



Consultation on the Procedures and Guidance for the Compliance Officer for IPSA

September 2014

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Introduction

1. The Independent Parliamentary Standards Authority (IPSA) is a statutory body established by the Parliamentary Standards Act 2009 (PSA) to regulate and administer MPs' pay and their business costs and expenses. *The MPs' Scheme of Business Costs and Expenses* (the Scheme) is now in its sixth edition, which came into effect on 1 April 2014.
2. The Compliance Officer for IPSA is a statutory office holder created by the Constitutional Reform and Governance Act 2010 (CRAG). The Compliance Officer has two main functions:
 - to investigate complaints that a claim under the MPs' Scheme of Expenses and Costs may have been wrongfully paid to an MP; and
 - to review a decision by IPSA not to pay, in whole or in part, a claim under the Scheme.
3. We are required to provide the Compliance Officer with procedures and guidance to assist him in these functions. The current procedures and guidance were published in November 2011, following a public consultation. These are attached at Annex A.
4. These procedures and guidance have now been in force for three years, during which IPSA and the Compliance Officer have gained experience and identified potential improvements. In addition the relationships between IPSA, the Compliance Officer, the Parliamentary Commissioner for Standards and the Metropolitan Police have all developed. It is right therefore that we now review whether the procedures and guidance should be amended, in light of that experience and those changing relationships.
5. We now propose three main amendments to the procedures and guidance:
 - a. we will require the Compliance Officer to publicise the facts of the investigation once it has concluded, instead of at the start;
 - b. attendance at hearings conducted as part of an investigation will be limited to the MP, other parties and witnesses; and
 - c. the Compliance Officer will now have new guidance to follow when reviewing a decision by IPSA that a claim should not be paid.
6. These changes will
 - a. reduce the risk that an investigation will be prejudiced by an unwillingness to participate;
 - b. reduce the risk that that MPs will suffer unfair reputational damage before any allegation has been proved; and
 - c. maximise the ability of the Compliance Officer to gather necessary and relevant evidence.

They will also, for the first time, make clear the way in which claim reviews will be conducted.
7. This consultation document sets out our proposals in more detail and invites comment on the new draft procedures and guidance at Annex B.

8. Before making the procedures we are required by law to consult the Compliance Officer, the Leader of the House of Commons, the Speaker of the House of Commons, and the House of Commons Committee on Standards. We also invite view from members of the public and other interested parties.
9. Once the consultation is closed, we will analyse the responses and use them to decide whether and how to amend the procedures and guidance. The new procedures and guidance will be published in December 2014 and will come into effect on 1 January 2015.

How to respond to this consultation

10. This consultation runs from 29 September 2014 to 2 November 2014. Please ensure that you send your response before the closing date, as responses received afterwards may not be considered.
11. We will publish your response in full, including your name (but not your contact details), unless you ask us not to. We will also publish our analysis of the responses.
12. Please send us your response by email to:
complianceofficerconsultation@parliamentarystandards.org.uk.
13. If you do not have access to email, you may send a response to us by post. Our address is:

Compliance Officer Consultation

Independent Parliamentary Standards Authority

4th Floor, 30 Millbank

London SW1P 4DU

Changes to the procedures and guidance

Publication of investigations

14. The current procedures set out a two-stage process for the Compliance Officer to follow. On receiving a complaint or a request for an investigation, the Compliance Officer must first conduct an “assessment”. This assessment phase allows the Compliance Officer to conduct initial inquiries and ensure that it would not be unfair or disproportionate to initiate a full investigation. A case will only proceed to an investigation if the Compliance Officer has reason to believe that an MP may have been paid an amount under the Scheme that should not have been allowed.
15. If he decides to proceed to a full investigation, the current procedures require him to “publish... the name of the MP and particulars of the matter investigated.” In our review we have considered whether publication of an allegation at such an early stage, when no finding has been made, remains appropriate.
16. There is of course a significant public interest in publication of information about MPs’ business costs and expenses. IPSA has put in place a system which provides more information to the public than ever before. For the first time, the public has a say in the rules which govern MPs’ Business Costs and Expenses and can see the details of every claim made under them. We routinely publish not only budget totals, but information on every claim from every MP, every two months. In 2013/14 we also responded to 238 Freedom of Information requests and 31 Parliamentary Questions. This routine transparency not only informs the public about MPs’ use of public money, but encourages and facilitates compliance with the rules.
17. But this public interest in transparency must be balanced with operational needs and fairness. Under the current procedures, the Compliance Officer is required to make public the fact of the investigation, which has led, in some cases, to the investigation being widely reported in the media before a conclusion has been reached.
18. This has several potential impacts.
 - It may prejudice the proper conduct of the investigation. MPs, staff members and others may be less willing or able to participate fully in the investigation while they remain under the intense scrutiny that any suggestion of wrongdoing in this area necessarily engenders.
 - The media coverage of an investigation may unfairly tarnish the reputation of the MP or their staff members before the investigation finds that the claim or claims was valid.
 - Additionally, where a case is played out in the media, the MP will often feel obliged to defend him or herself in public. This, combined with the potential for the revisiting of other historic and unrelated conduct by the MP, may compromise the conduct and proportionality of the investigation.
 - The wish of an MP to bring the matter to a conclusion as swiftly as possible may lead evidence to be provided in haste. The evidence may, therefore, be less considered and complete.

19. In considering this change to the procedures, we have examined the complaints procedures used by some comparable professional bodies.
- The Bar Standards Board Complaint & Investigation Procedure is completely confidential and information is only released to the public if the investigation concludes that a Disciplinary Tribunal Hearing is required in order to make available the full range of discipline sanctions.
 - The Legal Ombudsman Scheme Rules governing the conduct of lawyers states that they will only publish details following an investigation and determination.
 - The General Medical Council Publications & Disclosure Policy states that they will only publish details of decisions by Interim Order Panels and the Investigations Committee.
 - The Medical Practitioners Tribunal Service only publishes the results of Fitness to Practice Panels.
 - The Parliamentary Commissioner for Standards (who investigates alleged breaches of the House of Commons code of conduct and the rules on registration of financial interests) publicises the fact that an investigation has started.
20. While practice is varied, it is clear that many other regulators also recognise the operational and reputational implications of publication of unproven allegations.
21. On balance, we believe that the operational and reputational damage to MPs which could be caused by the publication of allegations in advance of a substantive investigation outweighs the benefits of release. The Compliance Officer is likely to find discussions with MPs, staff and others more instructive and the evidence of a better quality when the discussions take place without the public scrutiny that accompanies press investigation.
22. For this reason we plan now to amend the Procedures so that the Compliance Officer is required to publicise the findings of all investigations as soon as practicable after its conclusion. This will follow the practice of the majority of bodies regulating professionals and ensure that the public receives full information on the allegation and the investigation together.

