



**Metropolitan Police Authority**

**THE LOCAL ASSESSMENT OF COMPLAINTS ABOUT  
MEMBER CONDUCT**

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## INTRODUCTION

1. This document explains the process to be followed on a complaint that any of the 23 Members of the Metropolitan Police Authority (MPA) or any of the MPA Standards Committee's Independent Members has breached, or failed to comply with, the MPA's Code of Conduct.
2. There are 23 members of the Metropolitan Police Authority. 11 of them are elected members of the London Assembly. The Mayor of London is a member and chair of the MPA. The remaining 11 members are "independent" members appointed by the MPA itself or by Home Secretary (1 member) and the names of these elected Members can be found by visiting the following link: [XXXXXXXXXXXXXXXXXXXXXXXXXXXX](#).
3. These Members must comply with the MPA's Code of Conduct, which sets out the standards of behaviour and conduct required of MPA Members. The MPA's Code of Conduct also applies to the independent members who only sit on the MPA's Standards Committee.
4. The MPA's Code of Conduct is available on the MPA's website by visiting the following link: [XXXXXXXXXXXXXXXXXXXXXXXXXXXX](#).
5. The MPA's Standards Committee is responsible for promoting and maintaining high standards of behaviour by the MPA's members. It is made up of xx Members of the MPA, and two independent members. The names of the Members of the MPA's Standards Committee can be found by visiting the following link: [XXXXXXXXXXXXXXXXXXXXXXXXXXXX](#).
6. Complaints should be made to the MPA about the conduct of members of the MPA who are also elected members of the Greater London Authority and the Mayor of London where their conduct as members of the MPA is in question. However, if the complaint is about their conduct as members of the Greater London Authority it should be addressed to the GLA Head of Law and Monitoring Officer.

### **Summary of how the Local Assessment Process works**

7. There are up to seven key stages in the Local Assessment Process, although a complaint may not go through all of the seven stages.

#### Stage 1 - Making a complaint

A complaint must be made in writing to the MPA.

#### Stage 2 – Early informal resolution

If possible, the MPA will normally try to resolve a complaint informally.

### Stage 3 - Initial assessment of your complaint

After it is received, and if it cannot be resolved informally, the complaint will be sent to a group of three members of the MPA's Standards Committee (known as the Assessment Sub-Committee), who will meet to consider and decide what should be done about the complaint.

### Stage 4 – Reviewing the decision

If the Assessment Sub-Committee decides that **no action** should be taken on the complaint, the complainant can write to the MPA and ask for a review of this decision. The request for review will be sent to the Review Sub-Committee, which is a different group of three members of the MPA's Standards Committee. The Review Sub-Committee will decide whether action should or should not be taken on the original complaint.

### Stage 5- Action taken following the Assessment or Review Sub-Committee meetings

If the Assessment Sub-Committee, or the Review Sub-Committee, decide that action should be taken on a complaint, there are a number of options available to them, including directing the MPA's Monitoring Officer, or asking the Standards Board for England, to investigate the complaint and produce an investigation report. (The MPA's Monitoring Officer is the Head of Corporate Secretariat and Monitoring Officer and has various legal duties to ensure that the MPA and its members comply with the law).

### Stage 6 - Considering investigation reports at a committee meeting

If the MPA's Monitoring Officer, or the Standards Board for England, do investigate a complaint, the investigation report will be considered by the MPA's Standards Committee. The Standards Committee will decide whether the complaint should be considered further

### Stage 7 - Hearing the complaint

If the decision is that a complaint should be considered further, the complaint may be considered at a "hearing" that will be held either by the MPA's Standards Committee, or a Hearings Sub-Committee. If the hearing concludes that the member complained about has breached the MPA's Code of Conduct, it can take various actions against the member, including, for example, criticising them, requiring them to apologise or attend training, or suspending them (please go to paragraph 7.11 below for more details).

## **STAGE 1**

### **HOW A COMPLAINT ABOUT MEMBER CONDUCT MUST BE MADE & WHAT THE COMPLAINANT AND THE MEMBER ARE TOLD AFTER A COMPLAINT IS MADE**

#### **How to complain**

- 1.1 Anyone can complain that a member of the MPA (the Mayor of London, the 11 Assembly Members, or any of the Independent Members of the MPA or the MPA Standards Committee) has breached the MPA's Code of Conduct. The complaint must be made in writing.
- 1.2 This can be done by completing a complaint form and submitting this online by visiting the following link: xxxxxxxxxxxxxxxxxxxxxxxxxxxx. Alternatively, the MPA will provide a paper copy of the complaint form. The form explains what information should be included in the complaint.
- 1.3 A complainant is not, however, required to use the complaint form, and can make a complaint by writing to:

*The Metropolitan Police Authority  
Head of Corporate Secretariat and Monitoring Officer,  
10 Dean Farrar Street,  
London SW1H 0NY*

- 1.4 A complaint should clearly set out the following information:
  - The name of the member whom the complainant believes has breached the Code of Conduct;
  - What the member has done that the complainant believes breaches the Code of Conduct, and which paragraphs of the Code they believe the member has breached;
  - It should be specific, wherever possible, about exactly what it is alleged the member said or did. For instance, instead of writing that the member was insulting, the complaint should state what it was they said;
  - It should provide the dates of the alleged incidents wherever possible, or if that is not possible, a general timeframe;
  - It should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible;
  - It should provide any relevant background information;
  - The complainant may say what action they think would be appropriate to resolve the complaint;

- Whether the complainant would like to ask that their identity and the details of the complaint should be kept from the member(s) complained about.

