

## **West Lothian Integration Joint Board**

Date: 31 May 2016

Agenda Item: **7**

### **CODE OF CONDUCT**

### **REPORT BY STANDARDS OFFICER**

#### **A PURPOSE OF REPORT**

To inform Board members of the revised Model Code of Conduct and seek its adoption for submission to the Scottish Ministers for approval.

#### **B RECOMMENDATIONS**

1. To note that the Scottish Ministers have issued a Model Code of Conduct for Members of Integration Joint Boards (Appendix 1)
2. To adopt the Model Code for submission to the Ministers for approval, but with amendments to Paragraphs 1.8, 5.4, 5.15 and 6.8 to direct Board members to the Standards Officer for advice, rather than to the Chair
3. To note the recent issue by the Standards Commission of further guidance to members of devolved public bodies on relationships with employees, and the use of social media

#### **C TERMS OF REPORT**

##### **1.0 Interim Code of Conduct**

- 1.1 On 20 October 2015 the Board adopted a Code of Conduct on an interim basis, pending the conclusion of work being undertaken by the Scottish Government and the Standards Commission for Scotland to produce a Model Code specifically designed for IJBs as a specific type of public body. That interim Code was based on a more generic earlier Model Code designed for all devolved public bodies, with some adaptations and additions which officers felt were appropriate to reflect the peculiar nature of IJBs.

##### **2.0 Model Code for Integration Joint Boards**

- 2.1** The Scottish Government and Standards Commission issued in 1 April 2016 a new Model Code and requested that all IJBs consider it and adopt it for future use by their IJB members. They did leave room for each IJB to make changes to it “in exceptional circumstances” but any such changes will require approval when adoption of the Code is reported back to Ministers.
- 2.2** The new Model Code is attached. In drafting it, many of the representations made in relation to the draft have been accepted, and it is almost identical to the interim Code adopted by the Board in October last year. there are some changes in relation to wording and layout, but very few of any significance for Board members. There is one issue which members are invited to consider specifically in relation to making a change to the Model Code.

### **3.0 Points to note**

- 3.1** The matters to note but which it is not felt cause any concern or should lead to any departure from the Model Code are as follows:-
- The addition of references to statutory guidance “Roles, Responsibilities and Membership of the Integration Joint Board” as documents to assist Board members in understanding their role and responsibilities.
  - The deletion of references to statutory guidance on the Councillors’ Code of Conduct and on the Code of Conduct for Members of Devolved Public Bodies as documents to assist Board members in that task
  - The addition of advice to Board members to be aware of and familiar with the Board’s own Standing Orders
  - A clear, although unnecessary, statement that the rules about registering remuneration apply to employees of councils and health boards appointed to be IJB members by virtue of their employment (e.g., Chief Social Work Officer and Clinical Director)
  - A further such statement that an IJB member appointed by virtue of membership of a particular group should register that membership as an interest (e.g., trade union membership for staff representatives)
  - The retention of the “dispensation” which does not require a Board member appointed as a councillor or council employee, or as a health board member or employee, to declare that as an interest at meetings. A declaration may still be required if in the particular circumstances the interest goes beyond the simple fact of that membership or employment

### **4.0 Recommended change**

- 4.1** The more significant change which members are asked to consider is the inclusion of the statement that Board members who are concerned about their position in relation to the Code of Conduct should first of all seek advice from the Chair. Representations were made in relation to the draft Model Code to change that to a seeking advice from the IJB's Standards Officer. That was felt to be inappropriate since (a) the Chair is also a Board member, (b) the Chair may be appointed from a different organisation to that of the member seeking advice, and (c) Board members may not feel comfortable in disclosing confidential or personal information to the Chair in seeking advice.
- 4.2** It is disappointing that those representations were not taken on board, since each IJB requires to appoint a Standards Officer with experience and specialist knowledge of ethical conduct issues and with the statutory responsibility for maintaining the Register of Interests. It is especially disappointing since the Standards Commission itself issued guidance in January 2016 in relation to the role of the Standards Officer which says that the Standards Officer should contribute to the promotion and maintenance of high standards of conduct by providing advice and support to members on the interpretation and application of the Code of Conduct, and should ensure the body has in place a consistent approach to obtaining and recording declarations of interest at the start of its meetings
- 4.3** For those reasons it is recommended that the references in the Model Code be changed to direct Board members to the Standards Officer in the first instance, rather than the Chair.

