

## **Response to Consultation: Procedure for Dealing with Complaints against Members of the Senedd**

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Commissioner for Standards, Northern Ireland Assembly  
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The following are brief responses to the current consultation relating to procedures for dealing with complaints against Members of the Senedd.

### **2. The design and content of the Procedure**

#### **10**

Do you consider this to be the best approach? Is there any information you would like contained in the guide?

*Yes, anything that makes the complaints process more understandable to the public is a positive step. Avoiding too much legal text is helpful as long as there is reference to the procedural rules document where the legal and technical can be viewed should the complainant want that information.*

#### **11**

Are there any additional terms used in the draft that you think could be usefully explained in this section?

*Consider explaining the term 'confidentiality' for the purposes of the Code of Conduct*

Do you have any general comments on the form and content of the Procedure? Are there other provisions you would you like to see included? No

### **3. The admissibility criteria for complaints**

#### **14-17**

What time limit, if any, do you think would be fair and appropriate to safeguard both the rights of the complainant and the Member complained of?

*Currently the NI Assembly Code timeframe is six months and this time limit appears to be appropriate—or at least doesn't appear to have raised issues of fairness. I do believe that the proposed 'good reason' provision provides greater fairness where a complainant is over the six months but can provide good reason.*

If a time limit is retained, do you have any views on the guidance included above to help explain what might constitute a good cause for the delay for complaints being made outside of the specified time?

*Careful consideration should be given to the definition and examples of the 'good reason' provision to ensure the time limit has importance.*

**18-19**

Do you agree with this approach, or have any comments or concerns about it?

*I agree with this approach. The only concern would be to ensure that any identified provision not in the original complaint is clearly communicated to both the complainant and the person complained about once established.*

#### **4. The Complainant**

**20-21**

Do you think the complainant needs to be informed more?

If so, do you agree with the milestones identified?

Do you have any specific concerns about the proposal?

We would especially like to hear from you if you have had experience as a complainant.

*Yes, I believe the complainant should be kept informed during the process and agree with the above suggested milestones. I believe complainants will be better served in this way; it is my hope that our procedure will consider the same at the next review of the Code of Conduct.*

**22**

Do you think this is a reasonable provision? Do you have any concerns with this proposal?

*I believe this is a reasonable provision. My only concern would be complainants' response to this practice. If this were to be adopted, careful consideration should be given as to how this is communicated most effectively and clearly at the outset.*

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

**23-24**

Do you agree the Commissioner should have this discretion, and do you agree with the grounds specified under which a complaint can be brought to an end?

Are there any additional grounds which should be included, and if so what are the reasons for suggesting the additional grounds?

Do you agree that there should be a right of review by the Standards Committee of a decision of the Commissioner to dismiss a complaint on any of these grounds?

*I believe the Commissioner should have this discretion. We have similar provisions for discontinuation in the MLA Code of Conduct. However, the Commissioner must present all decisions on discontinuation to the Committee for consideration. I believe the appeal mechanism proposed above will enable the complainant to seek the consideration of the Committee if they so wish and that it is right that they have that opportunity.*

**25**

Do you agree with the way in which the early rectification procedure has been restated?

*I agree that the more clarity provided for the rectification process, the better. It is also important that complainants are clear about who the subject of the complaint will be apologising to—whether it is the Committee or the complainant or both.*

## **6. The appeal process**

**26-32**

Do you agree that the present appeal process should be removed? If you do not agree, what form do you consider an appeal process should take?

*Yes, I believe the appeal process being proposed is fair and appears to be more efficient than what has historically been the case.*

Do you agree that the rules for the oral hearing stage should include a provision for a reference back to the Commissioner? If you do not agree, what other arrangements for the Standards Committee's consideration of reports from the Commissioner should be adopted in the procedure?

*From recent experience, I believe any factual or procedural issues raised at an oral hearing by a witness should be referenced back to the Commissioner in order that any factual inaccuracies or questions of process can be replied to by the Commissioner.*

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

**33**

Do you agree that the Committee should have discretion to redact or summarise the reports of the Commissioner for safeguarding or confidentiality reasons?

*Yes, this will ensure safeguarding and confidentiality which are required and vitally important to the complaints process.*