

GUIDANCE ON MAKING A COMPLAINT ABOUT A GLA MEMBER'S CONDUCT

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NOTE: There is a useful summary of the complaint process in the Introduction section below, at paragraph A.7.

INTRODUCTION

What does this document deal with?

- A.1 You should read this document if you want to complain about the behaviour or conduct of any of the following individuals:
- the Mayor of London,
 - any of the 25 London Assembly Members;
 - any co-opted member of the Authority; and/or
 - any of the independent people engaged by the GLA to assist in the discharge of its Standards functions.

General information about the GLA and the GLA's Code of Conduct

- A.2 The Mayor of London and the 25 members of the London Assembly are elected "Members" of the Greater London Authority. Details regarding the Mayor of London can be viewed here: <http://www.london.gov.uk/who-runs-london/mayor>. Details of the London Assembly Members can be viewed here: <http://www.london.gov.uk/who-runs-london/the-london-assembly/members>
- A.3 These elected Members must comply with the GLA's Code of Conduct. This Code of Conduct sets out the standards of behaviour and conduct required of these Members. The following is not a complete list but, by way of example, the Code of Conduct requires GLA Members to treat others with respect; not to bully any person; not to disclose confidential information; not to act in a manner that could reasonably be regarded as bringing their office or the GLA into disrepute; and it also requires GLA Members to disclose and register any pecuniary interests they have in GLA business. For full details of the Code of Conduct, please visit the following link:
<http://www.london.gov.uk/priorities/transparency/standards-behaviour>
- A.4 If you do not have Internet access, please contact the GLA's Monitoring Officer (contact details below) for paper copies.

Other complaints

- A.5 If you want to complain about something that is not to do with the behaviour of a GLA Member and the GLA's Code of Conduct, you should visit the following link for information about the GLA's Corporate Complaints procedure: <http://www.london.gov.uk/contact-us/complaints/gla-complaints>; or you can contact: The Public Liaison Unit, Greater London Authority, City Hall, The Queen's Walk, London SE1 2AA, Telephone: 020 7983 4100, Minicom: 020 7983 4458, Fax: 020 7983 4057, or Email: mayor@london.gov.uk.
- A.6 If you are unsure, you should contact the GLA's Monitoring Officer for assistance by emailing member.complaints@london.gov.uk or by writing to:
The Greater London Authority's Monitoring Officer, City Hall, The Queen's Walk, London SE1 2AA

Complaining about a GLA Member's behaviour or conduct - A new complaints process

A.7 Previously, the GLA had a Standards Committee which was responsible for dealing with these complaints under a process commonly referred to as "Local Assessment." Following a change to the law (as contained within the Localism Act 2011), the Mayor of London and London Assembly have now put in place the Code of Conduct (and associated documents) and the Authority's Monitoring Officer is responsible for dealing with any complaints that the Code has allegedly been breached.

Summary of how the new Local Assessment Process works

Stage 1 - Making a complaint

- In order to make a complaint, you must send your complaint in writing to the Monitoring Officer at the GLA (see paragraph A.6 above for details on how to do this and where to send it).

Stage 2 – Early Informal Resolution

- If possible, the GLA will normally try to resolve your complaint informally.

Stage 3 – Initial assessment of your complaint

- If informal resolution is not possible, the Monitoring Officer of the GLA will assess the complaint and decide whether formally to investigate the allegations contained therein. If the Monitoring Officer decides that the complaint should be investigated, he/she will undertake a process (details of which are set out below) to determine whether or not the complaint is to be upheld. If the complaint is not to be investigated, the Monitoring Officer will write to you to explain why.

Stage 4 - Investigation of the complaint

- If the GLA's Monitoring Officer does investigate your complaint, the final summary investigation report and finding will be published on the Authority's website. In cases where the Monitoring Officer upholds your complaint, he/she can apply no formal sanction other than to provide an opinion on the conduct of the GLA Member concerned as compared to the expectations of the Code of Conduct.

There are no appeal mechanisms within this process. Should you be dissatisfied with the Monitoring Officer's decisions and/or actions at any point, you may be able to complain to the Local Government Ombudsman or to the courts.