## **5.0 Further procedure**

- 5.1** Once the Code is adopted, notification is sent to the Ministers with an explanation for any departures, and the Ministers then have to approve the adopted Code (or otherwise).
- 5.2** The revised Code makes no difference to the procedures already in place in relation to the Register of Interests. Once it is adopted, Board members will be asked to review the interests they have already registered, and then the Register will be made available to the public for inspection through the internet. After that, a pattern of bi-annual reminders and reviews will be applied.

## **6.0 Additional Statutory Guidance**

- 6.1** There is existing guidance for all members of devolved public bodies in relation the generic Code of Conduct. The Standards Commission has also issued in January 2016 two further pieces of statutory guidance:-
- "Advice on Relations between Members and Employees of Devolved Public Bodies". The IJB is a devolved public body and so the guidance is relevant and applies to Board members. Some of the terminology has to be read in a slightly different way, since it deals with employees of such a body, and the IJB does not have its own employees. It does however provide some useful advice on relations between Board members and employees of the council and health board who support the IJB

- “Advice on the Use of Social Media for Members of Devolved Public Bodies”, which sets out some straightforward advice about appropriate and inappropriate use

**6.2** The contents of those last two documents are beyond the scope of this report, but Board members may wish to consider, having read them over, if a training session on the Code and Guidance would be of value.

## **D CONSULTATION**

None

## **E REFERENCES/BACKGROUND**

Ethical Standards in Public Life etc. (Scotland) Act 2000

Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003

Integration Joint Board, 20 October 2015 and 5 April 2016

Guidance on the Model Code of Conduct for Members of Devolved Public Bodies - [http://www.standardscommissionscotland.org.uk/webfm\\_send/392](http://www.standardscommissionscotland.org.uk/webfm_send/392)

“Roles, Responsibilities and Membership of the Integration Joint Board” as documents to assist Board members in understanding their role and responsibilities (<http://www.gov.scot/Resource/0048/00484578.pdf>)

“Advice on Relations between Members and Employees of Devolved Public Bodies” (<http://www.standardscommissionscotland.org.uk/uploads/files/1452184352151218AdviceonRelationsbetweenMembersandEmployeesofDPBs.pdf>)

“Advice on the Use of Social Media for Members of Devolved Public Bodies” (<http://www.standardscommissionscotland.org.uk/uploads/files/1452184748151218SocialMediaAdviceforMembersofDPBs.pdf>)

## **F APPENDICES**

1 - Model Code of Conduct for Members of Integration Joint Boards (April 2016)

## **G SUMMARY OF IMPLICATIONS**

<b>Equality/Health</b>	The report has little or no relevance with regard to equality or the Public Sector Equality Duty. As a result, equality impact assessment has not been conducted
------------------------	--

<b>National Health and Wellbeing Outcomes</b>	N/A
---	-----

<b>Strategic Plan Outcomes</b>	N/A
<b>Single Outcome Agreement</b>	N/A
<b>Impact on other Lothian IJBs</b>	N/A
<b>Resource/finance</b>	None
<b>Policy/Legal</b>	Legislative references in Part E
<b>Risk</b>	Failure to have appropriate procedures in place to ensure statutory compliance and good governance arrangements risk successful delivery of the integrated functions

## **H CONTACT**

James Millar, IJB Standards Officer; Governance Manager, West Lothian Council, 01506 281613, [james.millar@westlothian.gov.uk](mailto:james.millar@westlothian.gov.uk)

Date of meeting: 31 May 2016