



Codes of Practice and Policies

Reviewed and approved by Corporation
October 2010

Contents		Page No
Section 1	Corporation Codes of Practice	2 – 8
	Governors Code of Conduct	2
	Governors Code of Ethics	6
Section 2	Corporation Policies	8 – 20
Policy 1	The working relationship between the Corporation and the Principal.	8
Policy 2	Publication and access to information under consideration by Corporation	10
Policy 3	Confidentiality regarding Corporation business	11
Policy 4	Public attendance at Corporation meeting	14
Policy 5	Payment of expenses to Governors	14
Policy 6	Counter Fraud	15
Policy 7	Gifts and Hospitality received by Governors	17
Policy 8	Provision of independent advice to Governors	19
Section 3	Terms of reference for the Chair and Clerk to the Corporation	20 – 22
	Chair of Corporation	20
	Clerk to the Corporation	21

SECTION 1 - CORPORATION CODES OF PRACTICE

Code of Conduct for Governors:

1 Introduction:

1.1 This Code is intended as a guide for governors, to indicate the standards of conduct which are expected of them, to enable them to understand their legal duties and to assist them both in carrying out their duties and in their relationship with the Corporation and the Principal. This Code is therefore aimed at promoting effective and well informed college governance, and is not intended to be a definitive or authoritative statement of the law.

1.2 In addition to this Code, governors are recommended to familiarise themselves with the following which will be supplied to them on appointment:-

(a) the College's Instrument of Government;

(b) the College's Articles of Government;

(c) the College's Strategic Plan;

(d) the Financial Memorandum entered into by the College with the Statutory Government Funding Agency; and

(e) the College Governors' or equivalent as an advisory document.

If a governor is in doubt about the provisions of any of these documents, the Clerk should be consulted and, if necessary, legal advice should be obtained. However, ultimate responsibility for the appropriateness of conduct as a member of a corporate body and for any act or omission in that capacity rests with the individual governor.

1.3 This Code applies to every committee, working party or other subsidiary body of the Corporation to which governors may be appointed.

1.4 Acceptance of appointment as a governor on the Corporation will be construed as acceptance of this Code.

2 Interpretation:

2.1 In this Code "College" means Lowestoft College, and "Governor", "Chair", "Principal" and "Clerk" mean respectively the Member, Chair, Principal and Clerk to the Corporation for the time being of the Corporation. All other definitions have the same meaning as given in the College's Instrument and Articles of Government, and words importing one gender will import any gender.

3 Duties:

- 3.1 Governors owe a fiduciary duty to the College. This means that they should show it the highest loyalty and act in good faith in its interests. Each governor should act honestly, diligently and, subject to the provisions appearing in paragraph 7 of this Code relating to collective responsibility, independently.
- 3.2 Whatever decisions governors take at meetings of the Corporation and its committees must be for the benefit of the College as a whole and not for any improper purpose, or for personal motive. The "benefit of the College" can be taken to mean, first and foremost, the interests of its students and other users of the College's services, and the safeguarding of public funds. Governors should have regard to those interests, and must not allow any sectional interest to take precedence. In particular, governors are not appointed as 'representatives' or 'delegates' of any outside body, and may not lawfully be bound by mandates given by others.
- 3.3 Governors must observe the provisions of the College's Instrument and Articles of Government and in particular the responsibilities given to the Corporation by Article 3(1) of the College's Articles of government. Those responsibilities, including a list of "reserved" responsibilities which are so important that they must not be delegated, are set out in Policy 1.
- 3.4 Governors should also have regard to the different, but complementary, responsibilities given to the Principal as the College's Chief Executive. Whereas it is the Corporation's function to decide strategic policy and overall direction and to monitor the performance of the Principal and any other senior post holders, it is the Principal's role to implement the Corporation's decisions, and to manage the College's affairs within the budgets and framework fixed by the Corporation. Governors should work together so that the Corporation and the Principal perform their respective roles effectively.
- 3.5 Governors are collectively responsible for observing the duties set out in the Financial Memorandum which the College has entered into with the Statutory Government Funding Agency as a condition of receiving public funds.
- 3.6 Although the Statutory Government Funding Agency is the main provider of funds to the College, governors should note that they are also responsible for the proper use of income derived from other sources, such as the Higher Education Funding Council for England (HEFCE), European funded projects (ESF and ERDF) and other 'commercial activity'.

