



SOLENT
LOCAL
ENTERPRISE
PARTNERSHIP

Enquiry, FoI, Complaints and Whistleblowing Policy

Solent Local Enterprise Partnership

February 2019

TOGETHER.STRONGER

1. Enquiries, Comments and Compliments

The Solent LEP welcomes all general enquiries. We would also like to hear from you if you have a suggestion on how we can improve or if you have been particularly happy with any part of the service you received from the Solent LEP

You can make an enquiry to the LEP at the following contact details:

- 02392 68 8924
- info@solentlep.org.uk
- Enquiries
Solent LEP Office
Building 1000
Lakeside North Harbour
Western Road
Portsmouth
PO6 3EN

All members of the Solent LEP team will do their best to respond to enquiries promptly. However, should you send your enquiry to any point of contact at the Solent LEP other than the above; we cannot guarantee that you will receive a response.

Please note that the Solent LEP receives a large number of emails, letters and phone calls each day and we will try to reply to you as quickly as possible. However, please note that general enquiries, including emails, are dealt with in the order in which they are received.

We will respond to your written enquiry within 5 working days of receipt.

If you leave a voice message at the Solent LEP, we will call you back within 5 working days of the message.

If your enquiry is in relation to general business support and where you can go to get help in growing your business you may wish to contact our Growth Hub team directly in advance of awaiting a response. The Solent Growth Hub is the Solent's "One-Stop-Shop" for business information, loans, grants, advice and support. Further information and contact details for the growth hub can be found at: www.solentgrowthhub.co.uk

Comments received by the Solent LEP will be logged and reviewed regularly in order to help inform how we can improve.

If you have a compliment in relation to service received by the Solent LEP, please include the name of any relevant members of the team in your correspondence so that we can ensure that your feedback reaches them.

The Solent LEP is committed to ensuring information is handled in accordance with the EU General Data Protection Regulation 2016 and with prevailing UK data protection law as amended from time to time. Further information on how the LEP handles personal information can be found in the Solent LEPs Data Protection Privacy Notice, available at: <https://solentlep.org.uk/data-protection-privacy-notice/>

2. Freedom of Information Requests

Our accountable body for funding, Portsmouth City Council, handles all Freedom of Information (FOI) requests received by the LEP. Requests of this nature must be handled in line with standard Council procedures. Information in relation to Portsmouth City Council's Freedom of Information Policy and how to submit a Freedom of Information request can be found at: <https://www.portsmouth.gov.uk/ext/the-council/freedom-of-information.aspx>

3. Media Enquiries

Any media enquiries for the Solent LEP should be directed to:

Stuart Hunt

Email: stuart@carswellgould.co.uk

Tel: 023 8023 8001

4. Invitations

If you would like to invite the Solent LEP to attend an event you are holding, or invite one of our Directors to speak at an event, please send as much information as possible on the event to us in writing at the following address:

events@solentlep.org.uk

We will acknowledge your invitation within 5 working days of receipt and let you know when we will be able to respond. Please note that the Solent LEP receives a large number of invitations to speak at events and, whilst we will always try to accommodate event invitations, this will not always be possible.

If you would like a Solent LEP Director to speak at an event you are running, it is recommended that you contact us with as much advanced notice as possible.

5. Complaints

We aim to provide the best possible service to customers for the benefit of the entire Solent region. However, if we get it wrong, we want to know about it and will try to put things right as quickly as possible. Richard Jones, Head of Policy, Communications and Partner Engagement at the Solent LEP, is the lead officer responsible for the Solent LEP complaints policy.

o Our aim

We take complaints very seriously. While we try to provide a good service, we know that sometimes things go wrong. We have developed a complaints procedure in response to this.

We aim to sort out complaints quickly and fairly and we will try to sort out any mistake or misunderstanding straight away. Sometimes it may take longer, but we will tell you how long it will take.

What we learn from complaints

We keep records of all the complaints we receive and monitor them regularly. This helps us to:

- identify areas of service where we need to make changes and improvements; and
- make sure we are dealing with complaints effectively and consistently.

What should I do if I want to make a complaint to the Solent LEP?

○ Stage one

The people who can best deal with a complaint are those who provide the service. You should speak or write to the member of the team that you have been dealing with and explain the reasons you are unhappy with the Solent LEP. We can usually sort out mistakes and misunderstandings quickly and informally at this stage.

We will acknowledge your complaint in three working days. We will investigate your complaint and we will respond within 10 working days. If we cannot do this, we will let you know when you can expect a reply.

