

Notice of Meeting

Council Overview & Scrutiny Committee



Date & time
Monday, 16 June
2014
at 3.15 pm

Place
Ashcombe Suite,
County Hall, Kingston
upon Thames, Surrey
KT1 2DN

Contact
Bryan Searle
Room 122, County Hall
Tel 020 8541 9019

Chief Executive
David McNulty

bryans@surreycc.gov.uk

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This meeting will be held in public. If you would like to attend and you have any special requirements, please contact Bryan Searle on 020 8541 9019.

Members

Mr Nick Skellett CBE (Chairman), Mr Eber A Kington (Vice-Chairman), Mr Mark Brett-Warburton, Mr Bill Chapman, Mr Stephen Cooksey, Mr Bob Gardner, Dr Zully Grant-Duff, Mr David Harmer, Mr David Ivison, Mrs Denise Saliagopoulos, Mr Chris Townsend, Mr Richard Walsh, Mrs Hazel Watson, Mr Keith Witham and Mrs Victoria Young

Ex Officio Members:

Mr David Munro (Chairman of the County Council) and Mrs Sally Ann B Marks (Vice Chairman of the County Council)

TERMS OF REFERENCE

The Committee is responsible for the following areas:

Performance, finance and risk monitoring for all Council services	HR and Organisational Development
Budget strategy/Financial Management	IMT
Improvement Programme, Productivity and Efficiency	Procurement
Equalities and Diversity	Other support functions
Corporate Performance Management	Risk Management
Corporate and Community Planning	Europe
Property	Communications
Contingency Planning	Public Value Review programme and process

PART 1 IN PUBLIC

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

2 DECLARATIONS OF INTEREST

To receive any declarations of disclosable pecuniary interests from Members in respect of any item to be considered at the meeting.

Notes:

- In line with the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, declarations may relate to the interest of the member, or the member's spouse or civil partner, or a person with whom the member is living as husband or wife, or a person with whom the member is living as if they were civil partners and the member is aware they have the interest.
- Members need only disclose interests not currently listed on the Register of Disclosable Pecuniary Interests.
- Members must notify the Monitoring Officer of any interests disclosed at the meeting so they may be added to the Register.
- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest.

3 CALL-IN OF CABINET DECISION: GRANT CRITERIA AND FUNDING OPPORTUNITIES GUIDE

(Pages 1
- 38)

Purpose of the report: Scrutiny of Services and Budgets

To scrutinise the Cabinet decision of 27 May 2014 to approve the Grant Criteria and Funding Opportunities Guide.

4 DATE OF NEXT MEETING

The next meeting of the Committee will be held at 10.30am on 2 July 2014.

David McNulty
Chief Executive
Published: Friday, 6 June 2014

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Council Overview & Scrutiny Committee
16 June 2014

Grant Criteria and Funding Opportunities Guide

Purpose of the report: Scrutiny of Services and Budgets

To scrutinise the Cabinet decision of 27 May 2014 to approve the Grant Criteria and Funding Opportunities Guide.

Introduction:

- 1 On 27 May 2014 the Cabinet made a decision to approve the Grant Criteria and Funding Opportunities Guide.
- 2 Nick Skellett, Chairman of the Council Overview & Scrutiny Committee, has called-in this Cabinet decision for review by the Committee.

Background:

- 3 At its meeting on 5 March 2014, the Council Overview & Scrutiny Committee made the following recommendation to the Cabinet:

That the effectiveness of voluntary sector grants be reviewed to ensure, where appropriate, these align with and support the objectives of the Family, Friends and Community Support programme.
- 4 The recommendation was supported by the Cabinet at its meeting on 25 March 2014 and referred to the Adult Social Care Directorate to take forward. Details of the recommendation and Cabinet response are set out in **Appendix 1**.
- 5 The Grant Criteria and Funding Opportunities Guide was considered by the Cabinet at its meeting on 27 May 2014 (see **Appendix 2**), and the following amendment was tabled:

‘Officers should ensure that any grants awarded are aligned with and support the Council’s Corporate Priorities.’

- 6 Details of the of the Cabinet’s decision are set out below:

That the Grant Criteria and Funding Opportunities Guide, as amended, be approved.

Reasons for Decisions:

To support the adoption of a Grant Criteria and Funding Opportunities Guide, which creates a clear process and ensures that the Council maintains a fit for purpose set of guidance and rules to govern the award of grants.

- 7 On 3 June 2014, Democratic Services received notification that Nick Skellett, Chairman of the Council Overview & Scrutiny Committee, had called-in this decision of the Cabinet. The reasons for the call-in are as follows:

- (a) The amendment and the report do not reflect the decision taken by the Cabinet on 25th March 2014 Item 5 (a) to support the COSC's recommended actions proposed in Paragraph c) for the Adult Social Care directorate to take forward:

“That the effectiveness of voluntary sector grants be reviewed to ensure, where appropriate, these align with and support the objectives of the Family, Friends and Community Support programme.”

- (b) There is also a need to clarify the requirements for disclosures of Members' interests and confidentiality agreements.

- 8 The call-in notice received by Democratic Services is attached as **Appendix 3**.
- 9 The officer response in relation to disclosures of interests and confidentiality agreements is set out **Appendix 4** (to follow).

The Call-in

- 10 The Committee is asked to consider the above evidence together with evidence presented at the call-in meeting in order to review the decision taken by the Cabinet.
- 11 The Committee is asked to decide whether or not it wishes to refer the decision back to the Cabinet for reconsideration.
- 12 If the Committee decides to refer the matter back to the Cabinet for reconsideration, the nature of the Committee’s concern must be stated.
- 13 The Member calling-in the decision has proposed that the Committee refer the decision back to Cabinet with the following recommendations:

- (a) That the Grant Criteria and Funding Opportunities Guide be amended to emphasise the importance of supporting the Council's Family, Friends & Community Support initiative (where appropriate) when approving grant applications, in line with the Cabinet's decision on 25 March 2014.
- (b) That clarification be provided about Members' requirements in relation to confidentiality agreements and disclosures of interests, as set out in paragraph 3.5.7 of the Grant Criteria and Funding Opportunities Guide.

For decision:

That the Committee reviews the Cabinet's decision made on 27 May 2014 in relation to the Grant Criteria and Funding Opportunities Guide, and decides whether it wishes to refer the decision back to the Cabinet for reconsideration.

Next steps:

Should the Select Committee decide to support the decision of the Cabinet; the decision will take effect on the date of the Select Committee meeting.

Should the Select Committee refer the decision back to the Cabinet, a meeting of the Cabinet must be held within seven working days of the Select Committee meeting. The Cabinet can then decide to amend the decision or not, before adopting a final decision.