4 Skill, care and diligence:

All governors should in all their work for the College exercise such skill as they possess and such care and diligence as would be expected from a

reasonable person in the circumstances. This will be particularly relevant when they act as agents of the College, for example, when functions are delegated to a committee of the Corporation or the Chair. Governors should be careful to act within the terms of reference of any committees on which they serve.

5 Powers:

Governors are responsible for taking decisions which are within the powers given to the Corporation by Sections 18 and 19 of the Further and Higher Education Act 1992. If a governor thinks that the Corporation is likely to exceed its powers by taking a particular decision, he should immediately refer the matter to the Clerk to the Corporation for advice.

6 Conflicts of interest:

- 6.1 Like other persons who owe a fiduciary duty, governors should seek to avoid putting themselves in a position where there is a conflict (actual, potential or perceived) between their personal interests and their duties to the Corporation. They should not allow any conflict of interest to arise which might interfere with the exercise of their independent judgement.
- 6.2 Governors are reminded that under clause 11(1) of the College's Instrument of Government they must not take or hold any interest in any of the College's properties or receive any remuneration for their services (save as a member of the College's staff) without the written approval of the Secretary of State for Education.
- 6.3 Governors are also reminded that under clause 11(2) of the College's Instrument of Government they must disclose to the Corporation any financial interest which they have, or may have, in:-
 - (a) the supply of work or goods to or for the purposes of the College;
 - (b) any contract or proposed contract concerning the College; or
 - (c) any other matter relating to the College.
- 6.4 However, an interest does not have to be financial for the purposes of disclosure. If it is likely or would, if publicly known, be perceived as being likely to interfere with the exercise of a governor's independent judgement, then the interest, financial or otherwise, should be
 - (a) reported to the Clerk; and
 - (b) be fully disclosed to the Corporation before the matter giving rise to the interest is considered.

Governors should take no part in the meeting at which the matter giving rise to the interest is considered, and on no account may vote in relation to the matter.

- 6.5 Governors must not receive gifts, hospitality or benefits of any kind from a third party which might be seen to compromise their personal judgement or integrity. Any offer or receipt of such gifts, hospitality or benefits should immediately be reported to the Clerk (see Gifts and Hospitality Policy for details of process to be followed).
- 6.6 The Clerk will maintain a register of governors' Interests which will be open for public inspection. Governors are invited to disclose routinely to the Corporation all business interests, financial or otherwise, which they or (so far as they are aware) their spouses or partners, children or other close relatives may have, and the Clerk will enter such interests on the Register. Governors should inform the clerk whenever their circumstances change and interests are acquired or lost. In deciding whether an interest should be disclosed, governors should have regard to the meaning given to "interest" in paragraph 6.4 of this Code.

7 Collective responsibility:

- 7.1 The Corporation operates by governors taking majority decisions at quorate meetings. Therefore, a decision of the Corporation, even when it is not unanimous, is a decision taken by the governors collectively and each individual governor has a duty to stand by it, whether or not he was present at the meeting of the Corporation when the decision was taken.
- 7.2 If a governor disagrees with a decision taken by the Corporation, his or her first duty is to have any disagreement discussed and minuted. If the governor strongly disagrees, he should consult the Chair and, if necessary, then raise the matter with the Corporation when it next meets. If no meeting is scheduled, the governor should refer to clause 12(4) of the College's Instrument of Government as to the power to call a special meeting and, if appropriate, exercise it, requesting the Clerk to circulate their views in advance to the other governors. Alternatively, the governor may decide to offer his resignation from office, after consulting the Chair.

8 Confidentiality:

- 8.1 Because of the Corporation's public accountability, governors should ensure that, as a general principle, students and staff of the College have free access to information about the proceedings of the Corporation. Accordingly, agendas, minutes and other papers relating to meetings of the Corporation are normally available for public inspection when they have been approved for publication by the Chair.
- 8.2 There will be occasions when the record of discussions and decisions will not be made available for public inspection, for example, when the Corporation considers sensitive issues or named individuals and for other

good reasons. Such excluded items will be kept in a confidential folder by the Clerk, and will be circulated in confidence to Members. However, Staff and Student Governors may not have access to minutes dealing with matters in respect of which they are required to withdraw from meetings under clauses 14 of the College's Instrument of Government.

