

COMPLAINTS POLICY

Complaints
against
Compliance
Officer for IPSA

COMPLIANCE OFFICER FOR THE INDEPENDENT PARLIAMENTARY STANDARDS AUTHORITY

COMPLAINTS POLICY

1. Introduction

- 1.1 The purpose of this policy is to set out how the Compliance Officer assesses and responds to complaints.
- 1.2 Anyone affected by something the Compliance Officer has done or failed to do can make a complaint under this policy (subject to section 6 below). How to complain and details of the Compliance Officer's procedure are set out below along with how you can expect the Compliance Officer to handle your complaint.

2. The role of the Compliance Officer

- 2.1 The post of Compliance Officer was established by the Parliamentary Standards Act 2009 (as amended by the Constitutional Reform and Governance Act 2010) and the Compliance Officer's duties and powers are defined in the Act.
- 2.2 The Compliance Officer is an independent statutory office holder. The Compliance Officer is responsible for investigating complaints regarding MPs' business costs and expenses paid to MPs by the Independent Parliamentary Standards Authority.
- 2.3 The Compliance Officer reports to, but is not directed by, IPSA's Board, who also provide funding for the exercise of the Compliance Officer's duties, in accordance with the Act. The Compliance Officer is wholly independent from IPSA on a day-to-day basis, although a close working relationship is necessitated.

3. What is a complaint?

- 3.1 The Compliance Officer regards a complaint as being any expression of dissatisfaction about something the Compliance Officer or the Compliance Officer's staff have done or failed to do.
- 3.2 The Compliance Officer is committed to providing a high-quality service. If the Compliance Officer fails to meet these high standards, the Compliance Officer wants to hear about it to respond to your concerns, put things right and learn lessons for the future.
- 3.3 The Compliance Officer takes all complaints seriously and aims to deal with them promptly and fairly.

4. How to make a complaint about the Compliance Officer

- 4.1 Complaints can be made [verbally or] in writing and there is no difference between a "formal" and an "informal" complaint. You do not need to explicitly state that you are making a formal complaint for it to be considered as such.
- 4.2 You can use any of the following methods to make a complaint:

Email compliance@theipsa.org.uk

Post Compliance Officer for IPSA
2nd Floor
85 Strand
London
WCR 0DW

Telephone 020 7811 6460
The office is open between 9am and 5pm, Monday to Friday.

4.3 If, for any reason, you are unable to make the complaint yourself, a representative (such as a friend or family member) may make a complaint on your behalf. In this case your representative should explain why you are unable to make the complaint yourself. The Compliance Officer may need to contact you directly to confirm that you have consented to your representative acting on your behalf. You can tell the Compliance Officer at any stage if you no longer want that person to represent you.

4.4 If you have a disability or accessibility needs, we can make reasonable adjustments for you. For example, we can take your comments over the phone, rather than you having to put it in writing. Please tell us if you have any requirements so we can adjust our process to you.

4.5 In order to ensure that complaints are dealt with properly, the Compliance Officer will not usually accept complaints that are made more than 12 months after the event being complained of (or 12 months after the event being brought to our attention).

5. **What information you need to provide**

5.1 To help us to resolve the issue efficiently and fairly, please provide the following information in your complaint:

- (a) your full name.
- (b) your contact details (including address, email address and telephone number).
- (c) how you would like us to contact you in relation to your complaint.
- (d) a detailed description of your complaint and what you think went wrong.
- (e) what you would like the Compliance Officer to do to resolve the matter; and
- (f) copies of any documents related to the complaint.

6. **Complaints outside the scope of this document**

6.1 This document does not apply to decisions where a right of appeal/legal recourse is available.

6.2 The Compliance Officer will not normally investigate matters raised that should only be reviewed by the courts, such as how statutory functions have been exercised, and the decisions taken and conclusions drawn, in exercising statutory functions. [It is normally inappropriate for the Compliance Officer to investigate such matters because the courts are the proper body]. In addition, the Compliance Officer

cannot retrospectively change the outcome of the exercise of statutory functions, and so complaints' investigations would not usually be a good use of public money].