**What happens once a complaint is submitted?**

- 1.5 All complaints about member conduct will go to the MPA's Monitoring Officer.
- 1.6 If the Monitoring Officer is unsure whether it is actually a complaint, he will contact the complainant to clarify it.

**What the complainant and the member are told next**

- 1.7 If the Monitoring Officer is clear that it is a complaint that an MPA member has breached the MPA's Code of Conduct, he will normally try to resolve the complaint informally. Please see Stage 2 below.
- 1.8 If informal resolution is not appropriate or is unsuccessful, the Monitoring Officer will:
- (i) write to the complainant to acknowledge that he has received the formal complaint;
- and
- (ii) will, unless there are good reasons not to, write to the member complained about:
    - (a) stating that a complaint has been made against them;
    - (b) providing them with the complainant's name (unless the complainant has asked that this information is not provided and there are good reasons not to provide it);
    - (c) stating the relevant paragraphs of the Code it is alleged the member has breached;
    - (d) stating that the complaint will be considered by the Assessment Sub-Committee and the date of this meeting if known; and
    - (e) stating that a written summary of the complaint may be provided to the member by the Assessment Sub-Committee

AND

- (iii) will prepare a short summary of the complaint for the Assessment Sub-Committee .

## **STAGE 2**

### **EARLY INFORMAL RESOLUTION**

- 2.1 This will involve the MPA's Monitoring Officer communicating with the complainant and the member complained about, to find out if the complaint can be resolved without being referred to the Assessment Sub-Committee (see Stage 3).
- 2.2 There will be a whole range of actions that may be appropriate to try and resolve a complaint informally.
- 2.3 Some examples are – the Monitoring Officer having a discussion with the member complained about; arranging for the member to do something which the complainant has asked them to do; arranging a discussion between the complainant and the member; obtaining an apology from the member; arranging education or training etc.

## **STAGE 3**

### **INITIAL ASSESSMENT BY THE ASSESSMENT SUB-COMMITTEE**

#### **Publication of a complaint and papers for the Assessment Sub-Committee meeting**

- 3.1 The Monitoring Officer must send a complaint and his summary of the complaint as confidential attachments to a report to the Assessment Sub-Committee.
- 3.2 The report will be published as an item on the agenda of the Assessment Sub-Committee's meeting no later than five clear working days before the meeting or, if this is not possible, as far in advance of the meeting as is reasonably possible. The confidential attachments will not, however, be published.

#### **Membership of the Assessment Sub-Committee and decision making**

- 3.3 The MPA's Assessment Sub-Committee will be made up of three members of the MPA's Standards Committee. At least one of them must be an Independent Member of the Standards Committee, who must Chair the meeting. At least one of them must be a member of the Authority.
- 3.4 To be able to take any decisions on a complaint, all three of the members must be present for the whole of the meeting.

- 3.5 Decisions of the Assessment Sub-Committee will be taken by majority vote.
- 3.6 The Assessment Sub-Committee must make a decision on a complaint within (on average) 20 working days of the date that the MPA received the complaint.

**Who can attend the meeting?**

- 3.7 The only people at the meeting will be the members of the Assessment Sub-Committee and relevant MPA staff.

**What is considered at the meeting?**

Considering whether to give the member complained about a written summary of the complaint

- 3.9 Before it starts to assess a complaint, the Assessment Sub-Committee will first decide whether a written summary of the complaint should be provided to the member complained about.
- 3.10 When making this decision, the Assessment Sub-Committee must consider whether providing a summary, or any details of the complaint, would be against the public interest or would undermine a person's ability to investigate your complaint (as this may necessary at a later stage). The Assessment Sub-Committee will also have regard to the Standards Board for England's Guidance, and any advice from the Monitoring Officer.
- 3.11 If the Assessment Sub-Committee decides that a written summary of the complaint can be provided to the member, this will be sent by email to that member before the sub-committee proceeds to assess the complaint in detail.
- 3.12 If the Assessment Sub-Committee decides that a written summary of the complaint must not be provided to the member, the sub-committee will decide what details, if any, the member should be provided with following the meeting.
- 3.13 As a general rule, the identity of the person making the complaint will be disclosed to the member who is complained about. If the complainant has asked for their identity not to be disclosed, that will be considered by the Assessment Sub-Committee.
- 3.14 The Sub-Committee is unlikely to withhold identity or the details of a complaint unless the Complainant has shown that they have good reason to believe that:

- They will be at risk of physical harm if their identity is disclosed;

- They work closely with the member complained about and the complaint could have consequences for their future employment; or
- They suffer from a serious health condition and there are medical risks associated with identity being disclosed.

3.15 Requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Assessment Sub-Committee will consider the request alongside the substance of the complaint. If a request for confidentiality is not granted, the MPA will usually allow the complainant the option of withdrawing the complaint.

### **Assessing a complaint and making a decision**

3.16 The Assessment Sub-Committee will assess all complaints on a case-by-case basis and, in doing this, will also take into account relevant guidance of the Standards Board for England, and professional advice from MPA staff.

