

REQUEST

Please release details of any complaints made about Stephen Greenhalgh since he was first appointed to his role at MOPAC as well as details of any actions taken on those complaints. Please also release any written communications between MOPAC staff and complainants about Mr. Greenhalgh.

RESPONSE

Freedom of Information request – Stephen Greenhalgh

Thank you for your Freedom of Information request dated 30 March to the Mayor's Office for Policing And Crime (MOPAC) in which you request the release of the following information:

1. *Please release details of any complaints made about Stephen Greenhalgh since he was first appointed to his role at MOPAC as well as details of any actions taken on those complaints.*
2. *Please also release any written communications between MOPAC staff and complainants about Mr. Greenhalgh.*

I confirm that your request has been handled under the Freedom of Information Act (FoIA) and that MOPAC does hold some information relating to your request and that we can provide you with some of this information.

Complaints concerning the Deputy Mayor for Policing and Crime are dealt with according to Schedule 7 of the Police Reform and Social Responsibility Act 2011 and as such are delegated to the Greater London Authority (GLA) Monitoring Officer.

Information concerning complaints made about the Deputy Mayor for Policing and Crime, Stephen Greenhalgh, is already in the public domain as complaints are always reported by the GLA Monitoring Officer to the London Assembly's Police & Crime Committee¹. Annex A to this letter provides details of these complaints and includes links to the relevant documents on the GLA website.

After careful consideration, we have decided that the remaining information held by MOPAC is exempt information under the provisions of section 31(2)(b) – Law Enforcement – of the Act, by virtue of section 31(1)(g).

The relevant parts of section 31 of the Act provide:

- (1) *Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice –*
 - g. *the exercise by any public authority of its functions for any of the purposes specified in subsection (2)*
- (2) *The purposes referred to in subsection (1)(g) to (i) are –*
 - b. *The purpose of ascertaining whether any person is responsible for any conduct which is improper,*

¹ <http://www.london.gov.uk/moderngov/mgCommitteeDetails.aspx?ID=240>

The provisions of this exemption can be engaged where the release of information would, or would be likely to, prejudice the ability of a public authority to carry out its ability of considering whether any person is responsible for any conduct which is improper.

Guidance published by the Information Commissioner helpfully clarifies situations when this exemption might be engaged:

50. *Improper conduct relates to how people conduct themselves professionally. For conduct to be improper it must be more serious than simply poor performance. It implies behaviour that is unethical.*
51. *The Information Commissioner would generally expect there to be a formal code of conduct that members of a profession are expected to adhere to and a recognised definition of improper conduct. In many cases such a code is likely to be supported by statute though this is not a prerequisite.... This exemption will apply if disclosure would prejudice a public authority's ability to ascertain whether elements of the code falling within the stated definition of improper conduct have been breached.²*

The information you have requested directly relates to the handling of the complaints about Stephen Greenhalgh; the complaints relate to the conduct of the Deputy Mayor for Policing and Crime and as described above, are dealt with by the GLA Monitoring Officer in accordance with Schedule 7 of the Police Reform and Social Responsibility Act 2011.

The GLA Code of Conduct sets out how GLA Members - "the Mayor of London, the Deputy Mayor of London, the Deputy Mayor for Policing, Members of the London Assembly and any independent person appointed by the Authority to assist with the discharge of the ethical standards functions" - must conduct themselves when performing their functions, and how unacceptable behaviour will be dealt with.

The *Code of Conduct for the Greater London Authority* can be found on the GLA website via the following link:

https://www.london.gov.uk/sites/default/files/code_of_conduct_for_elected_members_with_appendices.pdf

The GLA has a defined complaints process relating to the Mayor as occupant of the Mayor's Office for Policing And Crime (MOPAC) and the Deputy Mayor for Policing and Crime to cover alleged breaches of the *Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2011*.³ Please see the following publication:

[*'GLA Guidance on Complaints about the Mayor's Office for Policing and Crime and the Deputy Mayor for Policing and Crime document'*](#)

<https://www.london.gov.uk/contact-us/making-complaint/member-complaints>

Both the GLA Code of Conduct and above complaints guidance document set out the role and functions of the GLA Monitoring Officer to investigate any such complaints. The functions of the GLA Monitoring Officer in this regard, as supported by the above Code of Practice and the 2011 Regulations, satisfy the requirements of section 31(1)(g) and (2)(b) as a function of a public authority for the purpose of ascertaining whether any person is responsible for any conduct which is improper.

² <https://ico.org.uk/media/for-organisations/documents/1207/law-enforcement-foi-section-31.pdf>

³ <http://www.legislation.gov.uk/ukdsi/2011/9780111516843>

The information you have requested directly relates to the handling of complaints about the conduct of Stephen Greenhalgh. This information was created and collated at the time these investigations were being carried out by the GLA Monitoring Officer.

