

Complaints Policy relating to conduct of Non-Executive

Board Members of the Law Commission

1. The Law Commission is committed to supporting its Board Members to maintain the standards of conduct set out in the Code of Conduct for Board Members of Public Bodies,¹ which incorporates the Seven Principles of Public Life.
2. This policy outlines the procedure for handling complaints about the conduct of Non-Executive Board Members (NEBMs) of the Law Commission. It applies where a NEBM is alleged to have breached:
 - a. the terms of their appointment; or
 - b. the Code of Conduct for Board Members of Public Bodies.
3. This policy does **not** apply to complaints about Law Commission staff, Law Commissioners or the Chair, who are governed by separate policies.
4. Notwithstanding NEBMs are not employees of the Law Commission, investigations carried out under this policy will comply so far as practicable with the ACAS Code of Practice on disciplinary and grievance procedures².

How a complaint may be raised

5. Complaints by **members of the public** should be submitted in writing by email and addressed to:

The Chair of the Law Commission
enquiries@lawcommission.gov.uk
6. **Law Commission and Ministry of Justice staff** may raise a complaint about the conduct of a NEBM via the Ministry of Justice Grievance Policy. If that process identifies potential misconduct by a NEBM, then this Complaints Policy provides a further means for it to be considered, though avoiding duplication where possible.
7. Complaints should include the following details:
 - The name of the NEBM involved.

¹ [Code of Conduct for Board Members of Public Bodies June 2019](#)

² [Acas Code of Practice on disciplinary and grievance procedures | Acas](#)

- A clear description of the alleged misconduct.
- Any supporting evidence.
- The complainant's contact details.

8. Anonymous complaints will be considered if sufficient evidence is provided on a case by case basis at the discretion of the Chair (or their designated representative).

Initial Assessment

9. Upon receipt, the Chair (or their designated representative) will:

- Acknowledge the complaint as soon as reasonably practical upon it coming to their attention.
- Conduct an initial assessment to determine if the complaint, in their view, warrants further consideration as opposed to being dismissed as spurious or malicious, falls within the scope of this policy and if sufficient information has been provided.

10. If the complaint is outside the scope of this policy, the complainant will be informed in writing. The NEBM will be informed that a complaint was made and that it has been judged to be outside the scope of this policy.

Investigation Process

11. If the complaint proceeds:

- The NEBM will be informed in writing that a complaint has been raised that has been judged to be within the scope of this policy. The NEBM will be given reasonable time to respond to the complaint.
- The Chair or their designated representative may appoint an independent investigator or external party of suitable seniority and experience or training in investigations to carry out an investigation on their behalf as to whether the conduct breached the terms of appointment and/or the Code of Conduct for Board Members of Public Bodies. The standard of proof which will be applied is the balance of probabilities.
- If the Chair or their designated representative wishes, as part of their investigation, to interview the NEBM, complainant or key witnesses, those being interviewed will be entitled to be accompanied by a colleague or Trade Union representative.
- The investigation will aim to conclude within 8 weeks.

Outcomes and Actions

12. The Chair or their designated representative will decide, based on the information available (together with that provided by an investigator if one is

appointed), upon what action, if any, should be taken. Possible outcomes include:

- No breach of paragraph 2(a) or (b) above found – complaint dismissed
- Breach of paragraph 2(a) or (b) established – actions may include:
 - Advice
 - Formal warning
 - Removal as per Terms of Appointment after consulting the Lord Chancellor
 - Referral to external bodies

Confidentiality and Disclosure

13. All complaints will be treated as confidential notwithstanding any support required under paragraph 11 above or as shall be obtained as legal advice in connection with the steps under this policy. This duty of confidentiality extends to anyone raising a concern under the Ministry of Justice's Whistleblowing policy statement and procedure³, whose identity will be appropriately protected in any written report produced.

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³ [Conduct - Whistleblowing](#)