

Arts Council of Wales

Code of Best Practice

August 2018



Cyngor Celfyddydau Cymru
Arts Council of Wales



Noddir gan
Lywodraeth Cymru
Sponsored by
Welsh Government



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Arts Council of Wales operates an equal opportunities policy.

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1 Introduction

The Arts Council of Wales (Arts Council) is a charitable body set up by Royal Charter with the following objects:

- a. to develop and improve the knowledge, understanding and practice of the arts;
- b. to increase the accessibility of the arts to the public;
- c. to advise and co-operate with the Welsh Government, Departments of Our Government, local authorities, the Arts Councils for England, Scotland and Northern Ireland, and other bodies on matters concerning the objects in (a) and (b) above; and
- d. to carry out the objects through the medium of both the Welsh and English languages.

1.1 As a body that administers public funds in Wales, the Arts Council will at all times:

- observe the highest standards of impartiality, integrity and objectivity in relationship to the stewardship of public funds and management of the bodies concerned;
- in accordance with government policy on openness and the Freedom of Information Act 2000, comply with all reasonable requests for information as detailed in Section 4 "Access to Information" and in accordance with the Information Commissioner's Model Publication Scheme (Appendix A);
- be accountable to the Welsh Government, Department for Culture, Media and Sport (DCMS), Charity Commission, users of services, individual citizens and staff for the activities of the Arts Council, its stewardship of public funds and the extent to which its key objectives and associated performance targets have been met;
- act in a way that promotes high standards of public accountability, including the promotion of regularity, propriety and value for money;
- ensure that services are delivered in the most efficient, effective and economical way within available resources and with independent validation of performance achieved wherever practicable.

1.2 Relationship with the Welsh Government and the DCMS:

- The Welsh Government took over the functions of the Secretary of State for Wales in relation to the arts on the 1st July 1999. The Welsh Government funds

the Arts Council by way of grant in aid and we are accountable to the Welsh Government for the expenditure of the grant in aid. The Arts Council is therefore a Welsh Government Sponsored Body (WGSB) and the terms and conditions of the Welsh Government grant in aid are set out in the Welsh Government's Framework document, issued to the Arts Council.

- Members of our Council are appointed by and responsible to the Welsh Government.
 - The Arts Council is also the distributor of Lottery money for the arts in Wales. Lottery funds are allocated to the Arts Council by the DCMS. The policy and financial framework within which the Arts Council will operate as a distributor of National Lottery proceeds, is set out in the two Lottery Acts and in Financial Directions issued by the Welsh Government.
- 1.3 Council's policy is to carry out its work to the highest standards of integrity, efficiency and openness. This policy is set out in this Code of Best Practice. The Code sets out the standards which are required - and which the public has the right to expect - of all those who are involved in the Arts Council's business. This includes the members of Council, the members of its Committees, National Advisers, and Arts Council staff. It also lays down certain procedures that are designed to implement the principles embodied in the Code or to give specific rights to members of the public.
- 1.4 The Code will be given to all members of the Council, its Committees and the National Advisers, and to all members of staff. A copy of the Code will be made available to all Arts Council revenue funded organisations and will be given to other recipients of grant aid on request.
- 1.5 Copies of the Code are available to members of the public, free of charge, from all Arts Council offices.

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2 Code of Best Practice for Members

- 2.1 This section of the Code applies to the members of Council, the members of Arts Council Committees, National Advisers and to all other individuals who are involved in the affairs of the Arts Council in an advisory or voluntary capacity.
- 2.2 Throughout the Code, the word “members” is used to include the broad group described in paragraph 2.1, unless otherwise specified.
- 2.3 All members are given copies of the Code on appointment and are required to observe its provisions. Any potential or actual, breaches of the Code will be discussed with the Chair of the Council and may lead to a request for the member’s resignation. Members are also given copies of the Arts Council’s Royal Charter, Corporate and Operational Plans and other documents appropriate to their role.
- 2.4 Members of the Council are also given the Welsh Government’s Framework document with the Arts Council,.”

Corporate Responsibilities of Members of the Council

- 2.5 Members of the Council have corporate responsibility for ensuring that the Arts Council complies with statutory or administrative requirements for the use of public funds. Other important corporate responsibilities include:
 - establishing the Arts Council’s overall strategic direction and management within the policy and resources framework agreed with the Welsh Government;
 - overseeing the production of a Corporate Plan, incorporating the requirements of the Welsh Government. The Corporate Plan, is a key element in the responsibilities of Council Members, and is referred to in the Framework document;
 - ensuring that public funds - which for this purpose should be taken to include all forms of receipts from fees, charges and other sources - are safeguarded; and that at all times the body conducts itself as efficiently, effectively and economically as possible, with full regard to the relevant statutory provisions;
 - overseeing the publication of the Annual Report and Accounts, which must give a full account of the use of public funds, and ensuring that these are prepared in accordance with the Accounts Direction issued by the Welsh Government and such other guidance as may be issued, from time to time, by the Welsh Government and the Treasury. The

Framework document sets out further details on producing the Annual Report;

- ensuring that the Code of Practice on Access to Government Information is implemented through Section 4 of this Code of Best Practice;
- ensuring that high standards of corporate governance are observed at all times;
- overseeing the delivery of planned results by monitoring performance against agreed strategic directions and targets;
- ensuring that the Arts Council, in reaching decisions, takes any guidance issued by the Welsh Government into account;
- ensuring that the Arts Council does not act beyond its powers. It must remain within the limits of its Royal Charter, and act within the requirements of charity law and the terms and conditions of the Welsh Government's grant in aid; and it must act in accordance with any other conditions relating to the use of public funds;
- overseeing the arrangement for the delegation of responsibilities to Committees, National Advisers and members of staff;
- ensuring that the Arts Council complies with all relevant employment legislation and that it employs suitably qualified staff who will discharge their responsibilities in accordance with the high standards expected of public service staff;
- ensuring that both members and staff have access to appropriate expert advice and training;
- ensuring that the procedures for the recruitment and management of staff provide for appointment and advancement on merit on the basis of equal opportunities for all applicants and staff. In filling senior staff appointments, the Arts Council should satisfy itself that an adequate field of qualified candidates is considered and that open competition is used in all but exceptional circumstances;
- appointing, with the approval of the designated Minister of the Arts Council's Welsh Government sponsor department, a Chief Executive and monitoring the performance of the Chief Executive;
- pro-actively tackling issues of equality of opportunity and promoting diversity in all of the Arts Council's work;

ensuring that the Arts Council operates a Welsh Language Policy that promotes policies and practices in accordance with legally defined Welsh Language Measures and Standards;

- ensuring that the Arts Council makes a positive contribution to the Well-being agenda and operates sound environmental policies and practices in accordance with the Well-Being of Future Generations Act.

2.6 Further information on the role of members of Council is contained in the Framework document.

2.7 The Arts Council of Wales is established as a corporate body under Royal Charter. It follows that if judgement is made against us any financial settlement would normally be met out of Arts Council funds rather than from the personal assets of individual Council Members (but see paragraph 2.17 below).

Responsibilities of Individual Council Members

2.8 **The responsibilities of the Chair.** The Chair has responsibility for providing effective strategic leadership on matters such as:

- formulating Arts Council strategy for discharging its statutory duties;
- representing the views of the Arts Council on major issues to the general public;
- ensuring that, in reaching decisions, the Arts Council takes proper account of the Government's general policies including those for educational and cultural development;
- encouraging high standards of propriety and promoting efficient and effective use of staff and other resources throughout the organisation;
- providing an assessment of performance of individual Council members on request;
- promoting, with the Chief Executive, the welfare of staff and best practice in the terms and conditions of service. Ensuring equality of opportunity and freedom from personal harassment and bullying;
- ensuring quality in service delivery and work;
- ensuring equality in both service delivery and grant making.

