

David Jo See



Parliamentary Commissioner
for Administration
Church House Great Smith Street
London SW1P 3BW

From the Commissioner
Sir Anthony Barrowclough QC

01x242 276 2000/2010

Our ref: C.65/88

The Rt Hon Dr David Owen MP
House of Commons
London SW1A 0AA

5 July 1988

David Owen

Thank you for your letter of 29 June about the case of Mr GRO-A.

I am sorry that you should see my decision not to undertake an investigation into Mr GRO-A's case as demonstrating that my Office is ineffective. If my terms of reference are "too circumscribed", as you suggest, that is of course a matter for Parliament itself to address and resolve. I can only act within those terms of reference.

Section 10(1) of the Parliamentary Commissioner Act requires me, in any case where I decide not to conduct an investigation, to send to the Member by whom the request for an investigation was made a statement of my reasons for not conducting an investigation. As I see it, my letters to you of 26 February, 14 March and 17 June have met that requirement.

Within the remit which Parliament has set for this Office, my predecessors and I have undertaken investigations into some thousands of complaints. But in no instance that I am aware of has an investigation been started without the Commissioner of the day having been satisfied (a) that a reasonable prima facie case of administrative fault (and of injustice to the aggrieved person sufficiently linked to that fault) had first been made out and (b) that there was a reasonable prospect of some productive outcome from the investigation. Investigations undertaken without these pre-requisites being met would be purely speculative.

Finally, perhaps I may offer a brief comment on your assumption as to the finality of my decision not to investigate Mr GRO-A's complaint. I am always ready - as I am sure my predecessors all were - to reconsider any case for investigation if new and relevant evidence is submitted by the referring Member. If, for example, it had appeared that DHSS's letter to you of 16 June had furthered your contention that there had been administrative fault on the Department's part that might in some degree have altered my perception of the case. But it would be wrong for me to attempt to make bricks without straw.

Yours sincerely

GRO-C