Q1 What comments do you have on the proposal to remove the requirement for the Compliance Officer to publish the fact of an investigation before any finding has been made?

Public attendance at the hearing

23. The existing procedures provide that the Compliance Officer “shall give the MP the opportunity to be heard in person ... by way of a hearing” and that the Compliance Officer “shall take reasonable steps to secure that members of the public may attend”.
24. To date, no MP has requested a public hearing. The Compliance Officer believes that this is because any MP is likely to judge that the benefits of the hearing would be outweighed by the possible publication of the details of the case. This is unwelcome because it means that the opportunity to obtain evidence to assist the investigation is also therefore lost, possibly compromising the investigation.

25. Our governing legislation¹ requires that the Compliance Officer provide the MP with an opportunity to be heard in person, but in the first edition of the Compliance Officer Procedures, IPSA added the requirement that the hearing be in public. We believed at the time that the extra transparency was necessary and would improve public confidence in the procedures.
26. However, we now believe that the potential loss of the opportunity to gather further evidence through a hearing is unacceptable. Consequently, we propose to remove the reference to public attendance at the hearing. MPs will still be offered the opportunity for a hearing at which witnesses may be called and examined, but attendance will be limited to the parties and the witnesses (if any). The results of the hearing will form part of the findings of the investigation which will be published as soon as practicable after its conclusion. Again, this is in line with the practice of other regulators.

Q2 What comments do you have on the proposal to remove the requirement that the Compliance Officer take steps to ensure that members of the public may attend a hearing?

Reviews of IPSA decisions not to pay claims

27. The Compliance Officer also has the role of reviewing decisions by IPSA not to pay a claim in full or in part, where he has been asked to do so by the MP. The legislation does not require IPSA to produce procedures or guidance that cover this element of the role, but we consider that this lack of guidance may lead to confusion. Putting guidance in place would ensure that the public and MPs have clarity around the procedures and can have confidence in the way in which the Compliance Officer conducts such reviews.
28. We have therefore added non-statutory guidance to the Compliance Officer on these reviews. This guidance is based on the Procedures for the conduct of investigations and sets out the ways in which a request for a review must be made, how the Compliance Officer may seek evidence and how his determination shall be given effect.

Q3 What comments do you have on the creation of new guidance for the Compliance Officer to follow when considering a review of a decision by IPSA that a claim should not be paid?

Other issues

29. The draft new Procedures and Guidance for the Compliance Officer can be found at Annex B. We welcome comments on any aspects of the Procedures and Guidance, in addition to those issues highlighted above.

Q4 What other comments do you have on the draft new Procedures and Guidance for the Compliance Officer?

¹ Section 9A of the Parliamentary Standards Act.

Equality and Diversity

30. In preparing these new Procedures and Guidance, we have been conscious of our duty under the Equality Act to ensure that our policies do not have any impact on individuals with the Equality Act 'protected characteristics'.²
31. We do not believe that the draft Procedures and Guidance have any such impact, but we would welcome any comment on the potential for any impact on equality and diversity.

Q5 What likely or actual impact do you believe the new Procedures and Guidance may have on equality and diversity?

² The nine protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation.

Consultation Questions

Q1 What comments do you have on the proposal to remove the requirement for the Compliance Officer to publish the fact of an investigation?

Q2 What comments do you have on the proposal to remove the requirement that the Compliance Officer take steps to ensure that members of the public may attend a hearing?

Q3 What comments do you have on the creation of new procedures for the Compliance Officer to follow when considering a review of a decision by IPSA that a claim should not be paid?

Q4 What other comments do you have on the draft new Procedures and Guidance for the Compliance Officer?

Q5 What likely or actual impact do you believe the new Procedures and Guidance may have on equality and diversity?

Annex A: existing Compliance Officer Procedures and Guidance

Second edition February 2012

Preamble

The Compliance Officer for the Independent Parliamentary Standards Authority (IPSA) is an independent office holder created by the Constitutional Reform and Governance Act 2010. The Compliance Officer has two functions:

- to investigate complaints that a claim under the MPs' Scheme of Expenses and Costs may have been wrongfully paid to an MP; and
- to review a decision by IPSA not to pay, in whole or in part, a claim under the Scheme.

These Procedures set out how the Compliance Officer shall conduct investigations under the first of the functions listed above.

Introduction and General Provisions

1. These procedures apply to an investigation conducted by the Compliance Officer for IPSA ("the Compliance Officer") to determine whether a Member of the House of Commons may have been paid an amount under the MPs' Scheme of Expenses and Costs ("the Scheme") that should not have been allowed.
2. In these procedures, a Member of the House of Commons shall be taken to include a former Member of the House of Commons.
3. The Compliance Officer shall maintain a record of all investigations requested and conducted under these procedures, including the steps taken and exercise of discretion under these procedures.
4. Where the Compliance Officer exercises discretion under these procedures, it shall be exercised lawfully, fairly and proportionately.

Requesting an Investigation

5. An investigation may be conducted:
 - a. on the Compliance Officer's own initiative;
 - b. at the request of IPSA;
 - c. at the request of the MP concerned; or
 - d. in response to a complaint by an individual;

provided that the Compliance Officer is satisfied that he or she has reason to believe that the MP may have been paid an amount under the Scheme that should not have been paid.

6. Where IPSA, the MP or another person requests the Compliance Officer to conduct an investigation, the request shall:

- a. be made in writing;
 - b. set out in detail the reasons why the person making the request considers that the MP should not have been allowed the amount in question; and
 - c. be delivered to the Compliance Officer personally or by post to Compliance Officer for IPSA, 7th Floor, Portland House, Bressenden Place, London SW1E 5BH or by email to compliance@parliamentarystandards.org.uk.
7. Failure by a person to comply with these procedures when making a request to the Compliance Officer to conduct an investigation shall not be a bar to the Compliance Officer initiating an investigation.