3.17 It will also take into account any relevant criteria and factors that, over the course of time, the MPA's Standards Committee decides should be considered at meetings of the Assessment Sub-Committee. The Standards Committee has adopted the following criteria that will be used to assess complaints and decide whether they should be investigated:-

- Has the complainant submitted enough information to satisfy the Assessment Sub-Committee that the complaint should be referred for investigation or other action?
- Is the complaint about someone who is no longer a member of the Authority, but is a member of another authority? If so, the Assessment Sub-Committee may decide to refer the complaint to the monitoring officer of that other authority.
- Is the complaint about a member of the Authority but relating to his /her conduct as Mayor or as a member of the London Assembly? If so, the Assessment Sub-Committee may decide to refer the complaint to the monitoring officer of the Greater London Authority.
- Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct? Similarly, has the complaint been the subject of an investigation by other regulatory authorities?
- Is the complaint about something that happened so long ago that there would be little benefit in taking action now?
- Is the complaint too trivial to warrant further action?



- Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?
- 3.18 After assessing a complaint, the Assessment Sub-Committee must do one of the following:
- (a) decide that no action should be taken on the complaint; or
  - (b) decide that no action should be taken but ask the complainant to provide further information; or
  - (c) after speaking with the Monitoring Officer, pass the complaint to the Monitoring Officer-
    - (i) with an instruction to arrange for the member complained about to attend a training course; and/or for the complainant and that member to participate in mediation; and/or for other steps (not including an investigation) to be taken, which the Assessment Sub-Committee thinks are appropriate (see Stages 5-6 Section A below); or
    - (ii) with an instruction to arrange for a formal investigation of the complaint (see Stages 5-6 Section B below);
- or
- (d) pass the complaint to the Standards Board for England (see Stages 4-5 Section C below); or
  - (e) if the person complained about is no longer a member of the MPA but is a member of another authority (for example, the Greater London Authority or a councillor of a London borough), the sub-committee may pass the complaint to the Monitoring Officer of the other authority, if it considers that that is a more appropriate way of dealing with the complaint.
- 3.16 The Assessment Sub-Committee must record the main points it considered, its conclusion and the reasons for its conclusion.
- 3.17 Within 5 working days of making a decision, the Assessment Sub-Committee should provide the complainant and the member complained about with a written document, containing its decision. This is called a “Decision Notice.”
- 3.18 All Decision Notices should be signed on behalf of the Assessment Sub-Committee by a member (normally the Chair) of that committee, and should also be signed by the MPA’s Monitoring Officer.

The information in a Decision Notice - where the Member concerned **has** already been provided with a written summary of the allegation against them

3.19 Where the Member has already been provided with a written summary of the complaint (further to paragraphs 3.9 - 3.11 above), the Decision Notice should contain the written summary of the complaint, and:

- must record the main points the Assessment Sub-Committee considered, the sub-committee's conclusion and the reasons for its conclusion,
- must state (where the matter is to be passed to the Monitoring Officer or the Standards Board for England for investigation) that the matter has been passed over and give the member complained about the opportunity to comment on the complaint, unless the sub-committee instructs that it is against the public interest, or would undermine any investigation into the complaint to do this, and
- must be prepared having regard to any relevant guidance of the Standards Board for England, and any professional advice from MPA staff.

And may:

- give the name of the member complained about, unless the sub-committee decides that releasing the member's name publicly is not in the public interest, or would undermine any investigation into the allegation.

The information in a Decision Notice - where the Member concerned **has not** already been provided with a written summary of the allegation against them

3.21 Where the member complained about has not already been provided with a written summary of the complaint, the information contained in the Decision Notice will depend upon (i) how much information about the complaint the member has already been provided with, and (ii) whether the Monitoring Officer thinks (after speaking with the Chair of the Assessment Sub-Committee) that further details can be supplied, taking into account the public interest and whether providing further details would undermine a person's ability to investigate the complaint.

**Decision Notices are made public**

3.22 After the Decision Notice has been sent to the complainant and the member complained about, the MPA must publish the Decision Notice so that it is available for public inspection at the MPA offices for a period of six years from the date of the Assessment Sub-Committee's meeting.

**Assessment Sub-Committee's decision of 'no action' and complainant's right to ask for a review of that decision**

- 3.23 Where the Assessment Sub-Committee has decided that no action should be taken on a complaint, the complainant has a legal right to ask for a review of the Assessment Sub-Committee's decision.

**STAGE 4 - REVIEW**

**THE REVIEW PROCESS AND THE REVIEW SUB-COMMITTEE**

- 4.1 A request from the complainant for a review must be in writing, and must be received by the MPA's Monitoring Officer no later than 30 calendar days after the date on which the complainant was provided with a 'no action' Decision Notice.
- 4.2 The Monitoring Officer must send the request for a review and any other relevant papers as confidential attachments to a report to the Review Sub-Committee.
- 4.3 The report will be published as an item on the agenda of the Review Sub-Committee's meeting no later than five clear working days before the meeting or, if this is not possible, as far in advance of the meeting as is reasonably possible. The confidential attachments will not, however, be published.