Report contact: Bryan Searle, Senior Manager (Scrutiny & Appeals), Democratic Services

Contact details: 020 8541 9019/bryans@surreycc.gov.uk

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COUNCIL OVERVIEW & SCRUTINY COMMITTEE

Item under consideration: BUDGET MONITORING REPORT FOR JANUARY 2014

Date Considered: 5 March 2014

- 1 At its meeting on 5 March 2014 the Council Overview & Scrutiny Committee considered the latest Council-wide budget monitoring report, as well as a summary report highlighting the key issues arising from the budget workshops held by each of the Select Committees to consider their budgets for 2014/2015.
- 2 The Committee discussed the financial impacts on the County Council of the recent flooding, and it was noted that the Government had recently favourably revised the terms of the Bellwin scheme so that 100% of emergency spending incurred by the Council above a threshold of £1.5M could now be reclaimed. However, much of the current estimated £20M cost to the Council from flood damage related to capital expenditure, and this was not eligible for reimbursement under the Bellwin scheme. As the capital required for repairs could not reasonably be met from within the existing Environment & Infrastructure capital budget, it was felt that the only viable option would be to increase borrowing. It was also noted that this additional borrowing would need to be approved as a matter of urgency so that the schemes could be programmed for completion in the 2014/2015 financial year. The Committee agreed the following **recommendation**:
 - (a) That, as a matter of urgency, the Cabinet considers how the Council will fund the cost of repairs required as a result of the recent flooding in the County, including the option to approve additional capital borrowing in 2014/2015, with the interest payments arising from the loan in 2014/2015 and future years to be met from within the Directorate's revenue budget.

Select Committee Feedback from Budget Workshops

In addition to the pressures facing the Environment & Infrastructure budget as a result of the flooding, the Committee was particularly concerned about the issues facing Adult Social Care. These concerns related both to the overall budget and the shortage of trained social worker posts.

The Adult Social Care Select Committee had observed that the Friends, Family and Community Support savings expected in 2013/14 were not achieved and that the £15.5m savings expected in 2014/15 were similarly unobtainable and should be reviewed. In the light of this, and the difficulty of raising the cash limit available to the Directorate without imposing balancing reductions on the budgets of other directorates, the Committee agreed the following **recommendation**:

- (b) That the Cabinet accelerate the Family, Friends and Community Support programme from April 2014 to increase capacity using an Invest to Save bid to review open cases.

The Committee also agreed the following **recommendations**:

- (c) That the effectiveness of voluntary sector grants be reviewed to ensure, where appropriate, these align with and support the objectives of the Family, Friends and Community Support programme.
- (d) That initiatives which have the potential to increase value for money be discussed with providers.
- (e) That efforts to recruit and retain qualified staff to unfilled social worker posts be redoubled.

NICK SKELLETT
Chairman of the Council Overview & Scrutiny Committee
5 March 2013

CABINET RESPONSE TO COUNCIL OVERVIEW AND SCRUTINY COMMITTEE

**BUDGET MONITORING REPORT FOR JANUARY 2014
(considered by COSC on 5 March 2014)**

SCRUTINY COMMITTEE RECOMMENDATIONS:

- (a) That, as a matter of urgency, the Cabinet considers how the Council will fund the cost of repairs required as a result of the recent flooding in the County, including the option to approve additional capital borrowing in 2014/2015, with the interest payments arising from the loan in 2014/2015 and future years to be met from within the Directorate's revenue budget.
- (b) That the Cabinet accelerate the Family, Friends and Community Support programme from April 2014 to increase capacity using an Invest to Save bid to review open cases.
- (c) That the effectiveness of voluntary sector grants be reviewed to ensure, where appropriate, these align with and support the objectives of the Family, Friends and Community Support programme.
- (d) That initiatives which have the potential to increase value for money be discussed with providers.
- (e) That efforts to recruit and retain qualified staff to unfilled social worker posts be redoubled.

RESPONSE

- (a) The report on MTFP 2014-19 includes at recommendation 8 that Cabinet:
"receives a report in July 2014 on the impact of the severe weather on services work programmes and the council's revenue and capital budgets"
The budget monitoring report for February 2014 also provides an update on the Council's responses to the recent flooding.
- (b) As reported in paragraph 18 of the budget monitoring report, Cabinet notes that the Chief Executive and Chief Finance Officer have begun careful consideration and challenge of the Adult Social Care budget. The initial proposed updates are included in the cabinet paper on the Medium Term Financial Plan.

Cabinet would welcome bids from the service, supported by robust business cases, for invest to save money.

Finally, Cabinet supports COSC's recommended actions, proposed in (c), (d) and (e) for the Adult Social Care directorate to take forward.

**David Hodge
Leader of the Council
25 March 2014**

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SURREY COUNTY COUNCIL

CABINET

DATE: 27 MAY 2014



REPORT OF: MS DENISE LE GAL, CABINET MEMBER FOR BUSINESS SERVICES

LEAD OFFICER: JULIE FISHER, STRATEGIC DIRECTOR FOR BUSINESS SERVICES

SUBJECT: GRANT CRITERIA AND FUNDING OPPORTUNITIES GUIDE

SUMMARY OF ISSUE:

The Grant Criteria and Funding Opportunities Guide set out how the Council governs allocation of funds by officers via grants. The new procedure formalises the approach to grant awards, reflecting best practice and Council priorities.

RECOMMENDATIONS:

It is recommended that Cabinet approves the Grant Criteria and Funding Opportunities Guide.

REASON FOR RECOMMENDATIONS:

To support the adoption of a Grant Criteria and Funding Opportunities Guide, which creates a clear process and ensures that the Council maintains a fit for purpose set of guidance and rules to govern the award of grants.

DETAILS:

1. The Grant Criteria and Funding Opportunities Guide sets out how the Council governs allocation of funds via grants. The Guide covers all funding opportunities made available by the Council or jointly with its partners in support of achieving the council’s objectives. The new rules set out clear guidance on awarding grants and are referred to in the Procurement Standing Orders which were approved in a separate report to Cabinet in July 2013.
2. In 2012/13 the Council spent in the region of £40 million with Voluntary, Community and Faith Sector organisations (VCFS) of which £20 million was grant funded.
3. These Grant Criteria and Funding Opportunities are based on key principles which underpin this guidance:
 - To secure **value for money** through the award of grant funding to achieve strategic outcomes for Surrey residents.
 - To be **transparent** to our residents and the VCFS about how we allocate grant funding
 - To make sure we spend public money **legally** and to **protect** us from undue criticism or allegation of wrongdoing.

