

Code of Conduct: Council Members

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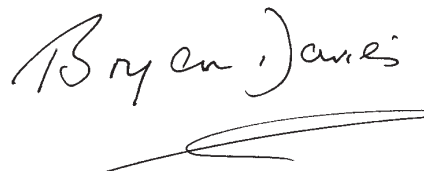
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Foreword

This document sets out essential information for Council members, Council committee members and Council advisers about the organisation's values and its expectations of them as they carry out their duties. As such, it is also of interest to a wider readership: these standards are those by which the Council and individuals may be judged by our stakeholders.

You will find here our statement of values; the codes of corporate responsibility, individual conduct for Council members, Council committee members and regional committee members and our code on access to information. This document also reminds readers of the seven principles of public life; and includes some guidance on interpreting aspects of the codes.

This *Code of Conduct* is a companion volume to *Code of Conduct: Council staff*. Together, they make essential reading for all Council members, Council committee members, regional committee members and members of staff. Any queries should be addressed to the secretary to the Council, who may be contacted at the address shown on the inside of the front cover.



Lord Davies of Oldham, Chair, FEFC



David Melville, Chief executive, FEFC

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Statement of Values

The Further Education Funding Council's approach to its work is based on the following values:

Exemplary Conduct

Which means demonstrating selflessness, integrity, objectivity, accountability, honesty, openness and providing leadership in relation to conduct.

Excellence

Which means efficient delivery of high-quality work which is accurate, rigorous, on time and appropriate to the circumstances; and admitting, correcting and learning from mistakes.

Enhancing Skills and Competence

Which means providing training and development opportunities to enable staff to develop skills, experience and confidence, and rewarding the development and demonstration of new skills.

Encouraging Personal Responsibility and Accountability

Which means devolving responsibility for work areas within a broad framework; providing a supportive environment within which new ideas can be developed and implemented; recognising and rewarding contribution and achievement; and leading by example.

Effective Working with Others

Which means providing opportunities for consultation and recognising, respecting and responding to the views of others within the Council, the sector and the public; ensuring timely and easily understood communications written in plain English; achieving results through partnerships and teamwork.

Equality of Opportunity

Which means embedding the principle of treating everyone fairly, irrespective of age, disability, ethnic origin, gender, marital status, race, religion and sexuality, into all areas of the Council's work and working practices.

Ensuring Value for Money

Which means protecting public funds by securing effectiveness and efficiency and maintaining strong control over finance.

Code of Corporate Responsibility

1 This code describes the principles underlying the approach of the Further Education Funding Council (FEFC) to its business and the responsibilities of Council members and Council committee members in relation to their collective conduct. The code also sets out the procedures which the Council has adopted to ensure that it is capable of carrying out its responsibilities in keeping with its role as a public body spending public funds.

Principles

2 The Council has adopted the following principles to guide its work.

Accountability

The decisions of the Council and the executive action which puts them into effect should be capable of withstanding tests of parliamentary scrutiny, public judgement on propriety and professional standards.

Probity

There should be complete honesty in dealing with the funds entrusted to the Council; integrity should be the principle underlying all action taken by or on behalf of the Council.

Openness

There should be sufficient transparency about Council activities to justify confidence in the Council by parliament, the further education sector, students and the public.

In addition, the Council has adopted the seven principles of public life established by the committee on standards in public life (the Nolan committee) to guide its work. These principles are reproduced at annex A.

Collective Responsibilities of the Council

3 The principal duties of the Council, for which it is accountable, derive from the *Further and Higher Education Act 1992*. They are:

- to secure sufficient facilities for education for full-time students aged 16 to 18 and adequate further education facilities for part-time students aged 16 to 18 and students aged 19 and over
- to have regard for the needs of students with learning difficulties and/or disabilities
- to secure provision for assessing the quality of education provided in colleges within the sector.

4 The Council fulfils these functions with the assistance of the advice of its nine regional committees and other advisory committees by distributing the funds allocated to it by parliament and attaching conditions to their use.

