



**European Union**

European Structural  
and Investment Funds

**European Structural and Investment Funds  
2014 - 2020**

**Growth Programme for England**

## **ESI Funds Growth Programme Board Complaints Procedure and Lobbying Guidance**

### **Purpose:**

This paper seeks the Board's approval of:

1. A complaints procedure (Annex A), developed for the Growth Programme Board and its sub-committees; and
2. Guidance (Annex B) for the LEP area ESI Funds sub-committees to help them deal with lobbying.

### **Recommendation(s):**

That the Growth Programme Board approves both documents.

### **Summary:**

1. In accordance with Article 74 of the EU Common Provisions Regulation, the Growth Programme Board's Terms of Reference includes the provision for a complaints procedure to be made publicly available.
2. The complaints procedure at Annex A was developed by the GPB secretariat, which took advice from a steering group comprising colleagues from DCLG, DWP, Defra, Growth Delivery Teams, DCLG Legal and George Kieffer (Growth Programme Board member and Vice-Chair of the South East LEP area ESI funds sub-committee). It will apply to the Growth Programme Board, the LEP area ESI Funds sub-committees and the operational and policy themed National Sub-Committees. With the Board's approval, it will be published on the Growth Programme Board pages on GOV.UK.
3. At their December 2015 meeting, Growth Programme Board members requested guidance for the LEP area ESI Funds sub-committees to help them deal with lobbying. The guidance at Annex B was developed by the secretariat, taking advice from the steering group. With the Board's approval, it will be sent to sub-committee Chairs and secretariats for distribution to members.

**Ben Meadows**

GPB secretariat, DCLG

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## **Annex A - Complaints procedure**

### **Scope: what is covered by this complaints procedure?**

This complaints procedure covers the Growth Programme Board (GPB); the GPB national policy and operational sub-committees; and the Local Enterprise Partnerships (LEP) area European Structural and Investment (ESI) Funds sub-committees. It meets the requirements of Article 74 of the EU Common Provisions Regulation no. 1303/2013.

Complaints will be considered where the Growth Programme Board or its sub-committees have failed to meet or acted outside:

- their respective Terms of Reference
- their operating protocols in relation to the Code of Conduct and Register of interests

### **Scope: what is not covered by this complaints procedure?**

Complaints about:

- the Department for Communities and Local Government (DCLG) as Managing Authority for the European Regional Development Fund;
- the Department for Work and Pensions (DWP) as Managing Authority for the European Social Fund; or
- the Department for Environment, Food and Rural Affairs (Defra) as Managing Authority for the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund

will be managed through those departments' individual complaints procedures.

### **How your complaint will be managed**

Complaints should, in the first instance, be brought to the attention of the secretary, Chair or deputy Chair of the relevant committee. We will try to resolve the issue fairly and quickly. If something has gone wrong, we will try to put it right.

However, if it would be appropriate, or becomes necessary, to deal with a complaint formally, this procedure will seek a resolution in two stages.

### **Growth Programme Board**

**Stage 1** – your complaint should be addressed to the Chair or deputy Chair of the Growth Programme Board and submitted in writing to the Board's secretariat at [ESIFPMC@communities.gsi.gov.uk](mailto:ESIFPMC@communities.gsi.gov.uk)

Your complaint will be acknowledged and we will aim to respond to your complaint within 15 working days.

The Chair or deputy Chair will ask the secretariat to investigate the complaint and make a recommendation how it might be resolved.

The Chair or deputy Chair will inform all GPB members of the complaint, the secretariats' recommendation and resolution.

**Stage 2** – if you are not satisfied with the outcome of stage 1, or it would be inappropriate for the Chair or deputy Chair to remit the complaint to the secretariat for investigation, the Growth Programme Board may establish a sub-committee and task it with responsibility for considering the complaint. In line with the Nolan principles, the GPB will ensure that no person who is the subject of the complaint is involved with making a decision on the outcome of a complaint.

The sub-committee or working group will report its findings and recommendation for resolution to the Chair. They will aim to respond to your complaint within 15 working days, but will contact you if it is expected to take longer.

### **National or LEP area sub-committees**

If the complaint is with regard to a LEP area ESI Funds sub-committee or National Sub-Committee:

Stage 1 – your complaint should be sent to the LEP area ESI Funds sub-committee or National Sub-Committee. They will aim to respond to your complaint within 15 working days

Stage 2 – if you are not satisfied with the outcome of stage 1, your complaint can be escalated to the Growth Programme Board via the Board's secretariat.

Your original complaint; the National Sub-Committee or LEP area ESI Funds sub-committee's response and your reasons for dissatisfaction should be addressed to the Chair and submitted in writing to the Board's secretariat at [ESIFPMC@communities.gsi.gov.uk](mailto:ESIFPMC@communities.gsi.gov.uk)

The Board may remit your complaint to either the secretariat or a sub-committee for investigation and recommendation. The Chair or deputy Chair of the Growth Programme Board will write to you with their findings.

This stage 2 response by the Growth Programme Board to a sub-committee complaint will be considered final. No further correspondence will normally be entered into.

## **Annex B - Lobbying Guidance for LEP area ESI Funds Sub-committees**

1. Lobbying is a legitimate activity and, inevitably, a common occurrence in public life. Sub-committee members may be approached by interested parties who wish to, for example, present a project as suitable for public investment. Members will, naturally, need to use their tact and discretion in these circumstances. No sub-committee member needs to deal with an approach if they feel uncomfortable or intimidated by the situation, or consider that it compromises their responsibilities under the Terms of Reference. In such cases they should refer the person to the secretariat.
2. If sub-committee members are approached, they are expected to respect the role of the sub-committee, maintain its integrity and avoid attempting to anticipate decisions that have still to be made. Sub-committee members are reminded of their commitment to the Code of Conduct and to act in accordance with the 'Seven Principles of Public Life' (selflessness; integrity; objectivity; accountability; openness; honesty and leadership). Sub-committee members should take care about expressing personal opinions, especially if their role is to discuss projects in committee and then advise Managing Authorities.
3. Being lobbied should not be seen as a prejudicial interest that requires a member to withdraw from a meeting, but engagement with a party acting for a project should be recorded and dealt with openly and transparently, to protect the reputation of both the member and the sub-committee.
4. If a sub-committee member is contacted by representatives who seek to influence advice provided to the Managing Authorities, members should report the approach and pass any correspondence to the sub-committee Chair and Secretary at the earliest opportunity, who will co-ordinate any necessary response.
5. If approached conversationally, the member should use the occasion only to gather information about the features of the project or issue, but avoid entering debate. Members should declare any engagement with a lobbyist before discussion of the relevant project in committee. The Secretary should record the declaration in the minutes.