- 2.9 The Chair should ensure that the Council meets at regular intervals throughout the year; and that minutes of meetings accurately record decisions taken, and, where appropriate, the views of individual Council members.
- 2.10 The Chair of Council is appointed by and is responsible to the designated Minister of the Arts Council's Welsh Government sponsor department for the corporate management of the Arts Council and its activities, and is therefore the normal channel of communications with the Minister. (The Chief Executive acts on the Council's behalf, and has separate and specific responsibilities as Accounting Officer). Individual members may wish to raise with the Minister issues that he or she believes bear importantly on his/her duty as a member of Council. If so, that is acceptable, but such matters should be discussed, as a matter of courtesy, with the Chair or Chief Executive in the first instance. The Chair or Chief Executive will then consider whether the interests of other members of Council are affected, and, if so, whether or not they should be consulted. Nothing said above is intended to impede individual members of Council in discharging their duties as citizens, as they think fit, or in raising personal matters with the Minister (for example, continuance as members of Council in the face of pressure of other commitments).
- 2.11 The Chair should ensure that all members of Council, when taking up office, are fully briefed on the terms of their appointment and on their duties, rights and responsibilities. The Chair will encourage new members to attend an induction course on the duties of members or some other suitable form of training relating to their new responsibility.
- 2.12 Situations may arise from time to time, when it will be necessary for the Vice-Chair to deputise for the Chair. Under such circumstances, the Vice-Chair will assume all of the Chair's responsibilities and duties.
- 2.13 **All individual members** should be aware of their wider responsibilities. Like others who serve the public, they should follow the Nolan Principles, which are printed as Appendix B. Members have a duty:
- to comply at all times with the Arts Council's Code of Best Practice and with rules relating to the use of public funds;
 - to act in good faith and in the best interests of the Arts Council;
 - not to use their powers in their own personal interest or in the interests of other individuals or groups with which they may be associated in any way;
 - to treat the information that they receive in the course of their work in confidence and to ensure that it is not used for their own personal gain;

- to bring the same degree of care, diligence and skill to the work of the Arts Council as they would to the management of their own affairs;
- to have regard to the interests of Arts Council employees ensuring best practice in the terms and conditions of service, equality of opportunity and freedom from personal harassment and bullying;
- to ensure that they comply with the Arts Council's rules on the acceptance of gifts and hospitality (see paragraphs 2.24 – 2.27).

Members owe a general duty of confidentiality to the Arts Council at common law. They are therefore required to protect official information held in confidence. Nothing in the Code should be taken as overriding existing statutory or common law obligations to keep confidential, or in appropriate cases to disclose, certain information.

- 2.14 Members are expected not to occupy paid party political posts or hold particularly sensitive or high profile unpaid roles in a political party. Subject to that, members are free to engage in political activities, provided that they are conscious of their general public responsibilities and exercise a proper discretion, particularly in regard to the work of the Arts Council. On matters directly affecting that work, they should not make political speeches or engage in other political activities. Members should abstain from all controversial political activities.
- 2.15 More specific guidance on the political conduct of members will be issued by the Welsh Government during electoral campaigns. The purpose of the guidance is generally, to explain the sorts of activities which cannot take place during the campaign period, and the impact that these restrictions will have on WGSBs.
- 2.16 Similarly, DCMS will issue guidance in the run up to the awarding of the Lottery licence. As a Lottery distributor, the Arts Council has no say on the award of the licence, but members must not do anything which could be misconstrued by a potential bidder or the public at large.
- 2.17 Individual members of Council who act honestly, reasonably and in good faith will not normally incur any liability in an individual capacity. However, there are certain circumstances in which individual members may be held liable; for example, when a Council member makes a fraudulent or negligent statement that results in loss to a third party or where a member misuses information gained by virtue of his or her position. Council members who need further advice on these matters should consult the Chief Executive.

Remuneration, Expenses and other Financial Benefits.

- 2.18 The Arts Council of Wales is a registered charity and the members of the Council are therefore subject to the restrictions on Charity Trustees. This precludes them from benefiting in any way as a result of their position as Trustees, with the exception of 2.19.
- 2.19 Following an amendment to article 4(6) of the Arts Council's Charter, and with the approval of the Charity Commission, the Chair of Council is paid for his/her services with effect from 1st April 2004. The amendment also provides for remuneration of other members providing it is first agreed by the Charity Commission. Currently the agreement only covers the remuneration of the Chair, and no other Council member therefore receives payment by way of remuneration for their services. The Arts Council may however "reimburse any such member expenses reasonably incurred by them in the performance of their duties". The same practice is applied to those who are members of the Arts Council's Committees. National Advisers who are self-employed and/or freelance may claim for loss of earnings at a rate determined by Council and reviewed on an annual basis.
- 2.20 No member of Council (other than in the specific circumstances of paragraph 2.19) is eligible to receive grants, awards, bursaries and payments direct from the Council (or from a Council delegated distributor) to themselves as an individual Council member. This is an absolute prohibition and applies even if these are recommended by a body other than the one to which the member belongs. This does not affect the position of Council members who are employees of Arts Council funded organisations. In this instance it is accepted that the Council member receives payment from the organisation concerned, rather than from the Arts Council direct. Council members must declare this interest in the usual manner and absent themselves from any discussion at Council involving the organisation(s) in which they have an interest. The Arts Council's policy on the Registration and Declaration of Interests (Appendix C) applies.
- 2.21 Members, other than Council Members, of the Arts Council's Committees and the National Advisers are entitled to apply for the above, subject to the Arts Council's policy on the Registration and Declaration of Interests (Appendix C). National Advisers should refer to their Prospectus for further information on applying for grant aid.
- 2.22 From time to time Committee members may be asked to carry out specific one-off tasks for the Arts Council that they would not be expected to do within the terms of their membership of one of the Arts Council's Committees. In such cases reasonable fees may be paid to such members, other than members of the Council, so long as the member of staff or body commissioning the work is satisfied that that work cannot be carried out more appropriately by a non-member. The

fact that such work is being carried out should be recorded in the Register of Interests (see paragraph 2.27 below).

- 2.23 Members, other than members of the Council, who undertake professional work for the Arts Council for an extended period of time, may be required by the Chair of the Council to resign from membership. The Chair will seek a member's resignation if he/she takes the view, having sought the advice of the Chief Executive, that the involvement in the paid service of the Arts Council might make it appear to an outside observer that his/her impartiality was impaired.

Hospitality and Gifts

2.24 No member may accept a gift in the following circumstances:

- where the gift is of a kind that might reasonably appear to an outside observer to constitute an inducement, or
- where the gift is from an organisation that is funded by the Arts Council or from an organisation seeking funding, or
- where the activities of that organisation coincide with or overlap with the area of work in which the member is involved on behalf of the Arts Council, or
- where the gift is from an organisation or person with whom the Arts Council has a business relationship, for example suppliers of goods and services.

In deciding whether or not to accept a gift, members will need to exercise their judgement and will wish to avoid giving unnecessary offence. Members who are in any doubt on these matters should consult the Chief Executive.

The Arts Council maintains a central gifts register. Members must ensure that any accepted gift is entered into this register.

2.25 The following will not be construed as inducements:

- The provision of complimentary tickets for events in which the member concerned has a direct interest. Whereas the provision of further tickets is acceptable to allow the attendance of the member's partner, and for appropriate events, children; members should not accept complimentary tickets for larger groups of relatives or friends. Further guidance on claiming tickets may be found in the Arts Council's Expenses Guide for Council, National Advisers and Committee Members.

- Programmes, catalogues, commemorative objects and items of low value are acceptable either where they are distributed to a wide audience at a celebratory event or when they are accepted on behalf of the Arts Council as evidence of the quality of work of the organisation.
- 2.26 A member of staff will normally make arrangements for contact between a member and an organisation funded by the Arts Council, including the arrangements for the provision of food where appropriate. However, members should exercise their judgement so as to ensure that they do not receive hospitality in such circumstances, or on such a scale, that might appear to an outside observer to constitute an inducement.
- 2.27 In this context, no account need be taken of the provision of light refreshments such as tea and coffee, working lunches or hospitality designed for a wider group at events such as gala performances or opening nights. Members who are in doubt whether to accept invitations to such occasions should consult the Chief Executive.

Conflicts of Interests

- 2.28 Members are required to register and declare any personal or business interests which may conflict with their responsibilities as members, in accordance with the Arts Council's *Policy on Registration and Declaration of Interests* (Appendix C). Recorded interests will persist for a period of one year from the date the relationship terminated.

