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1

The 2009 British MPs' Expenses Scandal: Origins, Evolution and Consequences

Jennifer vanHeerde-Hudson and Orlanda Ward

This chapter introduces the British MPs' expenses scandal: its origins, evolution and consequences. We argue that despite some early predictions, the scandal was limited in its impact: the purported 'revolution' never occurred. We briefly review the comparative literature on the political impact of scandal, which illustrates why the effects of scandals are usually limited and reasons why voters may choose not to punish malfeasant politicians. We situate this scandal against other international scandals, highlighting similarities and differences in the effects of scandal depending on cultural contexts. The chapter illustrates the *mediated* nature of the scandal and how it is best understood as comprised of not only the acts of politicians themselves, but as a series of moves and counter-moves by the press and other actors.

Introduction

On 8 May 2009 the *Daily Telegraph* began publishing un-redacted expenses claims made by British MPs. The revelation of parliamentary expenses showed how, and the extent to which, some MPs took advantage of an unregulated expenses system – a system designed by, and vigorously protected against outside interference, by MPs themselves. The expenses regime was intended to cover the costs of performing parliamentary duties: operating costs for running constituency offices (including staff salaries, rent, computers, etc.) and communications and travel as part of their parliamentary duties. The regime also included Additional Costs Allowances (ACA),¹ worth up to £24,000 annually, to

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reimburse MPs for the expense of staying away from their primary home while performing their parliamentary duties.

It was, predominantly, MPs' ACA claims that captured media headlines and public attention in the weeks that followed the *Telegraph's* initial disclosure. Both the public and pundits revelled in, and were reviled by, some of the now (in)famous claims made: a duck house, a trouser press, chocolate bars, plasma TVs, a riding lawn mower, jellied eels, moat cleaning, light bulbs, dog food, Kenyan carpets, and hanging baskets and potted plants. However, it was the practice of 'flipping' or switching an MP's designated second home (which was eligible for ACA expenses), that revealed the extent to which the expenses regime could be manipulated to maximize personal gain. MPs reaped the benefits of renovating and maintaining their properties at taxpayers' expense: mortgage interest on second homes was tax deductible and many were sold on at a profit with MPs pocketing any subsequent capital gains.

The first few days of the *Telegraph's* revelations started with members of the then governing Labour Party, senior ministers in particular, but after a few days switched its attention to senior Conservatives and Liberal Democrats before turning to rank-and-file members of all political parties. What quickly became apparent was the degree to which Members were implicated. This was not a scandal limited to a few 'bad apples', but rather, engulfed many in the House of Commons. Its institutional nature dictated that media and public scrutiny could not simply focus on individual cases of wrongdoing, but was compelled to consider the rules and regulations – established by MPs themselves – governing parliamentary expenses.

The institution-wide focus revealed that while many were implicated in the scandal and charged in the court of public opinion as having abused the system, very few MPs had engaged in outright *illegal* behaviour. Of the millions of claims made, the vast majority were made within 'the rules', a point many an MP was quick to cite as justification for their behaviour. Yet in attempting to direct attention away from individual cases of purported wrongdoing and towards the institution itself, MPs placed the expenses regime on the front line. With the public eye centred firmly on life inside the Commons, the intensity and secrecy with which Parliament sought to protect the expenses regime from external scrutiny was revealed. The next section briefly outlines the emergence and evolution of the expenses scandal, showing how repeated efforts were made to exempt the expenses regime from efforts to make the system more transparent and accountable.

A scandal unfolds: A brief chronology

Few outside of the Westminster Village could claim to know much about MPs' pay and expenses before May 2009. However, that changed markedly with the disclosure of MPs' expenses claims by the *Telegraph*. The revelations resulted in a perfect storm that dominated media coverage in the weeks that followed (vanHeerde-Hudson 2011) and, save for the handful of journalists heavily involved in preparing the data for publication, few could have predicted the fallout from the disclosure and the fury of the British public (Winnett and Rayner 2009). But for many in the Commons, parliamentary expenses had been an issue of concern and contention dating back as early as 2004, when Heather Brooke, an investigative journalist, began making requests to the Commons' Data Protection Office to release information concerning MPs' expenses.² Later that year the Commons did publish the information, broken down by office, travel and ACA claims, but the aggregated nature of the report meant that the details of MPs' individual claims remained hidden from public view (Winnett and Rayner 2009).

