



HM Government

Local Enterprise Partnership governance and transparency

Best practice guidance

January 2018



© Crown copyright, 2018

Copyright in the typographical arrangement rests with the Crown.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/> or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

This document/publication is also available on our website at www.gov.uk/MHCLG

If you have any enquiries regarding this document/publication, complete the form at <http://forms.communities.gov.uk/> or write to us at:

Ministry of Housing, Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF
Telephone: 030 3444 0000

For all our latest news and updates follow us on Twitter: <https://twitter.com/CommunitiesUK>

January 2018

ISBN: 978-1-4098-5173-8

Contents

Introduction	4
Chapter 1: Guidance on the publication of meeting and agenda items	6
Chapter 2: Guidance and example of confidential reporting procedures for third parties and the public	9
Chapter 3: Example Whistleblowing Policy	14
Chapter 4: Example Code of Conduct	23
Chapter 5: Register of Interests	27

Introduction

1. In October 2017, the Ministry of Housing, Communities and Local Government (MHCLG), then the Department for Communities and Local Government, published the [Review of Local Enterprise Partnerships Governance and Transparency](#) a report led by Mary Ney, Non-Executive Director (NED) of the MHCLG Board.
2. This review forms an integral part of the wider work that the Government is currently undertaking to strengthen Local Enterprise Partnerships (LEPs), ensuring they have robust corporate governance arrangements in place that enable them to fulfil their role in driving local economic growth.
3. Following publication of the MHCLG NED Review the Government has accepted the review recommendations in full and is undertaking the following steps to implement them:
 - **Enhancing the LEP Annual Review process:** MHCLG developed new guidance, to underpin the 2017 LEP Annual Review process. This guidance ensured the Annual Review process had a greater focus on LEP governance and transparency arrangements.
 - **Best Practice:** Publishing this Best Practice Guidance on the following corporate governance issues: codes of conduct; publication of meeting and agendas; confidential reporting procedures for third parties and the public; whistleblowing policies; and registers of interests.
 - **Finance:** Providing further guidance on the publication of financial information and the role of the Section 151/73 Officer. This guidance is being produced in partnership with the LEP network and The Chartered Institute of Public Finance and Accountancy (CIPFA).
 - **Assurance Framework Guidance:** Following the completion of the Minister led LEP Review the Government will publish revised national guidance for LEP Assurance Frameworks.
 - **Government approach to non-compliance:** Following the completion of the Minister led LEP Review the Government will share its approach to non-compliance with LEPs.

How LEPs should use this guidance

4. The Government has developed this guidance for LEPs to ensure that their policies and procedures on: code of conduct; the publication of meeting minutes and agendas; confidential reporting procedures for third parties and the public; whistleblowing policies; and registers of interests ensure that robust corporate governance is in place. As such, this document contains **examples** of good

practice and **specific standards and guidance** on governance for the topics listed above.

5. During the development of this guidance MHCLG has drawn on best practice by reviewing the policies of Local Authorities, Government Departments and LEPs. Advice has also been provided by the Government Legal Service and the Centre for Public Scrutiny.
6. Where specific guidance has been provided by the Department, LEPs must promptly implement the necessary standards and policies. LEPs should also review the examples provided in this document and ensure their local policies and procedures reflect this best practice. If a LEP is unsure about whether their own arrangements already meet the standards set out in this guidance, they should discuss it with their Area Lead from the Cities and Local Growth Unit¹, who will seek the most appropriate advice.
7. The Government will ensure that all LEPs implement the Mary Ney Recommendations in full. This includes the adoption of the standards reflected in this guidance. LEPs are responsible for ensuring compliance with these standards. This will be monitored by Area Leads from the Cities and Local Growth Unit.

¹ A joint Unit between the Ministry of Housing, Communities and Local Government and Department for Business, Energy and Industrial Strategy (BEIS)

Chapter 1: Guidance on the publication of meeting and agenda items

MHCLG NED Review Recommendation:

It is recommended that the Department provides additional guidance on expectations on publication of agendas, meeting papers and decisions.

([Review into Local Enterprise Partnership Governance and Transparency](#); page 12)

Introduction to guidance on the publication of meeting and agenda items

8. The current National LEP Assurance Framework states that LEPs must set out arrangements for transparent decision making in their Local Assurance Framework in line with existing local authority rules and regulations. The MHCLG NED review recommended that the Department provides additional guidance to LEPs on these requirements.
9. The guidance below sets out the minimum requirements for the publication of meeting and agenda items. This is in addition to the other measures that LEPs take to ensure that their meetings are transparent and accessible, such as the adoption of an Annual General Meeting open to the public. LEPs must adopt the guidance set out in this chapter by 28 February 2018.