Openness and Responsiveness

- 2.29 Members should conduct all their dealings with the public in an open and responsible way and ensure full compliance with the Arts Council's *Policy on Access to Information* (see Section 4).. Wherever possible and in compliance with the Freedom of Information Act (2000) the Arts Council will make provision for access to records of its decisions and will publicise the arrangements made.
- 2.30 The Arts Council will ensure it can demonstrate that its use of resources is to good effect, with propriety, and without grounds for criticism that public funds are being used for private, partisan or political purposes. The Arts Council will act consistently with the nature of its business and the possible need for confidentiality on commercial or other grounds, always subject to the rights of the Welsh Government and the Auditor General for Wales, and those of Parliament and the Comptroller, to obtain information. Members must also comply with the process outlined in paragraphs 4.13 to 4.15 when dealing with complaints on failure to supply information.

Relations with Members of Staff

- 2.31 The roles of members and staff are distinct. Staff are required to make information and expertise freely available to members so as to assist them in the process of formulating policy, taking decisions and monitoring progress. Members will not normally be expected to become involved in formal communications with applicants, conveying decisions to applicants or to the public, or implementing those decisions. It follows that members should not make individual approaches to applicants or to those who already receive funds from the Arts Council without the foreknowledge and agreement of the appropriate member of staff.
- 2.32 Council members are encouraged to make full use of their specific expertise in working closely with staff on relevant art forms or subject areas, and in the formulation of policy and action plans. Council members will also have an involvement in Task and Finish groups as necessary and, from time to time, will be asked to represent the Council in appropriate forums.

Delegation of Responsibility

- 2.33 The Arts Council's policy on the delegation of responsibility is set out in Appendix D.

3 Code of Best Practice for the Employees of Arts Council of Wales

The Employees of the Arts Council – Duties and Responsibilities

3.1 This section of the Code sets out the standards that are expected by the Arts Council of all its employees. The Code as a whole forms part of the conditions of service for Arts Council staff.

3.2 Staff are given copies of the Code on appointment and are required to observe its provisions. Breaches of the Code will be dealt with under the Arts Council's Disciplinary Procedure.

3.3 A high standard of conduct and performance is expected of staff at all levels. The prime requirements are that:

- public functions should be discharged reasonably and according to the law;
- ethical standards governing particular professions should be recognised;
- the Arts Council's policies should be implemented with efficiency and effectiveness;
- the Arts Council's work should be conducted with a high standard of integrity and commitment to public service;
- public funds should be effectively deployed and accounted for; and
- members of the public¹, members and fellow employees should be treated with courtesy and consideration.

3.4 As paragraphs 3.38 – 3.39 indicate, the Arts Council also expects a high standard of conduct from those, such as consultants, whom it contracts to carry out a particular task.

3.5 The appointment of staff follows good practice and involves public advertisements of vacancies where appropriate, written applications, and a short-listing and interview process.

Accountability

3.6 Arts Council staff should be aware:

- of their accountability to Council;

1. Public includes artists, arts organisations and suppliers with whom we deal in addition to the general public

- that the Arts Council's functions and roles are set out in its Royal Charter, Framework document and in respect of lottery operations, in Policy and Financial Directions issued by the Welsh Government;
- that the designated Minister of the Arts Council's Welsh Government sponsor department is ultimately accountable to the Welsh Government, for the Arts Council's independence, effectiveness and efficiency.

Members of Council have responsibilities as an employer. These are set out in the Arts Council's *Code of Practice for Members* (Section 2 of this document).

- 3.7 Staff should conduct themselves with integrity, impartiality and honesty. They should not deceive or knowingly, recklessly or negligently mislead Council, the Welsh Government, DCMS or the public.

The Chief Executive

- 3.8 The Chief Executive has responsibility under Council for the overall organisation, management, and staffing of the Arts Council and for its procedures in financial and other matters, including conduct, discipline and appeals. This involves the promotion by leadership and example of the values embodied in the Nolan Principles (see Appendix B). Council members should support the Chief Executive in undertaking this responsibility.
- 3.9 The Chief Executive has also been designated by the Welsh Government as the Arts Council's Accounting Officer. The essence of the role is a personal responsibility for the propriety and regularity of the public finances for which he/she is answerable; for the keeping of proper accounts; for prudent and economical administration; for the avoidance of waste and extravagance; and for the efficient and effective use of all the resources in their charge. The Accounting Officer has a responsibility to see that appropriate advice is tendered to the Council on all these matters. Satisfactory performance of these responsibilities is fundamental to the role of the Chief Executive. More detailed guidance on the role of an accounting officer is set out in "The Responsibilities of a WGSB Accounting Officer". In this capacity the Chief Executive is liable to be examined on these matters by the Committees of the Welsh Government or Committee of Public Accounts of the House of Commons.
- 3.10 Occasions will arise when organisations will be dissatisfied with the Arts Council's response to their situation and they may request a meeting with the Chief Executive. The Code lays down procedures for complaints (Section 4 and Appendix F) and the role of the Chief Executive should not be compromised by his/her involvement in routine negotiations with organisations. However, situations may arise in which an informal meeting between the Chief Executive and an organisation may prove

fruitful. In these circumstances the Chief Executive may, at his/her discretion, agree to the request for a meeting.

Quality of Administration

- 3.11 Staff should offer the public the highest standards of conduct and service, dealing with them sympathetically, efficiently, promptly and without bias or maladministration. In this context, the term 'public' is taken to include artists and arts organisations as well as members of the general public.
- 3.12 Correspondence must always be dealt with promptly, courteously, and in compliance with relevant legislation such as the Freedom of Information Act. As a general rule, the Arts Council will respond to correspondence within ten working days. However, where a full response will take longer to prepare, an acknowledgement will be sent indicating when a full reply can be expected.
- 3.13 A written record should be made of significant information that has been communicated orally at meetings or in telephone conversations, particularly where such information is contentious or might be challenged at a later stage.
- 3.14 Information received from all members of the public must be treated with due confidentiality. Where information, data and material of any nature comprises Personal data or Sensitive Personal data, as both terms are defined in the General Data Protection Regulations, the Arts Council will not disclose any such confidential information to any third party without the express agreement of the person concerned, unless requested to do so by law or other overriding legislation.
- 3.15 In their contacts with the public, staff will emphasise the corporate nature of the Arts Council's decisions.
- 3.16 Staff must recognise the need for mutual support and co-operation. For example, Directors should ensure that others are kept informed of the progress of discussion in which they have an interest.

Access to Information

- 3.17 Staff must be fully aware of the Arts Council's commitment to making information available to the public as freely as possible. In particular, they should be aware of the Arts Council's obligations under the Freedom of Information Act 2000 as specified in Section 4 of the Code.
- 3.18 In addition to the requirements in Section 4 of the Code, staff must take the initiative to ensure that information on the availability of financial

assistance is made available to all groups and individuals that might wish to apply. In addition, staff should ensure that those with a legitimate concern, Arts Portfolio Wales organisations in particular, are kept aware of policy developments, plans for appraisals and the progress of consideration of grant applications.

Handling Grant Applications

3.19 Staff should be aware of the requirements on the handling of grant applications contained in Section 4 of the Code and in internal guidance.

3.20 The Council is dependent on staff for the provision of up to date information on organisations and individuals that seek the Arts Council's support. Staff must ensure that they maintain a sufficient degree of contact with organisations and individuals in receipt of funding (and potential applicants) to give them a full understanding of the workings of those organisations and individuals, and to enable them to give up to date and reliable advice to members.

3.21 Staff who are responsible for servicing the Council, its Committees and National Advisers must ensure that members of those bodies are given the appropriate information that will enable them to take well-informed decisions. This may involve scrutinising grant applications to ensure that sufficient information has been supplied. Staff may also need to take the initiative not to circulate supplementary material that has been supplied if the volume or format of the information supplied does not seem likely to be helpful to members. However, when such information is not circulated the members of the bodies concerned should be given a clear indication in the agenda papers that the information in question is available for inspection both before and during the meeting. In cases where the decision to be taken is both complex and controversial, there should be a strong presumption that members will be supplied with all the information provided by the applicant.

3.22 No member of staff is eligible to receive grants, awards, bursaries and payments direct from the Arts Council. In situations where former staff members apply to the Arts Council for financial assistance, particular care will be taken to ensure that all internal processes pertaining to that application are as objective and transparent as possible. The same principle will apply to consultants or contractors whilst engaged on activities for the Arts Council.

