



House of Commons
Committee on Standards

Stephen Flynn

First Report of Session 2023–24

*Report, together with formal minutes relating
to the report*

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Committee on Standards

The Committee on Standards is appointed by the House of Commons to oversee the work of the Parliamentary Commissioner for Standards, except in relation to the conduct of individual cases under the Independent Complaints and Grievance Scheme; to examine the arrangements proposed by the Commissioner for the compilation, maintenance and accessibility of the Register of Members' Financial 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

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Committee staff

The current staff of the Committee are Dr Robin James (Clerk), Su Panchanathan (Committee Operations Officer), Silas Scott (Senior Media Relations Officer), Susanna Smith (Second Clerk), and Wafia Zia (Second Clerk).

Contacts

All correspondence should be addressed to the Clerk of the Committee at the Committee's email address, standards@parliament.uk. The telephone number for general enquiries is 020 7219 6615.

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Report

1. This report arises from an investigation by the Parliamentary Commissioner for Standards into whether Stephen Flynn MP had breached paragraph 8 of the 2023 Code of Conduct for Members of Parliament and the Rules for the use of House of Commons stationery.¹
2. The Commissioner has supplied us with a memorandum relating to these matters, which we publish as an Appendix to this report. This includes details of Mr Flynn’s response to the allegations against him, and comments requested by the Commissioner from the Clerk of the Journals, who has responsibility within the House of Commons service for advice on the interpretation of the stationery rules. Mr Flynn indicated to us that he did not wish to submit further written evidence, or request to give oral evidence. Written evidence relating to the Commissioner’s inquiry is published on our webpages.
3. The Commissioner opened his investigation into Mr Flynn on 1 August 2023 after a complaint was made by a member of the public regarding Mr Flynn’s use of House-provided stationery.² The House provides a limited amount of stationery for Members to use in their parliamentary duties. The House’s rules on the use of stationery provide that “The stationery is to be used for Parliamentary duties [and is] not to be used for party political campaigning”.³ Breach of this rule constitutes a breach of Paragraph 8 of the Code of Conduct.⁴
4. The complainant argued that on 19 July 2023 Mr Flynn had used House-branded compliments slips inserted inside mugs for party political purposes. The slips contained the message “The Labour Party has a new range of mugs in production. They’re made in China - just like Sir Keir Starmer’s latest policy...”. The accompanying mugs contained text reading “Controls on family sizes. What’s the point of Labour?” Thirteen mugs and slips were distributed to the House press lobby.
5. Having conducted an investigation, the Commissioner gave his opinion that, based on the evidence he received, Mr Flynn’s use of the compliments slips constituted “party political campaigning”, which did not comply with the House of Commons stationery rules and, therefore, breached paragraph 8 of the Code of Conduct.
6. Mr Flynn argued that his use of the compliments slips supported his parliamentary duties, rather than party-political campaigning, and therefore did not amount to a breach of the Code. He maintained that in his use of the slips he was “representing and furthering the interests of the public, scrutinising and holding Government (and Official Opposition) to account”, referring to the examples of a Member’s duties in the annex to the stationery

1 House of Commons, [The Code of Conduct, together with the Guide to the Rules relating to the conduct of Members](#), HC 1083, para 8; Committee on Standards, Seventh Report of Session 2022-23, [Rules for the use of House of Commons stationery](#), HC 1263

2 Written evidence 1

3 Committee on Standards, Seventh Report of Session 2022-23, [Rules for the use of House of Commons stationery](#), HC 1263, annex

4 House of Commons, [The Code of Conduct, together with the Guide to the Rules relating to the conduct of Members](#), HC 1083, para 8

rules. He also argued that the content of the slips could only be understood in conjunction with the message on the mug and his parliamentary questions to the Prime Minister about the impact of Government and official Opposition policy on child poverty.⁵