Our response will include details of who to complain to if you are not happy with the response at stage one.

○ Stage two

If you are not happy with the response provided at stage one, you can complain to the Solent LEP senior management team at: policyandcommunicationsmanager@solentlep.org.uk

It is best to let the manager know which parts of our response at stage one you are not happy with.

We will investigate your complaint and the head of service will respond to you within 15 working days. An investigation may take longer than this but if it does we will explain the reasons why and let you know when you can expect a full reply.

In our response to your stage two complaint, we will provide contact details for the Chief Executive's Office – you will need to contact them if you are not happy with our response.

○ Stage three

If you're still not happy, you can contact the Chief Executive's Office. They are independent of the service you are complaining about and can carry out a full review of your complaint. It will help the investigation if you explain why you are not satisfied and what you expect from a further review. The Chief Executive's Office will reply within 20 working days. They will let you know if there are any delays.

In addition to the review of stage three complaints by the Chief Executive's office, the Solent LEP Board have appointed an Assurance Champion from amongst the independent, non-executive, business Board Directors of the Solent LEP. This is the Chairman of the [Funding, Finance and Performance Management Group](#) (FFPMG). Where appropriate (i.e. the complaint does not involve the LEP Assurance Champion or the business of the FFPMG) the Chief Executive will share the details of the complaint with the LEP Assurance Champion in order to enable additional independent review of the issues raised.

In our response to your stage three complaint, we will provide contact details for our accountable body, Portsmouth City Council – you will need to contact them if you are not happy with our response.

- **Stage four**

If you're still not happy, you can contact our accountable body. They are independent of the Solent LEP and can carry out a full review of your complaint. It will help the investigation if you explain why you are not satisfied and what you expect from a further review. The Corporate Complaints Officer at Portsmouth City Council will reply within 20 working days. They will let you know if there are any delays.

Portsmouth City Council has a duty to ensure that the LEP has followed its complaints procedure correctly. The Council has its own confidentiality procedures and further information in relation to these is [available here](#).

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

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 (formerly the Department for Communities and Local Government) and the Department of Business, Energy and Industrial Strategy, at the following email address: localgrowthassurance@communities.gov.uk or by writing to: LEP Compliance 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".

Do we deal with all enquiries and complaints in this way?

No. We cannot investigate your complaint if it is something you knew about more than 12 months before contacting us for the first time. However, we may make an exception in some circumstances.

The above process covers the general complaints and enquiries procedure for the Solent LEP. We have separate procedures for a number of areas as follows:

- Complaints of a serious nature regarding concerns of illegal activity (such as fraud, theft, misappropriation of public funds or bribery), will be handled by Portsmouth City Council's Audit and Counter Fraud Unit. Any complaints of this nature should ordinarily be submitted in line with stage three of our complaints process. However, in the event that you have a complaint which you are uncomfortable sharing with the Solent LEP directly (for example, if the complaint involves those responsible for the confidential complaints procedure), we have established a process whereby this can be raised directly with the Audit and Counter Fraud Unit at Portsmouth City Council as the accountable body for the Solent LEP. Further information in relation this can be found in section 6 of this document.
- Complaints or enquiries in relation to the Solent LEPs accountable body (Portsmouth City Council) will need to follow standard Council procedures. This will include enquiries such as Freedom of Information Requests and Environmental Information Regulation requests. Further detail on Portsmouth City Council's policies can be found at: www.portsmouth.gov.uk Information in relation to the Council's Freedom of Information Policy and how to submit a Freedom of Information request can be found at: <https://www.portsmouth.gov.uk/ext/the-council/freedom-of-information.aspx> Information in relation to the Council's Environmental Information Regulation policy and how to submit an Environmental Information Regulation request can be found at: <https://www.portsmouth.gov.uk/ext/the-council/transparency/environmental-information-regulations.aspx>