By 2005, Brooke's requests had company, as two other journalists, Ben Leapman and Jon Ungood-Thomas, made similar requests to the Commons' new Freedom of Information (FOI) Office. All three were rebuked, often with personal involvement from then Speaker Michael Martin – citing the costs of preparing the reports and concerns over Members' privacy – which ultimately contributed to his resignation in May 2009. Undeterred, appeals were filed with the Information Commissioner, Richard Thomas, in 2006.

Meanwhile, some in the Commons didn't intend to wait for the Information Commissioner's decision. Conservative MP for Penrith and the Border, David Maclean, sponsored a bill that would have exempted Parliament from FOI, thereby ensuring secrecy for MPs' expenses (Barrett and Bloxham 2010). The bill ultimately failed and in 2007 the Commissioner ruled that ACA claims should be published, disaggregated by the various categories, but without detailed receipts. This partial release of information satisfied neither side and appeals were lodged with the Information Tribunal, the appellate body on FOI requests. In February 2008 the Tribunal upheld the Commissioner's decision; it also went further, suggesting that allowances should be published except in cases where protecting them was 'absolutely necessary'. It was also at the Tribunal's hearing that the controversial 'John Lewis List' was made public for the first time (see Worthy, Chapter 2).

In the following months, the issue of expenses was actively being played out in Westminster, featuring in a few newspaper headlines, but

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with no real splash or indication of what was to come. And once again, Parliament intervened, this time appealing the Tribunal's decision to the High Court. However, in May 2008 the Court upheld the Tribunal's decision and ordered the publication of detailed expenses claims. The Commons indicated that it would do so by October of 2008, but this was pushed back several times with little to no explanation from Commons officials. But the all-quiet was soon explained as Parliament, led by the Leader of the House of Commons, Harriet Harman, made a final attempt to exempt the House from FOI legislation. However, the bill quickly ran into trouble, with many MPs fearing the legislation looked 'as if they had something to hide' (Winnett and Rayner 2009: 29). The bill failed and Parliament reluctantly agreed to disclose detailed information on expenses in June 2009.

Parliament's publication of expenses claims was spectacularly thwarted by the *Telegraph's* acquisition of a disk containing millions of non-redacted claims dating back to 2004. The disk was sold to the *Telegraph* for £300,000 by John Wick, a former SAS officer, on two conditions: 'first, that the *Telegraph* had to publish details of expenses immediately, and second, that the alleged abuse of expenses would not be used for partisan purposes, but would expose what was believed to be systematic abuse of parliamentary allowances' (Winnett and Rayner 2009, vanHeerde-Hudson 2011: 245).³

In the days and weeks following the *Telegraph's* revelations, there was little talk or focus on issues save for parliamentary expenses, as each new allegation and response contributed to a seemingly unending saga. Life inside the Commons was increasingly unbearable, as many Members anxiously reviewed their own claims, awaiting their turn to answer for perceived excesses (Winnett and Rayner 2009; see Wright, Chapter 3). Only a few scandals in history had shaken the political foundations of the country so intensely, and none in living memory. Former Prime Minister Gordon Brown called it the 'biggest parliamentary scandal for two centuries'.⁴ In an effort to respond to the crisis, party leaders uniformly condemned the abuses, a handful of MPs were deselected by their parties and a record number of MPs announced their retirement. The Independent Parliamentary Standards Agency (IPSA) was created to oversee the investigation into MPs' expenses and to design and administer a new expenses regime.

Properly understood then, the expenses scandal and the public anger that arose as a result, was not about castigating politicians as criminals or indeed criminal behaviour in the true sense of the word; only a handful of MPs were charged with criminal wrongdoing.⁵ It was the intentional

lack of transparency and accountability that governed the parliamentary allowances scheme that was widely perceived to be the real offence. That MPs had deliberately sought to keep expenses details from being disclosed and were essentially free to regulate their own activities, reinforced for many in the public the belief that politicians are subject to a different set of rules and standards and increasingly 'out of touch' with the lives of 'ordinary' British citizens.

