



INTEGRITY IN PUBLIC LIFE

ADVICE NOTE FOR MEMBERS OF HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARDS

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1. Introduction

- 1.1 This Advice Note, issued by the Standards Commission, aims to provide members of Health and Social Care Integration Joint Boards (IJBs) with an overview of their responsibilities under the ethical standards framework. In particular, it seeks to help them to identify and deal with potential conflicts of interest.
- 1.2 All members of IJBs have a personal responsibility to follow the rules in their IJB's Code of Conduct ('the Code'). These Codes are based on [a Model Code of Conduct](#) issued by the Scottish Ministers, with the approval of the Scottish Parliament. This Advice Note is intended to assist you, as a member of an IJB, in interpreting the provisions in your IJB's Code of Conduct. It should, therefore, be read alongside the Code. The Standards Commission's [Guidance on the Model Code of Conduct for Members of Devolved Public Bodies](#) and its [Advice Note for Members of Health and Social Care Integration Joint Boards](#) also provide advice on how the provisions in the Code should be interpreted.

- 1.3 The purpose of the Code is to ensure that all IJB board members use their skills, knowledge and experience to act in the IJB's best interests, while adhering to the same high standards of behaviour. This includes in respect of the matters outlined below.
- 1.4 The Code applies whenever you are acting, or could reasonably be seen as acting, as an IJB member. This is explained in more detail under Section 3 of this Advice Note.
- 1.5 This Advice Note concentrates on the provisions of the Code that are likely to be the most relevant to IJB members and may cause the most issues in terms of interpretation and compliance. Some examples have been included to assist you in applying the provisions of the Code to the situations and scenarios you may find yourself in or face.
- 1.6 All IJBs are required to appoint a Standards Officer, with the appointment then being approved by the Standards Commission. The Standards Commission's Advice Note on the Role of a Standards Officer provides information on a Standards Officer's role and responsibilities within the ethical standards framework and the duties they may be expected to undertake. These can include ensuring that appropriate training is given to IJB members on the ethical standards framework, the IJB's Code and any guidance issued by the Standards Commission. The Standards Officer can also provide advice and support to members on the interpretation and application of the IJB's Code. The Standards Commission's Advice Note on the Role of a Standards Officer can be found at:
<https://www.standardscommissionscotland.org.uk/guidance/guidance-notes>

2. The Standards Commission

- 2.1 The role of the Standards Commission is to encourage high ethical standards in public life. It does this by promoting and issuing guidance on Codes of Conduct for councillors and members of public bodies (such as IJBs), and by providing training and answering queries on how their provisions should be interpreted. The Standards Commission's Guidance on the Model Code can be found at:
<https://www.standardscommissionscotland.org.uk/guidance/guidance-notes>
The Standards Commission's Advice Notes and other training material (including videos, presentations and e-Learning modules on the Code) can be found at:
<https://www.standardscommissionscotland.org.uk/education-and-resources>
- 2.2 The Standards Commission also adjudicates on alleged breaches of the Codes of Conduct by board members. Complaints about alleged breaches of the Code of Conduct are made to the Ethical Standards Commissioner who will investigate the matter before referring it to the Standards Commission for adjudication. If the Standards Commission finds that a board member has breached their Code, it is obliged to impose a sanction. The sanctions available to the Standards Commission are censure, suspension and disqualification.
- 2.3 It should be noted that the Public Bodies (Joint Working) (Integration Joint Boards) Scotland Order 2014 provides that an individual will be automatically disqualified from being a member of an IJB if, at any time, the Standards Commission has suspended or disqualified them for a breach of a Code of Conduct of any organisation within its remit. This includes the Codes of Conduct for councillors and members of IJBs, health boards and other public bodies.

3. Compliance with the Code

- 3.1 The Code applies in all situations, and at all times, where:
- you are acting as a member of your IJB (such as when you are attending board meetings or are discussing IJB business with your board colleagues);
 - you have referred to yourself as a member (for example, when attending a training event or when providing a quote to the media); and

- you could objectively be considered to be acting as a member. This can include when you are using social media.

In determining whether the Code applies, the Standards Commission will consider whether a member of the public, with knowledge of the relevant facts, would reasonably consider that you were acting as a member of the IJB at the time of the events in question. It should be noted that any proxy or substitute member is subject to the same responsibilities, obligations and standards of conduct as substantive members when acting in that capacity.

- 3.2 Your IJB should ensure that you receive appropriate training on the ethical standards framework, the Code, and the Standards Commission's Guidance. You should ensure you attend any such training (or watch any recording made), along with any refresher training provided at a later date. As noted above, the Standards Commission has produced a training presentation and a video on the of Conduct for Members of Devolved Public Bodies, both of which can be found on its website at:

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

- 3.3 It is, however, your personal responsibility to ensure that you comply with the provisions in the Code. As a member, you are also expected to contribute to the promotion and maintenance of high standards of conduct by ensuring you lead by example. You should adhere to the key principles of public life (which are outlined in Section 2 of the Code) and should encourage your colleagues to do so. You should note that a breach of the Code can have an impact not just on you as an individual but also on the reputation of the IJB. This in turn can have a detrimental impact on public confidence in the IJB.

- 3.4 The IJB's Chair and its Standards Officer can provide advice and support on the interpretation and application of the Code. The [Standards Commission's Advice Note on the Role of a Standards Officer](#) provides information on a Standards Officer's role and responsibilities, within the ethical standards framework, and the duties they may be expected to undertake. These include ensuring that appropriate training on the Code is given to board members on the Code. You can seek also advice on the Code, or any other aspect of the ethical standards framework, from the Standards Commission at any time.

Case Example: An example of where the Code might apply could be where an IJB member posts disrespectful comments about the Cabinet Secretary for Health and Social Care. Even if the member's social media account was marked as personal and they had not referred to their IJB board role in the biography section, they still could be objectively considered to be acting in their capacity as a member if, for example, the account contained posts relating to the IJB business, or even general health or social care related issues.

Case Example: A further example of where the Code might apply could be where a member, when presenting at an external event, made reference to their role on the IJB board and publicly criticised the Chief Officer's performance.