Assessing a request for an investigation

8. The Compliance Officer may initiate an investigation where he has reason to believe that an MP may have been paid an amount under the Scheme that should not have been allowed.
9. The Compliance Officer shall not initiate an investigation more than 12 months after the claim in question was published by IPSA unless, in the opinion of the Compliance Officer, exceptional circumstances justify initiating an investigation after more than 12 months have elapsed.
10. The Compliance Officer may decide to reject a request for an investigation if the Compliance Officer considers it unfair or disproportionate to initiate an investigation. Reasons for this decision may include:
 - a. the Compliance Officer considers the complaint to be trivial or vexatious;
 - b. the complaint does not relate to a claim by the MP for payment of an amount under the Scheme;
 - c. the complaint is about a matter that is time-barred under these procedures;
 - d. the complaint substantially repeats allegations that have already been the subject of an investigation by the Compliance Officer (unless there is significant fresh evidence or material to the complaint); or
 - e. the complaint has been made anonymously, and there is no other good reason to investigate.
11. For the purposes of determining whether to initiate an investigation, the Compliance Officer may request information from any source that the Compliance Officer deems appropriate.
12. If the Compliance Officer decides not to initiate an investigation, the Compliance Officer shall write to the complainant, if applicable, to the MP concerned and to IPSA to inform them that the Compliance Officer has rejected the request for an investigation. Unless there are exceptional reasons not to, the Compliance Officer shall include in this letter the reasons for the rejection of the request for an investigation.

Notification of an investigation

13. When the Compliance Officer initiates an investigation, he shall notify the MP concerned, IPSA and, if applicable, any person who requested the investigation, that an investigation is to be conducted. Notification to all persons shall be given at the same time.
14. An investigation shall be regarded as commencing when the Compliance Officer notifies the MP concerned that an investigation has been initiated.
15. The notification to the MP shall include an outline of the matters that are to be investigated, in sufficient detail to enable the MP to understand the nature of the case to be answered.
16. The notification to IPSA shall include a copy of the outline given to the MP of the matters to be investigated.
17. Paragraphs 18 to 48 below apply where the Compliance Officer has reason to believe that an MP may have been paid an amount under the Scheme that should not have been allowed, and the Compliance Officer has initiated an investigation in respect of that amount.

Gathering information

18. For the purposes of conducting the investigation, the Compliance Officer may request information from any source that the Compliance Officer deems appropriate, including the MP and IPSA. This information may be requested in writing or orally by way of a meeting.
19. In addition to paragraph 18 above, the Compliance Officer may by notice require the MP and IPSA to provide:
 - a. information in writing or in some other format agreed with the Compliance Officer that relates to a matter being investigated by the Compliance Officer in relation to that MP; and/or
 - b. any documents in their custody or under their control that relate to a matter being investigated by the Compliance Officer.
20. The MP and IPSA shall, in the absence of any indication to the contrary, comply with any such request as set out in paragraph 19 above within 15 working days of notice of the request being given, unless an application for an extension of time is agreed by the Compliance Officer. Failure by the MP to comply with a request under paragraphs 19 may cause the Compliance Officer to issue a Penalty Notice to that MP.
21. A requirement for information as set out in paragraph 19 above may be for the original versions of documents or may be satisfied by the production of copies of any documents requested, provided that originals (where available) are retained for inspection if required.
22. The Compliance Officer shall provide to each of the MP and IPSA copies of information or documents which the other has provided to the Compliance Officer during the investigation, when giving the receiving person the opportunity to make representations.

Statement of provisional findings

23. Before the Compliance Officer makes any provisional findings about the matter under investigation, the MP and IPSA may make representations to the Compliance Officer in accordance with paragraphs 30 to 38 below.
24. Following any representations made under paragraph 23 above, the Compliance Officer shall prepare a statement of provisional findings as to whether the MP has been paid an amount under the Scheme that should not have been allowed.
25. The statement of provisional findings may include:
 - a. a finding that the MP has failed to comply with any requirement to provide information to the Compliance Officer for the purpose of the investigation; and
 - b. findings about the role of IPSA in the matter under investigation, including any finding that it was wholly or partly IPSA's fault that the MP was paid an amount under the Scheme that should not have been allowed.
26. The Compliance Officer shall send the statement of provisional findings to the MP and IPSA, who shall each be given 15 working days to make representations about the statement of provisional findings, in accordance with paragraphs 30 to 38 below.

Statement of findings

27. Following an opportunity for the MP and IPSA to make representations about the statement of provisional findings under paragraph 26 above, the Compliance Officer shall prepare a statement of findings as to whether the MP has been paid an amount under the Scheme that should not have been allowed.
28. The statement of findings may include findings relating to the matters set out in paragraph 25 above.
29. The Compliance Officer may determine not to prepare a statement of findings where the MP:
 - a. accepts the findings set out in the statement of provisional findings;
 - b. agrees to repay to IPSA, in such manner and within such period as the Compliance Officer considers reasonable, such amount as the Compliance Officer considers reasonable; and
 - c. makes the repayment accordingly.

Representations

30. Where the Compliance Officer provides an opportunity for the MP and IPSA to make representations as required by paragraphs 23 and 26 above, paragraphs 31 to 38 below shall apply.
31. Unless otherwise agreed with the Compliance Officer, the Compliance Officer shall provide the MP and IPSA with 15 working days for representations to be made.

32. Unless made by way of a hearing in person, representations shall be made in writing.
33. The Compliance Officer may by notice indicate to the MP and IPSA any specific points that the Compliance Officer considers they should address in their representations.
34. Representations shall normally be made only in relation to the subject matter of the notification of the investigation.
35. The Compliance Officer shall send each person's representations to the other person within 5 working days of its receipt by the Compliance Officer. The other person will be permitted to respond within such period as the Compliance Officer may reasonably decide.
36. The Compliance Officer shall give the MP the opportunity to be heard in person by the Compliance Officer by way of a hearing for the purpose of making representations.
37. Where the MP is being heard in person under paragraph 36 above:
 - a. the Compliance Officer shall offer IPSA the opportunity to attend the hearing and be heard in person;
 - b. the MP may request that another person(s) attend the hearing with the Compliance Officer to represent the MP; and
 - c. the MP may request another person(s) be called to the hearing to be asked about the matter in question. Where the Compliance Officer agrees that another person attend to be asked about the matter in question, the Compliance Officer shall send a written request to that person to attend.
38. Unless it appears to the Compliance Officer, having regard to all the circumstances and, in particular, any guidance provided by IPSA, appropriate to impose restrictions, in any case where the MP is heard in person the Compliance Officer shall take reasonable steps to secure that members of the public may attend the hearing.

