood when a lot of the cases were about housing and therefore a Council matter. These did not need to go to Westminster in every case and could be dealt with locally.

Tina would also bring in articles for local newsletters, parliamentary reports etc. I did not open the post for Caroline. Once Tina had left our office the paperwork was out of my hands. I do not know how many hours precisely Tina spent on administrative work but having worked for Caroline myself from 1999, I would imagine it consumed a significant part of her day.

Telephone calls to my office were usually from constituents wanting a surgery appointment. I would book them into an appropriate advice surgery. Other calls would be referred to London to the parliamentary

secretary or to Tina if I needed her to come in. This was because Caroline would be in London most of the week. Caroline inherited a heavy surgery schedule from her predecessor, spread over five different locations in this large rural constituency, which is why this costed circa £250 per month to administer.

3. In 1999, I was asked if I could work more hours to take on the constituency casework arising from the advice surgeries. It was explained to me that this would be a temporary arrangement (although this lasted approx two years) and my employment would continue to remain with Meriden Conservative Association, but that Mrs Spelman would be invoiced for the time I spent dealing with casework on her behalf. Over a week, this was calculated to approx two full days in time spent, however, I did regularly take work home to ensure tasks were completed. During this period, my hours were 9am to 5pm, Monday to Friday. I confirm the invoices you have are correct. Caroline explained to me that she needed to end the dual role performed by Tina of administration on the one hand and childcare on the other. Caroline had confided in me that she had difficulties with her Westminster staff. I only remember Georgina Perry coming to the constituency on one occasion and I don't recall meeting Sally Hammond although I did speak with both on the phone from time to time.

So, from 1999, not only did I book the advice surgeries and appointments, I dealt with all correspondence arising from the local advice surgeries (which involved typing letters to various agencies and to constituents to advise them of the action taken on their behalf) whilst continuing to do my permanent position of organising secretary for the Association.

The handover from Tina was gradual. There was no reason to discuss the new cases and Tina simply brought in files of old casework which we then filed and housed here at the Association, just in case it was needed in the future or there was an ongoing case.

The work I took on was relatively straightforward. I was an experienced secretary and I soon learnt how Caroline liked to write to the various agencies/constituents in her own style. All the constituency files held at Caroline's home were gradually brought into Manor Road. This took up two filing cabinets and there were also post bags which were kept in the loft space. These were passed to me along with lists of contact addresses/telephone numbers for various agencies and House of Commons stationery. I still saw Tina on a regular basis when I took on the constituency casework in 1999 as paperwork still needed to be passed back and forth to Caroline due to the nature of Caroline's work and the time she spent in London.

Tina and I both understood the need to keep parliamentary and party political work separate which is why I was meticulous with my own records.

I have tried to answer your questions in as much detail as possible, however, if you require any further information, please do not hesitate to contact me. Please note that I shall be out of the country on holiday from Monday 14 July to Monday 28 July inclusive.

11 July 2008

27. Letter to Mrs Paula Yates from the Commissioner, 15 July 2008

Thank you very much for your letter of 11 July. I was most grateful to have such a prompt and clear response.

You kindly offered me the opportunity to ask you for some further information, so I hope it may be possible for you to help me with some supplementary points which occurred to me on reading your helpful letter.

They were:

1. could you kindly confirm the timing and date of the statement you attached to your letter? I assume you issued it in early June this year when the allegations first surfaced;
2. it was most helpful to have the job description for your job as it was in 1997. Could you confirm that your task: "To work closely with the Conservative Member of Parliament" was met by your work booking

advice surgeries and constituents' individual appointments with Mrs Spelman? Were there any other aspects of your work with Mrs Spelman at that time?

3. do you still have a job description for the job as it changed in 1999? If so, it would be very helpful to have a copy;
4. can you recall the date (month and year) when local councillors began to attend Mrs Spelman's surgeries and how often the Chelmsley Wood surgery was held over this period?
5. on the telephone calls to your office from constituents, could you clarify for me your reference to "other calls would be referred ... to Tina if I needed her to come in". I am not clear why you referred to her calls requiring her to come in (presumably to your office). And could you help me with the £250 per month administration costs you referred to for the surgeries – how was this made up?
6. turning to the extension of your work in 1999, did the contacts you refer to with Tina Haynes (bringing in files of old casework and seeing her regularly as part of the gradual handover) occur after June 1999 when I understand she ceased her work as Mrs Spelman's secretarial assistant, or before?
7. are you able to help me on other tasks you inherited from Tina Haynes? I appreciate the files were passed to you, but it would be helpful to get an idea of the tasks you took over from Tina Haynes, as opposed to those you either continued to perform as you had before 1999, or which you did but which Tina Haynes did not;
8. finally, was it necessary in 1999 to make any changes to the office accommodation allocated in the Solihull office (other than for storage mentioned in your letter) to reflect the new arrangements?

I am sorry to add to your burdens, but if you could help me with these matters, I would be most grateful. I recognise, of course, that you will not receive this until after your return from holiday on 28 July.

15 July 2008

28. Letter to the Commissioner from Mrs Paula Yates, 6 August 2008

Thank you for your letter of 15th July. I am sorry for the slight delay in sending a reply, but only yesterday I completed my Agent's exams (successfully) which had to take priority upon my return from holiday. I set out my answers below:-

1. I produced the statement on Friday 20th June. I was not asked by anyone to do this; I simply thought it may be helpful for the inquiry. I did not put this information in the public domain.
2. The job description where it refers "to work closely with the Member of Parliament" wasn't anything to do with the advice surgery bookings/appointments. This was an additional duty not included in the job description. This statement refers to the political side, i.e. getting the Conservative MP elected/re-elected and it comes under the section marked political in the job description.
3. My job description remained the same. The additional work and hours I agreed to carry out for Mrs Spelman relating to her parliamentary duties were negotiated verbally. My terms, conditions and salary remained with the Meriden Conservative Association as we thought it was going to be a temporary arrangement as Caroline aspired to find a full-time constituency secretary.
4. I am fairly certain this was in 1999, when I took over; I cannot recall the exact month. Caroline had an incident with a constituent. Her security was threatened and from this point forward Caroline wanted assistance at her surgeries. I then created a rota for the local councillors to ensure that one of them was with Caroline at every surgery. Caroline inherited the late Iain Mills surgery schedule taking in the following locations, Chelmsley Wood, Castle Bromwich, Dorridge & Hockley Heath, Knowle and Meriden. The heaviest by far were the Chelmsley Wood and Castle Bromwich surgeries because of the level of local need and these were held every two weeks, but effectively, a constituent could attend one of Caroline's surgeries every week including recess (except when Caroline was on holiday). I observed this

was significantly more surgery work than the MP for the adjoining constituency of Solihull who was John Taylor at that time. But this can be explained by the high levels of deprivation in the Meriden constituency.

5. To clarify, my reference to “other calls would be referred to” meant I would refer calls not requiring surgery appointments to London to the parliamentary secretary or I would call Tina if I needed her to call in to the Manor Road office to collect post or other documents or pass messages on for Caroline.

The £250 administration costs for the surgeries was made up of costs incurred by the Association for room hire, advertising, telephone/fax costs, stationery, postage and administration costs.

6. As I recall, Caroline first spoke to me about taking on extra work in April 1999. The handover of work and files occurred gradually after this period. Unfortunately, I cannot recall the exact timing, there were a lot of files and they were moved into the Association office bit by bit. I still had contact with Tina after June 1999 because at the very least there was the ongoing political work and she would also bring into me any correspondence from Caroline’s home. This makes it difficult to remember clearly the dates as well as the fact that these events took place over a decade ago.

7. I took on the opening and sorting of the post arriving in the constituency and at our office and dealt with any follow up actions arising from this. This included faxing urgent letters to London and making sure Caroline was aware of what was in the post to limit any possible delays. I also took on the casework arising from the surgeries due to volume which increased as Caroline became better known. I also helped the local councillors become more engaged with work that was rightly theirs. Inevitably when constituents are booking up for a surgery appointment they are not sure whether to turn to the MP or their local councillor. There was also a significant amount of parliamentary work which got dealt with locally rather than going through London. For example letters requiring urgent diary appointments or local appointments where a London based secretary would find it hard to estimate the time required getting between events, but I had the impression that the work I did to try and be helpful was frowned upon by the parliamentary secretary. Once the correspondence and casework was dealt with I filed the documents away unless there were ongoing cases which went into a pending filing system. When I took over more work for Caroline I also had more driving around the constituency but in particular I would regularly have to drop off work for Caroline at her home address. As I indicated in my letter to you dated 11th July, I also regularly took work home because the volume tended to exceed the number of hours I had in the office which I did as a matter of goodwill.

8. There was no room for Caroline to have an office at the Association. We had to find quite a lot of extra space for the files including having to store some in the loft space. We only kept two filing cabinets of live files which were housed in the Chairman’s office because there was no room in my office as this is shared with the Solihull Conservative Association organising secretary. Caroline had to make greater use of the Chairman’s office to consult the live files prior to and after each surgery. At times that office could be very congested as more meetings were held with constituents or local pressure groups after Caroline’s arrangements changed. In fact Caroline did ask if she could take over the Chairman’s office completely at one stage but this was refused because it was needed for the Association, eg: the Treasurer, Chairman, Deputy Chairmen and volunteers on the odd occasion. No other changes were made.

I trust the above information is satisfactory.

6 August 2008

29. Letter to the Commissioner from the Chairman of the Meriden Conservative Association, 14 July 2008

Thank you for your letter of the 9 July regarding the allegations about the use of Mrs Spelman’s parliamentary allowances.

I will try to answer the various points you make as far as I can remember. As you say in 1997 I was the Association’s treasurer, having been either chairman or treasurer over the previous twelve years. The

constituency organising secretary had been the late [...] and she was Mrs Spelman's general election agent when she was elected in May 1997. Mrs Spelman had been selected, at very short notice, to fight the seat after the sudden and untimely death of the sitting member, Mr Iain Mills in the January.

[The previous organising secretary] retired after the 1997 election and Mrs Paula Monkhouse (now Mrs Yates) became Organising Secretary, but as she was able to work mornings only we were very dependent on voluntary help. After the election the Association carried on the arrangement regarding the Advice Bureaux for constituents which had operated with Mr Mills. We booked and paid for about five village halls and other venues throughout the constituency for the Advice Bureaux Surgeries and advertised them in the local press and in the libraries. This was the defined work referred to by the then Association chairman in the F&GP minutes you sent me. Mrs Monkhouse certainly could not give Mrs Spelman any further help. The Association received the £250 a month from the parliamentary allowance for this, which I think was the same as we had received from Mr Mills.

Mrs Spelman was faced with a massive backlog of work from Mr Mills including following up many constituents' personal problems. When I was a councillor I used to help Mr Mills at his Advice Bureaux in our mainly council owned property area of Chelmsley Wood and he would send out 30 or 40 letters to the Council, police or government departments etc., after each surgery so I can only imagine the sack full of letters and queries awaiting Mrs Spelman when she arrived in London. She had very little help or advice from the Conservative Party organisation in London and was the only woman Conservative MP with young children. She employed Tina Haynes in the dual role of secretary/nanny to help her with the follow up of Mr Mills' correspondence and to help her deal with the new work resulting from her own surgeries. She also had to move her house from Kent, settle the older children into new schools, tackle a new and demanding career and be missing away from home, in London, for most of the week. With her husband away from home for long periods her workload was incredible but she managed it extremely well and has proved a most hard working and dedicated Member of Parliament for Meriden. I don't think many men could even begin to understand the pressure and stress that she was under at that time.

I had little contact with Tina Haynes whilst I was treasurer as I only went into the Association office about once a week to do the books and pay the bills. However I know that she also visited the office a couple of times a week to pick up and leave the post connected with her secretarial duties involving constituents. The Association office was only manned in the mornings and Mrs Spelman, perhaps unwisely, allowed her home telephone number to be known by the public. Judging by the number of calls the Association still gets for Mrs Spelman, despite advertising her constituency secretary's office number, I can imagine Ms Haynes found little time to attend to her duties as the nanny!

I must say that residents of this constituency, and not just Conservative supporters, are horrified by this inquiry which we find quite absurd. Mrs Spelman has proved to be a straightforward, honest and hard working public servant and done much to restore our faith in the whole parliamentary democratic process. For her, of all people, to have to answer these vindictive allegations by clearly jealous and aggrieved people, encouraged by the media, beggars belief. I do hope you that you will be able to report as soon as possible and be able to clearly state that there is no justification for any of it, which will allow Mrs Spelman and her family to recover from what has been a dreadful ordeal.

I hope that I have been able to help you in your inquiry. I am, of course, very willing to answer any other queries that you might have.

14 July 2008

30. Letter to the Commissioner from Mrs Sally Hammond, 14 July 2008

Thank you for your letter of 9 July about the above enquiry which was sent to me via my husband.

I wish to make it clear that I am extremely upset that this matter was raised by the media. Neither I nor my husband has ever spoken to Mr Crick of *Newsnight*. I thought this matter was resolved nine years ago.

I believe that I commenced working for Mrs Spelman at the beginning of April 1999. Up to that point I had worked almost continuously at the House of Commons, except for maternity leave in 1995, since 1984 and continue to do so to this day. In March 1999 I was about to end a maternity leave job and was approached by Mrs Spelman. She told me that her then full time House of Commons secretarial arrangements were unsatisfactory and felt that she could manage with somebody part time. I believe that I was paid for three days a week and my work was spread over four days so I worked part time on two of the days. I did not work on Fridays. I believe I left her employment around the end of August 1999.

When I started work for Mrs Spelman the only other person in her House of Commons office was her full time Research Assistant, Tim, who was also her nephew. I was not aware of any other staff doing constituency work and Mrs Spelman did not inform me that anyone else was also employed by her to assist in constituency work. All her mail came to the House of Commons and was opened by me or Tim. I typed the correspondence and it was filed at Westminster. I believe that the constituency office, ie the local Conservative office, took the surgery bookings and these were faxed through to Westminster for any previous correspondence to be attached before the surgery took place.

I did not have regular contact with Tina who I knew of as the Spelmans' nanny. I occasionally spoke to her to ask her to give Mrs Spelman a message and I recall that on one occasion she posted some papers back to Westminster from Mrs Spelman's home. I believe that I did visit the constituency on one occasion but did not meet Tina.

When I started work for Mrs Spelman in early April 1999 she mentioned on several occasions that she did not have any money left in her staffing allowance in the last financial year and that it was still difficult in the new financial year. At that point I presumed that her Research Assistant, Tim, must have been on a very good salary and that this was why there was no money left. However, Tim happened to mention one day that he was on a very low salary, it might have been around £4,000, as he received free board and lodging from Mrs Spelman at her London home. This meant that his salary and mine came to less than £20,000. From my work for other MPs, I knew that the staffing allowance at that time was significantly more than that. I could not, therefore, understand why Mrs Spelman did not have any money left in her allowance.

I contacted the Fees Office of the House of Commons, explained who I was, and asked them to tell me who was being paid by Mrs Spelman. The man to whom I spoke told me that it was Tim, me and another individual. I only knew Mrs Spelman's nanny as Tina but checked the electoral register held in the office in respect of Mrs Spelman's home address and the person listed as Tina at her home address was the same name as that on her payroll. The Fees Office told me how much this individual was being paid, and from memory it was something in the region of £12,000 or £13,000 per annum. I believe I found out this information in late May/early June 1999 and feel that after working for Mrs Spelman for two months I would have been aware of anyone else doing her work.

I felt this was not something I could raise direct with Mrs Spelman, who was then a Whip, so I went to another Member of Parliament for advice, Peter Ainsworth MP. I had worked for Mr Ainsworth for some years and felt he would be a good person to speak to as he had previously been Deputy Chief Whip. I had a very quick meeting with Mr Ainsworth and he immediately said that he would mention this to the then Chief Whip. I have no knowledge of what transpired after that and it was not a matter Mrs Spelman ever discussed with me. I would add that my job did not change in any way over the five months I worked for her. I believe that I left her employment around the end of August 1999 after she indicated to me that she did not wish me to continue.

I believe that my statement answers your questions, and hope it is helpful.

14 July 2008

31. Letter to Mrs Sally Hammond from the Commissioner, 16 July 2008

Thank you very much for your letter of 14 July about my inquiry into Mrs Spelman's employment of Tina Haynes.

I was most grateful for your help and to receive such a timely response. There was one point of clarification which I hope you may be able to help me with. It relates to your meeting with Mr Peter Ainsworth MP. I assume this took place some time in the summer of 1999, but can you recollect the date, or the month of the meeting and, more particularly what were the nature of the concerns you raised with him then? It would be most helpful to have this.