- Complaints in relation to specific funding programmes which you may be involved in will, generally, follow the same process as outlined above. However, there may be some differences to this procedure, including the relevant evaluation panel reviewing your complaint and in these cases, if there are differences to the above procedure, the appropriate process for complaints will be notified in the relevant guidance document for the funding stream to which you are applying.
- We expect complaints to be made in a reasonable way so we can investigate. This means communicating with us in a way that is reasonable, both in terms of the nature and frequency of contact. In the event we receive unreasonably frequent contact or unreasonable behaviour from a complainant, the Solent LEP reserves the right to restrict contact. Details in relation to the basis on which we may restrict contact, and the steps we may take to manage unreasonable behaviour can be found in Sections 7 - 9 of our accountable body's corporate complaints policy which the Solent LEP has adopted. A copy of this policy is available at: <https://www.portsmouth.gov.uk/ext/documents-external/cou-corporate-complaints-policy-2018.pdf>
- The Solent LEP Board of Directors, Members and Corporate Governance framework adhere to the Articles of Association of Solent Local Enterprise Partnership Limited (The Company's Articles of Association are available at: https://solentlep.org.uk/media/1262/solent_lep_articles_of_association.pdf), Assurance Framework (available at: <https://solentlep.org.uk/media/2247/solent-lep-assurance-framework-feb-2018.pdf>) and Local Enterprise Partnership governance and transparency: best practice guidance (available at: <https://www.gov.uk/government/publications/local-enterprise-partnership-governance-and-transparency-best-practice-guidance>). Any enquiry or complaint in relation to the conduct of Directors, Members or associated Governance processes (such as LEP Panels or Panel Members) should be directed to:

Richard Jones
 Head of Policy, Communications and Partner Engagement
 Solent Local Enterprise Partnership

02392 834 893

policyandcommunicationsmanager@solentlep.org.uk

Head of Policy, Communications and Partner Engagement
 Solent LEP Office
 Building 1000
 Lakeside North Harbour
 Western Road
 Portsmouth
 PO6 3EN

Please note that complaints or enquiries of this nature will be shared with the Solent LEP's Company Secretary at Paris Smith LLP.

Who can help me make a complaint?

If you would like help making a complaint, you can contact your local councillor or MP. You can also get help from a specialist advice agency or organisation which represents people, such as a citizen's advice bureau (CAB).

6. Confidential reporting of complaints of a serious nature

The Solent LEP is a Limited Company and all public funding flows through the accounts of Portsmouth City Council as the Accountable Body for the Solent LEP. Further information on this relationship and how public funding is administered is available in our published [Assurance Framework](#).

Whilst the Solent LEP is not in direct receipt of any public funds, we recognise our key role in administering public funds and are committed to working with our Accountable Body to ensure that appropriate policies are in place.

In our role directing public funding, we have a duty to cooperate with our colleagues at Portsmouth City Council, to protect the public resources we are responsible for. Both the Solent LEP and Portsmouth City Council take this responsibility seriously, and expects everyone acting on its behalf to do the same.

The Solent LEP and council are committed to achieving the highest possible standards of openness, probity and accountability and the highest possible standards of financial integrity are expected from LEP Board Directors, Panel Members, LEP and Council staff, and wider partners that do business with the LEP.

To achieve this aim we have published this enquiry, complaints and whistleblowing policy. In most instances, any concerns can be dealt with in line with our Complaints policy which allows us to quickly and fairly sort out any mistake or misunderstanding which may have taken place.

Complaints of a serious nature regarding concerns of illegal activity (such as fraud, theft, misappropriation of public funds or bribery), will be handled by Portsmouth City Council's Audit and Counter Fraud Unit.

We encourage anyone with genuine concerns of illegal activity (such as fraud, theft, misappropriation of public funds or bribery) to raise these with us immediately, including members of the public, representatives from external organisations, staff, directors and panel members. The earlier a concern is raised, the easier it is to resolve.

Any complaints of this nature should ordinarily be submitted in line with stage three of our complaints process. However, in the event that you have a complaint which you are uncomfortable sharing with the Solent LEP directly, we have established a process whereby this can be raised directly with the Audit and Counter Fraud Unit at Portsmouth City Council as the accountable body for the Solent LEP.

What to do if you have concerns regarding illegal activity

If you have any concerns of a serious nature which you wish to raise outside of our usual enquiries and complaints policy, you can raise these with the Audit and Counter Fraud Unit at Portsmouth City Council.

You do not need to have firm evidence before raising a concern, but we do need as much information as possible.

Provided that you raise the matter honestly, it does not matter if you are mistaken. Anyone raising concerns in good faith will be protected and your confidentiality can be protected unless that is impossible under the law.

You can of course raise any matter anonymously, but if you do not tell us who you are it will be much more difficult for us to look into the matter. It means we will not be able to clarify our understanding of the issues raised, or able to protect your position, or to let you know the outcome. We also will not be able to provide you with the same support and assurances.

Reporting any concerns is easy. You can contact the Chief Internal Auditor at Portsmouth City Council who is independent from the Solent LEP team and will be able to investigate the matter for you.