- 8.3 It is important that the Corporation and its committees have full and frank discussions in order to take decisions collectively. To do so, there must be trust between governors with a shared corporate responsibility for decisions. Governors should keep confidential any matter which by reason of its nature, the Chair or members of any committee of the Corporation are satisfied should be dealt with on a confidential basis.
- 8.4 Governors should not make statements to the press or media or at any public meeting relating to the proceedings of the Corporation or its committees without first having obtained the approval of the Chair or, in his absence, the Vice Chair. It is unethical for governors publicly to criticise, canvass or reveal the views of other governors which have been expressed at meetings of the Corporation or its committees.

9 Attendance at meetings:

- 9.1 A high level of attendance (80%) at meetings of the Corporation is expected so that governors can perform their functions properly.

10 Governance Development:

- 10.1 Governors are encouraged to obtain a thorough grounding in their duties and responsibilities by participating in the College's governance induction and training programmes, including regular refresher workshops.

In order to promote more effective governance, governors will carry out an annual review of the performance by the Corporation of its duties and responsibilities, as part of a continuing process of self evaluation.

Governors' Code of Ethics:

1. Introduction

- 1.1 In all college activities it is important to retain a set of core values, relevant to its mission to provide high quality learning opportunities for students. A public values statement can be useful.
- 1.2 As an institution within the public sector, Corporation accepts that those values must conform with the principles laid down by the Nolan Committee with respect to holders of public office, namely:

Selflessness
Integrity
Objectivity
Accountability
Openness
Honesty
Leadership.

- 1.3 Corporation recognises its obligations to all those with whom it has dealings - students, employees, employers, suppliers, other educational institutions and the wider community.
- 1.4 The reputation of the college and the trust and confidence of those with whom it deals is one of its most vital resources, the protection of which is of fundamental importance.
- 1.5 Corporation Governors demand of themselves and expects of others that the highest ethical standards will be applied in carrying out activities.
- 1.6 In its dealings with individuals the Corporation adheres to the principles of natural justice.

2. Corporation Governors' Obligations:

- 2.1 The Corporation will adopt a Code of Conduct.
- 2.2 The Code of Conduct will require the maintenance of a register of governor's interests which will be open to inspection by the public and in sufficient detail to allow interests of relevance to college activities to be identified. Interests which may be sensitive for financial reasons can be omitted from public inspection provided members comply with the requirements of the Instrument of Government in any proceedings of the Corporation.
- 2.3 The Corporation will seek to ensure that its governors are appointed on merit and are drawn widely from the community it serves, having regard to the need for continuity and relevance and for a range of skills and interests.
- 2.4 The Corporation is responsible for the stewardship of the public assets vested to it and also for the financial health of the college.
- 2.5 The Corporation will adopt procedures which ensure sound financial decision making, control and monitoring to meet the requirements of the funding body and public audit.
- 2.6 The Corporation will ensure that information on its decisions is made widely available, having regard to confidentiality.

3. Compliance and verification:

- 3.1 The Corporation will create mechanisms by which employees, students and other stakeholders can express genuinely held concerns about its behaviour or decision making and have them investigated, with a guarantee of anonymity where needed and in recognition of the requirements of the Freedom of Information Act (please refer to the Public Interest Disclosure Policy for details on how concerns can be raised).
- 3.2 The Clerk to the Corporation will be responsible for monitoring adherence to the Corporation's Code of Conduct and Code of Ethics by governors and will investigate any alleged breaches or concerns raised. All findings will be reported to the Corporation who will decide on any action to be taken.
- 3.3 The Corporation will ensure that the Codes of Conduct and Ethics are made publicly available.

SECTION 2 - CORPORATION POLICIES:

Policy 1 – The working relationship between the Corporation and the Principal.

1. Introduction:

1.1 Aim:

The aim of this policy is to confirm the delegation of responsibilities between the Corporation and the Principal. This division is based upon the requirements of the Articles of Government and on the College Corporation Code of Conduct as adopted. It is intended to be helpful rather than restrictive and is based upon the seven principles of public life which are openness, integrity, objectivity, honesty, selflessness, accountability and leadership.