STAGE 1

HOW TO COMPLAIN ABOUT MEMBER CONDUCT & WHAT YOU AND THE MEMBER ARE TOLD AFTER YOU HAVE MADE A COMPLAINT

How to complain

- 1.1 If you want to complain that a Member of the GLA (the Mayor of London, the 25 Assembly Members, any co-opted Members of the Authority or any of the independent persons appointed to assist the Monitoring Officer in the discharge of his/her functions) has breached the GLA's Code of Conduct you must make your complaint in writing.
- 1.2 You can do this by completing a Complaint Form and submitting this online by visiting the following link: <http://www.london.gov.uk/webform/online-gla-member-complaint-form>. Alternatively, you can ask for a paper copy of the Complaint Form by emailing member.complaints@london.gov.uk. The Complaint Form explains what information you should include in the form.
- 1.3 You are not, however, required to use the Complaint Form, and can make your complaint by writing to:
The Greater London Authority's Monitoring Officer, City Hall, The Queen's Walk, London SE1 2AA.
- 1.4 As explained above, generally speaking, the GLA's Monitoring Officer, has various legal duties to ensure that the GLA and its Members comply with the law.
- 1.5 If you do not use the Complaint Form and, complain to the Monitoring Officer instead, you should clearly set out the following information in your letter:
 - The name of the Member you believe has breached the Code of Conduct;
 - What the Member has done that you believe breaches the Code of Conduct, and which paragraphs of the Code you believe they have breached. (If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct);
 - You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said;
 - You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe;
 - You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible;
 - You should provide any relevant background information;
 - You should say what action you think would be appropriate to resolve your complaint;

- Whether you would like to ask that your identity and the details of your complaint should be kept from the Member(s) you are complaining about.

What happens once you submit a complaint?

- 1.6 All complaints about Member conduct will go to the GLA's Monitoring Officer.
- 1.7 If the Monitoring Officer is unsure whether you are actually making a complaint, (s)he will contact you to clarify your query.

What you and the Member are told next

- 1.8 If the Monitoring Officer is clear that you are making a complaint that a GLA Member has breached the GLA's Code of Conduct, the Monitoring Officer will normally try to resolve your complaint informally.

- 1.9 If informal resolution is not appropriate or is unsuccessful, the Monitoring Officer will:

- (i) write to you to acknowledge that (s)he has received your formal complaint, and informing you that the Member you are complaining about will usually be provided with your identity, unless you write back within 5 working days asking for this not to happen;

and

- (ii) will, unless there are good reasons not to, write to the Member you are complaining about:

(a) stating that a complaint has been made against them;

(b) providing them with your name (unless you have asked that this information is not provided and/or there are good reasons not to provide it);

(c) stating the relevant paragraphs of the Code you believe the Member has breached; and

(d) stating that the complaint will be considered by the Monitoring Officer.

STAGE 2 – EARLY INFORMAL RESOLUTION

What is informal resolution?

- 2.1 Where the GLA's Monitoring Officer decides that it would be appropriate to seek informal resolution, they will contact you and the Member you are complaining about, to find out if your complaint can be resolved informally, without recourse to formal assessment and investigation.
- 2.2 There will be a whole range of actions that may be appropriate to try and resolve your complaint informally.
- 2.3 Some examples are: the Monitoring Officer having a discussion with the Member you have complained about; arranging for the Member to do something which you have asked them to do; arranging a discussion between you and the Member; obtaining an apology from a Member.
- 2.4 It is important, therefore, that you tell us in your complaint what action you think should be taken to resolve your complaint.

STAGE 3 – INITIAL ASSESSMENT

Initial assessment of your complaint

- 3.1 The Monitoring Officer will conduct an initial assessment of all complaints on a case-by-case basis and, in doing this, will also take into account relevant guidance and advice (and may seek the views of an Independent Person appointed by the GLA for such purposes).
- 3.2 The Monitoring Officer will also take into account any relevant criteria and factors that, over the course of time, the GLA's Standards Committee had previously taken into account when assessing complaints.
- 3.3 In light of the absence of formal sanctions available to the Monitoring Officer to apply in the event of a formal breach of the Code, the Greater London Authority expects this complaints process to be proportionate to the issues raised and the expected outcomes. The Monitoring Officer will therefore take into account the wider public interest and the cost to the public purse of undertaking any investigation into alleged breaches of the Code. Complaints are, therefore, only likely to be taken forward for investigation where the allegations are objectively and reasonably considered to be serious matters. Whilst every complaint will be judged on its particular merits, it is possible that, for example, a complaint by one Member of the Authority against another that only alleges a lack of due respect will not be considered to be a matter where an investigation would be appropriate nor in the wider public interest. Similarly, a suggestion that an elected Member who has exercised his or her right to voice a legitimate opinion has brought their office and/or the Authority into disrepute by so doing is likely not to be taken forward for further consideration. As an additional example, the failure of an elected Member to respond to correspondence or to choose to terminate correspondence with an individual would also be unlikely in and of itself to be investigated.
- 3.4 After conducting an initial assessment of your complaint, the Monitoring Officer will do one of the following:
 - (a) decide that no action should be taken on your complaint (and inform you of this decision and the related reasons); or
 - (b) pass your complaint to the Monitoring Officer of a different authority, if he/she considers that that is a more appropriate way of dealing with your complaint; or
 - (c) decide that he/she is minded to investigate your complaint, subject to representations of the member you have complained about (who may seek the views of an independent person appointed by the GLA for such purposes); or
 - (d) decide to investigate your complaint (and inform you of this decision and the related reasons);.