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5 The members of the Council collectively have responsibility for setting the Council's aims and strategic direction. The Council will agree annually a corporate plan and publish an annual report and its accounts. The Council also has responsibility for ensuring that public funds are properly safeguarded and that at all times the Council conducts its operations as economically, efficiently and effectively as possible with full regard to the relevant statutory provisions. Members are also collectively responsible for ensuring that the Council does not exceed its powers or functions in respect of the expenditure of public funds.

Aims

6 An important task for the Council has been to determine its aims and the overall strategies for achieving them. It has determined these after widespread consultation. They are:

- to secure throughout England sufficient and adequate facilities for further education to meet the needs of students, including those with learning difficulties and/or disabilities and the communities in which they live
- to promote increased and wider participation in further education in order to contribute to social and economic development
- to contribute to the development of a highly skilled and employable workforce, particularly as envisaged in national targets, in order to contribute to the creation of a thriving economy
- to promote ongoing improvements in the quality of further education in order to maximise the achievements of its students
- to promote the role, contribution and potential of further education and the achievements of its students and institutions at national and regional level in order to fully inform policy development
- to seek to ensure that the sector has an appropriate share of education resources and deploys them with due regard to value for money in order to help deliver the Council's statutory duties and policy objectives
- to work in partnership with institutions and others at national, regional and local levels, including employers, other funding bodies and central and local government in order to achieve the Council's statutory duties and policy objectives
- to support and deploy the Council's staff and other resources, securing value for money at all times, in order to ensure that staff can contribute to the achievement of these aims and provide a high-quality service to further education.

Any change to the Council's aims will be made only after consultation with the institutions to which it allocates funds.

Accountability and Responsibility

7 In fulfilling its duties and working towards its aims, the Council has the following responsibilities:

- financial accountability to parliament through the committee of public accounts
- policy and financial accountability to the secretary of state for education and employment in relation to matters to which the Council should have regard and in complying with conditions of grant or directions given to the Council by the secretary of state
- responsibilities to the institutions to which it allocates funds
- responsibilities to students enrolled on programmes which it funds in all institutions and to all students in colleges in the further education sector
- responsibilities to the public, including potential students, employer interests and other bodies, including those outside the further education sector with an interest in further education.

8 In all that it does the Council has a duty to act reasonably and within its powers. It may be challenged in the courts if it fails in this duty.

9 Paragraphs 10 to 31 set out the arrangements the Council has established to ensure that those to whom it has responsibilities are informed of its policies and actions.

Financial accountability

Parliament

10 The chief executive of the Council is designated as accounting officer for the funds spent by the Council. The accounting officer is responsible to the principal accounting officer of the Department for Education and Employment (DfEE) and to parliament for ensuring the proper application of funds and accounting for them in the Council's annual accounts. Parliament exercises scrutiny of those accounts through its committee of public accounts supported by the National Audit Office, which acts as the Council's external auditor. The Council's accounts are laid before parliament and are published in the Council's annual report. The chief executive may be called to appear before the public accounts committee to give evidence as to the use of funds, or any other parliamentary select committee, to explain the Council's work.

Secretary of state

11 The secretary of state for education and employment is responsible for the policy objectives for which parliament votes funds to the Council. The secretary of state gives guidance to the Council directly and through the DfEE on the government's policy objectives and requirements. The secretary of state appoints Council members and may remove them from the Council.

The secretary of state also has powers to attach conditions to the funds provided to the Council and to direct the Council as to how it should exercise its functions. The relationship between the secretary of state, the DfEE and the Council is set out in the Council's management statement. On financial matters, the Council is required to operate within the terms of a financial memorandum between the Council and the DfEE, which specifies the terms on which it receives and may spend funds provided by the secretary of state.

Public funds

12 The Council has particular responsibility for spending public money and has put in place specific arrangements for the control of public funds and of specific functions which are described in paragraphs 15 to 19.

13 To ensure that the Council's decisions are compatible with its duties and powers, the Council requires that any report recommending a decision by the Council or any of its committees with delegated authority sets out clearly the financial implications of that decision and, where such reports are by a member of the Council's executive other than the director of finance and corporate services, that these implications are confirmed in a concurrent report from the director of finance and corporate services.

14 To ensure that the Council's responsibilities for the use of public funds are discharged without impropriety or misuse, the Council has put in place financial regulations governing the proper control of its payments to institutions and the use of its administrative budget.

