



FREEDOM OF INFORMATION REQUEST	
Reference Number:	COM-1040
Date of disclosure:	3 December 2015
Request summary:	Details of all complaints handled by the Compliance Officer for IPSA
Exemptions used:	Section 40 (personal information)

## ORIGINAL REQUEST

- In the link below it shows a breakdown of the 40 complaints received and handled by the compliance office in 2014/15. Can you provide more information about the nature of the complaints, broken down by each of these sources and identify the results that came from those cases – for example what was claimed that prompted the complaint, which MP made the claim and how much for and what was the result in each case – did IPSA refuse to pay a claim or did it result in a repayment to IPSA?*

<http://www.parliamentarycompliance.org.uk/transparency/CaseHandlingStatistics/2014-15/Case%20handling%20statistics%20-%202014-15.pdf>

- Can IPSA also provide the same information for as many previous consecutive financial years as possible within cost limits?*

## ORIGINAL RESPONSE

The Compliance Officer for IPSA holds the information that you request.

### **Role of the Compliance Officer for IPSA**

As you will be aware, the Compliance Officer is an independent office-holder created under the Parliamentary Standards Act 2009, as amended by the Constitutional Reform and Governance Act 2010. The position is independent from IPSA, although a close working relationship is necessitated for obvious reasons.

The Compliance Officer's remit is defined in statute and is to:

- conduct an investigation if he has reason to believe that an MP may have been paid an amount under the *MPs' Scheme of Business Costs and Expenses* ('the Scheme') that should not have been allowed; and
- at the request of an MP, review a determination by IPSA to refuse reimbursement for an expense claim, in whole or in part.

The Compliance Officer may open an investigation following receipt of a complaint from a member of the public about a payment to an MP that is suspected or alleged to be outside the rules of the Scheme, or if he receives a request from IPSA or an MP to investigate a payment. He may also conduct an investigation on his own initiative, providing he has reason to believe that an MP may have received a payment that should not have been allowed.

The Compliance Officer may reject a complaint if he considers it unfair or disproportionate to investigate. Reasons for this decision may include:

- the complaint is trivial or vexatious;
- the complaint does not relate to a claim for payment under the Scheme;

3. the complaint repeats allegations that have already been the subject of an investigation; or
4. the complaint is anonymous and there is no other good reason to investigate.

In most cases, complaints relate to a misunderstanding of what MPs are permitted to claim for and analysis of information provided to the Compliance Officer by IPSA demonstrates that there is no breach of the Scheme by the MP in question. In these instances, the Compliance Officer is able to resolve matters prior to the opening of an investigation to the satisfaction of all parties, without the need to resort to the more formal investigative process.

If analysis of the information provided by the complainant and IPSA leads the Compliance Officer to believe there may have been a breach of the Scheme, or if a larger amount of work is required to determine whether or not there has been a breach of the Scheme, then the Compliance Officer will open an investigation.

You can find more information about the complaints process on the Compliance Officer's website, at the following address:

<http://www.parliamentarycompliance.org.uk/makingacomplaint>.

#### **What is currently publicly available?**

Under the [Procedures for Investigation by the Compliance Officer for IPSA](#) ('the Procedures'), details of all investigations are published on the website at their outset. At the end of the investigation, a Provisional Statement of Findings is published, followed by any formal representations made by either IPSA or the MP with respect to the Provisional Findings. If representations are made, a Statement of Findings and a Closure Report are published. If any Penalty Notices have been issued, these are also published.

Details of all open and closed investigations can be found at the following address:

<http://www.parliamentarycompliance.org.uk/transparency/Pages/open-and-closed-investigations.aspx>

At the end of each financial year, the Compliance Officer's annual report contains a summary of all complaints handled over the financial year. The Compliance Officer's annual reports are contained within IPSA's annual report and can be found on IPSA's website at the following address: <http://parliamentarystandards.org.uk/transparency/Pages/Corporate-reports-and-publications.aspx>. For reference, the report for the 2014-15 financial year will be published on 3 December 2015.

#### **Further details on complaints made to the Compliance Officer**

As you will note from the Procedures, we only publish information on complaints where the Compliance Officer has reason to believe there may have been a breach of the Scheme, and a formal investigation is opened.

In the majority of cases, complaints contain little or no evidence of any Scheme breach and are therefore closed prior to an investigation. In these instances, we must have regard to the Data Protection Act (DPA) which specifies that personal data (such as the names of MPs) should not be 'processed' (or disclosed) where it would not be 'fair and lawful'. We must strike a balance between protecting the rights of individuals where there is no evidence of wrongdoing versus ensuring transparency and public accountability where there is reason to believe there may have been a breach of the Scheme's rules.

The information attached at [Annex A \(click here to view\)](#) provides details of all complaints that we have handled in the financial years 2012-13, 2013-14 and 2014-15, including:

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- The date of the complaint;
- The source of the complaint (by category);
- A brief description of the allegation or complaint;
- The outcome; and
- The reason for the outcome.

We have withheld the personal identities of both the complainants and the MPs (except for instances where the information is already publicly available). As noted earlier, this information is considered personal data under the terms of the DPA. As such, we are required by legislation to consider whether or not it would be fair and lawful to disclose this information.

A significant proportion of complaints received are malicious in nature, designed to tarnish the reputation of the MP with little, if any, supporting evidence. We do not believe it would be 'fair' – under the definition proscribed in the DPA – nor in the public interest, to disclose the MPs' names, indirectly associating them with such complaints. As a result, we have engaged the exemption at section 40(2) of the FOIA to withhold this information. Section 40(2) provides that personal information about third parties is exempt information if disclosure would breach the fair processing principle (Principle 1) of the DPA, where it would be unfair to those persons or is confidential. Further information on personal data and its relationship with the FOIA can be found via [ICO guidance](#).