2. Responsibilities of the Corporation.

2.1 In carrying out its responsibilities under the Instruments and Articles of Government, the Corporation will:

- Focus upon strategy and policy rather than day-to-day management
- Approve the annual estimates of income and expenditure
- Ensure the solvency of the Corporation by receiving and acting on regular up-to-date and accurate financial and other relevant information in a format agreed by the Corporation

- Be responsible for the effective and efficient deployment of the College's resources
- Set goals and devise performance indicators for assessing progress in respect of these goals
- Review its performance on a regular basis
- Require the Principal to implement decisions taken by the Corporation
- Appoint the senior post holders within the College
- Be responsible for the dismissal, discipline and development of senior post holders.

3. Responsibilities of the Principal:

3.1 The Principal is appointed by the Corporation and is its employee. He/She is a member of the Corporation with full voting rights except on items of specific exclusion. He/She is the accounting officer for the College responsible to the statutory funding bodies. The Principal is personally accountable to the Corporation for the proper discharge of his/her responsibilities as chief executive and for ensuring the decisions of the Corporation are implemented. He/she is the Corporation's professional adviser on education matters.

The Principal will:

- Make proposals to the Corporation to determine the educational character and mission of the institution and implement the strategy and policies.
- Ensure that the annual estimates on income and expenditure are prepared and are in a format approved by the Corporation
- Manage the affairs of the College with due regard to its solvency and financial health
- Not allow assets to be unprotected, inadequately maintained or unnecessarily risked
- Not cause or allow any practice, activity, decision or organisational circumstances which is either imprudent or in violation of commonly accepted business or professional ethics
- Bring all relevant issues facing the College to the attention of the Corporation at the appropriate time and with relevant advice

- Not deprive the Corporation of information which is necessary for it to fulfill its statutory duties
- Not allow staff and students to be subject to conditions which are unfair or undignified by ensuring that only approved policies are operated
- Ensure that the College Health and Safety policy is fully operated
- Determine, after consultation with the Academic Board, the College's academic activities
- Maintain student discipline and be responsible for the suspension or exclusion of students on disciplinary grounds
- Ensure that approved quality standards are maintained in all activities.

Policy 2 – Publication of and access to information under consideration by the Corporation and sub-committees of Lowestoft College

1. Introduction:

1.1 Aim:

In accordance with the provisions laid down by the Secretary of State under clause 16 of the Instrument of Government for Lowestoft College the aim of this policy is to explain the Corporation position relevant to the publication, and access to, of information on agendas, minutes and other papers by staff, students and members of the general public.

2. Publication of Corporation papers:

2.1 The Corporation will publish agendas for all its board meetings, approved minutes of every such meeting and any report, document or other paper considered by any such meeting subject to the exceptions listed below at sub paragraphs (a), (b), & (c). Papers will remain confidential until approved by the Corporation. Minutes will remain confidential until approved in draft form by the Chair.

2.2 The corporation may exclude documentation from any item(s) required to be made available by the above policy statement where reference has been made to:

- a) a named person employed at or proposed to be employed at the college ;
- b) a named student at, or candidate for admission to, the institution;

- c) any matter which, by reason of its nature, the corporation is satisfied should be dealt with on a confidential basis giving regard to the principles of openness and transparency.

3. Access to Corporation Information:

- 3.1. The information will be available in the College Learning and Resources Centre for the current year for all staff, students and the general public to access. Minutes will also appear on the Corporation website for the relevant year.

4. Retention of Published Information:

- 4.1. All information referred to above will be held in the college library for period of 1 year. Thereafter the information will be archived for a further period of 5 years. In accordance with the Freedom of Information Act the Corporation will not refuse any reasonable request for information, whether archived or not, but may require a charge to be made for administrative costs. The charge would be dependent on the nature of the request. Details of charges are available via the College website.

Policy 3 – Confidentiality policy and procedure with respect to Corporation business:

1. Introduction:

1.1 Aim:

The purpose of this policy is to clarify the mechanism by which an item for discussion at any Corporation meeting can be determined as 'Confidential'. This to be in accordance with Sections 14 to 17 inclusive of the Instruments of Government and in recognition of the principle of openness laid down by the Nolan Committee regarding holders of public office.

1.2 Information covered by this policy:

This policy will apply to all matters of Corporation business.

