



# Caldicot & Wentlooge Levels IDB

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Mr T Jackson  
National Assembly For Wales  
Public Accounts Committee  
Bae Caerdydd/ Cardiff Bay  
Caerdydd/ Cardiff CF99 1NA

Our Ref: RP/124/G/1

Date: 5 June 2013

Dear Tom

**Public Accounts Committee – Inquiry into Issues raised by the Wales Audit Office report: ‘Audit of Accounts 2010-11 Caldicott and Wentlooge Internal Levels Drainage Board’- 16 May 2013**

Thank you for your letter of 4 June 2013.

As requested I enclose a copy of the Board’s Rules (Standing Orders) as approved by the Minister for Environment and Sustainable Development earlier this year and can confirm that these Rules are published on the Board’s website. I also enclose a full set of the governance documents that underpin the Rules. These were approved by the full Board at its meeting on 18 March 2013.

Please let me know if I can be of further assistance. I have not yet seen a draft note of my evidence to the Committee at its meeting on 16 May 2013 and assume that I will receive this for comment in due course.

I have sent this letter and the enclosures by email and post for ease of distribution to Committee members,

Yours sincerely,

Richard Penn  
**General Manager**

**Rules made by the Caldicot and Wentlooge Levels Internal Drainage Board with the approval of Welsh Ministers under paragraph 3(1) of the Second Schedule to the Land Drainage Act, 1991. (The relevant statutory provisions in respect of members of Internal Drainage Boards and the proceedings of an Internal Drainage Board are set out in Annexes 1 and 2 respectively to these Rules for reference purposes)**

### **Regulations as to Proceedings**

1. Meetings of the Board, for which 14 days notice will be given, will be open to the public and press who will on the invitation of the Chair be able to speak at the meeting. The Board can name a resolution to exclude the public and/or press from a meeting or part thereof:-
  - a) The Board will hold an Annual General Meeting at which the election of Chair and Vice Chair will be made.
  - b) The Board will hold a meeting at which the drainage rate and special levies will be set to enable the latter to be served on the special levy councils by no later than the 15<sup>th</sup> February in respect to the following financial year.
  - c) In the event of the need for an emergency meeting the notice will be waived.
2. For each meeting, other than for one arranged as an emergency meeting, members will receive an Agenda and any accompanying papers by post or other means despatched at least seven days before the meeting.

3. No business shall be transacted by the Board, other than that which appears on the Agenda, unless 75% of the members present agree to any such additional issue being discussed.
4.
  - a) A formal meeting of the Board cannot be conducted unless 10 members are present at the start of and during the meeting. If departures reduce the number below 10 then the Chair will terminate the meeting at that point.
  - b) All resolutions and proposals will be decided by a majority of votes of the members present.
  - c) In the case of an equality of votes at any meeting, the Chairman for the time being of such meeting shall have a second or casting vote.
5. The Board shall meet at a venue to be determined from time to time with such venue being confirmed in the agenda.
6. The Board shall, as soon as they conveniently can, appoint a Chair and Vice-Chair. The term of office of such Chair and Vice-Chair shall continue until the first meeting of the Board after the next election following his/her appointment.
7. If any vacancy occurs in the office of Chair or Vice-Chair, the Board shall as soon as they conveniently can after the occurrence of such vacancy, choose some one of their number to fill such vacancy for the remainder of that term.
8. At any meeting of the Board the Chair, if present, shall preside.
  - a) If the Chair is absent from a meeting of the Board, the Vice-Chair, if present, shall preside.
  - b) If at any meeting of the Board both the Chair and Vice-Chair are not present at the time the members present shall choose someone of their number to be Chair of such meeting.

9. The Board shall cause Minutes to be made of all meetings and recorded in an appropriate form:-

- a) of all appointments of Officers made by the Board
- b) of the names of the members present at each meeting of the Board and Committees or Sub-Committees of the Board
- c) of all orders made by the Board and Committees or Sub-Committees of the Board, and
- d) of all resolutions and proceedings of meetings of the Board and of Committees or Sub-Committees of the Board.

The Board will approve, with or without amendment, the minutes of the preceding meeting and these will be duly signed by the Chair together with any financial statements presented at that meeting.

10. All proceedings, resolutions and reports of every Committee or Sub-Committee intended to be laid before the Board shall be circulated among the members of the Board at least seven days before the meeting of the Board at which the same are to be submitted.

## **Committees or Sub-Committees**

11. The Board may appoint such Committees or Sub-Committees as it thinks fit but all acts of any Committee or Sub-Committee shall be subject to the approval of the Board unless the Board has delegated its powers to that Committee or Sub-Committee to deal with a specific issue.

12. A Committee or Sub-Committee may elect a Chair of its meetings. If no such Chair is elected, or if he/she is not present, the members present shall choose someone of its number to be Chair of such meeting.

13. A Committee or Sub-Committee may meet and adjourn as it thinks proper. Proposals at any meeting shall be determined by a majority of votes of the members present, and shall be decided by a show of hands. In case of any equal division of votes the Chair shall have a second or casting vote.
14. Regulations 9 and 10 shall apply to minutes of Committees and Sub-Committees.

## **Standing Orders**

### **Order of Debate**

15. Every proposal or amendment, other than a proposal for the approval of a Committee or Sub-Committee, shall be proposed and seconded and shall, if required, be written out and handed to the Chair who shall read it out before it is further discussed or put to the meeting.
16. The Chair will invite members to speak on the subject under discussion.
17. Members must declare where they have an interest in a matter to be discussed, the Chair then deciding what if any part the member can take in any ensuing discussion and whether the member can vote.
18. A proposal or amendment once made shall not be withdrawn without the consent of the Board.
19. Every amendment shall be relevant to the proposal to which it is applied.
20. Whenever an amendment upon an original resolution has been proposed and seconded, no second or subsequent amendment shall be moved until the first amendment shall have been dealt with, but notice of any number of amendments may be given.

21. If an amendment is rejected then other amendments may be proposed on the original resolution or proposal.
22. If an amendment is carried the proposal as amended shall take the place of the original proposal and shall become the question upon which any further amendment may be moved.
23. No proposal to rescind any resolution which has been passed within the preceding six months, nor any proposal to the same effect as any proposal which has been negated within the preceding six months shall be in order unless:
  - (a) notice thereof has been given and specified in the Agenda
  - and
  - (b) the notice bears, in addition to the name of the member who proposed the resolution, the names of two other members; and when such resolution or proposal has been disposed of by the Board, it shall not be competent for any member to propose a similar proposal within a further period of six months.
24. Order 23 shall not apply to proposals which are moved by the Chair or other members of the Committee or Sub-Committee in pursuance of the report of the Committee.

## **Common Seal**

25. The Common Seal of the Board shall be kept in some safe place. All deeds and other documents to which the Common Seal of the Board shall require to be affixed shall be sealed in pursuance of the Board, and in the presence of both the Chair and the Clerk of the Board.
26. Copies of all sealed documents must be retained.

## **Suspension of Standing Orders**

27. Any one or more of the standing orders, in any case of urgency or upon resolution or proposal made on a notice duly given, may be suspended at any meeting, so far as regards any business at such meeting, provided that 75% of the members of the Board present and voting are in agreement.

# **ANNEX 1**

## **STATUTORY PROVISIONS REGARDING MEMBERS OF AN INTERNAL DRAINAGE BOARD SET OUT IN SCHEDULE 1 TO THE LAND DRAINAGE ACT, 1991.**

### **Members of Internal Drainage Boards**

#### **PART I ELECTION OF MEMBERS**

##### **1 Election rules**

(1) An election of members of an internal drainage board shall be conducted in accordance with rules contained in regulations made by the relevant Minister:

(a) for the preparation of registers of electors and for securing that the registers are open to inspection;

(b) with respect to the holding and conduct of elections, including provisions as to returning officers, nominations, polls and the counting of votes; and

(c) for allowing any person or body of persons entitled to vote at an election to vote by a deputy.

(2) Provision made by virtue of sub-paragraph (1)(a) above may include provision with respect to the making of objections to entries in registers and with respect to the hearing and determination of such objections.

##### **2 Eligibility of electors**

(1) Subject to sub-paragraphs (2) and (3) below, the electors for members of an internal drainage board shall be the persons who at the date of the election occupy land in the board's district on which a drainage rate has been levied in the year immediately preceding.



(2)A person shall not be entitled to be an elector by reason of his/her occupation of land if at the date of the election any amount demanded in respect of any drainage rate levied on that land has remained unpaid for more than a month.

(3)For the purposes of this paragraph the owner of any hereditament shall be deemed to be its occupier during any period during which it is unoccupied.

(4)The preceding provisions of this paragraph and paragraph 3 below shall have effect subject to the provisions of paragraph 17 of Schedule 2 to the Water Consolidation (Consequential Provisions) Act 1991 (which makes provision with respect to electors who qualify by reference to drainage rates made in respect of years beginning before 1993).

### **3 Number of votes for each elector**

(1)Each elector at an election of members of an internal drainage board shall be entitled, in accordance with the following table, to one or more votes, according to the assessable value of the property in respect of which the elector is entitled to vote:

Table

<b><i>Assessable value</i></b>	<b><i>Number of votes</i></b>
Less than £50	1 vote
Not less than £50 but less than £100	2 votes
Not less than £100 but less than £150	3 votes
Not less than £150 but less than £200	4 votes
Not less than £200 but less than £250	5 votes
Not less than £250 but less than £500	6 votes
Not less than £500 but less than £1,000	8 votes
£1,000 or more	10 votes

(2)In sub-paragraph (1) above, the reference to the assessable value of any land is a reference to the amount which for the purposes of any drainage rate levied at the relevant date would be the annual value of the land.

(3) In this paragraph “the relevant date” means the date as at which the qualifications of electors is determined for the purposes of the election in accordance with rules made under paragraph 1 above.

#### **4 Qualification for election**

(1) A person shall not be qualified for election as a member of an internal drainage board unless he/she is:

(a) both the owner and the occupier of not less than four hectares of land in respect of which a drainage rate may be levied by the board and which is situated in the electoral district for which he/she is a candidate for election; or

(b) the occupier, whether under tenancies of year to year or otherwise, of not less than eight hectares of such land as aforesaid; or

(c) the occupier of land which is of an assessable value of £30 or upwards and is situated in the electoral district for which he/she is a candidate for election; or

(d) a person nominated as a candidate for election by the person (whether an individual or a body of persons) who is both the owner and the occupier of land which:

(i) is situated in the electoral district in question; and

(ii) is either of not less than four hectares in extent or of an assessable value of £30 or upwards.

(2) A person shall not be qualified for the purposes of sub-paragraph (1) above as being an occupier of any land or, as being the owner and occupier of any land or a person nominated by the owner and occupier of any land, if at the date of the election any amount demanded in respect of any drainage rate levied on that land has remained unpaid for more than one month.

(3) In sub-paragraph (1) above, the reference to the assessable value of any land is a reference to the amount which for the purposes of any drainage rate levied at the relevant date would be the annual value of the land.

(4)The preceding provisions of this paragraph shall have effect subject to the provisions of paragraph 18 of Schedule 2 to the Water Consolidation (Consequential Provisions) Act 1991 (which makes provision with respect to relevant dates falling before 1st April 1993).

(5)In this paragraph “the relevant date” means the date as at which the qualifications of candidates for the election in question are determined in accordance with rules made under paragraph 1 above.

## **PART II MEMBERS APPOINTED BY CHARGING AUTHORITIES**

### **5 Appointment of members by charging authorities**

(1)The charging authority for any area wholly or partly included in an internal drainage district may appoint a member or members of the internal drainage board having power, by virtue of regulations under the Local Government Finance Act 1988, to issue special levies to that authority.

(2)In appointing a person to be a member of an internal drainage board a charging authority shall have regard to the desirability of appointing a person who:

(a)has knowledge or experience (including knowledge of the internal drainage district in question or commercial experience) of some matter relevant to the functions of the board; and

(b)has shown capacity in such a matter.

(3)This paragraph has effect subject to the restrictions on appointments which are imposed by paragraph 6 below or, as the case may require, paragraph 16 of Schedule 2 to the Water Consolidation (Consequential Provisions) Act 1991 (number of appointed members of internal drainage board allowed in period ending with 31st March 1993).

## 6 Numbers of members appointed by charging authorities

(1) The number of appointed members of an internal drainage board:

(a) shall be determined, in accordance with the following provisions of this paragraph, for the period 1st April 1993 to 31st March 1996 and each succeeding three-year period beginning with 1st April; and

(b) shall be so determined in relation to each drainage board by reference to [the proportion of the expenses of the drainage board to be raised from the proceeds of special levies in the first financial year in that period, determined in accordance with section 37 of this Act.].

(2) The number of appointed members of an internal drainage board:

(a) shall not exceed by more than one the number of other members of the board; and

(b) subject to paragraph (a) above, shall be such that the number of appointed members bears, as nearly as possible, the same proportion to the maximum number of all the members of the board as [the proportion of the expenses of the board that is to be raised from the proceeds of special levies.].

(3) If more than one charging authority is entitled to appoint members of an internal drainage board under paragraph 5 above:

(a) each such authority may appoint the number of members of the board calculated by multiplying the maximum number of appointed members by the relevant fraction for that authority and disregarding any fraction in the resulting product; and

(b) where in respect of the board:

(i) any such authority has appointed a member; or

(ii) the calculation referred in paragraph (a) above results in respect of each such authority in a product of less than one,

the charging authorities shall, unless they otherwise agree, jointly appoint the number of members of the board representing the difference between the maximum number of appointed members and the aggregate number of members that may be appointed by individual charging authorities or, as the case may be, constituting the maximum number of appointed members.

(4)For the purposes of sub-paragraph (3) above the relevant fraction, in relation to a charging authority, is the fraction [the fraction of the expenses of the internal drainage board that is to be raised from the proceeds of special levies in the first financial year of the relevant period referred to in sub-paragraph (1)(a) above, which is to be raised by a special levy issued to that authority.]

(5)In this paragraph “appointed members”, in relation to an internal drainage board, means members of the board appointed by one or more charging authorities under this Part of this Schedule or, at a time before the commencement of this Act, under the corresponding provisions of the Internal Drainage Boards (Finance) Regulations 1990.

### **PART III SUPPLEMENTAL PROVISIONS WITH RESPECT TO MEMBERS**

#### **7 Terms of office etc. of members**

(1)Subject to the following provisions of this Part of this Schedule, elected members of an internal drainage board shall come into office on 1st November next after the day on which they are elected and shall hold office for a term of three years.

(2)Subject as aforesaid, the terms of appointment of a member of an internal drainage board who is appointed by one or more charging authorities shall be determined by the authority or authorities by which he/she is appointed.

(3)Subject as aforesaid, the members of an internal drainage board who are appointed by the relevant Minister as first members of that board shall hold office until the end of one year from the 1st November next following the day on which they are appointed.

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#### **Rules**

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## **8 Resignation etc. of elected members**

(1) An elected member of an internal drainage board may resign his/her office by notice given to the chairman of the board.

(2) If an elected member of an internal drainage board is absent from meetings of the board for more than six months consecutively, he/she shall, unless his/her absence is due to illness or some other reason approved by the board, vacate his/her office at the end of that six months.

## **9 Insolvency of members or candidates**

(1) A person who is an undischarged bankrupt or who has at any time within the preceding five years made a composition or arrangement with, or granted a trust deed for, his/her creditors shall be ineligible for election as a member of an internal drainage board and also for being a member of such a board.

(2) If:

(a) an elected member of an internal drainage board is adjudged bankrupt;

(b) the estate of such a member is sequestrated; or

(c) such a member makes a composition or arrangement with, or grants a trust deed for, his/her creditors,

he/she shall vacate his/her office.

## **10 Filling casual vacancies**

(1) Subject to sub-paragraph (2) below, if for any reason whatsoever the place of an elected member of an internal drainage board becomes vacant before the end of his/her term of office, the vacancy shall be filled by the election by the board of a new member.

(2) Where the unexpired portion of the term of office of the vacating member is less than six months, the vacancy need not be filled.

(3) A person elected to fill a casual vacancy shall hold office so long as the vacating member would have held office.

## **11 Eligibility of vacating member of board**

Subject to the preceding provisions of this Schedule, a vacating member of an internal drainage board shall be eligible for re-election or re-appointment.

## **12 Meaning of “elected member”**

References in this Part of this Schedule to an elected member, in relation to an internal drainage board, are references to any member of that board other than a member appointed by one or more charging authorities.

## **ANNEX 2**

### **STATUTORY PROVISIONS REGARDING THE PROCEEDINGS OF AN INTERNAL DRAINAGE BOARD SET OUT IN PARAGRAPH 3 OF SCHEDULE 2 TO THE LAND DRAINAGE ACT, 1991.**

#### **Proceedings of internal drainage boards**

(1) An internal drainage board may, with the approval of the relevant Minister, make rules –

(a) for regulating the proceedings of the board, including quorum, place of meetings and notices to be given of meetings;

(b) with respect to the appointment of a chairman and a vice-chairman;

(c) for enabling the board to constitute committees; and

(d) for authorising the delegation to committees of any of the powers of the board and for regulating the proceedings of committees, including quorum, place of meetings and notices to be given of meetings.

