

## **ICGS Review call for written evidence: guiding questions**

I would welcome written evidence submissions from anyone in the parliamentary community that address **any** of the review's [terms of reference \(ToR\)](#).

The questions below are intended to help you structure your submission. You can answer any number of them. Equally, **you may feel unable to answer any number of the questions**. If so, please feel free to omit those questions in your submission.

You can also discuss other issues that relate to the ToR that are not covered by the questions below.

Thank you in advance for taking the time to share your thoughts with me,

**Paul Kernaghan**

**Independent Reviewer of the Independent Complaints and Grievance Scheme**

### **OPENING REMARKS**

Please feel free to begin your submission by commenting on what you feel are the most important issues from the review's ToR.

#### **1. QUALITY AND TIMELINESS**

- A. What are your views on the timeliness of ICGS investigations?
- B. What factors do you think impact the ability of the ICGS to deliver timely investigations?
- C. What do you think are the major causes for delay in ICGS investigations (if any), and how can they be overcome?
- D. What measures could be taken to improve the quality of ICGS investigations?

#### **2. CONFIDENTIALITY AND THE ICGS**

- A. To what extent, if at all, has the practical application of confidentiality created an information vacuum around the ICGS, allowing misinformation to spread?
  - i. If so, how can the ICGS increase its transparency whilst protecting the confidentiality of investigations?
- B. Would the ICGS publishing anonymised outcomes of upheld complaints encourage other victims of misconduct to report to the ICGS?
  - i. To what extent, if any, would this make people less confident that the ICGS process is confidential?

- C. Should complainants or respondents be able to publicly state that they are co-operating with the ICGS as part of an investigation?
  - i. If so, what level of detail should they be able to provide?
  - ii. If not, why?
- D. What action should be taken should a complainant, respondent, or witness breach the confidentiality of an ICGS investigation?

### 3. INDEPENDENCE

- A. Is it more important that the people operating the ICGS helpline are independent from Parliament or that they have knowledge and experience of Parliament?
  - i. Why?
- B. ICGS investigators are contracted on a case-by-case basis. If they were employed full-time by Parliament to improve the timeliness of investigations, what effect - if any - would this have on their independence?

### 4. GOVERNANCE

[It should be noted that the ICGS is a bicameral scheme, however questions A and B in this section relate to governance in the House of Commons. You are welcome to comment on governance of the scheme in the House of Lords in your submission]

- A. Currently, amendments to ICGS policies and procedures require agreement on the floor of the House of Commons. The ICGS argue that this takes too long and hinders improvement of the scheme. Should the ability to make such amendments be delegated to another group?
  - i. If so, who and what powers should be delegated? If not, why?
- B. The Parliamentary Commissioner for Standards (PCS) has oversight over investigations into MPs. What does that oversight mean in practice?
  - i. What should it mean?
- C. To what extent should the ICGS be involved with the administration of the seminars and campaigns associated with the Behaviour Code?
- D. Do you believe that all members of the Parliamentary Community, wherever they are based, should receive training on the Behaviour Code?

### 5. SCOPE

- A. The ICGS policies define what cases may be in scope, and eligible under the ICGS. Do you think that the ICGS are able to take on all the cases that they should be able to?
  - i. If not, what cases should it be able to investigate that are not currently within scope?
- B. Who should decide whether a complaint is within the scope of the ICGS?

## 6. RESOLUTION OUTSIDE OF THE SCHEME

- A. The ICGS receives allegations of breaches of the [Behaviour Code](#) that do not meet the threshold to be investigated, yet would still not be considered appropriate behaviour (often management or HR issues).

In such cases, what possible interventions, if any, should be available to the ICGS?

## 7. SERVICE USER EXPERIENCE

- A. What can be done to better support complainants, respondents, and witnesses through the ICGS complaints process?
- B. How clearly signposted is the available support for those involved in ICGS cases?