7. Mr Flynn questioned the proportionality of the investigation, highlighting paragraphs 24 and 27 of the Procedural Protocol in respect of the Code of Conduct, which relate to the Commissioner’s ability to consider whether a complaint should be formally investigated on the grounds of proportionality.⁶ He cited the total value of the stationery used as 28 pence.⁷

8. The Commissioner offered Mr Flynn the opportunity for rectification under the process outlined in Standing Order No. 150.⁸ This would have involved confirmation that Mr Flynn accepted the Commissioner’s opinion, an acknowledgement he had breached the rules, and an apology. Mr Flynn declined this offer, and therefore the Commissioner was required to refer this case to the Committee.

9. Full details of the Commissioner’s inquiry and his opinion, and of Mr Flynn’s disagreement with his opinion, are set out in the Commissioner’s memorandum.

10. We have given careful consideration to the arguments adduced by the Commissioner and Mr Flynn. A large proportion of Mr Flynn’s defence is devoted to arguing that his actions were in pursuit of his parliamentary work and duties, which he maintains involve a responsibility on behalf of his constituents to scrutinise and challenge the Government’s policies, and if necessary the response of the Official Opposition to those policies. The Clerk of the Journals has correctly pointed out that “Members’ roles are of course inherently political”. She added that “there is a wide area of political discussion in which it is perfectly proper to use House stationery”. However, she concluded that Mr Flynn’s use of House compliments slips in this case, bearing the slogan “What’s the point of Labour?”, did amount in her view to “an eye-catching way to put across a party-political message”, and the Commissioner agreed with that assessment.⁹

11. Mr Flynn responded to this statement by commenting that:

[i]n holding that the “eye-catching” nature of the mug and accompanying slip had any bearing on its nature under the rules is to create a world where boring politics is good, but eye-catching and engaging politics to put forwards a message of importance to my constituents is not”.¹⁰

12. In our view the boundary between the legitimate use of House-provided resources within Parliament and “party political campaigning” can be a porous and disputable one. We appreciate that this may make it difficult to interpret the reference to such campaigning in the stationery rules. If Members are in doubt about the interpretation of this rule, we urge them to seek the advice of the Clerk of the Journals and to err on the side of caution in the use of House-provided resources, which should not be used for party-political point-scoring as opposed to internal communications or in response

5 Committee on Standards, Seventh Report of Session 2022-23, [Rules for the use of House of Commons stationery](#), HC 1263, annex

6 House of Commons, [Procedural Protocol in respect of the Code of Conduct](#), HC 1084, February 2023

7 Written evidence, item 3

8 House of Commons, [Standing Orders](#), HC 1932, SO No.150

9 Written evidence, item 6

10 Written evidence, item 10

to constituents. We do not believe that in Mr Flynn's case issues of great moment are engaged, and we regret that it did not prove possible to conclude this matter at an earlier stage without the need for a formal referral to the Committee. We take the opportunity to draw Members' attention to the requirement in the stationery rules that House-provided resources should not be used for party political campaigning, but do not consider it would be proportionate for us to take any further action in this particular case.

Appendix: Memorandum from the Parliamentary Commissioner for Standards

Summary

This memorandum reports on the inquiry that I commenced on 19 July 2023 following a complaint from a member of the public. The complainant alleged that Mr Flynn’s use of House-provided stationery, in the form of a small number of compliments slips, amounted to a breach of paragraph 8 of the Rules of Conduct for Members of Parliament set out in the Code of Conduct for Members of Parliament.

The compliments slips were used by Mr Flynn as part of a publicity campaign about Labour Party political policy on 19 July 2023; they had been inserted inside branded mugs, distributed to the House of Commons press lobby, and contained the following message:

“The Labour Party has a new range of mugs in production. They’re made in China, just like Sir Keir Starmer’s latest policy...”