(2) The first meeting of an internal drainage board shall be held on such day and at such time and place as may be fixed by the relevant Minister; and the relevant Minister shall cause notice of the meeting to be sent by post to each member of the board not less than fourteen days before the appointed day.

(3) Any member of an internal drainage board who is interested in any company with which the board has, or proposes to make, any contract shall –

(a) disclose to the board the fact and nature of his/her interest; and



(b) take no part in any deliberation or decision of the board relating to such contract;

and such disclosure shall be forthwith recorded in the minutes of the board.

(4) A minute of the proceedings of a meeting of an internal drainage board, or of a committee of such a board, purporting to be signed at that or the next ensuing meeting by a person describing himself as, or appearing to be, the chairman of the meeting to the proceedings of which the minute relates –

(a) shall be evidence of the proceedings; and

(b) shall be received in evidence without further proof.

(5) Until the contrary is proved –

(a) every meeting in respect of the proceedings of which a minute has been so signed shall be deemed to have been duly convened and held;

(b) all the proceedings had at any such meeting shall be deemed to have been duly had;

and

(c) where the proceedings at any such meeting are the proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

(6) The proceedings of an internal drainage board shall not be invalidated by any vacancy in the membership of the board or by any defect in the appointment or qualification of any member of the board.

# CALDICOT & WENTLOOGE LEVELS INTERNAL DRAINAGE BOARD

## FINANCIAL REGULATIONS

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## **A SUMMARY**

1. These Financial Regulations supplement the Board's Standing Orders to ensure that its resources are properly managed, accounted for and controlled.
2. The General Manager shall have the full power and authority of the Board to take all decisions on its behalf, other than those that are set out in the Schedule of Reserved Matters which must always be referred to the Board and those that have been delegated by the Board to any Committee.
3. The Finance and Support Services Manager shall be responsible for maintaining adequate and effective controls and procedures in the manner and format he/she considers to be best. The Finance and Support Services Manager shall, where appropriate, prepare additional rules of procedure/guidance, supplementary to these Regulations.
4. The Support Services Assistant (Finance) shall be responsible to the Finance and Support Services Manager for setting up and maintaining the financial and management accounting/reporting systems, processes, procedures and coding lists, as instructed by the Finance and Support Services Manager. Such systems shall be fully documented by the Support Services Assistant (Finance) and shall not be changed without the Finance and Support Services Manager's consent. The Finance and Support Services Manager shall be the Board's Responsible Financial Officer, as defined in the Accounts and Audit Regulations 2005 (amended 2010).
5. The General Manager shall be responsible to the Board for securing economy, efficiency and effectiveness in its use of resources and for receiving a favourable value for money conclusion from the appointed auditor each year.
6. The Finance and Support Services Manager shall ensure that the Board's Financial Statements for the year ending 31 March are prepared no later than the following 31 May every year, and that they are completed in accordance with the Practitioners Guide to the preparation of Financial Statements for IDBs, the Accounts and Audit Regulations 2005 (amended 2010) and the Financial Reporting Standard for Smaller Entities issued in January 2008.
7. The Finance and Support Services Manager shall ensure that the Board considers and approves its Financial Statements for the year ending 31 March by no later than the following 30 June every year, or by any other date specified in the Accounts and Audit Regulations.
8. Any variation to these Financial Regulations shall only be made by resolution of the Board. The General Manager will ensure that these Regulations are followed and, for the avoidance of doubt, shall be empowered to do the same.

## **B SCHEME OF BUDGET DELEGATION**

1. The General Manager shall be the primary budget holder and is responsible to the Board for the overall management of the Board's Finances, the Rate Estimates and all Budgets.
2. The Finance and Support Services Manager shall be a budget holder and is responsible to the General Manager for preparing and managing the Board's budgets, in accordance with the Financial Regulations and any supplementary rules of procedure/guidance issued by the General Manager.
3. The Board Engineer shall be a budget holder and is responsible to the General Manager for preparing and managing the Board's Capital Works Budget in accordance with the Asset Management Plan, the Financial Regulations and any supplementary rules of procedure/guidance issued by the General Manager.
4. The Board Engineer is also responsible to the General Manager for preparing and managing the Board's Maintenance Works Budget, the Plant/Labour Operating Accounts, the Mobile Plant Renewals Budget, Stock Control Account and Rechargeable Works Budget, in accordance with the Financial Regulations and any supplementary rules of procedure/guidance issued by the General Manager.
5. The General Manager shall have the full power and authority of the Board to overrule any decision taken by another budget holder to procure goods and services, charge, allocate or otherwise commit expenditure, if the General Manager feels that it is in the best interests of the Board to do so.
6. Budget holders can elect to appoint either 1 or 2 deputies to act on their behalf, providing such appointments are approved in writing by the General Manager, or, in the case of the General Manager approved by resolution of the Board ("approved deputies"). The Board Engineer can elect to appoint up to 3 deputies providing this has been approved in writing by the General Manager. Where such appointments are approved in the manner prescribed the budget holder shall always remain responsible for the actions of their approved deputies. Budget holders can at any time elect to remove any of their approved deputies, providing such requests are approved in writing by General Manager or, in the case of the General Manager, approved by resolution of the Board.
7. No other employee shall be empowered to enter into contracts on behalf of the Board. Nor shall any other employee commit the Board to a particular course of action or provide such an undertaking/assurance to anyone or any third party without the relevant budget holder's prior written consent.

8. Board members shall not individually have the power to commit the Board to any contract unless the Board has made a statutory resolution specifically authorising this course of action, which should be reviewed annually.

9. No budget holder or other employee shall procure goods and services, charge, allocate or otherwise commit expenditure against a budget that they have no budgetary responsibility for. Budgetary responsibility is clearly set out in and limited to items B1 to B6 above.

10. All correcting journals shall always be authorised and approved by the General Manager or the Finance and Support Services Manager.

11. All of the Board's employees and members have a responsibility for health and safety, compliance with policies procedures and codes of practice, for the general security of the Board's property, and, for economy efficiency and effectiveness in the use of resources.

12. All employees shall familiarise themselves with and observe the Board's Schedule of Reserved Matters.

13. The General Manager shall be empowered to make changes to the nature and extent of any budget holder's responsibility other than his/her own, as set out in Section B above.

14. Failure to comply with any aspect of these Financial Regulations may result in disciplinary action being taken against the individual(s) concerned. Serious breaches by employees will be treated by the Board as gross negligence which could lead to summary dismissal/termination of employment. Serious breaches by Board Members may result in them having to resign, in accordance with the Members Code of Conduct.

## **C MANAGING BUDGETS & REPORTING**

1. The Finance and Support Services Manager shall be responsible to the General Manager for preparing the Board's Estimates/Budgets with budget holders, for monitoring Income and expenditure during the course of the year and alerting the General Manager to any material variances, and, for providing budget holders with the financial information that they want in the format that they require to enable them to properly prepare/manage their budgets as and when they require or the General Manager requires. The Finance and Support Services Manager shall also be responsible for advising, supporting and assisting budget holders to prepare their budgets and fulfil their responsibilities as stated in B1 to B6 above.

2. The Finance and Support Services Manager shall present the General Manager with the proposed Rate Estimates for the Board in the manner/format prescribed by the General Manager by no later than November every year. The Finance and Support Services Manager shall present the General Manager with the proposed Rate Estimates for the Board in accordance with the Caldicot and Wentlooge Levels IDB Budget Manual (2013) by no later than November every year. As part of this process the Finance and Support Services Manager shall provide other budget holders with the necessary information they need to prepare their budgets in accordance with the Caldicot and Wentlooge Levels IDB Budget Manual (2013). After having acquired the detailed budgets in accordance with the Caldicot and Wentlooge Levels IDB Budget Manual (2013) from each budget holder, the Finance and Support Services Manager shall proof read and go through each detailed budget with the budget holder and challenge budget holders before presenting the proposed Rate Estimates to the General Manager for approval

3. It is the Finance and Support Services Manager's responsibility to ensure that the General Manager is presented with the proposed Rate Estimates as before stated by no later than November every year and it is the budget holder's responsibility to provide the Finance and Support Services Manager with the detailed budgets and supporting information in accordance with the Caldicot and Wentlooge Levels IDB Budget Manual (2013) . It will not be acceptable for other budget holders to present the General Manager with partially drafted Estimates and expect the General Manager to substantially complete or redo them.

4. The General Manager shall ensure that the Board considers and approves the Rate Estimates before 15 February each year, in order that the Drainage Rates and Special Levies can be determined in accordance with the Land Drainage Act 1991.

5. Any drainage rate refunds due for whatever reason shall be approved by the General Manager prior to being paid or otherwise accounted for.

6. The Finance Support Services Manager shall be empowered to prosecute drainage rate defaulters on behalf of the Board.

7. The Finance and Support Services Manager shall be responsible to the General Manager for ensuring that the Drainage Rates and Special Levies are substantially collected by 1 November each year. Liability Orders should have been issued by no later than 30 November each year.

8. The Ratings Officer shall be responsible to the Finance and Support Services Manager for ensuring that all Rating queries are acknowledged within 5 working days and actioned within one month

9. The Finance and Support Services Manager shall advise the General Manager immediately should a Billing Authority fail to make their Special Levy payment to the Board at the agreed time, or where significant Drainage Rates due become doubtful.

10. Every budget holder is responsible for ensuring that actual expenditure on each of their budget codes does not exceed the budget as approved/varied by the Board and shall regularly monitor income/expenditure to this end as prescribed by the Board. Budget holders shall always get prior approval from the General Manager for material adverse variances (in accordance with the Caldicot and Wentlooge Levels Internal Drainage Board) to any of their budget codes that are anticipated. The General Manager or the Finance and Support Services Manager shall always seek prior approval from the Board for such variances, in accordance with item 1.3 of the Board's Reserved Matters.

11. The General Manager, Board Engineer and Finance and Support Services Manager shall attend all Board meetings and Board Committee meetings. Any other employee shall attend Board meetings and/or Board Committee meetings as and when requested by the Board or the General Manager.

12. The General Manager shall be the only employee who can convene a Board meeting or a Board Committee meeting. The Chair, Vice Chair or any 3 other Board members shall have the power to convene a Board meeting.

13. The Board Engineer shall prepare an Engineer's Report for each Board meeting and Board Committee meeting, detailing amongst other things the progress made on approved capital schemes during the reporting period as compared to approved budgeted costs, and, when appropriate, will propose fully costed new capital schemes for the Board's consideration, in a manner prescribed by the General Manager or the Board. The Board Engineer shall present the completed Report to the General Manager 10 working days before the Board/Board Committee meeting date.

14. The Board Engineer shall prepare an Operations Report for each Board meeting and Board Committee meeting, detailing the maintenance work that has been carried out during the reporting period and the cost of such work, in a manner prescribed by the General Manager or the Board. The Board Engineer shall present the completed

Report to General Manager 10 working days before the Board/Board Committee meeting date.

15. The Finance and Support Services Manager shall provide budget holders and others with all of the information, help and assistance they need to draft the management accounting aspects of their Reports for the Board or Board Committees. The Finance and Support Services Manager shall also prepare a Financial Report for each Board meeting and, shall prepare any other management accounting/financial report that may be required by the Board, Board Committee or budget holder as directed by the General Manager. The Finance and Support Services Manager shall present the completed Report to the General Manager 10 working days before the Board/Board Committee meeting date.

## **D PURCHASING GOODS & SERVICES (INCLUDING PLANT)**

1. Budget holders and their approved deputies shall always comply with the following procedures when procuring goods and services. Quotations/Tenders will be sought as follows, other than in emergency situations; where approved buying groups are used or where approved service level agreements are in force. These threshold amounts may be amended from time to time by resolution of the Board:

Estimated Value of Goods/Services Quotes/Tenders to be obtained <= £1,000  
No quotations/tenders required > £1,000 and <= £3,000 Obtain 1 written quotation > £3,000 and <= £50,000 Obtain 3 quotations and > £50,000 obtain 3 tenders.

2. The budget holder shall be responsible for ensuring that 3 quotations are sought from suppliers on the 'approved suppliers' list when the value of the goods/services is >£3,000 and <=£50,000. Where the contract sought is for capital work, the Board's Engineer shall always be given the opportunity to submit a quotation. Where it is not possible to get 3 quotations, the General Manager's written approval must be obtained prior to awarding any contract.

3. Tendering may be selective or open, although, whenever possible, selective tendering shall be used from the 'approved suppliers' list when the value of the goods/services is >£50,000. Tenders will be invited from 3 such suppliers whenever this is reasonably practicable and the documentation prepared by Officers for the tendering process shall always be proportionate to the value of the contract, as estimated by the Finance and Support Services Manager. Where the contract being tendered is for capital work, the Board Engineer shall always be given the opportunity to submit a tender. Where it is not possible to get 3 tenders, the Board's approval must be obtained prior to awarding any contract.



4. Tenders shall be opened (including those received by email), not earlier than the closing date prescribed in the tender documents, in the presence of the Finance and Support Services Manager, the Chair or Vice Chair or other suitable member, except where this process has been delegated by the Board to a Committee or third party. A declaration shall be signed to such effect by the persons present at the opening of the tender(s).

5. Where a tender is accepted other than the lowest, the Board's approval shall be obtained, or a Committee's approval shall be obtained where the Committee has delegated authority from the Board for this purpose.

6. If a budget holder would like to start trading with a new supplier that is not on the approved suppliers list or would like to remove a supplier from the approved suppliers list they must gain the appropriate authority in writing from the General Manager or the Finance and Support Services Manager after acquiring a copy of their trading terms of business.

7. The approved suppliers list shall be maintained by the Board Engineer and the Finance and Support Services Manager, as directed by the General Manager. The Finance and Support Services Manager shall keep the approved suppliers list up to date and shall make the current list available to all budget holders.

8. The budget holder must never agree to permit a third party to provide them with goods/services on approval without obtaining a copy of their terms of business beforehand and getting prior written consent from the General Manager.

9. Budget holders shall fully comply with all competition law and the Bribery Act 2010. Furthermore budget holders shall inspect the insurance policies of contractors, their safe systems of work and environmental policies, and, obtain the General Manager's prior written consent before awarding works contracts.

10. Budget holders shall not enter in to any contract that has been reserved to the Board or delegated to a Board Committee without obtaining the General Manager's approval beforehand. The General Manager shall not permit any budget holder to enter in to such a contract if he/she considers it to be inappropriate and not without obtaining the Board's prior approval (see Section 5 'Contracts' of the Board's Reserved Matters), or the Board Committee's prior approval.

11. The Finance and Support Services Manager shall be responsible to the General Manager for ensuring that the procurement of all goods and services is authorised as follows; which also includes purchasing goods and services for emergency situations, purchasing goods and services through buying groups and via service level agreements or other arrangements that have been approved by resolution of the Board. Reference to the 'budget holder' here also includes reference to approved

deputies. These threshold amounts may be amended from time to time by resolution of the Board:

**Value of Purchase Authorisation required**

**Order .....**

£	and	£	<b>Authoriser(s)</b>
>0	and	≤5,000	<b>Budget holder:</b> 1. Capital Schemes budget – Board Engineer  2. Maintenance Works budget, Plant & Labour Operations Account, Mobile Plant Renewals budget, Stock Control Account and Rechargeable Works budget – Board Engineer  3. Administration budget – Finance and Support Services Manager  4. Any budget/appropriation of Reserve – General Manager
>5,000	and	≤10,000	Budget holder and General Manager (when different) or Finance and Support Services Manager. Where the budget holder is the Finance and Support Services Manager, contracts must be authorised by the General Manager.
>10,000	and	above	Budget holder and General Manager (when different).

All types of contract that are listed in Section 5 of the Schedule of Reserved Matters shall be authorised by the General Manager, after the Board has approved such contracts. All expenditure on officer/member training, continuous professional development, courses and seminars shall only be authorised by the General Manager. All expenditure where corporate credit cards are used as the means of payment shall only be authorised by the Finance and Support Services Manager and by the General Manager when the Finance and Support Services Manager uses the corporate credit card as the means of payment. All emergency works <£10,000 shall be authorised beforehand by the General Manager. All emergency works >£10,000 must be approved beforehand by the Board’s Chairman/Vice Chairman, as per the Reserved Matters.

12. All procurement of goods and services shall be authorised by the authoriser(s) as stated in D11 above, by the raising, signing and dating of an official purchase order. On so authorising the procurement of goods or services the budget holder (and secondary authoriser) will have satisfied themselves that these Financial Regulations have been complied with and that the Board's approval has been obtained, if required by the Schedule of Reserved Matters or that the Board Committee's approval has been obtained, if delegated authority has been given to the Committee by the Board.

