

IPSA IMPLEMENTATION ADVISORY PANEL

Minutes of second panel meeting, 10am Thursday 26th November 2009

11 Tothill Street, London

Present:

Maurice Frankel (Campaign for Freedom of Information)

Dr Ruth Fox (Hansard Society)

Alexandra Runswick (Unlock Democracy)

Mark Wallace (Taxpayers Alliance)

Julia Clark (Ipsos-MORI)

Andrew McDonald (interim Chief Executive, IPSA) – Chair of meeting

James Gerard (IPSA Implementation team)

Jamie Rubbi-Clarke (IPSA Implementation team)

Sam Reed (Secretariat, IPSA Panel)

INTRODUCTION

1. Andrew McDonald opened by welcoming everyone to the meeting, which was taking place in IPSA's new temporary home. He then set out the progress that has been made since the last panel meeting under three headings: Appointments, transition arrangements, and consultation.
2. Ruth Fox asked if, in light of the Kelly report recommendation regarding the need for new primary legislation, the implementation team had contingency plans if the scope of IPSA was to change? Andrew McDonald confirmed that it was a risk he was alive to and that it would be discussed at the first IPSA Board meeting next week.

KEY TOPICS FOR CONSULTATION

3. The panel discussed possible options for inclusion in IPSA's consultation on the new expenses scheme. It was agreed that in the interests of full and frank discussion, this agenda item would not be minuted.

PUBLICATION OF CLAIMS & DECISIONS

4. Maurice Frankel (MF) opened a discussion on openness by pointing out that both IPSA and the Commissioner for Parliamentary Investigations were subject to the FOI Act. While requests for information about MPs' pre-2010 expenses would presumably still be dealt with by the House of Commons, IPSA would deal with requests about payments under the new arrangements.
5. MF suggested that the special provisions restricting access to information held by Parliament will not apply to IPSA. Information relating to an MP's or Peer's residential address, and to their regular or

future travel arrangements would be outside the Act's scope if held by Parliament - but is covered by the Act in IPSA's hands. Moreover, IPSA would not be entitled to use the specific veto which Parliament enjoys under section 36 of the Act. (This allows it to refuse requests, immune from the Information Commissioner's scrutiny, if it claims that disclosure would be likely to inhibit frank advice/discussion or prejudice the effective conduct of public affairs.) These differences set the scene for a more open approach by IPSA.

6. Before IPSA's establishment, Parliament had been proposing to publish four years of detailed though redacted receipts, but seemed likely to then reduce the amount of information it published in subsequent years. The full disclosure ordered by the Information Tribunal and upheld by the High Court had been justified partly because the rules and safeguards for allowances were seen to be inadequate. As a result of proposed improvements to the auditing of MPs' claims, the Commons authorities appeared to believe that the Court might not require the same level of disclosure in future. The overwhelming loss of public confidence that followed the Daily Telegraph revelations had almost certainly destroyed this argument. The balance between the public's right to information and MPs' rights to privacy now appeared to favour disclosure even more strongly than before.
7. MF outlined the three key issues he felt IPSA needed to consider on disclosure. First, deciding what information should be disclosed about MPs' and Peers' expenses/allowances (e.g. just final payments or claims that had been rejected). MF suggested that a high level of disclosure would be necessary, and noted that the CSPL report had called for publication of all receipts and information about unsuccessful claims. Second, what should IPSA disclose about its own procedures and decisions? The Act permitted authorities to withhold information which would inhibit their own frank discussions, but only if the balance of public interest favoured withholding. Public confidence in IPSA could not be taken for granted: it would be criticised by MPs if its decisions affected them harshly but by the press if its decisions were perceived as too generous to them. Any suggestion of unjustified secrecy by IPSA would be damaging to its standing.
8. Third, the investigatory role for IPSA. MF explained that most investigatory bodies made substantial use of the FOI exemption for information about investigations which might have led to a criminal charge. Frequently they would publish their decisions but not the information about the process leading up to them. This is often a source of dissatisfaction. He argued that IPSA should not start from the assumption of "only publish the outcome" but rather, anticipate what additional information could be disclosed. However, the Commissioner for Parliamentary Investigations was a separate authority from IPSA under the FOI Act and would have to reach its own decisions. The position was complicated by the fact that the CSPL had called for the

Commissioner to be abolished and his or her functions transferred to an IPSA compliance officer.

