

REPORT TO ABERDEENSHIRE INTEGRATION JOINT BOARD 9th DECEMBER 2020

CONSULTATION ON REVIEW OF THE MODEL CODE OF CONDUCT

1 Recommendation

It is recommended that the Integration Joint Board (IJB):

- 1.1 Acknowledge the launch of the Scottish Government's consultation on the revised Code of Conduct relevant to the IJB;
- 1.2 Agree that the IJB will submit a response to the consultation and that the IJB Audit Committee will prepare and table draft response for IJB consideration on 3rd February 2020 prior to submission.

2 Directions

- 2.1 No direction requires to be issued to Aberdeenshire Council or NHS Grampian as a result of this report.

3 Risk

- 3.1 The report has no direct impact on any of the identified Risks in the Risk Register however does impact on good governance and how members conduct themselves, which in turn impacts on the business of the IJB.

4 Background

- 4.1 The Scottish Government have launched a consultation on a revised version of the Code of Conduct which can be found at <https://consult.gov.scot/public-bodies-unit/ethical-standards-in-public-life/> and is attached for reference as Appendix 1 to this report.
- 4.2 The first Code of Conduct for devolved public bodies came into force in 2003. The Code has since been subject to reviews in 2010 and 2018 but its substantive content has largely remained the same. Due to the societal developments that have taken place in the last ten years, the Scottish Government have recognized that the Code could now benefit from review. The review also presents an opportunity to clarify and refine certain areas of the Code which have previously proved difficult to navigate, such as the provisions on declaration of interests. The provisions of the Code extend to all members of the IJB, both voting and non-voting.
- 4.3 A revised Code has been developed which is a general rewrite changing the Code to the first person and adopting plain English wherever possible, with the intention of making it easier to understand and encouraging members to take ownership of their actions and compliance with the Code. An overview of the changes are:-

4.3.1 Section 1 – Unnecessary information has been removed to make the section easier to understand.

4.3.2 Section 2 – There is a new heading called “My Responsibilities” which aims to ensure that members take personal responsibility to be aware of and to comply with the provisions in the Code of Conduct

4.3.3 Section 3 – This is the section that covers general conduct and the provision on respect has been extended to everyone that a member could come into contact or engage with when acting as a member, i.e. employees, board members and the public. Information regarding the use of social media has been included and highlights that bullying and harassment is totally unacceptable. The section also covers gifts and hospitality. The provisions have been extended to make it clear that they should not be sought or accepted with the exception of minor gifts or hospitality that a member would normally be expected to be offered in their everyday role.

4.3.4 Section 4 – This has been amended to make it clearer what kind of information needs to be registered on a Member’s register of interests.

4.3.5 Section 5 – This is the section that has received the most significant overhaul and aims to simplify the declaration of interests process to make it clearer for use and for the public to understand. What is proposed is that members require to determine whether they have a “connection” to each matter they are considering. The definition of a “connection” is “any link between the matter being considered and [the member] or a person or body [the member] is associated with. This could be a family relationship, or social or professional contact.” A “connection” becomes an “interest” that must be declared when the objective test is met. There are no changes to the objective test proposed, which is “that where a member of the public, with knowledge of the relevant facts would reasonably regard my connection to a particular matter as being so significant that it would be considered as being likely to prejudice the discussion or decision-making.” Where an interest has been declared, members may not remain nor participate in anyway. Where appropriate, members can make a transparency statement where there is a connection that does not amount to an interest.

4.3.6 Section 6 has been amended to make the rules around access and lobbying clearer.

4.3.7 Annex A has been amended to outline how complaints about potential breaches are investigated and adjudicated as well as information about sanctions available to the Standards Commission if a breach is established.

4.4 The consultation document seeks views on the proposed amendments. The deadline for the consultation is the 8th of February. The IJB Audit Committee

have the remit to make recommendations regarding the improvements to the internal controls and governance of the IJB and so it would be appropriate for the Audit Committee to lead in the response to the consultation.

5 Summary

- 5.1 The report notifies Members of the recently launched consultation on the Model Code of Conduct for members of devolved public bodies such as IJB's and outlines proposals for preparing and agreeing a response.
- 5.2 The Chief Officer, along with the Chief Finance Officer and the Legal Monitoring Officers within Business Services of the Council have been consulted in the preparation of this report and their comments have been incorporated within the report.

6 Equalities, Staffing and Financial Implications

- 6.1 An equality impact assessment is not required because the report seeks views to respond to a consultation by the Scottish Government. The Scottish Government will use the views expressed as evidence for the Equality Impact Assessment for the Code of Conduct.

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