Repayment directions

39. Where the Compliance Officer has made a finding under paragraph 27 above that the MP has been paid an amount under the Scheme that should not have been paid, and the Compliance Officer has judged it reasonable to request the MP repay an amount to IPSA and that amount has not been repaid, the Compliance Officer:
 - a. shall give the MP a repayment direction; or
 - b. if the Compliance Officer has also made a finding under paragraph 27 that IPSA was wholly or partly at fault in the MP being paid an amount under the Scheme that should not have been paid, may give the MP a repayment direction.
40. Where a repayment direction is given under paragraph 39(a) above, it shall require the MP to repay to IPSA the amount that should not have been paid under the Scheme.
41. Where a repayment direction is given under paragraph 39(b) above, it shall require the MP to repay to IPSA such amount (not exceeding the amount that should not have been paid under the Scheme) as the Compliance Officer considers reasonable.

42. The repayment direction shall specify the period within which repayment must be made.
43. The Compliance Officer shall provide IPSA with a copy of the repayment direction as soon as possible after it is given to the MP.
44. The MP may, before the end of the repayment period, request that the Compliance Officer extend that period. The Compliance Officer shall notify IPSA of any decision to extend the repayment period.
45. Where an MP has been given a repayment direction the MP may appeal to the First-tier Tribunal with respect to the findings of the Compliance Officer made under paragraph 27.
46. Where an MP has been given a repayment direction and the Compliance Officer has also made a finding under paragraph 27 that IPSA was wholly or partly at fault in the MP being paid an amount under the Scheme that should not have been paid, the MP may appeal to the First-tier Tribunal in respect of:
 - a. the decision by the Compliance Officer to issue a repayment direction;
 - b. the amount the MP is required to repay; and/or
 - c. any requirement for the MP to pay interest and/or costs.

Publication

47. The Compliance Officer shall not generally publish information in relation to particular Assessments while those Assessments are under way. Where an Assessment results in an investigation, paragraph 48 shall apply.
48. The Compliance Officer shall publish at the start of each investigation, in such manner as the Compliance Officer considers appropriate:
 - a. the name of the MP; and
 - b. the nature of the matter investigated.
49. Unless it appears to the Compliance Officer, having regard to all the circumstances and, in particular, any guidance provided by IPSA, appropriate to defer or withhold publication, the Compliance Officer shall publish at the conclusion of the investigation, in such manner as the Compliance Officer considers appropriate:
 - a. all representations made to the Compliance Officer by the MP and IPSA during the investigation;
 - b. any provisional finding made by the Compliance Officer;
 - c. any agreement by the MP to repay to IPSA such amount as the MP considers to be reasonable; and
 - d. any finding made by the Compliance Officer.

Combined and suspended investigations

50. Where, during the course of an investigation, the Compliance Officer has reason to believe that the MP may have been paid other amounts under the Scheme other than those under investigation that should not have been allowed, the Compliance Officer may give notice to the MP and IPSA of the Compliance Officer's intention to initiate a new investigation or to join all such investigations into a single investigation. The Compliance Officer may take into account the views of the MP prior to joining all such investigations.
51. The Compliance Officer may at any time, by notice to the MP and IPSA, suspend an investigation for such period as appears to the Compliance Officer to be necessary for:
 - a. the completion of any other investigation relating to any of the matters to which the investigation relates;
 - b. the determination of any civil or criminal proceedings arising out of those matters; or
 - c. such other exceptional circumstance that warrants suspension.

Guidance on Recovery of Overpayments

Prepared by IPSA under Schedule 4 of the Parliamentary Standards Act 2009

Second Edition February 2012

Charging of interest

1. Paragraph 1(6)(a) of the Parliamentary Standards Act 2009 ("the Act") provides that where the Compliance Officer issues a repayment direction to an MP, the Compliance Officer may require that the MP pay to IPSA interest on the amount that a member must repay under the direction.
2. In determining whether to use this provision, the Compliance Officer shall be guided by the principles of fairness, proportionality and the public interest. The Compliance Officer shall have regard to all the circumstances of the case, and in particular to whether:
 - a. the amount to be repaid is substantial; and
 - b. the MP was at fault in making the claim.
3. The rate of interest payable by the member shall be specified in the repayment direction, and will be determined by the Compliance Officer, having regard to the extant base rate and commercially available interest rates.

Charging of costs

4. Paragraph 1(6)(b) of the Act provides that where the Compliance Officer issues a repayment direction to an MP, the Compliance Officer may require that MP to pay to IPSA an amount reasonably representing the costs incurred by IPSA in relation to the repayment, including the costs of the Compliance Officer in conducting the investigation.

5. In determining whether the repayment direction should include such a requirement, the Compliance Officer shall be guided by the principles of fairness, proportionality and the public interest. The Compliance Officer will have regard to all the circumstances of the case, and in particular to some or all of the following factors; whether:
 - a. the MP was at fault in making the claim;
 - b. it was the first error by the MP in question; and
 - c. the MP was the cause of any time wasting or obstruction during the investigation.
6. Where the Compliance Officer finds that the payment of a wrongful claim was wholly or partly IPSA's fault, the MP shall not generally be required to pay costs under the repayment direction.
7. The scheme for the calculation of costs is below.

Length of the Investigation	A sum – to be determined by the Compliance Officer - allocated per eight hour slot spent exclusively on the investigation.
Information-gathering costs	A proportion – to be determined by the Compliance Officer – of the costs incurred in obtaining, recording and/or administering information gathered by the Compliance Officer for the purpose of the investigation.
Meeting and/or hearing costs	A proportion – to be determined by the Compliance Officer – of the costs incurred in arranging and holding meetings and/or hearings with the MP during the investigation.
Any other costs of the investigation	A proportion – to be determined by the Compliance Officer – of the other costs incurred during the investigation not provided for elsewhere in the scheme for the calculation of costs.
Any other costs incurred by IPSA in relation to the investigation	A proportion – to be determined by IPSA and agreed by the Compliance Officer – of the costs incurred by IPSA during the investigation.

8. Where the Compliance Officer exercises discretion under these procedures, this discretion is not absolute. At all times it shall be exercised lawfully, fairly and proportionately.

