



## Leeds City Region Enterprise Partnership (LEP)

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

#### Introduction

1. The LEP Board Members' Code of Conduct applies to members of the LEP Board.

#### Submitting a Complaint

2. A complainant alleging a failure to comply with the Code should submit their complaint in writing to the **Monitoring Officer**<sup>1</sup> of the West Yorkshire Combined Authority (the Combined Authority) for initial assessment<sup>2</sup>.
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 member of the LEP Board about any complaint against them<sup>3</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> This role is carried out by the Combined Authority's Head of Legal and Governance Services

<sup>2</sup> Where any potential conflict of interest arises from the involvement of the Monitoring Officer, the LEP's Chief Executive may ask a Monitoring Officer from another authority to deal with the complaint, including undertaking any investigation.

<sup>3</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 member of the LEP Board 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>4</sup>. The complaint will not be dealt with any further under this procedure.

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

9. No complaint will be pursued unless it is in the opinion of the Monitoring Officer, in the public interest to do so. Except in exceptional circumstances, a complaint will not be dealt with under Stage 2 of this procedure if it is a complaint which:
- a. is submitted **anonymously**,<sup>5 6</sup>
  - b. does **not identify the member of the LEP Board**,
  - c. relates to a member of the LEP Board's **personal or private life**<sup>7</sup>,
  - 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 LEP Board, the Combined Authority, a committee of the Combined Authority or an officer,
  - h. relates to a person who is **no longer** a member of the LEP Board,
  - i. refers principally to an alleged incident **before the person became a member of the LEP Board**,
  - 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>4</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>5</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>6</sup> Anonymous complaints which reveal potential fraud or corruption will be referred to the Combined Authority's Head of Internal Audit for consideration under the LEP's or the Combined Authority's whistleblowing policy.

<sup>7</sup> Except in so far as any allegation which relates to paragraphs 17, 18, 19 and 20 of the Code (relating to disclosing interests and canvassing for appointments), which may be considered under this procedure.

- l. concerns alleged behaviour which has **already** been **investigated** or subject to some form of action, or
  - m. has been referred to a local authority under paragraph 8.
10. If a complaint alleges that a criminal offence has been committed<sup>8</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:
- the Combined Authority's Managing Director, and
  - the Combined Authority's S73 Officer<sup>9</sup>.
- The Monitoring Officer may also consult:
- the Chair of the Combined Authority, and
  - the Chair of the LEP
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 member of the LEP Board, 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 member of the LEP Board of the circumstances surrounding the complaint,
  - b. an **apology** from the member of the LEP Board,
  - c. an agreement from the member of the LEP Board to attend relevant **training** or to take part in a **mentoring** process,
  - d. an offer of **mediation or conciliation** between the member of the

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<sup>8</sup> Such as fraud.

<sup>9</sup> This is the statutory role of Chief Finance Officer, appointed under Section 73 Local Government Act 1985. The role is carried out by the Combined Authority's Director of Corporate Services.

LEP Board 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 member of the LEP Board 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 LEP Board or a panel of LEP Board on its behalf. The Monitoring Officer will ask the complainant and the member of the LEP Board member to submit **written representations** about the complaint and any response to it.
20. Where a decision is made on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on the LEP website, including a brief statement of facts, the provisions of the Code engaged by the allegations, the reasoning of the decision-maker, and any sanction applied.
21. 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 LEP Board with a view to promoting and maintaining high standards of conduct. Such recommendations may include changes to the LEP Board's Code of Conduct, procedures and practices, or training for members of the LEP Board.
22. The Monitoring Officer will report annually to:
  - the LEP Board and
  - the Combined Authority's Governance and Audit Committee

about any complaints received about any member of LEP Board during the previous financial year, and the outcome of any such complaint. All reporting will be anonymised as appropriate and identify common themes and numbers of complaints year on year. The report will highlight any actions taken to improve procedures, systems and policies.

### **Privacy Policy**

A copy of our privacy policy can be found on the LEP website: [LEP - Privacy and cookie policy](#)