Payments to institutions

15 The Council's approach to the allocation of funds to institutions is to ensure fair and open methods of allocation. Any method used to allocate funds to institutions will normally be the subject of consultation with institutions in advance. The Council will, where appropriate, after making such allocations, publish details of the outcomes of the method used and how it was applied.

16 The Council attaches conditions to the use of its funds as part of the financial memorandum which governs its funding relationship with each college. The contents of the financial memorandum in so far as it relates to all colleges were first published in Circular 93/23, and superseded by the revised financial memorandum published in Circular 98/30. The Council publishes each year general conditions applying to all institutions receiving recurrent and other funding from it and attaches individual conditions in respect of both recurrent and capital funding allocations to particular colleges where necessary.

Procurement

17 In respect of the Council's expenditure on supplies and services, arrangements for price competition are in place and will be abided by. These

arrangements include competitive tendering in respect of orders for goods, materials and services likely to cost in excess of £25,000 excluding VAT, and open tenders where such arrangements are appropriate in order to achieve best value.

18 In particular, the Council will ensure that, should a firm in which a Council or committee member has a material interest, tender for the supply of goods or services to the Council, that member will not be involved in the development of the tender specification or in the consideration or award of any tender. In such cases the Council will ensure that the selection panel convened to decide on the award of a tender will include at least one person independent of the Council who will have no material interest in the development of a tender or the outcome of the decision. In all such cases, whoever chairs the selection panel will declare to the panel the nature of the member's interest in the firm.

19 Following the award of any such tender to a firm in which the member has an interest, a report will be made to the Council or relevant committee member detailing the process by which the tender was awarded. The member involved will be required to withdraw during any discussion of such a report.

Annual report and accounts

20 As part of its responsibilities for public funds, it is the duty of the Council to present through the timely publication of an annual report an account of its achievements including its own annual accounts. Such accounts will be prepared in accordance with the accounts direction issued by the secretary of state and such other guidance as may be issued from time to time by the DfEE and the treasury.

21 The Council's annual report will provide a full description of the Council's activities in the relevant year, report on the achievement of key strategic objectives, list the names of its members and senior staff, and in the accounts provide details of remuneration of Council members and senior staff within the range of salary bands prescribed by the accounts direction or otherwise.

22 The Council will send a copy of its annual report to each institution in receipt of its funds, all members of parliament and all local authorities and bodies with an interest in further education. In addition the report will be provided to all main public libraries in England.

Audit committee

23 The Council has established an audit committee which must be chaired by a member of the Council (other than the chair of the Council) who has experience of financial matters. The membership of the committee will be drawn primarily from the Council but must include at least one external member. Membership may not include the chief executive.

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- 24 In summary, the terms of reference of the audit committee are:
- to advise the chief executive as accounting officer on:
 - the effectiveness of the Council’s internal control system
 - the criteria for the selection and appointment of the Council’s chief auditor
 - the annual and longer term operating plan for the Council’s audit service
 - audit reports submitted by the Council’s chief auditor
 - reports from the National Audit Office relevant to the Council and
 - to report at least once a year to the Council.
- 25 The role of the audit committee is to:
- help promote the highest standards of propriety in the use of public funds and to encourage proper accountability for the use of those funds
 - improve the quality of financial reporting by reviewing external financial statements on behalf of the accounting officer
 - receive reports on the Council’s systems for financial and management control to reduce the opportunity for financial mismanagement
 - receive reports on the effectiveness of internal control systems to satisfy the accounting officer that the Council will achieve its key objectives and targets and is operating:
 - in accordance with any statutory requirements for the use of public funds
 - within delegated authorities laid down by the sponsor department and the public body’s own rules on which matters should be referred to the Council
 - in a manner which will make most economic and effective use of available resources.

Responsibilities

Institutions

26 The Council intends that in all its dealings with the institutions it funds it should operate:

- openly
- fairly
- after consultation on significant matters.

The Council accepts an obligation to the institutions it funds to inform them at appropriate times of its policies and requirements and to offer further

explanation where such information is not understood. It also accepts an obligation after it has taken decisions to publish the reasons for the decisions and, in the case of major funding decisions, the processes by which decisions were reached.