4. Understanding Your Role & Responsibilities

- 4.1 IJB membership includes representatives from councils, NHS boards, GPs, the voluntary sector, unpaid carers, and service users. This is essential to encourage diversity of thought and to ensure that input from, and the perspectives of, all key stakeholders are considered in any decision-making. As a member of the IJB you are required, however, to act in the best interests of the IJB as a whole, as opposed to the interests of any group, body or organisations from which you have been drawn, appointed or nominated. You should ensure they understand the distinction between, on the one hand, bringing a particular perspective to discussions and, on the other, participating in collective strategic decision-making as a board member of an IJB (being a statutory public body).

- 4.2 You should also ensure that you understand, respect and take account of differences in the backgrounds, knowledge, experiences and organisational cultures of your fellow members. This helps make sure matters are discussed in a respectful and constructive manner that, in turn, helps the IJB to work effectively.
- 4.3 It is important for IJBs to ensure good governance and accountability in respect of both finance and performance. You should ensure that you are fully aware of the IJB's purpose, structure and strategic aims. You should also ensure you understand the functions it performs and the activities it undertakes. It is also important to have knowledge of the funding arrangements for the IJB, including the level of funding provided by the council and health board. You should be satisfied you are aware of the IJB's financial monitoring and reporting arrangements and also its approach to risk.
- 4.4 The table below summarises the information you should be aware of before accepting an appointment or nomination to sit on an IJB.

The composition of the IJB
The IJB's purpose, structure, strategic aims and the activities it undertakes
The IJB's funding, financial monitoring and reporting arrangements
The IJB's Code of Conduct
That you will be obliged to act in the best interests of the IJB while acting as a member of it
The potential for conflicts of interest to arise

- 4.5 **Your role as a lived experience, service user, unpaid carer or third sector member:** If you are a lived experience service user, unpaid carer or third sector member, you are appointed to bring valuable knowledge and insight from your experience into IJB discussions to contribute to discussions and inform decisions. This means sharing perspectives, experiences and highlighting the potential impact of any decisions. However, you are not appointed to act as a delegate or mandated representative, or to be an advocate for any particular group or constituency. Instead, you are required to exercise your own judgement and act in the best interests of the IJB when contributing to discussions and when making decisions.
- 4.6 Lived experience, service user, unpaid carer and third sector members are encouraged to maintain their connections with carers, service users, and community groups between meetings. Talking to people, maintaining regular relationships with voluntary and community organisations, attending forums, and listening to community views between meetings is how such members stay informed and grounded, and helps them make a valuable contribution to the board. This is consistent with good practice for any board member who seeks to be well-informed as it helps members both to identify the likely effect of decisions on people and organisations and to provide appropriate feedback on public IJB discussions and decisions. There is, however, an important distinction between gathering views to inform your perspective and independent judgment (which is appropriate) and seeking or taking instructions from an outside body about how to vote (which is not allowed). Engaging with the carer community before a meeting and then exercising your own independent judgment at the meeting does not, in itself, create any conflict of interest.
- 4.7 You and your fellow board members are responsible for overseeing the IJB and scrutinising performance to ensure that it is being properly run, with all funds being used appropriately and in accordance with 'best value' principles. As a lived experience, service user, unpaid carer and third sector member, you can inform the board about your experiences, and the views, perspectives and priorities of your constituency*.
- *If you are a lived experience, service user, unpaid carer or third sector member, your constituency is any category, group or body of service users, unpaid carers or from the third sector, from which you have been appointed or recruited.

- 4.8 The Standards Commission has produced a Card for Lived Experience Members of IJBs that is aimed at helping them manage the expectations of others, in respect of what they can and cannot do while acting as a member of their IJB. This card can be found at:
<https://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings>
- 4.9 It should be noted that lived experience members are entitled, under The Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Amendment Order 2025 to arrange for a suitably experienced proxy to attend and vote in their place when they are unable to attend. A proxy has the same rights and responsibilities as the substantive member, and are subject to the Code's provisions, while attending an IJB meeting.
- 4.10 **Your role as a councillor or health board IJB member:** If you are a councillor or health board member, you are appointed or nominated by your council or health board to bring knowledge and insights from its perspective. Councillor and health board members can inform the IJB about the council's and health board's policies and priorities. Again, however, when acting as members of the IJB, you have a duty to exercise your own judgement and act in its best interests, as opposed to the interests of the council or health board from which you have been appointed or nominated. You need to be aware of your obligations to the IJB and make sure these do not conflict with your obligations to your constituency*.
*If you are a councillor or health board member, your constituency is the council or health board from which you have been appointed or nominated.
- 4.11 Councillor and health board members are also encouraged to talk to their colleagues, council and health board officers, constituents and service users to ensure they are well-informed about all perspectives. This is consistent with good practice for any board member who seeks to be well-informed. There is, however, an important distinction between gathering views to inform your perspective and independent judgment (which is appropriate) and seeking or taking instructions from an outside body about how to vote (which is not allowed). Engaging with others before a meeting and then exercising your own independent judgment at the meeting does not, in itself, create any conflict of interest.
- 4.12 The Standards Commission has produced a Card for Councillor Members of IJBs that is aimed at helping them manage the expectations of their constituents, in respect of what they can and cannot do while acting as a member of their IJB. This card can be found at:
<https://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings>
- 4.13 **When acting in that capacity, all members of the IJB have a duty to act in its best interests, as opposed to the interests of any constituency from which they have been appointed or nominated.** All IJB members need to be aware of their obligations to the IJB and make sure these do not conflict with their obligations to their constituency and other bodies with which they are associated. This would include your council, NHS board (if you are a councillor or member of a health board) or political group.
- 4.14 Again, it is important to note that the duty to act in the best interests of the IJB does not prevent you from bringing forward relevant experiences or perspectives from local groups or communities. Such input is appropriate, provided that decisions are ultimately made independently, and on the basis of all relevant information and evidence provided to the IJB and in its best interests.
- 4.15 In order to maintain public confidence, it is essential that IJB members not only make decisions, but are seen to be making decisions, both in the best interests of the IJB and based on the information provided by officers and matters discussed during any discussion at the IJB meeting

in question (including the views expressed from all perspectives). You should not make or be seen to be making decisions based solely on the interests of any constituency (including any organisation, body or group of which you might be or reasonably be considered as representing).