Relationship with Members

3.23 There is a clear distinction between the roles of staff and members. The role of staff is to provide advice and information that will assist members to take decisions, to implement those decisions and to explain them to

appropriate sections of the public. In all these processes it is staff rather than members who have the responsibility of liaising with outside organisations and individuals. Staff should not divulge to third parties the personal contact details of members and should not expect members to have to explain decisions to applicants in the first instance.

3.24 Please refer to paragraphs 2.30 and 2.31 for further information on the relationship between Council members and staff.

Impartiality and Connections with Outside Bodies

3.25 Staff should abide by the Arts Council's *Policy on Registration and Declaration of Interests* (Appendix C) in relation to private interests and possible conflicts with public duty; the disclosure of official information and political activities. Staff should not misuse their official position or information acquired in their official duties to further their private interests or those of others. Staff should ensure that any possible conflicts of interest are identified at an early stage and that appropriate action is taken to resolve them. Recorded interests will persist for a period of one year from the date the relationship terminated.

3.26 No member of staff must do anything that could put in doubt the impartiality of his/her advice to the Council. It follows that no member of staff may accept an invitation to serve on the Board or Committee of an organisation receiving grant aid from the Arts Council or of an organisation that is seeking grant aid. Simple membership of – or employment with – organisations receiving grant aid (or of the supporters' groups of those bodies) is permitted. However, this would not be allowed where the activities of the organisation concerned fall within the specifically defined area of responsibility of the member of staff.

3.27 Where an application for financial assistance is received from an organisation with which the member of staff concerned has had or continues to have material previous connections, or with which he/she is associated through a close relative i.e. parents, spouse/partner, children and siblings, the minimum requirement is that:

- he/she should disclose this association on his /her Declaration of Interests form and as part of any written or oral advice that he/she offers; and
- that this disclosure is recorded on a Declaration Record Form after the meeting at which a decision was taken.

3.28 In circumstances where the importance of the decision to be taken or the closeness of the association might be likely to cast doubts on the propriety and impartiality of the member of staff's advice, the member of staff concerned should seek the advice of the Chief Executive. The presumption

is likely to be that he/she should not be involved in preparing advice or on alternative steps that should be taken. In these circumstances, it may well be appropriate for the member of staff to follow the practice *Participation at Meetings* as detailed in paragraphs 3.1 – 3.5 of Appendix C.

- 3.29 Staff can undertake paid work for organisations supported by the Arts Council. They must first, however, seek the views of their Director and, if he/she agrees, obtain the formal permission in writing of the Chief Executive. It should be noted, however, that this cannot involve a payment direct from the Arts Council (as the requirements of 3.22 above) specify. If the member of staff has a controlling interest in, or is able to exert material control over, or is or will be in receipt of a material financial benefit from the organisation, this will be deemed to be a direct Arts Council payment and therefore not permissible. The Chief Executive reserves the right to withdraw this permission should a change in circumstances necessitate it.
- 3.30 Involvement in the affairs of organisations (other than those supported by the Arts Council) may in some circumstances reduce the effectiveness of the staff. The following rules that are reproduced from the Staff Handbook apply to activities not covered in paragraph 3.26:
- The Arts Council will not normally concern itself with external activities in which its employees are engaged. This is, however, on condition that staff are available to meet their agreed conditions of employment. In addition, it is expected that staff will not engage in activities that could embarrass the Arts Council or conflict with its work.
 - Where employees are in doubt as to whether any activity they wish to follow is likely to be unacceptable they should seek advice from their departmental director. There is an optional arrangement for staff to seek formal approval of external activities and a form for this purpose is available from the Chief Executive's office.
 - In any case, permission must always be obtained in advance from the appropriate departmental director before an employee takes on outside work which involves the use of official time or resources or contains any reference to the area of responsibility for the member of staff concerned.

Integrity

- 3.31 Staff should not use their official position to receive, agree to accept or attempt to obtain any payment or other consideration for doing, or not doing, anything or showing favour, or disfavour to any person. They should not receive benefits of any kind from a third party which might reasonably be seen to compromise their personal judgement and

integrity. Under the Prevention of Corruption Act 1916 and the Bribery Act 2010, employees of public bodies may be required to prove that the receipt of payment of other consideration from someone seeming to obtain a contract is not corrupt.

Hospitality and Gifts

- 3.32 The following section should be read in conjunction with the Arts Council's Staff Hospitality and Gifts Policy (Appendix E).
- 3.33 Where members of staff visit an organisation funded by the Arts Council (or one that seeks to be funded), they should not agree to have meals provided or bought for them. However, no account need be taken of the provision of light refreshments such as tea and coffee, working lunches, or of hospitality designed for a wider group at events such as gala performances or opening nights (except where such hospitality could be construed as an inducement in the context of impending decisions). Members of staff who are in doubt whether to accept invitations to such occasions should consult the Chief Executive.
- 3.34 A hospitality register will be maintained by the Arts Council. Each member of staff will record in the register all hospitality received, except that staff are not required to register the receipt of trivial hospitality such as tea, coffee or other light refreshments provided to them in the normal course of business. Each entry in the register should contain the following information:
- the name of the recipient and his/her position within the Arts Council
 - the name of the individual or organisation that provided the hospitality
 - the extent of the hospitality provided, and
 - the nature of the occasion on which the hospitality was provided.
- 3.35 In no circumstances may members of staff accept gifts of any kind. This would include gifts from an individual or organisation that is funded by the Arts Council, gifts from an individual or organisation seeking funding, gifts from a supplier seeking a contract or gifts given as gratuities for any reason. However, the following will not be construed as gifts:
- The provision of complimentary tickets for events in which the member of staff concerned has a professional interest.
 - Whereas the provision of further tickets is acceptable to allow the attendance of the member of staff's partner, and for appropriate events, children; staff should not accept complimentary tickets for larger groups of relatives or friends. Further guidance on claiming

tickets may be found in the Arts Council's Expenses Guide for Staff Members.

- Programmes, catalogues, commemorative objects and similar items are acceptable either where they are distributed to a wide audience at a celebratory event or when they are accepted on the Arts Council's behalf as evidence of the quality of work of the organisation.

Use of Resources

3.36 Staff should endeavour to ensure the proper, economical, effective and efficient use of resources.

Official Information

3.37 Staff owe a general duty of confidentiality to the Arts Council at common law. They are therefore required to protect official information held in confidence. Nothing in the Code should be taken as overriding existing statutory or common law obligations to keep confidential, or in appropriate cases to disclose, certain information.

Staff should act in accordance with our obligations under the Freedom of Information Act as specified in its policy on Access to Information contained in Section 4 of this Code, and its Publication Scheme (Appendix A).

Consultants, Contractors and Other Casual Staff

3.38 The Arts Council expects the highest standards of conduct from all individuals whose services it engages.

3.39 The sections of the Code on prime requirements (paragraph 3.3) confidentiality (paragraph 3.14) and hospitality and gifts (paragraphs 3.32 - 3.35) apply to those whom the Arts Council contracts on a casual basis to carry out particular tasks. Confidentiality requirements extend to translators engaged by the Arts Council.

Disclosure in the Public Interest (Whistleblowing Policy)

3.40 All staff are made aware of the Arts Council's policy on disclosure commencement of employment with the Arts Council.

After Leaving Employment

- 3.41 Staff should continue to observe their duty of confidentiality (see paragraph 3.37) after they have left the employment of the Arts Council.
- 3.42 If a member of staff leaves the Arts Council's employment to work for an organisation receiving or seeking funding from the Arts Council, an interest will persist for a minimum period of one year from the date that his/her employment with the Arts Council ended.

4 Procedures for Implementing the Principles of the Code

4.1 This section of the Code lays down procedures related to:

- Access to Information
- Handling Applications for Assistance
- Complaints against the Members or Employees of the Arts Council of Wales
- The Council's Audit and Risk Assurance Committee

Access to Information

4.2 The Arts Council is committed to carrying out its work in as open a way as possible and to publishing as much information as is reasonably practicable, via its Publication Scheme. The Arts Council is required to produce an Annual Report giving an account of the services provided, the cost of those services, the persons responsible for each area of work, targets set, standards expected and results achieved. In addition, Arts Council staff will take the initiative of distributing information to funded organisations and others whose need for information (for example, as potential applicants) is apparent to them (see Section 3).