1.3 Period of Confidentiality:

In the spirit of 'openness' both governors of Corporation and stakeholders need to be satisfied that items classified as 'Confidential' are reviewed systematically and, where appropriate, are declassified to enable public scrutiny. This document sets out the procedure to be followed.

2. Principles and Legislation:

- 2.1 It is the policy of the Corporation that all business should be carried out in accordance with the seven principles of public life. These are selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Members will at all times also comply with the Corporation Code of Conduct and particularly with respect to confidentiality.
- 2.2 It is recognised that Corporation must comply with the requirements of the Instruments of Government with respect to issues of confidentiality and specifically those set down in sections 14 (Proceedings of meetings), 15 (Minutes), 16 (Public Access to Meetings) and 17 (Publication of Minutes and Papers).

3. Agreeing Confidentiality:

- 3.1 In determining whether an item for discussion at a Corporation meeting can and/or should be dealt with as an item of confidential business, the lead officer for that meeting will raise the matter in the first instance with the Clerk to the Corporation who, in turn, will confirm any decision via the Chair of the meeting.
- 3.2 The following can be considered as reasons for determining 'Confidentiality':
- Commercially sensitive material.
 - Matters relating to the salaries and /or conditions of employment of identifiable individual members of staff or prospective employees.
 - Any matter which is the subject of negotiation between the Corporation and its employees prior to any agreement being reached.
 - Matters relating to named students of the College or candidates for admission.
 - Matters required to remain confidential under the Data Protection Act.
 - Any matter which the Corporation is satisfied should remain confidential.
 - Those matters prescribed within the Instruments and Articles of Government
- 3.3 Any governor of Corporation likely to be asked to leave a Corporation meeting as the result of an item of business being classified as 'Confidential', either in accordance with the Instruments and Articles of Government or for other reasons (see 3.2 above), will normally be briefed by the Clerk in advance of the meeting.
- 3.4 In the event that it is unclear whether an item should be dealt with confidentially it will be for governors to determine by vote, and simple majority. In the event of a tied vote the Chair will have the casting vote. However in accordance with the Nolan Principles, and unless the

situation is covered in 3.2 above the policy of the Corporation will be to err on the side of 'openness and transparency'.

4. Confidential Items – Minutes:

- 4.1 The minutes of confidential items will be recorded in the confidential minute book retained by the Clerk to the Corporation.
- 4.2 The chair of the relevant committee will agree the content of confidential minutes placed in the Confidential Minute book.
- 4.3 Any governor of Corporation not specifically excluded from discussion on an item deemed to be confidential shall have access to the relevant minute.
- 4.4 In order to fulfill their responsibilities and where required Corporation agrees that internal auditors and College inspectors will have access to the confidential minute book.
- 4.5 The members of the committee at which a confidential item has been discussed will determine the period for which the minute for that item will remain confidential. Where a committee deems it to be appropriate this period may be 'permanent'.
- 4.6 On an annual basis the Chair and Vice-Chair(s) of Corporation will review the confidential minute book with the Clerk and determine whether any of the entries made over the previous twelve months should be made available for public scrutiny.

5) Public access to minutes removed from the confidential minute book.

- 5.1 Minutes believed no longer to be confidential will be released for public scrutiny by inclusion in the papers for consideration by the board at the next relevant Corporation meeting. At this stage they will still be treated as 'confidential'. The final decision as to whether minutes are to be made public rests with governors'.
- 5.2 Any Corporation governor who believes that a confidential minute should not be made public should discuss the matter in the first instance with the Chair of Corporation or in his absence, a/the Vice-Chair.

Policy 4 – Public attendance at Corporation meetings:

1. Introduction:

1.1. Aim:

This policy sets out the position of the Corporation with respect to the attendance at meetings, as an observer, of anyone who is not a member of the Corporation. In so doing the Corporation recognises the importance of carrying out its business openly and transparently.

2. Meetings of the Corporation Board:

- 2.1. Any request to attend a board meeting of the Corporation as an observer must be made in writing to the Clerk to the Corporation, not less than 5 days before the date of the meeting in question. Depending on the nature of the business to be discussed at the meeting such requests will be considered by the Chair of the Corporation who may in certain circumstances not agree to the request on the grounds of confidentiality. The Clerk will communicate the decision of the Chair to the individual requesting attendance. In any case non-members of the Corporation who have been granted permission to attend will not be allowed to remain in attendance when any item(s) of confidential business are being dealt with.