13. The budget holder must never break down a job and string a number of purchase orders together simply to avoid having to get 3 written quotations/tenders or approval from a secondary authoriser.

14. The following information must be clearly stated on each purchase order:

- I. The name of the supplier and supplier code as they appear on the approved suppliers list.
- II. The agreed price of the goods/services required, other than in an emergency.
- III. The internal code(s) to which the item(s) will be allocated and thereby charged to in the Board's Financial Statements, or in the case of shared expenditure, in the Caldicot and Wentlooge Levels Internal Drainage Board Financial Statements. (The Finance and Support Services Manager shall ensure that each budget holder has an up-to-date coding list for their area of budgetary responsibility).

Unique Order No as approved by the budget holder.

15. The Finance and Support Services Manager shall be responsible to the General Manager for ensuring that all budget holders comply with the procurement procedures as set out in Section D and crucially that no one purchases goods or services, charges, allocates or otherwise commits expenditure against a budget that they have no budgetary responsibility for. The Finance and Support Services Manager shall inform the General Manager immediately, if he/she establishes that an employee (shared or otherwise) has procured goods or services, charged, allocated or otherwise committed expenditure against a budget that they have no budgetary responsibility for.

16. All quotes/tenders, delivery notes, invoices for payment and credit notes shall be matched to the official purchase order, examined, coded and certified as correct by the budget holder and secondary authoriser (where appropriate) as shown in D11, before they are proposed for payment. If the budget holder or secondary authoriser deems any invoice/credit note to be incorrect (other than a Utility Bill) they shall

notify the Finance and Support Services Manager immediately, who shall not process such invoices/credit notes for payment until otherwise requested by the budget holder and secondary authoriser. The quotes/tenders, purchase orders and delivery notes, shall all be filed together with the invoices/credit notes chronologically by the Finance team, or as otherwise directed by the Finance and Support Services Manager.

17.The Finance and Support Services Manager shall ensure that all Invoices which have been approved in accordance with D16 are proposed for payment within 30 days of the Invoice tax point date, unless otherwise requested by the General Manager. A Schedule of Proposed Payments shall be prepared by the Finance and Support Services Manager once a month, or as otherwise directed by the General Manager.

18.The Schedule of Proposed Payments shall be authorised by the General Manager (or an approved deputy) and the Finance and Support Services Manager (or an approved deputy) prior to making payment.

19.Where it is considered that there are valid reasons for departing from the procedures in Section D, the Board's approval shall be obtained, or if a Committee has been established by the Board with the power to do this, then the Committee's approval shall be obtained

## **E BANK MANDATE AND INVESTMENTS**

1. No changes shall be made to the Board's banker or the bank mandate without prior consent of the Board, as stated in item 12.1 of the Reserved Matters.

2. The Finance and Support Services Manager shall be responsible for advising the Board's bankers in writing of the conditions under which the Board would like each of its bank accounts to be operated.

3. None of the Board's bank accounts shall be overdrawn and no loans shall be taken out without the General Manager's consent and a statutory resolution from the Board, in accordance with items 5.2 and 5.3 in the Reserved Matters.

4. Approved signatories for the Board's bank accounts are as follows:

1. General Manager
2. Finance and Support Services Manager
3. Support Services Assistant (Finance)
5. All payments from the Board's bank accounts shall be made in the most efficient/secure manner (e.g. electronically), as determined from time to time by the Finance and Support Services Manager .

6. All payments shall be authorised by the Finance and Support Services Manager prior to being made and all payments shall be signed by both the Finance and Support Services Manager and one of the other approved signatories shown in E4.

7. All bank transfers and Investments shall be authorised by both the Finance and Support Services Manager and one of the other approved signatories shown in E4, in accordance with the Board's Investment Strategy. Such transfers and investments shall be made in the most efficient/secure manner (e.g. electronically), as determined from time to time by the Finance and Support Services Manager.

8. The Finance and Support Services Manager shall maintain a Register of Passwords and Contact Details to enable other approved signatories to use and obtain support on all banking software.

All bank accounts shall be reconciled weekly by the Support Services Assistant (Finance) and will be presented to the Finance and Support Services Manager for signing off as correct.

## **F INVESTMENTS AND LOANS STRATEGY**

1. All investments for the Board are made within guidance received from ADA (Association of Drainage Authorities), CIPFA (Chartered Institute of Public Finance Accountants) Guidance for the Public Sector, and the relevant Local Government Statutory Instruments:

- The Board's investment activities are closely monitored by statute
- The Board has a limited range of primary markets and instruments available to them
- The Board may invest in major Banks and Building Societies
- The Board's investments would be regarded as low/medium risk
- The Board's investments must be made in the name of the Board and not any named individual

2. All investments and lendings shall be negotiated by the Finance and Support Services Manager and agreed by the Board. They must be made in the name of the Board and shall be for a period which accords with Board policy. Changes to investments and lendings should be reported to the Board at the earliest opportunity.

3. All investments of money under the control of the Board shall be in the name of the Board.

4. All borrowings shall be effected in the name of the Board.

5. All investment certificates and other documents relating thereto shall be retained in the custody of the Finance and Support Services Manager.

## **G COLLECTING MONEY**

1. The Finance and Support Services Manager shall be responsible to the General Manager for ensuring that all monies received are properly recorded in the Board's accounting records.

2. An official receipt shall be generated for every sum received by the Board and must show:

- a) Date of receipt
- b) Amount received and from whom
- c) Type of remittance
- d) Reason for payment

3. Electronic copies of all receipts issued shall be retained for at least six years.

4. Board monies shall not be used for the encashment of private cheques.

5. All cheques, cash etc. received shall be banked by Friday of each week. Disbursements shall not be made from cash received.

## **H SUNDRY DEBTORS**

1. The Finance and Support Services Manager is responsible to the General Manager for raising and collecting sundry debts due.

2. Each budget holder shall be responsible for providing the Finance and Support Services Manager with the necessary information to enable rechargeable work to be properly accounted for and invoiced, and, any other debts due to be properly invoiced. The budget holder shall advise the Support Services Assistant (Finance) immediately the job has finished or whenever else an Invoice is to be raised for goods provided or services rendered, under their control.

3. The Board Engineer shall be responsible for providing the Support Services Assistant (Finance) with all the necessary information expeditiously to enable the debtor to be properly invoiced for development contributions, commuted maintenance sums, consenting and wayleave fees etc.

4. The Support Services Assistant (Finance) shall be responsible to the Finance and Support Services Manager for ensuring that all such Invoices are properly raised within one week of being authorised by the budget holder or the Planning/Enforcement Officer, and, that the amounts due are collected promptly.
5. The Support Services Assistant (Finance) shall be responsible to the Finance and Support Services Manager for ensuring that the all other periodic debts due to the Board are properly raised when required and collected promptly.
6. The Finance and Support Services Manager shall be responsible to the General Manager for ensuring that all rents are reviewed by a Chartered Surveyor at least once every 5 years.
7. The Finance and Support Services Manager shall always obtain the General Manager's approval for highland water claims before sending the Invoice(s) to the Environment Agency on the dates specified by the Environment Agency.
8. The Support Services Assistant (Finance) shall respond to all queries raised by Sundry Debtors within 5 working days from the date of receiving the query. Any refunds due to debtors for whatever reason shall be approved by the General Manager prior to being paid or otherwise accounted for.
9. The Support Services Assistant (Finance) shall keep the relevant budget holder and the Planning/Enforcement Officer informed of all balances due from Sundry Debtors at least monthly, by providing them with (or with access to) a Closing Balances Report in the format prescribed by the Finance and Support Services Manager .
10. The Support Services Assistant (Finance) shall ensure that all debts are substantially collected within 30 days from the Debtor Invoice tax point date. The Support Services Assistant (Finance) shall provide a monthly debtors report for the Finance and Support Services Manager who will advise the General Manager of any debt that becomes 3 months overdue or whenever a debt becomes doubtful, whichever earlier.
11. The General Manager and the Finance and Support Services Manager shall be empowered to collect all sundry debts due on behalf of the Board.
12. The Finance and Support Services Manager shall obtain the General Manager's approval before instigating legal proceedings to collect any outstanding sundry debt.
13. The General Manager shall obtain the Board's approval for instigating legal proceedings to collect outstanding amounts in excess of £5,000, in accordance with item 12.2 of the Reserved Matters.

## **I EMPLOYING/MANAGING STAFF**

1. The General Manager shall be responsible to the Board for all matters regarding its employees.
2. The Board shall always seek independent advice before recruiting and appointing senior officers.
3. The Board's approval shall be required for the employment of additional permanent staff to fill new roles, in accordance with item 2.4 of the Reserved Matters.
4. The General Manager shall have the authority to employ temporary staff and replace permanent staff; provided the employment costs are contained within the Rate Estimates/Budgets approved by the Board.
5. The General Manager shall be the only Officer that has the power to offer anyone any form of employment on behalf of the Board or to dismiss a Board employee, or otherwise approve disciplinary action being taken against any of the Board's employees.
6. Board members shall not individually have the power to formally offer anyone any form of employment on behalf of the Board or to dismiss a Board employee, or otherwise take disciplinary action against any of the Board's employees unless the Board has specifically authorised such action by statutory resolution. Such power shall vest with the Board itself via the Chair, Vice Chair or General Manager (or a Board Committee established for this purpose).
7. Board members shall not individually give instructions to any of the Board's employees, unless the Board has made a statutory resolution specifically authorising this approach. Such instruction shall come from the Board itself via the Chair, Vice Chair or General Manager (or a Board Committee established for this purpose).
8. Line managers shall be responsible to the General Manager for managing the day to day activities of employees as shown in the Board's Organisation Chart. The nature and extent of this responsibility shall be determined by the General Manager.



## **J STOCK IN STORES/DELIVERED TO SITE**

1. Stock records shall be in the form prescribed by the General Manager and will comply with the systems of control as stated by the General Manager.
2. The Board Engineer shall be responsible to the General Manager for all matters relating to the security of the stock in stores or delivered to site and for managing stock in and out. The Support Services Assistant (Finance) shall be responsible to the Finance and Support Services Manager for properly accounting for stock movements/balances, and, for properly managing the stock of office consumables and stationery.
3. All goods received shall be checked and booked in by the recipient as regards quantity and/or weight and inspected as to quality and specification in accordance with the Board's ISO 9001 procedures. A delivery note shall be obtained from the supplier, wherever possible, and signed by the person receiving the goods. When signing, the person receiving the goods on behalf of the Board must always cross out the good condition statement on the delivery note.
4. All goods issued from stores or from site shall be properly accounted for and booked out by the issuer.
5. All breakages and losses of goods held in store or on-site shall be recorded and reported to the General Manager to take appropriate action.
6. There shall be a physical check of all items in stock at least twice a year and the stock taking records shall be signed by the Finance and Support Services Manager for office equipment and all other stock taking records shall be signed the Board Engineer as the responsible person.

## **K ASSET ACCOUNTING/MANAGEMENT**

1. All assets over £2,500 in value owned by the Board shall be accounted for in an asset register maintained by the Finance and Support Services Manager . The fixed asset register shall reflect additions and disposals of assets and record the cost or valuation of the assets.

2. At least once a year, the Finance and Support Services Manager shall confirm the accuracy of the fixed asset register by arranging a physical inspection of the Board's major assets.

3. The Fixed Asset Register and Asset Management Plan shall be placed before the Board or a Board Committee for inspection at least once a year in the format prescribed by the General Manager.

4. Any sale of Board assets shall be advertised on the Board's website and in the relevant trade magazine at the current market value of the asset where the book value of the asset exceeds £10,000. The asset will be sold for the highest offer unless it is being part-exchanged or traded-in when acquiring another asset, or otherwise sold for a budget price approved by the Board. Assets with a book value of less than £10,000 shall be disposed of in the most efficient manner, as determined and approved by the General Manager or the Board Engineer.

5. Where it is considered that there are valid reasons for departing from the procedures in the above, the Board's approval shall be obtained, or if a Committee has been setup by the Board with the power to do this, then the Committee's approval shall be obtained.

6. The Board Engineer shall be responsible to the General Manager for ensuring that all DVLA road tax renewals are processed expeditiously, so that none of the Board's plant and vehicles (shared or otherwise) is ever without a valid road fund licence.

7. The Board Engineer shall be responsible to the General Manager for documenting and maintaining the Board's Asset Management Plan.

## **L AUDIT**

1. As a requirement of the Accounts and Audit Regulations 2011 the Finance and Support Services Manager shall ensure that the Board is presented with the Internal Auditor's Report each year and review the Internal Auditor's performance.

2. The Finance and Support Services Manager shall respond to all requests from the External Auditor or the Internal Auditor within 5 working days of the request being made.

3. In addition all employees of the Board are required to assist the External Auditor, or his/her authorised representative, in the performance of his/her duties under the Accounts and Audit Regulations 2005 (amended 2010).

## **M FRAUD OR OTHER IRREGULARITIES**

1. The budget holder or any other officer concerned shall immediately notify the General Manager of any matter which involves, or is thought to involve, irregularities concerning cash, stock or other property of the Board or any suspected irregularity in the exercise of the functions of the Board, in accordance with the Anti Fraud and Corruption Policy.

2. Any financial irregularity or breach of procedures involving an employee of the Board will be investigated and shall be dealt with in accordance with the Board's Disciplinary Procedures where necessary.

## **N 'WRITE OFFS'**

1. The General Manager shall have the authority to write off the following amounts:

- a) any debt under £500 being the material amount referred to in item 3.9 of the Board's Reserved Matters, as amended from time to time by the Board,
- b) damaged or stolen goods for which it is not considered that the Board may make a valid insurance claim, where those goods do not form part of a stock account,
- c) surplus goods and materials,
- d) goods, vehicles or materials that are considered to have no material value due to deterioration or obsolescence.

2. Budget holders shall inform the General Manager of any item under N1 (a) – (d) above that they consider should be written off together with:-

- details of the item or debt to be written off,
- the circumstances necessitating the write off,
- the reasons why he/she considers that the debt is irrecoverable or that no proceeds on sale would accrue to the Board.

3. Where any items to be written off constitute part of a stock account, the procedures for recording the write off within the Board's Accounts and the method of

disposing of the goods shall be approved by the General Manager. The General Manager shall then ensure that the appropriate adjustments are made to the Board's accounting records.

## **O SALARIES AND WAGES**

1. The Board shall always seek independent advice before making significant changes to the General Manager's terms and conditions of employment. This advice will be circulated to Board representatives in advance meetings. Furthermore the Board shall comply with the Torfaen BC Local Government Pension Scheme Policy Statement with regard to Discretionary Options and Compensation for Termination of Employment.

2. The Board shall always seek independent advice before making significant changes to terms and conditions of employment. This advice will be circulated to Board members in advance of Board meetings. Furthermore the Board shall comply with its Local Government Pension Scheme Policy Statement with regard to Discretionary Options and Compensation for Termination of Employment.

3. The General Manager shall be responsible for the proper compilation of the payroll(s) and for the final determination of pay, as approved by the Board.

4. The payment of all salaries and wages, compensation and other emoluments to all present or former employees shall be made by the General Manager or under arrangements controlled by him/her.

5. No changes shall be made to terms and conditions of employment (deliberately or otherwise) without the prior consent of the Board. No changes shall be made to any employee's pay, emoluments, entitlements, without the prior consent and written instruction from the General Manager. Where such changes have been authorised by the General Manager the budget holders will ensure that such changes are communicated to the relevant employee(s) in a manner approved by the General Manager.

6. All annual holiday entitlements (including any carried forward provisions) shall be agreed with the General Manager at the beginning of every financial year and signed off by him/her as such, in accordance with the Board's terms and conditions of employment.

7. All time-off in lieu, sick leave, working-from-home arrangements and other absences from work or the work place shall be approved in writing by the Line Manager and/or the General Manager.

8. Each Line Manager shall notify the General Manager immediately, and in the form prescribed by the General Manager, of all matters affecting payments of salaries and wages, and, in particular:

- a. resignations, suspensions, secondments and transfers,
- b. absences from duty for sickness, unpaid leave or other reason, but not normal leave,
- c. information necessary to maintain records of service for superannuation, income tax, national insurance and the like.

9. Time sheets, Plant sheets and other pay documents shall be in a form prescribed by the Finance and Support Services Manager and shall be certified in writing by the employee and the budget holder(s). It is the line manager's responsibility to ensure that claims are legitimate, that the hours worked are coded accurately and are approved by the appropriate budget holder(s).

10. All proposed payments of salaries and wages shall be authorised by the General Manager (or an approved deputy) and the Finance and Support Services Manager (or an approved deputy) prior to being made.