4.3 Under the Freedom of Information Act, any person can request information, where that information is not readily accessible, via letter or email to the Arts Council. The Arts Council may be obliged under the Act to inform the applicant in writing whether it holds the information requested. If the information is held by the Arts Council it has 20 working days in which to supply the information, subject to any exemptions under the Act that may be applicable.

4.4 This part of the Code is concerned with the way in which the Arts Council will respond to requests for information.

The Commitment of the Arts Council of Wales

4.5 Subject to paragraph 4.6 below and in compliance with the Freedom of Information Act, the Arts Council will:

- provide full information on grant aid schemes and other services that it provides;
- reveal the facts, and analysis of the facts, which have led it to frame major policy proposals and decisions;

- make available internal guidelines, administrative manuals, procedure notes and other similar material related to the Arts Council's dealings with the public;
- provide information on other matters concerned with policy, actions, decisions and other matters related to the Arts Council's areas of responsibility
- make available a Publication Scheme setting out the categories and classes of information it will make available as a matter of course, the format in which the information is available, and details of any charges that may apply in order to access the information. For this purpose the Arts Council of Wales operates under the Model Publication Scheme issued by the Office of the Information Commissioner.

Exemptions

4.6 The Freedom of Information Act details a series of exemptions that may need to be considered in relation to a request. The Arts Council is not obliged to supply information in a format specified by the applicant other than that in which it is already held (e.g. by making available pre-existing documents) nor is it committed under the Freedom of Information Act to:

- supply information that it does not possess;
- provide information that is already readily accessible to the public;

Under the Freedom of Information Act the Arts Council may apply a suitable exemption when release of that information would be considered to:

- prohibit future effective discussion the Arts Council;
- prejudice the administration of justice;
- lead to improper gain or advantage to the recipient of the information (e.g. in the context of competitive tendering);
- contravene General Data Protection Regulation principles by involving a breach of confidentiality on personnel matters or in connection with the making of appointments; or result in the invasion of privacy through the unwarranted disclosure of information about an individual;
- reveal information that has been supplied in confidence (including commercial confidence, trade secrets and intellectual property) and where disclosure of that information would constitute an actionable breach of confidence.

- pre-empt a publication or announcement that is to be made in the near future;
- hinder the legitimate operation of an arts organisation or public body;
- require an unreasonable diversion of resources, as defined by current Freedom of Information legislation, on account of the breadth of the request or the quantity or inaccessibility of the information requested. Nor will the Arts Council respond to requests that it considers manifestly vexatious, as defined by any guidance issued by the Office of the Information Commissioner.

4.7 Where a request for information is refused, details of the particular exemption(s) applied along with an explanation of the reasons for the refusal will be given and the person or organisation concerned will be notified of their right to seek an internal review of this decision and to appeal to the Information Commissioner if they remain dissatisfied (see paragraphs 4.13 - 4.15 below).

Timescale and Charges

4.8 Information will be provided as soon as is practicable. The Arts Council will meet all requests for information within 20 working days of the receipt of the request.

4.9 No charge will be made for the provision of information where the purpose of the request is to enable the person or organisation concerned to make better use of Arts Council services. Nor will a person or organisation be charged where the request is for clarification of a decision affecting that person or organisation.

4.10 Where the request does not fall into one of these categories the Arts Council may make a charge. Simple requests that can be easily satisfied will not be charged. However, when a request cannot be satisfied without extensive research, the Arts Council may, under the Act, decline to provide the information or apply a charge on the basis of a reasonable estimate of the cost involved and calculated in line with Freedom of Information legislation. In such cases the person making the request will be notified and, if appropriate, asked to confirm their willingness to pay the cost involved before work is put in hand. Applicants have the right to appeal against the imposition of charges, following the procedures set out in paragraphs 4.13 - 4.15 below. The Arts Council's charging policy sets out instances when charges will apply, and the process that the Arts Council will adopt in calculating, communicating and applying the charges.

Responsibility for Providing Information

- 4.11 Responsibility for providing information will normally rest with the department of the Arts Council concerned.
- 4.12 The Arts Council has designated a senior member of staff who is responsible for overseeing the provision of information to the public. The responsibilities of the Planning, Performance and Compliance Manager include:
- a. co-ordinating the provision of information that cannot be provided by a single department of the Arts Council;
 - b. giving consideration to the various exemptions that may apply under the Freedom of Information Act, sanctioning the refusal to give information and agreeing the grounds on which the request is to be refused;
 - c. giving guidance on the application of charges and setting the level of charge to be made, as determined by the Freedom of Information Act and as detailed in the Arts Council's Charging Policy.

The Chief Executive will not be involved in any of the processes described above.

Appeals against decisions not to provide information

- 4.13 The person or organisation wishing to seek a review of a decision not to provide information, or to impose a charge, will be invited to write to the Chief Executive seeking an internal review and setting out the grounds for disagreeing with the Arts Council's decision.
- 4.14 The Chief Executive will then consider the complaint. If it is decided that procedures were not followed and the additional information should be disclosed, this will be done within 20 days of the decision to disclose.
- 4.15 Any person or organisation that is dissatisfied with the outcome of this review then has the right to appeal in writing to the Information Commissioner at the following address: Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Handling Applications for Financial Assistance

- 4.16 This section outlines procedures for the handling of applications for financial assistance and the standards of service that applicants can expect to receive.

- 4.17 The Arts Council is committed to ensuring that full information on the availability of grant aid should be made widely available. The information will include details of procedures for making applications, their form and content, the criteria under which applications are considered and dates for the submission of applications.
- 4.18 The Arts Council will seek to recover any defaulted loans, grant repayments or unpaid invoices. Defaulters may not apply for further funding until a satisfactory outcome has been achieved.
- 4.19 All grant applications will be initially acknowledged within seven working days to confirm their receipt by the Arts Council. This will also give the timescale for decision.
- 4.20 Arts Council staff will ensure that members of the Committees or National Advisers that are responsible for considering applications in the first instance are sent sufficient information on each application to enable them to reach a well-informed conclusion in accordance with the Arts Council's Grant Assessment Procedure.
- 4.21 The Arts Council will ensure that all applications for financial assistance are impartially and confidentially considered. The procedures laid down in Section 3 of this code and in Appendix C are designed to ensure that nobody with a material interest in a grant application will be allowed to take part in the process leading to a decision. The information contained in applications, where it is considered to be of personal or confidential nature will not be disclosed to third parties without the authorisation of the applicant, unless required to do so by law or overriding legislation.
- 4.22 The chair of the decision making group will write to the applicant conveying the Arts Council's decision within the timescale outlined in the acknowledgement confirmation. Where an application has been refused the letter will give brief reasons for the decision.
- 4.23 No appeals can be made against a decision on the merits of an application, nor can appeals be made regarding another's application.
- 4.24 Appendix F gives details of the complaints procedures that are open to those who are dissatisfied with the response to their application.

Complaints Against Members or Employees of the Arts Council of Wales

- 4.25 The document entitled Arts Council of Wales – Complaints Procedure, Appendix F and also downloadable separately from our website, provides for the Arts Council to respond appropriately to all complaints received.

Ad hoc Committees

Audit and Risk Assurance Committee

- 4.26 The Arts Council of Wales is required, by the Welsh Government, to establish an Audit and Risk Assurance Committee in order to advise, and to provide assurance, on the adequacy of arrangements for internal audit, external audit and corporate governance.
- 4.27 Audit and Risk Assurance Committee is a committee of Council, to which it reports.
- 4.28 The Audit and Risk Assurance Committee should support the Council and Accounting Officer by reviewing the comprehensiveness and reliability of assurances on governance, risk management, the control environment and the integrity of financial statements and the annual report.
- 4.29 In particular, it is responsible for reviewing the systems of Internal Control within the Council's risk management, control, governance, financial and other operations to help promote the highest standards of propriety in the use of public funds and encourage proper accountability for the use of those funds.
- 4.30 Additionally, the Committee is responsible for monitoring the work of both internal and external auditors, monitoring the Arts Council's progress in implementing recommendations raised and advising Council on relevant issues.
- 4.31 In carrying out this work the Committee will primarily utilise the work of the Internal Audit, External Audit and other assurance functions, but will not be limited to these audit functions. It will also seek reports and assurances from Directors and Managers as appropriate, and is able to call officers to attend meetings when required.