Students

27 While students' main relationships are with individual institutions, the Council accepts an obligation to:

- exercise its functions, including its funding responsibilities, so as to encourage colleges to provide education appropriate to students' needs, which will support students in achieving their potential and the qualifications and employment goals for which they are aiming
- publish information on the quality of teaching and learning at colleges in the further education sector
- monitor the financial health of institutions and require institutions to have in place appropriate systems and procedures for their management
- consider complaints made about colleges in the English further education sector as set out in the *Charter for Further Education*
- have in place arrangements for funding further education placements for students with learning difficulties and/or disabilities when their requirements cannot be met in further education sector colleges.

Others

28 As a public body, the Council accepts an obligation to the public and to people and bodies with an interest in further education to work for the advancement of further education in England in order to respond to the needs of the community locally and nationally, including the needs of employers. The Council also has an obligation to account for its stewardship of public funds. In particular, the Council will:

- publish in its annual report details of its activities and its use of public funds
- ensure that value for money is a key criterion in all its spending decisions
- publish information on the quality of education provided in further education colleges
- respond to requests for information about the Council's business
- consider complaints made about colleges in the English further education sector as set out in the *Charter for Further Education*.

Delegation

29 The Council will from time to time delegate responsibility for specific matters to a Council committee, the chair or the chief executive. In order to ensure that such authority is properly used, any delegation of authority will be formally agreed by the Council and recorded in the minutes of the relevant meeting. Decisions taken under delegated authority will be clearly reported to the Council.

30 The Council will not normally delegate responsibility for setting corporate strategy, deciding key objectives and targets or making major decisions on the use of financial and other resources.

31 The Council will receive regular reports on the activities and conclusions of any committees it has established.

Complaints

32 The Council intends that its administrative decisions should be open to examination. It has put in place arrangements for considering complaints about these from the institutions it funds.

33 The following arrangements have been put in place:

- complaints should initially be referred to the Council secretary who will refer the matter to the director responsible for the area of work; that is, the chief inspector and director of audit on inspection or audit matters; the director of funding and strategy on decisions relating to funding allocations, funding claims and statistical services; the director of finance and corporate services on matters relating to payments, internal services and communications; the director of education and institutions on matters relating to institutional issues, including reorganisations and funding for placements at specialist institutions for students with learning difficulties and/or disabilities; and the work of the Council's regional offices and regional committees; and the secretary to the Council on the procedures and operations of the Council itself or its committees
- in the event of a complaint being made against an individual director, the initial review will be undertaken by another director not previously involved
- the director will conduct an initial review of the decision and the results of such reviews will be made available to the complainant, ideally within 15 working days
- if the complainant remains dissatisfied, the complaint may be referred to the chief executive of the Council who will arrange for a further review to be carried out of the decision made in the light of the information available; consider that review; and inform the complainant of the outcome in writing within 10 working days

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- in cases where the chief executive has been personally involved in the decision at an earlier stage, this further review would be carried out by the chair of the Council.

34 The Council has also established arrangements for a system of external scrutiny to provide a final consideration of any complaint already considered under the arrangements described in paragraph 33. The Council has appointed an ombudsman to this role following consultation with the main college associations. The ombudsman investigates complaints with full authority to require information and examine file records. Following an investigation, the ombudsman reaches conclusions and, if appropriate, recommends to the Council the action which it should take to provide redress or compensation or to change its procedures to lessen the chances of similar situations arising in the future. The Council will aim to respond to the report from the ombudsman within one month. This will comprise a response from the chair, advised by the chair of the audit committee. The arrangements for the appointment of the ombudsman, and his or her terms of reference, are described in FEFC Circular 99/03. The ombudsman reports annually to the Council on complaints received, and his or her report is made publicly available in the Council's annual report.

Appeals

35 The Council has made arrangements for handling appeals from individual young people and their parents or advocates about decisions relating to the placement of students with learning difficulties and/or disabilities at independent education establishments. These arrangements provide for:

- an initial review of the Council decisions by staff not involved in the original decision
- an appeal to an independent advisory panel to review the Council's procedures and decisions.

36 The Council has put in place arrangements for considering appeals about inspection grades and audit opinions. These are described in the *Inspection Handbook*.