## **P EMPLOYEES CODE OF CONDUCT**

1. All employees of the Board shall conduct themselves in a polite, courteous and professional manner, in accordance with the Employees Code of Conduct and Employee Handbook.

2. Employees must declare to the General Manager any financial or other interest, which could conflict with the Board's interests. Employees must always follow the Board's policies and represent the Board accordingly.

3. The Board's resources shall not be used for private purposes without receiving prior written consent from the General Manager.

4. In terms of hospitality and gifts, only usable gifts of a small value may be accepted by individual staff or a section as a whole. Under no circumstances may cash be accepted as a gift.

5. Hospitality and gifts must be recorded in the Register of Gifts and Hospitality, which is maintained by the General Manager and kept at the Board's office.

6. Where an outside organisation is seeking to sponsor a Board activity (whether by invitation, tender, negotiation or voluntary), the basic rules concerning acceptance of gifts and hospitality shall apply.

## **Q MEMBERS' AND EMPLOYEES' EXPENSES/ALLOWANCES**

1. All claims for payment of car allowances, subsistence allowances, travelling expenses and all other incidental expenses shall be submitted as required by the General Manager duly certified with receipts where appropriate, in a form approved by the General Manager.

2. No mileage claim, reimbursement of expenses or allowances shall be paid to employees until such claims have been certified by the budget holder or the General Manager. On certifying such claims the budget holder or the General Manager will be satisfied that the journeys were authorised, the expenses were properly authorised and necessarily incurred, and, that any allowances claimed are due to be paid by the Board. It is important for employees to note that the cost of journeys and other expenses will not be reimbursed unless the employee has received prior authorisation from the budget holder or the General Manager (for office staff).

3. No mileage claim, reimbursement of expenses or allowances shall be paid to Board members until such claims have been certified by the General Manager. On certifying such claims the General Manager will be satisfied that the journeys were authorised, the expenses were properly authorised and necessarily incurred, and, that any allowances claimed are due to be paid by the Board.

4. Employee claim forms submitted more than 6 months after the expenditure has been incurred shall be paid only with the approval of the General Manager. Members claim forms submitted more than 6 months after the expenditure has been incurred shall be paid only with the approval of the Board.

5. Fraudulent mileage claims may result in disciplinary action being taken against the individual(s) concerned. Serious breaches by employees will be treated by the Board as gross negligence which could lead to summary dismissal/termination of employment. Serious breaches by Board Members may result in them having to resign, in accordance with the Members Code of Conduct.

## **R INSURANCES**

1. The Finance and Support Services Manager shall initiate all insurance cover after consulting with the Board and other budget holders where necessary.

2. The Finance and Support Services Manager shall be responsible to the General Manager for expeditiously submitting all insurance claims that the General Manager agrees should be pursued. Budget holders shall be responsible to the General Manager for providing the Finance and Support Services Manager with all of the necessary information he/she deems necessary in order to successfully make an insurance claim.

3. Budget holders shall promptly notify the Finance and Support Services Manager of all new risks, properties or vehicles needing to be insured, and of any disposals or alterations affecting existing insurances.

4. Budget holders shall immediately notify the General Manager and the Finance and Support Services Manager of any loss, liability or damage or any event likely to lead to a claim on any of the Board's insurance policies and shall where appropriate notify the police of the relevant circumstances.

5. All employees of the Board (including shared employees) shall be included in a suitable fidelity guarantee insurance.

6. Budget holders shall only ever provide an indemnity which the Board is requested to give after receiving prior written consent from the General Manager. No other employees (shared or otherwise) shall be empowered to provide such indemnities, assurances, undertakings or commitments.

## **S SECURITY**

1. The General Manager shall be responsible to the Board for ensuring that the Board's assets are safe and secure.

2. The Board Engineer shall be responsible to the General Manager for:

- I. the proper safety and security of the Board's fixed plant, buildings, property, documents and information under his/her control.
- II. the proper safety and security of the Board's mobile plant, vehicles, equipment, stock in stores and delivered to site, documents and information under his/her control.
- III. registering all of the Board's land where clear and unambiguous title can be established, in order to safeguard the Board's property.

3. The Finance and Support Services Manager shall be responsible to the General Manager for:

- I. the proper safety and security of all cash, office equipment, documents and information under his/her control.
- II. filing and maintaining a Register of all Legal Agreements, including but not limited to title deeds, seal books, constitutional documents, consents, acknowledgements, rental agreements, licences and sundry arrangements, as instructed by the General Manager.
- III. maintaining the Register of Software Licences and Office Equipment Support Contracts, as instructed by the General Manager.

4. No employee shall install software onto a computer without prior written consent from the General Manager (or an approved deputy) . All employees shall comply with the use of computers, email and internet policy, as set out in the Employee Handbook.

5. All employees shall inform the General Manager in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.

6. All officers of the Board have a duty to comply with the requirements of the Data Protection Act 1998 and any amending legislation. The General Manager shall ensure that staff are aware of their responsibilities under this legislation through the provision of suitable training and the circulation of relevant information on the subject.

7. Maximum limits for cash holdings of more than £500 inclusive of petty cash shall not be exceeded without express permission from the General Manager or the Finance and Support Services Manager.

8. Keys to safes, cash boxes and similar receptacles are to be carried on the person of those responsible at all times. Such persons shall be determined by the General Manager.

9. Keys to the Board's buildings and property shall be controlled by the General Manager. The list of such key holders shall be maintained by the Board Engineer and he/she shall provide a copy of this list to the General Manager annually and whenever else required.

## **T PROTECTION OF PRIVATE PROPERTY**

1. Each budget holder shall notify the General Manager of any case where steps are necessary to prevent or mitigate loss or damage of employees' property.

2. The Board shall not be liable for accidental loss or damage to the personal possessions which employees' use whilst on Board business, such as a car.

3. All recovered valuables such as jewellery, watches and other small items of a similar nature and documents of title shall be kept under safe custody as directed by the General Manager, and shall, if not claimed, be disposed of in a manner determined by him/her.

4. In the event of theft of personal items from staff, a full report shall be made by the affected employee as soon as the theft has been discovered. All such incidents shall be recorded and investigated in accordance with the Board's Anti Fraud and Corruption Policy.



## **U REVIEW OF FINANCIAL REGULATIONS**

1. These Financial Regulations shall replace all previous arrangements that existed prior to 31 March 2013. The previous Financial Regulations, Guidance for Budget Holders and all previous arrangements are therefore terminated with immediate effect.

2. The Board reserves the right to make reasonable changes to these Financial Regulations at any time in future.

3. Failure to take action against any employee (shared or otherwise) following a breach of these Financial Regulations does not constitute a waiver of the Board's right to take disciplinary action against the breach or future breaches of the Financial Regulations and no single or partial action taken under these Regulations shall prevent any further disciplinary action being taken or other action being taken against any employee.

4. These Financial Regulations shall be reviewed at least every four years by the Board.

# **CALDICOT & WENTLOOGE LEVELS INTERNAL DRAINAGE BOARD**

## **Schedule of Matters Reserved for the Board**

The thinking behind having a Schedule of Reserved Matters for the Board is that, without such a Schedule, many decisions that the Board would expect to take can fall within the delegated authority of an executive, committee or joint committee. The existence of a schedule of matters reserved for the Board provides an internal safety net to ensure that these decisions have to be referred to the Board. It also simplifies the process of delegation and makes it easier for the Board to give executives and committees the powers they need to perform their functions. Broader powers can be delegated if they are made subject to the exceptions set out in the schedule. A schedule also allows corporate-wide changes to be made without having to alter the terms of delegation for each individual or committee. The main disadvantage of this approach to delegation is that those who exercise delegated powers are not always as knowledgeable as they should be about the contents of the schedule, a particular danger when the schedule has been amended. No matter how effective a Board may be it is not possible for members to have hands on involvement in every area of the Internal Drainage Board's business. An effective Board controls the business but delegates day to day responsibility to the executive management. That said there are a number of matters which are required to be, or, in the interests of the organisation, should only be decided by the Board as a whole. It is therefore incumbent upon the Board to make it clear what these 'Reserved Matters' are.

### **Urgent Matters**

In drawing up a Schedule of Matters Reserved for the Board it is important to establish procedures for dealing with issues which have to be dealt with urgently, often between regular Board meetings. Clearly the General Manager needs to have sufficient delegated authority to run the day to day business but the extent of this may not always be understood. The schedule of matters reserved for the Board should also clarify this issue. In all cases such procedures should balance the need for urgency with the overriding principle that each and every Board member ought to be given as much information as possible, the time to consider it properly and an opportunity to discuss matters prior to the commitment of the organisation. Delegated authority should therefore be kept to a minimum. If, in practical terms, this is not possible and widespread delegation is needed, then something more fundamental is wrong – either there are too many Board members or the Board does not meet regularly enough.

## **A. Strategy and Management**

1. Responsibility for the overall management of the Board (ID) and for the general supervision over all matters relating to the drainage of land in the Internal Drainage District.
2. Approval of the IDB's objectives and strategy.
3. Approval of the IDB's annual operating and capital expenditure budgets and any material changes to them. (In the event of an emergency where it is not feasible or practical to obtain the Board's prior approval to any such changes, the Chair's prior approval shall be obtained and later ratified by the Board).
4. Oversight of the IDB's operations ensuring:
  - Competent and prudent management
  - Sound planning
  - An adequate system of internal control
  - Adequate accounting and other records
  - Compliance with statutory and regulatory obligations.
5. Review of IDB's performance in the light of the IDB's strategy, objectives and targets, service delivery plans and renewals/refurbishment programs, policies and budgets, and ensuring that any necessary corrective action is taken.
6. Extension of the IDB's activities into new business or geographic areas.
7. Any decision to cease to operate all or any material part of the IDB's activities.
8. Material changes in general supervision over matters relating to the drainage of land in the IDB's drainage district.
9. Material changes in how other powers are used and how other duties are performed in the drainage district which have been conferred on the IDB by the Land Drainage Acts 1991 and 1994, the Flood and Water Management Act 2010 and subsequent legislation/regulation.

## **2. Structure and capital**

- 2.1 Changes relating to the IDB's capital structure, including balances, provisions and reserves.
- 2.2 Major changes in rateable value of the drainage district.
- 2.3 Major changes to the IDB's corporate structure.
- 2.4 Major changes to the IDB's management and control structure, and, the appointment of permanent staff to fill new roles.
- 2.5 Any change to the IDB's status as an independent and autonomous land drainage Board, for example an amalgamation or merger with one or more operating authorities, or abolition.
- 2.6 Any application to alter the boundaries, or to in any way reorganise the Internal Drainage District, in accordance with sections 2 and 3 of the Land Drainage Act 1991.

## **3. Financial reporting and controls**

- 3.1 Approval of any preliminary announcement of results.
- 3.2 Approval of the annual report and accounts, including the corporate governance statement and remuneration report.
- 3.3 Approval of rate estimates, revised estimates and other budgets.
- 3.4 Approval of the reserves policy and material changes in the level of any provision, or reserve. (In the event of an emergency where it is not feasible or practical to obtain the Board's prior approval to any such changes, the Chair's prior approval shall be obtained and later ratified by the Board).
- 3.5 Approval of annual values as at 31st December in every year, to determine the proportion of drainage expenses raised from the proceeds of drainage rates and special levies.
- 3.6 Levying of drainage rates/special levies and publication of the indicative forecast.
- 3.7 Approval of any significant changes in accounting policies or practices.
- 3.8 Approval of treasury and investment policies/strategies, including foreign currency exposure and the use of financial derivatives.

- 3.9 Approval of any material write off or rating amendment/exemption.
- 3.10 Changes to the contribution rate per impermeable hectare payable by developers.
- 3.11 Changes to plant and labour charge out rates.
- 3.12 Approval of any commutation of obligations and of the financial consequences arising there from.
- 3.13 Applications to make vary or revoke orders sub-dividing the drainage district for the purposes of raising expenses.
- 3.14 Approval of applications for grant.
- 3.15 Approval of applications made to the Environment Agency for contributions towards expenditure on maintaining/improving additional highland carriers.

#### **4. Internal controls**

- 4.1 Ensuring maintenance of a sound system of internal control and risk management including:
- Receiving reports on, and reviewing the effectiveness of, the IDB's risk and control processes to support its strategy and objectives
  - Undertaking an annual assessment of these processes
  - Approving an appropriate statement for inclusion in the annual report.
- 4.2 Changes to the IDB's Rules and Financial Regulations.
- 4.3 Changes to the IDB's Byelaws, in accordance with section 66 of the Land Drainage Act 1991.
- 4.4 Consideration of applications that are likely to have a material effect on the flow of any ordinary watercourse and approval of all consents issued thereafter (section 23 of the Land Drainage Act 1991).

- 4.5 Approval of non-delegated<sup>1</sup> Byelaw consents and ratification of any such consent that has been granted by the Board's Committee between Board meetings.
- 4.6 Approval of IDB minutes and reports together with any material changes in their format (the latter of which includes engineering, planning, operational and environmental reports, quarterly management accounts with appropriate explanations of key variances and a schedule of paid accounts).
- 4.7 Approval of any works/activities that may be requested by the Environment Agency using their supervisory powers (section 7 of the Land Drainage Act 1991) or their default powers (section 9 of the Land Drainage Act 1991).
- 4.8 Approval of any adoption/abandonment, adding to or decreasing the liability for land drainage infrastructure within the drainage district.
- 4.9 Approvals of applications made to or from the Environment Agency or other third party to en-main, de-main or reclassify any land drainage/flood defence infrastructure within the drainage district.
- 4.10 Approving the dates and times of the IDB's meetings and inspections.

## **5. Contracts**

- 5.1 Approving major capital projects of the IDB and principal contracts arising there from.
- 5.2 Contracts which are material strategically or by reason of size, entered into by the IDB in the ordinary course of its undertakings, for example any bank borrowings or any contractual commitment beyond one year, acquisitions or disposals of fixed assets above £10,000 (excluding land), the granting of any rights over land and significant changes to the terms and conditions of existing contracts on renewal, or otherwise made.
- 5.3 Contracts not in the ordinary course of the IDB's undertakings, for example any joint administration arrangement or extension to include others in such an arrangement, any loans and repayments; all foreign currency transactions above £10,000; and major acquisitions or disposals above £10,000 (excluding land), and any purchase/disposal of land (whether compulsorily acquired or otherwise).
- 5.4 Approving the use of Buying Groups and Service Level Agreements through which to procure goods and services.

5.5 Major investments, including the acquisition or disposal of interests of more than 5 percent in the voting shares of any company or the making of any takeover offer.

## **6. Communication**

6.1 Approval of resolutions and any corresponding documentation to be put to ratepayers and constituent billing authorities.

6.2 Approval of all circulars to ratepayers and constituent billing authorities.

6.3 Approval of press releases concerning matters decided by the IDB.

## **7. IDB membership and other appointments**

7.1 Changes to the structure, size and composition of the IDB, pursuant to Schedule 1 Part 2 section 6 of the Land Drainage Act 1991.

7.2 Ensuring adequate succession planning for senior management and operatives.

7.3 Approving appointments to the IDB, in accordance with Schedule 1 Part 2 of the Land Drainage Act 1991 (appointed members only).

7.4 Election of the Chair and Vice Chair of the IDB in accordance with Standing Orders.

7.5 Membership of IDB committees.

7.6 Continuation in office of any member at any time, including the suspension or termination of service, in accordance with Schedule 1 Part 3 sections 8 and 9 of the Land Drainage Act 1991 and/or requirements of the Members Code of Conduct.

7.7 Filling casual vacancies, if for any reason whatsoever the place of an elected member becomes vacant before the end of their term of office, in accordance with Schedule 1 Part 3 section 10 of the Land Drainage Act 1991.

7.8 Appointment or removal of the Returning Officer and approval of the Electoral Register.

7.9 Appointment or removal of the Internal Auditor.

7.10 Any application made to the Wales Audit Office to remove, appoint or re-appoint the external auditor.

7.11 Appointments to outside bodies and any joint committees.

## **8. Remuneration**

8.1 Approving the remuneration and training policies for employees

8.2 Approving corporate-wide changes to the terms and conditions of employees and, following recommendations made by the Lincolnshire IDBs Pay and Conditions Advisory Committee (LPCAC)

8.3 Approving any application to pay the Chair of the IDB an allowance, for the purpose of enabling him/her to meet the expenses of his/her office, in accordance with Schedule 2 section 1 of the Land Drainage Act 1991.

8.4 Determining the policy of paying allowances or reimbursing expenses incurred by IDB members, in accordance with Schedule 2 section 1 of the Land Drainage Act 1991.