**Membership of the Review Sub-Committee and decision making**

- 4.4 The MPA's Review Sub-Committee will be made up of three members of the MPA's Standards Committee, who have not already assessed the complaint. At least one of them must be an Independent Member of the Standards Committee, who must Chair the meeting. At least one of them must be a member of the Authority.
- 4.5 To be able to take any decisions on a request for a review, all three of the Members must be present for the whole of the meeting.
- 4.6 Decisions of the Review Sub-Committee will be taken by majority vote.
- 4.7 The Review Sub-Committee will aim to make a decision on a request for a review within (on average) 20 working days of the date that the MPA received the request.
- 4.8 The only people at the meeting will be the Members of the Review Sub-Committee and staff of the MPA.

## What is considered at the meeting?

### Considering whether to provide the Member complained about with further details about the complaint

- 4.9 If, by the time the Review Sub-Committee meets, certain details about the complaint have not already been given to the member complained about, the Review Sub-Committee will consider whether further details about the complaint should be provided to the member. In taking this decision, the Review Sub-Committee will take into account advice from the MPA's Monitoring Officer, the public interest, and whether providing further details would undermine a person's ability to investigate the complaint.

### Considering the request for review

- 4.10 The Review Sub-Committee will assess all requests for review on a case-by-case basis and, in doing this, will also take into account relevant guidance of the Standards Board for England, and professional advice from MPA staff.
- 4.11 It will also take into account any relevant criteria and factors that, over the course of time, the MPA's Standards Committee decides should be considered at meetings of the Review Sub-Committee.
- 4.12 After having assessed a request, the Review Sub-Committee must do one of the following:
- (a) **Agree** with the Assessment Sub-Committee's decision and decide that no action should be taken on the complaint;

### OR

- (b) **Disagree** with the Assessment Sub-Committee's decision; and
- (i) after speaking with the Monitoring Officer, pass the complaint to the MPA's Monitoring Officer-
- i. with an instruction to arrange for the member to attend a training course; and/or for the complainant and the member to participate in mediation; and/or for other action (not including an investigation) to be taken which the Review Sub-Committee thinks is appropriate (see Stages 5-6 Section A below); or
  - ii. with an instruction to arrange for a formal investigation of the complaint (see Stages 5-6 Section B below); or

- (ii) pass the complaint to the Standards Board for England (see Stages 5-6 Section C below); or
- (iii) if the person is no longer a Member of the MPA but is a member of another relevant authority (for example, the London Assembly or a councillor of a London borough), the sub-committee may pass the complaint to the Monitoring Officer of the other authority, if it considers that that is a more appropriate way of dealing with the complaint.

4.13 The Review Sub-Committee must also record the main points it considered, its conclusion and the reasons for its conclusion.

4.14 The rules about Decision Notices that are explained at paragraphs 3.17 – 3.22 above, also apply to the decisions of the Review Sub-Committee.

#### **Review Sub-Committee’s decision to agree with the Assessment Sub-Committee’s “No Action” decision**

4.15 Where the Review Sub-Committee decides to agree with the Assessment Sub-Committee’s decision to take no action on a complaint, the complainant cannot pursue the complaint any further with the MPA. If this happens and the complainant is still unhappy, they could complain to the Local Government Ombudsman. (<http://www.lgo.org.uk/>)

### **STAGES 5 - 6**

#### **ACTION FOLLOWING ASSESSMENT OR REVIEW AND CONSIDERATION OF REPORTS**

##### **SECTION A. MONITORING OFFICER TO ARRANGE FOR STEPS OTHER THAN INVESTGATION TO BE TAKEN**

##### **Monitoring Officer – Duty to comply with instruction**

5/6.1 Where the Assessment Sub-Committee, or the Review Sub-Committee, after speaking with the Monitoring Officer, pass a complaint to the Monitoring Officer with an instruction:

- to arrange for the member complained about to attend a training course; and/or for
- the complainant and the member to participate in mediation; and/or

- for other action (not including an investigation) to be taken that the Assessment or Review Sub-Committees think appropriate

the Monitoring Officer must follow the instructions.

**Monitoring Officer power to pass a complaint back to the Assessment or Review Sub-Committee**

5/6.2 Where a matter has been passed to the Monitoring Officer (by the Assessment or Review Sub-Committees) to take action (not including investigation), the Monitoring Officer may pass the complaint back to the sub-committee that passed it to him:

- (i) if, because of new evidence or information, the Monitoring Officer considers that:
  - the complaint is more serious or less serious than the Assessment or Review Sub-Committee may have first thought when they decided to pass the complaint to the Monitoring Officer to take action not including investigation; and
  - the Assessment or Review Sub-Committee would not have decided to pass the complaint to the Monitoring Officer to take action not including investigation if it had been aware of the new evidence or information;

OR

- (ii) if the member complained about has died, is seriously ill, or has resigned from the MPA and the Monitoring Officer considers that, in this situation, it is no longer appropriate to continue with the action (not including investigation) that he has been instructed to take.

5/6.3 If the Monitoring Officer decides (under paragraph 5/6.2 above) to pass a complaint back to the sub-committee, that sub-committee will consider the issues and what do to with the complaint at a meeting. The sub-committee may decide to hold this meeting in private, and may also decide that the papers it considers at this meeting should not be available to the public.