Code of Individual Conduct for Council Members, Council Committee Members, Regional Committee Members and Council Advisers

1 This code describes the responsibilities of members of the Further Education Funding Council (the Council) in relation to their individual conduct. All members of the Council are invited on accepting office to confirm that they will abide by the code.

2 The code also governs arrangements for the registration and declaration of interests by members of the Council, Council committees and of the Council's regional committees. 'Members' in the context of this code refers to members of the Council, Council committees and the Council's regional committees. This code also applies to anyone who assists the Council in an advisory capacity.

3 The seven principles of public life shall guide the conduct of Council members, and in particular:

- Council members should act with integrity
- in dealing with public funds, Council members should set and abide by the highest standards of propriety.

Responsibilities and Conduct of Individual Members

4 Individual members should at all times act with an awareness of their wider responsibilities as representatives of the Council. They should at all times:

- comply with this code
- act in good faith and in the best interests of the Council
- act fully in accordance with the normal principles of financial accountability
- use reasonable care and skill in fulfilling their role.

Members should not:

- act in a way which will bring the Council into disrepute
- use information gained in the course of their public service for personal gain
- use the opportunity of public service to promote their private interests.

5 As a general guide members should not take any action which cannot be publicly explained.

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Liability of Council members

6 Although any legal proceedings initiated by a third party are likely to be brought against the Council, in exceptional cases proceedings may be brought against the chair or other individual Council members. For example, a Council member may be personally liable if he or she were to make a fraudulent or negligent statement which resulted in loss to a third party. A Council member who misuses information gained by virtue of his or her position may be liable for breach of confidence under common law or under insider dealing legislation. Council members who act honestly, reasonably and in good faith should not normally incur any liability in an individual capacity.

7 Government has indicated that an individual Council member who has acted honestly, reasonably, in good faith and without negligence will not have to meet out of his or her own personal resources any personal civil liability which is incurred in execution or purported execution of his or her Council function.

8 The secretary of state may remove an individual Council member from office if he or she fails to perform the duties required of a Council member to the standard expected of persons who hold public office.

Registration and Declaration of Interests

Register of interests

9 It is a commonplace of public life that those with responsibility for decisions, particularly those concerning money, should ensure that they distance themselves from any possibility of a conflict of interest between their personal interests and public responsibilities. The Council maintains registers of the financial and other relevant interests of members which are available for inspection at each of the Council's offices (see annex B for a list of Council office addresses). Those wishing to inspect the registers may do so at the Council's Coventry office between 09.00 and 17.00 on normal working days or at any of the Council's regional offices by appointment. The registers are updated once a year.

10 The register invites members to record relevant interests as soon as is reasonably practicable after the interest arises. These interests include:

- remunerated directorships
- remunerated employment, office, profession or other activity or other connections with a body which receives funds from the Council
- clients connected with the further education sector or other aspects of the Council's business
- employment or other connection with a local education authority or training and enterprise council

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- employment or other connection with any firm which offers services to or supplies institutions funded by the Council
 - gifts and hospitality of a significant value arising from membership of the Council that is over the financial limits set out in the rules on the registration and declaration of financial interests applying to members of the House of Commons
 - significant shareholdings in a public company which have a nominal value greater than £25,000, or less than £25,000 but greater than 1% of the issued share capital of the company; and similar shareholdings in a private company or body which may give rise to a conflict of interest
 - public activity in support of a political party within the previous five years
 - miscellaneous, for example unremunerated posts, honorary positions and other connections which may give rise to a conflict of interest or of trust
 - any other interest which may give rise to a conflict of interest or trust. Members are invited to record relevant and known interests held by their spouse, partner or close family.

Declarations of interest

Formal business

11 Any member who has a clear and substantial interest in a matter under consideration by the Council or committee should declare that interest at any meeting where that matter is to be discussed, whether or not that interest is already recorded in the register of interests. Such declarations should make clear the interest and whether it carries either direct or indirect financial interests to the individual.

12 Where such an interest constitutes a direct or indirect financial interest, the member involved should withdraw from any meeting and not speak, participate in or otherwise seek to influence any decision taken by the Council or committee relating to the matter under discussion.