3. Sub-Committee meetings of the Corporation.

- 3.1 The arrangements for handling request made to attend a sub-committee meeting of the Corporation will be as set out in section 2.1 above. Such requests will be considered by the Chair of the relevant committee.

Policy 5 – Payment of travel, subsistence and other allowances to Governors

1. Introduction:

1.1 Aim:

The purpose of this policy is to clarify the entitlement of members of Corporation to claim expenses for carrying out their duties and in accordance with the requirements of the Instruments and Articles of Government which prohibits the payment of any remuneration to governors for their services. Paragraph 17 of the Instrument states: "The Corporation shall have power to pay to the members of the Corporation such travelling, subsistence or other allowances as the Corporation may determine".

2. Members entitlement to allowances:

- 2.1 Members of the Corporation are entitled to claim travel and subsistence expenses associated with the attendance at committee meetings, governor training and college business. The rates payable will be those in force for employees of the Corporation.
- 2.2 Members may also submit claims for other unavoidable but previously agreed expenses associated directly with their membership of the Corporation.
- 2.3 All claims should be made using the appropriate form via the Clerk to the Corporation in accordance with the College Financial Regulations. All claims must be approved by the Chair. Any claim submitted by the Chair will be authorised by a member of the Estates and Finance Committee (not the Principal).

Policy 6 - Counter Fraud Policy

1. Introduction:

- 1.1. A basic principle of working in the public sector is to ensure that public funds are used appropriately and properly. There is therefore a duty on those who work at Lowestoft College to be aware of the risks of, and applying College rules designed to prevent, fraud and any other illegal acts involving dishonesty or damage to College property.
- 1.2 This document sets out the policy of Lowestoft College in respect of fraud and suspected fraud. Details of the procedure to be followed in notifying the College of suspected fraud are set out in the Financial Regulations. College staff and members of the public can also raise concerns by using the 'Raising Concerns at Lowestoft College' policy. Copies of this policy are available on request from Human Resources.

2. Values and Ethics:

(The Nolan Committee's Seven Principles of Public Life).

- 2.1 It is important for the College and its staff to demonstrate the highest possible standards of conduct in providing its services. To this end it is expected that governors' will abide by the 'seven principles of public life'. These are:
 - Selflessness
 - Integrity
 - Objectivity
 - Accountability
 - Openness
 - Honesty
 - Leadership

- All those who work at or for Lowestoft College should be aware of these 'principles' and act accordingly.

3. The Policy:

3.1 Lowestoft College will carry out its business to the highest possible standards and in accordance with the values set out at Para 2.1 above. It is also committed to promoting a policy with those who work for, and with, the College of honesty and openness in preventing fraudulent activity and/or any forms of corruption.

3.2 This policy details the College approach to fraud prevention and clarifies how employees and members of the public can raise their concerns if there is a suspicion of fraud or corruption. It also confirms how the College will respond in the event that such concerns are raised (see College Financial Regulations for details of the procedure).

4. What is meant by 'Fraud' and 'Corruption'?

4.1 For the purposes of this policy fraud is interpreted as:
"The intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or her injury".

and Corruption is interpreted as:
"Offering, giving or receiving of rewards and inducements designed to influence action".

4.2 Examples of 'Fraud' and 'Corruption':

Acts of fraud and corruption can include:

- Abuse of college systems and process for personal gain.
- Obtaining money from the College without consent or following correct procedures.
- Misuse and inappropriate use of College equipment for personal gain.
- Theft of College property.
- Any unlawful activity and/or action in contravention of College policies and procedures.

5. Policy and Procedure Review:

5.1 This policy and procedure should be subject to review following each occasion of use and at least bi-annually. The review will be carried out on behalf of the Corporation by the Audit Committee which will also authorise any changes deemed necessary.

Policy 7 – Governors gifts and hospitality.