5 References

Documents are listed in the order they first appear in the text of the Code.

Document	Source
Framework Document	The Welsh Government
Lottery Acts and Financial Directions	The Welsh Government
Royal Charter	The Arts Council of Wales
Corporate Plan	The Arts Council of Wales
Operational Plans	The Arts Council of Wales
Annual Report	The Arts Council of Wales
Annual Accounts	The Arts Council of Wales (Internal Document)
Prospectus for National Advisers	The Arts Council of Wales (Internal Document)
Expenses Guide for Council, National Advisers and Committee Members	The Arts Council of Wales (Internal Document)
Standard of Best Practice for Openness in Executive NDPBs and NHS Bodies in the First Report of the Committee on Standards in Public Life (Cm 2850 – I)	The Committee on Standards in Public Life
Disciplinary Procedure	The Arts Council of Wales (Internal Document)
Arts Council Staff Handbook	The Arts Council of Wales (Internal Document)
Expenses Guide for Staff	The Arts Council of Wales (Internal Document)
Policy on Disclosure in the Public Interest (Whistleblowing Policy)	The Arts Council of Wales (Internal Document)
Publication Scheme	The Arts Council of Wales
Freedom of Information Charging Policy	The Arts Council of Wales
Grant Assessment Procedure	The Arts Council of Wales (Internal Document)

To obtain copies of these documents, please try the following websites:

www.arts.wales

www.bris.ac.uk

www.ico.org.uk

www.gov.uk

Alternatively, please contact:

Arts Council of Wales, Bute Place, Cardiff, CF10 5AL.

information@arts.wales

Model publication scheme

Freedom of Information Act

This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.

This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.
- To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public authority is the only owner, to make the information available for re-use under a specified licence. The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of that Act.

Classes of information

Who we are and what we do

Organisational information, locations and contacts, constitutional and legal governance.

What we spend and how we spend it

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

What our priorities are and how we are doing

Strategy and performance information, plans, assessments, inspections and reviews.

How we make decisions

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

Our policies and procedures

Current written protocols for delivering our functions and responsibilities.

Lists and registers

Information held in registers required by law and other lists and registers relating to the functions of the authority.

The services we offer

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

The method by which information published under this scheme will be made available

The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of a public authority, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by

the website, a public authority will indicate how information can be obtained by other means and provide it by those means.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

Charges which may be made for information published under this scheme

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge.

Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with either regulations made under section 11B of the Freedom of Information Act or other enactments.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

Written requests

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

The Nolan Principles - Standards in Public Life

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merits.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Policy on Registration and Declaration of Interests

1. The Arts Council of Wales (the Arts Council) is committed to preventing situations in which reasonable suspicion of bias might be aroused in the minds of the public, or any section of the public. In order to achieve the maximum degree of impartiality the Arts Council has established two procedures as follows:
 - The registration of interests.
 - The regulation of participation in decision-making at meetings.
2. Registration of Interests. The Arts Council will maintain two Registers of Interests – one for members and one for staff. A copy of the Register of Member’s Interests will be available to the public for inspection at all Arts Council offices during normal office hours. The Register of Staff Interests is not available publicly. It may however be disclosed in response to a Freedom of Information request.

All members of the Council, its Committees, the National List of Advisers (whether decision-taking or advisory) and staff will be required to register their interests on appointment and thereafter at the beginning of each financial year.

The very highest standards of propriety and probity – both actual and perceived – must apply to all *members, National Advisors, and* staff employed by the Arts Council of Wales at all times. Accordingly, staff employed by the Arts Council of Wales cannot benefit, financially or in any other way, from any funding awarded by the Arts Council of Wales. *Members of Council, as Charity Trustees, are precluded from pecuniary gain direct from the Arts Council, unless otherwise formally approved, under Charity legislation.*

Artists who are National Advisers are able to apply for Arts Council grant funding as individuals. However, in such cases, this must be declared, and those individuals will not then be able to advise on other applications to that particular scheme, for a minimum period of twelve months from the date of the individual’s application.

Where a National Adviser is connected to an organisation that applies for funding (e.g. a board member or an employee) the Adviser will take no part in the assessment process for the application. The Council’s established Declaration of Interest procedure will be followed.

Any financial or other interest or any personal connections that arise during the term of appointment (or employment in the case of members of staff) must be specifically examined. If it could be seen as representing a conflict of interest – actual, potential or perceived – between the public duties and private interest of a member, national adviser or member of staff, it should be declared.

As a guide, the interests to be registered are as follows:

- Directorships and membership of the Board of Trustees, Council, Management Committee or other governing body of any organisation or company, whether incorporated or otherwise constituted.
- A financial stake such as ownership of the land or property, shareholding in, or employment or involvement in an organisation receiving financial assistance from the Arts Council (or that is known to be intending to seek financial assistance from the Arts Council), whether incorporated or otherwise constituted.
- Close family connections (whether by blood or other close relationship such as marriage, common law, civil or long term partnership) with an individual receiving or seeking financial assistance from the Arts Council, or with an individual involved (either as a member of the management or as an employee) in an organisation receiving or seeking financial assistance from the Arts Council, whether incorporated or otherwise constituted.

In addition, members and staff should register any other interest that might, in their opinion, reasonably be supposed to influence their judgement - or which might affect their ability to appear impartial - on matters with which they are likely to be concerned in their capacity as members or employees of the Arts Council.

An interest falling into one of the categories above will be perceived to 'persist' for a minimum period of one year after that person has left the position which created the interest in the first place.

For example:

- If a member of staff was previously employed by an organisation receiving or seeking funding from the Arts Council, he/she is required to declare an interest in that organisation for a minimum period of one year after he/she left its employment.
- Similarly, if a member of staff leaves the Arts Council's employment to work for an organisation receiving or seeking funding from the Arts

Council, an interest will persist for a minimum period of one year from the date that his/her employment with the Arts Council ended.

3.1 Participation at Meetings. Members and staff are obliged to declare any interest or interests falling within the range of interests listed in paragraph 2 above. The interest must be declared at the moment that it becomes apparent that this may have some relevance to the subject under discussion.

3.2 Participation at Council, Committee and Decision Making Meetings:

In advance of Council Meetings, members will have been sent a list detailing each member's interests along with the meeting papers. At the meeting itself, members are therefore only required to declare any interests additional to those already listed, for recording in the Register of Interests, and to declare any interest in specific business on the agenda. These declarations must be made at the beginning of the meeting and will also be recorded in the minutes of the meeting.

The same principles will apply to members, National Advisers and staff at all Arts Council Committees and Decision Making meetings.

3.3 The Arts Council's adheres to a published Records Management Policy and Disposition Schedule. Our record keeping takes account of the requirements of the General Data Protection Regulations and guidance offered by the National Archives. It is therefore our current policy to keep such records for a period of seven years, or longer if required (eg: under European Union regulations).

Where an interest falls into one of the categories listed in paragraph 2, the individual concerned will take no part in the decision-making process and will leave and remain outside the meeting room for the duration of the discussion. The minutes of the meeting will record the declaration of interest and will note the point at which the individual concerned left and rejoined the meeting. An individual who has declared an interest need not leave the meeting where the Chair of the meeting rules that the matter raised is for information rather than for decision and that there will be no discussion on the information given.

3.4 Subject to paragraph 3.5 below, where the interest declared falls into one or more of the following three categories:

- business connections or personal friendships with individuals involved in an organisation receiving financial assistance from the Arts Council (or that is known to be seeking financial assistance);

- membership of such an organisation where that organisation is prohibited by its constitution from distributing dividends or other financial benefits to its membership;
- membership of an organisation (such as a 'Friends' group) which supports, but has no responsibility for, such an organisation;

the declaration of interest will be noted in the minutes but the individual concerned will not normally be asked to leave the meeting or to abstain from voting or contributing to the discussion.

3.5 However, if it appears to the Chair of the meeting that the interest that has been declared is sufficiently substantial as to cause reasonable doubt in the minds of the public about the individual's ability to make an impartial decision, the Chair may rule that the individual concerned should take no part in the decision-making process and that he/she should be absent from the meeting room throughout the discussion. In such a case the minutes of the meeting will note the point at which the individual concerned left and re-joined the meeting. The decision of the Chair on this matter shall be final.

