

THE HOUSE OF COMMONS COMMISSION

Governance of the Independent Complaints and Grievance Scheme

Report presented to the House of Commons by the Speaker

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Commissioners

The Speaker (Sir Lindsay Hoyle) (Chair), The Leader of the House of Commons (Jacob Rees-Mogg), Thangam Debbonaire, Sir Charles Walker, Nick Brown, Pete Wishart, Dr John Benger (Clerk of the House), Marianne Cwynarski (Director General), Louise Wilson (External member) and Shrinivas Honap (External member).

Secretary to the Commission: vacant

Assistant Secretary: Robert Cope

HOUSE OF COMMONS COMMISSION

Governance of the Independent Complaints and Grievance Scheme

Introduction

1. The Independent Complaints and Grievance Scheme (ICGS or “the scheme”) was introduced on 19 July 2018,¹ and amended on 17 July 2019 to extend to complaints of non-recent misconduct.
2. In October 2020 Alison Stanley CBE was appointed to undertake an independent 18-month review of the operation of the scheme. Her report was published on 22 February 2021² and included a number of recommendations for changes to the scheme’s policies, processes and procedures.
3. The House of Commons Commission considered Alison Stanley’s report earlier this year and endorsed its recommendations on 22 March. Subsequently, on 28 April, the House agreed to amendments to the scheme which implement these recommendations, as set out in a report from the Commission (HC 1384).
4. The 18-month review’s recommendations also addressed desirable changes to the governance of the scheme. The Commission has considered these in detail and at its meeting on 12 July endorsed the establishment of the new governance arrangements. The House of Lords Commission approved the same arrangements at its meeting on 19 July.
5. The House will shortly be asked to agree the new governance arrangements as endorsed by the Commission. This short report is intended to inform that decision.

Changes to the governance of the ICGS in response to the Alison Stanley Review

6. The recommended changes to the governance of the scheme arising out of the 18-month review would introduce a new structure aimed at increasing clarity and speeding up decisions across the two Houses and various decision-makers.
7. The review proposed the establishment of two new bodies sitting above the existing ICGS Stakeholder Group, working within an agreed change control framework. The Stakeholder Group would continue to be responsible for engagement and consultation, with a new smaller sub-group (the Enhanced Stakeholder Group) responsible for discussing and agreeing process changes. Where there was no agreement or proposed changes were identified as matters of

¹ Independent Complaints and Grievance Scheme Delivery Report

² Independent Complaints & Grievance Scheme: Independent 18-month Review, Alison Stanley CBE

policy, a new ICGS Change Control Group would be empowered to consider the proposals and decide how to take them forward, using existing governance routes as necessary.³ As the 18-month review explains:

Substantive policy changes, for example the eligibility to make a complaint under either policy and policy definitions or policy intent would continue as now to be put to the House of Commons and when amendment is needed to the Code of Conduct to the House of Lords Conduct Committee. (paragraph 34)

8. Agreement on changes to the details of the operation of the procedures and underlying processes would sit with the enhanced Stakeholder Group and the ICGS Change Control Group.
9. The Commission agreed these new governance arrangements with a small number of amendments. They determined that the three groups be named as follows: **the ICGS Stakeholder Forum** (currently, the ICGS Stakeholder Group); **the ICGS Stakeholder Board** (described in the review as the ICGS Enhanced Stakeholder Group); and **the ICGS Change Control Group**. The Commission also agreed that the proposed membership of the Stakeholder Board should include the Secretary to the Independent Expert Panel and to remove the time restriction on the Member appointment to the Change Control Group (which had been proposed by the 18-month review) to bring Member involvement in line with that of other representatives.
10. The terms of reference and membership of each of the three groups are set out in Annexes A to C to this report. The change control framework under which they will operate is set out in Annex D, and a flowchart of the change process is provided in Annex E.
11. The House is asked to agree to the changes to the governance of the ICGS to introduce the ICGS Stakeholder Board and the ICGS Change Control Group, working within a change control framework and with power to agree changes to the details of the operating procedures and underlying processes of the ICGS. The arrangements for reviewing and amending the terms of reference are set out in each of the annexes.

³ The two new ICGS policies cover to whom the policy applies, the conduct covered by the policy and other important matters. The ICGS procedures cover how complaints are managed. Substantive policy change, such as the eligibility to make a complaint and policy definitions, would continue to be put to the House.

Future developments relating to the ICGS in response to the Review

12. The Commission has also agreed in principle to set up a bicameral group to take a strategic overview of the effectiveness and impact of the ICGS and of other cultural initiatives and to report to both Houses on the strategic direction of the ICGS.
13. The 18-month review recommended that such a group be established in 18 months' time, i.e. not until September 2022. This would allow time for the changes which have been and are being introduced now to have an impact. The Commission therefore intends to determine terms of reference and membership in autumn next year. Any recommendations for further change which emerge from the group will be taken forward for approval through the appropriate routes in due course.

ANNEX A – TERMS OF REFERENCE: ICGS STAKEHOLDER FORUM

FORUM OBJECTIVE

The Forum's objectives are to:

- support and provide constructive challenge when needed to the operations and development of the bicameral Independent Complaints and Grievance Scheme (ICGS) team;
- promote scheme-related activity within the areas they represent;
- provide an arena for information sharing and consultation, to raise awareness of and confidence in the scheme; and
- engage with and communicate scheme-related developments to the two Houses and the broader parliamentary community.