8.5 The introduction of new employee incentive schemes or major changes to existing schemes.

8.6 Approval of any severance packages in excess of the statutory minimum or of any pension enhancement made thereto.

## **9. Delegation of Authority**

9.1 The division of responsibilities between the Chair and the General Manager, which must be in writing.

9.2 Approval of terms of reference for any IDB committees and any joint committee.

9.3 Receiving minutes, reports and recommendations arising from any IDB committees and any joint committee.



## **10. Corporate governance matters**

- 10.1 Undertaking a formal and rigorous review of the IDB's own performance, that of its committees/joint committees, individual members and of those appointed to outside bodies.
- 10.2 Determining the independence of members.
- 10.3 Considering the balance of interests between ratepayers, billing authorities, employees, developers and the community.
- 10.4 Reviewing the IDB's overall corporate governance arrangements and committee structure.
- 10.5 Receiving reports on the views of the IDB's stakeholders.

## **11. Policies**

11.1 Approval of all policies, including but not limited to:

- Members Code of Conduct
- Byelaw and enforcement policy
- Capital and Maintenance Work policies
- Health and safety policy
- Asset Management Plan
- Biodiversity Action Plan
- Environmental policy
- Confidential Reporting policy
- Communications policy
- Whistle blowing policy • Risk Management policy
- Anti Fraud and Corruption policy
- Bribery Act policy
- Reserves policy

## **12. Other**

- 12.1 Approval of the appointment of the IDB's principal professional advisers and bankers.
- 12.2 Prosecution, defence or settlement of litigation involving amounts above £5,000 or being otherwise material to the interests of the IDB. Settlement of other disputes or appeals over £5,000 or being otherwise material to the interests of the IDB.
- 12.3 Approval of any appeal lodged against the precept levied by the Environment Agency.
- 12.4 Approval of the overall levels of insurance for the IDB including Directors' and Officers' liability insurance, indemnification of IDB members and personal accident insurance.
- 12.5 Major changes to the rules of the IDB's pension schemes/admissions policies, changes in trustees or changes in the fund management arrangements (where this is subject to the IDB's discretion/approval).
- 12.6 Changes to those authorised to institute legal proceedings, pursuant to various powers afforded to the IDB by the Land Drainage Act 1991 and the Flood and Water Management Act 2010.
- 12.7 Changes to those authorised to enter land for the purposes of exercising any function of the IDB or to those authorised to inspect and take copies of any Acts of Parliament, awards or other documents which relate to the drainage of land and confer powers or impose duties on the IDB.
- 12.8 The Board will receive reports and recommendations from time to time on any matter which it considers significant in relation to this schedule of matters reserved for Board decisions. All other matters which by definition the IDB considers suitable for delegation have been delegated to the General Manager. The nature and extent of any delegation to any Board Committee shall appear in that Committee's terms of reference. The General Manager shall exercise his/her delegated powers in accordance with the Board's Standing Orders, Financial Regulations, Policies and Procedures.

# **CALDICOT & WENTLOOGE LEVELS INTERNAL DRAINAGE BOARD**

## **Roles of Board, Board Members, Chair and General Manager - Division of Responsibilities**

### **The Board is responsible for:**

- 1 Establishing and maintaining the organisation's vision, mission and values
- 2 Deciding the organisation's strategy and structure
- 3 Delegating functions to management
- 4 Exercising accountability to those that pay for the service and to be responsible to relevant stakeholder
- 5 Deciding and monitoring budget expenditure
- 6 Appointing the General Manager and, as appropriate, other senior officers of the Board
- 7 Setting the annual penny rate

### **Board members, whether elected or nominated, should all fully participate in the running of the Board and have equal responsibility for:**

1. Acting in the overall interest of the Board and not in the sole interest of a particular area of affiliation;
2. Familiarise themselves with the Board's area and its workings;
3. Address agricultural and urban land drainage, flood management and environmental issues, with each making input related to their background and experience;
4. Fully participating in the Board's affairs including attending all Board meetings unless prevented by ill-health or similar circumstances;'
5. Declaring any pecuniary or non pecuniary interest on any item on the agenda;

6. Acting in accordance with the Board's Standing Orders, Financial Regulations and other Board policies
7. Representing the rate payers and residents in the Drainage District, including both receiving information for the Board and the dissemination of the Board's decisions

**The Chair's key responsibilities include:**

1. Setting the agenda, style and tone of Board discussions and chairing Board meetings, to promote effective decision making and constructive debate;
2. Providing leadership to the Board;
3. Taking responsibility for the Board's composition and development;
4. Ensuring proper information is made available to the Board;
5. Planning and conducting Board meetings effectively;
6. Getting all Board members involved in the Board's work;
7. Promoting effective relationships and open communication, both inside and outside the Boardroom, between the non-executive Board members and the executive team;
8. Ensuring there is provision for the induction and development of Board members;
9. Ensuring the Board focuses on its key tasks;
10. Engaging the Board in assessing and improving its performance;
11. Ensuring effective implementation of Board decisions;
12. Establishing a close relationship of trust with the General Manager, providing support and advice, while respecting executive responsibility;
13. Representing the Board and presenting the Board's aims and policies to the outside world;
14. Understanding the views of ratepayers, contributing councils and key stakeholders and ensuring that effective lines of communication exist with the Board.

**The General Manager has executive responsibility for running the Board's business. Key responsibilities include:**


1. Delivering the operational performance of the IDB, as dictated by the Board's overall strategy;
2. Formulating and successfully implementing Board policy;
3. Developing strategic operating plans that reflect the longer term corporate objectives and priorities established by the Board;
4. Maintaining an ongoing dialogue with the Chair of the Board;
5. Ensuring that adequate operational planning and financial control systems are in place;
6. Ensuring that the operating objectives and standards of performance are not only understood but owned by the management and other employees;
7. Closely monitoring the operating and financial results against plans and budgets;
8. Taking remedial action where necessary and informing the Board of significant changes;
9. Providing leadership to the management and employees;
10. Assuming full accountability to the Board for all IDB operations;
11. Building and maintaining an effective executive team;
12. Representing the IDB at meetings with major ratepayers, contributing councils, Welsh Government, professional associations and key stakeholders;
13. Managing the IDB business day to day. Delegated authority to take all decisions is given to the General Manager, subject to the exceptions reserved to the Board (or Board committee) and noted in the Schedule of Reserved Matters.

# CALDICOT & WENTLOOGE LEVELS INTERNAL DRAINAGE BOARD

## MEMBERS' CODE OF CONDUCT

This Members' Code of Conduct has been prepared by the Caldicot & Wentlooge Levels Internal Drainage Board, and is compliant with the *Code of Conduct for Board Members of Public Bodies* issued by the Cabinet Office, June 2011.

The Board has adopted this Members' Code of Conduct as one of its policies and is committed to its implementation. The Board will review the Members' Code of Conduct periodically and update it as appropriate.

Signed: 

Name: Derek David  
*Chairman of the Board*

Date: 11 February 2013

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# CALDICOT & WENTLOOGE LEVELS INTERNAL DRAINAGE BOARD

## MEMBERS' CODE OF CONDUCT

### Part 1

#### GENERAL PROVISIONS

##### 1. Introduction and interpretation

- 1) This code applies to **you** as a member of an Internal Drainage Board.
- 2) In this code “member” includes:
  - (a) an appointed member;
  - (b) an elected member; and
  - (c) a co-opted member,  
of an Internal Drainage Board.
- 3) As a member it is your responsibility to comply with the provisions of this Code.
- 4) In this Code “meeting” means any meeting of:
  - (a) the Internal Drainage Board;
  - (b) any of the Internal Drainage Board’s committees or sub-committees, joint committees or joint sub-committees.

##### 2. Scope

- 1) Subject to paragraphs 2.2 to 2.5, you must comply with this Code whenever you:
  - (a) conduct the business of your Internal Drainage Board (which, in this Code, includes the business of the office to which you are elected or appointed);  
or
  - (b) act, claim to act or give the impression you are acting as a representative of your Internal Drainage Board, and references to your official capacity are construed accordingly.
- 2) Subject to paragraphs 2.3 and 2.4, this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- 3) In addition to having effect in relation to conduct in your official capacity, paragraphs 4.2(c), 4.5 and 4.6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- 4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in paragraph 2.3) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- 5) Where you act as a representative of your Internal Drainage Board:

- (a) on another relevant Internal Drainage Board, you must, when acting for that other Internal Drainage Board, comply with that other Internal Drainage Board's code of conduct; or
- (b) on any other body, you must, when acting for that other body, comply with your Internal Drainage Board's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

### 3. Key Principles of Public Life

- 1) When acting as a member of an Internal Drainage Board you should behave in a manner consistent with the following principles to achieve good water management of the district, and maintain public confidence in the Internal Drainage Board:
  - (a) **SELFLESSNESS:** You should take decisions solely in terms of the public interest. You should not do so in order to gain financial or other material benefits for themselves, their family, or their friends;
  - (b) **INTEGRITY:** You should not place yourself under any financial or other obligation to outside individuals or organisations that might, or might be perceived to, influence you in the performance of your official duties;
  - (c) **OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you should make choices on merit
  - (d) **ACCOUNTABILITY:** You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office;
  - (e) **OPENNESS:** You should be as open as possible about all the decisions and actions that you take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands;
  - (f) **HONESTY:** You have a duty to declare any private interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest;
  - (g) **PERSONAL JUDGEMENT:** You may take account of the views of others, including their political groups, but should reach your own conclusions on the issues before you and act in accordance with those conclusions;
  - (h) **RESPECT OF OTHERS:** You should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. You should respect the impartiality and integrity of the Internal Drainage Board's statutory officers, and its other employees;
  - (i) **DUTY TO UPHOLD THE LAW:** You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you; and
  - (j) **LEADERSHIP:** You should promote and support these principles by leadership and example.



#### **4. General conduct**

- 1) You must treat others, including employees and members of your Internal Drainage Board, with courtesy and respect.
- 2) You must not:
  - (a) do anything which may cause your Internal Drainage Board to breach the Equality Act 2010;
  - (b) bully any person;
  - (c) intimidate or attempt to intimidate any person who is or is likely to be:
    - i) a complainant,
    - ii) a witness, or
    - iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her Internal Drainage Board's code of conduct; or
  - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your Internal Drainage Board.
  - (e) ask or encourage members or employees of your Internal Drainage Board to act in any way which would conflict with their own Code of Conduct.
- 3) You must not:
  - (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
    - i) you have the consent of a person authorised to give it;
    - ii) you are required by law to do so;
    - iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
    - iv) the disclosure is:
      - (aa) reasonable and in the public interest; and
      - (ab) made in good faith and in compliance with the reasonable requirements of the Internal Drainage Board; or
  - (b) prevent another person from gaining access to information to which that person is entitled by law.
- 4) You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Internal Drainage Board into disrepute.
- 5) You may engage in political activity but should, at all times, remain conscious of your responsibilities as an Internal Drainage Board member and exercise proper discretion.

- 6) You:
- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
  - (b) must, when using or authorising the use by others of the resources of your Internal Drainage Board:
    - i) act in accordance with your Internal Drainage Board's reasonable requirements; and
    - ii) ensure that such resources are not used improperly for personal gain or political purposes (including party political purposes).

## **5. Use of Public Funds**

- 1) You have a duty to ensure the safeguarding of public funds and the proper custody of assets which have been publicly funded.
- 2) You must carry out your fiduciary obligations responsibly – that is, take appropriate measures to ensure that the body uses resources efficiently, economically and effectively, avoiding waste and extravagance.

## **6. Allowances**

- 1) You must comply with the rules set by the Internal Drainage Board regarding remuneration, allowances and expenses. It is your responsibility to ensure compliance with all relevant HM Revenue and Customs' requirements concerning payments, including expenses.

## **7. Gifts and hospitality**

- 1) You must not accept any gifts or hospitality which might, or might reasonably appear to, compromise your personal judgement or integrity or place you under an improper obligation.
- 2) You must never canvass or seek gifts or hospitality.
- 3) You must comply with the rules set by the body on the acceptance of gifts and hospitality. You should inform the General Manager (or equivalent) of any offer of gifts or hospitality and ensure that, where a gift or hospitality is accepted, this is recorded in a public register in line with the rules set by the body.
- 4) You are responsible for your decisions on the acceptance of gifts or hospitality and for ensuring that any gifts or hospitality accepted can stand up to public scrutiny and do not bring the Board into disrepute.

## **8. Responsibilities**

- 1) You should play a full and active role in the work of the Internal Drainage Board. You should fulfil your duties and responsibilities responsibly and, at all times, act in good faith and in the best interests of the Board.
- 2) You should deal with the public and their affairs fairly, efficiently, promptly, effectively and sensitively, to the best of your ability. You must not act in a way that unjustifiably favours or discriminates against particular individuals or interests.
- 3) You must comply with any statutory or administrative requirements relating to your post.
- 4) You should respect the principle of collective decision-making and corporate responsibility. This means that, once the Board has made a decision, you should support that decision.
- 5) You must not use, or attempt to use, the opportunity of public service to promote your personal interests or those of any connected person, firm, business or other organisation.
- 6) You should act in the interests of the Board as a whole and not as a representative or delegate of the body by whom you are appointed. You must not use your position as a Board Member except for the benefit of the Board.
- 7) As a Board Member you have duties and responsibilities analogous to those of directors of companies, who owe a fiduciary duty to the company and must exercise independent judgement.
- 8) If a bare majority of the Board, with due cause, consider that you have not acted within this Code of Conduct for Members you should consider resigning as a Member of the Board forthwith.

## **Part 2**

### **MEMBERS' INTERESTS**

## **9. Personal interests**

- 1) You must ensure that no conflict arises, or could reasonably be perceived to arise, between your public duties and your personal interests – financial or otherwise.
- 2) You must comply with the rules of the Board on handling conflicts of interests set out in paragraphs 10 to 14.
- 3) You must remove yourself from the discussion or determination of matters in which you have a financial interest. In matters in which you have a non-financial interest, you should not participate in the discussion or determination of a matter where the interest might suggest a danger of bias.

- 4) When considering what non-financial interests should be declared, you should ask yourself whether a member of the public, acting reasonably, would consider that the interest in question might influence your words, actions or decisions.
- 5) It is your responsibility to ensure that you are familiar with the Board's rules on handling conflicts of interests, that you comply with these rules and that your entry in the Board's register of members' interests is accurate and up-to-date.
- 6) You have a personal interest in any business of your Internal Drainage Board where either:
  - (a) it relates to or is likely to affect;
    - i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your Internal Drainage Board;
    - ii) any body:
      - (aa) exercising functions of a public nature;
      - (ab) directed to charitable purposes; or
      - (ac) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
    - iii) any employment or business carried on by you;
    - iv) any person or body who employs or has appointed you;
    - v) any person or body, other than a relevant Internal Drainage Board, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
    - vi) any person or body who has a place of business or land in your Internal Drainage Board's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
    - vii) any contract for goods, services or works made between your Internal Drainage Board and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
    - viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
    - ix) any land in your Internal Drainage Board's area in which you have a beneficial interest;
    - x) any land where the landlord is your Internal Drainage Board and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

- xi) any land in the Internal Drainage Board's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
  - (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of:
    - i) other council tax payers, or
    - ii) ratepayers or inhabitants of the electoral division affected by the decision;
- 7) In paragraph 9.6(b), a relevant person is—
- (a) a member of your family or any person with whom you have a close association;
  - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
  - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
  - (d) any body of a type described in paragraph 9.6(a)i or 9.6(a)ii.

## **10. Disclosure of personal interests**

- 1) Subject to paragraphs 10.2 to 10.5, where you have a personal interest in any business of your Internal Drainage Board and you attend a meeting of your Internal Drainage Board at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- 2) Where you have a personal interest in any business of your Internal Drainage Board which relates to or is likely to affect a person described in paragraph 9.6(a)i or 9.6(a)ii(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- 3) Where you have a personal interest in any business of the Internal Drainage Board of the type mentioned in paragraph 9.6(a)viii, you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- 4) Paragraph 10.1 only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- 5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your Internal Drainage Board's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

## **11. Prejudicial interest generally**

- 1) Subject to paragraph 11.2, where you have a personal interest in any business of your Internal Drainage Board you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- 2) You do not have a prejudicial interest in any business of the Internal Drainage Board where that business:
  - (a) does not affect your financial position or the financial position of a person or body described in paragraph 9;
  - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 4; or
  - (c) relates to the functions of your Internal Drainage Board in respect of—
    - i) an allowance, payment or indemnity given to members;
    - ii) any ceremonial honour given to members; and
    - iii) setting drainage rates or a special levy under the Land Drainage Act 1991.

## **12. Effect of prejudicial interests on participation of debate**

- 1) Prejudicial interest shall be treated as set out in the Board's Standing Orders, Order of debate:

*'Members must declare where they have an interest in a matter to be discussed, the Chairman then deciding what if any part the member can take in any ensuing discussion and whether the member can vote'*

### Part 3

#### Registration of Members' Interests

## **13. Registration of members' interests**

- 1) Subject to paragraph 14, you must, within 28 days of:
  - (a) this Code being adopted by or applied to your Internal Drainage Board; or
  - (b) your election or appointment to office (where that is later),register in your Internal Drainage Board's register of members' interests details of your personal interests where they fall within a category mentioned in paragraph 9.1(a), by providing written notification to your Internal Drainage Board's General Manager.