The Delegation of Authority by Council to its Committees and to Decision Making Groups, including Officer Groups and the National List of Advisers

1. Authority

- 1.1 The Council is the source of all authority for action undertaken by the Arts Council of Wales within the framework established by the Royal Charter, the Framework Document and associated documents issued by the Welsh Government and the obligations arising from its registration as a charity.
- 1.2 The Council necessarily has to delegate authority to its officers and the Committees that it appoints to deal with specific aspects of its work. This memorandum sets out the nature and extent of those delegations.

2. Council Responsibilities

Council reserves to itself the authority to take decisions in respect of the following (*Also annexed to the Arts Council's Framework Document*):

2.1 Financial

- the Arts Council's annual budget and any major alteration subsequently proposed to this budget;
- the Arts Council's annual allocation of revenue grants, and any decisions to withdraw revenue grant-aid from any arts organisation;
- approval of all other grants from Grant-in-aid funds, Lottery funds and those in respect of lottery capital, as per the present levels of Delegated Authority
- the acquisition or disposal of freehold or leasehold premises;
- the appointment and powers of signatories to all bank accounts operated in the Arts Council's name.

2.2 Planning

- the Arts Council's annual Operational Plan;
- the Arts Council's Corporate Plan, subject to the requirements of the Welsh Government.

2.3 General

- new annual commitments, new areas of activity and the abandonment of existing activities where any of these are material;
- major changes in the Arts Council's methods of operation;
- questions affecting the Council's and the Arts Council's rights and obligations under the Royal Charter and Framework Document and under the law as it affects charities;
- questions affecting the relations between the Arts Council and the Government;
- broad policy issues and matters of high political interest;
- the function and formation of the Arts Council's Committees and National Advisers;
- approving delegated powers to Decision Making Groups.

2.4 Monitoring and appraisal

- procedures for the monitoring and appraisal of arts organisations and Arts Council of Wales grant schemes;
- consideration of the full appraisal reports for all major grant recipients and summaries of all other appraisal reports.

2.5 Staff

- major alterations in the terms and conditions of service of staff;
- the appointment of staff at Director level and above and major changes in responsibilities of that level;
- the recognition of staff representative bodies.

3. Committee and Decision Making Group Responsibilities

Council delegates the following responsibilities to its Committees and Decision Making Groups.

3.1 Financial

- advise Council in respect of the areas of arts expenditure within their remit;
- approve virements (transfers of budget) within the limits set out in the Arts Council Handbook;
- approval of all other grants from Grant-in-aid funds, Lottery funds and those in respect of lottery capital, as per the present levels of Delegated Authority

3.2 Planning

- recommend an Operational Plan within the framework of the Arts Council's policies for approval by Council;
- make proposals concerning strategic development and policy issues within the Committee's remit as an input to the Arts Council's Corporate Plan, subject to the requirements of the Welsh Government.

3.3 Council appoints and delegates to the Audit and Risk Assurance Committee the duty:

- to help to maintain the high standards and propriety in the use of the Arts Council's funds and to encourage proper accountability for the use of those funds;
- to improve the quality of financial reporting by reviewing internal and external statements on behalf of the Council;
- to promote a climate of financial discipline and control with a view to reducing the opportunities for financial mismanagement; and
- to promote the development of internal control systems that will help satisfy the Council that it will achieve its key objectives and targets and that it is operating in a proper and efficient manner.

4 Officers

- 4.1 Council delegates to the Chief Executive, supported by the Senior Management Team, the responsibility for the day-to-day administration and management of the Arts Council's business. This includes:
- delegated authorities for general operating expenditure within the approved annual estimates;
 - delegated authorities for approving arts expenditure below pre-determined levels;
 - the appointment of staff below the rank of Chief Executive. In the case of the appointment of senior staff, the Chief Executive will involve appropriate members of the Council in the selection process.
- 4.2 The Chief Executive also has a duty in his/her role as Accounting Officer to ensure that appropriate advice is given to the Council on all matters relating to financial propriety and regularity, for the keeping of proper accounts and for the efficient and effective use of resources. In this capacity the Chief Executive is liable to be examined on these matters by the Audit Committee of the Welsh Government or Committee of Public Accounts of the House of Commons.

Staff Guidance - Hospitality and Gifts

The Code of Best Practice sets out the rules for Hospitality and Gifts to Arts Council staff. Sections are replicated below in italics with some examples of situations when they may be applied. Attached is also a list of specific questions raised by staff and the Arts Council response.

1. Hospitality

'Where members of staff visit an organisation funded by the Arts Council (or one that seeks to be funded), they should not agree to have meals provided or bought for them. However, no account need be taken of the provision of light refreshments such as tea and coffee, working lunches, or of hospitality designed for a wider group at events such as gala performances or opening nights (except where such hospitality could be construed as an inducement in the context of impending decisions). Members of staff who are in doubt whether to accept invitations to such occasions should consult the Chief Executive.'

'A hospitality register will be maintained centrally by the Arts Council. Each member of staff will record in the register all hospitality received, except that staff are not required to register the receipt of trivial hospitality such as tea, coffee or other light refreshments provided to them in the normal course of business. Each entry in the register should contain the following information:

*the name of the recipient and his/her position within the Arts Council;
the name of the individual or organisation that provided the hospitality;
the extent of the hospitality provided;
the nature of the occasion on which the hospitality was provided.'*

It is acceptable when visiting clients' premises for meetings etc to accept tea, coffee, light lunch or buffets where your presence is still required in the context of an Arts Council member of staff, eg board meetings, Arts Council requested meetings, etc. Expensive lunches and alcohol, which can be seen as an inducement by a third party, should be avoided, but if the situation arises, should be entered in the hospitality register.

2. Gifts

'In no circumstances may members of staff accept gifts of any kind. This would include gifts from an individual or organisation that is funded by the Arts Council, gifts from an individual or organisation seeking funding, gifts from a supplier seeking a contract or gifts given as gratuities for any reason. However, the following will not be construed as gifts:

- a *The provision of complimentary tickets for events in which the member of staff concerned has a professional interest.*
- b *Whereas the provision of further tickets is acceptable to allow the attendance of the member of staff's partner, and for appropriate events, children; staff should not accept complimentary tickets for larger groups of relatives or friends.*
- c *Programmes, catalogues, commemorative objects and similar items are acceptable either where they are distributed to a wide audience at a celebratory event or when they are accepted on behalf of the Arts Council as evidence of the quality of work of the organisation.'*

It is recommended that the types of items described in c. above should only be accepted if the value does not exceed £10.00

If appropriate, staff should donate items such as bottles of wine or boxes of chocolates to periodic raffles which will be arranged for charity.

As a general rule, tickets should only be accepted by staff for events funded by the Arts Council. These should be limited to two per member of staff.

Tickets for any other events should only be accepted if you are attending in your professional capacity as a member of the Arts Council and your opinion is required or you are using the event to make a judgement on the quality of the work of the organisation/individual. Typically this would involve the production of a qualitative assessment report.

With the exception of c. above, no other gifts of any kind should be accepted by any member of staff.

Arts Council of Wales - Complaints Procedure

Introduction

The procedures in this section provide for the Arts Council of Wales (the Arts Council) to respond appropriately to complaints. All the lottery distributors in the UK use this procedure. These provisions apply to our employees, members of our Council, our Committees and National Advisers, and to all aspects of our work, not just lottery funding.

Making a complaint will not affect in any way the level of service you receive from us. For example, if your complaint is about an application for funding, this will not affect your chances of getting a grant from us in the future.

What can I complain about?

You can complain if you think that:

- 'maladministration' has taken place (for example, if we have delayed, made mistakes in or failed to follow the procedures in our application process);
- we have failed to give you access to information or have given you incorrect advice or information;
- we have not treated you politely; or
- we have discriminated against you or not treated you fairly.

If your complaint is about an application for funding, we can only look at your application again if:

- we discover (through dealing with a complaint) that we did not follow the published procedures for assessing your application;
- you can show that we have misunderstood a significant part of your application; or
- you can show that we did not take notice of relevant information.

If you need any help, you can contact your local citizens advice bureau (their contact details may be found in telephone directories or at www.citizensadvice.org.uk).

