

20th May 2009

Dear Sir Christopher,

Submission from the T&G (Unite) Parliamentary Staff Branch

1. The group that has most to personally lose or gain as a result of your inquiry, apart from MPs, is their staff.
2. There are approximately 2000¹, 415 of whom are represented by the Unite Parliamentary Staff Branch, the largest staff group.
3. Therefore we hope our expression of interest in giving oral evidence to participate in the public hearings will be considered with due weight.
4. The branch believes that for the public to regain trust and confidence in the regime of allowances a range of changes need to be made to improve the conditions of employment of staff and increase transparency in the system.
5. As a point of clarification staff are not an “expense”, a better description is that they are public servants paid from the Members’ Estimate and managed by MPs.
6. Members of Parliament have shown a great deal of support for the views and campaigns of our branch in the past, and we hope the Committee will give proper consideration to this submission.

¹ Sir Stuart Bell: Hansard, Column 1077 30th April 2009

7. We understand that in undertaking the inquiry the Committee will be guided by the Seven Principles of Public Life, and we will refer to these seven principles in our submission.

8. We submit that the current system of employment of staff of MPs, in which for example there is no fair grievance/disciplinary procedure, no right to collective bargaining for staff, in which enforcement on issues such as staff employed without contracts and paid below paycales has been ineffective, and in which staff terms and conditions are decided centrally in secret, does not meet any of the standards set down in the principles of public life.

9. We will also make reference to the enclosed documents:

- 1) A summary of a survey of MPs staff conducted in 2008
- 2) Freedom of Information Requests, Parliamentary Questions.
- 3) Recently articles by Mohammad Sarwar MP and Bill Etherington MP
- 4) Expressions of Parliamentary Opinion in EDMs 1057 and 599.
- 5) Article on union recognition

The recommendations (agreed at our branch meeting on the 19th May 2009) will be repeated at the end of the paper.

Response to the question 1. What are the necessary elements of a system which both supports MPs properly in the performance of their important and demanding role and commands public confidence?

And Question 2. Is it right that the House of Commons should be in a position to determine the nature and size of its own expenses scheme? If not, what are the alternatives? Who should be responsible for approving the content of the Green Book which sets out the basic rules?

10. Currently staff standard contracts and paycales are decided by the Committee on Members Allowances which sits in private, interpreted behind closed doors by the Department for Resources.

11. Because of its secrecy this system will need to be reformed to command confidence from staff, MPs and public. It does not meet the accountability and openness principles of public life.

12. MPs have also criticised the system:

13. Mohammed Sarwar MP published an article in the House Magazine in March 2009 opposing the restrictions on redundancy payments “the terms and conditions of my staff are decided centrally...”, “the constraints I operate under as an employer do not allow me to treat my staff as I would ideally like...” He tabled EDM 599 which asked for better redundancy payments for staff.

14. 9th February 2009 Bill Etherington wrote in the House Magazine criticising the system. Regarding the lack of formal consultation over a change to the maximum hours in the standard contract he writes “It’s the sort of thing I would expect from an old cotton mill or coalmine-owner”.

15. EDM 1057 expresses the opinion of 130 MPs that the Unite trade union branch should be consulted more on these matters.

Recommendation 1: Staff standard contracts and payscales to be decided by an independent body, or at least with public scrutiny, and trade union input. Conditions of staff to be protected or improved.

Q3. Are the range of expenses which are currently reimbursable correct? Are the correct judgements being made about the resources MPs need to perform their jobs effectively?

16. The work of MPs staff is growing beyond that which MPs are resourced to provide, as concluded by the 2007 SSRB review: “the volume of casework appears to be growing inexorably”². The demands created by increased expectations of constituents and new electronic communications, for example email, is a growing concern. Our staff survey shows around half of caseworkers are dealing with between 10 and 30 new individual cases per day, and around 70% of all staff suffer from stress.

² Review of parliamentary pay, pensions and allowances 2007 p. 47

Recommendation 2: MPs should move to a system where they are allowed to employ a specified number of staff rather than having a staffing allowance. Each member of staff should be employed according to pay scales and a system of up rating set independently. The MP must employ sufficient staff to meet the demands of the office and within the system there must be opportunities for staff and MPs to report if this is not the case. Existing staff must have their current conditions protected or improved.

Recommendation 3: Staff training should be improved from the current minimal provision. Staff should have input into decisions on who provides the training and what training is provided.

Q4. Are the arrangements for policing the expenses system adequate? If not, how should they be reinforced? Is there adequate independent involvement? Are the new arrangements for internal and external audit introduced at the beginning of this financial year adequate?

17. As shown by the enclosed survey, there are a number of ways in which MPs are failing their staff, which shows they are not getting the support they require as managers from the House of Commons, and the current system is not adequately policed.

18. One of the seven principles is “Leadership”: Holders of public office should show a good example. There are many ways in which the House of Commons could improve as an employer, and MPs as managers, to show leadership to other employers/managers.