Once I have your response, I am likely at some stage to need to show it to Mrs Spelman, to refer to it if I decide I need to seek Mr Ainsworth's help, and to show it to the Department of Resources. In due course, if I prepare a memorandum for the Committee on Standards and Privileges, I would attach your letter to that memorandum which is then likely to be published as an annex to any report the Committee produce. It is, however, too early for me to say whether I will need to submit a memorandum to the Committee.

Thank you again for your help, and I look forward to hearing from you.

16 July 2008

32. Letter to the Acting Director of Operations, Department of Resources from the Commissioner, 16 July 2008

I attach a copy of a letter of 14 July which I have received from Mrs Sally Hammond in respect of my inquiry into Mrs Caroline Spelman's employment of a secretarial assistant who was also her children's nanny.

You will see from the letter that Mrs Hammond contacted the House of Commons Fees Office to ask for information to help her identify who on Mrs Spelman's staff was being paid for from parliamentary allowances, and how much they were being paid. It appears that Mrs Hammond was provided with this information. I would welcome your comments on whether this was the practice of the then Fees Office at that time and any other comments you may wish to make. If it were possible to let me have a response to this in the next two weeks, that would be very helpful for my inquiry.

16 July 2008

33. Letter to the Commissioner from Mrs Sally Hammond, 18 July 2008

Thank you for your further letter.

In regard to my meeting with Peter Ainsworth MP, I believe that this was probably in late May or early June 1999.

I discussed with Mr Ainsworth my concerns that Mrs Spelman appeared to be paying her nanny, Tina, out of her staffing allowance when it was not evident to me that any parliamentary work was being carried out by her. After I had told this to Mr Ainsworth, he immediately said that he would pass on my concerns to the Chief Whip. As I have said before, I have no knowledge of what subsequently took place.

18 July 2008

34. Letter to the Commissioner from Mrs Georgina Perry, 21 July 2008

Thank you for your letter dated 16th July, 2008, regarding the use of Mrs Spelman's parliamentary allowances from 1997 to 1999. My responses to the queries you raise are as follows:

1. I worked for Mrs Spelman from May 1997 until 31st March, 1999. I worked 40 hours per week. My duties were full secretarial - opening the post, compiling correspondence, diary, arranging meetings, liaising with government departments and local authorities, answering telephone queries, filing.
2. Mrs Spelman did not discuss with me her decision to employ Tina Haynes in the constituency. As far as I am aware, Mrs Spelman employed myself, her nephew Tim Collins as her researcher and Paula,

who worked in the association/constituency office. Tina Haynes, I understood, was employed by Mrs Spelman as her nanny for her three children.

3. I did not have regular contact with Tina Haynes nor did I see any work generated by her. To my knowledge, all the constituency post came direct to the House of Commons.

Mrs Spelman told me on 25th February that she did not require a full time secretary in London, felt that she could manage with a part time secretary and that she wanted to employ Paula for more hours in the constituency office (please see attached copy of a letter written to me by Mrs Spelman).

With regard to Tim Collins' note, I do not recollect Mrs Spelman and myself as having had "a strained relationship". There was no reluctance on my part to use the new computer, but it is right to say there were significant problems with the hardware in the early stages which I may well have commented upon. I also do not remember Mrs Spelman mentioning the use of an answering machine. As I had one at my home, I would have been quite happy to use one. The practice of all secretaries in Abbey Gardens, whenever they left the office, was to divert the telephones to the Attendant so that when constituents called, they would speak to an individual and we would then get the message and telephone them back immediately.

I am surprised at Mr Collins' comments regarding my working practices, given the calibre of the MPs I have worked for in the House.

21 July 2008

35. Letter to Mrs Georgina Perry from Mrs Caroline Spelman MP

Following our conversation on February 25th, I write to confirm that I am bringing your employment to an end on March 31st 1999 because of the change in circumstances in the constituency where we lost Stuart on December 31 last year. I would like to be able to employ Paula for more hours in the constituency office and to reduce my Westminster secretarial support to a part time job. Under your contract you are entitled to one week's notice but I have chosen to give you five weeks notice to give you more time to find another job. I said at the time that I would give you a good reference a copy of which I attach and I am most willing for you to take time off to attend interviews as and when these arise. Given that there is an established group of parliamentary secretaries, I would expect you to find temporary employment and suffer no financial loss. I note that you have six and a half days of unexpired leave which I am willing to pay you for and have given instructions to the Fees Office accordingly. I am sorry things have not worked out as you perhaps hoped but I do appreciate the highly professional manner in which you have conducted yourself during this notice period.

Undated

36. Letter to Mrs Georgina Perry from the Commissioner, 22 July 2008

Thank you very much for your letter of 21 July responding to mine of 16 July about Mrs Spelman's employment of her secretarial assistant from 1997 to 1999.

I was most grateful to see your letter. It would be very helpful if you could clarify for me what you knew about Mrs Spelman's employment of Tina Haynes as her secretarial assistant. In particular, could you let me know at what point you became aware (if at all) that Tina Haynes was employed by Mrs Spelman as her secretarial assistant. You also say that you did not have regular contact with her. Could you let me know what contact you did have with her and the nature of that contact? Finally, could you clarify for me what contact you had with Mrs Paula Yates (*née* Monkhouse) over this period? It would be helpful to know the nature and frequency of those contacts, and what gave you to understand that Mrs Yates was employed by Mrs Spelman.

Thank you again for your help with this inquiry.

22 July 2008

37. Letter to the Commissioner from Mrs Georgina Perry, 7 August 2008

Thank you for your further letter dated 22 July regarding the inquiry about Mrs Caroline Spelman MP.

I did not know Tina Haynes worked as Mrs Spelman's secretarial assistant. I recall seeing a House of Commons contract between Mrs Spelman and Tina Haynes, but I cannot recall when I saw it or what the contents of the contract were. In saying that I did not have regular contact with Tina Haynes, I cannot remember having any contact with her but it would be surprising if I did not, bearing in mind that she lived in the Spelman household. I do not recall having any contact with her in connection with work related matters.

With regard to Mrs Paula Yates, I had telephone contact with her from time to time and met her on one or two occasions when I visited the constituency. The contact I had with Paula was with regard to constituency matters and I believe she organised Mrs Spelman's constituency "surgeries". I believe that she was employed by Mrs Spelman because, as indicated in Mrs Spelman's letter to me, a copy of which I sent to you with my letter dated 21st July, (I enclose a further copy), Mrs Spelman states "I would like to employ Paula for more hours in the constituency office".

7 August 2008

38. Letter to the Commissioner from the Acting Director of Operations, Department of Resources, 22 July 2008

Thank you for your letters of 9 and 16 July 2008 concerning your inquiry into the employment of Tina Haynes by Mrs Caroline Spelman.

As you will realise, I am entirely dependent on longer-serving staff for this information, as I was in a different department at the time. The processes in place between 1997 and October 2001, when the Personnel Advice Service (PAS) was set up, were less rigorous than they are now and the Department did not generally give specific advice on the level of salaries or employment law issues.

The Contract of Employment provided by the Department in 1997 was a standard one which we recommended that Members use; it was, however, up to Members to decide the salary level, working hours and holiday entitlements. A number of new Members continued to use the then T&GWU contract although most did use our standard one as a template. Whilst the Green Book (May 1997) states that we required a contract within two months of employment commencing (Page 24, para 10.10) and failure to submit one would result in a suspension of salary, in fact this was a very rare occurrence and when PAS was set up an exercise to chase a number of outstanding contracts was required.

I turn now to your specific questions:

- 1) In my letter of 12 June, I said that the records of those staff employed by Mrs Spelman during 1997 and 1999 had been destroyed. A further search of our archive storage files has uncovered one file, the one for Mrs Hammond. Having retrieved this file I can confirm that Mrs Hammond was employed by Mrs Spelman from 12 April 1999 to 10 September 1999 as a secretary and paid at a rate of £15,000 per annum. No records for other staff are available.
- 2) There were no job titles designated by the then Fees Office at the time. Job titles varied but included constituency secretary, researcher, personal assistant, parliamentary assistant etc.
- 3) Administrative Assistant appears to be a reasonable job title given the tasks summarised by Mrs Spelman as undertaken by Mrs Haynes.
- 4) There were also no pay scales in place at the time; these were not introduced until after the Senior Salaries Review Body review in 2001. No guidance was given by the Department on salary levels; this was a matter for the Member of Parliament and their staff and based on how much money they had available in their Office Costs Allowance. In 1997 this was £47,568 and this had to fund all office and staffing expenses.

- 5) I am unclear, from the documentation provided, what salary Mrs Haynes was actually paid and can therefore make no comment about its probity.
- 6) It is difficult to give exact figures on the salaries of staff employed on similar duties. There are 77 staff remaining on the payroll who were newly employed in May 1997, a great deal more if we look at those employed during the subsequent three months. In order to respond to your letter promptly we have looked at the contracts of 10% of the 77 and found an annual salary range between £5,400 and £19,224 for a range of jobs including, Research Assistant, Personal Assistant and Secretary; there were no Administrative Assistants. If you feel it would be beneficial I can arrange for a larger sample to be reviewed but this will take additional time; perhaps you could let me know if you feel this would be helpful.
- 7) As was the practice at the time, Mr Marskell, along with other senior managers, interviewed new Members of Parliament following the 1997 General Election. This was done over a number of weeks because of the large number of new Members elected. We have no documentation about this particular induction and no records were kept about what was discussed at any individual interview. I cannot, therefore, comment about the detail of the conversation had between Mr Marskell and Mrs Spelman.
- 8) Staff who worked in the Secretarial Salaries Section at that time have confirmed that employing someone in a dual role would not have breached any rules in place, although we might not actually have known about a dual role unless we were told about it. As you will see from the relevant Green Book the rules say nothing about such matters and were far less detailed than those introduced in July 2001 and beyond. However, the Green Book published in May 1999 does refer to the exclusion of "... personal expenses and expenses associated with party political activities and services." (Page 15, paragraph 4.5.1). Therefore, Mr Marskell's advice to Mrs Spelman about clearly defining the role of Mrs Haynes and the hours for which she was being paid seems in keeping with what the views of the Department were likely to have been at the time.
- 9) There is one small area in which I think the staff whom I have consulted would be at variance with Mr Marskell's recollections and that is on the level of scrutiny of the staff contracts in 1997. Firstly, it is their recollection that the National Audit Office would not have checked the individual content of a contract in 1997 as they had nothing against which to check it, i.e. no pay scales etc.; but they would have checked whether a contract was present in accordance with the rules in the Green Book. Secondly, in 1997 we would have expected Members to have provided a contract of employment which incorporated a job description and to have completed a 'Form A' which gave the employee's personal details, which were required to make payments to the member of staff. The 'Form A' contained the usual certification that the employment related to parliamentary business. The level of scrutiny of contracts in 1997 was broadly to ensure that a contract and job description was actually received and that all relevant parts had been completed and was signed, not a detailed analysis of the terms and conditions of each individual member of staff. The job description, if attached, would have been looked at to ensure that the duties described were acceptable. As Mrs Spelman points out, there was no recorded definition of what 'Parliamentary Duties' were and Mr Marskell's definition of not 'Party Political or Personal/Private' would have been broadly the line taken by staff at that time.
- 10) Greater scrutiny was employed following the introduction of the Working Time Regulations in October 1998, when paid holiday entitlement increased to 20 days per annum and a minimum wage was introduced at £3.60 per hour. I attach a copy of a check sheet that was used from 1999 for your information. [Not reproduced here]
- 11) I can shed no further light on discussions Mrs Spelman may have had with any other individual member of staff in the then Secretarial Salaries Section of the Fees Office. I am informed that of those who remain, none has any recollection of any contact with Mrs Spelman about her staffing arrangements.

With reference to the comments made by Mrs Hammond in her letter of 14 July, it is difficult to be unequivocal about what actually happened nine years ago. I can confirm that there were at least two male members of staff in the then Secretarial Salaries Section during 1999, but it has never been the practice of this

Department to disclose information about the salaries of staff to other members of staff without the explicit permission of a Member to do so.

The Department introduced a password system in October 2004 which allowed Members to log a security password with the Department and also nominate any member of staff who could use the password for the purposes of gaining confidential information (e.g. by telephone). There was no similar system in place in 1999, but I would be surprised if such information was divulged to anyone other than the Member in question, although I cannot rule out the possibility that this could have happened.

I hope this covers all the areas raised.

22 July 2008

39. Letter to Mr Alan Marskell from the Commissioner, 29 July 2008

I would be grateful for your help with an inquiry I am conducting into the employment by Mrs Caroline Spelman MP of a secretarial assistant who was also her children's nanny from 1997 to 1999.

In essence, the allegation on which my inquiry is based is that Mrs Spelman subsidised the cost of nannying services out of parliamentary allowances and that her secretarial assistant did not undertake the secretarial duties to the extent for which she was paid.

I understand from the response Mrs Spelman has sent me, that you contacted her parliamentary office about this matter and have given her your recollection of your discussions with her at the time. I attach an extract from her evidence to me (paragraph 2.6 and 10.1 to 10.3 of her submission).

I invited the current Acting Director of Operations in the Department of Resources to let me have his comments on what Mrs Spelman has told me in respect of this matter. I attach an extract from his response to me of 22 July 2008 (points 7 to 11 of his letter to me).

I would be most grateful if you could let me have your recollection of your discussions with Mrs Spelman in 1997 – and of your subsequent discussions with her or her office, or with anyone else about the employment of her staff. In particular, could you give me your description of the meeting with her on Wednesday 14 May (I assume it was in 1997) and your subsequent meetings with her on 21 and 30 July 1999. Are you able to confirm these dates? Am I right in assuming that you have no contemporaneous note of the discussions? If it was not you, do you know which official would have briefed Mrs Spelman in 1997 or discussed with her the arrangements for employing her secretarial assistant?

I am having some difficulty in identifying what Mrs Spelman's secretarial assistant was paid. If you had any recollection of that at all, that too would be most helpful (although I well appreciate it was a very long time ago).

Referring to the meetings in 1999, could you let me have your recollection of what you discussed and what Mrs Spelman told you about the need to change her arrangements. Did you have any knowledge of how the issue arose? Were you aware of any contacts between the Fees Office and anyone else about the employment of Mrs Spelman's staff before that meeting? I should say that there is a suggestion that one of her secretaries contacted the Fees Office in 1999 to find out information about the employment of Mrs Spelman's secretarial assistant.

Any other points which you think may be helpful to my inquiry would also be most welcome.

I attach a note which sets out the procedures I follow in inviting evidence from witnesses. If I prepare a memorandum to the Committee on Standards and Privileges, then it is likely I will include with it your response to this letter and that is then likely to be published in any Report the Committee produces. I may also show your letter to Mrs Spelman. If you would like a word about any of this, please contact me or my office at the House.

I would be most grateful for your help on this matter.

29 July 2008

40. Agreed Note of evidence from Mr Alan Marskell, 20 August 2008

Agreed note of evidence of Mr Alan Marskell, Head of the Fees Office

This response was transcribed by a note taker from the Commissioner's office from notes taken during a telephone conversation with Mr Marskell at 10.30am on 20 August 2008. The note was subsequently checked and approved by Mr Marskell. It is not a verbatim account of that conversation.

Meeting with Mrs Spelman on 14 May 1997

1. I was asked for my recollections of this. As part of the induction process senior people from the Fees Office would go through the Green Book with each new Member, highlighting relevant issues such as provision for children's travel where appropriate. I confirm that I interviewed Mrs Spelman, as part of her induction, on 14 May 1997. I would like to make one small correction: 'Accountant' was my job title; I was not 'the senior accountant in the Fees Office' as stated in Mrs Spelman's letter.
2. As I recall, during this induction meeting Mrs Spelman did refer to some administrative help which was combined with home assistance. I made the analogy with a Member's wife who would stay in the constituency while the Member was in Westminster. The wife might then deal with such things as the diary and phone calls, arrangements for meetings and correspondence. If a Member had money left in his allowances at the end of the year and wanted to pay his wife a small sum for this work, £3000-£5000 was the figure that we might allow. We would stress that the Member could only claim for that which could properly be claimed. If on the other hand a salary was to be paid it would be dependent on hours and on what the person actually did. In any case of employment there had to be an employment contract drawn up, accompanied by a job description, even in home assistance cases.
3. With all Members we would stress the requirement for the money claimed to have been 'wholly, exclusively and necessarily' incurred on parliamentary duties, which each Member had to certify when making a claim. Party/political and personal/private expenditure was not allowable, and where necessary such duties had to be paid for separately, not from the public purse.
4. At that time we maintained a personal file on every MP, which was kept in the Fees Office for the length of their parliamentary lives. I understand that this is no longer the practice. (This comment is also relevant to point 7 of the Acting Director's letter.) One of the first papers on this file would be the note of the Member's induction interview.