- To support **sustainability**, and **social value** objectives, and our public sector equality duty, encouraging the VCFS in Surrey.
4. A copy of the proposed new Grant Criteria and Funding Opportunities Guide is attached in **Annex 1**.
 5. In summary the Grant Criteria and Funding Opportunities Guide creates the following:
 - Three bidding levels; under £10,000, between £10,000 and £100,000 and over £100,000. These all have a specific and appropriate process for each level of funding
 - A clear structure and clarity of the process that is easy for bidding organisations to understand
 - Clear guidance on how we approve grants including evaluation, award, monitoring and sign off.
 - Instruction on the difference between grants and contract
 - Direction on how to select the appropriate outcome: grant or contract
 - The reinforcement of good practice

CONSULTATION:

6. It was important in developing this Guide that the proposed approach to awarding grants met the needs of the sector. Officers therefore worked alongside representatives from 11 key VCFS organisations in developing the initial draft guidance, seeking views on a number of key areas such as the benefits of grants and contracts; level of process and requirements of bidding; how to ensure monitoring is appropriate and not onerous and the advertising of opportunities.
7. Similar discussions were also held with officers across the Council including representatives of Legal, Policy & Performance, Procurement, Finance, Adult Social Care and Children, Schools and Families who are actively involved in the awarding of grants.
8. Through these discussions, a draft guide was developed, which was supported by both officers and the sector. This was then subject to a full consultation process during December 2013 – January 2014 to ensure all stakeholders had the opportunity to comment as they felt necessary. The consultation was actively promoted via the Surrey Compact and the infrastructure organisations as well as directly with the Surrey Charity Chief Executives Group to ensure coverage across the sector. There was general support for the approach being introduced and suggestions for how to support implementation - such as through training and workshops once the new process is agreed - have been taken on board and will be put in place.
9. The Communities Select Committee considered the Guide at its meeting on 15 January 2014. The Committee felt the Surrey Compact should be influential in this policy and were re-assured that the Compact had been one of the 11 organisations consulted from the outset and was very supportive of the approach taken. The Committee also suggested that consideration been given to Local Committee involvement for the award of smaller local grants and Procurement will continue to work with the Community Partnerships Team and the Cabinet Member to review this.

RISK MANAGEMENT AND IMPLICATIONS:

10. A process of regular review and updating of the Council's Grant Criteria and Funding Opportunities Guide will help to manage the risks and uncertainty associated with grant funding and award. This includes:
- a. Reducing the risk of legal challenge to grants awarded – by ensuring that legislation and best practice is built into both rules and processes
 - b. Improvements to strengthen our ability to deliver and monitor outcomes which deliver benefits for the whole Council
 - c. Ensuring proper controls are in place as part of the process, to ensure that available grant funding is most appropriately allocated in support of the Council's priorities.

Financial and Value for Money Implications

11. There are no financial implications in these changes.

Section 151 Officer Commentary

12. The Section 151 officer has been consulted on this proposal. The S151 officer is satisfied that these regulations maintain the appropriate level of control and security in the award of and payment of grants.

Legal Implications – Monitoring Officer

13. There is no specific statutory obligation on the Council to have a Grant Criteria and Funding Opportunities Guide. However the Procurement Standing Orders make reference (at paragraph 3.3) to such guidance, and it is important in complying with the statutory "Duty of Best Value" and as a matter of transparent and efficient public administration for there to be clarity of the processes and arrangements in place when the Council makes grants.
14. Notice should be had of the Best Value Statutory Guidance issued by the DCLG in September 2011 to the extent the Guidance sets out expectations of the way authorities should work with voluntary and community groups and small businesses when facing difficult funding decisions. (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5945/1976926.pdf)
15. The Guide sets out the criteria for funding that would be reasonably expected, including the need to secure value for money, to be transparent and to support sustainability and the various processes needing to be adopted when making funding arrangements.

Equalities and Diversity

16. When making this decision, there is a duty on the Cabinet under s149 Equalities Act 2010 to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity for those with protected characteristics and foster good relations with these groups. An equality impact assessment has been carried out to enable this and is attached as **Annex 2**.

17. The EIA concludes that the new process will give much clearer guidance on the awarding of grants and how the process differs from awarding contracts, what they are and how they should be used. This will be of benefit to anyone involved in the grant process who has any of the protected characteristics. There will be a requirement for training in appropriate ways and formats to help staff understand the new process and how to carry out a grant funding opportunity and this will enable them to assist anyone with a protected characteristic to access the process effectively.

Other Implications:

18. The Grant Criteria and Funding Opportunities Guide take account of the Social Value Act 2012, and to appropriate areas of EU Directives enshrined in UK Law, including the Public Contracts Regulations 2006.
19. The potential implications for the following council priorities and policy areas have been considered. These rules update a consistent approach to the process for advertisement and award of grant funding, where available. There are no implications or impact of the procedures on the use of grants in support of the achievement of council priorities and outcomes for its residents, service users, partners and other stakeholders.

Climate change/carbon emissions implications

20. The County Council attaches great importance to being environmentally aware and wishes to show leadership in cutting carbon emissions and tackling climate change.

WHAT HAPPENS NEXT?

21. The Grant Criteria and Funding Opportunities Guide will be approved and the training programme will start in readiness for formal role out in October with the first grants issued under this new Grant Criteria and Funding Opportunities Guide process being awarded in April 2015.
22. Following approval we will communicate the process to those consulted and the wider community where relevant.

Contact Officer:

Jeremy Taylor, Procurement & Commissioning Partnership Manager 020 8541 8544

Consulted:

The Grant Criteria and Funding Opportunities Guide were created in consultation with Adults Social Care Commissioning, Children's Commissioning, Finance, Legal, Procurement and Commissioning and Policy and Performance.

Annexes:

Annex 1

Proposed new Grant Criteria and Funding Opportunities Guide

Annex 2

Equality Impact Assessment

Sources/background papers: None

Grant Criteria and Funding Opportunities Guide:

Procedure and processes to be followed when awarding grants on behalf of Surrey County Council

May 2014

Version 14.0 draft

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Version History
2013 Draft version V0.8

1 Introduction

1.1 Key Principles

These Grant Criteria are based on these key principles which underpin this guidance:

- To secure **value for money** through the award of grant funding to achieve strategic outcomes for Surrey residents.
- To be **transparent** to our residents and Voluntary, Community and Faith Sector organisations (VCFS) about how we allocate grant funding
- To make sure we spend public money **legally** and to **protect** us from undue criticism or allegation of wrongdoing.
- To support **sustainability**, and **social value** objectives, and our public sector equality duty, encouraging the VCFS in Surrey.

The Public Services (Social Value) Act 2012 became operational in January 2013 outlining that public authorities are required to consider the following at the pre-procurement stage:

- “how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area, and
- how, in conducting the process of procurement, it might act with a view to securing that improvement.”

Social Value challenges us to rethink existing specifications and processes and re-examine what it is we are trying to achieve. We want to commission outcomes that can change people’s lives for the better through the building of trust rooted in strong communities, regardless of the route taken to achieving this.