13 Members who are also governors, principals or other employees of bodies which receive funds from the Council may participate in general discussions and decisions regarding such bodies but should withdraw and not participate in any discussion or decision which relates principally to the particular institution with which they are associated.

14 Where a member has an interest which is not financial but which is relevant to the Council's business, that interest should be declared. Where the interest is substantial, the member involved should withdraw from discussions and decisions relating to that interest. Where an interest arises from membership of a public body and where there is no financial interest, full participation in the discussion and decision is permitted.

15 In all circumstances members should ask themselves whether members of the public, knowing the facts of the situation, would reasonably conclude that the interest involved might influence the approach taken or the Council's actions. If so, the interest is sufficient for the member to withdraw.

Membership of committees

16 Members should not agree to participate in committees or working groups of the Council where there is a clear possibility that a conflict of interest will regularly arise.

Informal and other business

17 Members should apply the same standards regarding the declaration of interests and non-involvement in relevant business in their dealings with members of the Council's staff and in informal meetings of Council and regional committee members.

Gifts and hospitality

18 Members should treat with caution any offer or gift, favour or hospitality arising from their association with the Council. In general, meals may be accepted provided that they are working occasions and the apparent costs of the hospitality are reasonable. Attendance at social events and occasions where the invitation is clearly made because of the connection with the Council is also acceptable although members should not accept lavish hospitality. Care should be taken not to accept hospitality from the same organisation too often or without reciprocal hospitality where appropriate; for example, if there is a need for a follow-up meeting or lunch this should be provided by the Council and not by the other party.

19 All gifts beyond the limits set from time to time under the arrangements for the register of interests at paragraph 10 of this code should be reported to the secretary to the Council. Where it is not possible to refuse the gift without giving offence, the gift should be accepted on behalf of the Council and either surrendered to the Council and not kept for personal use or bought from the Council at full value.

Resolution of difficulties

20 If members have difficulty in complying with this code or believe that the Council is proposing to act improperly, they should raise the issue with the chair of the Council who will advise on its resolution. If members remain concerned they may seek guidance from the secretary of state.

Code on Access to Information

1 This code sets out the approach of the Further Education Funding Council (the Council) to providing information to those with an interest in its work including:

- arrangements for the publication and distribution of information about the Council's work including the publication of background, factual and analytical information when policy decisions are announced
- how the Council will make available explanatory material on its dealings with institutions which it funds, students, those with an interest in its work and the public
- a commitment to give reasons for administrative decisions to those affected
- arrangements for publishing information about the Council's services to institutions, students and the public, and about procedures for making complaints about the Council's administration
- the release of information relating to the Council's policies, actions and decisions and general information relating to the provision of further education held by the Council in response to specific requests.

Publication and Distribution of Information

2 The Council is committed to the publication of information on its policy decisions and the results of its administrative action; and to the wide distribution of such information.

Main publications

3 The Council will publish three main documents each year:

- its corporate plan for the next three years setting out its aims, objectives, strategies and targets
- an annual report incorporating its financial accounts and reporting on its activities and achievements
- an annual report from its chief inspector on the quality of further education provided.

These documents will be distributed widely, including all institutions receiving Council funds, members of parliament, local authorities and bodies with an interest in further education.

Annual general meeting

4 In order to provide a public opportunity for institutions funded by the Council to comment on its work, the Council holds an annual general meeting to present its annual report and the annual report of its chief inspector and to take questions from those with an interest in its work. Those invited include:

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- representatives of institutions funded by the Council
 - the chairs of training and enterprise councils
 - representatives of sector bodies
 - representatives of students.

5 The Council also makes arrangements for the public and press to be able to attend to observe the proceedings.

Council News and regional Committee News

6 The Council will publish after each of its meetings and after each meeting of its regional committees documents known respectively as *Council News* and regional *Committee News* setting out the matters which were considered and the decisions reached. The Council has a responsibility to advise the secretary of state on any matters relating to the further education sector on its own initiative. In addition, the secretary of state is likely from time to time to seek advice from the Council. The Council will make publicly available the substance of this advice except on those occasions where the secretary of state has asked that such advice should remain confidential.