Meetings on 21 and 30 July 1998 or 1999

5. I can confirm from my diaries – which I have with me – that I also met Mrs Spelman on 21 July and 30 July 1998. It could not have been 1999 as I left the House on 31 October 1998. For the first meeting Mrs Spelman came to see me; for the second I went to see her in her office. I have no record or recollection of what was discussed but because the two meetings were arranged in such quick succession I feel that it was likely to have been something she wanted to raise with me before my departure. There would have been references to these meetings in Mrs Spelman's personal file in the Fees Office.

Salary of Tina Haynes

6. I have no recollections of the amount paid to Ms Haynes, and nothing written down about this. I can only suggest that if Mrs Spelman still has her tax returns from the relevant years, these might be of use.

Contacts between the Fees Office and others about the employment of Mrs Spelman's staff

7. I am asked about the release of information to a secretary in 1999. I do not know about this as I had left the House before then. It was practice in my day not to release any information to anyone other than the MP himself or herself, except to the top secretaries of the top people – such as the staff of the Prime Minister, who were known to us.

8. I have no knowledge of other contacts.

Mrs Spelman's statement

9. I have a few comments on Mrs Spelman's statement.

- As I have already pointed out, the interviews on 21 and 30 July took place in 1998 not 1999.
- *'[employment] contracts would also be checked by the National Audit Office.'* It would be more accurate to substitute the word 'could' for 'would'. Audit staff were allowed access to the records. All spend was available for audit, but it was up to the auditors what they looked at. This comment is also relevant to point 9 of the Acting Director's letter.
- *'Tina would have 30 clear hours each week when the children were in school, and asking her to provide administrative work for me in 18 of those hours each week was reasonable.'* I do not remember any details of Tina Haynes' working hours but I think that 18 hours might at that time have had some significance in employment law.
- *'...the contract was signed off by [the Fees Office].'* This should be taken to mean that the contract was accepted and implemented.
- I have no further comments on or corrections to the accuracy or otherwise of paragraphs 10.1 to 10.3 of this statement.

Meeting with Mr Arbuthnot

10. I saw in the newspapers a reference to a meeting with Mr James Arbuthnot, who was then Opposition Chief Whip. I met Mr Arbuthnot on 16 October 1997. The discussion was mainly about Additional Costs Allowance, travel, Office Costs Allowance, the requirements of 'wholly, exclusively and necessarily' and the four Ps [party/political, personal/private]. This appears to have been a general meeting, and I have no record that Mrs Spelman's arrangements were discussed. I held such meetings with all Chief Whips when they were appointed and then on a periodic basis.

11. I have checked my diaries and can find no record of other meetings with Mrs Spelman in 1997 and 1998, or with Mr Arbuthnot before I left the service of the House on 31 October 1998.

Signed: Alan R Marskell

The conversation finished at approximately 11 am.

20 August 2008

41. Letter to Mr Peter Ainsworth MP from the Commissioner, 23 July 2008

I would be grateful for your help with the inquiry I am conducting about Mrs Spelman's employment from 1997 to 1999 of a secretarial assistant who was also her children's nanny.

In essence, the allegation I am inquiring into is that she subsidised the cost of nannying services out of parliamentary allowances and that her secretarial assistant did not undertake the secretarial duties to the extent for which she was paid.

I have received information from Mrs Sally Hammond that she spoke to you in May or June 1999, when she was Mrs Spelman's constituency secretary, to express her concerns about Mrs Spelman's arrangements for employing her secretarial assistant. She informs me that she discussed with you her concerns that Mrs Spelman appeared to be paying her nanny out of her staffing allowance when it was not evident to her that any parliamentary work was being carried out by that person.

I would be most grateful if you could confirm your discussion with Mrs Hammond and for your recollection of what Mrs Hammond told you and of how you responded. I understand from Mrs Hammond you that said you would pass on her concerns to the then Conservative Chief Whip. It would be most helpful if you could let me know when any such conversation took place and the nature of that conversation and what you recall to have been the outcome.

I enclose a note which sets out the procedure I follow in inviting evidence from witnesses. It is likely that your evidence would be included in any memorandum I prepare for the Committee on Standards and Privileges and for it to be published along with any Report they prepare as a result. I may also use your evidence in further inquiries of other witnesses and in showing to Mrs Spelman.

If you would like a word about any of this, please feel free to contact me at the House. I would be most grateful for your help with this matter.

23 July 2008

42. Letter to the Commissioner from Mr Peter Ainsworth MP, 12 August 2008

Thank you very much for your letter of 23 July.

I recall that I had a conversation with Mrs Hammond in the spring of 1999 in the course of which she expressed some concern about parliamentary monies being paid by Mrs Spelman to her nanny.

The reason that Mrs Hammond came to see me was twofold: firstly, because I had employed her as a secretary from 1992 –1998, and secondly, because I was a former Deputy Chief Whip. I advised her that I would inform the then Opposition Chief Whip of her concerns, which I did.

Although there is little I can add to this letter, if you require any further information do not hesitate to contact me.

I hope this is helpful.

12 August 2008

43. Letter to Mr Peter Ainsworth MP from the Commissioner, 13 August 2008

Thank you for e-mailing me on 12 August a copy of your letter responding to mine of 23 July about my inquiry into Mrs Caroline Spelman's employment of her secretarial assistant.

I was most grateful to receive this. You kindly offered to help me with any further information. If you could recollect a little more fully the concerns which you recall Mrs Hammond expressed to you about this matter, that would be most helpful. Mrs Hammond has told me that her concern was that Mrs Spelman appeared to be paying her nanny out of her staffing allowance when it was not evident to Mrs Hammond that any parliamentary work was being carried out by her. Would it be possible from your recollection to confirm or modify as necessary Mrs Hammond's recall of her conversation with you?

I would be most grateful for any further help you could give me on this matter.

13 August 2008

44. Email to the Commissioner from Mr Peter Ainsworth MP, 22 August 2008

Thank you for your further letter of 13th August regarding the above matter, which was sent when I was away.

Whilst I do appreciate that you would welcome a fuller recollection of the concerns which were expressed by Mrs Hammond at the time, I hope that you will understand that it is simply not possible to conjure such a thing.

The brief conversation which I previously described to you occurred nearly a decade ago and, until recent media reports, I had not given it further thought.

Although it is probably not helpful to your Inquiry for me to attempt to reconstruct, at this distance, what happened at the time, I can speculate that I did not seek details of the concerns expressed by Mrs Hammond because it was not my business to obtain them, still less to investigate them.

As I have said, I do recall mentioning the fact that the issue had been raised with me to the Opposition Chief Whip; this would have been the obvious thing to do since I had previously served as his Deputy. As far as I knew, that was the end of the matter. I do not recall any further discussions about the issue with either the Chief Whip, or Mrs Hammond.

I would like to add that, although of course I readily accept the need to be vigilant about standards in public life, I do find it rather odd that this matter is the subject of a formal Inquiry at all. I have come to know Caroline Spelman as a person of the utmost integrity and I am inclined to accept reports that, if any misunderstanding had occurred at the time, it was corrected at the earliest opportunity.

I am sorry not to be able to shed more light on the matter.

22 August 2008

45. Letter to Rt Hon James Arbuthnot MP from the Commissioner, 13 August 2008

I would welcome your help with my inquiry into Mrs Caroline Spelman MP's employment of her secretarial assistant who was also her children's nanny from 1997 to 1999.

In essence, the allegation I am inquiring into is that Mrs Spelman subsidised the cost of nannying services out of her parliamentary allowances and that her secretarial assistant did not undertake the secretarial duties to the extent for which she was paid.

I have received information from Mrs Sally Hammond, who was Mrs Spelman's secretary in 1999, that she had discussed her concerns about Mrs Spelman's employment of her secretarial assistant with Mr Peter Ainsworth MP, probably some time in late May or early June 1999. Mr Ainsworth has confirmed to me that he had a conversation with Mrs Hammond in the spring of 1999 in the course of which she expressed some concern about parliamentary monies being paid by Mrs Spelman to her nanny. Mr Ainsworth advised her that he would inform you since you were then the Opposition Chief Whip, and that he subsequently did so.

I would be most grateful if you could confirm that you did indeed have a discussion with Mr Ainsworth about this matter. I would be very grateful too if you could help me by recalling as fully as you can what particular points of concern Mr Ainsworth passed on to you, and what you subsequently did about them. If you knew the date or had a broad idea of the date of that discussion, that too would be helpful.

I understand from Mrs Spelman that she recalls speaking to you, as far as she can recall in April 1999 – although if Mrs Hammond's recollection is correct, it may have been later. Mrs Spelman recalls that you said that the matter had come to your attention by a member of staff and that while this arrangement did not break the rules it was open to misrepresentation. She says that you advised her to split the childcare and administrative roles. She said that you also advised her that the Association secretary could take over the parliamentary work provided she kept a clear separation between party political and parliamentary work.

I would be most grateful if you could confirm or modify Mrs Spelman's recollection of your discussion with her. Could you also let me know whether you undertook any inquiries either before or after seeing Mrs Spelman, and if so what they were? Could you also let me know whether you had any discussions with others

about this matter at or about this time and if so what they were and what was the conclusion which you reached?

I would be grateful to know of any other matters which you can recall and which you think may be relevant to this inquiry.

I enclose a note which sets out the procedure I follow in inviting evidence from witnesses. It is likely that your evidence would be included in any Memorandum I prepare for the Committee on Standards and Privileges and for it to be published along with any Report they prepare as a result. I may also use your response in further inquiries of other witnesses and in showing to Mrs Spelman.

If you would like a word about any of this, please feel free to contact me at the House (although I am myself away for the next three weeks). I appreciate that we are now in the recess, but if it were possible to let me have a response within the next three or four weeks, that would be most helpful.

13 August 2008

46. Letter to the Commissioner from Rt Hon James Arbuthnot MP, 15 August 2008

Thank you for your letter about Caroline Spelman.

I am not sure how much help I can be. When the story first hit the headlines earlier this year, I did very vaguely remember that I had had a conversation with Caroline Spelman about something like this. I did not remember any details — and did not, for example, remember that it had been Peter Ainsworth who had passed on comments from Sally Hammond, nor that I had advised Caroline Spelman to change her arrangements.

Subsequent revelations (such as those you set out in your letter) have not reliably nudged my memory. I could try to reconstruct a memory from the accounts of others, but that would be unsatisfactory and dangerous particularly so long after the event. I have no reason to question Caroline Spelman's account of what happened, and would be inclined, from what I know of her personally, to accept it as being true unless I had very strong reason to doubt it, which I do not.

If therefore I have a point to make to you, it has to be this. As Chief Whip in the late 1990s I had many things to deal with, some of them serious, some of them not. Many of them have stuck in my memory, but they are probably the things that struck me at the time as being the more serious. It seems likely to me that this matter was not one that I regarded as serious. I can tell you now with certainty that I was not left with any impression that Caroline Spelman was the sort of person who would be in any way at all dishonest or likely to try to cheat the allowances system or the public purse, in fact quite the reverse. Of all colleagues, Caroline Spelman errs on the side of rectitude.

15 August 2008

47. Letter to the Commissioner from Mrs Caroline Spelman MP, 4 September 2008

It occurred to me whilst preparing for the first surgery of September that I have not shown you an example of how many of my surgery cases are really council matters (roughly half). Therefore I have enclosed a full set of the surgeries held on Thursdays, Fridays and Saturdays in July as well as the latest one [not reproduced here].

I am sorry that I do not have the surgery schedules from eleven years ago but I hope this will help demonstrate the extent to which my surgery paperwork related to council matters, and therefore the degree to which I would rely on Tina to shuttle the documentation between my home and councillor colleagues after I had worked on it over the weekend. At that time of course Paula, the Association secretary, did not have time to drive to my home and collect paperwork before delivering it [to] councillors, and as I would be in London I relied on Tina to give me administrative support of that nature.

4 September 2008

48. Letter to the Commissioner from Mrs Caroline Spelman MP, 17 September 2008

Your own enquiries may already have ventured into what funding was available to MPs in 1997 for running their offices, in which case I apologise for any duplication, but over the summer I have been reflecting on what went on ten years ago and I simply wanted to set out the funding position as best I can recall.

In 1997 MPs were accorded £47,568 per annum for office costs which had to include staff salaries. There was also an Additional Costs Allowance of £12,287 which was for overnight accommodation, second home allowance etc.

As a result I had a fixed sum of £47,568 to use to set up and run my office. I cannot recall the exact salary that my parliamentary secretary was paid, but it seems to me that appointing a secretary of her seniority and experience (which was vital to me as a new MP) I would have had to pay something in the region of £30,000 per year. I would have been cautious about committing the entirety of the remaining funds to fixed costs like additional staff and constituency office premises as it would not have been clear to me how much costs like stationery and incidental office expenses would have come to. In my mind I am sure I would have wanted to hold back at least £5,000. The outcome of that scenario is that I would have been left with around £12,000 for any further staff or office arrangements I needed.

Setting up a constituency office from scratch and on my own would have cost in the region of £10,000 per year including additional costs like telephone bills, rates, utilities and furnishings would have to have been paid from my office costs budget, unlike offices in Parliament where all those costs are met by the House.

In 1997 that would have left me in the position of not then being able to afford anyone to staff the office. I therefore needed to base my constituency office in my home. Given that I had to base my office in my home, where my children were living, asking Tina to undertake some administrative help for me when the children were at school simply seemed like the best, workable solution within the circumstances.

I hope this provides some further explanation as to why the budget I was accorded as a new MP in 1997 limited the options that were available to me in terms of setting up offices and appointing staff.

I hope this is of help.

17 September 2008

49. Letter to the Commissioner from the Director of Operations, Department of Resources, 10 October 2008

Thank you for your letters of the 11th and 23rd September 2008 in which you ask for comments on your discussion with Mr Alan Marskell and on the Office Costs Allowance (OCA). I have resumed my position as Director of Operations following [the Acting Director's] temporary appointment. [The Acting Director] wrote to you on 22 July and having read the transcript of Mr Marskell's comments I am not sure I would wish to add to [the Acting Director's] letter, although I can confirm some issues as you have requested.

In my view some of what has been described as office practice some ten years ago is so very far from what we do now as to make comments at this time rather difficult territory. For example, I am puzzled by the reference to 'home assistance' and how senior officers in 1997 perhaps equated this with parliamentary duties for which pay could be received. I do not believe this is an area on which I can comment, nor is it right that officers—quite junior at the time—are asked to comment on the rules applied then by senior officials.

As I say, practices are now different from 1997. One example is that apparently it was not uncommon for Members to pay individuals a lump sum amount at the end of the year for *ad hoc* work done during the year (paragraph two of transcript). This may have been because the then Office Costs Allowance was not a generous allowance for both staffing and office expenditure, making budgeting less straightforward than it is

now. Members would though have been asked to account for the work being paid for, not least because the Inland Revenue required payments to be subject to PAYE deductions based on the periods in which the work was carried out, not when it was paid.

You also asked if there was any relevance to Mrs Haynes being employed for 18 hours per week. I consulted the senior manager of our Personnel Advice Service, who knows of no employment reason why 18 hours per week would have been significant. Qualifying employees could at that time claim Family Credit (later the Working Families Tax Credit) if they worked for 16 hours or more per week, which may be relevant. In paragraph four Mr Marskell's transcript refers to the personal files maintained by the Fees Office for Members of Parliament. These existed until approximately 2000 at which point a records management exercise carried out by the Department meant that many records were shredded.

I am content with the clarification given by Mr Marskell in bullet points two and four of paragraph nine, which would still apply to current practices.

Turning to your letter of 23 September, Mrs Spelman is correct to say that in 1997 the OCA was £47,568 and that it would have been used to pay for all staffing needs, maintaining an office, stationery and related items. The allowance for 1998 was £49,232 and in 1999 £50,264.

I think it is fair to say that, in the majority of cases, Members would have used a large percentage of their OCA on staffing cost, however it would have also depended on whether a Member ran a free-standing constituency office (i.e. not located in Party related premises or at home). Mrs Spelman says that she did not have a constituency office at that time and therefore worked from home, thus her costs would have been relatively low, leaving her more resources for staff salaries from the single allowance.

Mrs Spelman suggests that she would have paid in the region of £30,000 per annum to her senior secretary in 1997 (and there would also have been the employer National Insurance costs to take into account of around £3,000). No House guidance existed at the time and salary levels were at Members' discretion. However, this seems somewhat high in 1997 even for a very experienced secretary. A Member's salary at the time was £43,680. Guidance was issued in October 2001 to Members on pay ranges and starting salaries for staff. In that guidance the annual rate of salary for a Senior Secretary based in London was between £17,500 and £23,500, and for an Executive Secretary between £22,500 and £31,000.

10 October 2008

50. Letter to Ms Sarah Murton from the Commissioner, 11 September 2008

I would be grateful for any help you can give me to assist me with my inquiry into Mrs Caroline Spelman MP's employment of Ms Tina Haynes from 1997 to 1999 as her secretarial assistant.

I am writing to you since I understand you were an intern in Mrs Spelman's office from September 1997 to July 1998.