Guidance on Penalty Notices

Prepared by IPSA under Schedule 4 of the Parliamentary Standards Act 2009

Second Edition February 2012

Failure to comply with a request for provision of information

1. If the Compliance Officer makes a finding under paragraph 9(5) of the Parliamentary Standards Act 2009 (“the Act”) that the MP has without reasonable excuse failed to comply with a requirement under paragraph 9(3) (provision of information to Compliance Officer), the Compliance Officer may, by a penalty notice, impose a penalty on the MP.
2. The penalty will be a sum of money payable by the member to IPSA, who shall pay it to the Consolidated Fund.
3. In determining the amount of the penalty, the Compliance Officer will take into account whether the MP has previously failed to comply with a request under paragraph 9(3) for provision of information.
4. In determining the amount of the penalty, the Compliance Officer will normally be guided by the following:
 - a) a penalty of the amount of 250 pounds (or, in the event that the maximum amount of the penalty, as provided for in paragraph 7(2) of Schedule 4, is increased pursuant to paragraph 7(3) of Schedule 4, one quarter of the maximum amount of the penalty) on the first occasion that an MP fails to comply with a request for provision of information;
 - b) a penalty of the amount of 500 pounds (or, in the event that the maximum amount of the penalty, as provided for in paragraph 7(2) of Schedule 4, is increased pursuant to paragraph 7(3) of Schedule 4, one half of the maximum amount of the penalty), on the second occasion that an MP fails to comply with a request for provision of information; and
 - c) a penalty of the amount of 1000 pounds (or, in the event that the maximum amount of the penalty, as provided for in paragraph 7(2) of Schedule 4, is increased pursuant to paragraph 7(3) of Schedule 4, the maximum amount of the penalty), for the third and all subsequent occasions that an MP fails to comply with a request for provision of information.

Failure to comply with a repayment direction

5. If the Compliance Officer is satisfied that the MP has without reasonable excuse failed to comply with any requirement contained in a repayment direction, the Compliance Officer may, by a penalty notice, impose a penalty on the MP.
6. The penalty will be a sum of money payable by the member to the IPSA, who shall pay it to the Consolidated Fund.

7. In determining the amount of the penalty, the Compliance Officer will take into account whether the MP has previously failed to comply with any requirements contained in a repayment direction.
8. In determining the amount of the penalty, the Compliance Officer will normally be guided by the following:
 - a) a penalty of the amount of 250 pounds (or, in the event that the maximum amount of the penalty, as provided for in paragraph 7(2) of Schedule 4, is increased pursuant to paragraph 7(3) of Schedule 4, one quarter of the maximum amount of the penalty) on the first occasion that an MP fails to comply with any requirement in a repayment direction;
 - b) a penalty of the amount of 500 pounds (or, in the event that the maximum amount of the penalty, as provided for in paragraph 7(2) of Schedule 4, is increased pursuant to paragraph 7(3) of Schedule 4, one half of the maximum amount of the penalty), on the second occasion that an MP fails to comply with any requirement in a repayment direction;
 - c) a penalty of the amount of 1000 pounds (or, in the event that the maximum amount of the penalty, as provided for in paragraph 7(2) of Schedule 4, is increased pursuant to paragraph 7(3) of Schedule 4, the maximum amount of the penalty), for the third and all subsequent occasions that an MP fails to comply with any requirement in a repayment direction.
9. Where the Compliance Officer exercises discretion under this guidance, this discretion is not absolute. At all times it shall be exercised lawfully, fairly and proportionately.

Appeal against a penalty notice

10. An MP who has been issued with a penalty notice under paragraphs 1 and 5 above may appeal to the First-tier Tribunal with respect to the decision by the Compliance Officer to issue the penalty notice.

Annex B: Draft Procedures and Guidance for the Compliance Officer for IPSA

Third Edition

Introduction and General Provisions

1. The Compliance Officer for the Independent Parliamentary Standards Authority (IPSA) is an independent office holder created by the Parliamentary Standards Act 2009 (PSA) as amended by the Constitutional Reform and Governance Act 2010 (CRAAG).
2. These Procedures, determined by IPSA under section 9A PSA, apply to an investigation conducted by the Compliance Officer to determine whether an MP (or former MP) may have been paid an amount under the MPs' Scheme of Business Costs and Expenses (the Scheme) that should not have been allowed. The Compliance Officer will follow these Procedures in the conduct of his or her investigations.
3. Where the Compliance Officer exercises discretion under these Procedures, it shall be exercised lawfully, fairly and proportionately.
4. The Compliance Officer may, under section 9(1) PSA, conduct an investigation if he or she has reason to believe that an MP (the MP concerned) may have been paid an amount under the Scheme that should not have been allowed. This may be initiated by the Compliance Officer, as a result of a complaint by an individual (the complainant) or following a request for an investigation made by IPSA or the MP concerned.
5. In addition to this document, reference should be made to section 9 and Schedule 4 PSA.

Guidance and Information

The boxes in grey in this document are not formally part of the Procedures and are included as guidance or for information purposes only.

Complaint or request to initiate an investigation

6. Where a complaint has been made to the Compliance Officer or he or she is requested to conduct an investigation, the complaint or request (as the case may be) shall:
 - a) be made in writing;
 - b) set out the reasons why it is said that the MP should not have been allowed the amount in question;
 - c) include any relevant evidence; and

- d) be submitted to the Compliance Officer using the online complaint form available at www.parliamentarycompliance.org.uk or alternatively via email or by post using contact details available on the website.

Scope of complaint/request

It should be noted that a complaint or request for an investigation that does not relate to a claim by an MP for payment of an amount under the Scheme will fall outside of the Compliance Officer's jurisdiction.

Gathering Information

7. For the purposes of these Procedures, the Compliance Officer may request information from any source that the Compliance Officer deems appropriate, including the MP concerned and IPSA. This information may be requested in writing or orally by way of a meeting.
8. The Compliance Officer shall consider the information received under paragraphs 6 and 7 and decide whether or not, in any exercise of his/her discretion, to initiate an investigation.

Decision whether or not to initiate an investigation

These paragraphs set out the Compliance Officer's policy in relation to his/her discretion whether to initiate an investigation.

The Compliance Officer shall not initiate an investigation more than 12 months after the claim in question was published by IPSA unless, in the opinion of the Compliance Officer, there are exceptional circumstances justifying an investigation.

The Compliance Officer may decide not to initiate an investigation if he or she considers it would be unfair, inappropriate or disproportionate to do so. Reasons for this decision may, amongst others, include:

- a) the Compliance Officer considers the complaint or request to be trivial or vexatious;
- b) the complaint or request substantially repeats allegations that have already been the subject of consideration by the Compliance Officer (unless significant fresh evidence or material has come to light);
- c) the complaint or request has been made anonymously and there is no good reason to investigate despite this; or
- d) there are ongoing investigations by other public bodies or criminal or civil proceedings related to the subject matter of the complaint or request which should be completed before any investigation is commenced.