My inquiry focused on whether Mr Flynn’s use of the compliments slips was in line with the House’s Rules for the use of House-provided stationery. I concluded that it was not, because Mr Flynn’s use of the stationery could be fairly described as “party-political campaigning”, which is prohibited under the stationery rules. Because Mr Flynn had not complied with the House’s stationery rules, I concluded that paragraph 8 of the Code had been breached.

I decided that Mr Flynn’s breach of the rules was suitable for rectification under Standing Order No. 150 because I had no evidence that this was a deliberate or premediated breach and because the amount of parliamentary resources involved was small. Mr Flynn refused to accept that his use of House-provided stationery was against the rules and declined to proceed with the rectification process. I am therefore passing this memorandum to the Committee on Standards.

Daniel Greenberg CB

Parliamentary Commissioner for Standards

18 October 2023

Report

Background

1. On 19 July 2023 I received a complaint from a member of the public about Mr Flynn’s use of House-provided stationery¹¹

11 See item 1 in written evidence

2. The complaint concerned the use of House-branded compliments slips that were inserted inside mugs that displayed a party-political slogan. The slips read:

“The Labour Party has a new range of mugs in production. They’re made in China, just like Sir Keir Starmer’s latest policy...”



3. The evidence provided by the complainant suggested that the mugs and slips had been distributed on 19 July 2023 to the House press lobby.¹²

The relevant rules of the House

4. The overarching rules of conduct are found in the Code of Conduct for Members of Parliament. Paragraph 8 of the Code states:

Excepting modest and reasonable personal use, Members must ensure that the use of facilities and services provided to them by Parliament, including an office, is in support of their parliamentary activities, and is in accordance with all relevant rules.

5. There are further supplementary rules for the use of the House-provided stationery, Rules for the use of House of Commons stationery. These rules state:

a) The stationery is to be used for Parliamentary duties; it is not for outside business use.

...

¹² See the second image in item 1 in written evidence

c) The stationery is not to be used for party political campaigning. Party political logos or emblems may not be used on House stationery.

My inquiry

6. I was mindful before starting my inquiry that the number of slips used by Mr Flynn, and their monetary value, was unknown but, if they had only been distributed to the press lobby, potentially low. However, I was also mindful that the rules made no provision allowing minor use of House-provided stationery for party-political campaigning. My interpretation of the rules is that it is a point of absolute principle that stationery provided by the House at public expense should not be used for party-political campaigning. On that basis, I was satisfied that the complainant had evidenced a possible breach of the rules and that an inquiry, which would establish how many slips had been used, was both justified and proportionate¹³

7. I therefore wrote to Mr Flynn on 1 August 2023 to confirm that I was starting an inquiry to determine whether the House's stationery rules had been breached.¹⁴

Evidence Collected

8. During my inquiry, Mr Flynn confirmed that he had used thirteen compliments slips which were House-provided stationery (i.e. not separately funded from his own personal funds).¹⁵

9. Mr Flynn's evidence was that his use of the compliments slips was connected with and in support of a parliamentary activity, namely the Questions he asked in the Chamber on 19 July 2023:

1. The two-child benefit cap introduced by the Conservative party has left 250,000 children living in poverty. Does the Prime Minister take comfort in knowing that the heinous legacy of that policy will no longer be protected just by Conservative Members but by Labour Members too?

2. Voters in Scotland are used to child poverty under the Tories—they almost expect it—but they do not expect child poverty support from the Labour party. If we look very closely right now, there is a shiver running along the Labour Front Bench looking for a spine. [Interruption.] Does this not tell us something much bigger: that for children living in poverty in Scotland, Westminster offers them no real change and no real hope?

Hansard, House of Commons, Vol 736, Col 902¹⁶

13 In his letter to me of 3 October 2023 (item 10 in appendix 1) Mr Flynn asserts that my decision to that an investigation was proportionate displays a lack of "proper analysis of the case, a measure of common sense, and a real understanding of the concept of 'proportionality'". Under paragraph 24 of the Protocol the decision on proportionality is for me alone. I explained in my letter to Mr Flynn of 20 September 2023 (item 9 in appendix 1) why I considered it proportionate and necessary to investigate this breach and have reconfirmed my reasoning above.

