

# **Standards of Conduct Committee consultation on the procedure for dealing with complaints against Members of the Senedd**

## **Labour Group response**

**18 February 2022**

### **Design and content of the Procedure and explanatory guide**

- We agree with the approach outlined in the consultation document.
- A set of formal procedural rules alongside an explanatory guide would help to make the whole complaints process a lot clearer and more transparent for all involved.
- We agree that the interpretation section will help to make the guide more user friendly and would like to see the rules and guide written in accessible language.
- The inclusion of a flowchart and ‘easy read’ version might also help to ensure the process is fully understood by potential complainants in particular.

### **The admissibility criteria for complaints**

#### *The timescale for complaints admissibility*

- We believe that the current time limit should be extended in order to ensure that it provides a better balance between protecting the rights of complainants to come forward when they are comfortable to do so and the availability or enforceability of sanctions to the Commissioner, Committee and Senedd.
- We believe that the time limit for the admissibility of complaints should be extended to the date on which someone ceases to be a Member of the Senedd.
- Until this point, we believe it is appropriate that Members remain accountable for their actions during their time in office.
- Beyond this point of time, the Senedd is not able to apply any sanctions to that person or insist that they take part in the complaints process.
- It therefore makes little sense to us to permit complaints to proceed once someone ceases to be a Member.
- Complainants may, of course, still be able to pursue other avenues if they want to pursue a complaint against someone who has ceased to be a Member.

- This approach would also be more consistent with arrangements in other Parliaments in the UK.

#### *The information contained within a complaint*

- We agree with the overall approach here which would make the information required from a complainant clearer and with the need to make reference to the Code in complaints.
- We agree that efforts should also be made by the Commissioner to contact complainants who do not correctly refer to the Code, to ensure this is explained and any necessary help should be provided.
- A failure to refer to the correct part of the Code should not, in our view, be a reason not to proceed with a complaint if the Commissioner thinks there are valid grounds, particularly if there are extenuating circumstances.
- We believe this would help to protect the interests of complainants who may have accessibility or other issues which might prevent them from being able to meet this requirement in full without assistance.

#### **The complainant**

- We agree with the approach proposed in the consultation document which we believe will ensure that complainants are kept better informed throughout the process.
- We also agree with the milestones identified in the document and the approach of adopting a 'lead' complainant where there are a large number of complaints relating to the same matter.

#### **Bringing a complaint to the end and the right to request a review**

- We agree that the Commissioner should have the discretion to bring a complaint to an end under the specific grounds set out in the consultation document.
- As well as notifying the complainant that a complaint has been brought to an end, we also believe that an explanation of the grounds on which this decision was made should be shared with the Member concerned, if they have been made aware by this stage. This would help to ensure greater transparency.
- We also agree that the Standards Committee should have the right to review a decision of the Commissioner to dismiss a complaint on any of these grounds.

### **The appeal process**

- We agree that the current appeal process should be removed as proposed. In our view, this is a proportionate step which is in line with arrangements in other Parliaments in the UK.
- The complaints process already includes a number of important opportunities at which a Member can challenge a complaint, so we feel that the interests of natural justice are already well protected.
- We also agree that that the rules for the oral hearing stage at Committee should include provision for a reference back to the Commissioner.

### **Redacting the Commissioner's report**

- We agree that the Committee should have discretion to redact or summarise reports for the safeguarding and confidentiality reasons set out in the document.