Guidance on publication of meeting papers and agendas

10. Each LEP must explain on an easily accessible part of their website the documentation they will routinely publish. As a minimum each LEP will include a commitment to publish minutes and papers for full board meetings and any sub-committees which involve decisions about public money. On the website the LEP must include a commitment to meet the timelines set out in this guidance. These are based on the National LEP Assurance Framework in accordance with the Local Government Act 1972. These timelines are:

- Meeting agendas and papers to be published 5 clear working days before the meeting takes place;
- Minutes of Board meetings to be published within 10 clear working days of the meeting taking place. This may be in draft if internal LEP processes require clearance before the minutes are finalised. The final minutes of Board meetings must be published within 10 clear working days of being approved.

In addition:

- Any declaration of interest made at the meeting must be included in the minutes of the Board meeting. A new declaration of interest should be updated on the relevant member's register of interest. Additional guidance on registers of interest is included in chapter 5 of this document.

Guidance on handling confidential and exempt information

11. In addition the LEP must also provide clarification of their process to handle information which is not to be placed in the public domain. For instance where the LEP is aware that it holds "confidential information" under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. This includes:

- Information provided by a government department on terms which forbid the disclosure of the information to the public;
- Where disclosure to the public is prohibited by a court or;
- Where the Local Enterprise Partnership holds “exempt information” under Schedule 12A of the Local Government Act 1972. This includes information relating to an individual, relating to the financial or business affairs of a particular person, negotiations, labour relations, legal professional privilege and in connection to the investigation or prosecution of a crime.

12. The LEP’s process to handle information should include a standardised approach to marking documents which are not for publication but considered at meetings. The LEP Board should agree these processes in line with existing decision making processes set out in the Local Assurance Framework and Memorandum of Understanding (if applicable). The details of this process must be published on the LEP website alongside the information regarding the publication of meeting papers and agendas.

Chapter 2: Guidance and example of confidential reporting procedures for third parties and the public

MHCLG NED Review Recommendation:

It is recommended that the Department requires the publication of a whistleblowing policy and arrangements for confidential reporting of allegations of untoward concerns by third parties/ the public.

[\(Review into Local Enterprise Partnership Governance and Transparency; page 10\)](#)

Introduction to guidance on confidential reporting procedures for third parties and the public

13. This guidance should be read in conjunction with the example confidential reporting procedure for third parties and the public that is set out below.

Confidential reporting guidance for LEPs

14. All LEPs must put in place effective arrangements to enable third parties and the public to confidentially report concerns about LEP processes and decisions. This is in addition to their standard complaints procedure and their whistleblowing policy.

15. Where data is gathered, the LEP must put in place appropriate data protection arrangements in line with the [Data Protection Act 1998](#).

16. LEPs must include details of confidential reporting arrangements in their existing complaints policy so all potential complainants know how they can confidentially report concerns. These arrangements must be set out on the LEP's website and be clear and easily accessible. Based on best practice, the arrangements must include:

- A confidential means for third parties or the public to contact the LEP, for example a secure website or secure form on the LEP website.
- A contact within the LEP who is responsible for dealing with confidential complaints.
- An outline of how third parties and the public can raise confidential allegations and concerns and an outline of how the LEP will investigate and respond to confidential complaints, including reassurance that confidentiality will be maintained. Detail of how the LEP will respond to anonymous allegations should be included. The LEP should also outline the information that complainants should provide when making a complaint.
- An outline of each of the stages of the complaints process with indicative timescales for each. If a complainant is an employee or other worker involved with the LEP, they should be signposted to the whistleblowing policy or grievance procedures. Where other policies and processes are referred to, links to the relevant page on the website should be provided.

17. LEPs must publish their confidential complaints procedure on an easily accessible part of their website by 28 February 2018, taking account of the guidance outlined above.
18. If a LEP does not adopt the example set out in this document, the LEP must ensure that their arrangements guarantee at least the same level of transparency.