- 4.16 This does not mean you are required to support every proposal or should avoid challenging recommendations made. Challenging proposals and recommendations with evidence, asking questions for the purpose of legitimate scrutiny, and highlighting the potential impact on constituents and service users is an important part of acting in the best interests of the IJB, because such discussions help the board make better and informed decisions. It should also be noted that it may be that members reach different conclusions about what constitutes the best interests of the IJB and best value, while still exercising independent judgement. The best interests of the IJB will include consideration of the IJB's statutory duties and integration principles, agreed health and wellbeing outcomes, human rights and equality duties, Best Value, evidence of impact on people and communities; and the long-term sustainability and quality of all the services for which it is responsible.
- 4.17 The requirement to act in the interests of the IJB means you could be required to make decisions that could potentially be inconsistent with, or diverge from, the priorities or potential aims of any constituency from which you have been appointed.
- 4.18 The requirement for you to act in the best interests of the IJB and to maintain your independence as a board member applies both within the boardroom and outside it. No outside body, organisation, or community group is entitled to direct how you vote or to hold you directly accountable for your voting decisions (albeit it would be reasonable, if asked, for you to provide information on how their views were considered and to explain your reasoning, subject to the requirement for you to maintain confidentiality). If you experience pressure of this kind, you should seek support from the Standards Officer or the IJB Chair.

Case Example: If an IJB is being asked to make a decision on service provision, for budget reasons, that could result in an increased demand on hospital services, any members who have been appointed to the IJB from a health board will be required to consider and decide the matters in the IJB's best interests and not of the health board.

Case Example: You are a councillor member of an IJB. The IJB is to consider a plan to decommission respite services currently delivered at a unit in your constituency ward. You understand that the proposal will ensure best value and consider it to be appropriate in terms of modernising interventions and services in the overall region. You are aware, however, that there is support for retaining the unit amongst your constituents, who consider that it provides an essential local service for carers and the elderly. How do you reconcile your roles and the different considerations?

You are obliged under the IJB's Code to act in its best interests while carrying out your duties as a member of it. As such, when considering the plan, you must base your decision on the interests of the IJB, even if these are inconsistent with what you think may be the interests of your ward constituents.

Case Example: You are a carer representative. Your IJB is to consider a plan to decommission respite services currently delivered at a unit in the area. You understand the recommendation is being made as officers consider the proposal will ensure best value and consider it to be appropriate in terms of modernising interventions and services in the overall region. You belong to a carer network group and are aware, however, that local members of the group support retaining the unit as they consider it provides an essential local service for carers and the elderly. How do you reconcile your responsibilities and the different considerations?

Provided you are not disclosing any confidential information, you are entitled, before any IJB meeting, to speak to carers or service users. This includes attending any carers forum or meeting the group has arranged to listen to any views about the proposal.

You are, however, obliged under the IJB's Code to act in its best interests while carrying out your duties as a member of it. As such, when considering the plan, you can share any insights you have as to the potential impact. In reaching your decision, you can draw attention to the views of carers and service users to ensure the Board is fully informed. You must, however, consider all the available evidence and information and base your decision on the interests of the IJB.

This means you might make a decision on the proposal that is inconsistent with what you think may be the wishes and interests of local members of your carer network group or its view. Doing so does not mean you have failed to represent carers.

Equally, having considered all the available evidence and information, you may make a decision that you consider to be in the IJB's interest, that is also compatible with the views of the local group. Doing so does not mean you are simply representing them and not fulfilling your duties as an IJB member.

Case Example: You are a carer representative and regularly attend a local carers forum. Before an IJB meeting, members of the forum express strong opposition to a proposal to redesign respite care services. You bring their concerns and experiences to the IJB discussion. However, after considering all the evidence presented to the Board, including the impact assessment and proposed alternatives, you reach a different conclusion from many of the carers you have spoken to. Have you failed in your role as a carer representative?

No. Your role is to ensure that carers' experiences and perspectives are considered as part of the Board's discussions and decision-making. You are not required to act under instruction from a carers forum or any other group. As a member of the IJB, you are expected to exercise your own independent judgement, informed by your lived experience as a carer and your engagement with other carers.

- 4.19 It should be noted that the design of IJBs brings the potential for real or perceived conflicts of interest for board members, particularly where there is a disagreement between the council and a health board with regard to IJB business, including the money and resources the council and health board are providing to the IJB. As an IJB member, you will have to manage any such conflicts of interest. For example, councillor and NHS board members may be acting as IJB board members while commissioning a service, but also for the Council or the NHS board which is then responsible for delivering and evaluating that service. **Section 5** below provides you with guidance on how to do this.

- 4.20 If you are a councillor member of the IJB, you should be aware that the Councillors' Code of Conduct makes it clear that you still need to observe the rules in the Councillors' Code even while carrying out your duties as a member of an IJB. You will also be bound by the rules of conduct for the IJB and are also responsible to the IJB and are required to act in its best interests. This obligation is outlined in Paragraph 3.30 of the Councillors' Code, which states:

If I am appointed or nominated by the Council as a member of another body or organisation, I will abide by the rules of conduct and will act in the best interests of that body or organisation while acting as a member of it. I will also continue to observe the rules of this Code when carrying out the duties of that body or organisation.

- 4.21 Similarly, if you are a health board member of the IJB, you should be aware that the Health Board's Code of Conduct makes it clear that you still need to observe the rules in that Code even while carrying out your duties as a member of an IJB. You will also be bound by the rules of

conduct for the IJB and are also responsible to the IJB and are required to act in its best interests. This obligation is outlined in the provisions on 'Appointments to Outside Organisations' in Section 3 of the Model Code, which states:

If I am appointed or nominated by my public body, as a member of another body or organisation, I will abide by the rules of conduct and will act in the best interests of that body or organisation while acting as a member of it. I will also continue to observe the rules of this Code when carrying out the duties of that body or organisation.