- 2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph 13.1, register details of that new personal interest or change by providing written notification to your Internal Drainage Board's General Manager.

#### **14. Sensitive information**

- 1) Where you consider that the information relating to any of your personal interests is sensitive information, and your Internal Drainage Board's General Manager agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 14.
- 2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 14.1 is no longer sensitive information, notify your Internal Drainage Board's General Manager asking that the information be included in your Internal Drainage Board's register of members' interests.
- 3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

# CALDICOT & WENTLOOGE LEVELS INTERNAL DRAINAGE BOARD

## REGISTER OF MEMBER'S INTERESTS

Declare below under the appropriate headings your interests and put "none" where no such interests are under the heading.

### PART ONE – FINANCIAL INTERESTS

#### (1) EMPLOYMENT, BUSINESS TRADE OR PROFESSION

(a) Description, job trade or business carried out by myself

.....

(b) Name of employer, or state "self-employed"

.....

(c) Name of any firm in which I am a partner

.....

(d) Name of any company in which I am a remunerated Director

.....

#### (2) SPONSORSHIP

Name of any person or body who has made a payment to me in respect of my election, or any expenses incurred by me carrying out any duties.

.....

.....



**(3) INTERESTS IN COMPANIES OR SECURITIES**

Name of any corporate body with a business or land in the Board's area and in which I have a beneficial interest in a class of securities of that body which exceeds the nominal value of £25,000 or  $\frac{1}{100}$  of the total issued share capital of that body.

.....

.....

**(4) CONTRACTS WITH THE BOARD**

Description of all contracts for goods or services made with the board and:

- (a) myself, or
- (b) an individual, or
- (c) a company of which I am a director or partner, or
- (d) in which I have an interest as described in (3) above.

.....

.....

**(5) LAND OR BUILDINGS IN THE BOARD'S AREA**

Address or other description (sufficient to identify the location) of any property in which I have a beneficial interest as owner, lessee or tenant in the Board's area.

.....

.....

**(6) CORPORATE TENANCIES**

Address or other descriptions (sufficient to identify the location) of any land where the Board is the landlord and the tenant is a firm in which I am a partner, remunerated director or which falls within the description of (3) above.

.....

.....

**(7) LICENCES TO OCCUPY LAND OR BUILDINGS**

Address or other description (sufficient to identify the location) of any property in which I have a beneficial interest as owner, lessee or tenant in the Board's area.

.....  
.....

**(8) GIFTS AND HOSPITALITY**

The interests of any person from whom you have received a gift or material advantage with an estimated value of at least £25, which in any way relates to the membership or running of the Board; received during your current term of membership (i.e. since you were last elected/appointed).

.....  
.....

**PART TWO – OTHER INTERESTS**

List of any membership of or position of general control of management in any:

i) Body to which I have been appointed or nominated by the Board as its representative:

Name .....

ii) Public Authority or body exercising functions of a public nature:

Name .....

iii) Company, industrial and provident society, charity, or body directed to charitable purposes:

Name .....

iv) Body whose principle purpose includes the influence of public opinion or policy:

Name .....

v) Trade Union or professional association:

Name .....

**I hereby declare that the above interests are a true and fair record. I am aware that I must within 28 days of becoming aware of any changes to the interests specified in parts one and two above, provide written notification to the Board of that change. I also declare that as a Member of the Caldicot and Wentlooge Levels Internal Drainage Board, I have read, accept and will abide by the Board's Members Code of Conduct.**

Signed .....

Name .....

Date .....

# CALDICOT & WENTLOOGE LEVELS INTERNAL DRAINAGE BOARD

## EMPLOYEES CODE OF CONDUCT

### 1. INTRODUCTION

The Board's Code of Conduct is set out below. It covers the main standards of behaviour the Board requires from employees and includes the Board Rules, which employees need to follow.

Nothing in this code shall infringe the rights and duties of employees under the Whistle Blowing Confidential Reporting Code.

**The Board's Rules and the examples of misconduct are not exhaustive.** All employees are under a duty to comply with the standards of behaviour and performance required by the Board and to behave in a reasonable manner at all times.

A breach of the Board's Rules may result in disciplinary action. A single instance of gross misconduct may result in dismissal without notice. Examples of misconduct, which the Board normally regards as gross misconduct are included in the Board Rules

### 2. BOARD RULES

#### 2.1 Attendance and Timekeeping

Employees are required to:

- a) comply with the rules relating to notification of absence.
- b) arrive at work promptly, ready to start work at their contracted starting times.
- c) remain at work until their contracted finishing times.

Employees must obtain management authorisation if for any reason they wish to arrive later or leave earlier than their agreed normal start and finish times.

The Board reserves the right not to pay employees in respect of working time lost because of poor timekeeping.

Persistent poor timekeeping may result in disciplinary action.

## 2.2 Standards and Conduct

Employees are required to:

- a) behave in a way that does not constitute unlawful discrimination.
- b) comply with all reasonable management instructions.
- c) comply with the Board's operating policies and procedures
- d) co-operate fully with their colleagues and with management,
- e) maintain satisfactory standards of performance at work
- f) to ensure that any queries received from the media are referred immediately to management. Employees must not attempt to deal with queries themselves.
- g) to ensure the maintenance of acceptable standards of politeness.
- h) to take all necessary steps to safeguard the Board's public image and preserve positive relationships with:
  - i) Local Authorities
  - ii) Members of the public
  - iii) Other associates
  - iv) Other Boards
  - v) Ratepayers of the District

## 2.3 Flexibility

Employees may be required and to comply with any reasonable request wherever practicable:

- a) from time to time to undertake duties outside their normal job remit.
- b) from time to time to work at locations other than their normal place of work.
- c) to work additional hours at short notice, in accordance with the needs of the Service
- d) to undertake standby and call out duties as required by the Board

**\* the above does not affect the individual's employment rights**

## **2.4 Conflicts of Interest**

Employees must declare an interest in any of the Board's or Group's business, where there is a direct or indirect personal or prejudicial interest. Such interests are clearly defined in the Members Code of Conduct which employees are required to read..

## **2.5 Confidentiality**

Employees are required to keep confidential, both during their employment and at any time after its termination, all information gained in the course of their employment about the Board's business, members, colleagues or ratepayers, except as required by law or in the proper course of their duties.

Employees are not permitted to engage in any activity outside their employment with the Board, which could reasonably be interpreted, as competing with the Board.

Examples of confidentiality – this list is not exhaustive, it is intended for guidance only:-

- Any matters relating to employment/contracts of employment
- Wages, salaries, bonuses etc
- Personal details of employees, Board Members, ratepayers
- Any financial information relating to the Board

## **2.6 Work Clothing and Personal Protective Equipment**

Employees are required to:

- a) wear the appropriate clothing for the role in which they are employed.
- b) wear or use any personal protective equipment as instructed by and supplied by the Board

## **2.7 Health and Safety**

### **2.7.1 General**

Employees are required:

- a) make an entry in the Board's Accident Book of all accidents, however small.

- b) report all accidents, however small, as soon as possible to the Board's Health and Safety Officer
- c) observe the Board's health and safety procedures
- d) to ensure that safety equipment and clothing are always used in accordance with the Board's health and safety procedures.
- e) to gain an understanding of the Board's health and safety procedures,

### **2.7.2 On Site Rules**

Employees working on site are required to

- a) follow any site-specific rules
- b) wear any protective masks, safety shoes and other clothing required on site at all times during their working hours.

### **2.7.3 Smoking**

In order to comply with the Smokefree Law ( 1.July 2007) Employees must not smoke (or allow any non-employees to smoke):

- a) in any of the Board's Buildings
- b) in any of the Board's vehicles or,
- c) anywhere on site or outside on the Board's premises where it would cause:
  - i) an unpleasant environment for non-smokers
  - ii) offence to others,
  - iii) the harmful effects of second-hand smoke to be experienced by others

## **2.8 Property and Equipment**

Employees must not without permission of the General Manager:-

- a) except for use on authorised Board business, employees are not permitted to make use of the Board's telephone, fax, postal or other services.

- b) remove Board or site property or equipment from Board or site premises unless for use on authorised Board business

On termination of their employment employees must return all Board property, such as keys, laptops, mobile telephones, vehicles, documents or any other items belonging to the Board. This list is not exhaustive.

Where an employee damages property belonging to the Board, either through misuse or carelessness or negligence, the Board reserves the right to make a deduction from the employee's pay in respect of the costs of repairing or replacing any such damaged property.

## **2.9 Personal Property**

Personal possessions on Board premises and Board's vehicles are the sole responsibility of employees who should ensure that their personal possessions are kept in a safe place at all times.

## **2.10 Environment**

In order to provide a cost-effective service, employees are requested :

- a) handle all materials with care.
- b) switch off equipment when it is not in use
- c) to use the Board's equipment, materials and services wisely.
- d) try to reduce wastage and the subsequent impact on the environment by ensuring that they close windows, avoid using unnecessary lighting or heating or leaving taps running.

## **2.11 Changes in Personal Details**

To ensure the prompt payment of monies due to you and ensure the Board is able to contact the you or another designated person in case of an emergency, employees must notify the Board as soon as possible of any change of:

- a) name
- b) address
- c) marital status



- d) next of kin
- e) telephone number
- f) bank account (which effects where monies due to you from the Board are received)

This will also help the Board to maintain accurate personal details in compliance with the Data Protection Act 1998.

## **2.12 Gross Misconduct**

Examples of behaviour which the Board treats as gross misconduct are set out below, Such behaviour may result in dismissal without notice.

**(This list is not exhaustive):**

- assault, acts of violence or aggression
- breach of confidentiality, including the unauthorised disclosure of Board business to the media or any other party
- bringing the Board into disrepute
- falsification of records or other Board documents, including those relating to obtaining employment
- gambling, bribery or corruption
- possession or use of or being under the influence of alcohol on Board premises or during working hours
- possession or use of or being under the influence of non-medical drugs on Board premises or during working hours
- refusal to carry out reasonable management instructions
- serious breach of the health and safety policies and procedures
- serious or gross negligence
- serious insubordination
- sleeping during working hours
- theft, dishonesty or fraud

- unacceptable use of obscene or abusive language
- unauthorised accessing or use of computer data
- unauthorised copying of computer software
- unlawful discrimination, including acts of indecency or harassment wilful damage to Board, employee or ratepayers property



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**[www.caldandwentidb.gov.uk](http://www.caldandwentidb.gov.uk)**

## Employees Code of Conduct

I confirm receipt of a copy of the Employees Code of Conduct.

Name .....

Signed .....

Date .....

# **CALDICOT AND WENTLOOGE LEVELS INTERNAL DRAINAGE BOARD**

## **WHISTLE BLOWING CONFIDENTIAL REPORTING CODE**

### **POLICY AIM**

The aim of this policy is to maintain a working environment where people, whether they are employees of the Board, suppliers, contractors, members or private individuals co-opted on to committees of the Board are able to raise concerns where they think there is misconduct or malpractice, and to know that their concerns will be taken seriously and investigated. The policy is intended to give confidence to employees to whistleblow and, as such, it incorporates statutory provision for protection under the Public Interest Disclosure Act 1998. Members of the public may also have concerns. That is why we have produced this whistle-blowing policy not only to help our staff but we have published this document on our website to enable the public to also contact us with their concerns.

### **OUR COMMITMENT**

The Board attaches high priority to ethical standards and probity and is committed to taking appropriate action where misconduct or malpractice is identified. We are committed to being open, honest and accountable. The Board will protect both former and current staff from being penalised for raising concerns about misconduct or malpractice provided that allegations are made in good faith and without mischievous or malicious intent. The following are affected by this policy:

- All former and current employees including part time, agency and temporary staff
- Board Members
- Private individuals co-opted on to committees of the Board
- Suppliers and those providing services under a contract whether working for the Board on Board premises or their own premises.

## 1. INTRODUCTION

Employees are often the first to realise that there may be something seriously wrong within the Board. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Board. They may also fear harassment or victimisation. In line with the policy statement we encourage employees and others that we work with, who have serious concerns about any aspect of the Board's work, to come forward and voice those concerns. It is recognised that most cases will be confidential. We wish to make it clear that they can do so without fear of victimisation, subsequent discrimination or disadvantage. This 'Whistleblowing – Confidential Reporting Code' aims to encourage and make it possible for employees to raise serious concerns within the Board rather than overlooking a problem or 'blowing the whistle' outside the Board.

## 2. AIM AND SCOPE OF THE POLICY

This policy aims to:

- encourage anyone to feel confident in raising serious concerns and to question and act on their concerns about practice
- provide avenues for anyone to raise those concerns and receive feedback on any action taken
- make sure that anyone receives a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- reassure anyone that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in good faith.

There are existing procedures in place which make it possible for staff to lodge a grievance relating to their own employment. This policy is intended to cover major concerns that fall outside the scope of other policies and procedures. These concerns include:

- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other employees
- damage to the environment
- the unauthorised use of public funds

- the Board's Constitution (including Standing Orders or Other Regulations etc) not being observed or are being breached by members and/or officers
- possible fraud and corruption
- sexual or physical abuse of clients
- other unethical conduct
- information relating to any of the above being deliberately concealed or attempts being made to conceal the same.

This means that any serious concerns anyone has about any aspect of service provision or the conduct of officers or members of the Board or others acting on behalf of the Board can be reported under this policy. This may be about something that:

- makes anyone feel uncomfortable in terms of known standards, their experience
- or the standards they believe the Board subscribes to:
- is against Financial Regulations, Board Procedure Rules
- falls below established standards of practice
- amounts to improper conduct.

What is not covered? This policy cannot be used to deal with serious or sensitive matters that are covered by other procedures. Such procedures include the following:

- Staff complaints about their employment. These complaints are dealt with through our Grievance Procedure
- Customers' complaints about our services. These complaints are dealt with through our Complaints Procedure
- Allegations against members. Those wishing to whistleblow on members should do so directly to the General Manager.

### **3. SAFEGUARDS**

The Board is committed to good practice and high standards and wants to be supportive of employees. It is recognised that the decision to report a concern can be a difficult one to make. If what is being reported is true, there should be nothing to fear because the person reporting will be doing their duty to the employer and those for whom they are providing a service. The Board will not tolerate any harassment or victimisation (including informal pressures) and will take suitable action in agreement with the Harassment at Work policy to protect anyone when a concern is raised in good faith. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect staff.

### **4. CONFIDENTIALITY**

All concerns will be treated in confidence and every effort will be made not to reveal anyone's identity if they so wish. At the appropriate time however, you may need to come forward as a witness.

### **5. ANONYMOUS ALLEGATIONS**

This policy encourages anyone to put their name to an allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Board. In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources.

### **6. UNTRUE ALLEGATIONS**

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the person concerned. If, however, they make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them where appropriate.

## 7. HOW TO RAISE A CONCERN

***If the person works for the Board***, they should normally raise their concerns with their line manager. This depends however on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if they believe that management is involved they should approach the General Manager, or if he/she is absent or the complaint relates to him/her, the Finance and Support Services Manager, alternatively they can approach a Board member directly. Concerns may be raised verbally or in writing. Anyone who wishes to make a written report is invited to use the following format:

- the background and history of the concern (giving relevant dates)
- the reason why they are particularly concerned about the situation.

The earlier the concern is expressed the easier it is to take action. Although no one is expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person being contacted that there are reasonable grounds for their concern. Advice and guidance on how to pursue matters of concern may be obtained from:

- The General Manager
- The Finance and Support Services Manager

It may be appropriate to consider discussing a concern with a colleague first and it may be easier to raise the matter if there are two (or more) of you who have had the same experience or concerns. Anyone may also invite their trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns they have raised. Unions and professional associations may also raise matters of concern on behalf of their members employed by the Board. If anyone prefers not to raise their concern through their line manager, they may report it directly to the Internal Auditor.

***If you are a member of the public you should contact the General Manager directly or, in his absence, the Finance and Support Services Manager.***



## 8. HOW THE BOARD WILL RESPOND

The Board will respond to any concerns. Do not forget that testing out concerns is not the same as either accepting or rejecting them. Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary process
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form should it take. The overriding principle which the Board will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example fraud or discrimination issues) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is carried out. Within ten working days of a concern being raised, a line manager, the General Manager or the Finance and Support Services Manager, depending upon who has been approached, will write:

- advising that the concern has been received
- advising how we propose to deal with the matter
- giving an estimate of how long it will take to provide a final response
- advising whether any initial enquiries have been made
- supplying information on staff support mechanisms where appropriate
- advising whether further investigations will take place and, if not, why not.