In direct correlation with both the Corporate and Procurement strategies, the following have been identified as key Social Value aspirations for Surrey County Council:

- A strong and competitive local economy
- Community well-being
- An engaged and resilient Voluntary Community and Faith Sector (VCFS)
- Innovative prevention and demand management

1.2 Compliance

All Officers, and any external contractors empowered to award grants on behalf of the council, must comply with this guidance at all times. If you breach this, you are breaching the council’s agreed procedures and this will lead to disciplinary action.

Where these criteria appear to conflict with any separate rules the Head of Procurement & Commissioning will determine which takes precedence in conjunction with the Chief Finance Officer where appropriate.

1.3 Scope

These grant criteria set out how the Council authorises allocation and spending of grant funding of any type by its officers.

1.4 Roles and Responsibilities

The Head of Procurement & Commissioning is responsible for management of the complete process from beginning of the bidding process through to issuing of the Grant Funding Agreements across all Services and local systems.

Anyone who awards a grant to an external organisation is responsible for:

- (a) following these Criteria
- (b) checking there is adequate budget available
- (c) consulting with and obtaining approval from the Finance Manager and Head of Service
- (d) ensuring grant funding is managed via the existing Council payment processes.
- (e) involving Buying Solutions at the earliest opportunity when a new organisation needs to be set up to ensure prompt payment.
- (f) ensuring Grant Brief details are comprehensive and aligned to strategic objectives and or Commissioning intentions
- (g) ensuring Grant Brief takes into account equality and diversity as well as social value implications, and carrying out Impact Assessments where appropriate
- (h) putting in place effective and appropriate monitoring of the performance of grants
- (i) ensuring all Grant Funding Agreements are aligned with the requirements of the Surrey Compact
- (j) maintain a list of all awarded grants on a Central Grants Register.

All Strategic Grant Processes need to be approved by the Head of Procurement & Commissioning prior to the process commencing.

1.5 Transparency

1.5.1 Advertisement of Grant Opportunities

We advertise all grant opportunities over £10,000 via the Surrey County Council website as well as other media as appropriate. For details of advertising requirements, see the individual procedures outlined in sections 3.2.9

The Council is committed to promoting equality and diversity and welcomes applications from all sectors of the community, regardless of race, gender, disability, sexual orientation, age, status, religion or belief.

1.5.2 Freedom of Information

Under the Freedom of Information Act 2000 (FOIA), we have an obligation to publish specific information in the public domain. However, the FOIA enables certain confidential information and commercially sensitive material to be withheld. We must therefore ensure grant information is kept confidential at all stages, especially during evaluation and after the grants are awarded. Organisations must also be given the opportunity to highlight in their submission any information that they would not wish disclosed under FOIA.

1.5.3 Conflict of Interest

The Grant Criteria and Funding processes must be carried out free from any conflict of interest to support our transparency objectives. An 'interest' means any consideration or anything of economic value, including future consideration.

Conflicts of interest can arise when someone who is involved in these processes has a close connection with another party who is also involved which may mean they could influence, or be influenced by, the outcome of a grant award decision.

If you are a council employee you must follow the HR Policy on Conflicts of Interest, ensure they are declared appropriately, and ensure you do not participate in any activity where these conflicts of interest could arise.

Temporary & agency staff, and other consultants or contractors must abide by the terms of their contract with the Council and follow the Council's HR policy on Conflicts of Interest and on Equalities and Diversity.

Officers may be part of a Grant bid as long as the policy has been followed, and any interests declared at the time a Grant Funding Agreement is agreed.

Members must record any and all Conflicts of Interest and ensure they are declared appropriately and should not participate in decisions where such conflicts of interest arise.

Particular conflicts of interest in the award of grants for those serving on evaluation panels are dealt with in section 3.2.7.

Organisations bidding for a grant from the Council are required to declare any conflict of interest.

1.6 Who ensures that the Grant Criteria and Processes are followed?

Any breach of these criteria should be reported to the Head of Procurement & Commissioning who will agree the appropriate action to be taken together with relevant senior managers from the service in question.

Exceptions to the Grant process

Unless otherwise agreed and approved by the Head of Procurement & Commissioning all grants will follow the procedures set out in this document. No exception to the grant process will be approved retrospectively.

2 Is a Grant Process right for your Project/Services?

2.1 What is a Grant?

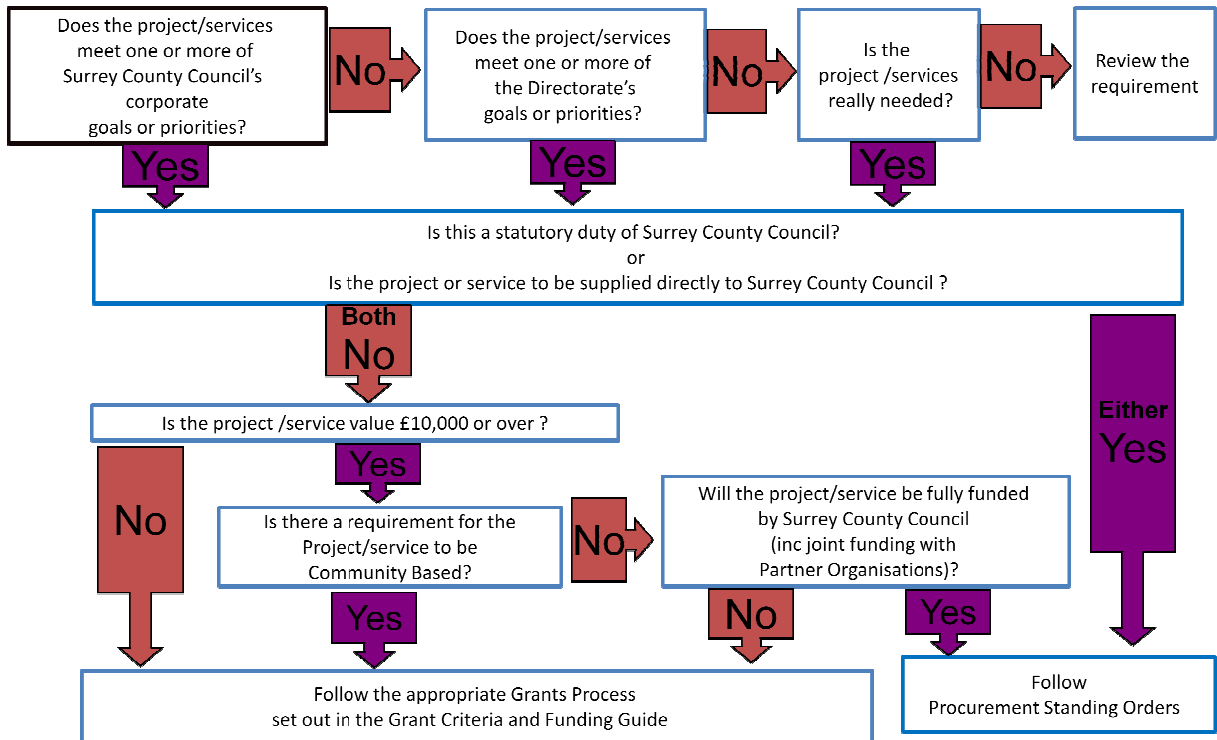
A grant is a sum of money given to an individual or organisation for a specific project or service. A grant usually covers only part of the total costs involved in the project or service.