7 In addition, the Council will make available for inspection at each of its offices copies of the minutes of its meeting, the minutes of any committees of the Council with delegated authority and the minutes of its regional committees once those minutes have been agreed by the chair of the Council or the chair of the relevant committee. The agenda for each relevant meeting will be attached to the minutes. These arrangements apply to meetings from 1 January 1996.

8 In some cases, items of business will be confidential to members of the Council and its committees. The minutes of such items will not be publicly available although the item will appear on the agenda for the meeting. The Council intends to keep confidential only items which fall within the categories described at paragraph 34 below.

9 All minutes and agendas will be available for a period of five years from being made available at the Council's Coventry office and for a period of one year at each of the Council's regional offices.

10 The Council's code of individual conduct requires Council and regional committee members to register certain external interests. Copies of the registers of members' interests are available for inspection at each of the Council's offices.

11 Those wishing to examine these documents may do so in person between the hours of 09.00 and 17.00 on normal working days at the Council's Coventry office. The Council's regional offices have a small number of staff and those wishing to examine documents at the Council's regional offices are requested to make an appointment to do so by contacting the regional office. Details of the addresses and contact numbers for the Council's offices are given at annex B.

Statistical information

12 With colleges, the Council has developed a system of data collection. The Council will publish annual information arising from these data collections as follows:

- early student numbers for the current year and final student numbers for the previous year
- staff data
- financial data
- performance indicators
- management statistics
- benchmarking data on student retention and achievement
- student destination data.

13 The Council has agreed with the Department for Education and Employment that certain of the Council's statistical press notices giving key student activity information will bear the Government Statistical Service (GSS) logo. This indicates that the press notices have been prepared according to the arrangements which apply to statistical press notices prepared directly by the GSS. In particular:

- the dates of press notices will be pre-announced as part of the Central Statistical Office procedures
- the format of press notices will be agreed well in advance of publication
- the compilation of the data is the responsibility of the Council's chief statistician who will agree the final figures with the director of the DfEE's analytical services division.

Information on quality

14 The Council is responsible along with colleges for assessing the quality of further education. The Council's inspectorate carries out inspections of whole institutions and surveys of aspects of provision nationally. Reports of both types of activities are published. The Council will also publish a report each year on the evaluation of its inspection activities.

15 The Council will publish annually key performance indicators in relation to colleges in the further education sector.

16 The Council considers complaints about colleges under the *Charter for Further Education*. It will publish each year a report on the complaints which it has considered.

Policy matters

17 In relation to policy matters, the Council will continue to consult institutions which it funds and others on its policies on the following:

- systems for allocating funds
- arrangements for collecting data
- other major policy decisions and administrative systems.

18 In publishing its decisions on such matters, the Council will continue to report on the results of any consultation which it has carried out and will set out factual and analytical information which it has used in reaching its decisions.

19 The Council will also publish its response to major government consultations where these are of general interest.

20 The Council will in particular publish each year a full report on the development and application in that year of its funding methodology and the allocations resulting from that methodology and its application.

Distribution of documents

21 A copy of any document published by the Council will be made available while the document remains in print. Documents may at the Council's discretion be available on the Council's website (www.fefc.ac.uk). Printed documents will be priced at the Council's discretion. In particular the Council may, in some cases, arrange for a third party to publish its documents and/or wish to recover some or all of the costs of copies. The Council runs a subscription service for other organisations to arrange receipt of its publications in printed form. Details are available from the head of communications at the Council's Coventry office (the address is given at annex B).

Explanatory material for institutions, other interested bodies, students and the public

22 The Council's main audience since its establishment has been the institutions in receipt of Council funds and other bodies with an interest in further education. The Council has provided guidance to institutions in circulars and in specific guidance publications on various matters and will continue to do so. These circulars and publications are made widely available to the media, those with an interest in further education and to individuals and organisations on request.

23 The Council is committed to giving reasons to those affected when it takes administrative decisions. In the case of decisions affecting a large number of institutions, such reasons will often be published as general principles rather than individually for each institution. In other cases, the Council will provide the reasons for its decision in the document setting out that decision.

24 The Council publishes criteria against which many of its decisions are taken. Where this is the case, the reasons given for individual decisions will reflect the published criteria.