Example: Confidential reporting of complaints

19. The LEP is committed to creating a work environment with the highest possible standards of openness, probity and accountability. In view of this commitment we encourage employees and others with serious concerns about any aspect of the LEP's work to come forward and voice those concerns without fear of reprisal. For employees and those working closely with the LEP, please follow the whistleblowing policy on our website [*Insert hyperlink to whistleblowing procedure*]. For third parties and members of the public, please follow the confidential complaints procedure outlined below.
20. However, if a member of the public or third party believes that their complaint fits the description below; they can elect to report their concerns through the whistleblowing policy procedure [*Insert hyperlink to whistleblowing procedure*].
21. *Whistleblowing* - where an individual who has concerns about a danger, risk, contravention of rules or illegality provides useful information to address this. In doing so they are acting in the wider public interest, usually because it threatens others or impacts on public funds. By contrast, a grievance or private complaint is a dispute about the individual's own position and has no or very limited public interest.

Confidentiality

22. If a member of the public or a third party wants to make a confidential complaint or raise a concern, it will be treated in confidence and every effort will be made to protect the person's identity if they wish to remain anonymous. The LEP will investigate all complaints or allegations.

Anonymous allegations

23. The LEP takes all complaints and concerns raised by members of the public and third parties seriously. We will investigate anonymous allegations. However we remind complainants that when people put their names to an allegation the ability to investigate and therefore reach firm conclusions is strengthened. Concerns expressed anonymously will be considered at the discretion of the LEP. When exercising this discretion the factors to be taken into account would include:

- the seriousness of the issue raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

24. The Ministry of Housing, Communities and Local Government may request information arising from this process if they have concerns regarding a LEP or have been approached with similar complaints. The expectation is that this information will be provided on an anonymous basis. However it may be necessary to provide personal details to progress a complaint.

25. Where details are gathered, the LEP will put in place appropriate data protection arrangements in line with the [Data Protection Act 1998](#).

Confidential Complaints Procedure

26. The LEP is aware that the organisation's ordinary complaints procedure may not be suitable if someone wants the complaint to remain confidential. If you would like to make a confidential complaint please write or email to:

Names and contact details of the LEP Chief Executive and one other LEP Executive Contact.

State that you want the complaint to remain confidential.

Action taken by the LEP

27. The designated complaints officer will raise your concern and investigate the complaint. You can expect the officer to:

- Contact you within 10 clear working days to acknowledge the complaint and discuss the appropriate course of action.
- Write to you within 28 clear working days with findings of the investigation. If the investigation has not concluded within 28 clear working days, the officer will write to you to give reasons for the delay in

resolving the complaint.

- Take the necessary steps to rectify the issue.

28. If you are unhappy with the outcome of the complaint or the complaint involves those responsible for the confidential complaints procedure:

- You can escalate your concerns through other organisations mentioned in the normal complaints procedure e.g. the LEP's Accountable Body which is [*name of relevant Local Authority*]. These organisations will have their own confidentiality procedures.
- If you are either unable to raise the matter with the LEP or you are dissatisfied with the action taken you can report it direct to the Cities and Local Growth Unit in the Ministry of Housing, Communities and Local Government and the Department for Business, Energy and Industrial Strategy, at the following email address:
LEPPolicy@communities.gsi.gov.uk or by writing to: LEP Policy Deputy Director, Cities and Local Growth Unit, Fry Block, 2 Marsham Street, London, SW1P 4DF. You should clearly mark your email or letter as "Official - complaints".

Chapter 3: Example Whistleblowing Policy

MHCLG NED Review Recommendation:

It is recommended that the Department requires the publication of a whistleblowing policy and arrangements for confidential reporting of allegations of untoward concerns by third parties/ the public.

[\(Review into Local Enterprise Partnership Governance and Transparency; page 10\)](#)

Introduction to example Whistleblowing Policy

29. LEPs must publish their whistleblowing policy on an easily accessible part of their website and make Board Members, staff and contractors aware of the policy by 28 February 2018. If a LEP does not adopt the example set out in this document, the LEP must ensure that their arrangements guarantee the same level of transparency.
30. In addition to this guidance, there is information and signposting available on the whistleblowing pages of www.gov.uk. LEPs should also refer to the NAO Report into [Government Whistleblowing Policies](#). These documents provide background information and suggest other organisations that LEPs may wish to speak to if further guidance is required.
31. LEPs must also ensure that their Responsible Officer informs the Cities and Local Growth Unit of any concerns raised under their whistleblowing procedure by emailing: LEPPolicy@communities.gsi.gov.uk or by writing to: LEP Policy Deputy Director, Cities and Local Growth Unit, Fry Block, 2 Marsham Street, London, SW1P 4DF.