The amount of contact between the officers considering the issues and the person raising them will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Board will get further information from them. The Board will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, if it is necessary to give evidence in criminal or disciplinary proceedings, the Board will arrange for advice about the procedure. The Board accepts that individuals need to

be confident that the matter has been properly addressed. Therefore, subject to legal constraints, we will tell them the outcome of any investigation.

## **9. THE RESPONSIBLE OFFICER**

The General Manager has overall responsibility for the maintenance and operation of this policy. In the absence of the General Manager, the Finance and Support Services Manager will act on his/her behalf. They maintain a record of concerns raised and the outcomes (but in a form which does not endanger anyone's confidentiality) and will report as necessary to the Board.

## **10. HOW THE MATTER CAN BE TAKEN FURTHER**

This policy is intended to provide anyone with the opportunity to raise concerns. If internal advice is required before starting action, you may talk to:

- an immediate line manager, the Finance and Support Services Manager or the General Manager
- the local union branch.

The Board hopes everyone will be satisfied with any action taken. If they are not, and they feel it is right to take the matter outside the Board, the following are possible contact points:

- the District Auditor
- UNISON Whistleblowers hotline 0845 355 0845
- the local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- the police
- the independent charity Public Concern at Work. Their lawyers can give free confidential advice at any stage about how to raise a concern about serious malpractice at work. The charity's contact details are: 020 7404 6604, 020 7404 6576, [www.pcaw.co.uk](http://www.pcaw.co.uk), [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk) (enquiries), [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk) (helpline), Public Concern at Work, Suite 306, 16 Baldwin Gardens, London EC1N 7RJ

Contact points are not exhaustive.

If the matter is taken outside the Board, please make sure that you do not disclose confidential information. Check with the General Manager or the Finance and Support Services Manager about that.

## **11. WHISTLE BLOWING DO'S AND DON'TS**

### **Do**

- keep calm
- think about the risks and outcomes before you act
- remember you are a witness, not a complainant
- phone Public Concern at Work for advice on 020 7404 6604

### **Don't**

- forget there may be an innocent or good explanation
- become a private detective
- use whistleblowing procedures to pursue a personal grievance
- expect thanks.

## **12. MONITORING**

The policy will be reviewed again when there are any changes in legislation.

# CALDICOT & WENTLOOGE LEVELS INTERNAL DRAINAGE BOARD

## CORPORATE BRIBERY ACT POLICY

### Policy Statement - Anti Bribery

The Board and its employees are committed to preventing bribery and maintaining a culture within the organisation in which bribery is never acceptable. Bribery is a criminal offence. We do not, and will not, pay bribes or offer improper inducements to anyone for any purpose, nor do we or will we, accept bribes or improper inducements. To use a third party as a conduit to channel bribes to others is a criminal offence. We do not, and will not, engage indirectly in or otherwise encourage bribery. We are committed to the prevention, deterrence and detection of bribery. We have zero-tolerance towards bribery whether internal or external to the Board. We aim to maintain continuous anti-bribery compliance, rather than as a one-off exercise.

**Bribery** is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage. Any such advantage is referred to as a "business advantage" in this policy. More guidance is given in Appendix 1. It is unacceptable to:

- give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given
- give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure
- accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them
- accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by the Board in return
- retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy
- engage in activity in breach of this policy.

## **1. Objective of this policy**

This policy provides a coherent and consistent framework to enable Board Members and employees to understand and implement arrangements enabling compliance. In conjunction with related policies and key documents it will also enable Board Members and employees to identify and effectively report a potential breach. The Board requires that Board Members and all employees, including those permanently employed, temporary agency staff, consultants and contractors:

- act honestly and with integrity at all times and safeguard the organisation's resources for which they are responsible
- comply with the spirit, as well as the letter, of the laws and regulations of all jurisdictions in which the Board operates, in respect of the lawful and responsible conduct of activities.

## **2. Scope of this policy**

This policy applies to all of the Board's activities. For partners, joint ventures, agents and suppliers, we will seek to promote the adoption of policies consistent with the principles set out in this policy. Within the Board, the responsibility to control the risk of bribery occurring resides with all Board Members, the General Manager and budget holders. This policy covers all Board Members and all employees of the Board, including those permanently employed, temporary agency staff, contractors, agents, volunteers and consultants.

## **3. The Board's commitment to action**

The Board commits to:

- setting out a clear anti-bribery policy and keeping it up to date
- making all Members and employees aware of their responsibilities to adhere strictly to this policy at all times
- training all Members and employees so that they can recognise and avoid the use of bribery by themselves and others
- encouraging its Members and employees to be vigilant and to report any suspicions of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately
- rigorously investigating instances of alleged bribery and assisting police and other appropriate authorities in any resultant prosecution
- taking firm and vigorous action against any individual(s) involved in bribery
- provide information to all Members and employees to report breaches and suspected breaches of this policy
- include appropriate clauses in contracts to prevent bribery.

#### **4. Facilitation payments**

Facilitation payments are not tolerated and are illegal. Facilitation payments are unofficial payments made to Members or employees in order to secure or expedite actions.

#### **5. Gifts and hospitality**

This policy does not change the requirements of gifts and hospitality policy as detailed in the Employees Code of Conduct and Financial Regulations. This makes it clear that sample tokens of modest value bearing the name or insignia of the organisation giving them (for example, pens, diaries or calendars) whether given personally, or received in the post, may be retained. You should refuse the offer or invitation (or return the gift) unless the General Manager has advised you that it may be accepted or retained.

#### **6. Public contracts and failure to prevent bribery**

Under the Public Contracts Regulations 2006 (which gives effect to EU law in the UK), a company is automatically and perpetually debarred from competing for public contracts where it is convicted of a corruption offence or “the offence of bribery”. Organisations that are convicted of “failing to prevent bribery” are not automatically barred from participating in tenders for public contracts. The Board has the discretion to exclude organisations convicted of this offence.

#### **7. Member and Officer Responsibilities**

All Board Members and employees are required to avoid any activity that breaches this policy. The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all Board Members and employees working for the Board or under its control. Members and employees must:

- ensure that they read, understand and comply with this policy
- raise concerns as soon as possible if they believe or suspect that a conflict with this policy has occurred, or may occur in the future.

#### **8. Board Members**

The Members Code of Conduct requires that where a Board Member acts as a representative of the Board he or she must not use or attempt to use their position as a Member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage. As well as the possibility of civil action and criminal prosecution, Board Members that breach this policy may be subject to referral to the Standards Committee and if convicted of a criminal offence may be debarred from the Board. More guidance is given in Appendix 2.

## **9. Employees**

As well as the possibility of civil action and criminal prosecution, employees that breach this policy will face disciplinary action, which could result in summary dismissal for gross misconduct. Dismissal can still be an outcome with or without civil action or criminal prosecution. More guidance is given in Appendix 2.

## **10. Raising a concern**

The Board is committed to ensuring that all of us have a safe, reliable, and confidential way of reporting any suspicious activity. It wants Members and each and every employee to know how they can raise concerns. We all have a responsibility to help detect, prevent and report instances of bribery. If you have a concern regarding a suspected instance of bribery or corruption, please speak up – your information and assistance will help. The sooner you act, the sooner it can be resolved. There are multiple channels to help Members and employees to raise concerns. Please refer to the Board's Anti Fraud and Corruption Policy and determine your favoured course of action. Preferably the disclosure will be made and resolved internally (e.g. to your Line Manager/General Manager). Where internal disclosure proves inappropriate, concerns can be raised with the External Auditor, Internal Auditor, relevant professional bodies or regulatory organisations. Concerns can be reported anonymously in accordance with the Board's Whistle blowing and Anti-Fraud and Corruption policies. In the event that an incident of bribery is reported, the Board will act as soon as possible to evaluate the situation. There is a clearly defined Anti Fraud and Corruption policy which set out procedures for investigating fraud, misconduct and non-compliance issues and these will be followed in any investigation of this kind. Members and Employees who refuse to accept a bribe, or those who raise concerns can understandably be worried about the repercussions. The Board aims to encourage openness and will support anyone who raises a genuine concern in good faith under this policy, even if they turn out to be mistaken. We are committed to ensuring nobody suffers detrimental treatment through refusing to take part in bribery, or because of reporting a concern in good faith.

If you have any questions about these procedures, please contact the General Manager.

# Appendix 1

## 1. The Bribery Act

There are four key offences under the Act:

- Bribery of another person (section 1)
- accepting a bribe (section 2)
- bribing a foreign official (section 6)
- failing to prevent bribery (section 7)

The Bribery Act 2010 ([http://www.opsi.gov.uk/acts/acts2010/ukpga\\_20100023\\_en\\_1](http://www.opsi.gov.uk/acts/acts2010/ukpga_20100023_en_1)) makes it an offence to offer, promise or give a bribe (Section 1). It also makes it an offence to request, agree to receive, or accept a bribe (Section 2). Section 6 of the Act creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business. There is also a corporate offence under Section 7 of failure by a commercial organisation (CWL Internal Drainage Board is a commercial organisation under the Act) to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation. An organisation will have a defence to this corporate offence if it can show that it had in place adequate procedures designed to prevent bribery by or of persons associated with the organisation.

## 2. Penalties

An individual guilty of an offence under sections 1, 2 or 6 is liable:

- On conviction in a magistrates court, to imprisonment for a maximum term of 12 months, or to a fine not exceeding £5,000, or to both
- On conviction in a crown court, to imprisonment for a maximum term of ten years, or to an unlimited fine, or both Organisations are liable for these fines and if guilty of an offence under section 7 are liable to an unlimited fine. Bribery is a serious offence against the Board and employees will face disciplinary action if there is evidence that they have been involved in this activity, which could result in summary dismissal for gross misconduct. Disciplinary action will be taken in addition to, or instead of, criminal proceedings, depending on the circumstances of each individual case. Board Members will have to resign as a Member of the Board.



### 3. Adequate procedures

Whether the procedures are adequate will ultimately be a matter for the courts to decide on a case-by-case basis. Adequate procedures need to be applied proportionately, based on the level of risk of bribery within the Board. It is for individual organisations to determine proportionate procedures in the recommended areas of six principles. These principles are not prescriptive. They are intended to be flexible and outcome focused, allowing for the different circumstances of organisations.

Small organisations will, for example, face different challenges to those faced by large multi-national enterprises. The detail of how organisations apply these principles will vary, but the outcome should always be robust and effective anti-bribery procedures.

- i. **Proportionate procedures** An organisation's procedures to prevent bribery by persons associated with it are proportionate to the bribery risks it faces and to the nature, scale and complexity of the organisation's activities. They are also clear, practical, accessible, effectively implemented and enforced.
- ii. **Top level commitment** The top-level management (be it a board of directors, the owners or any other equivalent body or person) are committed to preventing bribery by persons associated with it. They foster a culture within the organisation in which bribery is never acceptable.
- iii. **Risk Assessment** The organisation assesses the nature and extent of its exposure to potential external and internal risks of bribery on its behalf by persons associated with it. The assessment is periodic, informed and documented. It includes financial risks but also other risks such as reputational damage.
- iv. **Due diligence** The organisation applies due diligence procedures, taking a proportionate and risk based approach, in respect of persons who perform or will perform services for or on behalf of the organisation, to mitigate identified bribery risks.
- v. **Communication (including training)** The organisation seeks to ensure that its bribery prevention policies and procedures are embedded and understood throughout the organisation through internal and external communication, including training that is proportionate to the risks it faces.
- vi. **Monitoring and review** The organisation monitors and reviews procedures designed to prevent bribery by persons associated with it and makes improvements where necessary.

This Board is committed to proportionate implementation of these principles.

## Appendix 2

### 1. Gifts and Hospitality – Guidance for employees

As a Board employee there is a risk that accepting gifts and hospitality can place (or be seen to place) you under a sense of obligation to reciprocate a favour given. This sense of obligation in honest people is capable of being exploited. Gifts and hospitality can be offered and accepted purely as a normal courtesy and where refusal may give unnecessary offence to people and organisations. However, there are clear limits as to what is acceptable. You must be aware of your legal obligations in respect of these matters. The Board maintains a Hospitality Register where gifts and hospitality offered or received should be recorded. You should familiarise yourself with this register and in what circumstances you are obliged to use it. (Further details on hospitality registers can be found below). Any offer of a gift, favour or hospitality should be treated with extreme caution. The person or organisation making the offer may be doing (or seeking to do) business with the Board. If you have any concerns about gifts and hospitality you have received or been offered you should discuss these with your line manager. There are no circumstances in which it is permissible to seek gifts or hospitality. Failure to comply with any of the guidelines contained in this handbook could result in formal disciplinary action.

### 2. Guidelines

The following are some general considerations you should be aware of in your conduct as a Board employee when offered gifts or hospitality:

- standards of conduct acceptable in the private sector differ significantly from those expected in the public sector
- an Internal Drainage Board is a democratic body accountable to the local community and a statutory government body whose functions, powers and duties are governed by the law. A statutory government body may be required to comply with market disciplines in carrying out its functions but it is not, and cannot be, a profit-making trading enterprise.
- the public have a legitimate expectation that a Board's affairs will be conducted in a fair and honest manner without favour or disfavour to particular interests. Corruption or even suspicion of corruption is corrosive of public confidence in local democracy. In a real sense, therefore, the survival of local democracy depends on the values by which it operates.
- in all cases, the best protection against error is open adherence to high standards of conduct. The situations in which hospitality and gifts are accepted should be kept to a bare minimum. They should only be accepted when genuinely justifiable in the public interest and if they will not undermine public confidence in local government.

### **3. Legal Obligations**

You should make yourself fully aware of your legal obligations in respect of gifts and hospitality. The main legal provisions may be summarised as follows:

- it is an offence for employees to solicit or accept any gift or reward in return for allowing themselves to be influenced in any way in their official capacity
- employees should not accept any fee or reward whatsoever other than their proper remuneration
- where an employee is shown to have received any money, gift or consideration from a person or organisation holding or seeking to hold a contract with the Council, corruption is presumed unless the contrary is proved
- a breach may lead to disciplinary action and/or prosecution. Conviction by a Court may lead to a fine or imprisonment or both
- in addition to any disciplinary action (which may include dismissal) an employee may be liable to forfeiture of superannuation benefits

### **4. Contracts – Cancellation Clauses**

The Board's standing orders require contracts to include a clause entitling the Board to cancel and recover any loss if the contractor offers or gives an inducement or reward to any person. You should therefore report any such offer or gift without delay to the General Manager.

### **5. Hospitality Registers**

You should give written notice to the General Manager of an offer (or the receipt) of any gift, or of an invitation involving hospitality (wherever possible in advance of attendance), for inclusion in your service hospitality register. You should provide the following details:

- name of the person or organisation concerned
- details of any dealings (existing or proposed) between the person or organisation and the Board, which are known to you
- the nature of the gift offered or received
- the nature, location, date and time of the hospitality proposed
- Whether you have already refused the offer, returned the gift, or whether you are seeking approval for the acceptance of the gift or hospitality (and your reasons for doing so)

## 6. Approval from the General Manager

You should refuse the offer or invitation (or return the gift) unless the General Manager has advised you that it may be accepted or retained. If the General Manager is personally involved or requires clarification then the Chair should be consulted. When refusing an offer (or returning a gift) you should act with courtesy, informing the person or organisation of the Board's policy, so as to minimise the risk of causing offence, by using the standard Board wide letter. The acceptance of an offer or a gift or the retention of a gift will not be sanctioned:

- If it could reasonably be regarded as an inducement or reward, or as harmful to the Board's reputation as a statutory government body.
- Unless to do so can be justified as furthering the purposes or interests of the Board and as being in the public interest

When considering whether or not to sanction the acceptance or retention of a gift your General Manager will give specific consideration to the circumstances and timing of the offer.

## 7. Types of Gifts and Hospitality

The following gives specific guidance on handling issues related to different types of gifts and hospitality that you may be offered. Should you require further clarification or have an issue not covered in these points you should contact the General Manager.

**Gifts** Sample tokens of modest value bearing the name or insignia of the organisation giving them (for example, pens, diaries or calendars) whether given personally, or received in the post, may be retained unless they could be regarded as an inducement or reward. Other kinds of gift, including vehicles, watches, jewellery, food, clothes or the provision of credit facilities, are unacceptable in any circumstances. Single bottles of drink may be accepted providing that the gift is on a one-off basis and in accordance with the Board's procedure.

**'Free' Offers** The offer or supply of goods or other benefits 'free of charge' or at substantially below market prices should be treated with caution and rejected if there is any suspicion that this is being done as a disguised inducement or reward.

**Social Events** Participation in social gatherings, for example, golfing days or quasi-official events organised by a person or organisation doing business with the Board, (or hoping to do so), would not normally be justifiable in the public interest (even in the Employee's own time). It should be avoided unless, in exceptional circumstances, an employee is asked to attend as the nominated representative of the Board. Any attendances must be authorised by your line manager and entered into the service hospitality register (see above). This does not apply to social gatherings where the main purpose of the event is for the Board's Employees to meet with representatives of businesses, voluntary associations or community organisations.