You will see that I have marked my letter 'Personal and Confidential'. I attach a note which sets out the procedure I follow when asking for evidence from witnesses. The conduct of my inquiry and the information I receive from witnesses is confidential while my inquiry continues, although in this case I may need to show your reply to this letter to Mrs Spelman.

In essence, the allegation I am inquiring into is that Mrs Spelman subsidized the cost of nannying services out of parliamentary allowances and that her secretarial assistant did not undertake the secretarial duties to the extent for which she was paid.

I appreciate, of course, that this all now some time ago and that that may affect your recollection of events. But it would be very helpful to me if you could let me know what you saw and knew of the secretarial work which Tina Haynes undertook for Mrs Spelman during your time in her office. In particular, could you let me know whether you had, or expected to have, any contacts with Tina Haynes in the constituency; whether you were

aware of any others in Mrs Spelman's office who had such contacts; whether you were aware that Tina Haynes was employed by Mrs Spelman as her parliamentary assistant as well as acting as her children's nanny. An idea of the nature of the work and its volume which you knew Tina Haynes was undertaking would also be helpful, as would your recollection of where Ms Haynes and Mrs Spelman's constituency work was located. Finally, for information, it would be helpful if you could let me know the circumstances in which you came to work for Mrs Spelman, and the nature of any duties you undertook for her and if you could confirm the dates.

I would of course welcome any other information which you may be able to give me which you think might help me with my inquiry.

Once my inquiry is completed, I may decide to submit a memorandum to the House of Commons Committee on Standards and Privileges. If so, I would expect to attach your response to this letter along with the other evidence I have received to my memorandum, and that would be published with any Report the Committee produce on my inquiry.

I would be most grateful for any help you can give me on this matter. If you would like a word about it, please feel free to contact me or my office at the House of Commons. I look forward to hearing from you.

11 September 2008

51. Letter to the Commissioner from Ms Sarah Murton, 1 October 2008

Thank you very much for your letter of 11 September.

I worked as an intern in Mrs Spelman's office in an unpaid capacity through an organization called CARE (Christian Action Research and Education <http://www.care.org.uk/>) as part of a graduate training year following university. I believe that this was between October 1997 and July 1998. Unfortunately I am unable to recall the exact dates (although you could contact CARE to see if they have a precise record). Although the terms of the CARE scheme meant that I received a small stipend from CARE and was unsalaried by Caroline, she generously provided accommodation for me in the basement flat of her house in [...] from January – c. July 1998...

During my time in Westminster, CARE interns worked for their assigned MP Mondays – Thursdays and had training with CARE on Fridays.

My job with Caroline was focused on national politics. I prepared briefs for interviews, drafted articles, speeches, letters, press releases and worked closely with the shadow agricultural committee.

Because of my focus on national politics, I had very little contact with the constituency. From London, I did one fairly wide-ranging mail shot to constituents (possibly involving shop-keepers, but the memory is vague). I recall visiting the constituency about three times (once for a speech with Michael Portillo, once to carry out research for a project on poverty and possibly on one other occasion).

There was certainly a constituency office separate from Caroline's house which I recall visiting at some point (I do not know when). I cannot remember who worked there, as I had limited contact with it. Nor do I know whether it had always been separate from her house. I do not recall the details of who I dealt with on the few occasions that I had to make a phone call (I do remember speaking to someone who was definitely not Tina, but I cannot remember her name and I am also unclear on dates). I think that most contact with the constituency office was handled by Caroline's London-based secretary, Georgina Perry. Georgina and I were not co-located (not even on the same floor) and although I remember sending faxes from her office, I spent little time there and so cannot shed light on Georgina's links with the constituency office.

As far as I recall Tina Haynes was employed by the Spelmans as their nanny, working at their home. I do not remember having any face to face contact with Tina other than meeting her on at least one visit to the constituency and spending some time with her on the Lords and Commons ski trip in January 1998 (I

participated as a temporary nanny for the week for another (Labour) MP). I remember making a few calls to Tina from the London office at Caroline's request, but cannot recollect their date or nature.

Since summer 1998 I have had limited contact with Caroline. We met once after my wedding (which must have been between January and July 1999) and have subsequently exchanged Christmas cards. Although we have occasionally tried to meet up during my brief visits to London, we have never managed to do this...

I apologise for the vagueness of my response, but it was some time ago and constituency matters were not part of my daily work.

Please do not hesitate to contact me if you have any further questions.

1 October 2008

52. Letter to Mrs Tina Haynes from the Commissioner, 30 September 2008

I am inquiring into an allegation about the use of Mrs Spelman's parliamentary allowances from 1997 to 1999. I would be most grateful for your help with my inquiry.

In essence, the allegation against Mrs Spelman is that she subsidised the cost of nannying services out of her parliamentary allowances and that as her secretarial assistant you did not undertake the secretarial duties to the extent for which you were paid.

I would be very grateful if you could help me with your recollection of the arrangements which Mrs Spelman put in place for your employment in support of her work as a Member of Parliament in the constituency. I appreciate this is now all quite some time ago, but, in particular, it would be helpful:

1. if you could let me know how you came to be employed by Mrs Spelman as both her secretarial assistant and as her children's nanny;
2. if you could confirm the dates of your employment as her secretarial assistant which I have been given as from around 1 June 1997 until no later than 1 June 1999, and the dates of your employment as her children's nanny;
3. if you could confirm that the hours you were asked to work as secretarial assistant were 18 hours a week. I would also be most grateful for information about your pay over that period. I have not been able to get this from other sources. It would be most helpful if you could identify what you were paid over this period from your own records, or perhaps from bank statements;
4. if you could help me on any time you spent in Mrs Spelman's house in Kent. I understand that initially you spent some time there. Mrs Spelman has suggested that this might have been for a four-week period, but since, I understand, the children did not move to the constituency until on or around September 1997, it is not clear to me whether someone else provided childcare from June or July to September 1997, or whether it was you. I would be grateful therefore if you could recollect the arrangements for your work at Mrs Spelman's Kent home in support of her work as a Member of Parliament, including its duration, what you were involved in, and whether, and if so how often, you stayed overnight in Kent; whether your work in Kent also involved childcare and, if so, how you managed that alongside your work as Mrs Spelman's secretarial assistant;
5. if you could let me have your recollection of the work you actually undertook for Mrs Spelman in your role as secretarial assistant from 1997 to 1999. It would be helpful to know how your 18 hours were spread over your working week; the tasks you actually undertook for Mrs Spelman; how qualified you believe you were for that work, and how in practice you divided your time between your secretarial duties and your childcare duties;
6. if you could help me on how your total remuneration (pay and other benefits) was apportioned between your two roles. I understand from Mrs Spelman that you were not paid for your childcare duties

from 1997 to 1999, but received board and accommodation, use of a car and all expenses. I understand from information provided by Mrs Spelman that once you ceased to be employed as a secretarial assistant by 1 June 1999, you were paid some £13,137 gross in 1999/2000 for your nanny duties. Could you confirm that and that you continued to receive the benefits described above? Could you also let me know if you had any discussion with Mrs Spelman either in 1997 or in 1999 or at any other time about your overall remuneration, including any explanation from Mrs Spelman about why you were being offered a salary from 1999 for your work as her children's nanny;

7. finally, could you let me know your recollection of the circumstances in which you came to stop working for Mrs Spelman as her secretarial assistant by June 1999, and the type of secretarial work you did for her in her parliamentary capacity after that date and the time you spent on it.

Any other points or information you think might be helpful with my inquiry would be most welcome.

I attach a note which sets out the procedure I follow in taking evidence from witnesses. I should emphasise that information you give me is treated as personal and confidential during the course of my inquiry. If I report my conclusions to the House of Commons Committee on Standards and Privileges then I will attach to those conclusions the evidence on which I rely and your evidence is likely to be included in that and subsequently published by the Committee. I am asking for your responses in writing but it is possible that I may also ask you to come in for a discussion at a later stage.

I would be most grateful for your help on this matter. If you have any questions about the process, please do feel free to contact my office. It would be particularly helpful if you could let me have your responses within the next three weeks, if at all possible. If there is any difficulty about this, please let me know.

30 September 2008

53. Letter to the Commissioner from Mrs Tina Haynes, 20 October 2008

Please find detailed below the answers to the questions that you sent regarding Mrs Caroline Spelman MP. As you say in your letter these events go back many years during which I have had other jobs and have also married and had a family. I have done my best to recall what I can to answer your questions as fully as possible but as you will appreciate I cannot remember every detail.

1. To the best of my recollection I was employed by Mrs Spelman through a friend of the Spelman family, (whose name I cannot recollect), in the capacity of a nanny. When I was at the interview Mrs Spelman asked if I would do secretarial duties whilst the children were at school/nursery to which I agreed.
2. To the best of my recollection the dates of me undertaking secretarial duties are those given in your letter. The employment as just a nanny was from around June 1999 until I ceased to be employed by Mrs Spelman in August 2002.
3. To the best of my recollection the hours I worked providing secretarial assistance I would say were around 18 hours a week. I cannot remember what I was paid over this period as I no longer have bank statements going back to the dates in question.
4. To the best of my recollection the time in Kent was from around the beginning of June 1997 to early July 1997 when the children finished their private schooling. We then moved up to Knowle. Whilst in Kent I did a combination of childcare and secretarial duties, the latter when I had free time during school/nursery hours. The early months when Mrs Spelman had become an MP were very busy with a house move up to the constituency, finding out how the parliamentary week was arranged, and other aspects to how a MP's week was proportioned out. My recollection is I stayed at the Kent home in the week and spent the weekends elsewhere. As far as the duration of secretarial duties in this phase it was up to 18 hours a week.

5. To the best of my recollection the work I undertook for Mrs Spelman doing secretarial duties in the constituency was as follows:

Posting of letters, answering of phone calls, phoning Mrs Spelman regarding phone calls taken at the home address, faxing information to the parliamentary address, receiving faxes to her home address, and filing information received to her home address. I also transported persons associated with parliamentary business when needed.

I undertook the majority of secretarial duties during school/nursery hours however faxes and phone calls were still received into the early evening. I believe I fulfilled and performed these duties well.

6. I cannot remember the details of my remuneration, but can remember having board and accommodation and the use of a car. Without having the bank statements I cannot confirm the payments I received in 1999/2000 for my nanny duties. I recollect that Mrs Spelman, around June 1999, explained that as she had now employed a full time secretary in the constituency that I would no longer be paid for secretarial duties from parliament and would be paid from her personal account for the nanny duties only.

7. As mentioned above I recollect that when Mrs Spelman was able to find a secretary for the constituency, I was no longer required to fulfil secretarial duties. After June 1999 I would refer any telephone calls, faxes or post coming to the house relating to constituency matters to the constituency office. On an occasional basis, when Mrs Spelman was otherwise engaged and during school/nursery hours, I would transport persons associated with parliamentary business to and from places at Mrs Spelman's request.

I hope this information helps with the inquiry that you are undertaking regarding Mrs Spelman.

Received 20 October 2008

54. Agreed Note of Meeting with Mrs Tina Haynes, 12 November 2008

Present:

Mr John Lyon

Mrs Tina Haynes

Friend of Mrs Haynes

Notetaker

JL Thank you very much for agreeing to this meeting. I am aware of the stress you have been under and I do not wish to add to it. This is [an official from my office] who is here to take a note of our discussion. It will not be verbatim. She will show you her note after the meeting so you can confirm its factual accuracy. If I prepare a report on this inquiry, the note will form part of the published evidence and will be published, although I would not release your address.

First I should like to assure you that this inquiry is in relation to Mrs Spelman's use of her parliamentary allowances, and you are a witness only. You are here to help me with the inquiry.

I wrote to you on 21 October with the main areas I would like to cover. I appreciate this is all now some time ago so I do understand that your recollection may be uncertain. If you can't remember, please say so.

Are you happy to proceed on this basis?

TH Yes.

Your initial period

JL Tell me how you came to be employed by Mrs Spelman in 1997. Mrs Spelman says that she asked around the area and she interviewed you before the May election. Is that your recollection?

TH From what I can remember I went to her residence for an interview for the duties of a nanny. While I was at the interview Mrs Spelman said she had recently been elected MP but she had no secretary or office. She asked whether, for the initial few months, I would be prepared, aside of nanny duties, to answer phone calls, open the post, deal with faxes and post coming in.

JL Mrs Spelman recalls this happening before the election. She says she had a discussion with you and then waited to see if she was elected before offering you the job.

TH It is such a long time ago, I can't remember. But there was a first interview and then I would have been called back. The interview was in the midlands area, not in Kent.

JL When you first went to the interview, did you go for an interview as a nanny?

TH At the time I was going as a nanny, but she mentioned the likelihood of extra duties. The two eldest children were at school and the youngest was at nursery during the day. During those hours I could do constituency work until she got a full time secretary.

JL Was this the first you heard of the dual role?

TH Yes.

JL How did she find you?

TH It was through a friend of someone I knew through previous nannying. I can't remember her name, but she heard that someone wanted a nanny and knew that I was looking for a job and paired the two of us together.

JL Was the job offer dependent on you agreeing to do both jobs?

TH I think it probably was. I got a room and board for the nanny job.

JL What were your qualifications and experience as a nanny?

TH I have an NNEB qualification, for which I did two years' training at college. I qualified in 1991. By 1997 I had six years' experience, and had done about three jobs from what I remember.

JL What were your qualifications for the secretarial type work?

TH I had a RSA computer literacy qualification from 1990 and a Pitman typing certificate from 1988.

JL Mrs Spelman said that you didn't type.

TH I could, but I wasn't asked to.

JL What experience had you had of office or administrative work?

TH It was often part and parcel of my nanny jobs to do administration; to open the post, fax documents and take phone calls. I would use my common sense. But I have never done clerical work in an office.

JL Why did Mrs Spelman ask you to do the parliamentary secretarial work?

- TH Initially Mrs Spelman had no constituency office or secretary to fulfil administrative duties. She asked whether I would do them: answering phone calls, faxes and so on.
- JL Why did you agree to take this on?
- TH I can't remember, but I was happy to fulfil the tasks. The children were at school in the day and I had time to do those duties for her.
- JL Did she then offer you a job after the 1997 General Election?
- TH Yes.
- JL The question of pay is difficult but it is very important for the inquiry. Evidence I have received from one of Mrs Spelman's secretaries suggests that in 1999 you were paid around £12,000-£13,000 a year. Do you think that about right?
- TH I can't honestly remember.
- JL Mrs Spelman says she did not pay you any money for your nannying duties. Is that right?
- TH Well, I had my own room, my own bathroom, the use of a car, and an expenses card for food and for the children.
- JL Is it in your experience as a nanny usual for a nanny to receive no pay – just board and lodging and a car? Why was that arrangement acceptable to you?
- TH This was my fourth job as a nanny. Generally as a nanny you get paid – but these circumstances were totally different from my previous jobs. My hours of nannying were three to four a day. The pay would have been minimal. All expenses were covered.
- JL When you went for the job would you have accepted six months on a very low salary but with board and lodging and a car provided?
- TH I was living in. The need for a higher wage wasn't there.
- JL Would you have expected some wage?
- TH It was just what happened; I can't remember more.
- JL Can I confirm that when Mrs Spelman started to employ you on these duties she said that the office work was for a six month period?
- TH Yes, it was for six months. She said 'provisionally' for six months. It could be longer depending on when she found a secretary.
- JL Can you remember signing an employment contract, perhaps with a job description?
- TH I am sure there was some document but I can't remember what. I can't remember if there was a job description.
- JL Can you remember if you signed two contracts, one for the nanny work and one for the secretarial duties?
- TH I can't remember.
- Kent**
- JL You say you were in Kent for in effect just a few weeks at the beginning of June 1997 to early July 1997. Mrs Spelman recalls that an *au pair* looked after the children.

TH Yes, I remember an *au pair*. I did the odd bit of childcare, but I can't remember exactly how it worked. The majority of the childcare was done by the *au pair*. There might however be times in the early evening for example when I was needed to cover.

JL How do you know you did up to 18 hours a week as a secretarial assistant, as you state in your letter to me?

TH Well, it varied each day, dependent on the phone calls, faxes and post received. I might do two hours one day. Over a week, a number of weeks, it would be up to eighteen hours. I did at least 2-3 hours each day, and a five day week; overall it was about 18.

JL Tell me about the faxes and phone calls you received at this time, in Kent.

TH I can't remember much about them.

JL How was it possible to act as a constituency secretarial assistant when the constituency was in the midlands, not Kent? How did people know to send things to Kent?

TH I don't know how, but it did happen. I do recall receiving things. From what I can remember correspondence came to the house.

JL Was there a lot of post?

TH I can't remember the exact amount.

JL Mrs Spelman says you travelled up and down with her to the constituency. Is this right?

TH I do remember going up and down on the train, but not why.