- 4.22 If you are a health board member of the IJB, you should be mindful that the requirement to act in the interests of the IJB while carrying out your duties as a member of it may require you to make decisions that could potentially be inconsistent with, or diverge from, the priorities or stated aims of the Health Board.
- 4.23 Similarly, if you are a councillor member of the IJB, you should be mindful that you are required to act in the interests of the IJB while carrying out your duties as a member. This may require you to make decisions that could potentially be inconsistent with, or diverge from, the priorities or stated aims of the Council or any political party or grouping you represent. You should not base or be seen to be basing your discussions or decisions, as an IJB member, on political considerations or along party lines (for example when presenting your opinions or the reasoning behind your decision).
- 4.24 While you have been appointed to raise matters from the perspective of your constituency or any external group, you should not act as a delegate or lobby on behalf of it, or act under its instructions when sitting as a member of the IJB. You can provide feedback to your constituency or group about the discussions and decisions-making at any public meetings of the IJB. However, you should not report back to your constituency on any work and discussions of the board that could be deemed as being confidential, unless specifically authorised to do so by the IJB.

Case Example: You are a third sector representative. At its last meeting, the IJB considered a proposal to direct the local Council to cut funding for a drug dependency support service. You are concerned about the scale of job losses, the short timescales for the closure of the service and the overall impact it will have on drug users in the area. Other members of the IJB are content with reassurances from officers that an impact assessment and subsequent risk mitigation plan will be put in place, and that the funding cut will result in savings that will help deliver efficiency and innovation in respect of other analogous services. You simply cannot accept that the funding cut is necessary or appropriate, however, as you have heard many accounts of the benefits that the service provides. What can you do?

Before the meeting, you can ask for any evidence you have to be included in the papers relating to the proposal to support informed decision-making. You could also raise the issues you have heard at the meeting and can vote against the proposal if you consider it is in the IJB's best interest to do so. If other members disagree and vote for the proposal and you remain unhappy, you can ask for your dissent to be recorded in the minutes. Ultimately, however, if the decision was made in accordance with the IJB's standing orders, policies and procedures then it is legitimate, regardless of your opinion and vote. You need to respect that even if you continue to hold a different view. You could be in breach of the Code if, outside the boardroom, you publicly criticise officers or make disrespectful comments about other members. This would include when you are posting on social media.

You may continue to disagree with the decision. However, where the decision has been made through the proper processes of the IJB, members should respect that it is the Board's decision and continue to contribute constructively to future discussions and decision-making. In some circumstances, a member may decide that continuing to be a member of the IJB is no longer right for them, but that is a personal decision.

- 4.25 You should make sure you are clear about the status of your appointment. If you are a proxy or substitute member, you should be aware that you are only entitled to attend any meeting of the IJB if the member for whom you have the proxy or are a substitute for is unable to be present.

5. Identifying Potential Conflicts of Interest and Making Declarations of Interest

- 5.1 **What conflicts of interest are:** Conflicts of interest are not about wrongdoing. They arise when you, or any person or body with whom you are associated, has a connection to a matter the IJB is considering and that connection could reasonably be seen as having the potential to affect your judgement. The key is to identify any potential conflict of interest as early as possible and to manage them openly and appropriately. Following the **three-stage test** outlined in the Code, as described below, helps you do so.
- 5.2 As noted above, the public must have confidence that IJB members are taking decisions in the public interest, and not for any other reason. It is essential, therefore, that you are transparent about any interests which could influence, or could be considered as being likely to influence, your discussion and decision-making as an IJB member. A failure to identify and manage appropriately any conflict of interest that arises will be a breach of the Code. It can also have a detrimental impact on the IJB's governance and scrutiny arrangements, as well as its reputation.
- 5.3 In most cases your duty under the Code to act in the public interest will align with your duty to act in the best interests of your IJB. However, as IJB members are on the board by virtue of having another role or specific knowledge and experience, the potential for conflicts of interest and associated risks to effective governance and scrutiny can arise.
- 5.4 You must ensure, therefore, that you can identify potential conflicts of interest. These will include not just the potential for competing interests between the IJB and any constituency you represent, but also between the IJB and any other individual, body, group, or organisation with which you have an additional personal connection.
- 5.5 You should ensure, therefore, that you are familiar with, and understand, the three-stage test for identifying and declaring interests under the Code, outlined below.

1. CONNECTION



2. INTEREST



3. PARTICIPATION

- 5.6 **Stage 1 – CONNECTION:** For each particular matter you are being asked to consider as a member of your IJB, you must first consider whether you have a connection to that matter. A connection is any link between the matter being considered and you as an individual, or a person, group or body with whom you are associated. A connection also includes anything that has been recorded on your register of interests.
- 5.7 It should be noted that a link that could apply to a large proportion of the general public would not necessarily be considered a connection for the purpose of the Code. Examples would be being a taxpayer, being in receipt of universal credit or a carer's allowance, and being in receipt of social care or health care in general.

- 5.8 In addition, simply having knowledge or experience of a matter that is to be considered by the IJB would not necessarily be a connection.

For example, your knowledge and experience of patient safety would not be considered a connection, if an item to be considered by the board was the reform of a serious mental illness pathway in the local area, to reduce the ongoing risk to patient safety.

- 5.9 It should be noted that the Code provides that a connection does not include being a member of a public body, such as a health board or council, from which you have been appointed or nominated as a representative to the IJB. This means you do not automatically have a connection by virtue of being a councillor or health board member of an IJB. As such, you are not required to declare an interest and withdraw when discussions on matters that concern your council or health board arise. This includes decisions about the budget and expenditure. The only exceptions to this are if the IJB is considering a matter that is quasi-judicial or regulatory in nature (such as a planning or licensing matter) that concerns the council or health board; or if you have an additional personal conflict.
- 5.10 If you have identified that you have a connection to a matter to be considered by your IJB, you must move on to stage two.
- 5.11 **Stage 2 – INTEREST:** In considering whether to declare an interest in any item to be considered by the board, you must consider the objective test at paragraph 5.5 of the Code. The objective test is: *whether a member of the public, with knowledge of the relevant facts (being the matter to be discussed and the nature of your connection) would reasonably regard your connection to the particular matter as being so significant as to be likely to influence your discussion or decision-making on that matter as an IJB member.*
- 5.12 It should be noted that having a view in advance on a matter to be considered at a meeting (and discussing such a view with colleagues or service users) would not in itself create a personal conflict. You are entitled to express views and opinions and doing so before a meeting would not in itself create a declarable interest.
- 5.13 If the objective test is met and you have a declarable interest, you must move on to stage three.
- 5.14 **Stage 3 – PARTICIPATION:** You must declare any relevant interest and withdraw from the room while the item is being considered, discussed, and voted upon. It is not enough for you to simply not talk, or to go to the back of the room or any public gallery. If the meeting is being held online, you should ask to be put in a separate breakout room or you should leave and only re-join when consideration of the matter has concluded. It is not enough for you to turn off your camera and / or microphone for the duration of the matter. The requirement to leave the room (whether in-person or online) is to avoid giving rise to any perception that you are influencing or trying to influence other members.