Portsmouth City Council Chief Internal Auditor:

- elizabeth.goodwin@portsmouthcc.gov.uk
- 023 92 83 4682

Alternatively, you can contact the Deputy Chief Internal Auditor:

- paul.somerset@portsmouthcc.gov.uk
- 023 92834673

If you have any personal interest in the matter, we do ask that you tell us at the outset.

How we will handle the matter

Once you have raised your concern we will acknowledge that it has been received and confirm our understanding of the issues raised, to ensure that your concern is fully understood.

Initial enquiries will then be made to decide whether an investigation is appropriate and, if so, what form it should take. If we think your concern falls more properly within the Solent LEPs standard Complaints Policy, we will tell you.

If deemed appropriate, the concern raised may be:

- Investigated by Audit & Counter Fraud
- Referred to the Police
- Referred to Portsmouth City Councils External Auditor
- The subject of an independent inquiry
- A combination of the above

While we cannot guarantee that we will respond to all matters in the way that you might wish, we will handle the matter fairly and properly. We will not be able to disclose specific details of how this will be achieved. We will however give you limited feedback on the outcome of any investigation. Please note, that we will not be able to tell you about disciplinary or legal action, when it infringes a duty of confidence we owe to third parties.

The Solent LEP and Portsmouth City Council in issuing this policy are mindful of our responsibility under both the Data Protection and Freedom of Information Acts. These pieces of legislation impose an obligation on us to allow access to information held in relation to such investigations (subject to legal exemptions) whilst protecting the rights of individuals whom the data is about.

7. Whistleblowing Policy

Introduction

The Solent LEP and Portsmouth City Council as accountable body to the Solent LEP are committed to achieving the highest possible standards of openness, probity and accountability in all of our practices. This policy is here to help any Discloser (who may be an employee, a LEP Board Member, a contractor or a third party) to raise a concern you may have in the right way without fear.

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 for LEP Board Members and staff. The Standards in Public Life include the principles of; integrity, objectivity, accountability, openness, honesty, leadership and impartiality.

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.

It is important that this procedure is followed when raising any concerns, to ensure that the matter is dealt with correctly.

We all have, at one time concerns about what is happening at work. Usually these concerns are easily resolved. However, when the concern is about illegal, unethical or immoral conduct i.e. malpractice, it can be difficult to know what to do.

You may feel worried about raising an issue and decide to keep the concern to yourself, perhaps feeling that it is none of your business, only a suspicion or possibly a misunderstanding or interpretation. You may feel that raising the matter may be disloyal to colleagues, managers or the Solent LEP or Council itself. Or perhaps you have tried to raise the matter, but found you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

The Solent LEP and Portsmouth City Council would prefer you raise any concern about such malpractice when it is just a concern, rather than wait for proof. This policy aims to help you raise any concern about malpractice in the right way. It explains the routes open to all Council staff, including employees, temporary workers, agency staff and people working for contractors. This policy does not replace the Solent LEP or Portsmouth City Council procedure for handling enquiries and complaints, including complaints of a serious nature, which is open to all members of the public.

Scope

This whistleblowing policy is primarily for a serious concern, which affects the interests of others, such as service users, the public, colleagues, Solent LEP or Portsmouth City Council.

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.

Concerns may include but are not excluded to:

- Unauthorised or misappropriation of public funds

- 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
- Concealment of any of the above.

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, for example, 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.

Staff of Portsmouth City Council that want to bring a complaint or grievance that is about your employment or the way you have been treated should use the Grievance Procedure in place for all Portsmouth City Council staff.

The Solent 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 LEPs complaints procedure (which includes a process for confidential reporting of complaints) outlined in this document first before going through the whistleblowing process.

If in doubt – please raise it!

Assurances

Your safety

We recognise it may be difficult to raise a concern.

If you raise a genuine concern under this policy you will not be at risk of losing your job or suffering any reprisal as a result. Provided that you raise the matter honestly, it does not matter if you are mistaken. Of course we do not extend this assurance to someone who maliciously raises a concern they know is untrue. Any such conduct may be liable to disciplinary action or other appropriate action.

If disciplinary action or redundancy procedures have already been started, raising a concern will not, in itself, halt them.

Your confidence

We will not tolerate the harassment or victimisation of anyone raising a genuine concern. However we recognise that there may be some circumstances when you would prefer to speak to someone in confidence under this policy. If this is the case please say so at the outset. If you ask not to disclose your identity, we will not do so without your consent unless required by law. You should understand that there may be circumstances when we are unable to resolve a concern without revealing your identity (for

instance where your personal evidence is essential) and in such cases we will discuss with you whether and how best we can proceed.