The consequences and fallout from the scandal were expected to be severe. Survey data from May to June 2009 showed that only a small percentage of the British public had not heard of the scandal and most were angry about it (YouGov 2010) and trust, while historically low, had fallen further as a result of the scandal (Hansard Society 2010). Public opinion of politicians also fell: 50% of the public thought that MPs: spend their time furthering personal and career interests (Hansard Society 2010); are unprincipled (47%); are more interested in serving their own personal interest (66%); are dishonest (48%); and are out of touch with the day-to-day lives of their constituents (70%) (YouGov 2010). How would the expenses scandal change the political landscape if citizens and voters acted on their anger and distrust? What impact would the scandal have in the short and long term? This volume aims to answer these and other questions.

Aims of the volume

The aim of this volume is to comprehensively examine the 2009 British MPs' expenses scandal, its anatomy, evolution and consequences. In the chapters that follow, the authors consider the scandal across a number of domains: the scandal's origins in FOI legislation; how MPs viewed the expenses regime and their efforts to protect it; its impact on turnout, vote choice and retirement; public perceptions of MPs' involvement in the scandal and on their reputations; evidence of media bias in reporting the scandal; and the efforts to reform the expenses regime and unintended consequences of reform efforts in the wake of the scandal.

More generally, the volume considers two views that have emerged concerning the impact of the scandal. The first view holds that while the scandal was a significant political event, similar to scandals elsewhere, it would not have a significant impact on British political life. Any evidence of short-term falls in trust and confidence in parties and politicians would likely return to previous levels as memory of the scandal faded. This view did not discount institutional reform to the expenses regime itself, but more generally didn't see the expenses scandal as a catalyst for fundamental change to the way of doing politics.

The second view saw the expenses scandal as a political earthquake that shook Westminster to its core, the consequences of which would be instant and irrevocable.⁶ Bell (2012: 2–3) has described it as a 'revolution', providing a permanent change to the way we do politics in Britain. Given the intense media scrutiny, and public fury that followed the *Telegraph's* revelations, it was more than credible that the expenses scandal was the juggernaut needed to clean up British politics.

Here, we assess the evidence for both views. Was the MPs' expenses scandal a revolution, as purported by Bell (2009), or was the impact relatively limited, as consistent with the general findings from the comparative literature on scandal? Our findings show that the revolution never happened: with a few exceptions where we see significant scandal effects, the full force of public anger never really took hold, particularly in electoral terms. The most significant impact of the scandal is IPSA: an independent body created to both regulate and administer a new expenses regime; however, even its long-term existence is not assured (see chapters 9 and 10).

The volume draws on contributions from a range of outstanding UK and international academic and non-academic experts. Each chapter provides original research drawing on a rich range of data and a variety of methodological approaches. Care has been taken to translate findings from quantitative approaches so that they are widely consumable. Each of the chapters focuses primarily on the British MPs' expenses scandal, and where appropriate, consideration is given to scandals elsewhere. In this vein, a secondary aim of the volume is to consider the expenses scandal comparatively, drawing on the findings regarding scandals in other countries and contexts to see where there are similarities and/or differences. This is not to say the method is comparative; we aim only to view the British scandal in light of the comparative literature.

The scandal: Legacy and aftermath

This volume looks at the impact of the scandal some five years after the initial publication of parliamentary expenses, and while the intensity and scrutiny of the initial episode no longer exists, a line has not yet been drawn under it. Fortunately, it does not render this analysis premature; rather, it points to the continued saliency of parliamentary expenses for the British public, the consequences of rapid reform in the wake of the scandal and the inherent difficulties in balancing two competing objectives – facilitating MPs' abilities to perform their parliamentary duties and ensuring accountability and value for money in the use of public monies, particularly in the context of the current economic

climate. And with some distance between the onset and today, we can consider it in light of its short- and medium-term consequences.