14 See item 2 in written evidence

15 See item 3 in written evidence

16 <https://hansard.parliament.uk/commons/2023-07-19/debates/C7194093-D8DD-4DA3-9F5A-61B025CA09C2/Engagements#902>

10. During my inquiry, I also obtained evidence from the Clerk of the Journals who is the House’s designated “safe harbour” point for advice on the rules about House-provided stationery (as per paragraph 16 of the introduction to the Guide to the Rules relating to the Conduct of Members).¹⁷ Under the system put in place by the House, Members who seek and follow the advice of the Clerk of the Journals about their use of stationery cannot later be found to have breached the rules.

11. The Clerk of the Journal’s evidence was that:

If my advice had been sought about this use of stationery, I would have said it was my view that it was inappropriate. The stationery rules prohibit the use of stationery for party political campaigning. This is one of the fundamental principles that the Committee on Standards has laid down in its recent review of the rules. I would have said this was clearly party-political campaigning, even if sent to members of the press lobby so that they could report the message, rather than directly to the public.

Analysis

12. Paragraph 8 of the Code is clear that, aside from modest and reasonable personal use, Members must ensure that their use of parliamentary resources is both:

- a) in support of their parliamentary activities
- and**
- b) is in accordance with all relevant rules.

13. I concur with the analysis provided by the Clerk of the Journals that the mugs and compliments slips were a package “*designed as an eye-catching way to put across a party-political message*”. The slips were essentially sloganeering in nature and contained the type of message that could likely be used on a billboard or the side of a bus during an election period. The slips contained no detail about the policy issue raised by Mr Flynn in the Chamber and no information that would assist the wider public in understanding and judging the issue. In summary, the slips were used as part of a party-political campaign (which Mr Flynn acknowledges in his letter to me of 9 August 2023 was akin to the Labour party campaign mug from 2015)¹⁸ to generate press coverage.

14. On 20 September 2023 I wrote to Mr Flynn to inform him that in my opinion his use of the House-provided stationery was a breach of paragraphs a) and c) of the stationery rules as the compliments slips had been used for party-political campaigning.¹⁹ As such, I considered that Mr Flynn’s use of House-provided stationery did not fulfil the second limb of the test outlined above, i.e. it had not been “*in accordance with all relevant rules*”, and therefore paragraph 8 of the Code had been breached. In my decision letter to Mr Flynn, I stated:

As you rightly say, Members are entitled to have the rules of the House interpreted and applied in a simple and non-technical way. Giving the

17 See item 6 in written evidence

18 See item 3 in written evidence

19 See item 9 in written evidence

stationery rules their natural meaning, I am confident: (i) that the mug and compliments slip packages clearly fell within the natural language meaning of the expression “party-political campaigning” used in paragraph c) of the Rules; and (ii) that the packages did not form part of any parliamentary proceedings, nor was there any other feature that made them fall within any natural language meaning of the phrase “parliamentary duties” used in paragraph a) of the Rules.

15. I offered Mr Flynn the opportunity to rectify his breach of the rules under the process outlined in Standing Order No. 150. I decided that this breach was suitable for rectification because I had no evidence that this was a deliberate or premediated breach of the rules and because the amount of parliamentary resources involved was small. To complete the rectification process, I asked Mr Flynn to provide:

- a) confirmation he accepted my opinion;
- b) a clear acknowledgement that he had breached the rules; and
- c) an apology for that breach.