5/6.4 In deciding what to do with a complaint in this situation, the sub-committee will consider the matter in the same way, and may make the same decisions, as are explained at paragraphs 3.13 - 3.16 above. However, in this situation, the sub-committee can instruct that the matter should not be passed back to it again.

**Where action is taken - Monitoring Officer must report on the actions they have taken**

- 5/6.5 If the Monitoring Officer does not pass a complaint back to the Assessment or Review Sub-Committee, but takes action on the complaint as instructed, the MPA's Monitoring Officer must produce a report and send this to the MPA's full Standards Committee (or to a sub-committee) giving details of the action they took or are going to take. The Monitoring Officer must do this no later than 3 months after the day on which the Monitoring Officer received an instruction to take any of the actions explained at paragraph 5/6.1 above (or, if this is not possible, as soon as is reasonably possible after this time).
- 5/6.6 The MPA's full Standards Committee (or a sub-committee) will consider the report at a meeting and may decide to hold this meeting in private, meaning that the complainant, the member complained about, and the press and the public will not be allowed to attend the meeting. The committee may also decide that the papers it considers at this meeting should not be available to the public.

### **The Committee's decision on the Monitoring Officer's report**

- 5/6.7 If the full Standards Committee (or a sub-committee) is not satisfied with the action taken by the Monitoring Officer, explained in their report, the committee will give another instruction to the Monitoring Officer.
- 5/6.8 If the committee is satisfied with the action taken by the Monitoring Officer, explained in their report, the committee will inform the following people in writing:
- The complainant ;
  - the member complained about.
- 5/6.9 The committee will decide whether its decision should be made available to the public.

## **SECTION B. MONITORING OFFICER TO INVESTIGATE A COMPLAINT AND MPA STANDARDS COMMITTEE'S CONSIDERATION OF THE REPORT**

### **Monitoring Officer power to delegate investigation**

- 5/6.10 Where the Assessment Sub-Committee, or the Review Sub-Committee pass a complaint with an instruction to the MPA Monitoring Officer to investigate it, the Monitoring Officer may decide not to investigate this personally, and may ask another suitable person (not employed by the Standards Board for England) to investigate.

### **Conducting the investigation**

5/6.11 In doing the investigation, the investigator must have regard to relevant guidance produced by the Standards Board for England, and any instructions given by the Standards Board for England.

5/6.12 In doing the investigation, the investigator can require the complainant, the member complained about, and other relevant people to provide them with information or explanations. If asked to do this, the complainant and others must co-operate and if they have any objections, they must make these in writing to the investigator.

### **Release of information obtained by the investigator**

5/6.13 Generally speaking, information that the investigator obtains in doing their investigation will only be released to individuals or organisations where this will allow the complaint to be dealt with properly.

### **Monitoring Officer power to refer back to Assessment or Review Sub-Committee**

5/6.14 Where a complaint has been passed to the Monitoring Officer (by the Assessment or Review Sub-Committees) for investigation, the Monitoring Officer may, during the investigation, pass the matter back to the sub-committee that passed it to them:

- (i) if, because of new evidence or information, the Monitoring Officer considers that:
  - the complaint is more serious or less serious than the Assessment or Review Sub-Committee may have first thought when they decided to pass the complaint to the Monitoring Officer for investigation; and
  - the Assessment or Review Sub-Committee would not have decided to pass the complaint to the Monitoring Officer for investigation if it had been aware of the new evidence or information;

OR

- (ii) if, the member complained about has died, is seriously ill, or has resigned from the MPA and the Monitoring Officer considers that, in this situation, it is no longer appropriate to continue with the investigation.

5/6.15 If the Monitoring Officer decides (under paragraph 5/6.14 above) to pass a complaint back to the sub-committee, that sub-committee will consider the issues and what do to with the complaint at a meeting. The sub-committee may decide to hold this meeting in private, and may



also decide that the papers it considers at this meeting should not be available to the public.

5/6.16 In deciding what to do with a complaint in this situation, the sub-committee will consider the matter in the same way, and may make the same decisions, as are explained at paragraphs 3.13 – 3.16 above. However, in this situation, the sub-committee can instruct that the matter should not be passed back to it again.

### **What happens when a complaint is investigated and the investigation is completed?**

5/6.17 If the Monitoring Officer does not pass a complaint back to the Assessment or Review Sub-Committee but completes an investigation on the complaint as instructed, once the investigation is completed, the Monitoring Officer or the person doing the investigation on the Monitoring Officer's behalf must:

- (i) find that the member complained about has failed to comply with the MPA's Code of Conduct ("a finding of failure"); or find that the member complained about has not failed to comply with the MPA's Code of Conduct ("a finding of no failure"); and
- (ii) prepare a written report of the investigation which contains a statement of what their finding is; and
- (iii) send a copy of the report to the member complained about ; and
- (iv) pass the report to the MPA's full Standards Committee (or to a sub-committee) for consideration, and to any other authority's Standards Committee concerned.

### Publication of the report and papers before the committee meeting to consider the report

5/6.18 The investigation report (prepared under paragraph 5/6.17(ii) above) and any other relevant papers that will be sent to the committee to consider, may or may not be published publicly before the committee's meeting. The MPA's Chief Executive will decide this.