Notification of a decision whether or not to initiate an investigation

9. Where the Compliance Officer decides that a request or complaint is not valid or not to initiate an investigation, he or she shall notify the person making the complaint or request of this decision. Unless there are exceptional reasons not to, the Compliance Officer shall include in this notification the reasons for the decision not to proceed. Where appropriate, the Compliance Officer shall send a copy of this notification to the MP concerned and IPSA.
10. Where the Compliance Officer decides to initiate an investigation, he or she shall notify the MP concerned, IPSA and the complainant (if any). The notification shall set out a summary of the scope of the matters to be investigated and be sent to all persons at the same time.

Formal request for information

11. Where, under section 9(3) PSA, the Compliance Officer formally requires the MP concerned or IPSA to provide information for the purposes of the investigation, the Compliance Officer shall send a notice to the MP concerned or IPSA, as applicable, which may specify:
 - a) the information required;
 - b) the format in which it is to be provided (which may be in documentary or electronic format and may be copies, or if appropriate, originals); and
 - c) the date by which it is to be provided (which will normally be within 15 working days of receipt of the notice).
12. The Compliance Officer may extend the time period specified under paragraph 11c on receipt of a written application by the MP concerned or IPSA giving the reasons for such an application.
13. Failure by the MP concerned to comply with a request for information under section 9(3) PSA within the time period set out in the notice or as agreed by the Compliance Officer further to an application for an extension, may cause the Compliance Officer to issue a Penalty Notice to that MP (see Schedule 4 PSA).

See Annex A for the Procedures for Penalty Notices where an MP has failed to respond to a request for information under section 9(3) PSA.

Representations/hearings in advance of Statement of Provisional Findings

14. Before the Compliance Officer makes any provisional findings about the matters under investigation, the MP concerned and IPSA shall be afforded an opportunity to make representations to the Compliance Officer in accordance with paragraphs 15 to 20 below.
15. The Compliance Officer shall send a notification to the MP concerned and IPSA:

- a) inviting representations and setting out specific points which the Compliance Officer would like addressed; and
 - b) specifying the date by which representations are to be received (which will normally be within 15 working days of receipt of this notice).
16. The Compliance Officer shall at the same time inform the MP concerned and IPSA of all material information which the Compliance officer has received (which may be communicated in summary or by the supply of copy documents).
17. The Compliance Officer shall send any written representations received from the MP concerned and IPSA to the other person within 5 working days of its receipt by the Compliance Officer. The other person will be permitted to respond within such period as the Compliance Officer may reasonably decide.
18. The notification under paragraph 11 above sent to the MP concerned shall in addition:
 - a) offer an opportunity to meet with the Compliance Officer in order to make representations in person; and
 - b) where the Compliance Officer considers it appropriate, offer an opportunity for a hearing for the purpose of resolving factual disputes, at which witnesses may be called and examined.
19. Where the MP concerned has made oral representations under paragraph 18a, the Compliance Officer will agree a note of those representations with the MP concerned and send these to IPSA within 5 working days of the note being agreed.
20. Where further to paragraph 18b, the MP concerned has requested a hearing, or the Compliance Officer has decided to arrange one on his or her own initiative:
 - a) the Compliance Officer shall set a date and location for the hearing and may issue directions for the proper running of the hearing;
 - b) the Compliance Officer shall offer IPSA the opportunity to attend and to call and examine witnesses;
 - c) the MP concerned and IPSA may be represented;
 - d) the MP concerned and IPSA shall apply in writing to the Compliance Officer in advance of the hearing to request the attendance of the witnesses. The written request shall include a brief summary of the evidence which it is proposed that the witness will give and shall be sent to the Compliance Officer not later than 21 days before the date set for the hearing; and
 - e) if the Compliance Officer agrees the proposed witnesses should be invited to attend, the Compliance Officer shall send a written request to that person.
21. Hearings shall be held in private.

Statement of Provisional Findings

22. The Compliance Officer shall send a copy of the Statement of Provisional Findings to the MP concerned and IPSA. The Statement shall include a summary of the scope of the investigation as set out in the notice served under paragraph 10, the evidence obtained, representations made and the provisional conclusions and recommendations.

Under section 9(6) PSA a Statement of Provisional Findings may include:

- a) a finding that an MP has failed to provide information when formally requested to do so; and
- b) findings about the role of IPSA in the matters under investigation including findings that the MP being paid an amount under the Scheme that should not have been allowed was wholly or partly IPSA's fault.

Representations in advance of Statement of Findings

23. At the same time as sending the Statement of Provisional Findings, the Compliance Officer shall offer the MP concerned and IPSA an opportunity to make further representations in writing within a period specified by the Compliance Officer (which will normally be within 15 working days of receipt of the Statement of Provisional Findings).
24. The Compliance Officer shall send each person's representations to the other person within 5 working days of its receipt by the Compliance Officer. The other person will be permitted to respond within such period as the Compliance Officer may reasonably decide.

Statement of Findings

25. Where the Compliance Officer has prepared a Statement of Findings, he or she shall send a copy to the complainant (if any), the MP concerned and IPSA. The statement shall include a summary of the scope of the investigation as set out in the notice served under paragraph 10, the evidence obtained, representations made, the conclusions and recommendations and any Repayment Direction made.

Circumstances in which Compliance Officer need not Issue a Statement of Findings

Further to section 9(8) PSA, the Compliance Officer may determine not to issue a Statement of Finding where the MP:

- a) accepts the Compliance Officer's provisional findings;
- b) agrees to repay to IPSA in such manner and within such period as the Compliance Officer considers reasonable, such amount as the Compliance Officer considers reasonable; and
- c) makes the repayment accordingly.

Repayment Directions and Penalty Notices

Under paragraph 1 of Schedule 4 PSA, the Compliance Officer, where he has made a finding in the Statement of Findings that the MP concerned was paid an amount under the Scheme which should not have been allowed and which has not already been repaid, is required to make a Repayment Direction, except where the payment was wholly or partly IPSA's fault. This Repayment Direction will specify the amount to be paid and the time period within which it must be paid. Failure to comply with this can lead to the imposition of a Penalty Notice.

See Annex A for Guidance on Penalty Notices where a Penalty Notice is imposed for failure to comply with a Repayment Direction.

See Annex B for Guidance on recovery of overpayments.

There is a right of appeal against Repayment Directions and Penalty Notices to the First-tier Tribunal, which must be lodged within 28 days of the day on which the Direction or Penalty Notice, as the case maybe, was sent to the MP concerned.

Closure Report

26. The Compliance Officer may issue a Closure Report to the complainant (if any), the MP concerned and IPSA stating that the investigation is closed. Any Closure Report shall include details as to any agreement by the MP concerned to repay any amount to IPSA and whether or not any amount has been paid.