Case Example: You are a carer representative on the IJB and also sit on the Board of a local carers' organisation. The IJB is being asked to approve funding for that organisation to deliver support services for unpaid carers. Can you take part in the discussion and decision-making?

You should first consider the three-stage test in the Code. As a board member of the carers' organisation, you have a clear connection to the matter being considered. A member of the public, aware of your role within the organisation, may reasonably regard that connection as being significant enough to influence your discussion or decision-making. As such, you would be likely to have a declarable interest. You should declare the interest and withdraw from the discussion and decision-making on the item.

It should be noted that your role as a carer representative and your general knowledge of carers' needs would not, by themselves, create a conflict of interest. In this case, the conflict arises because of your governance role within the organisation that may directly benefit from the funding decision.

- 5.15 You should consider making a 'transparency statement' in situations where you have a connection to a particular matter to be discussed but, having applied the objective test, you do not consider it would amount to a declarable interest. This can be helpful if you are concerned that members of the public may not be aware of the relevant facts. In such cases, you should use the following wording: "I have a connection to this item by reason of... However, having applied the objective test I do not consider that I have an interest to declare. This is because...."
- 5.16 You should be aware that the categories of interest that can require a declaration of interest include both your own personal financial and non-financial interests such as being a member of another body, or organisation, such as a society, club or charity.

Case Example: An example of a declarable non-financial interest might be if your IJB was being asked to approve plans to create a dedicated social work team based at the supported living accommodation facility of which you were a resident.

Case Example: Another example of a declarable non-financial interest might be if you were a GP and the IJB was being asked to approve plans to implement the Scottish General Medical Services contract.

- 5.17 Categories of interest that can require a declaration can also include the financial and non-financial interests of other persons and bodies. Other persons and bodies can include your friends and family, employer and any body of which you are a member.

Case Example: An example of a declarable interest concerning another person or body might be if the IJB was being asked to approve the relocation of an integrated older peoples at home service and your parent was a service user of the particular service.

Case Example: Another example of a declarable interest concerning another person or body might be if the IJB was being asked to approve funding to an organisation and your partner was an employee of the organisation.

Case Example: Further examples of a declarable interest could be:

Where a member is involved with a carers' organisation (for example, as a trustee, committee member or office bearer) and the IJB is considering funding or commissioning decisions relating to that organisation.

Where a third sector representative is employed by, serves as a trustee of, or volunteers with an organisation that provides health or social care support services and the IJB is considering a proposal that could affect that organisation, such as a decision on the future funding, commissioning, redesign or delivery of services (including carers support services, mental health support, community transport, advocacy services or other community-based health and wellbeing programmes). The member should apply the objective test and consider whether their connection to the matter amounts to a declarable interest. If in doubt, they should seek advice.

- 5.18 You should not rely on or expect your colleagues, or anyone else, to remind you to make a declaration of interest even if you think they are aware of your interests (including any membership of another organisation). It is your own personal responsibility to identify and make declarations of interest as required by the Code. If you are in any doubt, you should ask the Chair or Standards Officer for advice.

- 5.19 You should review meeting agendas as soon as possible to see whether you might have a declarable interest in any item to be considered. If so, you should make your declaration of interest as early as possible at the meeting where that interest arises. If you only identify that you have a declarable interest when a particular matter is being discussed, you must declare the interest and leave the room as soon as you realise.
- 5.20 When declaring an interest, you should begin your statement with the words “I declare an interest” and identify the item or items of business to which it relates. You do not need to give a detailed description of the interest, but your statement must contain enough information for those present to be able to understand the nature of it.

Case Example: Your IJB is being asked to consider a report seeking approval for the implementation of a programme to support the further integration of learning disability services in the area. The report recommends that the IJB approve the implementation of the proposed programme, including expenditure and the award of a contract to a preferred service provider. Your partner works for a similar service provider in the area and has advised you that the decision could potentially lead to some job losses within his organisation. His own role may be under threat of redundancy. Should you declare an interest?

Yes. You are obliged under the Code to declare both the financial and non-financial interests of partners, close relatives and close friends, if the interest is sufficiently significant that it could be taken to fall within the objective test. In this case, your partner would have a non-financial interest (that is likely to be considered significant), by virtue of his employment at a potential competitor. The fact that his employment could be affected by the decision would make it also a financial interest. It is likely that a member of the public, with knowledge of your partner’s job, would reasonably regard your interest as so significant that it would be likely to prejudice your discussion or decision-making. You should declare an interest and withdraw from the room while the matter is being discussed, and any decisions are being made.

Case Example: Your IJB is being asked to approve expenditure to support implementation of the area’s Primary Care Improvement Plan. Your parents are patients of a GP Practice in the area. Are you obliged to declare this as an interest?

No. It is unlikely that a member of the public, with knowledge of your family’s connection to the area and likelihood that they might be patients of a GP practice within it, would reasonably regard your interest as so significant that it would be likely to prejudice your discussion or decision-making. This is because the Primary Care Improvement Plan would cover all primary care services and would have an impact on all GP Practices in the area, not just the one in question.

Case Example: Your IJB is being asked to approve the closure of a 20 bed long-stay rehabilitation ward in a local hospital. You have been a patient of the hospital in the past and are friends with one of the ward’s current residents. Should you declare an interest?

Yes. In this case, your friend would have a non-financial interest (that is likely to be considered significant), by virtue of their residence on the ward and the impact any closure or move to new facilities would have on this (whether positive or negative). It is likely that a member of the public, with knowledge of your friend’s residence, would reasonably regard your interest as so significant that it would be likely to prejudice your discussion or decision-making. You should declare an interest and withdraw from the room while the matter is being discussed, and any decisions are being made. If, however, you did not have such a friendship and your connection was simply having been a past patient of the hospital, the relevant facts for the purpose of the objective test could include how long ago that was, whether you were a resident of the ward in question and whether you had any other connection to it.