5/6.19 If the Chief Executive decides that some or all of the report and papers can be published before the meeting, these papers will be published as an item on the agenda of the committee's meeting not later than five clear working days before the meeting or, if this is not possible, as far in advance of the meeting as is reasonably possible in the circumstances.

### The committee that will consider the investigation report

5/6.20 Usually, the full MPA Standards Committee will meet to consider the Monitoring Officer's (or the person doing the investigation on the Monitoring Officer's behalf's) report.

What will the Committee consider?

5/6.21 The Committee will consider investigation reports on a case-by-case basis and, in doing this, will also take into account relevant guidance of the Standards Board for England, and professional advice from MPA staff.

5/6.22 It will also take into account any relevant criteria and factors that, over the course of time, the MPA's Standards Committee decides should be considered at its meetings.

5/6.23 After having considered the investigation report, the committee must by majority decision make one of the following findings:

- (a) that it accepts a finding of no failure (ie: that the member complained about has not breached the MPA's Code of Conduct); or
- (b) that the complaint should be considered at a hearing of the full MPA's Standards Committee, or a Hearings Sub-Committee; or
- (c) that the complaint should be passed to the Adjudication Panel for England to decide. [NOTE: The Adjudication Panel for England is independent of the MPA, and the MPA Standards Committee may only decide to pass a complaint to the Adjudication Panel if the MPA Standards Committee decides that the sanctions (penalties) it could take against the member (see paragraph 7.11 below) would be insufficient if the member were to be found at a hearing to have breached the MPA Code of Conduct, and if the president or deputy president of the Adjudication Panel for England agrees to deal with the complaint].

Committee accepting a finding of no failure

5/6.24 If the Committee accepts the conclusion of an investigation report that the member complained about has not breached the MPA's Code of Conduct, the Committee must produce a "Finding of No Failure" Decision Notice and send this to:

- the complainant ;
- the member complained about; and
- if appropriate, the Standards Board for England and any other authority's Standards Committee concerned.

5/6.25 The Committee must send this Decision Notice as soon as is reasonably possible after making its decision.

5/6.26 In addition, unless the member complained about asks the committee not to, the Committee will publish the Decision Notice in at least one

newspaper circulating in Greater London and, if considered appropriate by the Committee, on the MPA web-site and any other publication.

Committee accepting a finding of failure

Finding of Failure

5/6.27 If the Standards Committee accepts the conclusion of an investigation report that the member complained about has breached the MPA's Code of Conduct, the Committee must produce a "Finding of Failure" Decision Notice and send this to:

- the complainant;
- the member complained about; and
- if appropriate, the Standards Board for England and any other authority concerned; and
- the Adjudication Panel for England – (where the decision is to refer the matter to the Adjudication Panel).

5/6.28 The Decision Notice will explain whether the complaint will be considered at a Hearing of the MPA's Standards Committee (or a Hearings Sub-Committee) or whether it will be referred to the Adjudication Panel for England. The Committee should send the Decision Notice within five working days of making its decision.

Publication of Finding of Failure

5/6.29 The Committee will decide whether the Decision Notice should be published publicly.

**SECTION C. COMPLAINT PASSED TO THE STANDARDS BOARD FOR ENGLAND**

**Passing the matter to the Standards Board for England ("SBE")**

5/6.30 Where the Assessment or Review Sub-Committee decides to pass an allegation to the SBE, the MPA's Monitoring Officer will send the complaint and the relevant paperwork to the SBE.

5/6.31 When it receives this, the SBE must:

- decide that the member complained about has not failed to comply with the MPA's Code of Conduct; or
- pass the complaint back to the MPA Standards Committee; or
- pass the complaint to one of its Ethical Standards Officers (an "ESO") for investigation.

**SBE decision of ‘no action’**

5/6.32 If the SBE decides that no action should be taken on a complaint, the SBE will notify the complainant and the member concerned in writing.

**SBE decision to refer to the MPA Standards Committee**

5/6.33 The SBE may decide that it may be appropriate for action to be taken on a complaint, but that it is not appropriate for one of its ESO’s to investigate it. In this situation, it can decide to pass the complaint back to the MPA for re-consideration.

5/6.34 If this happens, the SBE will tell the MPA’s Monitoring Officer, who will pass the matter to the Assessment Sub-Committee.

5/6.35 Before passing the complaint to the Assessment Sub-Committee, the Monitoring Officer:

- (i) must write to the complainant and the member complained about telling them about the SBE’s decision and explaining what will happen next; and
- (ii) must, after speaking with the Chair of the MPA’s Standards Committee, decide what, if any, further details about the complaint the member should be provided with, taking into account any relevant guidance of the SBE; what information has already been provided; and whether providing any further information would be against the public interest, or would undermine a person’s ability to investigate the complaint.

**Publication of the complaint and other papers before the Assessment Sub-Committee meets**

5/6.36 The complaint and any other papers that will be sent to the Assessment Sub-Committee to consider, may or may not be published publicly before the meeting. The MPA’s Chief Executive will decide this.

5/6.37 If the Chief Executive decides that some or all of these papers can be published before the meeting, the papers will be published as an item on the agenda of the committee’s meeting not later than five clear working days before the meeting or, if this is not possible, as far in advance of the meeting as is reasonably possible in the circumstances.