As recently as May 2013, Peter Osborne argued that MPs had not learned lessons from the 2009 scandal as evidenced by their continued criticism of IPSA, the body in charge of regulating the new expenses regime, and ‘failing to accept [its] authority’ (Osborne 2013; see also Gay, Chapter 9). And it was not just MPs’ dissatisfaction with IPSA that yielded headlines, but expenses-related behaviour: claiming expenses for business-class flights despite being against the rules (Watts 2013); claiming expenses for learning their respective partner’s languages (Brocklebank 2013); and perhaps most importantly, in taking advantage of a ‘loophole’ in the new regime that allowed MPs to rent taxpayer-funded homes to each other (Hastings 2012). With regards to the latter, Speaker John Bercow suffered some of the same criticism as that of his predecessor, Michael Martin, when he was accused of attempting to block moves to publish the names of MPs’ landlords under a FOI request (Unlock Democracy 2012). Speaker Bercow argued that releasing the names of the 27 MPs who rented to one another was not feasible given ‘security concerns’, but critics responded that these could be alleviated by simply blacking out the addresses of the properties in question.

The legacy of the British expenses scandal, in conjunction with the global economic downturn, appears to have inspired similar debates in other national and supranational parliaments. For example, in October 2011, MEPs voted to freeze their expenditure allowance despite proposals by some MEPs to reduce it. This followed a decision in the previous June where the European Parliament ordered the publication of details of MEPs’ expenses. In France, National Assembly members voted in July 2012 against plans for external scrutiny of their £5,000 monthly expenses⁷ allowances, despite evidence of abuse: Pascal Terrasse, Member for Ardèche, claimed expenses for his family holiday, and Christian Blanc, State Secretary for the Paris region, claimed some 12,000 for Cuban cigars.⁸ In late 2012 Canada was engulfed in its own expenses scandal, focusing predominantly on the living and travel expenses of senators. One senator, Pamela Wallin, has been accused of claiming parliamentary expenses while carrying out personal business. Although the scandal is thus far limited to a handful of senators, recent (June 2013) polling data shows that ‘86 per cent of respondents – including overwhelming majorities in all regions and across all age groups and party affiliations – feel it’s likely that MPs and senators are claiming improper expenses. Of those, 56 per cent feel it’s very likely.’⁹

In Italy, a rash of current scandals has raised concerns that Italian politics is still plagued by levels of institutional corruption similar to that of the Tangentopoli scandal of the 1990s. Roberto Formigoni, Governor of Lombardy, himself under investigation for accepting paid vacations from a healthcare lobbyist, 'dismissed the entire city government of Reggio Calabria to stave off infiltration by organized crime and surrendered his own government after accusations of vote-selling and more than a dozen regional lawmakers embroiled in scandal'.¹⁰ At the national level, Italy's provision of both salary and expenses is among the highest in the West. Italian politicians can claim for 'meals in lavish restaurants, cosmetic dentistry, private cars and chauffeurs, and police protection – including outriders stopping traffic to let them through' (Malone 2011). The degree of abuse is thought to be so extensive, that the scandal that engulfed British politicians would be seen as 'amateur' (Malone 2011).

Thus, expenses-related scandals are, and remain, an important and salient issue in many countries. The next section considers the cross-national literature on scandals and their impact on political life before considering in more detail the explicitly mediated nature of the MPs' expenses scandal, a feature of nearly all modern political scandals. The final section outlines the contributions of each of the chapters presented in this volume.

The political impact of scandal

Knowledge of the political impact of scandals comes largely from studies of the US and UK, although there is a growing literature looking at scandal cross-nationally. The literature on the impact of scandal and shows that, despite a great deal of public knowledge/awareness of scandal and condemnation of politicians' behaviour, scandals are rarely the electoral and political earthquakes they are initially thought to be.

In the UK, scandals involving public figures have generally been labelled with the term 'sleaze', although Dunleavy and Weir (1995) delineate different types: alleged financial wrongdoing (including improprieties regarding lobbying, quangos, honours, 'jobs for the faithful', company directorships and party fundraising); unconventional sexual behaviour; and salary increases for 'fat cats' in the privatized public utilities. Thompson (1997) also distinguishes scandal by type: those involving sex, those involving money (usually fraud or corruption) and those involving an abuse of power, although modern scandals

frequently blur these boundaries. For example, in 1963 UK Secretary of State for War, John Profumo, who was married, had a brief sexual relationship with Christine Keeler. The scandal around his extra-marital affair was compounded by the allegation that Keeler had a relationship with a Soviet attaché, and her relationship with Profumo – during the peak of the Cold War – was a means to access top-secret British military intelligence. More recently, former US presidential candidate John Edwards admitted to a sexual relationship with Rielle Hunter, with whom he also had a child, while married to Elizabeth Edwards. This sexual scandal also became a financial one when Edwards was later charged with violating US campaign finance law for using campaign funds to cover up his relationship with Hunter.