Example Whistleblowing Policy

Introduction

32. A Discloser is the person who is the whistle-blower.
33. This procedure outlines the process to follow for a Discloser when reporting a perceived wrongdoing within the LEP, including something they believe goes against the core values of Standards in Public Life (the Nolan Principles) and the Code of Conduct (Chapter 4) for LEP Board Members and staff. The Standards in Public Life include the principles of; integrity, objectivity, accountability, openness, honesty, leadership and impartiality.
34. In particular LEP Board Members, as the key decision makers of the LEP, have a right and a responsibility to speak up and report behaviour that contravenes these values.
35. It is important that this procedure is followed when raising any concerns, to ensure that the matter is dealt with correctly.

Definitions

36. This document uses the following definitions:

- *Whistleblowing* - where an individual who has concerns about a danger, risk, contravention of rules or illegality provides useful information to address this. In doing so they are acting in the wider public interest, usually because it threatens others or impacts on public funds. By contrast, a grievance or private complaint is a dispute about the individual's own position and has no or very limited public interest.
- *The LEP* – [insert name of LEP here]
- *Discloser* – this is the person who is the whistle-blower. They might be an employee, a LEP Board Member, a contractor, a third party or a member of the public.
- *Responsible Officer* - this is the person, appointed by the LEP, with overall responsibility for maintaining and operating this whistleblowing policy. They will maintain a record of concerns raised and the outcomes (but will do so in a form that does not endanger confidentiality) and will report to senior decision makers as necessary. Their name is [insert] and their contact details are [insert email, phone and office address]. If the concern relates to the Responsible Officer then the concern should be raised with [Insert name and contact details].
- *Relevant Concern* – something the Discloser has been asked to do, or is aware of, which they consider to be wrong-doing and is in the public interest.

Scope

37. The LEP is committed to creating a work environment with the highest possible standards of openness, probity and accountability. In view of this commitment, we encourage Disclosers with serious concerns about the work of the LEP to come forward and voice their concerns without fear of reprisal.

38. Disclosers should note that where the concern is one that might fall under the LEP's staff or work force policies on equality and diversity or harassment and bullying or other staff policies, they should consider using the reporting mechanisms for those other policies first [insert relevant LEP website hyperlinks].

39. The LEP has a pre-existing complaints procedure that in many cases will be more appropriate for third parties or members of the public to follow. Third parties or members of the public should review the separate confidential complaints procedure outlined in the LEP's complaints policy *[insert relevant LEP website hyperlinks]* on the LEP's website first before going through the whistleblowing process.

40. However, if a member of the public or third party believes that their complaint fits the description of a 'relevant concern' outlined below, they may report their concerns through the whistleblowing policy procedure.

Policy Statement

41. The LEP acknowledges that Disclosers may often be the first people to realise that there may be something seriously wrong within the organisation.

42. This policy aims to:

- Encourage people to feel confident about raising serious concerns and to question and act upon their concerns without fear of victimisation or harassment;
- Provide avenues for Disclosers to raise those concerns and receive feedback on any action taken;
- Allow Disclosers to take the matter further if they are dissatisfied with the LEP's response; and
- Reassure all Disclosers, employees in particular who may have specific concerns about their position and employment status in the LEP, that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in the public interest.

What is a relevant concern?

43. If a Discloser is asked to do something, or is aware of the actions of another, which they consider to be wrongdoing, they can raise it using this procedure. The Discloser must have a reasonable belief that raising the concern is in the public interest.

44. A Discloser may decide to raise a concern under the whistleblowing policy if they are aware of a situation that they feel:

- is against the LEP's procedures and protocols as set out in its code of conduct and individual LEP Assurance Framework;
- falls below established standards of practice the LEP subscribes to;
- amounts to improper conduct; or
- is an abuse of power for personal gain.

45. The types of matters regarded as a relevant concern for the purpose of this procedure include, but are not limited to, the following:

- Fraud or financial irregularity;
- Corruption, bribery or blackmail;
- Other Criminal offences;
- Failure to comply with a legal or regulatory duty or obligation;
- Miscarriage of justice;
- Endangering the health or safety of any individual;
- Endangering the environment;
- Improper use of authority; and
- Concealment of any of the above.

46. Disclosers should not raise malicious or vexatious concerns, nor should they raise knowingly untrue concerns. In addition, this procedure should not be used to raise concerns of a HR/personal nature, such as, complaints relating to a management decision or terms and conditions of employment. These matters should be dealt with using the relevant alternative procedure, for example, the LEP grievance procedure. Equally, this policy would not apply to matters of individual conscience where there is no suggestion of wrongdoing by the LEP but, for example, an employee or LEP Board Member is required to act in a way which conflicts with a deeply held personal belief.

