

**Unite Parliamentary Staff Branch**  
**Response to Consultation on IPSA's Publication Proposals**  
**7 July 2010**

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1. The Unite Parliamentary Staff Branch is a trade union representing over 400 members of MP's staff from all political parties, based in both Westminster and constituency offices.

2. In representing the interests of our members we will set out below our arguments against the following proposal:

**Staff Salaries**

*We propose to publish salaries for all staff in ranges of £5,000. In addition to this, we propose to publish precise salaries for connected parties.*

3. As a union branch we accept the need for transparency, value for money and that therefore any payment to staff should be the market rate for the job. However we believe this proposal is unnecessary, unprecedented and places IPSA in breach of a number of Acts of Parliament.

4. In this submission we start from the basis that:

- i) Most MPs already declare the relationships they have with connected parties and could be asked to do so;
- ii) All MPs' total staffing costs are published;
- iii) The majority of connected parties are female and of those many are married to or the civil partners of the MP; and
- iv) IPSA is an independent body and has knowledge of the individual salaries of all staff employed by all MPs

5. We are disappointed that the consultation is unclear in what form the salary details of MPs' staff will be published. This is a fundamental omission. We should know:

- i) Will it be that for non connected staff the numbers of staff employed in a certain salary band will be published but not their names?;
- ii) Will it be that for non connected staff the job title of staff members will be published but not their names?;
- iii) Will whether a member of staff is part time or not be made clear?;
- iv) Do the proposed salary bands equate to those used in public sector disclosures?; and
- v) For connected parties what will be published – the individual's name? The individual's relationship to the MP? Their gross or net salary?

6. The omission of this information means we have had to consider all possibilities in our response to this proposal.

7. As the consultation document states in 4.2, it is not standard practice in the public sector to publish full salary details of all staff. The branch does not accept that MPs' staff should be treated differently from others.
8. Although there were clear abuses of the previous expenses scheme, there has been no evidence of widespread abuse in terms of staff salaries. There was only one case concerning an MP employing a connected party for their own financial gain under the previous system. No other cases involving connected or unconnected parties came to light during the expenses scandal. Publishing the salary details of approximately 2,800 members of staff under the new scheme is not a proportionate response to this isolated incident.
9. The branch has been pleased in the past by the way in which the IPSA has emphasised that staff funds should be dealt with entirely separately from other expenses (as stated in section 4.3 of *MPs' Expenses: A Consultation*) and believe this approach should be extended to the publication of MPs' staff salaries. We suggest that the arguments in support of publishing MPs' expenses claims do not apply *ipso facto* to the publication of staff salaries and that considerable weight must be given to the privacy and security of MPs' staff.
10. In section 4.2 the consultation document states that the public should be able to satisfy themselves that an MP is not paying any staff member above the market rate for a job. Our experience is that the opposite is true - most MPs' staff are in fact paid well below market rate for the job they do and for their level of qualification. The average salary of our members who are employed by MPs is £20,000. So any imagined fear that MPs' staff are being paid above market rate en masse is not supported by the evidence.
11. We also question the need for this additional measure when all salaries of MPs' staff must fall within IPSA pay scales and be approved by the Authority before they are paid (with some exemptions for staff employed before 7 May). As an independent body IPSA is in our view best placed, when publishing the details of the global sum spent on staff (and perhaps the number of staff employed), to confirm to the public that they are satisfied that the salaries of all MPs' staff are not above the market rate for a job and therefore the public is getting value for money. This applies as much to 'connected' parties under the scheme as it does to unconnected parties who are employed by MPs.
12. In section 4.2 the consultation document also states that the public should be able to satisfy themselves that an MP is obtaining value for money in employing their staff. We question how the public can determine whether or not MPs are obtaining value for money by merely looking at the salary of staff members, especially if no indication is given if the salary is for full-time or part-time work. A salary figure does not give a complete picture to allow the public to determine value for money. For example, a member of the public may view a Senior Caseworker at the top of the IPSA pay scale at £31,000 to not be 'value for money'. However an MP representing a constituency with a high immigration or housing caseload will need an experienced caseworker and this represents good value for money for the constituents. This complexity is not captured in the publication of a simple salary figure or range.
13. We urge the IPSA to consider the low level of concern the public has about the salaries paid to MPs' staff. We would be interested to know how many members of the public have requested this information from the IPSA. We

would also like to refer IPSA to the Key Findings from the Demos and Ipsos MORI Convention on MPs' Expenses in which support for staff of MPs' was shown to be high:

[http://www.demos.co.uk/files/Citizens\\_Convention\\_18\\_June\\_09.pdf?1245320089](http://www.demos.co.uk/files/Citizens_Convention_18_June_09.pdf?1245320089)

14. We also question the value for money of this proposal if additional resources are required to implement it. Given that there has been little public concern about MPs' staff salaries and no evidence of widespread abuse under the previous expenses system, we believe a better and more cost-effective alternative would be for the Compliance Officer to investigate any individual complaint made regarding the salary of an MP's member of staff.
15. The branch is concerned that publication of salary details, whether linked to a name or job title, could be unsafe for front-line staff in MPs' constituency offices. For example, if it is known that a staff member earns more than the average salary in a constituency, then that staff member could be subject to abuse at the office or at constituency surgeries. This security risk must be taken into consideration.
16. In section 3.3 the consultation refers to previous Information Tribunal decisions on MPs' data. The Tribunal ruled that MPs' expenses claims should be published, unless it falls into a number of categories. One of the categories given is:

*Personal data of third parties (not MPs). But this exception shall not extend to the name of any person to whom the MP paid rent or mortgage interest which was claimed under the additional costs allowance (accommodation allowance).*

The branch believes the salary details of MPs' staff constitute "personal data of third parties" and on this basis should be exempt from publication under The Data Protection Act 1998. This is explained further in section 17 (iv) of our submission.

17. The branch has sought legal advice from Thompsons Solicitors and believes the proposal is in breach of a number of statutes passed by this House and applicable to all citizens:
  - i) It is potentially in breach of Article 8 of the **Human Rights Act 1998**;
  - ii) As the majority of connected parties are women, the practice of publishing salaries would amount to indirect sex discrimination in breach of the **Sex Discrimination Act 1975** (as amended) (the SDA) unless it could be objectively justified which we do not believe it could be;
  - iii) As a substantial number of connected parties are married to or the civil partners of the MP the SDA prohibition on less favourable treatment of married persons or civil partners would apply and publishing their precise salaries would be discriminatory;
  - iv) If the salary of individuals are identifiable from the information that IPSA proposes should be published that would be deemed by **The Data Protection Act 1998** (the DPA) to be personal data for the purposes of the DPA. Personal data should not be disclosed to third parties without the data subject's consent;

- v) If there is an application for the disclosure of the personal data under The **Freedom Of Information Act 2000** (the FOIA) any disclosure must meet one of the conditions in Schedule 2 of the DPA. We do not believe that it does so. Whilst there is a legitimate public interest in disclosure the disclosure proposed is unwarranted because of an excessive or disproportionate adverse effect on the legitimate interests of the individual(s) concerned. Publication is neither proportionate nor necessary since the aim can be achieved another way.

18. The branch says:

- i) There is no law that requires employees in the private sector or public sector to have their salaries published therefore there is no precedent requiring IPSA to publish salaries at all or connected parties precise salaries;
- ii) Connected parties do not hold senior positions or command large salaries (the usual criteria for disclosure in other areas of public life);
- iii) Connected parties are being treated differently from other MPs' staff; and
- iv) Where salaries of those in public life have been published in response to FOIA requests they have been published in bands not with precise salary details for named individuals other than the most senior of staff.

19. IPSA's commitment to transparency must be balanced against the privacy and security of MPs' staff. We believe the proposal to publish salary details of MPs' staff gets this balance wrong. We also question the need, cost and effectiveness of publishing this information. Members of the public are already able to see how much each MP spends staffing their offices. We question what additional value can be gained for the public in knowing how this figure is broken down. We would also like to reiterate that during the expenses scandal there was no evidence that there was a widespread practice amongst MPs to use their staffing budgets for their own financial gain. Staff of MPs have found themselves considerably worse-off under the new expenses scheme and this breach of their privacy will add to the feeling that they are being penalised for the mistakes of MPs in the last Parliament.