A grant is usually given on the basis that if it is not used for the purposes for which it is given the funder can ask for all or part of the money back and maybe able to take legal action for breach of the terms of the Grant Agreement for sums paid.

An application for a grant or funding can be made in writing, by submitting a proposal (or submission) to a potential funder, either on the applicant's own initiative or in response to a request for proposal from the funder.

2.2 Grant or Tender process?

2.2.1 How to decide the most appropriate way to fund the project/service



If you are unsure about the decision you have reached please contact the relevant Category Specialist in Procurement & Commissioning to agree the most appropriate way to continue.

Examples to be confirmed

3 Grant Process

3.1 Levels of Grant Funding

The grants process has been split into three key streams, defined by value. These are:

1. Small Grant Process

This is for small one off grants for less than £10,000 with a term of up to one year.

2. Standard Grant Process

This is for one-off grants for between £10,000 and £99,999

3. Strategic Grant Process

This is for grants with a value of £100,000 and over, multi-year funding grants and multiple application grant programme (a number of small grants being issued at once) This process will be managed by Procurement & Commissioning.

A summary table in section 3.2.9 sets out these different approaches for each threshold aggregate value, and is followed by more detail on each.

3.2 *Small Grants Process*

Standard Grants Process Small grants can be issued to an individual or organisation on a one-to-one basis. The requirement being that we only need to receive one grant submission, following an advertisement or unsolicited proposal.

If multiple small grants will be issued in one process then the Strategic Grant process should be used. The commissioner of the grant should ensure that all organisations that offer solutions are considered in order to deliver best value and maximise the benefit for Surrey residents from the funding.

We do not want to create an over reliance on Grant funding so no one organisation should normally receive more than **three** small grants in any one financial year, unless otherwise agreed by the Head of Procurement & Commissioning.

Once a proposal is submitted, the commissioner may negotiate with the organisation around key terms such as the payment structure or value and will propose amendments. Any and all amendments to the submission must be mutually agreed. All amendments must be followed by the resubmission of the written grant submission document.

If amendments cannot be mutually agreed then an alternative solution should be used.

The template bid document for Small Grants is can be found "REFERENCE ON SNET"

3.3

The standard grants process is for grants of a value between £10,000 and £99,999, can only be used for one off grants with a maximum term of one year. If a grant has a value of between £10,000 and £99,999 but is spread over more than one year the Strategic Grants Process should be used.

Standard grants can be issued following an advertised process. A minimum of one grant submission will be required.

If multiple standard grants will be issued in one process then the strategic grant process should be used.

The commissioner of the grant should ensure that all organisations that offer a similar offering are made aware of the grant process by advertising the opportunity on the Surrey e-Portal.

We do not want to create an over reliance on grant funding so no one organisation should normally receive more than **two** standard grants in any one financial year unless otherwise agreed by the Head of Procurement & Commissioning.

Once a proposal is submitted, the commissioner may negotiate with the organisation around key terms such as the payment structure or value and will propose amendments. Any and all amendments to the submission must be mutually agreed. All amendments must be followed by the resubmission of the written grant submission document.

For example if the grant budget is £90,000 and you receive four bids of £25,000 each and if each is a valid submission the commissioner would like to support, then the commissioner may ask the organisations to amend and resubmit within a specific budget envelope.

Any changes to the submission, the payment structure or value must be mutually agreed. All modifications or changes must be followed by the resubmission of the bid document.

If modification or changes cannot be mutually agreed than an alternative solution should be used.

The template bid document for standard grants can be found “REFERENCE ON SNET”

3.4 Strategic Grants Process

The strategic grants process applies when:

- The total grant funding available has a value of more than £100,000 in total, or
- Grants that have a funding term of more than 12 months. or
- Where more than one grants of lower values (either Small or Standard Grants level) are being issued under a single application process

The *total value* of a grant over its lifetime (including any possible extensions) is the value that determines the approach we must use.

Before starting the strategic grant process the proposal will need to be agreed by the Head of Procurement & Commissioning using the strategic grant approval form.

Strategic Grants will:

- be required to be publically advertised across the county.
- Should involve co-design of the outcomes and the grant briefing document
- need approval from the relevant level i.e. Head of Service and Cabinet depending on the total value of grant portfolio.
- require formal monitoring documents and regular monitoring meetings, as appropriate to the value or significance of the project or service.
- contain a set payment schedule, as appropriate, either quarterly or half yearly.
- Involve public notification of the successful applicants at a specified date.

Longer term planning and financial arrangements often represent better value for money than one year agreements by:

- providing greater financial stability
- building effective capacity
- reducing the amount of time and effort involved in applying for and processing annually renewable grant funds and

- providing more commitment to the Voluntary and Community Faith Sector body providers, by ensuring longer term funding commitment up-front.

Services are encouraged to create multi-year strategic grant programmes where organisations are regularly funded and are continuing to demonstrate outcomes and outputs that match the eligibility and priorities of the funding. These should consider reducing annual value agreements to help promote service sustainability, as well as potential to deliver additional social value (including apprenticeship opportunities).

3.5 Core Requirements

All grant documentation and requirements regardless of value must reflect the objectives, outcomes and be appropriate and proportional.

3.5.1 Briefing Document

The Briefing Document should contain the relevant information for any organisation wishing to bid to understand (but not be limited to):

- the target group of the funding
- the outcomes required
- location specific requirements or needs
- the likely need levels
- any Equality and Diversity and/or Health and Well-being considerations
- any relevant County Council Policy, Directive or outcome which the funding is linked to

Officers must consider whether the briefing document should be prepared with the involvement of any relevant residents, representative groups or proposed users or carers using co-design principles. If a co-design approach is not to be used valid reasons have to be recorded for the decision.

Officers should ensure that they or the bidder can demonstrate that the funding meets the needs of services users, carers or the community.

3.5.2 Checking the Organisation is financially stable

Each grant application will need to have appropriate financial checks undertaken in line with the value of the grant to ensure organisations are financially stable.

Elements to take account of as part of the decision include:

- In the event that an individual grant (value of over £10,000) being offered or bid for would be more than 30% of the current turnover of the organisation, a full financial risk assessment will be undertaken.
- The amount the organisation has in reserves.
- Total value of grants already awarded to the organisation both by Surrey County Council and other organisations.
- Confirmation that adequate insurance, required to cover the risk linked to delivery of the proposed grant, is in place or will be in place by the time the grant is awarded.

