

Parliamentary Commissioner for Standards: oversight of investigations conducted under the ICGS ('Oversight agreement')

1. Commissioner's oversight

Standing Order No. 150(2)(f) provides that the Parliamentary Commissioner for Standards (PCS) has a duty to oversee investigations and make findings in cases against Members under the Independent Complaints and Grievance Scheme (ICGS) (see Appendix 1).

2. Commissioner's approach to oversight

As decision-maker in ICGS cases with MP respondents, the PCS maintains a clear degree of separation from the investigation while it is in progress. The ICGS are responsible for the timeliness and quality of investigations.

The PCS's oversight is therefore limited to reviewing any initial and full assessment reports¹ and accompanying evidence in line with the ICGS policies and procedures set out below.

The ICGS will notify the Commissioner of any complaint as soon as it is passed to an independent investigator; including the name of the respondent, date of complaint and broad facts of the complaint.

3. Relevant ICGS policies and procedures

The ICGS's Bullying and Harassment (B&H) Procedure (replicated in the ICGS's Sexual Misconduct (SM) Procedure (paragraphs 6.3 and 8.2)) states:

4.7 In the case of complaints made against an MP, the Parliamentary Commissioner for Standards will have been notified of the complaint as soon as it is passed to an investigator. She has oversight of the investigation under the Standing Orders of the House of Commons from the receipt of the initial assessment until delivery of the final report, and of any proposed informal resolution.

7.2 For complaints against an MP, in addition to any review requested by the complainant a review of an initial assessment will be carried out by the Parliamentary Commissioner for Standards. If a review finds that the decision on the initial assessment was flawed, the case will generally be re-assessed by a different Independent Investigator.

The ICGS's B&H Policy (replicated in the SM Policy (paragraph 7.1)) states:

7.1... If the ICGS team (or in the case of an MP the Parliamentary Commissioner for Standards) considers that there are significant errors or omissions in the report or concurs with the view that the findings are unreasonable or perverse, the report may be rejected and a new Independent Investigator appointed to carry out the formal assessment.

4. Initial assessments

The PCS will review each Initial Assessment report (IA) and notify the ICGS team with reasoning if he finds that the decision on the IA was flawed. However, in line with ICGS policies, the final decision rests with the independent investigator as to whether the investigation progresses to full assessment.

¹ The terms "full assessment report" (used in ICGS guidance) and "formal assessment report" (used in ICGS's policies and procedures) are interchangeable.

The ICGS will update the party/parties as to the outcome of the initial assessment.

5. Informal resolution

Should the independent investigator conduct an informal resolution process, on completion of that process the ICGS team will write to the PCS setting out:

- a) the chronology of the informal resolution process;
- b) whether the informal resolution process has been successful;
- c) if applicable, confirmation that both parties have agreed to informal resolution, and the details of any agreement;
- d) if applicable, an explanation of why informal resolution has failed; and
- e) any next steps.

6. Full assessments

The PCS will review the full assessment report and supporting evidence when it is referred to him for his decision-making after the factual accuracy checking stage has completed.

In line with ICGS procedures (see 1, above), if the PCS considers that there are significant errors or omissions in the report or concurs with the view that the findings are unreasonable or perverse, the report may be rejected and referred back to the ICGS.

If PCS rejects a full assessment report, ICGS will decide the next steps, which may include appointing a new investigator, and ICGS will provide PCS with their reasoning.

7. Investigation timelines (see Schedule)

ICGS will provide updates to the PCS on key milestones during the investigation, for information only.

At the point at which the full assessment report is referred to the PCS for his decision-making, the ICGS will supply the PCS with a complete timeline of each investigation including all milestones and decision-making during the investigation. The ICGS shall include and explain in that timeline any delays and pauses during the investigation.

8. Communication and feedback

Throughout the duration of the case, the ICGS and the Office of the Parliamentary Commissioner for Standards (OPCS) will, where appropriate, share information to support the effective delivery of their respective functions.

At the conclusion of an investigation, ICGS and OPCS will conduct separate debriefs and share any relevant reflections or learnings from those debriefs with each other.

9. Review and amendment of this policy

This policy will be reviewed annually, or earlier at the request of either PCS or the ICGS Director in order to consider any proposed major changes.

Minor variations to practice covered by this policy can be agreed and recorded by the ICGS Director and PCS.

Schedule: Investigation timelines (paragraph 7, Oversight agreement)

1. Timeline (to be provided by ICGS to OPCS with the full assessment report) to include:

- Timescale set by ICGS in the particular case for initial assessment, full assessment report, factual accuracy checking and completion; and performance against that timescale, with reasoning for any delays
- Date disclosure received by ICGS team
- Date allocated to investigator for initial assessment
- Date initial assessment sent to PCS
- Date Initial Assessment report and outcome letter is sent to the complainant
- Date draft full assessment report (FAR) shared with parties for factual accuracy checking (FAC)
- Date FAC addendum received from the investigator
- Date finalised FAR is provided to OPCS

2. Investigation log

ICGS will provide OPCS with the investigation log to show:

- Dates of all investigative actions undertaken during full assessment, including:
 - parties and witnesses contacted for interview
 - parties and witnesses interviewed (with explanatory reasoning, if there have been delays to any interviews)
 - witness statements and transcripts agreed
 - parties or witnesses' requests for postponement/extensions
- Dates of any ICGS decisions to pause and/or extend deadlines for parties, with brief reasoning
- Dates of any external medical reports about parties' health received
- Dates independent occupational health assessments requested and received (and made available to subject)
- Dates comments received from parties at FAC stage
- Dates and description of ICGS/independent investigator contact with parties and witnesses throughout; and
- Any other decision or event that PCS should be aware of in order to be sighted on the progress of an investigation.

ICGS will also provide OPCS with the case review reports for the investigation to demonstrate the steps taken to identify and address any delays during the investigation.

3. ICGS updates to OPCS during an investigation

ICGS will update OPCS monthly (or more frequent if necessary in the circumstances of the case, for example where a development has or is reasonably likely to have a material impact on the case) on the information contained in the above timeline, as relevant.

**Appendix 1: Authority in respect of Parliamentary Commissioner for Standards'
Oversight of ICGS cases with MP respondents**

Standing Order No.150:

(2) The principal duties of the Commissioner shall be—

[...]

(f) to oversee investigations and make findings in cases against Members under the Independent Complaints and Grievance Scheme; to refer such cases to the Independent Panel of Experts where a sanction beyond his powers is contemplated; and to assist the Panel and its sub-panels in its work