Safeguards

47. The [Public Interest Disclosure Act \(1999\)](#) gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. The LEP believes that no member of staff should be at a disadvantage because they raise a legitimate concern.

48. The LEP will not tolerate harassment or victimisation and will take action to protect Disclosers when they raise a concern in the public interest.

Raising a concern

49. If a Discloser experiences something in the workplace which they consider a relevant concern, it is important that the concern is raised as early as possible. Proof is not required at this point – it is for the LEP to investigate. The Discloser must, however, have a reasonable belief that disclosing the information is in the public interest before raising a concern.

50. All concerns will be treated in confidence and every effort will be made to protect the Discloser's identity if they wish to remain anonymous. However, at the appropriate time, it is possible that the Discloser will need to come forward as a witness for the matter to progress.

51. It is important to follow the correct procedure when raising a whistleblowing concern. The following steps should be adhered to:

- a. It is important that the concern is raised with the person best placed to deal with the matter, in most cases this will be the Responsible Officer. However, the Discloser may want to raise the concern with someone they know and trust, such as their line manager who can raise it with the Responsible Officer on their behalf.
- b. If it is suspected that the concern may implicate the line manager in some way, then it could be raised with a more senior manager in the line management chain.
- c. If the Discloser is unable to raise a relevant concern with a line manager or a senior manager or feel that it has not been adequately addressed, it should be raised directly with the Responsible Officer.
- d. Ultimately, the Discloser can raise their concern with the LEP Chief Executive.

Information needed to raise a concern

52. When raising a concern under the procedure the Discloser should try to provide the following information:

- The background and reason behind the concern;
- Whether they have already raised a concern with anyone and the response; and
- Any relevant dates when actions related to the concern took place.

53. This information should demonstrate that there are reasonable grounds for the concern to be acted upon. It is important that matters are not investigated by the Discloser themselves.

54. If applicable, personal interests must be declared from the outset.

How the concern will be handled

55. All investigations will be conducted sensitively and as quickly as possible. While the LEP cannot guarantee that the outcome will be as the Discloser may wish, it will handle the matter fairly and in accordance with this procedure.

56. Once a concern has been raised with either the line manager or Responsible Officer, Senior Manager or Chief Executive, a meeting may be arranged with them to determine how the concern should be taken forward.

57. The LEP may decide to take the matter forward by a number of methods, including:

- An internal inquiry or other formal investigation;
- An internal or external audit;
- Referring the matter to the police;
- Referring the matter to another relevant authority for investigation.

58. Before a final decision is taken on how to proceed, or as part of the investigation, the Discloser may be asked to meet with those investigating their allegation.

59. If a meeting is arranged, the Discloser may wish to be accompanied by a trade union representative, colleague or friend. The person who accompanies the Discloser should not be involved or have a direct interest in the area of work to which the concern relates. The meeting can be conducted over the telephone rather than face to face.

60. Within 10 clear working days of a concern being raised, the LEP's Responsible Officer will write to the Discloser to:

- Acknowledge that the concern has been received;
- Indicate how they propose to deal with the matter;
- Give an estimate of how long it will take to provide a final response;
- Tell the Discloser whether any initial investigation or enquiry has been made;
- Tell the Discloser whether further investigation will be made, and if not, why not;
- Tell the Discloser how frequently the LEP will keep them up to date on progress of the investigation.

61. The amount of contact between the LEP and the Discloser concerned will vary depending on the concern raised, any difficult issues and any further clarity required. If necessary, the LEP will seek further information from the Discloser.

62. The LEP will confirm when the matter is concluded and, if appropriate, the outcome of the investigation, maintaining security and confidentiality for all parties as far as possible.

63. Throughout any investigation, the Discloser will still be expected to continue their duties/role as normal unless deemed inappropriate.

Confidentiality and anonymity

64. The LEP always encourages potential Disclosers to speak up about potential serious wrongdoing in a way that they feel comfortable. The best way to raise a concern is to do so openly, as this makes it easier for the LEP to investigate and provide feedback.
65. Any disclosures made under this procedure will be treated in a sensitive manner. However the LEP recognises that the Discloser may want to raise a concern in confidence, i.e. they may want to raise a concern on the basis that their name is not revealed without their consent.
66. The LEP will respect any request for confidentiality as far as possible, restricting it to a 'need to know' basis. However, if the situation arises where it is not possible to resolve the concern without revealing the Discloser (for example in matters of criminal law), the LEP will advise them before proceeding. The same considerations of confidentiality should be afforded to the recipient(s) at the centre of the concern, as far as appropriate.
67. Disclosers may choose to raise concerns anonymously, i.e. without providing their name at all. If this is the case, the investigation itself may serve to reveal the source of information. Disclosers are therefore encouraged, where possible to put their names to concerns raised. When anonymous concerns are raised, they will be treated as credible and investigated so far as possible.