16. Mr Flynn responded on 3 October 2023 and, having rejected the advice of the Clerk of the Journals, and my opinion, declined to rectify his breach of the rules.²⁰

Conclusions

17. The stationery rules state that “*House provided stationery ... is not to be used for party political campaigning*”. Mr Flynn admits that he used stationery provided by the House in the preparation of the mug-packages to which the complaint relates. I am clear that the packages were party-political campaigning within any natural language meaning of the term, and on that basis I am clear that Mr Flynn’s use of House-provided stationery breached the stationery rules, which is itself a breach of Rule 8 of the Code of Conduct.

18. Since Mr Flynn has refused to accept rectification I am referring this matter to the Committee for their consideration.

Daniel Greenberg CB

Parliamentary Commissioner for Standards

18 October 2023

20 See item 10 in written evidence

Formal minutes

Tuesday 28 November 2023

Members present:

Ms Harriet Harman, in the Chair

Alberto Costa

Allan Dorans

Yvonne Fovargue

Sir Francis Habgood

Sir Bernard Jenkin

Dr Michael Maguire

Mehmuda Mian

Dr Rose Marie Parr

Victoria Smith

Dr David Stirling

Carys Williams

Draft Report (*Stephen Flynn*), proposed by the Chair, brought up and read.

Paragraphs 1 to 12 read and agreed to.

A paper was appended to the Report.

Resolved, That the Report be the First Report of the Committee to the House.

None of the lay members present wished to submit an opinion on the Report (Standing Order No. 149(8)).

Ordered, That the Chair make the Report to the House.

The following written evidence was ordered to be reported to the House for publication:

Written evidence bundle from the Parliamentary Commissioner for Standards.

Adjournment

The Committee adjourned.

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the publications page of the Committee's website.

Session 2022–23

Number	Title	Reference
1st	New Code of Conduct and Guide to the Rules: promoting appropriate values, attitudes and behaviour in Parliament	HC 227
2nd	Code of Conduct: Procedural Protocol	HC 378
3rd	New Guide to the Rules: final proposals	HC 544
4th	Andrew Bridgen	HC 855
5th	Precautionary exclusion: response to the House of Commons Commission's consultation	HC 1049
6th	Alex Davies-Jones	HC 1048
7th	Rules for the use of House of Commons stationery	HC 1263
8th	All-Party Parliamentary Groups: final proposals	HC 228
9th	Margaret Ferrier	HC 1276
10th	Matt Hancock	HC 1417
11th	Jess Phillips	HC 1439
12th	Christopher Pincher	HC 1653
13th	Mr Marcus Fysh	HC 1811
14th	Rishi Sunak	HC 1810
1st Special	Government Response to the Committee's First, Second and Third Reports	HC 709
2nd Special	All-Party Parliamentary Groups: final proposals: Government Response to the Committee's Eighth Report	HC 1706

Session 2021–22

Number	Title	Reference
1st	Boris Johnson	HC 549
2nd	Mrs Natalie Elphicke, Sir Roger Gale, Adam Holloway, Bob Stewart, Theresa Villiers	HC 582
3rd	Mr Owen Paterson	HC 797
4th	Review of the Code of Conduct: proposals for consultation	HC 270
5th	Daniel Kawczynski	HC 1036
6th	Review of fairness and natural justice in the House's standards system	HC 1183

Number	Title	Reference
7th	All-Party Parliamentary Groups: improving governance and regulation	HC 717

Session 2019–21

Number	Title	Reference
1st	Kate Osamor	HC 210
2nd	Stephen Pound	HC 209
3rd	Greg Hands	HC 211
4th	Conor Burns	HC 212
5th	Mr Marcus Fysh	HC 213
6th	Confidentiality in the House's standards system	HC 474
7th	Sanctions in respect of the conduct of Members	HC 241
8th	David Morris	HC 771
9th	Dr Rosena Allin-Khan	HC 904
10th	The House of Commons and the criminal law: protocols between the police and the Parliamentary Commissioner for Standards and the Committee on Standards	HC 883
11th	ICGS investigations: Commons-Lords agreement	HC 988
12th	Sanctions and confidentiality in the House's standards system: revised proposals	HC 1340