JL Was any of this work focussed on domestic arrangements (e.g. moving house) or was it all in respect of Mrs Spelman's parliamentary duties?

TH I can't remember.

JL Mrs Spelman said in her evidence to me that the children moved to Knowle during the summer. Did the children come with you to Knowle in July 1997? Or did they arrive after you?

TH I can't remember. They arrived in the West Midlands a little while before school started in September. They finished school for the summer and then came.

JL Did the *au pair* move [to Knowle]?

TH I don't think so but I can't recall. If she did it was not for very long.

JL So is it right that after that you were the sole nanny or carer in charge?

TH Yes.

Constituency

JL Take me through your typical day.

TH The children would be taken to school, I think for about 9am. I did this most of the time but occasionally Mrs Spelman or her husband would do this. Then I would go back to the house.

While the children were at school I would do the duties asked of me: dealing with faxes, post as and when it arrived, dealing with phone calls. As for the post, I wouldn't say it was daily. The phone calls might be several one day and the next day one or two.

School finished at roughly 3.15 or 3.30pm. I would then have charge of the children because Mrs Spelman was in London Monday to Thursday generally.

JL Did your day have a routine to it? For example, was there a period in the day when you undertook your secretarial duties?

TH Well, taking the children to and from school was pretty consistent. I was available for the secretarial work between about 9.30am and 3pm, and the work was spread over five days. I was available for 18 hours.

JL What was the volume of letters coming in each day?

TH I can't remember. It could have been five or ten. It varied. But it wasn't as many as 30.

JL What about phone calls?

TH They were on a more regular daily basis, but I can't remember numbers or volume. It wasn't more than eight or nine phone calls a day, but it varied.

JL What about the faxes?

TH Well, there would be a fair few faxes. They all came in on the same line, and you would hear the fax tone when you went to answer. So you would press the button for the fax.

JL What do you mean by 'a fair few'?

TH There could be one or two ... but other days there could be five or six.

JL Tell me about the filing.

TH Mrs Spelman had an office upstairs with a filing cabinet in it. It contained certain files for the constituency. I can't remember how the system was set up but if papers needed to be got out I would do this.

JL Mrs Spelman said you helped to create the system.

TH I can't remember. But there would have been a logical structure to it.

JL Can you help me on the amount of it?

TH It was very much according to what came in. Anything that came in or went out Mrs Spelman saw. It was filed away if it was finished with, or brought out if it needed to be brought out again.

JL How did the papers get to you for filing?

TH If they were faxed to Mrs Spelman she would have a copy. Or the original would be filed away in her office after I had faxed the copy to her. If any faxes came through I would fax a copy to Mrs Spelman. I would put the papers in the file so she knew where it was and I could pull it out.

JL How many visitors did you have to escort in a typical week?

TH I can't remember exactly. Sometimes it was 'Please take Mr Smith to Chelmsley Wood'. There were a lot of people from London who came without a car: I would take them to a place and pick them up.

JL Was it every week?

TH I can't remember exactly how often. Sometimes Mrs Spelman was around. It was a regular part of the job, but I couldn't say how frequent.

JL What sort of person rang you up?

TH It could be anybody. It could be a constituent saying 'There's an issue'. I would take their name and phone number and let Mrs Spelman know. Generally it was constituents but sometimes other MPs. The main number for quite a while was Mrs Spelman's home phone number.

There was not just one caller, as the media suggested. That was misleading. I couldn't recall every person's name but the names I do remember are the people in the public eye who called.

JL What about people coming to the door?

TH I remember people associated with the constituency calling at the door. I can't remember the names or if they were constituents. Constituents would generally see Mrs Spelman at the surgery, not at the house. They might be from the constituency association.

JL Was Mrs Spelman's home address in the public domain?

TH I don't know. The direct phone number was. Even after she had a secretary and an office I still got phone calls at her home.

JL Do you recall regular contacts with the local branch chairman of the NFU? I gather from Mrs Spelman that he would contact you about meetings.

TH I do remember that.

JL Paula Yates suggests you sometimes took work directly to councillors. Is that right? Why was that necessary?

TH Yes, I would take information to their home addresses – things that needed to get to them. Mrs Spelman would ask me to do this as and when needed. It was associated with constituency events, which were generally on a Friday.

JL How much time did you spend sorting the mail?

TH I can't remember the volume. It was as and when.

JL Mrs Spelman says you judged its urgency, including action needed by local councillors or the MEP. Do you remember how you made these judgements?

TH I read more newspapers then. I knew that certain areas were more important than others and I would know if things were needed within a day. It was common sense, if Mrs Spelman had something happening on a Friday, she would need to see the information.

JL If you decided that the information had to go to a councillor, what would have happened?

TH I would have posted it or driven it to the house if it was an urgent matter.

JL Was it of your own volition or on Mrs Spelman's instructions?

- TH I can't remember.
- JL What about sending information to the MEP?
- TH I would take information to him or post it to him. I had a file of addresses to use. I remember the local MEP. He lived in the area and I would take it to his address.
- JL Mrs Spelman says you reported back to her on the actions taken by councillors. How big a part of your job was that?
- TH I do remember the actions. I had to tell Mrs Spelman what the councillor had said... Mr x had said '...' and she would say 'Thank you, Tina'.
- JL Can you tell me about your relationship with the constituency office and Paula Yates? How often did you see her? She said you came to the office every week, usually on Monday and Friday, to collect and deliver mail. You don't mention this in your letter.
- TH I do remember Paula, and taking stuff to her when I was there and then taking things back to Mrs Spelman as and when. The Solihull Conservative office was in Manor Road and Mrs Spelman had Paula there.
- JL Can you give me an idea of how big a part of the job that was in terms of time?
- TH Well the journey was 15-20 minutes by car depending on traffic. So there and back, including the time taken while there, you might say was 1 hour or 1½ hours.
- JL I wonder why it didn't feature in your memory?
- TH I do recollect. In my letter I have done my best, but it is a long time ago, and I don't remember everything.
- I would go to the office more when Paula did the brunt of the work after 1999.
- JL So after thinking about it, do you believe it was twice per week every week?
- TH Yes probably twice but I can't honestly remember.
- JL When you went there, what about the mail? Was it already sorted when you picked it up?
- TH I can't remember.
- JL Overall, in your eighteen hours, were you very busy, with a steady flow of work? Or was it spasmodic and were there times when frankly there was not much to do?
- TH There was a steady flow, but with some days a lot more work and some a lot less. There were other bits and bobs I would do; one day might be taken up with calls and faxes, another with filing. I would balance the work out: I would be doing something on a daily basis. I would balance the day out.
- JL Did you have to undertake some nannying duties when the children were at school: for example, shopping, washing, tidying their rooms and buying food?
- TH Yes, but I would organise my day. I would have around three hours in the morning when I would do the secretarial work. And since I was living in, I would do duties in the early evening.
- JL But the children would be there in the evening.
- TH I balanced it out. I could do some tasks while they were there, for example if they were watching TV. I could still do duties if the children were around.

- JL So would you say you did about 3½ hours of secretarial work a day?
- TH Yes, I would be back from taking the children to school at 9am or 9.15am and I didn't have to leave again until 3.15 to 3.20pm. so I had six hours available.
- JL What about a lunch hour? Your 3½ hours would take you to 1pm.
- TH Yes, I would have two hours free for lunch, shopping and other tasks. I didn't always take a lunch hour. Sometimes I would eat on the run, with a sandwich in the car.
- JL What about such tasks as tidying the children's rooms?
- TH At a certain age you expect the children to do this. I would oversee them.
- JL Did Mrs Spelman have a cleaner?
- TH Yes, I did not do cleaning.
- JL What happened if the children were ill or in school holidays?
- TH The children did a lot of clubs: football clubs, clubs at the local leisure centre, football, cricket – these accounted for a proportion of the day even in the holidays.
- JL In the holidays was the morning still set aside for your parliamentary duties?
- TH I do remember doing the constituency work still; I would do this while the children were at clubs.
- JL Was Mrs Spelman around in the holidays?
- TH She was around more. I don't remember exactly how it was, but when Parliament was in recess there were times when she was in the House and times in the constituency.
- JL I understand from Mrs Spelman that you were responsible overnight for the children from Monday to Thursday when Parliament was sitting. When did you get a break?
- TH Well, they would be in bed at a certain time, about 7.30pm. I could get a break when they were at school or in bed in the evening; I was not necessarily working during the evening. I was technically on duty, but they rarely woke up and I had time in the evenings to relax, have a bath and eat.
- JL You went home on Friday nights. Was there any weekend working?
- TH Not that I can remember. There was no constituency work on Saturday or Sunday, but I might do babysitting as and when. It wasn't part of my regular duties and I would get time off in lieu or I would get paid.
- JL What office equipment and supplies did you have in Mrs Spelman's house?
- TH There was one phone line for both fax and phone. Private calls usually went to London. There was one line for everything.
- JL Where did you work in Mrs Spelman's house? Did you have your own office?
- TH There was an office upstairs which Mrs Spelman used if she was around. There was a telephone and filing cabinet. I would use that room as and when needed.
- JL Would you go up there when you got back from school each day?
- TH Yes but the fax was downstairs so you would have to go up and down stairs.

- JL Did Mrs Spelman have a computer then?
- TH Yes, but I don't remember using it. I don't think emails were used so much then: it was mainly faxes. Often there were 6 or 7 pages at a time.
- JL How did you get your office supplies, like envelopes?
- TH I could get them if I needed to. I had access to supplies. I can't say where they came from.
- JL Was it your responsibility to look after the store cupboard and get the envelopes?
- TH I can't remember.

1999

- JL How did Mrs Spelman explain to you in 1999 that she proposed to end your job as a secretarial assistant?
- TH She said she had now found a suitable candidate – I think it was Paula - to fulfil the secretarial duties. She did a lot more than I did, and that included typing.
- I do remember Mrs Spelman saying that the Whips' Office were saying there was a better way of doing things. But the main reason was that Mrs Spelman found a suitable candidate to fulfil the whole constituency role.
- JL Initially you had taken on this role for about 6 months. But nearly two years had passed. Was there any conversation between you about this work between when you began and this time in 1999?
- TH Well, it was ongoing. She had asked me 'Will you be available to do these duties until I find someone?' There was some sort of discussion: I am sure she sat down and said that the six months had come up and the duties would need to carry on for a while as she hadn't been able to find a suitable person.
- JL Did this discussion happen frequently?
- TH I can't remember. I carried on until I was asked to do otherwise.
- JL Did Mrs Spelman give the impression that she was looking for somebody?
- TH Yes, she probably would have said this, but I can't honestly remember.
- JL You were in charge of the phone. Did you have any communications from interested people?
- TH I can't remember.
- JL What were the consequences of you ending your secretarial or administrative work? It had accounted for a substantial amount of time: 18 hours a week; you did it five days a week; and you had an income from it – we don't know how much, but we'll assume it was a reasonable sum. Suddenly the work stopped and you had free time and no income from that source. Did you get another job to fill the time?
- TH No. I carried on with Mrs Spelman. She was still in need of childcare. We came to an agreement that I would be paid for my nanny duties. I took on more of a role during the day in the house: not doing the cleaning but making sure the cleaner was paid, and I had more duties associated with the children.
- JL I am not clear how your duties had changed.
- I have been given a PAYE return suggesting that in 1999 when Mrs Spelman started paying you, you were getting £13,000.

I am trying to see why you were getting paid this now when you weren't before.

TH At the end of the day that is the agreement we came to. We sat down and Mrs Spelman said there would be no more secretarial duties. But I was there for the children. They spent less time at clubs in the holidays; I had them more often than not, the majority of the time now. During the week I would pick up dry cleaning, tasks outside normal nanny duties, extra bits and pieces.

JL Who picked up the dry cleaning before?

TH I don't know.

I was helpful before 1999 and also after.

This was Mrs Spelman's decision. I spaced the jobs out.

JL Did the children no longer attend clubs in the holidays?

TH I spent more time with them, taking them down to London to see Mrs Spelman. I would be with them during the day.

JL How did Mrs Spelman explain to you the offer of £13,000?

TH I can't remember. She might have said that the circumstances had changed and this is how it would be. I still had a job and I was still paid. Yes, it was different but I was paid for my duties and I was getting a wage, so I was happy to have a job.

JL Would there have been a problem if Mrs Spelman hadn't paid you? Would you have looked for another job?

TH It is hard to say. Mrs Spelman was a very good employer. The issue didn't arise. Mrs Spelman didn't expect anyone to work for nothing.

JL Did you continue to do this work after June 1999 or did it wind down?

TH There was a crossover period but even after Paula was in the job for a while I still got letters to Mrs Spelman's home address because people had got used to sending post and faxes there. I would ring up Mrs Spelman or Paula and say 'This has come'. I would take post to the constituency office. If faxes related to the constituency I would take them to Paula or fax them on. Paula would say 'That can be faxed to me' or 'Bring it to the office'. Or I would do as Mrs Spelman asked me. This would happen more in term time but there would be times in the holidays when we might be on a day trip and I would divert and drop things into the office.

JL Did the phone number change?

TH The phone number was always in the directories, and people wrote out of habit to the home address.

JL Roughly how much of your time did this take?

TH It was a lot less frequent.

Once the office was in a separate building, it would be less frequent. The majority would get to Paula in her office. But it was an unusual week when I would have nothing. I can't remember more.

JL Did you still drive visitors around?

TH Yes, in term time, generally on a Friday. In the holidays if I had the children other arrangements would be made.

JL Was it as frequent as before?

TH I can't remember.

Pay

JL We believe we know what you were paid as a nanny from 1999, but we don't know about the time before that.

Can you remember whether you had a pay increase or a pay cut when Mrs Spelman started to pay you in 1999? I know it is hard to remember, but a pay cut usually sticks in the mind.

TH I can't remember. I wouldn't say my pay dropped, because I think I was happy. I can't say for certain, but it may have stayed the same or gone up; I can't remember.

JL Did you have a new employment contract?

TH I can't remember.

JL Thank you. That completes my questions. I am very grateful for your help. Is there any other point you would like to make?

TH I would like to say that it is different sitting here answering questions. I did my best with your letter, but sometimes I recalled more today.

JL Thank you. My notetaker will now write up the note and send it to you to confirm its accuracy.

The interview finished at about 11.50 am.

12 November 2008

55. Letter to Mrs Caroline Spelman MP from the Commissioner, 25 November 2008

I am writing to you to let you know about progress with my inquiry about the employment of your secretarial assistant and nanny between 1997 and 1999 and to invite you to a discussion about the issues which I need to have resolved.

In view of the understandable lack of documentary evidence, I have, as you know, sought evidence from a range of potential witnesses. I attach a schedule of all those who have provided me with relevant evidence, together with copies of that evidence. I will be taking that evidence into account in the questions I propose to put to you when we meet, but, if you wished to respond in writing to any of the points made in this evidence, you would of course be very welcome to do so.

The areas I would like to cover when we meet are the initial plans you had in managing your constituency work on your election; the appointment of Mrs Tina Haynes as your secretarial assistant and as your nanny; the work she did for you initially in Kent; the work she undertook for you in Knowle; the pay and conditions you established for her employment as your nanny and as your secretarial assistant; and the arrangements you made after Tina Haynes ceased to be your secretarial assistant in 1999. There may be other issues which arise in the course of our discussion.

I attach a note which sets out the procedure I follow in taking evidence from witnesses. You would, of course, be welcome to bring a friend with you. I would have present a note-taker. It will not be a verbatim record. The note-taker would let you have a copy of the note so that you can comment on its accuracy. It would then form

part of the evidence to my inquiry and would be included in any memorandum I submit to the Committee on Standards and Privileges.

Subject to our discussion, I would hope that I am nearing the end of this inquiry. Having reviewed all the evidence I have received, I think it would be right for me to submit a memorandum on my inquiry to the Committee on Standards and Privileges. You should draw no inference, however, from this about what my conclusion is likely to be. I will only come to that conclusion once I have concluded my work and once you have seen the factual sections of the draft memorandum which I would prepare.

I will now ask my office to get in touch with you to arrange a time convenient to you for our interview for which we should perhaps allow up to two hours. If you would like a word about any of this at any stage, please do get in touch with me at the House.

Thank you for your help with this matter.

25 November 2008

56. Letter to the Commissioner from Mrs Caroline Spelman MP, 3 December 2008

Thank you for your letter and enclosures of 25th November.

I am in the process of reviewing the evidence supplied and understand that you may be taking this into account in the questions which you wish to put to me during our meeting next Wednesday. As you are aware, I have already submitted my full written statement in July and, as my position has not changed materially since then, I do not believe it is necessary (nor would you wish me to) simply repeat my position again at this stage. However, there are a limited number of points which are raised in the evidence you kindly supplied to me, which I should now like to take the opportunity to respond to. These are as follows:

1. Written submission from Georgina Perry

- a) In her letter of 21 July Ms Perry states that during the period May 1997 to 31 March 1999, Paula Yates (*née* Monkhouse) was one of my employees. This is not correct: Paula was not on the parliamentary payroll during this time.
- b) Ms Perry also asserts that all the constituency post came direct to the House of Commons. This was certainly not true as others have confirmed, and indeed to this day it remains the case that post addressed for my attention is sent to my home address (which at that time was also my constituency office), the local association office as well as the parliamentary office.