Protection

68. If a concern is raised in the reasonable belief that it is in the public interest and procedures have been followed correctly, the Discloser raising the concern will be protected by the terms of this policy and, where applicable, by whistleblowing legislation (see [gov.uk](https://www.gov.uk) for more information on who is covered by whistleblowing legislation). Where a Discloser has been victimised for raising a concern, the LEP concerned will take appropriate action against those responsible, in line with the LEP's disciplinary policy and procedures.

Changes to procedures or policy as a result of whistleblowing

69. If changes are made to LEP policies and processes as result of whistleblowing investigations, the LEP will publicise the changes as appropriate, taking into consideration the importance of protecting the anonymity and confidentiality of individuals.

Untrue allegations

70. If a Discloser makes an allegation but it is not confirmed by the investigation, no action will be taken against them. However, if a malicious or vexatious allegation is made without good reason to: cause trouble; for personal gain; or to discredit the LEP an investigation may take place. Where the Discloser is an employee or a LEP Board Member or a contractor this may result in disciplinary or other action if they have broken the terms of their employment, acted against the LEP Code of Conduct or broken a clause in a contract.

How this matter can be taken forward if you are not satisfied

71. This procedure is intended to provide Disclosers with an avenue to raise legitimate concerns. If you are either unable to raise the matter with the LEP or you are dissatisfied with the action taken you can report it directly to the Cities and Local Growth Unit in the Ministry of Housing, Communities and Local Government and the Department for Business Energy and Industrial Strategy, at the following email address: LEPPolicy@communities.gsi.gov.uk or by writing to: LEP Policy Deputy Director, Cities and Local Growth Unit, Fry Block, 2 Marsham Street, London, SW1P 4DF. You should clearly mark your email or letter as "Official - whistleblowing".

72. In addition, if you are either unable to raise the matter with the LEP or you are dissatisfied with the action taken you may consider raising it with:

- The police;
- The relevant regulatory body or professional body;
- Your Trade Union;
- Your solicitor;
- Your Citizens Advice Bureau.

Further information and signposting for potential Disclosers is available on www.gov.uk.

73. If a Discloser does take the matter outside the LEP, to an external body, they should ensure they do not disclose information that is confidential, for example, if you are an employee your contract of employment may set out expectations of your regarding what is confidential.

Feedback on Whistleblowing Policy

74. Any feedback or comments on this policy should be directed to the LEP's Responsible Officer.

Chapter 4: Example Code of Conduct

MHCLG NED Review Recommendation:

The current National Assurance Framework already has a requirement for LEPs to have a code of conduct, which all board members and staff sign up to, but the review recommends that the Nolan Principles of public life should explicitly be adopted as the basis for this code.

[\(Review into Local Enterprise Partnership Governance and Transparency; page 7\)](#)

Introduction to example Code of Conduct

75. The Example Code of Conduct has been written with LEP Board Members in mind. LEPs should also ensure that all LEP staff sign up to a similar code of conduct, based on the Nolan Principles.
76. The section 'Registering and declaring pecuniary and non-pecuniary interests' should be read in conjunction with chapter five: register of interest policy. All Board Members and staff must sign up to a LEP's Code of Conduct and a copy of the code should be published on the LEP website by 28 February 2018.
77. If a LEP does not adopt the example set out in this document, the LEP must ensure that their arrangements guarantee the same level of transparency.

Example Code of Conduct for LEP Board Members

78. You are a Board Member of the [name] Local Enterprise Partnership and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership in your conduct at all times.
79. Accordingly, when acting in your capacity as a Board Member of [name] Local Enterprise Partnership:
- You must act in a manner consistent with your LEP's equality and diversity strategy and treat your fellow Board Members, members of staff and others you come into contact with when working in their role with respect and courtesy at all times.
 - You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
 - You must not place yourself under a financial or other obligation to outside individuals or organisations that might be reasonably regarded to influence you in the performance of your official duties.
 - When carrying out your LEP duties you must make all choices, such as making appointments, awarding contracts or recommending individuals for rewards or benefits, based on evidence.