Information on the Council's services to individuals and complainants

25 The Council provides two services direct to individuals:

- for young people with learning difficulties and/or disabilities, the Council may fund an educational placement at a specialist institution outside the further education sector where their needs cannot be met at sector institutions
- under the *Charter for Further Education*, the Council has a duty to consider complaints about colleges of further education after the exhaustion of colleges' own complaints procedures and where a complainant remains dissatisfied.

26 The Council has published an information leaflet for students with learning difficulties and/or disabilities and their parents, guardians or advocates; and an information leaflet for those who wish to make a complaint about a college of further education or a sixth form college.

Requests for information

27 The measures set out above provide key information on the sector, the provision of further education and the Council's activities.

28 The Council regularly receives requests for specific information in correspondence and by telephone. Replies to such requests will be handled as a matter of priority and information will normally be provided within 15 working days. If it is likely that the provision of full information will take longer, the correspondent will be informed in writing of the likely date by which the information can be provided.

29 In some cases a request for information may be refused. The Council reserves the right to refuse disclosure of information where it falls into the categories set out in paragraph 34 of this code. Where information cannot be disclosed, the Council will inform the correspondent in writing of the reason with reference to those categories. Such decisions are open to review by a senior member of staff and any letter refusing disclosure of information will include details of how to seek a review of the decision (see paragraph 33).

Data Protection Act

30 The Council will comply with the requirements of the *Data Protection Act 1998* including any requirement for the release of data to individuals.

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Charging for information

31 Ordinarily there will be no charge for the provision of information. Where a request for information is received which would require substantial research taking more than five hours of staff time, the Council will contact the enquirer to discuss whether more readily available information would meet their needs. Where it is clear that the information requested is necessary to meet their needs, the Council will apply the following charging arrangements:

- there will be no charge for requests estimated to take up to five hours
- a charge of £15 per hour for each hour over five hours will be made for any request estimated to take longer than five hours
- requests where the work involved will take more than two days may be refused.

32 If a charge is applicable, applicants will be informed of the arrangements for payment before any work is carried out. Payment will normally be required in advance.

Review of decisions

33 Where a request is made for a review of a decision not to provide information, or a complaint is made about over-charging, the matter will be referred to the secretary to the Council or, where he or she has already been involved in the decision, to the chief executive for review.

Confidentiality

34 The following categories of information are likely to be treated as confidential by the Council:

- advice to the secretary of state where it has been requested that the Council should not publish its advice; this will include the Council's advice on the public expenditure needs of the sector
- reports and drafts of reports to the Council or its committees or other internal opinion, advice, recommendation, consultation and deliberation
- correspondence between the Council and other bodies or individuals except where the other party's consent has been given to publication
- information about the financial position of individual institutions
- information relating to law enforcement and legal proceedings
- information, the disclosure of which could lead to improper gain or advantage, would prejudice the Council's or another body's competitive position or would affect price competition
- personnel records

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- information, opinions and assessments given in relation to recommendations for public honours
 - information which is or will soon be published or the disclosure of which would be premature in relation to a planned announcement or publication
 - information relating to partial or incomplete analysis, records or statistics
 - personal information about any person (including a deceased person) or any other disclosure which would constitute or could facilitate an unwanted invasion of privacy, a breach of the provisions on data protection or a breach of the Council's guidelines on the release of data published in Circular 94/07
 - commercial confidences, trade secrets or intellectual property, the unwanted disclosure of which would affect the competitive position of a third party
 - information held in consequence of having been supplied in confidence by a person who has not consented to its disclosure
 - medical information provided in confidence
 - information, the disclosure of which is prohibited by any enactment or regulation or under European Union law.

In addition, the Council reserves the right not to respond to requests for information which are manifestly unreasonable or vexatious or are formulated in too general a manner.

The Seven Principles of Public Life

The Council has adopted the seven principles of public life promulgated by the Nolan committee as an annex to its code of corporate responsibility and its code of conduct for Council staff. The principles are shown below.

Selflessness

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

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office and staff employed by the Council should make choices on merit.

Accountability

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

Openness

Holders of public office and staff employed by the Council 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 it.

Honesty

Holders of public office and staff employed by the Council 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 interest.

Leadership

Holders of public office and staff employed by the Council should promote and support these principles by leadership and example.

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