Case Example: Your IJB is considering matters concerning the implementation of the Safer Drug Consumption Facility. As a lived experience member, you have accessed drug and alcohol services in the past and have views on the needs of those who might access such a facility. Do you need to declare an interest?

No. You are on the IJB as a lived experience member and, as such, are expected to share the lived reality of accessing and providing health and social care services in your community. You can provide valuable insight into the challenges and opportunities the IJB should consider in its planning and decision-making. You would only need to declare an interest if you had an additional personal interest in the facility (for example, if one of your children worked there).

Case Example: You are a lived experience member who receives self-directed support from the local authority. Your IJB is being asked to consider a proposal to direct the local council to make large-scale savings against social work by reducing health and social care partnership self-directed support spending. Do you need to declare an interest?

No. While it is accepted you could potentially be directly impacted by the cuts, being in receipt of such a package is something that applies to a large number of the public. You are on the IJB for the purpose of sharing your lived reality, to inform decision-making, and your exclusion from this would defeat the purpose of your membership.

6. Culture of Respect

- 6.1 **Respect, Bullying and Harassment:** The Code requires members to treat everyone with courtesy and respect including in person, in writing, at meetings and when online. The conduct expected of you online is no different to that expected when using other methods of communication, such as in person meetings or on the telephone. You should be aware of the inherent influence your role brings and ensure that you are demonstrating respect for others and encouraging colleagues to do the same.
- 6.2 In dealing with colleagues, service users and members of the public, you should always consider both what you are expressing and the way you are expressing it. You should also consider how your conduct could be perceived. You should be able to undertake a scrutiny role and make contributions to discussions and debates in a constructive, respectful, courteous, and appropriate manner, without resorting to personal attacks, being offensive, abusive or unduly disruptive. You should ensure that you are familiar, and comply, with the terms of any policy your IJB has issued on dignity in the workplace.
- 6.3 You should be mindful that there can be differences in culture between organisations. For example, behaviour that may be accepted as part and parcel of robust political debate on a council may be perceived as being unacceptably negative or unhelpful on an IJB.
- 6.4 Before commenting or posting on social media, you should consider very carefully whether the Code would apply and, if so, whether you understand the immediate and permanent nature of any comment or post you are about to make. Even if you regret having made a post and delete it quickly, it may already have been copied and distributed more widely. You should bear in mind the potential impact on the reputation of the IJB. You should also be careful that you are not disclosing any confidential information.
- 6.5 You should note that 'liking', 'reacting', 'tagging', re-posting and sharing comments or posts, or publishing links to other sites could be seen as you supporting the original opinion, comment or information, including information on other accounts or sites. The Standards Commission has produced an [Advice Note for Members of Devolved Public Bodies on the Use of Social Media](#) that provides more guidance on factors you should consider when using social media.

Case Example: An IJB member shared an article that contained a sectarian comment on their LinkedIn profile. While the LinkedIn profile was a personal one and did not state explicitly that the individual in question was an IJB member, it was apparent from the content of the profile, other posts, and shared items that this was the case. Therefore, the Standards Commission found that it would have been reasonable for an informed member of the public to have perceived that the individual was acting in their capacity as a member of the IJB when sharing the article. The Standards Commission accepted that the member's position was that they had not read the article in full and were absolutely appalled by the remark in question but nevertheless found that there had been a breach of the Code. The Standards Commission agreed that sharing an article of that nature was likely to bring both the member and the IJB into disrepute.

6.6 As noted above, the composition of IJBs allows for different voices and stakeholder input to be considered in decision-making. You can demonstrate you understand the value of these different perspectives by ensuring you listen to, and take account of, the views of other members. You are perfectly entitled to disagree with your colleagues; you are simply required to express any opposing views in a respectful manner. If you want to say why you disagree, it is always better to focus on the issue and not the individual.

6.7 The Code notes that members must not participate in, or condone, acts of harassment, discrimination, victimisation or bullying. This can include (but is not limited to):

- unwelcome physical, verbal or non-verbal conduct;
- intimidatory behaviour including verbal abuse or the making of threats;
- making someone's working life difficult;
- disparaging, ridiculing or mocking comments and remarks;
- deliberately excluding an individual from conversations, work or social activities, in which they have a right or legitimate expectation to participate; and
- ignoring a fellow member's contribution to a debate, talking over them or being dismissive of their views.

Further information can be found in the Standards Commission's [Advice Note for Members on Bullying and Harassment](#).

6.8 You have a right to high quality information and are entitled to seek further information to enable you to undertake your scrutiny role effectively. You are entitled to challenge officers and colleagues, but you must not do so in a personal or offensive manner. You should bear in mind that any issues relating to behaviour, performance or conduct of an officer should be raised privately with the appropriate senior manager.

6.9 You should also be aware of the role that officers play and ensure you are not compromising this by behaving in a manner that could result in them feeling threatened or intimidated, which in turn could prevent them from undertaking their duties properly and appropriately. You must not bring any undue influence to bear on an officer to take a certain action, particularly if it is contrary to the law or the IJB's policies and procedures.

Case Example: You are being asked to approve a strategic plan, drafted by officers, to redesign the learning disability services in your area. You are concerned that inadequate consideration has been given to transportation and that users and families may require to travel longer distances to access services under the changes proposed. Can you raise concerns about this?

Yes. You have a right to high quality information and to scrutinise and challenge recommendations and proposals. You are entitled to challenge the adequacy of the report and its conclusions, and to ask for further work to be undertaken or additional information to be provided, provided you do so in a respectful, courteous and appropriate manner. You are not entitled to be offensive, abusive and / or unduly disruptive, or to raise any matters concerning

the conduct or capability of officers in public. You should be mindful of your tone and choice of language to ensure that you are being courteous and respectful when asking for further work to be undertaken or information provided.