- You are accountable for your decisions and you must co-operate fully with whatever scrutiny is appropriate to your position. You must be as open as possible about both your decisions and actions and the decisions and actions of the LEP. In addition, you should be prepared to give reasons for those decisions and actions.
- You must declare any private interests, both pecuniary and non-pecuniary, including membership of any Trade Union, political party or local authority that relates to your LEP duties. Furthermore, you must take steps to resolve any conflicts arising in a way that protects the public interest. This includes registering and declaring interests in a manner conforming with the procedures set out in the section 'Registering and declaring pecuniary and non-pecuniary interests'.
- You must, when using or authorising the use by others of the resources of your LEP, ensure that such resources are not used improperly for political or personal purposes (including party political purposes).
- You must promote and support high standards of conduct when serving in your LEP post, in particular as characterised by the above requirements, by leadership and example.

Registering and declaring pecuniary and non-pecuniary interests

80. You must, within 28 days of taking office as a Board Member or co-opted, notify your LEP Chief Executive and Accountable Body's S151/S73 Officer of any disclosable pecuniary interest¹, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a spouse, or as if you were civil partners.
81. In addition, you must, within 28 days of taking office, notify your LEP Chief Executive and Accountable Body's S151/ S73 Officer of any non-pecuniary interest² which your LEP has decided should be included in the register or which you consider should be included if you are to fulfil your duty to act in conformity with the Seven Principles of Public Life. These non-pecuniary interests will necessarily include your membership of any Trade Union.
82. Board members should review their individual register of interest before each board meeting and decision making committee meeting. They must declare any relevant interest(s) at the start of the meeting. If an interest has not been entered onto the LEP's register, then the member must disclose the interest at any meeting of the LEP at which they are present, where they have a disclosable interest in any matter being considered and

where the matter is not a 'sensitive interest'³.

83. Following any disclosure of an interest not on the LEP register or the subject of pending notification, you must notify the LEP Chief Executive and S151/S73 Officer of the interest within 28 days beginning with the date of disclosure.

84. Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest. Additionally, you must observe the restrictions your LEP places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your LEP.

¹ For the purposes of this guidance, we are using the definition of a pecuniary interest as set out in the [Localism Act 2011](#) and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

² A Non-Pecuniary interest is any interest which is not listed in the [Schedule to The Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012 \(No.1464\)](#).

³ A 'sensitive interest' is described in the [Localism Act 2011](#) as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

Chapter 5: Register of Interests

MHCLG NED Review Recommendation:

It is therefore recommended that the Department sets out specific requirements on the principles which each LEP must incorporate into its conflicts of interest policy and how it is implemented which includes:

- **All board members taking personal responsibility for declaring their interests and avoiding perceptions of bias. This should be evidenced by producing and signing of their register of interests and publication on the website.**
- **Use of a bespoke proforma for collection and publication of the information which ensures all categories of interest are systematically considered.**
- **Categories of interest to include employment, directorships, significant shareholdings, land and property, related party transactions, membership of organisations, gifts and hospitality, sponsorships. Interests of household members to also be considered.**
- **Action in response to any declared interests applies to any involvement with the work of the LEP and is to be recorded.**

[\(Review into Local Enterprise Partnership Governance and Transparency; page 9\)](#)

Introduction to Register of Interests

85. This register should be used in conjunction with the section 'Registering and declaring pecuniary and non-pecuniary interests' in chapter four, which provides further guidance on the processes LEPs should adopt to declare interests. LEPs **must** adopt this register of interests and publish an up-to-date register for each Board Member on the LEP website by the 28 February 2018.
86. Actions undertaken by the LEP in response to the declaration of interests must be recorded. LEPs should ensure that senior members of staff or those staff involved in advising on decisions should also complete this form and report interests. Unless there is a relevant or new interest that pertains to a meeting or decision, LEP staff should review their interests every six months.
87. LEPs must ensure that all Board Members fill in this register of interest form, regardless of whether they have already completed a conflict of interest or register of interest declaration for a different role e.g. local councillor.
88. Please note that if a spouse or partner is referenced within the Register of Interest they do not need to be referred to by name.
89. The Department would like to thank Cheshire and Warrington LEP for providing the basis of this register.
90. For further information on what constitutes as a conflict of interest, LEPs can consult the National Audit Office's [report](#) into Conflicts of Interests.