Although these particular matters have been concluded, and the relevant information reported publicly to the Police & Crime Committee by the GLA Monitoring Officer, it is our opinion that the release of the associated information held by MOPAC would be prejudicial to the GLA complaints handling processes and procedures – the functions and purposes summarised above – rather than prejudicing the handling, or the outcome, of only an individual complaint.

For these reasons, we consider that the remaining information captured by your request is exempt information under section 31(2)(b) and is being withheld in full.

The provisions of section 31 of the Act constitute a qualified exemption from our duty to disclose information and are only fully engaged when the public interest favouring the non-disclosure of the information outweighs the public interest favouring the release of that information.

As part of our considerations of the public interest, we have considered that there is considerable public interest in the GLA conducting thorough and robust investigations as necessary into complaints relating to the conduct of Members and staff, and that the findings of those investigations are reported appropriately.

To meet this interest, the GLA publishes findings of investigations carried out by the GLA Monitoring Officer on the GLA website⁴, as well as making the required reports to the Police & Crime Committee.

The public interest would also be met by the release of information that would demonstrate that scope and breadth of these investigations was sufficient and adequate so as to reassure the public that the investigations left “no stone unturned” and that all necessary avenues were pursued.

However, against this, we must consider that internal investigations and investigators need some latitude to undertake private consideration of the issues before them if they are to fully explore all aspects of a case without fear that, at a particular point in the process, half-formed opinions would be reported or otherwise enter the public domain. This is a particularly strong consideration where the information relates to correspondence and information that was being collated during the course of the investigation.

Such concerns about the release of this information would hinder the efficient running of an investigation. Investigators may expect their findings to be made public but at a later stage when they represent the fully considered conclusions of the investigation.

We must also consider the fact that some investigations of this nature can be aided by either individuals, or organisations, providing information to the investigating authority or person. This information is likely to be volunteered by a “confidential source” on the understanding that their identity would not be released or that they would otherwise be identified.

There is a strong public interest in not discouraging others from cooperating with public authorities and supplying them with the information they need on a voluntary basis. There is clearly a public interest in not deterring the voluntary supply of information in future.

⁴ <https://www.london.gov.uk/contact-us/making-complaint/decisions-by-the-monitoring-officer>

After careful consideration, we find that the balance of the public interest at this time favours the non-disclosure of the information covered by section 31(2)(b) of the Act by virtue of the exemption under section 31(1)(g).

If you are unhappy with the response to your Freedom of Information request, please see the MOPAC website on what the next steps are at:

<http://www.london.gov.uk/priorities/policing-crime/how-we-work/freedom-of-information>

Annex A – Reports made via the Police and Crime Committee

Complaint 1

<http://www.london.gov.uk/moderngov/documents/s17703/4%20-%20Summary%20List%20of%20Actions.pdf>

Minutes of meeting:

<http://www.london.gov.uk/moderngov/documents/g4539/Printed%20minutes%20Thursday%2027-Sep-2012%2010.00%20Police%20and%20Crime%20Committee.pdf?T=1>

Complaint 2

31 January 2013

<http://www.london.gov.uk/moderngov/documents/s21375/7%20-%20Summary%20List%20of%20Actions.pdf>

Minutes of the meeting:

<http://www.london.gov.uk/moderngov/documents/g4547/Printed%20minutes%20Thursday%2031-Jan-2013%2010.00%20Police%20and%20Crime%20Committee.pdf?T=1>

13 June 2013

<http://www.london.gov.uk/moderngov/documents/s26229/Referral%20of%20Complaint%20from%20PCC%20Report.pdf>

Minutes of the meeting:

<http://www.london.gov.uk/moderngov/documents/g4984/Public%20minutes%20Thursday%2013-Jun-2013%2010.00%20Police%20and%20Crime%20Committee.pdf?T=1>

19 September 2013:

<http://www.london.gov.uk/moderngov/documents/s28686/6%20Summary%20List%20of%20Actions.pdf>

<http://www.london.gov.uk/moderngov/documents/s28684/9%20-%20referral%20of%20complaint.pdf>

Minutes of the meeting:

<http://www.london.gov.uk/moderngov/documents/g4989/Public%20minutes%20Thursday%2019-Sep-2013%2010.00%20Police%20and%20Crime%20Committee.pdf?T=1>

Complaint 3

7 November 2013

<http://www.london.gov.uk/moderngov/documents/s31386/Minutes%20-%20Appendix%202%20-%20Memorandum.pdf>

Minutes of the meeting:

<http://www.london.gov.uk/moderngov/documents/g4992/Printed%20minutes%20Thursday%2007-Nov-2013%2010.00%20Police%20and%20Crime%20Committee.pdf?T=1>