Anonymity

Please remember that if you do not tell us who you are it may be more difficult for us to look into the matter, as further clarification may be needed in relation to the concerns raised. In addition we will not be able to protect your position and or be able to provide you with the same support and assurances if you report a concern anonymously.

How to raise a concern

Please remember that you do not need to have firm evidence of malpractice before raising a concern. However, we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern. Remember the earlier you raise a concern the easier it is to resolve it. If you wish, you may be accompanied by a union or professional association representative or a friend.

Option One: We hope that you will feel able to raise your concern openly with your manager. This may be done orally, or if you prefer, in writing.

Option Two: If you feel unable to raise the matter with your manager for whatever reason, or if you think the concern has not been properly addressed, please raise it with a senior manager in your area or contact:

Whistleblowing line on: 023 9283 4394
Email: Whistleblowing@portsmouthcc.gov.uk

Or via post (marked Private & Confidential) to:

Audit & Counter Fraud
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AR

Or contact one of the following officers:

Michael Lawther, Deputy Chief Executive & Monitoring Officer (023 9283 4123)
email: Michael.Lawther@portsmouthcc.gov.uk

Jon Bell, Director of HR, Legal & Performance (023 9268 8782)
email: Jon.Bell@portsmouthcc.gov.uk

Elizabeth Goodwin, Chief Internal Auditor (023 9283 4682)
email: Elizabeth.Goodwin@portsmouthcc.gov.uk

These people have been given special responsibility and training in dealing with whistle blowing concerns.

Once you have raised your concern we will acknowledge that it has been received and confirm our understanding of the issues raised, to ensure that your concern is fully understood.

Initial enquiries will then be made to decide whether an investigation is appropriate and, if so, what form it should take. All investigations undertaken by Portsmouth City Council as accountable body to the Solent are directed by the Portsmouth City Council 'Investigations Steering Panel' whose panel members include: Monitoring Officer, Section 151 Officer, Human Resources and Audit & Counter Fraud. If deemed appropriate, the concern raised may be:

- Investigated by Audit & Counter Fraud or management.
- Referred to the Police
- Referred to the External Auditor
- The subject of an independent inquiry
- A combination of the above

While we cannot guarantee that we will respond to all matters in the way that you might wish, we will handle the matter fairly and properly. We will not be able to disclose specific details of how this will be achieved. We will however give you limited feedback on the outcome of any investigation. Please note, that we will not be able to tell you about disciplinary or legal action, when it infringes a duty of confidence we owe to third parties.

Both Solent LEP and Portsmouth City Council in issuing this policy are mindful of its responsibility under both the Data Protection and Freedom of Information Acts. These pieces of legislation impose an obligation on PCC to allow access to information held in relation to such investigations (subject to legal exemptions) whilst protecting the rights of individuals whom the data is about.

If you have any personal interest in the matter, we do ask that you tell us at the outset. If we think your concern falls more properly within the Grievance Procedure (for employees of Portsmouth City Council) or Solent LEP Enquiries and Complaints Policy, we will tell you.

If you are unsure whether to use this policy or you want independent advice at any stage, free advice is available from:

- Your Trade Union, if applicable
- Public Concern at Work either by telephone on 020 7404 6609 or by email at
- helpline@pcaw.co.uk

While we hope this policy gives you the reassurance you need to raise a concern internally, we recognise that there may be circumstances where you can properly report matters to outside bodies, such as Portsmouth City Council's External Audit or other appropriate regulator, or in very serious situations, to the police.

Public Concern at Work or if applicable, your union will be able to advise you on such an option and on the circumstances in which you may be able to contact an outside body safely.

If you have any questions about the whistleblowing policy and how it applies, you can contact Audit & Counter Fraud or the Deputy Chief Executive & Monitoring Officer who will be pleased to answer your questions.

The Deputy Chief Executive & Monitoring Officer has overall responsibility for the maintenance and operation of this policy and will report to the Governance and Audit and Standards annually on the

application of this policy. The Deputy Chief Executive & Monitoring Officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger individual confidentiality).

This policy will be reviewed annually by the Solent LEP and Portsmouth City Council Governance and Audit and Standards Committee. Any feedback or comments on this policy should be directed to the Monitoring Officer.

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

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 (formerly the Department for Communities and Local Government) and the Department of Business, Energy and Industrial Strategy, at the following email address: localgrowthassurance@communities.gov.uk or by writing to: LEP Compliance 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".

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.

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.