Case Example: You have noted that the Chair of your IJB routinely ignores the contribution of the carer representative and allows councillor members of the IJB to speak over them. At the last meeting of the IJB, a councillor member told the carer representative to “shut up” when they tried to object to a proposal being considered. The carer representative advised you that they consider they are being side-lined, as the Chair has recently held meetings with the substitute carer representative about IJB business, but has not invited them. The carer representative is considering resigning as they feel unable to contribute properly. They consider there may have been a breach of the Code by the Chair and others. Could they be right?

Yes. The representative is on the IJB to provide input on local services from their perspective as a carer and should be encouraged to do so. The Chair should be reminded of the inherent influence their role brings and should ensure that not only are they demonstrating respect for all members of the IJB, but that they are also encouraging colleagues to do the same. The Chair and councillor members are not demonstrating respect if they are not listening to, and taking account of, the views of the carer representative or if they are being rude to them. It should be noted that bullying can be a pattern of behaviour or can be a one-off incident that is objectionable or intimidating. It can include deliberately excluding an individual from conversations or meetings, in which they have a right or legitimate expectation to participate.

You have a responsibility to either speak out and challenge the inappropriate behaviour or report it to the Standards Officer. You should also remind the Chair that the substitute member should only be invited to attend and participate at a meeting if the carer representative has been invited but is unable to attend. You should encourage the carer representative to remain on the board and seek to engage them in its discussions. You should also take steps to address the situation and prevent it from recurring, by asking the IJB to review whether its induction, support, and chairing arrangements are adequate. If you consider the Chair has breached the Code, you can make a complaint to the Ethical Standards Commissioner.

7. Distinguishing between Strategic and Operational Management

- 7.1 As a general rule, the role of members is to scrutinise and provide strategic leadership and oversight. This involves setting strategy and policy, scrutinising overall performance against strategic aims, and making major decisions that concerns the IJB as a whole.
- 7.2 By comparison, operational management is the planning, organising and execution involved in day-to-day activities and service delivery. This is normally the role and responsibility of employees. Members risk losing sight of their strategic role if they become too focused, or inappropriately involved, either individually or as a board, on matters that are operational in nature.
- 7.3 You have a right to receive good quality information from officers on which to base your decisions and undertake your scrutiny role. This information should be proportionate, balanced, comprehensive and understandable. You are entitled to ask questions about operational matters at board meetings and to seek assurances from officers that actions have or are to be taken. You should be careful, however, about the level of detail you are seeking. You should always question whether the amount and nature of the information you are seeking is necessary and proportionate.
- 7.4 If you do not consider you are receiving the information you require to assure yourself that you are in a position to make informed decisions, you should raise the issue with the IJB’s Chair or Chief Officer. You can also suggest to the Chair or Chief Officer that pre-meeting briefings be

held if the board is being asked to consider any particularly complex matter or report. You can also request that consideration of an item be deferred if you do not believe you have sufficient information to make an informed decision.

- 7.5 You should also be aware that if you are repeatedly raising the same issue or asking repetitive questions about operational matters, it is likely you are being, or will be perceived as being, directive and becoming inappropriately involved. It may be helpful in such a situation for you to ask for a separate discussion with the Chair to see if they can help resolve the matter.

Case Example: You are concerned about waiting times for a service. While it may be appropriate to ask for data, trends or planned actions, you should not be trying to direct how staff should schedule appointments.

Case Example: You are concerned that a service does not have a health and safety policy. While you can ask for confirmation that one is in place, it may not be necessary or appropriate for you to insist on reviewing or approving its contents.

8. Decision-Making

- 8.1 Unlike the Codes for members of other devolved public bodies, there is no requirement for IJBs to include, in their Code, a requirement for their members to respect the principle of collective responsibility. IJBs may take decisions on difficult issues and, as such, members may have genuine and strongly held differences of opinion. Once issues have been debated thoroughly, however, decisions should be taken, and the majority vote should prevail. As a member, you will have to decide whether to support the decision, and if not, whether you wish to have your dissent recorded formally (for example, in the minutes of the meeting). You should note that once it becomes clear that no further progress can be made in a discussion, continuing to revisit the same arguments may not be productive and can divert attention from other Board business. It should be noted, however, that some IJBs have chosen to include a provision requiring their members to abide by the principle of collective responsibility. If so, members can show their dissent at the time of the meeting but must then abide by it.

- 8.2 You should bear in mind that while issues can and should be debated robustly, if you express division outside the boardroom by, for example, talking to the media or officers or posting on social media, stakeholders can lose confidence in the organisation. This is because confidence and trust can be eroded if a board is perceived as being divided, with its members criticising each other.

Case Example: The IJB has made a decision you are unhappy about. Can you advise members of the group from which you are appointed that you are disappointed with the decision and did not vote for it?

Yes. You should try to explain, however, why other members disagreed so that you are sharing all perspectives. Doing so helps everyone understand all the factors and matters that were considered, even if you and your group remain of the view that something else was more important or should have carried more weight. You should ensure, however, that you are not disclosing any confidential information.

Case Example: A lived experience member colleague is unhappy with a decision made by the IJB and wants to express their views on social media. Could this be problematic?

Yes. While they would be entitled to explain why they did not vote in favour of the decision that was made, they should be very careful about how they word any criticism, in order to avoid damaging the reputation of the IJB. They must not disclose any confidential information and should ensure any comments are respectful. They should always focus on the issues that were

the subject of the decision and not any colleagues involved in the decision-making. Making personal comments about others could amount to a breach of the Code.

9. Confidentiality

9.1 As a member, you may have access to information that should not be disclosed to or shared with anyone outside the IJB. As such, you should be aware of the following confidentiality requirements outlined in paragraphs 3.22 to 3.25 of the Code, which are as follows:

- 3.22 I will not disclose confidential information or information which should reasonably be regarded as being of a confidential or private nature, without the express consent of a person or body authorised to give such consent, or unless required to do so by law. I note that if I cannot obtain such express consent, I should assume it is not given.
- 3.23 I accept that confidential information can include discussions, documents, and information which is not yet public or never intended to be public, and information deemed confidential by statute.
- 3.24 I will only use confidential information to undertake my duties as a board member. I will not use it in any way for personal advantage or to discredit my public body (even if my personal view is that the information should be publicly available).
- 3.25 I note that these confidentiality requirements do not apply to protected whistleblowing disclosures made to the prescribed persons and bodies as identified in statute.