2. Written submission from Sally Hammond

- a) In her letter of 14th July Ms Hammond states that she contacted the Fees Office to establish who was on my parliamentary payroll and how much they were paid. [The Acting Director's] letter of 22 July confirms that the Fees Office did not have the practice of disclosing information about the salaries of staff without the explicit permission of a Member. I would like to make clear that my permission to disclose that information was neither sought nor given to either Ms Hammond or the Fees Office at that time (nor since).
- b) I would also note that whilst I cannot recall the specific salary levels of my staff from such a long time ago, I do not agree with the figures stated by Ms Hammond.
- c) Ms Hammond also asserts that all my mail came to the House of Commons. As I have explained above in relation to Ms Perry's statement, this is not correct for the reasons I have given.

3. Written submission from Sarah Murton

a) In her email of 1st October, Ms Murton states that "there was certainly a constituency office separate from Caroline's house." This is not accurate. At that time, there was a local Association office but this was not located in my constituency and as set out in [the submission of the Chairman of the Meriden Conservative Association] of 14th July the Association secretary was not in a position to give me any secretarial support at that time. I used my home as the constituency office.

4. Testimony of Tina Haynes

a) One of the questions which you put to Ms Haynes during her testimony of 12th November 2008, was how it was possible during the initial four-week period from June to July 1997 to act as a constituency secretarial assistant whilst she was based in Kent and not the midlands. You asked her how people knew to send things to Kent. Ms Haynes responded by saying that she did not know but that it did happen.

I should like to explain this. During those first few weeks, Ms Haynes and I were extremely busy going through the backlog of correspondence left from my predecessor, the late Iain Mills. This correspondence had been collected into large black bin bags by the local Association office in the midlands. I collected these bags and then either my husband or I transported the bags back to our Kent house by car so that Ms Haynes and I could then tackle their contents during the working week. We went through each letter to work out how urgent it was and how it ought to be dealt with. During that time Ms Haynes also helped me set up my office in the constituency and transfer files and paperwork between Kent and the constituency. As I have previously explained, during that time, we had an *au pair* living with us who had full responsibility for the children so Ms Haynes was free to concentrate her time in Kent on the administration duties. I am of course willing to provide more details about these arrangements and these early weeks during our meeting should you wish me to do so.

I hope that this information is helpful and I look forward to meeting with you next Wednesday.

3 December 2008

57. Agreed Note of meeting with Mrs Caroline Spelman MP, 10 December 2008

Present:

Mrs Caroline Spelman MP (CS)

Mrs Spelman's Chief of Staff

Mr John Lyon, Parliamentary Commissioner for Standards (JL)

Registrar of Members' Interests (RMI)

The "Fees Office" is used throughout for what is now the Department of Resources, since that is the term commonly used by Members including Mrs Spelman.

CS was grateful to have been sent the evidence JL had received. She had deliberately not been in touch with her former nanny/assistant Tina Haynes (TH), so had been very interested to learn her evidence.

Initial plans

JL Had CS given any thought before the election to the arrangements she would make in her constituency if elected?

CS She must have been about the last candidate selected; at first it had been thought that the vacancy would be filled after a by-election. Her main focus, as an unknown and non-local candidate, in the short time at her disposal, had been campaigning. A couple of things had been very important. She

had given an undertaking to send her children to school in the constituency, and was not someone to renege on undertakings. She was aware that if elected the result would be a major change in the family's lifestyle. Without assuming she would win the seat (in the event her victory had been narrow), she had certainly thought about how she would manage if she did; other people in the constituency had also thought about it, and had made suggestions.

JL What had been her predecessor's (Iain Mills) arrangements?

CS She had not known Iain Mills. She knew he had been assiduous, and had devoted a lot of time to surgeries, particularly on one very large council estate. She did not know what his secretarial arrangements had been, though she thought his wife might have worked for him—certainly she had brought over the backlog of correspondence.

JL Had Iain Mills had a constituency office?

CS She did not think so—there was no ready-made set-up she could have inherited. The short run to the election had been unusual, most candidates were selected a year in advance and had arrangements in place while she had had nothing. Beginning her work had therefore been very difficult.

JL Why had it been important that her constituency assistant should be at her house—why had she not considered renting space elsewhere?

CS In 1997 Members' total budgets were much less than now. The salary of a Westminster secretary absorbed about half the allowance, and the remainder had to cover everything else including office equipment (there was no capital grant). She had been quite worried about the cost. She had made some inquiries about renting office space locally but it was quite dear. When she had moved to the model of a full time constituency secretary it had been difficult to manage the rent (£10,000), rates and cost of equipment. Her thinking at the time, then, had been influenced by cost but also by her need, as a non-local, to establish local credentials immediately and having Tina working from her family home would achieve that.

JL Had she considered asking someone else to work three or four hours a day?

CS She had hoped that the Association secretary might have been able to help, as was the usual model, which other MPs had said was a common solution. She had expected it would be possible, but for perfectly good reasons it had not been. She could not remember if Paula Yates (PY), the Association secretary, had actually said that when her child was at school she might be able to help. As to the possibility of employing someone else to work in her home, it had needed to be someone she could trust with sensitive matters, and such people were not easily available at short notice. The dual role for TH had seemed a workable alternative, given that the nanny work gave her time to do the work and a relationship of trust existed.

JL But she had not known TH when she first employed her?

CS She had looked at her references.

JL Could she not have done the same for someone else?

CS She had felt that it would be better for everyone to restrict the number of people with access to her home and children. The rented house had not been large (she agreed that later the family had moved to a larger one). She could not remember whether she had consciously thought about all these matters: the run-in to the new job had been difficult. She had needed an 'anchorman'. The constituency association had made clear that they could not help. It had seemed practical to ask TH to do the work.

JL Had CS discussed the proposed dual role for TH with the Fees Office?

CS Yes, they had said there was no problem.

JL Had she discussed it with the Whips?

CS No. But she had been quite open about her arrangements. MP colleagues had been concerned that she should sort out a satisfactory arrangement, but no-one had suggested that her solution did not sound right.

Appointment

JL When had CS first conceived of the dual role?

CS It had been obvious that in the case of other MPs, their families sometimes played a dual role. In her case, it had not been possible for her husband to do this. She had understood the need to identify clearly time available for the administrative duties. She believed that other female MPs had the same sort of arrangement in respect of their child care. She had needed to have someone 'on the ground' so that letters did not lie on the mat from Monday to Thursday. She had been anxious to make a good start in the constituency.

JL When had CS started to think she must look for someone to fill a dual role?

CS She could not remember at what point the constituency association had said they could not help.

JL TH had said that she believed the job offer was dependent on her doing both jobs. Was this so?

CS Yes, though she had not considered it in that way. The dual role had seemed a practical solution to which the Fees Office, when consulted, had not objected.

JL What would CS have done if TH had declined the dual role?

CS The question was theoretical and had not arisen. They had spoken of the dual role from the beginning.

JL Had TH understood the importance of keeping the roles separate?

CS Yes. There was a contrast in the evidence given to the Commissioner. The London staff had had difficulty seeing what TH did, people in the constituency had not. The London staff did not often visit the constituency. CS was absolutely satisfied that TH had kept the roles separate.

JL TH had told him that she thought that her office work had been provisionally for six months. Was that so?

CS She had hoped that PY would be able to take up more work. She could not recall the exact details of asking her, but the constituency minutes made it clear that it had been discussed. PY might have said that she would be more available when her daughter started nursery.

JL TH believed that she and CS might have had a further conversation after about six months. She thought CS might have confirmed then that she was to continue since CS had not been able to find a suitable candidate. Was that right?

CS She did not recollect such a conversation, but it would have been good practice.

JL Had CS been looking for someone else?

CS No. She needed someone in whom she had confidence, and had been waiting for PY, who would have been aware of her interest.

- JL Could CS recall signing contracts at the beginning of the employment? Was it one contract or two?
- CS She did not recall. She had been dismayed to learn that the Fees Office did not keep documents so far back (she was interested that they seemed to keep some, which was anomalous). There was one aspect about which she felt extremely strongly. After the *Newsnight* programme she had rung the Fees Office and been unable to get the information she sought. When she had seen the evidence of Sally Hammond (SH), it would appear that although the Fees Office made clear that it was not their practice to give out information about salaries, when SH had rung them in 1999 she had received it. CS had not known of this, and would have been very concerned if she had. She wondered about the motive for inquiring about other colleagues' salaries.
- JL That assumed that they had indeed given out the information, and there was no record of that, although he assumed also that CS did not wish to challenge the basis of SH's evidence.
- CS No, she did not challenge SH's account of the approach to the Fees Office.

TH's role: Kent

- JL What had been the arrangements in the initial weeks in June/July 1997 when TH worked in CS's Kent home? He understood from CS's recent letter that the backlog of constituency correspondence had been taken to Kent in bags over a period of time as space in transport permitted. What had TH done with these bags full of letters?
- CS In June 1997, CS had gone to the constituency, as a new MP, every weekend. Her husband had brought the children up every Friday after school, and driven them back on Sunday evening. She herself might stay in the constituency on Monday morning. The bags of correspondence had been taken to Kent by her husband as and when possible. CS had felt it important that the letters sent to her predecessor and not replied to should be properly dealt with. The volume of this correspondence had been such that work on it was not completed before she left Kent. CS and TH had divided up the work. TH would open the letters and arrange them sequentially, looking for series from the same writer. Obviously CS could not delegate actually dealing with the cases. It was important that CS and TH should have time to work together from Monday to Thursday (the House had not always sat late, allowing CS to work with TH in the evenings). This was work Georgina Perry (GP, the Westminster secretary) had not been willing to take on, and PY had not had time. It was not surprising that other staff did not know how the letters had got to Kent. Mr Spelman bringing them down with him in the car meant that they would not necessarily do so.
- JL How had TH helped to set up the office in the constituency, as stated in CS' evidence, when she was working in Kent?
- CS TH had been with CS in the midlands on Thursday, Friday and some Monday mornings. They had worked together to set up the office; TH had made up files covering the backlog of correspondence and transferred them to a filing cabinet upstairs in her rented house.
- JL What had been done about new correspondence?
- CS Not all new correspondence had come to London, though a significant amount had done. It had also been delivered to her rented home in the midlands (she had rented a house in March 1997), by post or in person. Sometimes, also, it had been sent to the Meriden Association office (although this was not in the constituency), from which it could be collected.
- JL Was the address of the rented home in the directories?
- CS Yes, she believed so, though she could now find no evidence of this. There were people in the constituency who recollected visiting her at her first address.

JL Was CS satisfied that TH had spent eighteen hours a week when she was based in Kent during the week on the parliamentary work?

CS Easily, because of the backlog.

JL How did the *au pair* fit into the arrangements?

CS The *au pair* had lived in and had worked throughout the election campaign when the children had been still in Kent. She had continued to work for CS until the family had gone on holiday in August 1997. CS was not aware of the arrangements made if the *au pair* wished to go out in the evening and TH may have covered for her then, but in general CS had not needed TH for childcare purposes in Kent.

JL Did the *au pair* move to Knowle for the first period?

CS The school term had ended with the first week in July and the family had moved to Knowle almost immediately—there had been a strong incentive to move to the constituency as soon as possible. The *au pair* had stayed with them for that early period up to August 1997 when the family went on holiday.

JL After that, had TH had sole care of the children when CS was not there?

CS Yes, in the same way as an *au pair* or mother's help; she had lived in and taken responsibility overnight.

TH's role: the constituency

JL What was the arrangement of TH's work once she had moved to CS's home in the constituency, initially in a rented house and subsequently in CS's own house? TH had said that the house had had one phone line for everything including faxes, an office with filing cabinets and a fax machine downstairs. Was that correct?

CS It sounded right. She had been in fax communication with home—she had had a fax machine when she was in the Whips' office, which had caused a certain amount of concern that it might be a distraction in the open plan office. CS and TH had also gone together to buy second-hand office equipment such as filing cabinets.

JL How had constituents known CS's home address and phone number?

CS She believed that they had known it. The local Association had been eager that it should be known that, although an incomer, she was living locally, and she had not discouraged them from publishing her details in as many documents as possible.

JL If CS had been in London during the week, how had she known that TH was working 18 hours a week on parliamentary business?

CS On Monday mornings, she and TH would agree what TH would do during the week. This would include taking cases which had come up at surgery and should be dealt with by councillors to those councillors. TH knew the area. It was a large constituency, 45 minutes drive across, with Conservative councillors mainly located in rural areas; this meant a lot of driving. TH would also be asked to go to the Association office to collect the surgery schedule. There had also been bread and butter work—opening post, deciding whether something was sufficiently urgent to be sent to London, passing on messages. There had been no reason to believe TH had not worked the hours—CS had the evidence in the product, and others remembered it being brought to them. Of its nature there would be no evidence in London of such work.

JL In TH's evidence, while the workload had varied, she had received five or ten letters a day, not more than eight or nine phone calls, and up to five or six faxes, done some escorting of visitors and ferrying

papers to and from Solihull. Did CS consider this added up to 18 hours work a week?

CS She believed it did. PY had found it hard to fit in all the work when she had taken over. It might be helpful to record that in October 2008 she had hired a local person to do 15 hours a week in addition to what PY was doing, as her new secretary in London could not cope with the volume of work. There was a danger that letters would sit on the mat unopened.

JL Was CS suggesting that the volume of work was higher than TH implied?

CS She would not question TH's view.

JL But when PY succeeded TH, she was working fourteen hours not eighteen?

CS Yes, but TH had continued dealing with letters and phone calls which had continued to go to her home. After the dual arrangement had ceased, CS had been happy to pay for this service out of her own pocket. She had needed to be accessible to her constituents. Her constituency had a high-dependency caseload. People were loath to make trunk calls to London.

RMI How often had CS held surgeries?

CS She had inherited five locations for surgeries and had tried to follow her predecessor's schedule. She had tried to alternate between Friday afternoon and Saturday morning, and had subsequently introduced a Thursday evening slot.

JL TH had said her nannying hours had been three to four a day. Was this not rather light?

CS The main workload had been after school, except for about half an hour in the morning. The children had been young and would have been in bed early.

JL If the working hours for TH as a secretarial assistant had been eighteen a week, did CS have a similar recollection of those for nannying?

CS Once children are at school, as hers were, many mothers scale down their nanny requirements. But she had thought it appropriate to have someone in the house overnight.

JL Had CS been concerned that TH might be overloaded?

CS She had given no indication she was, and had seemed to enjoy the work.

JL Could she confirm, as stated in her letter of 3rd July, that she helped with the childcare during recesses?

CS Yes. The recesses were broadly in accordance with the school timetable and it was a benefit to the children of MPs that the MP parent was around in the holidays. When she was in the constituency she had control of her own diary.

JL TH had said that the children had spent time attending clubs in the holidays as well as term time. Could she recall how this had worked?

CS Many such clubs used school premises in the holidays, and such clubs might last all day.

JL What happened if the children were ill?

CS She had been fortunate in the health of her children. Except for one day, none of her children was ill throughout the period in question: nor was TH.

Pay and conditions

JL Neither CS nor TH was sure how much TH had been paid. There were four pieces of relevant evidence.

One of CS's secretaries said that she believed that in 1999 CS had paid TH £12,000 or £13,000;

The PAYE return submitted by CS showing that she paid TH around £13,000 for her nannying duties in 1999. TH did not think her pay dropped when she lost her secretarial job, but stayed the same or went up;

CS's letter of 17 September, suggesting that she had had about £12,000 left for constituency staff and offices from her Office Costs Allowance of £47,568;

Invoices suggesting that when CS stopped paying TH as her secretarial assistant in 1999, she employed PY at £8.60 an hour for fourteen hours a week, the equivalent of £6,300 a year.

All this suggested that CS might have been paying TH as her secretarial assistant somewhere between £6,300 and £13,000 a year in 1999. Could CS help more on what she actually paid?

CS The payment to TH must have been in the range JL suggested, but she did not recall. She had been worried about managing the budget, and had been surprised to find that office equipment had to come out of it.

JL Why did CS decide to pay TH £13,000 after the ending of the dual arrangement?

CS TH was a trusted employee. CS knew that she could not stop some parliamentary tasks continuing. She thought it appropriate that TH should not be out of pocket as a result.

JL Did that point to TH's pay being around £13,000 when the dual arrangement ended?

CS She could not remember the precise salary, but of course the salary she was receiving from parliamentary allowances in 1999 must have been more than she was receiving in 1997 since it would have been only fair to give her an uprating to reflect any uprating given to Members.

