

# A Guide to the Factual Accuracy Check

This guide is to provide information to those that have made a complaint (complainants) and those being complained about (respondents) regarding the Factual Accuracy Check process.

## **What is the Factual Accuracy Check (FAC)?**

Once an investigator has completed their investigation they will write a Full Assessment report with their findings. Before that report is finalised, complainants and respondents will be sent the report to review and complete a Factual Accuracy Check.

The Factual Accuracy Check is the opportunity for complainants and respondents to see the draft report to:

- Check that facts and dates are correct and request corrections; for example to correct the date or time that an alleged incident occurred.
- Raise concerns if relevant evidence has not been considered or relevant witnesses have not been contacted.
- Raise other concerns about the process of the investigation.

## **Can I use the Factual Accuracy Check to challenge the investigator's findings?**

The FAC is not an opportunity to introduce new evidence or to challenge the investigator's findings, reasoning, or recommendations unless they are "unreasonable or perverse."

The definition of what might constitute "unreasonable or perverse" is as follows:

In the context of a formal process such as the ICGS, a report or its conclusions might be "unreasonable" if it:

- failed to take into account important items of evidence.
- had accepted evidence without hearing what both parties had to say about it.
- had failed to observe principles of 'natural justice' such as allowing both parties to comment on the alleged incident.
- took into account irrelevant material such as gossip from the internet.
- had drawn conclusions that did not follow logically from the facts found.

A report might be "perverse" if its conclusion was radically at odds with the evidence, and no reasonable investigator could have reached that conclusion from the facts. However, the fact that someone else might have reached a different conclusion does not make the report "unreasonable or perverse."

## **Will I see any evidence when I get the report for the Factual Accuracy Check?**

No, you will just see the draft Full Assessment report.

## **Does confidentiality still apply?**

Yes, confidentiality still applies during and after the Factual Accuracy Check.

We do understand that you may wish to discuss the complaint with a trusted individual such as your trade union representative, your party whip (if you are an MP), your line manager, or very close friends or family. We ask that you keep contacts to a minimum and carefully

consider what information you share. You must inform any such trusted individual that the ICGS complaint is confidential and that they are bound by your confidentiality statement.

### **How long do I have to reply with any comments once I receive the report?**

Both parties will have 10 working days to provide their comments to the investigator.

In exceptional circumstances, we may be able to extend this deadline. You may ask the investigator for an extension, giving them the reason why you have made the request. It is at the investigator's discretion as to whether or not the extension is granted.

### **What happens after the 10 days?**

The investigator will create an addendum to the report in the form of a table showing comments received and what changes, if any, were made to the report. The addendum should list each comment and the investigator's responses detailing whether:

- The comment has been accepted (noting where a change has been made and why)
- The facts were already in the report
- The comment is rejected (and why)
- The comment was an opinion and therefore not in the scope of the report

The investigator may request further evidence or re-interview the complainant, the respondent, and any witnesses to decide whether the report should be changed.

If the draft report is changed substantively as a result of the Factual Accuracy Check, then it might need to be sent out to both the complainant and respondent again for a further Factual Accuracy Check.

### **What happens if neither the complainant nor the respondent makes any comments?**

If the investigator receives no comments from either party, then they will add a paragraph to the report to note this and will not produce the addendum.

### **More information**

If you would like further information on the Factual Accuracy Check stage, please contact either your investigator or the ICGS Casework and Inclusion Officer Lucy Brighty at [brightyl@parliament.uk](mailto:brightyl@parliament.uk).