1. Introduction:

- 1.1 Lowestoft College has a responsibility to ensure that governors and those who work on its behalf act with probity in their dealings and relationships with suppliers, contractors and service users both present and potential. It is within this context that it is important for the College to have in place a policy and procedure which deals with the receipt and provision of gifts and hospitality with these client groups.
- 1.2 In its simple form the offer of hospitality, and to some extent the provision of inexpensive gifts, can and should be viewed as a common courtesy. However they can also be construed as being an attempt to influence relationships and therefore should be open to appropriate audit and scrutiny.
- 1.3 It is an offence under law (Prevention of Corruption Acts 1906 and 1916) for those in public service to corruptly to accept any gift as an inducement or reward for:
 - Doing or refraining from doing anything in their official capacity.
 - Showing favour or disfavour to any person in their official capacity.
 - Under the Prevention of Corruption Act 1916, any money, gift or consideration received from a person or organisation holding or seeking to obtain a contract will be deemed by the courts to have been received corruptly unless it can be prove to the contrary.

2. Values and Ethics:

(The Nolan Committee's Seven Principles of Public Life).

- 2.1 It is important for the College and its staff to demonstrate the highest possible standards of conduct in providing its services. To this end it is expected that governors' will abide by the 'seven principles of public life' These are:
 - Selflessness
 - Integrity
 - Objectivity
 - Accountability
 - Openness
 - Honesty
 - Leadership

All those who work at or for Lowestoft College should be aware of these 'principles' and act accordingly with respect to the offering and receiving of gifts and hospitality.

3. Gifts:

- 3.1 Business gifts of very low intrinsic value (up to £25) such as diaries, calendars, pens and other such “advertising material” are acceptable. In all other cases gifts which are offered and where the value is likely to be greater than £25 should be firmly but politely declined. Under no circumstances should a governor accept money.
- 3.2 Details of any gifts received other than those specifically excluded in 3.1 above must be recorded in the Gifts and Hospitality Register. See section 5 below.
- 3.3 If there is any doubt about whether a gift should be accepted advice should be sought from the Clerk to the Corporation and/or the offer be politely declined.

4. Hospitality and other expenditure:

- 4.1 It is common practice in a business relationship to accept, and offer, modest hospitality. It is important however that any such hospitality should not be perceived by others to be at a level which could influence decision making. This should also apply to the frequency with which offers of hospitality are made or received which involve the same business partner.
- 4.2 The scale of any hospitality received should not be significantly greater than would be offered by the College in return.
- 4.3 The use of College funds for the provision of hospitality should be carefully considered. All such expenditure should be capable of justification and testing by the College internal auditors on behalf of Corporation.
- 4.4 If there is any doubt about whether the hospitality should be accepted advice should be sought from the Clerk to the Corporation and/or the offer be politely declined

5. Recording of gifts and hospitality received:

- 5.1 Details of all relevant gifts and hospitality received by governors must be entered into a register maintained by the Clerk to the Corporation. The following rules shall apply:
 - It will not be necessary for “minor” courtesy hospitality received eg tea, coffee, buffet lunches etc to be recorded.
 - Neither will it be necessary to record items of an advertising nature received in the normal course of business, at training courses, conferences, seminars etc.

- 5.2 The following items should be recorded in the register, where possible before an event has occurred or as soon as possible after the event has taken place:
- Invited attendance at events being sponsored or promoted by commercial organisations etc.
 - More substantial hospitality including meals (except where this is an integral part of a training course, seminar or conference etc).
 - Gifts received where the value is, or is believed to be, greater than £25.

Policy 8 – Provision of independent professional advice for governors:

1. Introduction:

1.1 Aim:

The purpose of this policy is to confirm the entitlement of governors of the Corporation and the Clerk to the Corporation to access, when appropriate, legal advice with respect to fulfilling their roles and responsibilities.

2. Entitlement:

2.1 Governors shall have, within the financial limits appearing in paragraph 3, the right to take advice from:

- the Corporations' advisors; or
- if necessary, at the Corporations expense, independent advisors

on any matters concerning the exercise of their powers and responsibilities. Such matters shall include advice on their legal, accounting and regulatory duties, but exclude to the individual governors matters concerning their own respective personal interests in relation to the Corporation.

2.2 A governor who intends to seek advice under this procedure shall give prior written notice to the Clerk to the Corporation and the notice must contain:

- a summary of the issues on which advice is being sought; and
- if independent advice is sought (ie not from the Corporation's advisors), the name(s) of the advisors whom the Member proposes to instruct together with a short explanation of the reasons why consultation with the Corporation's advisors on the particular issue(s) is considered to be inappropriate.