**What will the Assessment Sub-Committee consider**

5/6.38 In deciding what to do with a complaint in this situation, the Assessment Sub-Committee will consider the matter in the same way, and may make the same decisions, as are explained at paragraphs 3.13 – 3.22 above.

5/6.39 However:

- The members who sit on the Assessment Sub-Committee must be different to those who sat on the committee that originally passed the matter to the SBE; and
- The Assessment Sub-Committee cannot pass the complaint back to the SBE again.

### **The SBE decides that one of its ESO's should investigate a complaint**

5/6.40 If the SBE decides that one of its ESO's should investigate a complaint, the ESO can require the complainant, the member complained about, and other relevant people to provide them with information or explanations.

### The ESO can pass a complaint to the MPA's Monitoring Officer at any time

5/6.41 At any stage before completing their investigation, the ESO may decide to stop their investigation and pass a complaint to the MPA's Monitoring Officer with an instruction:

- (i) that the Monitoring Officer takes action (not including investigation) against the member complained about. (In this situation, paragraphs 5/6.1 – 5/6.9 above apply as if the ESO's instruction had been given by an Assessment or Review Sub-Committee); or
- (ii) with a direction that the Monitoring Officer carries out an investigation into the complaint. (In this situation paragraphs 5/6.10 to 5/6.29 above apply as if the ESO's instruction had been given by an Assessment or Review Sub-Committee).

### The Monitoring Officer can ask the ESO to take a case back

5/6.42 Where an ESO passes a complaint to the MPA's Monitoring Officer with an instruction that the Monitoring Officer investigates the complaint, the Monitoring Officer may, at any stage before completing their investigation, write to the ESO asking that the ESO takes the complaint back.

5/6.43 The Monitoring Officer must explain their reasons for requesting this, and the ESO must respond within 21 days of having received the Monitoring Officer's request, and may:

- decide that they (the ESO) will investigate the complaint and that the Monitoring Officer's investigation must therefore stop; or
- instruct the Monitoring Officer to continue with their investigation into the complaint.

An ESO completing an investigation into a complaint

5/6.44 Where an ESO has investigated a complaint and completed his or her investigation, the ESO may reach one of the following conclusions:

- that the member complained about has not breached the MPA's Code of Conduct, or that they have breached the Code of Conduct but that the breach does not require any further action; or
- that the complaint should be passed to the President of the Adjudication Panel for England for consideration by tribunal; or
- that the complaint should be passed to the MPA's Monitoring Officer.

**ESO decision that the member has not breached the MPA Code of Conduct, or that the member has breached the Code but that the breach does not require any further action**

5/6.45 Where an ESO makes this decision, he or she may produce a report on the outcome of their investigation, and may provide a summary of their report to any newspaper circulating in the area of Greater London.

5/6.46 If the ESO does produce this report, he or she must send a copy of the report to the MPA's Monitoring Officer. If the ESO does not produce a report, he or she must inform the MPA's Monitoring Officer of the outcome of the investigation.

**ESO decision that the complaint should be passed to the President of the Adjudication Panel for England for consideration by tribunal.**

5/6.47 Where an ESO makes this decision, he or she must produce a report on the outcome of their investigation; must pass the matter to the Adjudication Panel for England; and must send a copy of the report to the Monitoring Officer and the President of the Adjudication Panel.

5/6.48 The ESO may also send a copy of the report to the MPA Standards Committee.

**ESO decision that a complaint should be referred to the Monitoring Officer**

5/6.49 Where an ESO makes this decision, he or she must produce a report on the outcome of their investigation and must send a copy of the

report to the MPA's Monitoring Officer and the MPA's Standards Committee.

5/6.50 Where an ESO makes this decision in relation to a former member of the MPA who is currently a member of another authority (for example, a member of the London Assembly or a councillor of a London borough), he or she must produce a report on the outcome of their investigation and must send a copy of the report to either the MPA's Monitoring Officer or the Monitoring Officer of the member's current authority.

5/6.51 The Monitoring Officer must also send a copy of the ESO's report to the member complained about, and after the member has received the report, must pass the report to the full MPA Standards Committee (or to a sub-committee) for consideration.

### Publication of the report and papers before the Committee meeting to consider the report

5/6.52 The ESO's investigation report and any other relevant papers that will be sent to the Committee to consider, may or may not be published publicly before the meeting. The MPA's Chief Executive will decide this.

5/6.53 If the Chief Executive decides that some or all of the ESO's report and other papers can be published before the meeting, these papers will be published as an item on the agenda of the committee's meeting not later than five clear working days before the meeting or, if this is not possible, as far in advance of the meeting as is reasonably possible in the circumstances.

### The committee that will consider the ESO's investigation report

5/6.54 Usually, the full MPA Standards Committee will meet to consider the ESO's investigation report.

### What will the Committee consider

5/6.55 The Committee will consider ESO investigation reports on a case-by-case basis and, in doing this, will also take into account relevant guidance of the Standards Board for England, and professional advice from MPA staff.

5/6.56 It will also take into account any relevant criteria and factors that, over the course of time, the MPA's Standards Committee decides should be considered at its meetings.

5/6.57 After having considered the ESO's report, the committee by majority decision may make one of the following findings:

- (a) that it accepts a finding that the Member complained about has not breached the Code;
- (b) that the complaint should be considered at a hearing of the full MPA's Standards Committee, or a Hearings Sub-Committee; or
- (c) that the complaint should be passed to the Adjudication Panel for England for consideration.