Publication

27. Subject to paragraph 28, the Compliance Officer shall publish, as soon as practicable after the conclusion of the investigation and in such manner as he sees fit:

- a) the Provisional Statement of Findings or a summary thereof;
- b) any agreement by the MP concerned to repay to IPSA an amount further to section 9(8)(c) PSA or a summary thereof;
- c) any Statement of Findings or a summary thereof;

- d) any Closure Report; and
- e) any Penalty Notice issued under paragraph 6 of Schedule 4 PSA.

28. The Compliance Officer may decide not to publish:

- a) in the case of a Penalty Notice, where fewer than 28 days have passed since it was sent to the MP concerned;
- b) where legal proceedings in relation to any investigation or claim are ongoing and/or not all relevant avenues of appeal have been exhausted; or
- c) in exceptional circumstances, provided that the reason for not doing so outweighs the public interest in publication.

Considerations during a pre-election period

29. Annex C contains guidance notes to be considered by the Compliance Officer during a pre-election period.

Combined and suspended investigations

30. Where, during the course of an investigation, the Compliance Officer has reason to believe that the MP concerned may have been paid other amounts under the Scheme other than those under investigation that should not have been allowed, the Compliance Officer may give notice to the MP concerned and IPSA of the Compliance Officer's intention to initiate a new investigation or to join all such investigations into a single investigation. The Compliance Officer may take into account the views of the MP prior to joining all such investigations.

31. The Compliance Officer may at any time, by notice to the MP and IPSA, suspend an investigation for such period as appears to the Compliance Officer to be necessary for:

- a) the completion of any other investigation relating to any of the matters to which the investigation relates;
- b) the determination of any civil or criminal proceedings arising out of those matters; or
- c) such other exceptional circumstance that warrants suspension.

Miscellaneous

32. The Compliance Officer shall maintain a record of all investigations requested and conducted under these Procedures.

33. Failure to follow any of the procedural requirements set out in this document shall not affect the validity of any determination made by the Compliance Officer.

Annex A: Guidance on Penalty Notices

Prepared by IPSA under Schedule 4 of the Parliamentary Standards Act 2009

Failure to comply with a request for provision of information

1. If the Compliance Officer makes a finding under paragraph 9(5) of the PSA that the MP has without reasonable excuse failed to comply with a requirement under paragraph 9(3) (provision of information to Compliance Officer), the Compliance Officer may, by penalty notice, impose a penalty on the MP.
2. The penalty will be a sum of money payable by the member to IPSA, which shall pay it to the Consolidated Fund.
3. In determining the amount of the penalty, the Compliance Officer will take into account whether the MP has previously failed to comply with a request under paragraph 9(3) for provision of information.
4. In determining the amount of the penalty, the Compliance Officer will normally be guided by the following:
 - a) a penalty of the amount of 250 pounds (or, in the event that the maximum amount of the penalty, as provided for in paragraph 7(2) of Schedule 4, is increased pursuant to paragraph 7(3) of Schedule 4, one quarter of the maximum amount of the penalty) on the first occasion that an MP fails to comply with a request for provision of information;
 - b) a penalty of the amount of 500 pounds (or, in the event that the maximum amount of the penalty, as provided for in paragraph 7(2) of Schedule 4, is increased pursuant to paragraph 7(3) of Schedule 4, one half of the maximum amount of the penalty), on the second occasion that an MP fails to comply with a request for provision of information; and
 - c) a penalty of the amount of 1000 pounds (or, in the event that the maximum amount of the penalty, as provided for in paragraph 7(2) of Schedule 4, is increased pursuant to paragraph 7(3) of Schedule 4, the maximum amount of the penalty), for the third and all subsequent occasions that an MP fails to comply with a request for provision of information.

Failure to comply with a repayment direction

5. If the Compliance Officer is satisfied that the MP has without reasonable excuse failed to comply with any requirement contained in a repayment direction, the Compliance Officer may, by a penalty notice, impose a penalty on the MP.

6. The penalty will be a sum of money payable by the member to the IPSA, who shall pay it to the Consolidated Fund.
7. In determining the amount of the penalty, the Compliance Officer will take into account whether the MP has previously failed to comply with any requirements contained in a repayment direction.
8. In determining the amount of the penalty, the Compliance Officer will normally be guided by the following:
 - a) a penalty of the amount of 250 pounds (or, in the event that the maximum amount of the penalty, as provided for in paragraph 7(2) of Schedule 4, is increased pursuant to paragraph 7(3) of Schedule 4, one quarter of the maximum amount of the penalty) on the first occasion that an MP fails to comply with any requirement in a repayment direction;
 - b) a penalty of the amount of 500 pounds (or, in the event that the maximum amount of the penalty, as provided for in paragraph 7(2) of Schedule 4, is increased pursuant to paragraph 7(3) of Schedule 4, one half of the maximum amount of the penalty) on the second occasion that an MP fails to comply with any requirement in a repayment direction;
 - c) a penalty of the amount of 1000 pounds (or, in the event that the maximum amount of the penalty, as provided for in paragraph 7(2) of Schedule 4, is increased pursuant to paragraph 7(3) of Schedule 4, the maximum amount of the penalty) on the third and all subsequent occasions that an MP fails to comply with any requirement in a repayment direction.
9. Where the Compliance Officer exercises discretion under this guidance, this discretion is not absolute. At all times it shall be exercised lawfully, fairly and proportionately.

Appeal against a penalty notice

An MP who has been issued with a penalty notice under paragraphs 1 and 5 above may appeal to the First-tier Tribunal with respect to the decision by the Compliance Officer to issue the penalty notice.

Annex B: Guidance on Recovery of Overpayments

Prepared by IPSA under Schedule 4 of the Parliamentary Standards Act 2009

Charging of interest

1. Paragraph 1(6)(a) of the PSA provides that where the Compliance Officer issues a repayment direction to an MP, the Compliance Officer may require that the MP pay to IPSA interest on the amount prescribed by the direction.
2. In determining whether to use this provision, the Compliance Officer shall be guided by the principles of fairness, proportionality and public interest. The Compliance Officer shall have regard to all the circumstances of the case, and in particular to whether:
 - a) the amount to be repaid is substantial; and
 - b) the MP was at fault in making the claim.
3. The rate of interest payable by the member shall be specified in the repayment direction, and will be determined by the Compliance Officer, having regard to the extant base rate and commercially available interest rates.