Delineating the type of scandal matters because the impact or effect of scandal varies depending on both its type and the cultural context. In the US, moral violations have been shown to result in the most severe electoral consequences and conflict of interest the least, 'bringing about essentially no retribution' (Peters and Welch 1980: 703). However, with respect to the 1997 UK general election, Farrell *et al.* (1998: 88) find that 'financial and sexual scandals were of about equal importance in the minds of voters, although neither resulted in any major shifts in votes'. They go on to point out however, that prior to the 1990s, 'almost all British scandals were concerned with sex, not money, while the opposite was closer to the truth in the US (King 1986). It may be that voters punish the types of scandals they are least familiar with in their particular polity.' (1998: 91) Drawing on these insights then, we would expect to find significant effects of the expenses scandal on electoral outcomes; however, as shown in chapters 4 and 5, the effects are relatively muted.

Research into the effects of political scandal on politicians' electoral success or failure reports mixed findings, but overall tends to suggest that effects are limited (Alford *et al.* 1994; Jacobson and Dimock 1994; Farrell *et al.* 1998). Several theories have been suggested to account for the low impact of scandal on vote share, including uninformed voters (Klasnja 2011), cognitive dissonance (Dimock and Jacobson 1995) and implicit trading (Rundquist *et al.* 1977) Together, these suggest that while better informed voters may sometimes be less likely to vote for corrupt politicians, partisan and issue-based priorities often take precedence over scandal in determining vote choice. Herrick (2000) argues that the minimal effect of scandal on incumbents' chances of re-election is often due to members' degree of electoral security. While association with scandal tends to lead to a decline in vote share, this regularly fails to do away with members' majorities altogether.

For example, the British 1997 general election followed a torrent of sleaze allegations directed at the incumbent Conservative Party and saw a landslide win for New Labour. That year, average Tory vote loss across all seats was 11.8%, compared to 13.5% in Conservative constituencies where the MP had been subject to an allegation of sleaze (Farrell *et al.* 1998: 789).¹¹ However, the net electoral effect of sleaze allegations was much reduced when comparing predicted and actual electoral outcomes. While sleaze played a partial role in motivating defections by Conservative voters in 1997, 'it was overshadowed by other issues, such as economic management and, most important of all, education' (Farrell *et al.* 1998: 90).

Similar findings have been reported relating to the 1992 US House Bank scandal. Despite public expectations of disastrous consequences for those caught up in the scandal, Alford *et al.* (1994: 799) find 'practically no effect of the scandal on reelection. While numerous challengers used the issue in their campaigns and many political observers braced for the impact of the Banking scandal, the issue did not appear to resonate with voters.' At the 1992 US congressional elections, over 80% of offending incumbents were re-elected (Alford *et al.* 1994; Dimock and Jacobson 1995). Furthermore, the majority of those who failed to secure re-election ran in re-drawn districts and five had to contend with fellow incumbents (Alford *et al.* 1994: 789). Ahuja *et al.* (1994: 920) conclude that for the few who were ousted, 'it was usually because they were opposed by a politically experienced, well-financed challenger not a novice' (see also Abramowitz 1991). Therefore, had redistricting and the associated quality of challengers not been factors, the number of check-kiting incumbents gaining re-election may have been even higher.

The effects of individual (rather than institution-wide) scandals are also somewhat limited. The average loss in vote share for US House incumbents facing allegations or charged with corruption has remained relatively low: between 6 and 11% from 1968 and 1978, and at 9% from 1982–1990 (Welch and Hibbing 1980; 1997). Welch and Hibbing (1997) also show that during the period 1982–1990, the vast majority, 75%, of corruption-charged US House Representatives competing in general elections were successfully re-elected. However, 25% lost, compared to just under 3% of other incumbents. So while the loss in vote share wasn't substantial, it was enough to have a sizeable effect on re-election rates compared to 'clean' politicians. Welch and Hibbing suggest therefore that 'the common wisdom that corrupt politicians continue to go unpunished is not altogether on target' (1997: 237).

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