

Training for  
Board Members  
on  
Model Code  
of Conduct

Standard  
Training  
Presentation

1 June 2017

# Agenda

- **Standards Commission's Role & Remit**
- **Introduction to Model Code of Conduct**
- **General Conduct / Respect**
- **Gifts & Hospitality**
- **Confidentiality**
- **Use of Social Media**
- **Appointments to Partner Organisations**
- **Registration of Interests**
- **Declaration of Interests**
- **Lobbying & Access**
- **Where to Find Assistance**



# Our Role & Remit

## What do we do?

- Proactive educational role - including publishing Guidance on the Codes of Conduct and providing training for stakeholders
- Adjudicatory role in relation to cases where the Commissioner for Ethical Standards (CESPLS) has reported a breach



**If the Standards Commission hold a Hearing and find a breach has occurred, it may:**

- Censure
- Suspend (up to 1 year)
- Disqualify (up to 5 years)

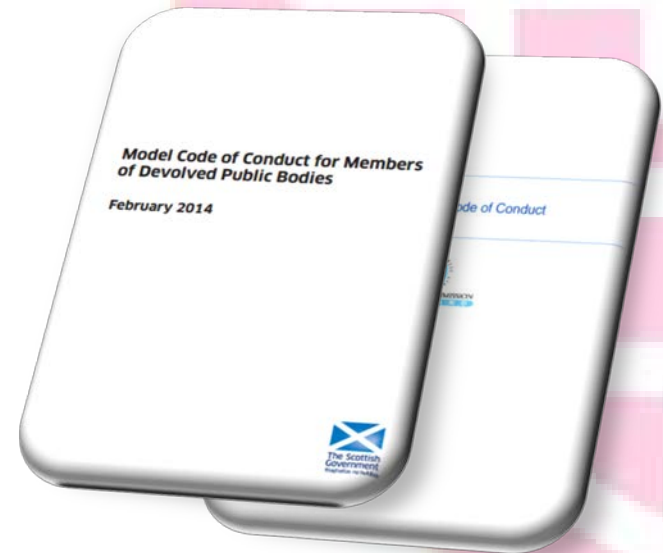
# Introduction

It is your **PERSONAL RESPONSIBILITY** to comply with your public body's Code of Conduct

**“You must not, at any time, advocate or encourage any action contrary to the Code of Conduct.”**

## Key principles

1. Duty
2. Selflessness
3. Integrity
4. Objectivity
5. Accountability & Stewardship
6. Openness
7. Honesty
8. Leadership
9. Respect



# General Conduct: Respect

You should treat everyone you come into contact with in the course of work as a member of the public body with **courtesy and respect**, even if you disagree with their views.

- Helps ensure public confidence in the body
- Includes colleagues and officers

Case	Situation	Outcome
LA/R/1800	Disrespectful towards a Committee Chair and failure to comply with ruling made by a Chair	Breach & suspension
LA/C/1940	Disrespectful towards officers and inappropriate involvement in operational matters	Breach & suspension
LA/H/1693	Disrespectful towards a constituent	Breach & censure

# **General Conduct: Respect** Cont.

## **Scenario 1: Relationships with officers**

You have concerns about the factual accuracy and quality of a report presented to you by a member of staff.

What factors should you consider?

**- Any Questions?**

# General Conduct: Gifts & Hospitality

## Scenario 2: Gifts & Hospitality

An organisation invites you to lunch following a presentation you have given at a conference on the work of your public body.

What factors should you consider when deciding whether or not to accept the invitation?

**- Any Questions?**

# General Conduct: Confidentiality

## Scenario 3: Confidentiality

A staff member provides you with information that you consider is of public interest. You wish to refer to the information in a social media posting.

What should you consider when deciding whether you can refer to the information?

Case	Situation	Outcome
LA/D/1714	Divulged information of a confidential nature about an officer.	Breach & censure

**- Any Questions?**



# Use of Social Media



## Scenario 4: Social Media

You are sent a link to a Facebook page which contains criticism of the Scottish Government's policy on an area relevant to your public body.