JL What additional work had TH taken on when the dual role had ended?

CS TH had continued to perform some administrative tasks, and this had been reflected in the salary, which she was now paying out of her own pocket. The children were now older and more demanding, needing, for instance, more help with homework in the evenings, and other particular support.

JL Was it correct to say that when PY had started work, CS had paid her considerably less than she had paid TH?

CS No contract existed, but she would have paid what PY would have regarded as a fair salary. PY was not on a parliamentary contract—the association billed CS for her services. Local salaries were lower than parliamentary ones.

JL But had not TH worked locally as well?

CS She had taken advice from the Fees Office on TH's salary. New MPs had not received much guidance from the Fees Office on how to handle their budgets.

JL How had CS established that £13,000 was appropriate for TH's pay after the dual arrangement ceased?

CS TH had proved a valuable staff member, and some duality remained. Given she now had more time available, CS could ask her to do more with the children.

JL Noted that up to 1999 TH had not been paid anything for her nannying work. Why was that?

- CS TH had been on the same basis as an *au pair*, living in and receiving her board. A car had been bought for her use in the dual role. After 1999 the arrangement had been changed to pay her £13,000 as well as board, lodging and car. TH had seen her remuneration as a total package and CS had not wanted TH to lose out. CS had not wanted to lose TH's services and knew she would continue to need her to be her anchorman in the constituency, which was why she had been prepared to recognise her continued assistance with parliamentary work out of her own pocket.
- JL How did CS respond to the suggestion that TH had been enabled to work without receiving money as a nanny until 1999 because she had been being paid money as a secretarial assistant?
- CS TH, like the *au pair*, had received pocket money in respect of her childcare function. TH had been happy with the arrangement. As long as the taxpayer did not suffer, CS's childcare arrangements were a matter between her and TH. There were no parliamentary rules on the subject. TH had been content to do the nannying work on the basis of board, lodging and use of a car.
- JL Would the terms of employment be less of a private matter if money from Parliament had been spent on providing CS with childcare?
- CS It was not. There was no allowance for childcare. She had gone to the Fees Office to ask if it was permissible to have someone both providing childcare and parliamentary services and been told that it was. She had asked how much she should pay and been given the pay scales.
- JL Was it not the case that parliamentary rules in relation to not using parliamentary expenditure for a personal benefit would be engaged if the salary CS was paying TH enabled her to work for CS as a nanny without additional cash payments?
- CS Did not accept that that was the position. She paid TH the rate for her parliamentary work but she made provision for TH for the nannying duties which were the same as she had had for the *au pair* except that TH also had use of a car, which she had bought to enable her to carry out her parliamentary work but which she could use at other times.
- JL PY was paid substantially less to do broadly the same work as TH, except PY also did the typing. Why was that?
- CS She did not recall making the comparison between the two salary levels. TH had had a contract drawn up by the Fees Office for her parliamentary activities, and PY had not, so the comparison was not obvious. PY had asked for what she had thought was the right amount⁹⁴.
- JL The Green Book provided that parliamentary allowances could not be used to pay for items of a personal nature. Was any element of TH's pay for such services?
- CS TH had accepted the same working conditions as an *au pair* in respect of her nannying duties, and this had seemed reasonable to both parties. CS had not analysed the position in the same way as JL. She had gone out of her way to ensure that TH had a period of time clear for the parliamentary work. She had not set out to benefit at the expense of the taxpayer—she attached great importance to integrity.

94 Mrs Spelman subsequently wrote: 'When employing Ms Haynes in her administrative role, I had paid her what was regarded as a reasonable rate following my discussions with the Fees Office; after the dual role ceased I simply went on to pay Paula Yates the amount which the local Association invoiced me for her time. I did not carry out any specific analysis of the two rates or roles. It is possible that the Association billed me a lower rate for Paula's time than I had previously paid to Tina but this may have been because, by their very nature, Associations tend to have very limited resources and accordingly have relatively low wage costs. However, I had no reason to think there was anything unusual or irregular about this and I should stress that I do not believe that there is anything significant in this in the event that there was any discrepancy.'

- JL CS had said earlier that TH had seen her employment arrangements as a total package. Had CS felt the same way or had she separated the elements?
- CS She had not thought in those terms. In 1997 when she had realised that there was a problem as the constituency association were not able to help she had found what she thought was a practical solution to the problem. She had explained freely what she intended to do, and no-one has said it could not be done.
- JL Had CS explained to the Fees Office the terms and conditions of TH's employment, including the terms under which she was employed as a nanny?
- CS She could not remember the exact conversation, but why would they have a view? TH had been happy with the arrangements; she had been proud to be working for an MP, and the quality of her service showed that she was right to be.
- JL Could TH explain the reference to paying pocket money to her childcare staff?
- CS There had been a household float, but neither the *au pair* nor TH had received any money for herself. A car had been bought for TH's use.
- JL Should CS's reference in her letter to GP of February 1999 to wanting to employ PY for more hours in the constituency office be taken to imply that PY was already doing some work for CS?
- CS No. She had always hoped and expected that eventually PY would be able to work for her, but up to that point PY's involvement had been restricted to booking surgeries.
- JL How had CS decided that PY could do in fourteen hours what TH had been doing in eighteen?
- CS Some work had remained with TH—in addition to what PY did, TH did some filing and taking material to councillors.
- JL Had TH continued to do some driving on behalf of CS?
- CS Yes, for instance picking her up from the station or driving the intern to the location of his project.
- JL In her letter to GP following their conversation of February 25th 1999, CS had mentioned the loss of 'Stuart'. Who was he, and what was the relevance of his loss to the decision to reduce her Westminster support?
- CS He had been a trained agent, seconded to the constituency because it was marginal. His departure had meant additional pressure on PY but was not otherwise relevant.
- CS said that she found it very difficult to terminate people's employment, and had found it hard to do in the case of the two parliamentary secretaries, SH and GP. There had been differences of opinion with GP, for instance about the use of an answering machine rather than the attendant message service—CS believed it was important for constituents to reach her office itself. She had supplied both with good references. Since that period, however, she had had a long and happy experience with someone—who had indeed returned after maternity leave.
- JL Had CS changed her contact details in directories after the ending of the dual arrangement?
- CS Doing so was difficult. They had gone ex-directory after she and TH had received a nuisance call, but it still appeared that a number of people had her number—and it was not possible to hide an address. Further, she wanted to make a virtue out of living in the constituency.
- CS made a number of concluding points.

- None of the evidence hostile to her was from people in the constituency. She had provided a

number of character references from people who knew her and TH.

- TH was the only person doing parliamentary work for CS when she was first elected. No complaints had been made about this work.
- Unlike most candidates, CS had had no planned run-up to election, and had had to dismantle and relocate all her arrangements while Parliament was sitting.
- The pay and conditions made available to TH for the childcare were commensurate with those previously given to her *au pair*, and she had in addition provided a car.
- The rules governing the use of parliamentary allowances in 1997 were different from those in force in 2008.
- SH had worked for her at Westminster from 12 April to 10 September 1999. The arrangement with TH had changed in May. SH must have been a very recent employee when she went to a third party (the former Opposition Deputy Chief Whip) raising questions about the employment of TH. If SH had had concerns about her pay rate, why had she not raised them at the outset of her employment? Despite the fact that she had been told by the Opposition Chief Whip that SH had spoken to his deputy about the arrangements regarding TH, CS had tried to work the matter out with SH. She felt MPs also needed more help in handling and if necessary terminating working relationships.
- CS liked to think of herself as a good employer who was not given to sacking people and would always try and work things out. She had just wanted a better service for her constituents. [Her Chief of Staff] said that normally people were happy to work for CS.
- It was hard to know what it cost to run offices in 1997, but a senior secretary would absorb about half the £47,000 available, and no additional provision was made for office equipment. She had known that there would be a residue in the allowance after she had made the basic provision, and she had gone to talk to the Fees Office about spending this. She felt new MPs needed more guidance.
- CS had a large constituency with a big caseload. She was expected to live in the local community. She had gone in expecting more help from PY, which had, of course, eventually materialised, but when the dual arrangement was terminated she had known that TH would continue to do some parliamentary work.
- She wished to submit one more piece of evidence, a note from the local chairman of the NFU [WE 58], in which he had noted from his diary the dates on which he had contacted TH at the constituency home. He was an example of someone who was unwilling to make a trunk call to London.
- CS said that it had never occurred to her that there was a difference between the pay levels of TH and PY and that this might be regarded as significant. She had not noticed; this was probably because they were paid under two different accounting systems.

JL thanked CS for her help with his inquiry and [her Chief of Staff] for accompanying her to the meeting.

10 December 2008

58. Statement from former Chairman of Central Warwickshire NFU, 7 December 2008

To whom it may concern:

I, [...] have known Caroline Spelman since she was elected MP for the Meriden Ward and lived in Knowle where I also farmed for 46 years.

During the following 15 years, including 2 years as Chairman of Central Warwickshire NFU, I have found it necessary to phone my 'local' MP (Conservative) on many occasions, especially over local farming matters. These phone calls were made to her house in Knowle, and later in [...] most times speaking to her nanny, Tina, who would inform me, or my wife, of her whereabouts on the day of my query. Below is a dated list of those varied reasons for phoning her, and my questions were often answered, as one would expect from a receptionist.

Dates of calls to Caroline's house:-

7/2/1997	-	Barstow – 1st Meeting – Labour, Lib Dem and Conservative MPs
13/2/1997	-	Meeting after General Election
16/4/1997	-	
20/1/1998	-	Re: Farm Rally – London (3 calls)
21/1/1998	-	Re: thanks for MP & MEP
16/1/1998	-	Meeting Stratford Market – [...] Collapse of Beef Market
4/7/1998	-	Re: MPs – Conservative, Lib and Labour Meeting of top NFU Members and Local
4/11/1998	-	Re: Tim Yeo – Debate in Parliament

I also have many paper clippings etc. of Caroline's times of help and attendance at meetings with local farmers at a very difficult time – "Ban on British Beef" and our visits to the Labour Party conferences at Blackpool and Bournemouth – and NFU visit to Houses of Parliament – and I phoned her house on many occasions to arrange meetings around farmers' kitchen tables with 12 or 14 constituent farmers. The NFU were always very pleased and impressed with Caroline's commitment to help and liaise with farmers and their problems. She is still helping her farmers i.e. "Keep Britain Farming".

7 December 2008

59. Letter to the Commissioner from Mrs Caroline Spelman MP, 2 February 2009

Thank you for your letter of 26 January enclosing your Draft Memorandum and findings of fact.

I am writing to provide my comments on a small number points which you have raised in your findings. However, before I do so I should like to apologise profusely for submitting some late evidence to your inquiry. First, I must explain how these papers came to light. As I was going through your Memorandum, I looked once again at all the evidence which I had submitted to you back in July. In doing so I opened the box of paperwork pertaining to my nanny and in there was a plastic wallet entitled 2001/2002 and in it was a leaflet entitled "Do you need a nanny?". As I was putting the wallet back into the folder, the leaflet fell out and out of the middle of it fell the enclosed documents – a number of original payslips for Tina Haynes from the 1997 period.

I was utterly astonished at my findings having looked for these so many times previously. However, I had never before looked into the 2001/02 wallet as I did not believe it to be relevant, nor inside the nanny leaflet. I am hugely embarrassed to be finding these at this stage and again, I apologise for submitting these to you so late in the day.

Accordingly, I now enclose payslips for months ending as follows [not reproduced here]

30 June 1997

31 July 1997

29 August 1997

30 September 1997

31 October 1997

28 November 1997

31 December 1997

31 January 1998

You will see that these payslips do not, in fact, add anything substantially 'new' to the inquiry. However, there are a number of points which I would like to make in respect of this evidence.

1. These serve to confirm my recollection that Tina herself received approximately £9,000 for the work she undertook for me as my administration assistant. They also confirm that her gross salary would have been just under £13,000.
2. However, it would have been the net amount which was the important figure for Tina's purposes as it reflected her take home pay for the work she was doing, which was the amount I would have discussed with her. Traditionally, nanny roles are not discussed in terms of hourly rates or monthly salary, but as weekly net pay. The gross figure is of little interest to the nanny as this includes tax and national insurance contributions which are paid directly by her employing family. Although Tina was taking on a dual function and this sum was to cover her administrative role, it seems entirely logical that we would always have thought in terms of take home pay.
3. This late find only goes to show quite how difficult it has been to try and reconstruct events and have them analysed out of context, without full documentary evidence and nearly twelve years after the event. That remains the case.

I understand that you have invited me to comment upon your findings of fact, but over the course of this investigation I am conscious that the scope and focus of this inquiry has moved on as you have taken evidence from new witnesses. I hope you will permit me this opportunity just to make two general observations. First, I would like to stress that the reason I self-referred was because I was extremely keen to demonstrate that I had not breached any House rule that was in place at the time. I continue to deny that I have done so. The Rules in place at the time, so far as I was concerned, did not prohibit a dual role. The requirements were that, to the extent that Office Costs Allowances were used to pay staff, their duties had to be "wholly, exclusively and necessarily incurred" in the performance of parliamentary duties. I remain of the view that, provided the Rules did not prohibit the dual role and provided that Tina Haynes undertook sufficient work to justify her pay (and accordingly gave value to the tax payer) then this notion of 'subsidy' is, I respectfully submit, a little misleading.

Secondly, I note that one of the issues which has come out during the inquiry is the amount paid to Paula Yates when she took over as my constituency support. In your findings of fact you note that this amounted to around £6,300 per year, which would have been equivalent to just over £8,000 per year for an 18-hour week (as Tina had been doing). I feel it is extremely important to note that this, in fact, is not a very different figure to that which Tina had been receiving, as is now demonstrated by the payslips. For comparable hours, Tina received approximately £9,000, Paula would have received approximately £8,000. The reason why it is the net figure for Tina which is relevant is because as I was not responsible for paying Paula's tax or national insurance contributions (employer and employee) as I did for Tina: hence the reason for what seems a large disparity. In respect of the small difference between Tina's net rate and Paula's pay, as I have previously noted, it was not my responsibility to decide Paula's rate of pay: this was for the local Association. I simply paid the sum invoiced to me.

...

I look forward to hearing from you with your final report.

2 February 2009

60. Letter to Mrs Caroline Spelman MP from the Commissioner, 3 February 2009

Thank you for your letter of 2 February following up the draft factual sections of my memorandum on my inquiry which I sent to you on 26 January.

It is clearly very helpful that you have found evidence which shows clearly what Mrs Haynes was paid from Parliamentary allowances for her work as your administration assistant. I shall amend the factual sections of the report to reflect this new evidence.

...

There are, however, two points on which I need to reach agreement with you before I can complete the factual sections of the memorandum. You refer in your letter to the payslips confirming your recollection that Mrs Haynes received approximately £9,000 for the work she undertook for you as your administration assistant. But your evidence, until you found the payslips, was that you had no recollection of what Mrs Haynes was paid. (See paragraph 2.6 of your letter to me of 3 July 2008; and your statement in oral evidence on 10 December 2008 that Mrs Haynes' payment must have been in the range of £6,300 to £13,000 a year as I suggested, but that you did not recall.)

I also have difficulty in following the comparison you have made between what you paid Mrs Haynes and what you paid Mrs Yates. Since neither payment was in respect of nannying duties, I do not believe that a discussion of pay based on the conventions for such negotiation is likely to be relevant. You have sought to take out National Insurance payments and tax from Mrs Haynes remuneration on the grounds that you did not pay either tax or National Insurance contributions for Mrs Yates. However, the information you sent me with your initial letter of 3 July clearly shows that a National Insurance contribution of 7% was added to Mrs Yates' hourly rate and, in reaching the annual equivalent figure for her salary, I have taken that into account. It must also be the case that Mrs Yates would have had to pay tax out of her remuneration.

May I suggest that the appropriate comparison between the two pay levels is to identify what you would have paid Mrs Yates at her rate of £8 an hour for eighteen hours a week, and uplifted by the difference between the self employed NI rate which Mrs Yates seems to have paid to the employees' rate of 10% which I assume you would have paid for Mrs Haynes? On that basis, the equivalent of Mrs Yates' salary paid to an employed person for 18 hours a week would have been about £8,200 a year. (I attach a note [not reproduced here] showing these calculations together with the two invoices you sent me on 3 July on which these calculations are based.)

It would be very helpful if you could confirm this figure. I shall then revise the factual sections of the memorandum to take account of the new information which you have produced. I will then need to send it to you for any final comments you may wish to make. I will then move to preparing my conclusions and submit the memorandum to the Committee. I know you will understand that, despite both our efforts, it will not now be possible to submit the memorandum to the Committee before the recess. But with your continued help, for which I am most grateful, I shall aim to do so as soon as possible thereafter.