We will keep all complaints confidential. If you make a complaint, we will treat you with respect, and we expect you to treat our staff in the same way.

What you cannot complain about

You may be disappointed if we turn down your application for funding, but you cannot use the complaints procedure to appeal against our decision on giving a grant if we have followed our decision-making process correctly.

You cannot complain about our published policies or any government policy. If you have any comments about our policies, please send these to our Chief Executive.

Do not use this complaints procedure to make a complaint about any fraud you think has taken place. You should report this in writing to our Chief Executive or Chair of Audit Committee. Please see [Getting in Touch](#) at the end of this document.

How do I make a complaint?

Stage one

If you are not happy with the service you have received, contact the department or member of staff you first dealt with, within 3 months of the action or decision to which the complaint refers. They will try to put things right. You may not be sure what information you should include or how best to set out your complaint. You should set out the facts as clearly as possible, in a logical order and include the following information:

- Briefly, what the complaint is about
- When it happened
- Who originally dealt with the matter
- What you would like to happen to remedy the situation

Remember to include important details and dates where possible. We can give you information about how we will process your complaint. We hope that we can settle complaints as quickly as possible in this way. Our contact details are given in the 'Getting in touch' section at the end of this document.

Stage two

If you are not satisfied with the response you receive, you can take this further by:

- writing to our Chief Executive; or
- sending an audio tape or CD to our Chief Executive.

Please tell us:

- what happened;
- when it happened;
- who dealt with you; and
- what you would like us to do to put things right.

Where the complaint regards an application for funding and falls within the guidelines outlined above, copies of the following information are also required:

- The original application for funding to us
- Any documents or other material that was enclosed with the application
- The decision letter received from us
- Any other letters or documentation sent by either party in relation to the application

Also tell us if there is anything we need to know about how to contact you (for example, if you would like us to reply by textphone or on audio tape).

You must do this within four weeks of receiving our response to stage one.

If you cannot make your complaint in writing, please telephone us on 0845 8734900

When will I hear from you?

Within three working days of receiving your complaint we will write to or phone you to say that we have received it. We will also tell you how you can contact the person who is dealing with your complaint and when you can expect a reply.

You will receive a reply to your complaint within 10 working days. If we cannot give a full reply in this time, we will tell you why and when you are likely to receive it.

We may ask you to come to a meeting with us to discuss your complaint in more detail. This meeting would normally be held within 10 working days of us receiving your complaint. We would send you a written record of the meeting and a formal reply to your complaint from our Chief Executive. The complaint and outcome will be logged.

If your complaint is about the way we have used our powers to make, refuse or manage funding, you can then move on to stage three. If your complaint is about the way we conduct any other aspect of our business, we will let you know about alternatives that may be open to you. In our response to stage two we will tell you whether stage three is open to you.

Stage three

If you are not satisfied with our Chief Executive's reply, you can refer your complaint to the Independent Complaints Reviewer (ICR).

The ICR is unbiased and hears both sides of the complaint.

The ICR is not part of our organisation and their investigations and recommendations are independent. You can ask the ICR to look at your complaint, or our Chief Executive can ask them to do this. There is no charge for using the ICR. The ICR's office will contact you within five working days of receiving your complaint.

The ICR has the power to decide whether or not to investigate a complaint, and will explain their reasons if they decide not to investigate it.

If the ICR investigates your complaint and finds that it is justified, he or she will recommend ways for us to put things right, and how to prevent a similar situation in future. The ICR will report within three months, and usually more quickly. We will normally make any changes the ICR recommends to our current procedures as quickly as possible.

The ICR cannot consider complaints that have not gone through the procedure set out in this document. If you want the ICR to consider your complaint, you must write to them, or send them an audio tape or CD, within four weeks of receiving our Chief Executive's reply.

The ICR cannot reverse funding decisions or make comments or changes to our legal responsibilities and policies on awarding grants.

To contact the ICR see 'Getting in touch' at the end of this document.

Other ways to make a complaint

The Public Services Ombudsman for Wales

The Public Services Ombudsman for Wales investigates complaints by members of the public who have suffered injustice because of maladministration by public organisations.

By law, the Ombudsman is independent of the Government and the civil service, and has wide powers to investigate.

The Ombudsman does not normally investigate complaints if they have not been through our complaints procedures first.

The Ombudsman's services are free.

You can get an explanatory leaflet about the Ombudsman – see 'Getting in touch' at the end of this document.

Judicial review

A judicial review is where a judge examines your complaint to see whether we have behaved illegally. The judge cannot rule that we must change a funding decision, but can ask us to reconsider our decision.

Welsh Language Complaints

Complaints regarding Welsh language issues will be dealt with in the first instance by our Welsh Language Monitoring Group (WLMG).

- Complaints should be addressed in writing to the Chair of WLMG and should be marked 'confidential'.
- We will write to you within 3 working days of receipt, acknowledging your complaint and informing you that it will be considered at the next meeting of the WLMG. The meeting will wherever possible, be held within 10 working days from receipt of the complaint. If this is not practicable, we will inform you of the reason why and a date given.

- At the meeting, the WLMG will decide if the complaint is to be upheld, and if any action is to be taken. The chair of the WLMG will inform you of the decision in writing.
- The complaint and outcome will be recorded and logged by the WLMG to ensure continuity if the process is taken further.
- If you are dissatisfied with the outcome, you can request that the matter be considered by our Senior Leadership Team (SLT).
- If the complainant remains dissatisfied with the outcome after SLT's review, they have the right to approach either the Welsh Language Commissioner, Public Service Ombudsman for Wales or the Independent Complaints Reviewer as outlined above in Stage Three of the Complaints Procedure.
- The outcome of the Independent Review will be logged by the WLMG to ensure consistency, should it be taken further (see Judicial Review).

Freedom of information

Our publication scheme gives details of what information we make available to the public as a matter of course.

If you want information that we do not include in our publication scheme, the Freedom of Information Act 2000 gives you the right to ask us for it. Under the Act, we must provide you with the information you ask for unless it is not covered by the Act (that is, it is 'exempt'). If the information you want is exempt, we have to tell you why.

If you do not agree with us, you should follow stages one and two of the procedures set out in this document. If you are still not satisfied, you may ask the Information Commissioner to review our decision.

You can get a copy of our publication scheme by visiting www.arts.wales or by telephoning 0845 8734900.

To contact the Information Commissioner, see 'Getting in touch' at the end of this document.

Your personal information

If you use our complaints procedure, you are agreeing that we can use any personal information you send us for purposes connected with your complaint.

We may also give your personal information to other people and organisations if we have to do so by law or if you have given us permission.

Equal opportunities

We are committed to equal opportunities and take complaints about discrimination seriously.

We may use complaints about discrimination to review our policies and procedures. This is to make sure we treat everyone equally.

We may record information about the ethnic background, sex and disability of everyone who makes a complaint so that we promote and maintain our equal opportunities commitment. We will keep all information confidential.

Comments and suggestions

We welcome comments and suggestions as these can help us improve our services. Please send any comments or suggestions to the director, information. The contact details are given in 'Getting in touch'.

Getting in touch

You can contact our Chief Executive at:

Arts Council of Wales
Bute Place
Cardiff
CF10 5AL
Website: www.artscouncilofwales.org.uk
Phone: 0845 8734900
Email: info@artscouncilofwales.org.uk

You can get the addresses of all our offices from our website, or by telephoning 0845 8734900. You can also make general enquiries at that number.

You can contact our Chair of Audit Committee at
ChairofAuditCommittee@arts.wales

You can contact the independent complaints reviewer that deals with complaints about Arts Council of Wales at:

Office of the Independent Complaints Reviewer

Lottery Forum
7 Holbein Place
London
SW1W 8NR

For complaints regarding Welsh language issues, you may contact:

Welsh Language Commissioner

Market Chambers
5-7 St Mary Street
Cardiff
CF10 1AT
Phone: 0845 6033 221
Email: post@welshlanguagecommissioner.org

To get information about the Freedom of Information Act you can contact:

The Information Commissioner

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Phone: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk

You can get an explanatory leaflet about the Ombudsman from:

The Public Services Ombudsman for Wales

1 Ffordd yr Hen Gae,
Pencoed,
CF35 5LJ
Phone: 01656 641150
Email: ask@ombudsman-wales.org.uk