9.2 This means that if you are provided with confidential information, such as information disclosed in a closed or private section of an IJB meeting, or legal advice obtained by the IJB (either from officers or external legal advisers), you should not disclose or release it to the press or any outside body, group or individual. This is even if it concerns, or could potentially affect, that individual, body or group.

9.3 You should be aware that information can be inherently confidential, even if it is not expressly marked as such. You should seek advice from the Standards Officer if you are in any doubt about whether information is confidential or intend to discuss externally any matter that is not yet in the public domain.

Case Example: You have just been told that a proposal to close a significant number of care of the elderly beds within a hospital in your town, in order to invest in alternative community-based models of care, is to be considered at the next meeting of the IJB. You are concerned that people using care, their families and staff at the hospital in question have not been consulted on the proposed changes. You want to draw the matter to their attention so that their views are sought before a decision is taken. You consider the best way to do that would be to contact the local media to alert them to the proposal. Can you do so?

No. You could potentially be in breach of the confidentiality provisions in the Code by divulging anything about the proposal without having first checked whether information relating to it should be kept private. You should note that it may be that a plan to consult with those who could be directly affected by the proposal is to be discussed as part of the board's consideration of the matter. The proposal is not yet in the public domain and the intention may be for it to remain confidential for the time being.

10. Registration of Interests

10.1 The Register is intended to be a public record of any financial or other interests you have that might, by their nature, be likely to conflict with your role as a member of the IJB. It helps ensure transparency and allows members of the public to understand any connections you may have to the work of the IJB and any decisions it might make.

- 10.2 It is your personal responsibility to ensure your Register of Interests is accurate and up to date. You must ensure any changes are made within one month.
- 10.3 The Code sets out the interests, financial and otherwise, that you are required to include in your Register of Interests. If you are unclear about what and how much information to include in your Register of Interests, you can also seek advice from the Standards Officer or the Standards Commission.
- 10.4 You should bear in mind that what you are required to register in the IJB's Register of Interests and what you are required to declare may be different. You should seek advice if you are unclear about what is required. You should note that subsequently declaring an interest at a meeting does not make up for any failure to register one as required by the Code.
- 10.5 If you are a councillor, health board member or member of another devolved public body, you should register your interest on the IJB's Register of Interests under Category 1 (Remuneration) or 8 (Non-Financial Interests).
- 10.6 If you have been nominated or appointed to the IJB by a council, you should also ensure that the membership is registered in your Council Register of Interests either under Category One: Remuneration (if the position is remunerated) or under Category Eight: Non-Financial Interests (if the position is not remunerated). Similarly, if you have been nominated or appointed to the IJB by a health board you should also ensure that the membership is registered in your Health Board Register of Interests either under Category One: Remuneration (if the position is remunerated) or under Category Eight: Non-Financial Interests (if the position is not remunerated).
- 10.7 If you are a proxy or substitute member, you may be asked by the IJB to complete and submit a register of interests form before participating, to ensure compliance with the Code.

Case Example: You are aware that a councillor member of your IJB works for an MSP on a part-time basis. They have registered the employment with the Council and have openly discussed it on social media. The councillor member recently declared an interest in a proposal being considered by the IJB and took no part in the discussion and decision-making, as the MSP they work for has been vociferous in the media about their opposition to the proposal. You have noted, however, that they have not registered the employment on the IJB's register of interests. Does this matter?

Yes. If the employment is remunerated, it must be registered (within one month). The member does not need to state the amount of their salary, but must provide the name of the employer, nature of business and nature of the post they hold. The fact that the member has registered the employment with the Council and has been open about it on social media is not relevant to the question of whether they have complied with the provisions in the IJB's Code. This is because the purpose of having a register is to provide information to the public about the interests of members which might influence their judgement, decision making and actions, or which might be perceived by a reasonable member of the public as doing so. Members of the public might only check the IJB's register of interests, not the Council's one. They may not access or see any postings on social media, or the minute of the meeting in question. Declaring a registerable interest will not remedy any failure to register it, as the fact that a member has declared an interest in one particular item does not necessarily preclude the possibility that they should have done so in respect of another similar or even entirely unconnected matter.

11. Gifts and Hospitality

- 11.1 The provisions in the Code concerning the acceptance of gifts and hospitality aim to avoid any perception that you and other members are using your roles on the IJB to obtain access to

benefits that members of the public would otherwise be expected to pay for. They are also aimed at preventing you from being influenced (knowingly or not) into making decisions for reasons other than the public interest.

- 11.2 The Code makes it clear that the default position is that you should refuse all offers of gifts and hospitality, except in very limited circumstances which are listed at paragraph 3.15. It should be noted that acceptance can include accepting the promise of a gift or hospitality.
- 11.3 The exceptions under paragraph 3.15 are:
- a) minor items or tokens of modest intrinsic value offered on an infrequent basis (such as a pen or a notepad);
 - b) a gift being offered to the IJB;
 - c) hospitality that would reasonably be associated with your duties as a member (such as tea or coffee at a local event, or a buffet lunch included at a training event or conference); or
 - d) hospitality that has been approved in advance by the IJB.
- 11.4 In considering whether an offer of a gift or hospitality may fall within one of these exceptions, you are required to consider an objective test. This is: *whether a member of the public, with knowledge of the relevant facts, would reasonably consider that acceptance of the gift or hospitality might lead you to being influenced in your discussion or decision-making.*
- 11.5 You are required to advise your Standards Officer promptly if you are offered (but refuse) any gift or hospitality of any significant value and / or if you are offered any gift or hospitality from the same source on a repeated basis (so that the IJB can monitor this).

12. Further information

- 12.1 [The Scottish Government's 'On Board: a guide for members of statutory boards'](#) and the '[Role, Responsibilities and Membership of the Integration Joint Board' guidance](#), outline some helpful principles for roles on boards in general and for membership of an IJB.
- 12.2 You can contact the Standards Commission for assistance with any aspects of the Code, via email: enquiries@standardscommission.org.uk. The Standards Commission can also assist IJBs with training on the Code for their members.
- 12.3 Please also contact the Standards Commission if you have any further examples that you would like it to include in its Guidance or this Advice Note.