3 February 2009

61. Letter to Mrs Caroline Spelman MP from the Commissioner, 4 February 2009

Following your letter to me of 2 February identifying the salary you paid Mrs Tina Haynes as your administration assistant, I need to ask you about how you came to set that level of salary compared to the salary you paid your House of Commons secretary, Mrs Sally Hammond.

As you will know from the letter of 22 July 2008 from the Acting Director of Operations which I sent you with my letter of 25 November, the Department discovered the file for Mrs Hammond which confirmed that she was employed by you from 12 April 1999 to 10 September 1999 as a secretary at a rate of £15,000 a year. Mrs Hammond's evidence in her letter to me of 14 July 2008, which I also sent you with my letter of 25 November, states that she believed that she was paid for three days a week, spread over four days. On that basis, Mrs Hammond's full time equivalent rate in 1999 was £25,000.

Mrs Tina Haynes worked for you from 1997 to 1999 for a salary of £13,000 for an 18 hour week. The full time equivalent salary assuming a 37½ working week would be £27,083. On the basis of this evidence, it would appear that you were paying Mrs Tina Haynes as your administration assistant working in your constituency at a rate above that which you paid your House of Commons secretary working in London.

Taking account of the nature of the two jobs, their locations and the experience of both employees, I would be very grateful if you could help me on how you came to establish the two salary levels, how you would explain the apparent differential and whether you consider that justified in the light of the work which Mrs Haynes undertook for you as your administration assistant.

It would be very helpful in concluding this inquiry if you could let me have a response to this letter within the next week, but if you need more time or would like to speak about any of this, do let me know.

Thank you again for your help.

4 February 2009

62. Letter to the Commissioner from Mrs Caroline Spelman MP, 11 February 2009

Thank you for your letter of 3rd February and the amendments you have agreed to in respect of the factual memorandum.

With regard to the two points you raise in your letter of 3rd February, I will address each in turn. In my letter of 2nd February 2009, point 1 ('recollection of £9,000') simply refers to my acceptance that it fell within the parameters you suggested to me during the oral interview of 10th December 2008. One of the frustrations for me was that I could not recall the precise salary figure for Ms Haynes, something I made clear throughout the inquiry and answered entirely honestly. It was only as more and more research was done into the circumstances of twelve years ago that all of us were able to narrow the salary range down. My sense was that £13,000 as take home pay seemed a little high to me, and point 1 of my letter of February 2nd was only meant to convey that my instinct was quite right and that Ms Haynes' take home pay had indeed been quite less.

With regard to the second point, I accept your calculations. I have to admit that even at the time I would not have paid particular attention to the specific amounts of NI contributions which would have been paid in respect of either Ms Haynes (when she was on the Parliamentary payroll) or Ms Yates (as an employee of the Association), hence my confusion at this juncture. Again, in respect of Ms Yates, I would just note that I simply paid the amount invoiced to me by the Association: I would also note that when it came to paying Ms Haynes, I paid what I believe was a fair salary for the work she undertook. As I have previously explained, and the fees office have confirmed, I discussed the dual role and salary with them. The Fees Office certainly expressed no concern to me at the time about the arrangement or the level of salary.

... in autumn 1997 we moved from a property we rented on a shorthold tenancy [...] to an identical property three doors down [...] which had become available to buy. It was not a 'larger' property in any way it was

simply that we were able to buy it as the tenancy on [the first property] was not going to be available owing to the owners returning from abroad. The larger house which we bought was a property in [...] but we were not able to move to that property until October 1998.

...

In response to your (second) letter of 4 February, I feel I must state my firmest objection to what I regard as a wholly unfair and artificial comparison now being drawn between the salaries of Tina Haynes and that of Sally Hammond.

It would appear that there is now some suggestion that the rate paid to Ms Haynes may have been inappropriate by virtue of the comparative amounts which I paid to my other staff members (Mrs Hammond and, in your previous letter, Ms Paula Yates). I do not accept this. I continue to deny that the amount paid to Tina Haynes was anything other than fair and reasonable within the House Rules at the time for the work she undertook.

Notwithstanding this, in order to respond to your letter, I will now turn to consider (as best I can at this stage) the circumstances surrounding the employment of these two individuals. As I hope you will appreciate, I cannot now recall the specifics of every discussion that took place at the time. I have previously explained that I had a very short run in to being elected (just 11 weeks from selection) and was elected on a very slim majority (582). What I do recall is that at the initial interview with Tina I raised the issue of both roles but I did not offer her a firm position (and was not able to): that was subject to my election. Accordingly, before agreeing any salary for Tina Haynes as my administration assistant I sought and obtained the advice and guidance of the Fees Office.

I was a new MP at that time and so, other than seeking Fees Office guidance and asking my colleagues, I had no other means of knowing what was a reasonable rate to pay my employees, never having had to employ staff in such capacities before.

Although there were no specific job titles within the Rules at that time, the Fees Office had full knowledge of the contracts in place for my staff (as for all other MPs) and they did not at any time object to the rates at which I was paying these individuals. As I understood it, the independent scrutiny of staff salaries which the Rules required at that time, was applied by the Fees Office. Accordingly, had they regarded the amount to be paid to Tina Haynes as being inappropriate, I would have expected the Fees Office to have said so: they did not.

I cannot now recall how the level of salary was decided, other than that it would have been done in accordance with guidance received from the Fees Office. Most likely I expect they would have advised me of an appropriate salary range, but I cannot be sure of this. I can also confirm that the discussion I would have had with the Fees Office as regards Tina's salary would have been in terms of take-home pay (circa £9,000). This would have also been the rate referred to in my discussions with Tina.

As regards Sally Hammond, again I cannot now recall the particular conversations which took place regarding the commencement of her employment. However, I believe it is worth noting that Mrs Hammond did not start work for me until almost 2 years after I started employing Ms Haynes. Again, the Fees Office would have been informed of Mrs Hammond's proposed salary and, again, there were no objections made to me that this was regarded as inappropriate. As regards Mrs Hammond, the salary offered to her must have been acceptable as she took the position. She was under no compulsion to do so.

I should also point out that, aside from the difference in the periods in which these individuals worked for me, Mrs Hammond and Ms Haynes were fulfilling quite different functions in quite different locations (one in Westminster, one in the constituency). The factors that would have been at play in determining the appropriate salaries for each role would not necessarily have been comparable and I would respectfully submit that, without knowing the precise circumstances, to compare the two cannot be done meaningfully at this late stage.

In general terms I should like to conclude by noting my increasing concern that the inquiry now seems to have shifted somewhat away from looking at whether a dual role was permissible, and whether the

remuneration for the Parliamentary payroll position was within the House Rules, to a technical question of 'subsidy' focussing on a comparative analysis of my other staff salaries. It is worth restating that Mrs Yates was not my employee but remained the employee of the local Association operating under terms and conditions which were agreed between her and the Association at the time she was engaged by them, thus making such a comparison virtually impossible. For the record I should like to confirm that at no time did I ever carry out such a forensic analysis and accordingly, any conclusions that are drawn from the numbers can only be based on inference with 12 years hindsight. Most importantly, I should also like to confirm with certainty that there was no motivation or intention on my part to obtain any personal material gain from my employment of Ms Haynes in a dual capacity. As I hope I have made clear throughout this lengthy inquiry, the employment of Tina Haynes in this dual role was what I believed to be a practical solution within the House Rules to the circumstances in which I found myself at the time.

I hope this helps, and thank you again for your continued work on this inquiry.

11 February 2009

Appendix 2: Letter to the Second Clerk of the Committee from Mrs Caroline Spelman, 23 February, 2009

Thank you for your letter of 18th February 2009 enclosing the Parliamentary Commissioner for Standards' report to the Committee on Standards and Privileges. I would like to accept your invitation to put my written response to the Commissioner's findings before the Committee, and would be grateful if you could do so in advance of the meeting on Tuesday 24th February 2009 at 9.30am.

I should like to state at the outset that I am now extremely relieved that this lengthy inquiry process is nearly at an end. Ever since the story broke on BBC's 'Newsnight' programme last June, I have been living under an enormous strain. It has been extremely difficult for me (and no doubt the other witnesses) to try and recall events which took place some 12 years ago and even harder to try and locate documentary evidence to support my position. Nevertheless, despite the toll that it has taken on me and, more importantly, upon my family, I remain convinced that my decision to self-refer was the correct one. It has always been my foremost intention to demonstrate my utmost integrity and fundamental honesty and I am pleased that the Commissioner's findings have not cast doubt on either of these principles.

I should like to emphasize to the Committee what a difficult process this has been. Not only has a significant period of time passed since the events in question took place, but they did so against a wholly different background in terms of rules, process and guidance when compared to the rules in place for Members of the House today. For example, whilst the detailed guidance on the employment of Members' staff has clearly served its purpose in providing a framework upon which the Commissioner's findings have been made, it is vital to remember that this guidance was only published for the first time in 2004—some 7 years after the events undergoing scrutiny in this inquiry. Back in 1997, the landscape of staff salaries was completely different from today and I still believe it is incredibly difficult to try and scrutinise the arrangements which were in place 12 years ago, against the backdrop of today's much clearer detailed guidance.

That said, naturally I was relieved to learn that the Commissioner has accepted that my employment of Ms Haynes in a dual role was, on principle, within the House Rules and fulfilled a genuine need. In addition, that Ms Haynes did do the work for which she was paid. These are very important findings for me as they support my belief that this arrangement was the sensible and right one in the circumstances.

The finding which has been made against me is in respect to how this arrangement worked in practice. The Commissioner has found that I have breached the Rules, albeit that, as he has said this breach was completely 'unintended'. As I have always maintained, there was no deliberate attempt on my part to try and obtain any personal financial advantage from the arrangement.

I know that we have covered my position on the details of the remuneration arrangement during the course of evidence gathering, however, I should like to draw the Committee's particular attention to the factors which I see as being important in considering this remuneration arrangement some 12 years after the event.

First, that the analysis which the Commissioner has painstakingly had to carry out for this inquiry was not one which was ever carried out (or indeed was needed to be carried) out at the time. Accordingly, when looked at starkly I can see how the remuneration amounts paid to different staff members can appear at odds with each other. However, these comparisons were simply not ones which I, or anyone else, made at the time. I still believe that it is somewhat artificial to try and conduct such a forensic comparative analysis on a Member's arrangements when all the relevant factors from the time cannot be fully apprehended at this juncture.

Secondly, as I was a new MP when I put the remuneration arrangements in place I looked to the House Authorities for guidance. I sought such advice at the outset from the Fees Office. They did not tell me at the time that there was anything wrong in paying Ms Haynes the amount agreed for her Parliamentary work. The Fees Office would have known both the amount to be paid to Ms Haynes and the type of role she was to undertake. Without any objection from them at the time, I think it perfectly inevitable that I would have concluded that such an arrangement did not breach the House rules and that Ms Haynes' administrative role was '*wholly, necessarily and exclusively*' involved in Parliamentary work. The concept of 'subsidy' for non-Parliamentary roles carried out by the same individual was simply not an issue then.

Thirdly, in relation to the salaries paid to other staff members, as regards Mrs Hammond, this was an arrangement which was put in place almost two years after Ms Haynes joined the Parliamentary payroll. Irrespective of Mrs Hammond's particular role, Mrs Hammond herself clearly accepted the salary offered to her as she took the job. I do not believe that anyone in my position would then have conducted a comparative analysis of the amount I had agreed years previously to pay another member of staff in a different position. There were inevitably a whole host of possible factors that could have been relevant to each individual in their decision to accept their posts, such as the wish to work part-time etc. We simply cannot know these now. As regards the amount paid to Paula Yates, I think it has to be remembered that I simply paid the amount which was invoiced to me by the Local Association. In contrast to the salaries paid to Mrs Hammond and Ms Haynes, I was not in control nor had any say in the salary received by Ms Yates. This would have been agreed between Ms Yates and the Association. Simply because Ms Yates had accepted terms on a lower local salary scale to that which I agreed (and had sanctioned by the Fees Office) for Ms Haynes, I do not believe is indicative of the fact I was overpaying Ms Haynes. Again, there may be a whole host of reasons why Ms Yates would have accepted such terms from the Association, which are unknown to us today.

Fourthly, turning to the issue of my payment of Ms Haynes as my nanny, I feel it is vitally important to remember that the remuneration arrangement I had with Ms Haynes was entirely consistent with the one I had in place previously. Prior to becoming an MP, I had employed the use of an *au pair* or mother's help (as opposed to a nanny). She lived-in, received board and lodging and petty cash expenses. When I employed Ms Haynes, the

arrangement was no different. Ms Haynes similarly received board, lodging, petty cash expenses plus the sole use of a car. Accordingly, there was nothing at the time which would have rung alarm bells to me to suggest that this arrangement was being 'subsidised' by Parliament.

I think there are two very different perspectives that need to be considered in this regard. For my part, as the MP operating within the House Rules, my understanding at the time was that the two roles for Ms Haynes were distinct: she carried out (as the Commissioner has accepted) an administrative role for which there was a genuine need and for which she was paid from the Parliamentary payroll and she performed childcare in accordance with my previous arrangements. There seemed nothing untoward about that.

However, from Ms Haynes' perspective, I respectfully suggest she would have seen this as a 'total package'. For her, the amounts relevant to each part of the dual role would have been irrelevant. She would have been most interested in the take-home pay received for her employment as a whole. Accordingly, from Ms Haynes' perspective, I would doubt that she would be interested in the distinction as to where the funds were coming from.

I would also note that given the intense time pressure of that period, the fact that I had moved areas, uprooted my family from Kent and had taken on a new and extremely demanding job, altering an arrangement which the Fees Office had sanctioned (for the Parliamentary work) and which my nanny was happy with was probably not at the forefront of my mind.

Naturally, by the time the dual role ended, Ms Haynes had become a valued and trusted employee. As any working mother will tell you, if a childcare arrangement works, you are loathe to upset it. Accordingly, in reality, as with most families with a working mother, I would have paid (within reason) whatever was necessary to have kept Ms Haynes in position at that time. From Ms Haynes' perspective she would again have simply been interested in her total package. In practical terms, I submit that there are few individuals who, even if their role changes would willingly accept a reduction in salary (save for, perhaps, in the current economic climate) and, accordingly, I would have maintained her income accordingly.

I feel it is also worth emphasizing that it was not simply possible to 'turn the tap off' once the dual role arrangement officially ended. As the Committee members will no doubt appreciate, having been in post for over two years, I had a busy and thriving constituency which (quite rightly) continued to send mail and telephone the home address even after I ended Ms Haynes' administrative role and instead employed the Local Association secretary on the Parliamentary payroll. Ms Haynes, therefore, continued to perform an administrative function for me, albeit a reduced one. I did not make a reduced claim from Parliament for this service, I bore this cost personally. Accordingly, to the extent that one can say that my employment of Ms Haynes in a Parliamentary role from May 1997 to April 1999 was some form of 'subsidy' to the nanny role, the opposite is also true: the salary I paid to Ms Haynes' as my nanny from April 1999 to August 2002 could be said to have 'subsidised' the administrative function she carried out for me as an MP for those three years. The difficulty, of course, is in placing any kind of meaningful value on this many years later.

Therefore, whilst I do accept the findings I still believe it is extremely difficult to carry out a proper *ex-post facto* rationalisation of such events, against the background of different rules and unknown relevant factors from the time. However, I have read the report extremely carefully, and note, in particular, the Commissioner's conclusion that the arrangements had the unintended, but in his view undoubted, effect of misapplying some of my parliamentary allowances for non parliamentary purposes. I would like to stress that I take any misapplication of public funds extremely seriously, and, if the Committee agrees with this conclusion I will without hesitation repay the money involved, as set out in paragraph 215.

I do not believe there is much more that I can now add to the inquiry process, other than to say that I am grateful for the way in which the Commissioner and his staff have kept me fully informed of the process and of taking such a patient approach to evidence gathering at this late stage. I do, however, remain at the Committee's disposal and am very willing to discuss my experience of the inquiry process in general, if that would assist in the efficient conduct of inquiries in future. However, I do not believe there is anything further which I can now add substantively to the evidence before the inquiry and so I have elected not to make any oral representations to the Committee.

Formal minutes

Tuesday 3 March 2009

Members present:

Sir George Young, in the Chair

Mr Kevin Barron
Mr 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 [Mrs Caroline Spelman], 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 9 read and agreed to.

Paragraph 10 read, amended and agreed to.

Paragraphs 11 to 17 read and agreed to.

Paragraphs 18 and 19 read, amended and agreed to.

Paragraphs 20 and 21 read and agreed to.

Paragraph 22 read, amended and agreed to.

Paragraphs 23 and 24 read and agreed to.

Paragraphs 25 to 27 read, amended and agreed to.

Several Papers were appended to the Report.

Resolved, That the Report, as amended, be the Sixth Report of the Committee to the House.

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

[Adjourned till Tuesday 17 March at 9.45 am