3.5.3 How do we ensure that the Grant funding is used appropriately?

A clear way for managing and monitoring (checking) delivery of the proposed outcomes, outputs and measures for grants should be agreed as part of the submission process and form part of the grant funding agreement. Measures and reporting timescales should be clearly defined and reflect the key areas of delivery, including but not limited to any reporting obligations held by the Council (or any partner organisations) in relation to achievement or conditions associated with grant funds.

The principles of joint working and grant management leading to the best possible outcomes should always apply. All resources and effort needed should be proportional to the strategic importance of the grant and impact of its delivery, as well as the value of the grant award.

All grants awarded, regardless of value, must be recorded on a Central Grants Register.

Monitoring is an increasingly important element within the Grant process. This determines the success of funding against agreed outcomes and outputs. In a Grant Process and Grant Funding Agreement there is a need for monitoring and evaluation of the performance of individual organisations and the programme as a whole.

Monitoring requirements will be set out on the Briefing and Grant Funding Application. Any variations should be mutually agreed by both parties and confirmed in writing.

An effective framework for monitoring should:

- establish a process that promotes accountability in a supportive way
- show clarity about the roles and responsibilities that have been agreed
- avoid duplication of effort by the council and the funded organisation
- take account of the monitoring procedures already agreed by the organisation's other funders and any quality assurance system introduced by the organisation itself
- be relevant and proportionate to the size and nature of both the funding provided and the funded organisation
- be consistent with the need for the effective protection of, and proper accountability for, public money
- be informed by early negotiation – this can greatly reduce workload and frustrations later on
- enable the council to assess the contribution made to meeting the funding objectives and identify any implications for the future direction of the programme
- enable the funded organisation to assess the contribution made to meeting its own objectives, and to identify any new user needs and any learning which could be disseminated to other Voluntary Community and Faith Sector organisations and funders
- takes account of the resourcing and cost of monitoring
- allow for innovation
- allow the organisation to show what added value they are offering to the group they work with and the Community.

Organisations will be required to submit proposals which address how they will record and report evidence of how they will demonstrate successful achievement of the outcomes agreed in the submission.

Surrey County Council must ensure that appropriate monitoring is in place.

3.5.4 Timescales

Grants can be issued at any time during the financial year subject to budget availability and approved by the Finance Manager and the Head of Service.

Organisations should be given an appropriate amount of time to make their submission and this should be clearly stated by the Commissioner of the grant at the time the grant submission document is issued, these should be proportionate to the value and complexity of the submission required. Guide minimums are set out in the table in section 3.5.9.

Decisions will need to be confirmed and communicated to the bidder within the agreed time period.

A timetable should also be set out for the entire grant process and requirements (such as evaluation and award procedures) to give organisations clarity and realistic expectations.

3.5.5 Payment Mechanism

Payment mechanisms for all grants should take into consideration the needs, costs and timing of the scheme and payment schedules should support these..

- Payments can only be made once the Grant Funding Agreement is signed by both parties and returned.
- Payment structure must follow those set out in the Grant Funding Agreement.
- If the payment structure requires submission of monitoring information this must be received before subsequent payments are made.
- If the Commissioner is not satisfied with the performance levels and/or action plan then future payments may be withheld.

As a default, all grant submissions should be clearly provided inclusive of VAT.

Innovative payment models should be discussed and agreed to take into account the needs of the organisation, project/service requirements and needs to be agreed with the Commissioner.

3.5.6 Terms

All grants will be subject to a formal, written Grant Funding Agreement.

All necessary insurance for the project and organisation will be confirmed to be in place, together with compliance of all statutory legislation.

Any terms for funding that have placed specific requirements upon Surrey County Council should be made clear and explicit in the grant brief and reflected in the terms of the Grant Funding Agreement.

Additional grant terms should be considered to reflect specific outcomes and requirements in consultation with Legal Services.

If funding is likely to change or be withdrawn during the agreed period of funding, a minimum of three months notice will be given, as set out in **Surrey Compact** Funding Code. The notice period is to be clearly set out in the Grant Funding Agreement and clearly highlight the date on which funding will end.

Where an under-spend occurs during the period of the Grant Funding Agreement then the Council can require the organisation to return any unused funds.

The terms and conditions of the Grant Funding Agreement should include the requirement upon any funded organisation to notify the council of any anticipated under-spend as soon as this becomes clear. Where the Council is able to allow the funding to remain with the funded organisation the purpose and amount should be agreed formally with the officer responsible (known as the Responsible Officer in the scheme of delegation and is normally the Commissioner) and recorded for audit purposes.

3.5.7 Evaluation of Grant Submissions

For all grants, the evaluation of a submission should be against clear criteria that reflect the Council's required outcome or objective, combined with delivering value for money. As far as possible, these criteria should be set out in the grant briefing, ensuring the evaluation criteria are fair, open and transparent.

Grant evaluation would need to be appropriate the value of the funding opportunity from a Commissioner decision up to a grant evaluation panel. For details of the appropriate level can be found in the table in section 3.5.9. Anyone taking part as a member of a grant evaluation panel cannot be a serving member of the Board of Trustees or employee of any organisation bidding nor take a role with any organisation awarded funding during the life of the Grant.

All panel members will be required to agree to a confidentiality agreement.

Evaluation panel members will need to disclose any and all links to bidding organisations that could constitute a conflict of interest and put the decision being made into question.

3.5.8 Award

The Grant Funding Agreement, including funding details must be issued, signed by both the Councils Commissioner and the successful organisation and returned before payments are made.

3.5.9 Summary table – Process for advertising, approval and awarding grants

Aggregate value	Who approves the way the grant opportunity will be set up?	Who manages that bidding process?	How should the bidding process be managed?	How should the bidding process be advertised?	What is the minimum requirement for an evaluation panel?	Who approves grant award?	Who can sign off grant on our behalf?	What is the minimum timescale for bids to be submitted?
£0 to £9,999	Commissioner	Commissioner	Use of Surrey e-portal or via paper submission	No requirement for formal advert	Individual Commissioner or Member	Commissioner	Commissioner	14 days
£10,000 to £99,999	Commissioner	Commissioner	Use of Surrey e-portal	Advertise on our website for 7 working days	Minimum of 3. From the Commissioner, member of the original reference group, Members & a member of finance	Commissioner	Head of Service or Delegated Commissioner	28 days
£100,000 to £499,999	Commissioner and Procurement	Commissioner and Procurement	Use of Surrey e-portal	Minimum requirement is to advertise on our website for 30 calendar days	Minimum of 5, including representatives from (but not limited to): Commissioner/s, Service User and/or Carer, Service Representation from front line support teams, Finance Interested parties(with no conflict of interest), Members Procurement Category Specialist	Head of Service, Head of Procurement & Commissioning	Head of Service	42 days
£500,000 and over	Commissioner and Procurement	Commissioner and Procurement	Use of Surrey e-portal	Minimum requirement is to advertise on our website for 30 calendar days	Minimum of 5, including representatives from (but not limited to): Commissioner/s, Service User and/or Carer, Service Representation from front line support teams, Finance Interested parties(with no conflict of interest), Members Procurement Category Specialist	Cabinet ¹	Head of Service	42 days

¹ Contracts between £500,000 and £999,999.99 must be approved by the relevant Cabinet Member (in consultation with the Leader) and contracts of £1m and over must be approved by the Cabinet.