What are the factors / risks you should consider?

SCS Advice Note on the Use of Social Media

<http://www.standardscommissionscotland.org.uk/education-and-resources>

**- Any Questions?**

# Appointments to Partner Organisations

You can ensure compliance with the Code by being aware of:

- Your different roles and responsibilities in respect of both the body and the partner organisation
- If you are a member of more than one body, the duty of collective responsibility applies to both
- If you are nominated to a partner organisation to represent your public body's interests, you are still bound by the public body's Code but may also have to abide by other organisation's Code and rules
- Any potential conflicts of interest

**- Any Questions?**

# Registration of Interests

## Categories

- 1: Remuneration
- 2: Related Undertakings
- 3: Contracts
- 4: House, Land & Buildings
- 5: Interest in Shares & Securities
- 6: Gifts & Hospitality
- 7: Non-Financial Interests

## Things to Consider

- **Frequency of registration**
- **What requires to be registered**
- **Responsibility for registration**

Case	Situation	Outcome
LA/EL/1654	Failure to register financial and non-financial interests	Breach & suspension
LA/NL/1940	Failure to register remunerated employment	Breach & censure
LA/WL/1824	Delay in registering remunerated employment	Breach & censure
LA/NL/1936	Failure to register ownership of property	Breach & censure

# Declaration of Interests

Can seek advice but is **your responsibility** to decide whether you have to declare an interest or make a judgement as to whether a declared interest prevents you from taking part in any discussions or voting.

You are in the best position to assess your personal circumstances and to judge how these affect your role in regard to a particular matter. In making decisions for which you are personally responsible you are advised to **err on the side of caution**.

You may feel able to state truthfully that an interest would not influence your role as a board member in discussion or decision-making. You must, however, always comply with the **objective test**:

***whether a member of public, with knowledge of relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a member of a public body.***

# Declarations of Interests

**Scenario 5:** A member of your family is employed by another public body. Your public body is making a decision on a matter that will affect the family member's public body.

Should you make a declaration?

## *Other points to consider...*

- If you have made a declaration, have you given sufficient information for those at the meeting to understand why? Has this been recorded?
- Transparency - on occasion, you may indicate why you have considered making a declaration but have chosen not to on the grounds it is not clear and substantial.

# Declaration of Interests

Case	Situation	Outcome
NHS/Lo/1872	Failure to declare interest arising from remunerated employment and also non-financial interest of his employer	Breach & censure
NPA/LLT/1781	Failure to declare a financial interest and withdraw	Breach & censure
LA/AC/1876	Failure to declare an interest. Could instead have represented constituents and taken no part in decision-making.	Breach and suspension
LA/AN/1772	Failure to declare the financial interests of a close relative	Breach & suspension
NB/CC/1641	Complaint concerning Board Member having conflict of interest	CESPLS found no breach

**- Any Questions?**

# Lobbying and Access

## Scenario 6: Lobbying & Access

A member of the public has contacted you about a decision your public body is due to make.

What factors should you consider?

Case	Situation	Outcome
LA/AC/1864	Councillors accused of using political meeting to decide how to vote on planning application	CESPLS found no breach

- Any Questions?

# Where to find assistance...

## The Standards Commission website:

- Hearings Decisions
- Codes of Conduct for Councillors / Members
- Guidance and Advice Notes
- Professional Briefings
- Make an enquiry

[www.standardscommissionscotland.org.uk](http://www.standardscommissionscotland.org.uk)

CESPLS Reports are available at:

[www.publicstandardscommissioner.org.uk/decisions/](http://www.publicstandardscommissioner.org.uk/decisions/)

Discuss any specific issues /concerns with your body's Standards Officer.

Contact the Standards Commission for general queries.

0131 248 6666 or [enquiries@standardscommission.org.uk](mailto:enquiries@standardscommission.org.uk)