5/6.58 The same rules explained at paragraphs 5/6.24 to 5/6.29 apply to the findings of the committee.

## **STAGE 7 - HEARINGS**

### **The full Standards Committee or the Hearings Sub-Committee**

- 7.1 If, after having considered an investigation report (of an ESO or the MPA's Monitoring Officer), the MPA's Standards Committee decides that there should be a hearing into a complaint, the hearing may be held by the full Standards Committee or a Hearings Sub-Committee.

### **Deadlines for the Hearing meeting**

- 7.2 The hearing must take place within three months (or, if this is not possible, as soon as is reasonably possible afterwards) of the date on which (i) the Monitoring Officer's investigation report is completed or (ii) the Monitoring Officer received the ESO's investigation report but must not take place until at least 14 days after the date on which the Monitoring Officer sent his or her (or the ESO's) investigation report to the member complained about, unless that member agrees to the hearing being held earlier.

### **Publication of the complaint and other papers before the Hearing meeting**

- 7.3 The complaint and any other papers that will be sent to the committee hearing may or may not be published publicly before the meeting. The MPA's Chief Executive will decide this.
- 7.4 If the Chief Executive decides that some or all of these papers can be published before the meeting, the papers will be published as an item on the agenda of the committee's meeting not later than five clear working days before the meeting or, if this is not possible, as far in advance of the meeting as is reasonably possible in the circumstances.

### **Membership of the Hearing Sub-Committee**

- 7.5 If a complaint is not going to be heard by the full MPA's Standards Committee, but by a Hearings Sub-Committee, the Hearings Sub-Committee will be made up of three members of the MPA's Standards Committee. At least one of them must be an Independent Member of



the Standards Committee, who must Chair the meeting. At least one of them must be a member of the Authority.

- 7.6 To be able to take any decisions on a complaint, all three members must be present for the whole of the meeting.

### **Decisions of the Full Standards Committee or Hearings Sub-Committee**

- 7.7 Decisions of the full Standards Committee or the Hearings Sub-Committee will be taken by majority vote, with the Chair having the casting vote.

### **The Hearing**

- 7.8 The hearing must be held:
- having regard to any relevant guidance produced by the SBE;
  - to allow the member complained about to have the opportunity to present evidence and make written and oral representations either personally, by a lawyer, or, with the committee's permission, by any other representative;
  - following any rules and procedures that, over the course of time, the full Standards Committee agrees should apply to hearings; and
  - following any legal requirements (for example, the Standards Committee (England) Regulations 2008/1085).

### **Findings of the committee holding the hearing**

- 7.9 The Committee will consider complaints at hearings on a case-by-case basis on the basis of the evidence and arguments presented to it, and also taking into account relevant guidance of the Standards Board for England, and professional advice from MPA staff.

- 7.10.1 It will also take into account any relevant criteria and factors that, over the course of time, the MPA's Standards Committee decides should be considered at its meetings.

- 7.11 Following a hearing, the committee can make one of the following findings:

- (i) that the member complained about has not failed to comply with the MPA's Code of Conduct; or
- (ii) that the member has failed to comply with the Code but that no action needs to be taken; or
- (iii) that the member has failed to comply with the Code and that one of the following sanctions (penalties) should be applied to the member:

- (a) if the member is no longer a member of the MPA, the committee must censure/criticise the member;
- (b) if the member is a member of the MPA, it must apply one of, or any combination of the following sanctions (penalties):
- censure/criticism of that member;
  - restricting the member's access to the MPA's premises and resources for a period of up to six months, provided that those restrictions-
    - (i) are reasonable in light of the member's breach; and
    - (ii) do not excessively restrict the person's ability to perform their functions as an MPA member;
  - partial suspension of the member for a period of up to six months;
  - suspension of the Member for a period of up to six months;
  - that the member makes a written apology in a form instructed by the Standards Committee;
  - that the member completes training that the Standards Committee instructs them to do;
  - that the member participates in mediation;
  - partial suspension of the member for a period of up to six months or until the member makes a written apology in a form instructed by the Standards Committee;
  - partial suspension of the member for a period of up to six months or until the member has completed training or has participated mediation as instructed by the MPA's Standards Committee;
  - suspension of the member for a period of up to six months or until the member has made a written apology in a form instructed by the Standards Committee;
  - suspension of the member for a period of up to six months or until the member has completed training or has participated in mediation as instructed by the Standards Committee.

7.12 Any sanction/penalty applied by the Committee will take effect immediately, unless the Committee decides that it should take effect at a later date (but this will be within six months of its decision).

### **THE MEMBER'S RIGHT OF APPEAL**

8.1 Where, following a hearing, the member complained about has been found to have breached the MPA's Code of Conduct, but that no action needs to be taken; or that the member has breached the Code and has had a sanction/penalty applied to them, the member has the right to appeal these decisions to the Adjudication Panel for England.

### **INFORMATION AND STATISTICS**

9.1 The full Standards Committee will monitor how effectively Members are complying with the MPA's Code of Conduct, the type of complaints received, and how quickly these are dealt with.

9.2 These statistics will be anonymous and will be made public.