- 6.3 Examples of matters that the Compliance Officer will not normally investigate are:
- (a) the decision whether to initiate an investigation;
 - (b) the substantive content, and particularly the findings and conclusions, of any published Statements of Findings or Statements of Provisional Findings; and
 - (c) decisions that were taken in the production of published Statements of Findings or Statements of Provisional Findings, and the processes that were used.
- 6.4 Challenges to decisions that are subject to a statutory appeal process should be made through the prescribed statutory appeals process.
- 6.5 Complaints that the Compliance Officer has failed to meet obligations under the Freedom of Information Act 2000 and/or data protection legislation are subject to a distinct formal process. If your complaint relates to Freedom of Information, please follow the process set out on the Compliance Officer's website [here](#). If your complaint relates to your rights under data protection legislation, please follow the process set out [here](#).
- 6.6 If your complaint is vexatious and/or repetitious, the Compliance Officer may refuse to consider it. The Compliance Officer defines a vexatious complaint as one which has no reasonable foundation or is otherwise a manifestly unjustified, inappropriate, or improper use of the complaints process.
- 6.7 The Compliance Officer defines a repetitious request as one which:
- (a) is substantially the same as a previous complaint (whether made by or on behalf of the same or a different complainant);
 - (b) contains no fresh allegations which significantly affect the account of the previous complaint; or
 - (c) is supported by no fresh evidence, being evidence, which was not reasonably available at the time the previous complaint was made.
- 6.8 This document does not apply to complaints regarding payments to MPs that are suspected or alleged to be outside the rules of the Scheme, or requests by a MP for the Compliance Officer to review a determination by IPSA that a claim is to be refused or that only part of the amount claimed is to be allowed. The procedures relating to these matters are available on the Compliance Officer's website [www.ipsacompliance.org].
- 6.9 The Compliance Officer cannot investigate whether or not an MP has broken the MP's Code of Conduct, which is administered by the Parliamentary Commissioner for Standards.
7. **How the Compliance Officer will handle your complaint**
- 7.1 The Compliance Officer aims to acknowledge your complaint within five working days. That acknowledgement will provide an indication as to when you can expect to receive a reply. If the

Compliance Officer cannot investigate your complaint, the Compliance Officer will write to you explaining why. If possible, the Compliance Officer will suggest another organisation that may be able to help you if the Compliance Officer cannot.

- 7.2 The Compliance Officer will give serious consideration to the issues you raise. Where the Compliance Officer identifies mistakes, the Compliance Officer will acknowledge those and this may include providing an apology, setting out details of other steps considered necessary in the circumstances, and explaining what will be done to prevent the problem occurring again.
- 7.3 The Compliance Officer expects to respond to the majority of complaints within 20 working days of receiving the complaint. The time taken to respond will vary depending on the complexity of the complaint.
- 7.4 If the Compliance Officer is unable to respond within 20 working days because, for example, the matters you raise require more detailed investigation, the Compliance Officer will let you know.
- 7.5 The Compliance Officer reserves the right to suspend a complaint if at any stage it becomes clear that there are on-going investigations by other public bodies or criminal or civil proceedings related to the subject matter of the complaint which should be completed before any investigation is commenced.

8. **What to do if you are unsatisfied with the way your complaint was handled**

- 8.1 The Compliance Officer will make every effort to resolve your complaint in a satisfactory manner in the first instance. However, if you are not satisfied with the response or with the way that your complaint was handled, please make this known to the Compliance Officer using one of the contact methods referred to in paragraph 4.2 above. The Compliance Officer will arrange for the Chair of the IPSA Board to appoint an independent third party to conduct the review. [For this purpose, the appointed person will be someone who was not previously involved in handling your complaint]. This will involve a detailed review of the handling of your complaint and associated papers. The outcome of this review will be communicated to you in writing.

9. **Contact**

- 9.1 If you have any queries or comments about the contents of this policy, please contact the Compliance Officer using the details below:

Email compliance@theipsa.org.uk

Post Compliance Officer for IPSA
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