**Lunches/Private Functions** Offers of lunch or dinner (and similar invitations) should only be accepted where there is no conflict with any of the guidance set out above. The scale and nature of the hospitality, if accepted, must be appropriate for the occasion and should not be excessively lavish or extravagant. The frequency and scale of hospitality should not be significantly greater than what the Board would be likely to provide in return. It should be restricted to occasions which have an explicit business purpose. Offers from a contractor to attend private functions should be refused.

**Arts/Sporting Events** Invitations to attend functions that have no bearing on the business relationship with a contractor should be refused. These would include tickets to the theatre, opera or sporting event, visits to night clubs or holidays abroad.

**Conferences** The travelling and subsistence costs of employees attending a course, conference or visit which might be used to promote new goods or services should be borne by the Board or the employee. This consideration should not preclude the acceptance of appropriate hospitality at genuine site visits, seminars or public professional/ business events. Acceptance by employees of hospitality whilst in attendance at conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal; this may include an invitation to the employee's spouse or partner.

**Hospitality Provided by the Board** On occasion, it may be desirable for the Board to provide hospitality for persons or organisations in the private sector. The hospitality provided should only occur where an expected benefit to the Board has been proven; it should be appropriate for the occasion and should receive the prior approval of the Chair and General Manager. All hospitality given should also be entered in your hospitality register (see above).

## **1. Gifts and Hospitality - Guidance for Board Members**

The acceptance of gifts and hospitality by Board Members is not merely an administrative issue. It reflects directly upon the perception of Members and of the Board as acting in the public interest or as acting for the personal advantage of friends and for what personal benefit Members can get out of their position.

The guidance sets out:

- (a) the principles which should be applied whenever a Member has to decide whether it would be proper to accept any gift or hospitality;
  - (b) a procedure for obtaining consent to accept a gift or hospitality when a Member considers that it would be proper to accept it;
  - (c) a procedure for declaring any gift or hospitality received and for accounting for any gift to the Board;
- and
- (d) circumstances where acceptance of gifts and hospitality is appropriate.

The Code does not apply to the acceptance of any facilities or hospitality, which may be provided to you by the Board.

## **2. GENERAL PRINCIPLES**

In deciding whether it is proper to accept any gift or hospitality, Members should apply the following principles. Such an offer should not be accepted if to do so would be in breach of one or more of these principles:

Principle 1 - never accept a gift or hospitality as an inducement or reward for anything you do as a Board Member

Principle 2 - hospitality should only be accepted if there is a commensurate benefit to the Board

Principle 3 - you should only accept gifts in very limited circumstances

Principle 4 - never accept a gift or hospitality if acceptance might be open to misinterpretation

Principle 5 - never accept a gift or hospitality which puts you under an improper obligation

Principle 6 - never solicit a gift or hospitality.

# **CALDICOT AND WENTLOOGE LEVELS INTERNAL DRAINAGE BOARD**

## **ANTI FRAUD AND CORRUPTION POLICY**

### **1. INTRODUCTION**

- 1.1 One of the basic principles of public sector organisations is the proper use of public funds. It is therefore important that all those working in the public sector are aware of the risk of wrongdoing and the means of enforcing the rules against it. The aim of this document is to set out the Board's policy and response plan for suspected or detected irregularities.

### **2. POLICY**

- 2.1 The Board is committed to a culture of honesty, openness and fairness. It is therefore also committed to the elimination of any fraud and corruption and to the rigorous investigation of any such cases and the punishment of those involved.
- 2.2 The Board actively encourages anyone having reasonable suspicion of irregularities to report them. It is also the policy of the Board that no employee should suffer as a result of reporting reasonably held suspicions.
- 2.3 The Board will always seek to recover fully all losses from those responsible in proven cases of fraud or corruption including all costs incurred in the pursuit of action against them.

### **3. DEFINITIONS**

- 3.1 There is no offence in law of Fraud but the term encompasses criminal offences involving the use of deception to obtain some benefit or to be to the detriment of some person or organisation.
- 3.2 Corruption, in its broadest sense, involves the taking of decisions for inappropriate reasons - e.g. awarding a contract to a friend, appointing employees for personal reasons, or the giving or accepting of gifts as an inducement to take some course of action on behalf of the organisation.

- 3.3 The Audit Commission defines **Fraud** as – “the intentional distortion of financial statements or other records by persons internal or external to the authority which is carried out to conceal the misappropriation of assets or otherwise for gain”.
- 3.4 **Corruption** is defined by the Commission as – “the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person”.

#### **4. DISCOVERY OF FINANCIAL IRREGULARITIES**

- 4.1 Financial irregularities can come to light in a number of ways. They are usually discovered as a result of: -
- (i.) employees becoming aware of or suspecting that management controls are not being complied with
  - (ii.) Routine work, or Audit testing
  - (iii.) Information (tip-off) from a third party, internal or external to the organisation.
- 4.2 Any allegation, but particularly an anonymous one, should be treated with caution and discretion, because what appears to be suspicious circumstances may have a reasonable explanation. There is also a risk that some reports may be malicious.
- 4.3 Under no circumstances should information about any suspected irregularity, be passed to a third party or to the media without the **express authority** from the General Manager.

#### **5. RESPONSIBILITY OF EMPLOYEES**

- 5.1 Employees who are aware of or suspect that a financial irregularity is taking place or has taken place have a duty to report their suspicions, since by doing nothing they may be implicating themselves. Employees who may feel uncomfortable referring suspicions to line managers are encouraged to contact a senior Board Member or the Internal Auditor. If these reporting lines are unacceptable to an employee, an alternative is available in the Board’s “Whistle Blowing Procedure”.
- 5.2 If an employee suspects that a financial irregularity of any type has occurred or is in progress, they should immediately inform their line manager. The only exception to this rule is where the employee



suspects that the *line manager* might be involved in the irregularity. In that event, the employee should advise the General Manager.

- 5.3 Employees must not attempt to investigate suspected irregularities themselves, or discuss their suspicions other than with more senior managers in accordance with the guidance above.
- 5.4 Examples of the types of financial irregularity that might be suspected are: -
  - (i.) Theft or abuse of Board property or funds
  - (ii.) Deception or falsification of records (e.g. fraudulent time or expense claims)

## **6. RESPONSIBILITIES OF MANAGERS**

- 6.1 It is management's responsibility to maintain system controls to ensure that the Board's resources are properly applied in the manner, on the activities, and within the limits approved. This includes responsibility for the prevention and detection of fraud and other irregularities.
- 6.2 Where a manager receives a report from an employee or other party of a suspected financial irregularity, they should immediately inform the General Manager, who in turn will notify the duly appointed Internal Auditor.
- 6.3 Line managers should not themselves attempt to undertake any detailed investigation of the possible irregularity and should not discuss their suspicions or those reported to them, other than with the General Manager and the Internal Auditor.
- 6.4 In cases of suspected irregularities, it is often necessary to suspend a suspect from duty. Before an employee is suspended, advice should be sought from the General Manager. The purpose of suspension is to prevent any suggestion of a suspect having the opportunity to continue with the act complained of, falsify or destroy records, influence witnesses, etc. Suspension is not a punishment nor does it imply any fault or guilt on the part of the employee concerned.

## **7. RESPONSE PLAN**

- 7.1 Upon receiving a report of suspected financial irregularity, the Internal Auditor will launch an investigation and a record will be made in the Board's Fraud Log. The Log will record all reported suspicions including those dismissed as unsubstantiated, minor or otherwise not investigated. It will also contain details of actions taken and conclusions reached. Significant matters will be reported to the Board and the Chair will be updated on the situation.
- 7.2 The Internal Auditor will confer with the General Manager to agree the action plan to be adopted in the light of the particular circumstances.
- 7.3 The Internal Auditor will notify the External Auditor of all frauds considered by the Board to be significant (the External Auditor is the Auditor that is appointed by the Wales Audit Office).
- 7.4 When a prima facie case of fraud or corruption has been established, the following procedure will apply regarding referral to the Police: -

### **7.4.1 Minor cases of Misappropriation of Cash, etc.**

1. In minor cases of suspected fraud and/or cash misappropriation by employees, as soon as reasonable evidence has been acquired and speedy action is considered imperative in order to prove fraud, the Internal Auditor may call in the Police without reference to other officers. he/she will however advise the General Manager as soon as is practicable afterwards.

### **7.4.2 Major and More Complex Frauds:**

1. The Internal Auditor will discuss the case with the General Manager, and consultation with the Police will normally be approved.
2. Depending upon Police advice, the case will be reviewed by the above officers who will decide if it should be referred officially to the Police for investigation. If it is decided to do so the General Manager will authorise the official complaint and notify the Chair of the Board.
3. Following the official report to the Police, any further investigations by the Internal Auditor that are considered necessary, will be planned and executed in close co-

operation with the Police, with the General Manager and Chair of the Board being kept informed.

4. The circumstances of the particular case will dictate when the Police and external auditors are informed, but it is recommended that the Police should be informed when: -
  - (i.) There is evidence of an irregularity which needs to be confirmed by witness interview if criminal prosecution is contemplated;
  - (ii.) Interview of the suspect is desirable to confirm the evidence of records;
  - (iii.) A prima facie case of fraud has been established but the perpetrator could not be identified.

## **8. INVOLVING THE POLICE**

- 8.1 The Internal Auditors and the General Manager may be reluctant to involve the Police in the belief that: -
  - (i.) They are only interested if the alleged criminal offence is greater than a specific monetary value
  - (ii.) They will not be interested because of the potential complexity of the issues involved which render little chance of a successful prosecution
  - (iii.) The organisation prefers to deal with such incidents internally, avoiding publicity but implementing dismissal and recovery through civil action
  - (iv.) The Police will want hard evidence before they will pursue investigations, but when it is provided they advise that the rules of evidence have not been complied with.
- 8.2 Protracted internal investigations often unnecessarily delay involving the Police, thereby diminishing the value of co-operation with them. However, properly organised investigations, conducted by individuals with an inside working knowledge of the organisation, will be of great assistance to any subsequent Police enquiry, and management should therefore not be discouraged from liaising with the Police as soon as the issues are identified.

# Publication Scheme for Caldicot and Wentlooge Levels Internal Drainage Board ('the Board')

## A. What is and why does, the Board use a Publication Scheme?

The Freedom of Information Act 2000 ("the Act") gives a general right of access to recorded information held by public bodies and sets out exemptions from that right and places a number of obligations on public bodies. The Board is deemed to be a 'non-departmental public body' for the purposes of the Act.

Further information about the Act can be obtained from The **Information Commissioner** (<http://www.ico.gov.uk>).

The Board is required to adopt and maintain a publication scheme setting out the classes of information it holds, the manner in which it intends to publish the information, and whether a charge will be made for the information. The purpose of a scheme is to ensure a significant amount of information is available, without the need for a specific request. Schemes are intended to encourage organisations to publish more information proactively and to develop a greater culture of openness. The Board's Publication Scheme is based on the Information Commissioner's Model Scheme at Appendix 1.

## B. What Information is routinely available?

The information is grouped into seven classes:

### 1. Who we are and what we do

Organisational information, structures, locations and contacts.

### 2. What we spend and how we spend it

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

### 3. What our priorities are and how we are doing

Strategies and plans, value for money indicators, audits, inspections and reviews.

### 4. How we make decisions

Decision making processes and records of decisions.

## **5. Our policies and procedures**

Current written protocols, policies and procedures for delivering our services and responsibilities, held by the Board's Engineer.

## **6. List and registers**

All statutory and non-statutory Registers.

## **7. The services we offer**

Information about the services we currently provide including leaflets, guidance and newsletters produced.

## **C. How to access the information?**

The information contained in each class may be accessed through a variety of means and in a number of formats where available. All information is available for inspection on request and by prior appointment, where appropriate copies can be made available. A charge may be applied to the information supplied, each case is considered individually.

### **On our web-site**

Much of this information will be available on our web-site. This information is non-chargeable.

# APPENDIX 1

## Model Publication Scheme

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

This publication scheme commits a Board 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 Board. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits a Board:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the Board and falls within the classifications below.
- To specify the information which is held by the Board 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 Board 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.

# 1. Classes of Information

## Who we are and what we do

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

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 public body

## 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.

## **2. The method by which information published under this scheme will be made available**

The Board 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 body, 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 body 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 a public body 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.

## **3. 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 public body 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 bodies, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public

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.

#### **4. Written Requests**

Information held by a public body 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.

# **CALDICOT AND WENTLOOGE LEVELS INTERNAL DRAINAGE BOARD**

## **DATA PROTECTION POLICY**

The Data Protection Act 1998 which replaced the 1984 Act received Royal assent on 16th July 1998 and came fully into force in 1999.

The Data Protection Act 1998 is designed to cover the collecting, storing, processing and distribution of personal data. It gives rights to individuals about whom information is recorded. This applies to all individuals whether they are an employee, elected member or a member of the public.

Employees and Board Members of Caldicot and Wentlooge Levels Internal Drainage Board have a duty to be aware of the Data Protection Act principles in order to comply with the law on data protection.

### **1. Data Protection Principles**

To meet the requirements of the Data Protection Act 1998, Caldicot and Wentlooge Levels Internal Drainage Board fully endorses the eight principles contained therein, adhering to them at all times:

- Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met.
- Personal data shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any way incompatible with that purpose or those purposes.
- Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- Personal data shall be accurate and where necessary, kept up to date.
- Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- Personal data shall be processed in accordance with the rights of data subjects under the Act.
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

- Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedom of data subjects in relation to the processing of personal data.

## **2. The Board's commitment to the Data Protection Principles**

The Board will do the following to comply with the principles:

- Observe fully the conditions regarding the fair collection and use of information.
- Meet its legal obligations to specify the purposes for which information is used.
- Collect and process appropriate information and only to the extent that it is required to fulfil operational needs or to comply with any legal requirements.
- Ensure the quality of information used.
- Ensure that information held is erased at the appropriate time.
- Ensure that the rights of individuals about whom we hold information can be exercised fully under the Act, including:
  - The right to be informed that processing is being undertaken
  - The right of access to their personal information
  - The right to correct, rectify, block or erase information that is regarded as wrong
- Take appropriate technical and organisational security measures to safeguard personal information.
- Ensure that personal information is not transferred abroad without suitable safeguards.

## **3. The Board adheres to its commitment to Data Protection by:**

- Allocation of specific responsibility for data protection to at least one person.
- Ensure that employees handling personal information are supervised appropriately.
- Requests for access to individual's own personal information are dealt with in a timely and courteous manner.
- Record any incidents of breach in data protection policy and take disciplinary action as appropriate.

- Undertake regular review of management of personal information and update when necessary.

#### **4. Access to personal information**

For information about how to request subject access to personal information please contact [kayleigh@caldandwentidb.gov.uk](mailto:kayleigh@caldandwentidb.gov.uk) (fee applicable)

# CALDICOT AND WENTLOOGE LEVELS INTERNAL DRAINAGE BOARD

## HEALTH AND SAFETY POLICY STATEMENT

The Health and Safety at Work etc., Act 1974 imposes a statutory duty on employers to ensure in so far as is reasonably practicable the health and safety of their employees whilst at work. This duty also extends to others who may be affected by that work.

Employees also have a statutory duty to take care of themselves and others who may be affected by their acts or omissions.

To enable these duties to be carried out, it is our intent to ensure that responsibilities for health and safety matters are effectively assigned, accepted and fulfilled at all levels within our organisational structure.

1. We will, so far as is reasonably practicable, ensure that:

- adequate resources are provided to ensure that proper provision can be made for health and safety
- risk assessments are carried and periodically reviewed
- systems of work are provided and maintained that are safe and without risks to health
- arrangements for use, handling, storage, and transport of articles and substances for use at work are safe and without risks to health
- all employees are provided with such information, instruction, training and supervision as is necessary to secure their safety and health at work and the safety of others who may be affected by their actions
- where appropriate, health surveillance will be provided to employees
- the provision and maintenance of all plant, machinery and equipment is safe and without risk to health
- the working environment of all employees is safe and without risks to health and that adequate provision is made with regard to the facilities and arrangements for their welfare at work
- the place of work is safe and that there is safe access to and egress from the work place
- monitoring activities are undertaken to maintain agreed standards

2. It is the duty of all employees at work:

- to take reasonable care for the health and safety of themselves and of other persons who may be affected by their acts or omissions at work and co-operate with us in fulfilling our statutory duties
- not to interfere with or misuse anything provided in the interest of health and safety

3. General:

- this Health and Safety Policy will be reviewed at least annually, amended and updated as and when necessary. Communication of any such changes will be made to all employees
- there are established and maintained effective procedures for consultation and communication between all levels of management and employees on all matters relating to health, safety and welfare