19. The branch is concerned that many staff do not have contracts³, that some staff are paid below the agreed pay scales⁴ (9.6% of staff responding to a survey in 2008 said they received below the minimum wage) and that the majority are not paid for the overtime they work. Over 20% of staff did not get a pay rise last year according to our survey.

20. The current system whereby a Department of Resources acts on behalf of MPs and does not sufficiently enforce the rules needs to end.

21. The current system whereby there is no effective right to appeal in disciplinary/grievance procedures must end. Current staff who have their disciplinary/grievance case heard by their managing MP, and want to appeal, can only make an appeal to that same MP, which is unfair.

Recommendation 4: An HR department that does not act solely on behalf of MPs, and that has the capacity, and mission, to help and encourage MPs to be good managers. A new HR Department should be responsible for all conditions of service and the application of all staff policies. This includes a formal grievance procedure which is lacking at present.

Q7. Where reimbursement is made in respect of expenses such as the cost of running an office, should this payment continue to be made as an additional personal expenses allowance to MPs? Or could the payment be made directly by the House authorities or in some other way? Is there a case for more centralised procurement through the House of Commons authorities? If so in which areas might such procurement take place?

22. We are currently working on a submission to the House of Commons Commission which deals with our views on the centralisation of staffing, we will send it to you when it is available.

³ Graham Stringer: To ask the hon. Member for North Devon, representing the House of Commons Commission how many contracts of employment for staff working for hon. and right hon. Members lodged with the Department of Resources that Department has been unable to locate in the last 12 months. [253984]

Nick Harvey: There are some 2,700 staff employed by hon. Members using standard contracts. About 70 new staff are appointed each month. The Green Book requires Members to lodge contracts and job descriptions with the Department of Resources. Following a recommendation by the National Audit Office, the Department carried out an exercise in 2007 to establish how many contracts were not held as required by the Green Book. At that time 371 were not held. A similar exercise in 2008 found that 218 were not held. No information is available on how many of these had been lodged but mislaid...

⁴ See attached FOI request

Q10. Is it acceptable that MPs should be able to employ spouses or other family members? If so, what safeguards are necessary?

23. We support the right for Members of Parliament to employ their spouses or members of their own family provided that each individual that is employed is suitably qualified.

24. The branch would not support any measure that would mean existing spouses or family members lost their jobs or were made to feel like second class employees. There may be a case where an MP marries a staff member and it would be wrong for the employee to be made to resign.

Recommendation 5: MPs should demonstrate to the authorities that each employee is suitably qualified be it a spouse, family member or neither.

25. Additionally pay and bonuses for staff should be discussed by the member with the Department of Resources or another body each year and the member should make a decision in consultation with them.

Recommendation 6: Employees who are not family members should have a recourse to raise their concern confidentially should they feel they are being unfairly treated in favour of a family member.

Additional issues:

26. The committee may like to consider the issue of some MPs⁵ seeking to avoid the transparency of employing staff through the staffing allowance by asking the House of Commons library to carry out all research.

What level of detail of expenses claims should be routinely available to the public without the need to make Freedom of Information Act requests for it?

27. MPs' staff often deal with serious and emotive cases and no information that could lead a member of public to be able to identify them should be released.

28. MPs' staff have been subjected to attacks from constituents and it should be remembered when releasing information that is the MP who stood for public election, and not their staff.

⁵ "Researchers at the House of Commons can also be costly, but I do without. I find it strange that the default position for MPs is to have a researcher rather than just make better use of the Commons library. There is an army of staff there who are extremely welltrained and who don't charge fees. I've never asked a question which they haven't been able to answer, so I don't know why the resource is so neglected."
(Philip Hollobone in the Sun on 8th April)

Conclusion, recommendations:

Recommendation 1: Staff standard contracts and payscales to be decided by an independent body, or at least with public scrutiny, and trade union input. Conditions of staff to be protected or improved.

Recommendation 2: MPs should move to a system where they are allowed to employ a specified number of staff rather than having a staffing allowance. Each member of staff should be employed according to pay scales and a system of up rating set independently. The MP must employ sufficient staff to meet the demands of the office and within the system there must be opportunities for staff and MPs to report if this is not the case. Existing staff must have their current conditions protected or improved.

Recommendation 3: Staff training should be improved from the current minimal provision. Staff should have input into decisions on who provides the training and what training is provided.

Recommendation 4: An HR department that does not act solely on behalf of MPs, and that has the capacity, and mission, to help and encourage MPs to be good managers. A new HR Department should be responsible for all conditions of service and the application of all staff policies. This includes a formal grievance procedure which is lacking at present.

Recommendation 5: MPs should demonstrate to the authorities that each employee is suitable qualified be it a spouse, family member or neither.

Recommendation 6: Employees who are not family members should have a recourse to raise their concern confidentially should they feel they are being unfairly treated in favour of a family member.

Recommendation 7: The staff union should have recognition and full negotiating rights.

Dan Whittle

Kevin Flack

Branch Chair

Branch Secretary