

22/09/10

Dear Kevin

MALIK 5

May I begin by thanking the Committee, Commissioner and Parliamentary Authorities for clearly signalling throughout the report that at no stage has there been any question of impropriety on my part, and for asserting that the breach was both 'minor' and was 'unintended'.

I am pleased that the Parliamentary Authorities have stated that home insurance cover for the ring was not '*in principle*' ineligible and that there is a consensus that it was the '*away from home*' element which was ineligible. Due to the fact that it was a single premium i.e. not divisible, my decision to repay the whole amount, in order to remain above reproach, was correct and the Committee report gives me appropriate credit for having done so.

In light of the Committee's ruling, I am profoundly disappointed that the matter was not detected as problematic earlier; something the Committee report accepts was a clear failing. Instead, it was twice approved by the Parliamentary Authorities and then approved as an eligible expenditure item by Sir Thomas Legg's team following their exhaustive and meticulous audit. Had it been raised at any of these stages then, like over 400 other MPs, I would simply have repaid, instantly remedied the matter.

I have always accepted that MPs have responsibility for submitting their claims, but equally, the paid experts have a very clear duty of care to MPs in ensuring that proper processing, scrutinising and auditing takes place.

On the issue of timeliness, the Commissioner is aware that I have been the subject of numerous complaints from political opponents and reactionaries – each has to be looked into and invariably leads to an initial press release even if the complaint is subsequently dismissed.

The Commissioner is aware that between January 22nd and April 6th I had three complaints that were the subject of his inquiries. Having successfully resolved two (one after ten months of evidence gathering), I was extremely anxious to resolve this, the third, prior to the general election. Hence, as the Commissioner's office is aware I rang to check if his letter to the Parliamentary Authorities had been sent. Similarly, as is documented, I called the Parliamentary Authorities on 9th April urging them to attempt to expedite the matter (Evidence 13. Page 29). In view of evidence to the contrary, it is regrettable that the Committee should wrongly imply the delay may have been politically motivated – an interpretation that is untrue.

I agree with the Committee and Commissioner that my breach did not warrant coming to the Committee and could, as the Commissioner had attempted to, be dealt with via the simple rectification procedure which exists for minor and unintended breaches, where there is no question of dishonesty, as in my case. That would certainly have been the politically expedient course of action.

However, having served for three years as a Northern Ireland Equality Commissioner, following the Good Friday Agreement, and as Commissioner for Racial Equality in Great Britain for four years I have become conditioned to consider the issue for fairness in a particular legal manner. The key to this work was always to search for 'comparators' in order to establish whether there was a consistency of approach towards individuals and hence, establish whether there was fairness or otherwise.

As a result I asked the Commissioner to explain why George Osborne, whose breach was too serious to warrant rectification, had not been asked to apologise when the Standards and Privileges Committee had concluded that he had committed several breaches and that he be mandated to repay £1,936.

The Commissioner stated that his rectification procedure was rigid and unless I apologised the matter would be dealt with the Committee, and at that point he would also have to highlight the issue of timeliness. I didn't fully understand what that meant then, but having read the Committee's report it becomes abundantly clear.

It is important to state that I do not have any objection to apologising and have done so on numerous occasions, including in public on behalf of all MPs over the expenses fiasco. In this case, however, I was attempting to probe the apparent lack of coherence in the way the rules are applied, which prima-facie, leads to differential outcomes. This has the potential to give rise to accusations of double standards and thus bring the whole complaints system into disrepute.

However, one thing is manifestly clear; the public expects an apology irrespective of how large or small the error, or whether it was intentional or unintentional. This in my view is entirely appropriate.

It is for this reason that many will be puzzled by the current state of affairs.

From the public's perspective it seems a system in chaos with little logic, consistency or fairness. My former constituents and members of the public have asked me, how Defence Secretary Liam Fox can be mandated to repay £22,000 by Sir Thomas Legg but not asked to apologise and the Chancellor George Osborne can be asked to repay £1,936 for breaching the rules by the Standard and Privileges Committee and not be asked to apologise. Yet the very same Committee asks me to apologise despite my claim being approved by Sir Thomas Legg. Despite my being credited for repaying £235 before being asked. Despite my unintended breach being much more minor. Sadly, I don't have any answers to these questions.

This cocktail of inconsistency and confusion does great damage to our democracy and demonstrates vividly the desperate need for Parliament to push further, harder and quicker with the reforms and modernisation needed to give real confidence to both the public and politicians alike.

In this context, I welcome the recommendations from Sir Christopher Kelly's Committee on Standards in Public Life, which seek to alter the composition of the Standards and Privileges Committee by reducing the number of elected members and adding full voting lay members. This would be a small move in the right direction and help increase the public's confidence in the integrity of the system. It would certainly deal head on with the current system where MPs are seen to police themselves.

Though this inquiry and report process has been less than perfect, culminating in a report with a number of wrinkles, some of which I have tried to highlight, I do not believe correcting all the wrinkles would alter the overall conclusion of the report, which I accept.

The Committee points out that I am no longer an MP, however, I was an MP when the inquiry commenced and thus believe I have a responsibility to abide by the rulings of the House. As such, I happily and readily apologise.

I have no doubt that they will agree with me that restoring public confidence is paramount and we must all fight together for the integrity of our great Parliamentary democracy and in this endeavor, I very sincerely wish the Committee much luck in their role in helping meet some of the challenges ahead.

Best wishes

Shahid