

THE GREATER LONDON AUTHORITY
ETHICAL STANDARDS REGIME

MONITORING OFFICER DECISION NOTICE

FINDING OF NO FAILURE

GLA Case Reference: November 01/2020

Complaint

1. On 25 November 2020 I received a complaint from a member of GLA staff. The Complaint alleged that an Assembly Member had breached the Authority's Code of Conduct for GLA Members¹ ("the Code").
2. The Complainant alleged that the Assembly Member had breached the following provisions of the Code:
 3. — (1) *You must treat others with respect.*
 - (2) *You must not—(b) bully, victimise or harass any person (including by harassment of a sexual nature);*

Decision

This is a finding of no failure.

There **has not been a breach** by the Assembly Member of paragraph 3(1) of the Code of Conduct.

That there **has not been a breach** by the Assembly Member of paragraph 3(2) (b) of the Code of Conduct.

Procedure

3. The approved procedure under which complaints are to be considered about a GLA Member's conduct is set out in the Guidance on Making a Complaint About a GLA Member's Conduct ("the Complaints Guidance") which can be found online here².

¹ https://www.london.gov.uk/sites/default/files/code_of_conduct_2018_with_appendices_at_feb_212_0.pdf

² https://www.london.gov.uk/sites/default/files/appendix_1_-_guidance_on_making_a_complaint_about_a_gla_members_conduct_feb_2021.pdf

4. I have considered the Complaint in accordance with the Complaints Guidance.
5. Given the sensitive nature of the complaint I have decided that the details of the complaint should be kept private and confidential.

Informal Resolution

6. I decided that the Complaint was not suitable for informal resolution under stage 2 of the complaints process having taken into account:
 - the Code of Conduct of the Greater London Authority (“the Code”);
 - the Complaints Guidance; and
 - the letter of complaint dated 25 November 2020.
7. In doing so I have carefully taken into account all of the circumstances, the need for proportionality when dealing with complaints, the wider public interest and the costs associated with investigations. I considered that the allegations were serious matters, I therefore decided to carry out an investigation (in accordance with Stage 4 of the Complaints Guidance).

Investigation

8. I appointed ch&i Associates to carry out the investigation on my behalf on 23 December 2020. The investigation was completed on 30 March 2021. As part of this investigation ch&i Associates interviewed the complainant, the Assembly Member alleged to have breached the Code and a number of other witnesses.
9. The Investigator’s recommendation is that the Assembly Member has not breached the Code, and I agree with that recommendation.

Concluding remarks

10. In accordance with section 28(7) of the Localism Act 2011, I have sought and taken into account the views of one of the independent persons appointed by the Greater London Authority for the purposes of section 28. Her comments are attached at Appendix A.
 11. This Decision Notice has been sent to the Complainant and the Assembly Member on 6 April 2021 and is available on the Authority’s website.
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12. There is no right to appeal to the GLA against this decision.

Signed:



Emma Strain
GLA Monitoring Officer
6 April 2021

Appendix A: Statement from the Independent Person

I am one of the Independent Persons appointed by the Greater London Authority.

I was instructed by Emma Strain, the Greater London Authority's Monitoring Officer, on 2nd December 2020 in respect of a complaint brought by a GLA staff member on 25th November 2020 against an Assembly Member.

I provided views to the Monitoring Officer on the initial assessment of the complaint (in accordance with stage 3 of the complaints process) recommending that this matter be investigated in accordance with stage 4 of the complaints process.

I have been kept informed by the Monitoring Officer throughout the investigation of the complaint. I have received a copy of the complaint, a copy of the correspondence on this matter and the associated investigation report.

The complaints process describes the role of the Independent Person.

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.*

This statement provides my views to the Monitoring Officer before she takes her decision on the complaint which has now been investigated as set out above.

Having considered all of the material, I have come to the independent conclusion that I agree with the Investigator's report that there has not been a breach of the Code of Conduct by the Assembly Member.

A handwritten signature in black ink, appearing to read 'Suzanne McCarthy', with a large, stylized flourish at the end.

Suzanne McCarthy
1 April 2021