3.6 Collaboration

The Council may decide to work with other partner organisations such as the NHS to award grants. Where Surrey leads on this process, these Criteria will be followed to ensure that the requirements are appropriately advertised and set out the impact and the outcomes needed.

3.7 Joint applications

The use of joint applications by Voluntary Community and Faith Sector organisations is encouraged where they:

- Deliver value for money
- Make sense in terms of the viability of the project and the involvement of individual partners, and
- Bring benefit to the organisations and service users from the sharing of expertise and resources e.g. where savings generated could be used to add value to the service

A joint application should identify the partner that will be responsible for holding and managing the grant. This approach can also be an effective way for larger voluntary, community and faith sector organisations to assist smaller community organisations to access resources.

4 Holding records

4.1.1 Document Retention periods

The retention of tenders and contractual documentation is prescribed in the Limitation Act 1980 and the Public Contracts Regulations 2006

- All received grant submissions must be retained for a minimum of 18 months following the issue of the Grant Funding Agreement.
- All signed contracts under £499,999 (including all grant application submission documents) must be retained for a minimum of six years following grant funding expiry.
- All signed grant agreements over £500,000 (including all grant application submission documents) must be retained for a minimum of 12 years following grant funding expiry.

Service areas must maintain an electronic record confirming location of grant information and the scheduled date of destruction.

5 Legal status of the Grant Criteria and Funding Opportunities Guide

The Council is required by section 135 of the Local Government Act 1972 to maintain these Orders as part of our Constitution.

The Head of Procurement & Commissioning is the custodian of these Guidelines and is responsible for keeping them under review. If the EU Directives or any other law is changed in a way that affects these Guidelines then the Head of Procurement & Commissioning will issue a bulletin and the change must be observed until the Guidelines can be revised.

1. Topic of assessment

EIA title:	Grants Procedure
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EIA author:	Jeremy Taylor Procurement & Commissioning Partnership Manager
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2. Approval

	Name	Date approved
Approved by¹		

3. Quality control

Version number	V4	EIA completed	6 th February 2014
Date saved		EIA published	

4. EIA team

Name	Job title (if applicable)	Organisation	Role
Jeremy Taylor	Procurement & Commissioning Partnership Manager	Surrey County Council	
Saba Hussain	Strategic Partnership Manager	Surrey County Council	

¹ Refer to earlier guidance for details on getting approval for your EIA.

5. Explaining the matter being assessed

<p>What policy, function or service is being introduced or reviewed?</p>	<p>This is a review of the grants process for all part of Surrey County Council. The review is to formalise a consistent process for grants. It will set down formal guidance on the reasons to choose either a Grant or Tender process as the appropriate route to market. The new policy will ensure that an open and transparent approach towards grants throughout Surrey County Council. The policy would affect all grant funded services/projects throughout Surrey County Council. Projects/services funded under grants are mainly preventative and are supplied by Voluntary, Community and Faith sectors or not for profit organisations. This will not affect the final decision being made but just the process to follow.</p>
<p>What proposals are you assessing?</p>	<p>The proposal is to review the current county grants process which has 2 routes Under £10,000 and over £10,000.</p> <p>Within the last 2 years Adults Social Care have carried out 3 “strategic grants programmes” which have been very successful and this is to formalise that approach across Surrey County Council and make appropriate improvements. We are looking to set 3 levels on grants process Under £10,000, Between £10,000 and £99,999 and over £100,000. To set up appropriate application formats and funding agreements for each level. The creation of clear policy on the selection of the appropriate route to market (Grant or Tender) and guidance on how the process should be communicated, managed and progressed.</p>
<p>Who is affected by the proposals outlined above?</p>	<p>The proposal will affect Officers involved in any project/services funded via a grants based approach. It will only affect the process of awarding grants and when to use a grant or contract it will not affect the decision being made. The formalisation of the 3 level of process and the need to carry out full risk assessment of organisations in specific circumstances are the areas of most change. The new process will affect Surrey County Council Officers who will need to understand and follow the new process.</p>

6. Sources of information

Engagement carried out

Each of the following organisations were contacted for their opinions, the procedure has been drafted shared and feedback requested, feedback was considered and actioned where appropriate.

Chair of the Surrey Compact

Co-Chair of Surrey County Council Adults and Community Care Implementation Board

Chair of Surrey Coalition of Disabled People

Chief Executive of Surrey Disabled Peoples Partnership

Chief Executive of Surrey Independent Living Council

Chair of Surrey Citizens Advice Bureaux

Chief Executive Action for Carers

Surrey Youth Focus

Diocese of Guildford

Adults Commissioning

Childrens Commissioning

Procurement

Policy and Performance

Legal and Finance

Joint Commissioning Strategy Group (including Reps from District & Boroughs and PCT)

Wider Consultation was undertaken using the Surrey Says consultation pages and published via the relevant Sector representative groups.

Data used

- Procurement Standing Orders
- VCFS Framework
- Surrey Compact Funding Code 2009
- Grant Funding Expenditure Reports

7. Impact of the new/amended policy, service or function

7a. Impact of the proposals on residents and service users with protected characteristics

Protected characteristic ²	Potential positive impacts	Potential negative impacts	Evidence
Age	There will be a positive impact on Organisations within Surrey as there will be a clear, consistent and transparent approach to grants.	There is no negative impact from this process to residents and service users in Surrey as the end decision is not effected just the way the decision is reached.	
Disability			
Gender reassignment			
Pregnancy and maternity			
Race			
Religion and belief			
Sex			
Sexual orientation			
Marriage and civil partnerships			

² More information on the definitions of these groups can be found [here](#).