Considering what information should be provided after initial assessment

- 3.5 After the Monitoring Officer has assessed your complaint, he/she will then decide whether a written summary of your complaint should be provided to the Member complained about; whether your identity should be provided to that Member (if this has not already happened).
- 3.6 When taking these decisions, the Monitoring Officer must consider whether providing these or any details would be against the public interest or would undermine a person's ability to investigate your complaint (as this may be necessary at a later stage).

How are you told about the Monitoring Officer's decision?

- 3.7 The Monitoring Officer will write to you and the Member you are complaining about following the initial assessment to inform them of the outcome. A decision not to investigate a complaint (along with summary details of the complaint) will then be published on the GLA's website.

A decision of 'no action' is the end of the GLA process

- 3.8 Where the Monitoring Officer has decided that no action should be taken on your complaint, there is no ability to ask the GLA for a review of the Monitoring Officer's decision, which is final. In these circumstances, you may be able to complain to the Local Government Ombudsman (PO Box 4771, Coventry CV4 0EH; Telephone: 0300 061 0614; Fax: 024 7682 0001).

STAGE 4

INVESTIGATION AND DECISIONS

- 4.1 Where the Monitoring Officer decides that a complaint should be investigated further, he/she may ask you, the Member you are complaining about, and other relevant people to provide them with detailed information or explanations, possibly by way of an interview.
- 4.2 In conducting the investigation and determining the complaint, the Monitoring Officer will seek and take into account the views of at least one independent person appointed by the GLA for such purposes. The Member you are complaining about may also seek the views of the independent person in relation to your complaint.
- 4.3 Information obtained in doing the investigation will only be released to individuals or organisations where this will allow your complaint to be dealt with properly.
- 4.4 In addition to taking into account the views of the independent person, the Monitoring Officer will, when seeking to reach a finding on the complaint, take into account relevant guidance, professional advice and relevant criteria and factors that, over the course of time, the GLA's Standards Committee had previously taken into account when taking decisions on complaints.
- 4.5 The role of the independent person(s), in law, is:
- To give views, which must be taken into account, to the Monitoring Officer before he/she makes a decision on an allegation that he/she has decided to investigate;
 - To give views, if requested by the Monitoring Officer, on any other allegation that has been received; and
 - To give views to any member, or co-opted member, of the authority if that person's behaviour is the subject of an allegation.
- 4.6 The independent person must, within a reasonable timescale (not usually more than 21 days), provide the Monitoring Officer with views in writing, to describe in particular what they would see as an appropriate outcome to the matter under consideration, taking into account all of the related information and circumstances.

What happens when your complaint is investigated and the investigation is completed?

- 4.7 Once the investigation is completed, the Monitoring Officer will:
- (i) find that the Member you have complained about has failed to comply with the GLA's Code of Conduct ("a finding of failure"); **OR** find that the Member you have complained about has not failed to comply with the GLA's Code of Conduct ("a finding of no failure"); and

- (ii) prepare a written summary report of the investigation which contains a statement of what their finding is; and
 - (iii) send a copy of the report to you and the Member you are complaining about as soon as is reasonably possible after making the decision; and
 - (iv) publish the summary report (those elements that are not private and confidential) and finding on the GLA's web site.
- 4.8 In cases where the Monitoring Officer upholds your complaint, he/she has no legal powers to apply formal sanctions other than to provide an opinion on the conduct of the GLA Member concerned as compared to the expectations of the Code of Conduct.
- 4.9 There is no ability to appeal against the Monitoring Officer's decision on a complaint following any such investigation, as that decision is final. In these circumstances, you may be able to complain to the Local Government Ombudsman (PO Box 4771, Coventry CV4 0EH; Telephone: 0300 061 0614; Fax: 024 7682 0001).
- 4.10 The Monitoring Officer will produce regular reports for the Mayor and London Assembly, containing such summary information as can properly be provided in respect of the discharge of his/her functions under the Authority's ethical standards regime.