The Clerk shall forthwith deliver a copy of the notice to the Chair of the Corporation and the Principal. Whenever practicable, governors shall

first enquire of the Clerk whether professional advice has already been obtained by the Corporation, before giving notice under this paragraph.

3. Procedure for gaining authority to seek professional advice:

- 3.1 The Chair plus a Vice-Chair (2 board members) shall be authorised by the Corporation to approve expenditure up to £5,000 towards the cost of independent professional advice per annum without further reference to the Corporation.
- 3.2 The Chair shall decide whether to authorise such payment or contribution as soon as practicable after receiving a copy of the notice seeking advice under this procedure and in any event within 10 working days.
- 3.3 The governor will be notified in writing whether the costs for the professional advice are payable by the Corporation and, if they are not, brief reasons shall be stated in support of the decision.
- 3.4 Any advice which is obtained under this procedure shall, on request, be made available to all governors including the Principal and Clerk to the Corporation unless it is inappropriate to do so.
- 3.5 Reference in this policy to the Chair shall include, in his or her absence or where he or she is seeking independent advice under this policy, references to the Vice-Chair(s).

SECTION 3 – OTHER TERMS OF REFERENCE

1 The Chair of Corporation:

- 1.1 It is the responsibility of the Chair of Corporation to lead the team of governors and to enable the Corporation to function effectively and efficiently. The Chair also represents the Corporation in its dealings with others and acts on its behalf.
- 1.2 The DfES lists the following terms of reference within its definition of a Chair's function:
 - Ensuring that the business of the Corporation is conducted properly, in accordance with the legal requirements.
 - Ensuring that meetings are run efficiently, focusing on priorities and making best use of the time available.
 - Ensuring that all governors have equal opportunities to participate fully in discussion and decision-making.

- Encouraging all governors to work together as a team.
- Liaising closely and regularly with the Principal and Clerk to the Corporation.
- Acting in cases which may properly be deemed 'urgent'. This can be defined as where it could be seriously detrimental to the interests of the College (see section 1H).
- Making public statements on behalf of the Corporation, where delegated to do so.

2 The Clerk to the Corporation:

- 1.1 The Clerk to the Corporation is responsible for organising the proper conduct of the Corporation's business. He/she will act as an independent advisor to the Chair and governors and will be expected to liaise closely with both the Chair and Principal in managing the Corporation's business. The Clerk to the Corporation will advise on procedures and keep a formal record of the proceedings of meetings. The clerk will remain detached from discussions and decisions of the Corporation and its committees except where the nature of the discussions requires the Clerk's advice in areas where he/she may have direct professional expertise as a part of his duties as a post holder of the corporation.
- 1.2 The Clerk to the Corporation is directly accountable to the Corporation and the role will include the following specific duties:
- In consultation with the Chair and Principal planning the forward programme of meetings of the Corporation and its committees.
 - Identifying the main items to be taken at meetings and liaising with those members of staff or the Corporation where pertinent papers for consideration by governors are required for meetings.
 - Facilitating communication on Corporation matters between the Chair, Principal and senior staff of the college.
 - Summoning meetings and preparing and dispatching agenda and papers for Corporation and sub-committee meetings.
 - Either in person, or by delegation to a named individual, attending all meetings of the Corporation and its sub-committees, giving advice on procedure at such meetings and arranging for draft minutes to be prepared of the proceedings.
 - Acting as correspondent for governors.
 - When requested arranging for the provision of administrative support to the Chair of the Corporation and chairs of sub-committees of the Corporation.
 - Ensuring that the legal requirements for public access to Corporation papers are met.

- Ensuring the safe custody of the official record of the Corporation's business and maintaining a record of outstanding business.
- Maintaining a record of membership of the Corporation, notifying any vacancies, making arrangements for staff elections and advising the Corporation on strategies for recruiting new governors.
- Maintaining an attendance record of governors, notifying any whose membership lapses as a result of non-attendance or who become disqualified for any reason.
- Maintaining a code of conduct for the Corporation and a register of the financial and other interests of Corporation governors; and advising on declarations of interest.
- Making suitable arrangements for the reimbursement of governors' expenses.
- Making appropriate administrative arrangements for Corporation training sessions.
- Taking appropriate action if and when the Corporation, its Chair or one of its sub-committees appears to be at risk of acting outside their powers or proposing actions that may be unlawful.