[NAME] Local Enterprise Partnership: Register of Members' Interests

April 2017 to March 2018

As a Board Member/Co-opted Member of the [NAME] Local Enterprise Partnership (LEP), I declare that I have the following disclosable pecuniary and/or non-pecuniary interests. *(Please state 'None' where appropriate, do not leave any boxes blank).*

NOTIFICATION OF CHANGE OF CIRCUMSTANCES

Each Board Member shall review their individual register of interests before each board meeting and decision making committee meeting, submitting any necessary revisions to the LEP and S151/S73 Officer at the start of the meeting. Any recorded interests relevant to the meeting should also be declared at this point.

Even if a meeting has not taken place a Member must, within 28 clear working days of becoming aware of any change to the interests specified below, provide written notification to the LEP and S151/S73 Officer, of that change.

***SPOUSE/PARTNER** – In the notice below my spouse or partner means anyone who meets the definition in the [Localism Act](#), i.e. my spouse or civil partner, or a person with whom I am living as a spouse or a person with whom I am living as if we are civil partners, and I am aware that that person has the interest having carried out a reasonable level of investigation. Where your

spouse or partner has recently been involved in any activity which would have been declarable, this should be mentioned, with the date the activity ended.

SECTION 1	ANY EMPLOYMENT, OFFICE, TRADE, PROFESSION OR VOCATION CARRIED ON FOR PROFIT OR GAIN	MYSELF	SPOUSE/PARTNER*
1.1	Name of: <ul style="list-style-type: none"> ○ your employer(s) ○ any business carried on by you ○ any other role in which you receive remuneration (this includes remunerated roles such as councillors). 		
1.2	Description of employment or business activity.		
1.3	The name of any firm in which you are a partner.		

1.4	The name of any company for which you are a remunerated director.		
SECTION 2	SPONSORSHIP	MYSELF	SPOUSE/PARTNER
2.1	Any financial benefit obtained (other than from the LEP) which is paid as a result of carrying out duties as a Member. This includes any payment or financial benefit from a Trade Union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 (a).		
SECTION 3	CONTRACTS	MYSELF	SPOUSE/PARTNER
	Any contract for goods, works or services with the LEP which has not been fully discharged by any organisation named at 1.1.		None
	Any contract for goods, works or services entered into by any organisation named at 1.1 where either party is likely to have a commercial interest in the outcome of business being decided by the LEP.		

SECTION 4	LAND OR PROPERTY	MYSELF	SPOUSE/PARTNER
	<p>Any interest you or any organisation listed at 1.1 may have in land or property which is likely to be affected by a decision made by the LEP.</p> <p>This would include, within the area of the LEP:</p> <ul style="list-style-type: none"> ○ Any interest in any land in the LEP areas, including your place(s) of residency ○ Any tenancy where the landlord is the LEP and the tenant is a body in which the relevant person has an interest ○ Any licence for a month or longer to occupy land owned by the LEP. <p>For property interests, please state the first part of the postcode and the Local Authority where the property resides. If you own/lease more than one property in a single postcode area, please state this.</p>		

SECTION 5	SECURITIES	MYSELF	SPOUSE/PARTNER
5.1	<p>Any interest in securities of an organisation under 1.1 where:-</p> <p>(a) that body (to my knowledge) has a place of business or land in the area of the LEP; and</p> <p>(b) either –</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which has an interest exceeds one hundredth of the total issued share capital of that class.</p>		

SECTION 6	GIFTS AND HOSPITALITY	MYSELF	SPOUSE/PARTNER
	Any gifts and/or hospitality received as a result of membership of the LEP (above the value of £50).		

OTHER INTERESTS

Membership of Organisations

I am a member of, or I am in a position of general control, a trustee of, or participate in the management of:

1. Any body to which I have been appointed or nominated by the LEP:

2. Any body exercising functions of a public nature (eg school governing body or another LEP):

3. Any body directed to charitable purposes:

4. Any body, one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union):

5. Any local authority (please state any interests you hold as LA leaders/cabinet members for LA land, resources and the LA's commercial interests):

6. Any other interest which I hold which might reasonably be likely to be perceived as affecting my conduct or influencing my actions in relation to my role.

MEMBER'S DECLARATION AND SIGNATURE

I confirm that having carried out reasonable investigation, the information given above is a true and accurate record of my relevant interests, given in good faith and to the best of my knowledge;

Date	
Member's Name <i>(Capitals – in full)</i>	
Signature	

RECEIPT BY LEP

Date received by the LEP	
Signature of LEP Chief Executive	

RECEIPT BY S151/S73 OFFICER

Date received by the S151/S73 Officer	
Signature of S151/S73 Officer	