

## Leeds City Region Local Enterprise Partnership (LCR LEP)

### Procedure for considering complaints alleging a failure to comply with the LCR LEP Board members' Code of Conduct

#### Introduction

1. The LCR LEP Board members' Code of Conduct applies to LCR LEP Board members when they are acting in that capacity.

#### Submitting a Complaint

2. A complainant alleging a failure to comply with the Code should submit their complaint in writing to the **Monitoring Officer** of the West Yorkshire Combined Authority (WYCA) for initial assessment.
3. The complaint must set out:
  - a. **who** was involved,
  - b. the alleged **misconduct**,
  - c. **when** and **where** it occurred, and
  - d. how the complainant wants the complaint to be **resolved**.
4. A complainant should complete a **complaint form**, but this is not required if the complainant provides the details required in writing.
5. If a complainant does not complete a form and does not provide the required details in writing, the Monitoring Officer will ask them to re-submit the complaint by completing a form.

#### Stage 1 - Initial Assessment by the Monitoring Officer

6. The Monitoring Officer will notify a LCR LEP Board member about any complaint against them<sup>1</sup>.
7. The Monitoring Officer will decide whether the complaint should be dealt with under Stage 2 of this procedure.

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<sup>1</sup> Where the Monitoring Officer decides that the complaint should not be dealt with further under this procedure, this is for information only.

8. Where a complaint relates to a LCR LEP Board member who is a local authority representative, the Monitoring Officer will refer the complaint to the Monitoring Officer of the relevant local authority to consider as a breach of that authority's Members' Code of Conduct<sup>2</sup>. The complaint will not be dealt with any further under this procedure.

### Complaints which will not be dealt with under Stage 2

9. A complaint will not be dealt with under Stage 2 of this procedure if it is a complaint which:
- a. is submitted **anonymously**,<sup>3 4</sup>
  - b. does **not identify the LCR LEP Board member**,
  - c. relates to a LCR LEP Board member's **personal or private life**,
  - d. alleges that a **criminal offence** has been committed,
  - e. is about **failing to respond** to a request from an individual member of the public,
  - f. relates to alleged actions by **officers**, or a **service related issue**,
  - g. relates to a **decision** of the LCR LEP Board, WYCA, a committee of WYCA or an officer,
  - h. relates to a person who is **no longer** a LCR LEP Board member,
  - i. refers principally to an alleged incident **before the person became a LCR LEP Board member**,
  - j. refers principally to an alleged incident which happened so long **in the past** that there would be little benefit in taking action,
  - k. contains **trivial allegations**, or which appear to be simply **malicious, vexatious, politically motivated** or **tit-for-tat**,

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<sup>2</sup> A local authority's Members' Code of Conduct applies to a Member when they represent the authority on an external organisation, and otherwise acting in an official capacity.

<sup>3</sup> Complaints which contain a request for the complainant's identity to be withheld may be dealt with under this procedure, although the complainant's identity will only be withheld if, in the opinion of the Monitoring Officer, there are exceptional circumstances. If the Monitoring Officer does not consider that the complainant's identity should be withheld, the complainant will be given the opportunity to withdraw the complaint.

<sup>4</sup> Anonymous complaints which reveal potential fraud or corruption will be referred to WYCA's Internal Audit team for consideration under the Whistle Blowing Policy.

- l.** concerns alleged behaviour which has **already** been **investigated** or subject to some form of action, or
  - m.** has been referred to another local authority under paragraph 8.
- 10.** If a complaint alleges that a criminal offence has been committed,<sup>5</sup> the Monitoring Officer may direct any such complaint to the West Yorkshire Police<sup>6</sup>. Before making this decision, the Monitoring Officer will consult
  - WYCA's Managing Director, and
  - WYCA's Chief Finance Officer<sup>7</sup>.

The Monitoring Officer may also consult:

  - the Chair of WYCA, and
  - the LCR LEP Chair.
- 11.** The Monitoring Officer will refer any complaint about an **officer or service related issue** to the relevant officer to be dealt with under the relevant procedure.
- 12.** The Monitoring Officer will explain in writing to the complainant why the complaint will not be dealt with under Stage 2 of this procedure.
- 13.** There is no appeal against any decision taken by the Monitoring Officer at this stage.

## **Stage 2 - Informal Resolution**

- 14.** If the Monitoring Officer decides that the complaint should be dealt with under Stage 2 of this procedure, the Monitoring Officer will discuss the complaint with both the complainant and the LCR LEP Board member, with a view to seeking to resolve the complaint.
- 15.** The Monitoring Officer will provide the complainant with a copy of this procedure.
- 16.** Informal resolution may include:
  - a.** an **explanation** by the LCR LEP Board member of the circumstances surrounding the complaint,
  - b.** an **apology** from the LCR LEP Board member,
  - c.** an agreement from the LCR LEP Board member to attend relevant **training** or to take part in a **mentoring** process,

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<sup>5</sup> Such as fraud.

<sup>6</sup> Or any other relevant police force.

<sup>7</sup> This role is currently carried out by the Director of Resources.

- d. an offer of **mediation or conciliation** between the LCR LEP Board member and the complainant, or
  - e. **any other action** capable of resolving the complaint.
17. At the end of a 20 working day period, the Monitoring Officer will decide whether the complaint is resolved.
18. Where the complaint is **resolved**, the Monitoring Officer will confirm to the complainant and the LCR LEP Board member in writing that there will be **no further action** taken under this procedure.

### Stage 3 – further action

19. Where the complaint is **not resolved**, the Monitoring Officer will make appropriate arrangements to ensure that the complaint is considered by the LCR LEP Board or a panel of LCR LEP Board members on its behalf. The Monitoring Officer will ask the complainant and the LCR LEP Board member to submit **written representations** about the complaint and any response to it.
20. Whether or not there has been a failure to comply with the Code, the Monitoring Officer may in any event make any **general recommendation** to the LCR LEP Board with a view to promoting and maintaining high standards of conduct. Such recommendations may include changes to the LCR LEP Board's Code of Conduct, procedures and practices, or training for LCR LEP Board members.
21. The Monitoring Officer will report annually to the LCR LEP Board about any complaints received about any LEP Board member, and the outcome of any such complaint.