7b. Impact of the proposals on staff with protected characteristics

Protected characteristic	Potential positive impacts	Potential negative impacts	Evidence
Age	<p>The new process will give much clearer guidance on grants and the difference from contracts, what they are how they should be used.</p> <p>The process sets out a clear process to follow for each level on grant funding.</p> <p>The process will ensure that grant awards are open and transparent and signed off at the appropriate level.</p>	<p>There will be a requirement for training in appropriate ways and formats to help staff understand the new process and how to carry out a grant funding opportunity.</p>	<p>There is confusion about grants and contracts.</p> <p>There are a number of different grant approaches and processes throughout SCC.</p> <p>There has been confusion about how and who approve grants.</p>
Disability			
Gender reassignment			
Pregnancy and maternity			
Race			
Religion and belief			
Sex			
Sexual orientation			
Marriage and civil partnerships			

8. Amendments to the proposals

Change	Reason for change
N/A	

9. Action plan

Potential impact (positive or negative)	Action needed to maximise positive impact or mitigate negative impact	By when	Owner
Positive Better understanding of the appropriate way to use grants and contracts and how we can create better outcomes for Surrey residents, users and carers via grants.	Training workshops for officers of the council to understand and be able to use the new procedures effectively	October 2014	Jeremy Taylor

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10. Potential negative impacts that cannot be mitigated

Potential negative impact	Protected characteristic(s) that could be affected
N/A	

11. Summary of key impacts and actions

Information and engagement underpinning equalities analysis	
Key impacts (positive and/or negative) on people with protected characteristics	Better understanding of the appropriate way to use grants and contracts and how we can create better outcomes for Surrey residents, users and carers via grants.
Changes you have made to the proposal as a result of the EIA	None needed – already included
Key mitigating actions planned to address any outstanding negative impacts	Training workshops for officers of the council to understand and be able to use the new procedures effectively
Potential negative impacts that cannot be mitigated	None

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Form to call in a decision – please complete all fields marked *

If you require any assistance, please contact Democratic Services on 020 8541 9122.

Your Details

First Name * NICHOLAS

Surname *SKELLETT

Decision-making body *

X Cabinet

Elmbridge

Epsom & Ewell

Guildford

Mole Valley

Reigate

Runnymede

Spelthorne

Surrey Heath

Tandridge

Waverley

Woking

Decision taken *

ITEM 9

AMENDMENT TO THE GRANT CRITERIA AND FUNDING OPPORTUNITIES

3.5.1 Briefing Document (including):

“Officers should ensure that any grants awarded are aligned and support the Council's Corporate Priorities.”

Date decision taken *

27th May 2014

Reason(s) for calling in the decision

1) The amendment and the report do not reflect the decision taken by the Cabinet on 25th March 2014 Item 5 (a) to support the COSC's recommended actions proposed in Paragraph c) for the Adult Social Care directorate to take forward:

“That the effectiveness of voluntary sector grants be reviewed to ensure, where appropriate, these align with and support the objectives of the Family, Friends and Community Support programme.”

2) There is also a need to clarify the requirements for disclosures of Members' interests and confidentiality agreements.

Desired outcome

- 1) The desired outcome is that the Cabinet decision of 25th March 2014 (to support and take action on the COSC's recommendation) is implemented.
- 2) That the references in the report to Members disclosures are clarified.

Identified evidence

Minutes of Cabinet meetings 25th March and 27th May 2014

Desired Witnesses

Cllrs Denise le Gal and Mel Few

Member calling in decision

1. Member * CLLR NICHOLAS SKELLETT (chairman of COSC)

Date of call-in 3RD JUNE 2014

2. Member

3. Member

Committee responsible for examining this decision

- | | |
|---|--|
| <input type="checkbox"/> Cabinet | <input type="checkbox"/> Communities |
| <input checked="" type="checkbox"/> Council Overview & Scrutiny | <input type="checkbox"/> Education |
| <input type="checkbox"/> Adult Social Care | <input type="checkbox"/> Environment & Transport |
| <input type="checkbox"/> Children & Families | <input type="checkbox"/> Health Scrutiny |

Call-in by Select Committee

Select Committees have the power to call in decisions made, but not yet implemented, by the Cabinet and/or local committees if they feel that the decision is inappropriate. Implementation will be delayed while the Select Committee meets.

A decision can be 'called in' for scrutiny by the Chairman or Vice-Chairman of the relevant Committee or by any three or more Committee members from more than one political party. A decision must be 'called in' within five days of publication of the decision by the Cabinet and/or local committees (decisions must be published within three working days of the Cabinet and/or local committee meeting). The Chairman of the Select Committee must then call a meeting of the Committee within another ten working days.

The Select Committee can interview the Cabinet Member and/or Council officers and make recommendations to the decision-maker suggesting improvements to the decision.

Issues to consider when deciding whether to call in a decision:

- Has the Cabinet adequately taken account of the appropriate Select Committee's views?
- Can the query be satisfied without a call-in?
- Is call-in constitutionally possible (e.g. Is the issue a Cabinet decision)?
- Can you build the case for a call-in? You will need to work with the Scrutiny Officer for the Committee to identify evidence and plan an approach.

Call-in of Local Committee decisions by Cabinet

The Cabinet can call in decisions made by a local committee that have a significant policy or budgetary implication. The Leader, Deputy Leader or any three or more members of the Cabinet may call in a decision within five days of its publication by the local committee. The call-in will be discussed at the next appropriate meeting of the Cabinet (in discussion with the local committee chairman) with no action being taken on the decision in the meantime. The local committee chairman may attend the Cabinet meeting and speak on the item. The Cabinet may choose to accept, reject or amend the decision of the local committee.

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Grant Criteria and Funding Opportunities Guide

Disclosures of Interests and Confidentiality Agreements

Concerns have been raised about the provisions of section 1.5.3 of the Guide, and how the guidance in paragraph 6 of that section sits with legislation on Members' conflicts of interest. The new process for regulating Member conduct established in 2012 is intended to be a 'light touch' approach which promotes high standards while allowing flexibility and choice, so it follows that in some situations it may be appropriate for more specific requirements to be set out. The Guide has been prepared with this in mind.

The Member Code of Conduct requires Members to declare pecuniary interests in accordance with legislation. When a Member has a role in an external organisation, whether as an SCC representative or not, but does not have a pecuniary interest in the organisation, this would not be an interest that they would have to declare under that particular legislation. However, a conflict of interest can still arise in situations where there is no pecuniary interest. For instance, it would not be appropriate for a Member with involvement in an organisation that has bid for a grant to take part in evaluating the bids for that grant because the appearance of unfairness would be too great, and could give rise to challenge from unsuccessful bidders. This is reflected in the Code of Conduct at paragraph 3, which says:

'When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit and must be impartial and seen to be impartial.'

The Guide therefore reflects the requirements of the Code of Conduct in the context of awarding grants on behalf of the Council. Any apparent inconsistency between the first and second paragraphs of the section could be resolved by adding the word 'also' to the second paragraph between the words 'can' and 'arise' if considered necessary.

The requirement for a confidentiality agreement applies to all members of an evaluation panel and, while it is unlikely to add anything to the duty already imposed on Members under the Code of Conduct, it is standard procedure and provides consistency of approach.

Sarah Baker
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