Charging of costs

4. Paragraph 1(6)(b) PSA provides that where the Compliance Officer issues a repayment direction to an MP, the Compliance Officer may require that MP to pay to IPSA an amount reasonably representing the costs incurred by IPSA in relation to the repayment, including the costs of the Compliance Officer in conducting the investigation.
5. In determining whether the repayment direction should include such a requirement, the Compliance Officer shall be guided by the principles of fairness, proportionality and the public interest. The Compliance Officer will have regard to all the circumstances of the case, and in particular to some or all of the following factors; whether:
 - a) the MP was at fault in making the claim;
 - b) it was the first error by the MP in question; and
 - c) the MP was the cause of any time wasting or obstruction during the investigation.
6. Where the Compliance Officer finds that the payment of a wrongful claim was wholly or partly IPSA's fault, the MP shall not generally be required to pay costs under the repayment direction.
7. The scheme for calculation of costs is below.

- Length of the Investigation - a sum to be determined by the Compliance Officer allocated per eight hour slot spent exclusively on the investigation.
 - Information Gathering Costs - a proportion, to be determined by the Compliance Officer, of the costs incurred in obtaining, recording and/or administering information gathered by the Compliance Officer for the purpose of the investigation.
 - Meeting and/or hearing costs - a proportion, to be determined by the Compliance Officer, of the costs incurred in arranging and holding meetings and/or hearings with the MP during the investigation.
 - Any other costs of the investigation - a proportion, to be determined by the Compliance Officer, of the other costs incurred during the investigation not provided for elsewhere in the scheme for the calculation of costs.
 - Any other costs incurred by IPSA in relation to the investigation - a proportion - to be determined by IPSA and agreed by the Compliance Officer - of the costs incurred by IPSA during the investigation.
8. Where the Compliance Officer exercises discretion under the procedures, this discretion is not absolute. At all times it shall be exercised lawfully, fairly and proportionately.

Annex C: Guidance Notes for a General Election

1. In an election year, the Compliance Officer will make every effort to conclude any extant investigations before the pre-election period has commenced.* Where it is not possible to complete the investigation prior to the pre-election period, the Compliance Officer will normally exercise the discretion under paragraph 31(c) to suspend any investigations or enquiries until after the State Opening of Parliament.
2. Where a complaint or request for an investigation is received after the pre-election period has commenced,* the Compliance Officer will normally exercise his discretion under paragraph 31(c) to suspend any enquiries until after the State Opening of Parliament.

* or in the case of an early election, Parliament is dissolved.

Guidance on the Conduct of Reviews by the Compliance Officer for IPSA

First Edition

Introduction and General Provisions

1. The Compliance Officer for the Independent Parliamentary Standards Authority (IPSA) is an independent office holder created by the Parliamentary Standards Act 2009 (PSA) as amended by the Constitutional Reform and Governance Act 2010.
2. Any Member or former Member of the House of Commons (MP) may apply to the Compliance Office for a review of a decision by IPSA that a claim under the MPs' Scheme of Business Costs and Expenses (the Scheme) is to be refused or that only part of the amount claimed is to be allowed.
3. This document contains information and guidance on reviews conducted by the Compliance Officer under section 6A PSA. It also covers determinations by IPSA under section 9A(5) PSA.
4. Where the Compliance Officer exercises discretion under these Procedures, it shall be exercised lawfully, fairly and proportionately.

Request for a review

5. Where a request for a review is made to the Compliance Officer, it shall:
 - a) be made in writing;
 - b) set out the reasons why it is said that IPSA's decision was incorrect;
 - c) confirm that the MP has already requested IPSA to reconsider the determination, allowed a reasonable opportunity for it so to do, and the outcome of that reconsideration;
 - d) include any relevant evidence; and
 - e) be submitted to the Compliance Officer using the online review form available at www.parliamentarycompliance.org.uk or alternatively via email or by post using contact details available on the website.
6. The Compliance Officer on receipt of a request for a review shall consider whether it is within his or her jurisdiction (does it relate to a refusal in part or whole of a claim under the Scheme) and whether the MP has given IPSA a reasonable opportunity to reconsider the determination.

Notification of receipt of a request for a review

7. Where the Compliance Officer is in receipt of a request for a review, he or she shall notify IPSA and request an account of IPSA's actions taken in considering the claim and copies of supporting evidence

Gathering information/representations

8. For the purposes of conducting the review, the Compliance Officer may request information and representations from any source that the Compliance Officer deems appropriate, including the MP concerned and IPSA. This information may be requested in writing or orally by way of a meeting. If in writing, it shall be supplied by such date as is set by the Compliance Officer (which will normally be within 15 days of receipt of the request).

Statement of Review Decision

9. The Compliance Officer will, taking into account all information, evidence and representations, decide whether the determination (or the altered determination) is the determination that should have been made under the Scheme and in light of that, whether or not to confirm or alter it.
10. The Compliance Officer shall give IPSA a statement of any such decision (Statement of Review), which may include a statement of his or her findings about the way in which IPSA has dealt with the claim.

Payments/adjustments and Right of Appeal

11. IPSA shall, pursuant to section 6A(4) PSA, but subject to the MP's right of appeal under section 6A(6) to the First-tier Tribunal, make any payments or adjustments necessary to give effect to the Compliance Officer's decision.
12. IPSA shall not make any payments or adjustments until it is no longer possible for the member to appeal and all relevant appeals have been withdrawn or determined.

Publication

13. Subject to paragraph 12, the Compliance Officer shall publish, in such manner as he sees fit a summary of the Statement of Review including the outcome of the review.
14. The Compliance Officer may decide not to publish where:
 - a) fewer than 28 days have passed since the outcome of the review was sent to the MP who submitted the claim;
 - b) legal proceedings in relation to the investigation or claim are ongoing and/or not all relevant avenues of appeal have been exhausted, or

- c) in exceptional circumstances, provided always that the reason for not doing so outweighs the public interest in publication.

Combined and suspended reviews

- 15. Where, during the course of a review, the Compliance Officer receives a further request which is related to the first, the Compliance Officer may give notice to the MP concerned and IPSA of the Compliance Officer's intention to join the reviews into a single process. The Compliance Officer may take into account the views of the MP and IPSA prior to joining all such reviews.
- 16. The Compliance Officer may at any time, by notice to the MP and IPSA, suspend a review process for such period as appears to the Compliance Officer to be necessary for:
 - a) the determination of any civil or criminal proceedings arising out of those matter; or
 - b) such other exceptional circumstance that warrants suspension.

Miscellaneous

- 17. The Compliance Officer shall maintain a record of the review process.
- 18. Failure to follow any of the procedural requirements set out in this document shall not affect the validity of any determination made by the Compliance Officer.