9. MF said IPSA would need to decide how much of the information in these areas would be published proactively, under IPSA's publication scheme, and how much would be dealt with by responding to individual requests. Mark Wallace suggested that it was very important and in IPSA's strategic interests to proactively publish a lot of information. MW agreed with MF that it was important to publish the claims and failed claims as well as the decisions. With regard to the consultation responses, it was important for IPSA to be clear in the paper on whether it intends to publish responses or not. His advice was to publish responses.
10. AM asked for views on whether data protection laws would require IPSA to hold back certain information (e.g. addresses of MPs). RF pointed out that in many instances the home address of the MP is already made publicly available through election nomination papers, although there are proposals that this should change. There are legitimate security issues with publishing the full address of an MP. RF referred to one MP having their letterbox firebombed and noted that there have been a number of similar security cases of varying degrees of seriousness. MW said that as the media always knew their addresses, the public should as well and that more detail was needed than just the first half of the postcode. Alexandra Runswick and MF thought that the first half of the postcode was sufficient and RF agreed. MF explained that the point was not to pinpoint the exact location to identify the quality of accommodation, but more to do with preventing the practice of "flipping".

HOW WE ENGAGE WITH THE PUBLIC

11. Julia Clark began by explaining that current data shows that public trust in politicians and the parliamentary system is abysmal. Recent IPSOS MORI surveys showed that 16% of those polled thought politicians told the truth, compared to 22% for journalists. Also, 62% of those polled thought MPs put their own interests above the public's and 80% thought the parliamentary system was to blame as well as politicians. This all meant that it would be very hard to engage meaningfully with the public and any engagement would have to be handled delicately.
12. JC ran through a number of online and offline options available to IPSA. She advised that a mixed method approach was best, combining an active web solution with online juries and panels and possibly a bulletin board. This would be supplemented with offline 'events', such as working groups and workshops. Regarding a possible survey, the current low awareness of IPSA amongst the public would pose a problem but depending on the purpose of such a survey, it was possible. JC suggested it would be worth making the consultation process as transparent as possible by involving the media from the

start. This could involve filming or recording any deliberative events as well as the launch of the consultation.

13. AR stressed that it was important to be clear why IPSA is now embarking on a public consultation so soon after the CSPL Inquiry. IPSA must also show that responses to the consultation have contributed in some form. RF added that although there was a lot of public interest in and discussion of expenses, there was only low level knowledge of the role of IPSA and the Committee on Standards in Public Life. This, plus the tight consultation timescale, meant there should be a realistic view of what can be achieved through the consultation and the likely level of public interest and participation in it. RF agreed with AR that it was important for IPSA to explain what the purpose of such a consultation will be.
14. MF asked how IPSA was planning to analyse potentially a large number of responses. He suggested IPSA needed to put early thought into what it would do with the data it received.
15. With regards to reaching the general public, AR explained that IPSA could contact key voluntary sector organisations and ask them to distribute the paper amongst their members. This would enable the paper to reach a wider audience that wouldn't necessarily engage online. MW stressed the importance of ensuring that people who gave evidence to the CSPL Inquiry were sent a copy of the paper.
16. AM summarised the key points raised on the consultation as: being explicit about the reason for consulting; ensuring responses contribute to final outcome; explain and clarify IPSA's relationship with the CSPL and Sir Christopher Kelly; consider costs and resources involved; option of mobilising the voluntary sector; and consider transparency through a public event. AM concluded by saying the next Panel meeting is envisaged to take place in January.

End