FORUM RESPONSIBILITIES

- Putting forward ideas on developing the operation of the scheme, discussing key themes, priorities and issues
- Providing early input on relevant topics related to the scheme, for example response to service usage data and feedback
- Scrutinising progress and consulting on scheme developments and improvement activity
- Providing oversight to ensure that the scheme is generating positive outcomes
- Sharing learning and good practice and taking information back to teams, union members, Members' staff and Members of both Houses and, in the process, developing effective and positive channels of communication between the group and the broader Parliamentary Community
- Contributing to the ICGS Annual Report by providing a review of the group's work and an assessment of their impact within the reporting period.
- Making recommendations to the ICGS Stakeholder Board.

INDIVIDUAL RESPONSIBILITIES

- Members of the forum should attend meetings ready to provide collaborative support and, where needed, constructive challenge to the ICGS team and its work in order to improve the scheme and members of the parliamentary community's experience of the scheme.
- Members should represent their areas of the parliamentary community where these relate to the scheme, bringing viewpoints or specific issues for discussion, sharing areas of expertise, and providing updates on progress and developments
- Members should prepare for meetings by reading all documents circulated in advance and completing any agreed actions.
- Members should be prepared to discuss issues that fall outside their own areas of expertise.

MEMBERSHIP (INCLUDING CHAIR)

Membership comprises the Director of the ICGS, representatives from the ICGS team, representatives from the respective trade unions representing members in the Commons and Lords' staff and MPs' staff, and other House staff with responsibility for the ICGS scheme or related work, including the decision-making bodies.

The Forum is chaired by the Director of the ICGS.

REVIEW

- The forum will review the Terms of Reference annually.

ANNEX B – TERMS OF REFERENCE: ICGS STAKEHOLDER BOARD

BOARD OBJECTIVE

- Discuss and agree proposed changes to the ICGS process;
- Escalate decisions on proposed process changes where agreement is not possible to the Change Control Group;
- Escalate decisions on proposed policy changes to the Change Control Group

BOARD RESPONSIBILITIES

- To determine whether proposed changes are to the policy or process of the scheme
- To consider proposed changes of process for all groups of the Parliamentary community or for one group in line with the change control framework for the ICGS
- To agree such process changes where possible and to escalate decisions to the Change Control Group where there is no such agreement.
- To escalate decisions on proposed policy changes, [together with advice on such proposals], to the Change Control Group.

INDIVIDUAL RESPONSIBILITIES

- Members of the group should attend meetings ready to consider and agree proposals for change
- Members represent different decision-makers and actors in the governance of the scheme. They should have the authority to speak on proposed changes and agree to process changes on behalf of the body they represent. This is in addition to members discussing issues and changes that affect individual sections of the parliamentary community.

MEMBERSHIP (INCLUDING CHAIR)

Membership comprises:

- Director of ICGS (Chair)
- HR representative, Commons (usually the DMB)
- HR representative, Lords (usually the DMB)
- HR representative, PDS (usually the DMB)
- Parliamentary Commissioner for Standards representative
- Clerk, House of Lords Conduct Committee
- Secretary, IEP
- TUS representative

The Group may be supported by HR representatives, Speaker's Counsel and other specialist advice as appropriate.

REVIEW

- The group will review the Terms of Reference annually. Changes may be agreed by the House of Commons Commission and the Lords Conduct Committee.

ANNEX C – TERMS OF REFERENCE: ICGS CHANGE CONTROL GROUP

GROUP OBJECTIVE

The Group's objective is to:

- Consider and agree proposed changes to the ICGS process to the ICGS where escalated from the Stakeholder Board;
- Consider and agree proposed policy changes subject to the final agreement of both Houses through established governance routes;
- Make provision for a regular review of the procedures under the scheme.

GROUP RESPONSIBILITIES

- To determine whether proposed changes are to the policy or process of the scheme
- To consider proposed changes of process for all groups of the Parliamentary community or for one group in line with the change control framework for the ICGS
- To agree such process changes where agreement cannot be reached by the Stakeholder Board
- To consider proposed policy changes in line with the change control framework and to agree proposals to take forward through the existing governance routes for matters going to the Floor of either House (ie decision of the House of Commons Commission and the House of Lords Conduct Committee)
- To ensure that the ICGS procedures are reviewed on a regular basis and to agree any necessary changes identified as a result of such reviews in line with the change control framework.

INDIVIDUAL RESPONSIBILITIES

- Members of the group should attend meetings ready to consider and agree proposals for change
- Members represent different decision-makers and actors in the governance of the scheme. They should have the authority to speak on proposed changes and agree to process changes on behalf of the body they represent. This is in addition to members discussing issues and changes that affect individual sections of the parliamentary community.

MEMBERSHIP (INCLUDING CHAIR)

Membership comprises:

- ICGS Director
- Clerk Assistants of the two Houses (co-chairs)
- Member representative of the House of Commons Commission
- Member representative of the House of Lords Commission
- Chair (or representative) of the Independent Expert Panel
- Lay member representative of the Lords Conduct Committee
- Representative of the Parliamentary Commissioner for Standards
- Representative of the Lords Commissioners
- The Group may be supported by HR representatives, Speaker's Counsel and other specialist advice as appropriate.

REVIEW

The group will review the Terms of Reference annually. Changes may be agreed by the House of Commons Commission and the Lords Conduct Committee.

ANNEX D – CHANGE CONTROL FRAMEWORK

The 18-month review suggested the following change control framework to underpin the governance structure:

Proposed changes should be assessed within the framework of:

- **clear statement of issue necessitating the change;**
- **the purpose** of the changed process step; how it will operate in practice and impact on timescales for investigations;
- **its alignment to the overarching principles** of the Delivery Report of fair, independent and consistent investigations;
- **its impact on other groups** including where the change is proposed for one group only, e.g. for MPs or for Lords Administrative staff. A clear rationale for the different step and reasoned assurance that it maintains equity of treatment across all groups in the Parliamentary community.

ANNEX E – ICGS GOVERNANCE FLOWCHART

ICGS Governance Changes

