

# CÙRAM IS SLAINTE NAN EILEAN SIAR

## INTEGRATION JOINT BOARD



**Meeting date:** 27 June 2024

**Item:** 5.1

**Title:** Update on the Code of Conduct

**Responsible Officer:** Tim Langley, Standards Officer

**Report Author:** Tim Langley

### 1 Purpose

This is presented to the Integration Joint Board (IJB) for:

- Awareness

This report relates to a:

- Legal requirement

**Competence:**

- Financial impact - none
- Legal impact – as set out in the body of the report
- Workforce impact - none

### 2 Report summary

#### 2.1 Situation

In March 2024, the Standards Commission for Scotland updated its Guidance on the Code of Conduct for Members of Devolved Public Bodies. The link to that Guidance was circulated to Members on 17 May 2024. More recently, the Standards Commission issued an Advice Note providing a relatively brief overview of Members' responsibilities under the Code. The Advice Note concentrates on those areas of the Code that may be most relevant or cause the most difficulties, and in particular it discusses conflicts of interest.

#### 2.2 Background

Members of IJBs, whether they be voting and non-voting Members, have a personal responsibility to comply with the Model Code of Conduct issued by the Standards Commission. That is in addition to any code of conduct of the Member's own organisation. One of the areas of the Code that is particularly challenging for Members across the

country is how to manage conflicts of interest between their responsibilities to the IJB and their responsibilities to their appointing body.

## **2.3 Assessment**

The relevant principle of the Code of Conduct in respect of conflicts of interest is:

### ***Honesty***

*I have a duty to act honestly. I must declare any private interests relating to my public duties and take steps to resolve any conflicts arising in a way that protects the public interest.*

Section 5 of the Code sets out the process for determining whether an interest is such that it should be declared.

The mere fact that a Member is appointed to the IJB by another organisation does not mean that the Member has an inherent conflict of interest. Similarly, a Member is not usually required to register, as an interest, the fact that they have been appointed to the IJB by another body. The point to note though is that there is a *potential* for conflict, even if in practice there is rarely, if ever, an actual conflict. The key paragraph of the Advice Note is 5.3:

*Members should be clear, nevertheless, that when acting as members of the IJB, they are required to act in the best interests of that IJB, as opposed to any individual organisation or constituency from which they have been nominated or appointed. Members need to be aware of their obligations to the IJB board and reconcile these with their obligations to their council, health board or constituency. While members can raise matters from the perspective of their council, health board or constituency, they should not promote the interests of, or lobby on behalf of, the council, health board or constituency when sitting as an IJB member. It is, therefore, essential that members have clear understanding of the roles and responsibilities of each body they are on and the requirement for them to act in the best interests of the one they are representing at any given time.*

A conflict could arise, for example, as a result of someone being a Member of the IJB as commissioner of a service, but also acting as a member or employee of a partner organisation in the delivery of that service. However, in practice it seems rare that such situations arise; generally, the interests of both organisations align.

As the Note suggests, having an awareness of the IJB's purpose, structure, aims and funding will help in identifying and avoiding conflicts of interest.

### **2.3.1 Quality/ Patient Care**

Not applicable

### **2.3.2 Workforce**

Not applicable

### **2.3.3 Financial**

Not applicable

#### **2.3.4 Risk Assessment/Management**

No risk assessment is required in relation to the subject-matter of this report. It is each member's personal responsibility to adhere to the Code of Conduct.

#### **2.3.5 Equality and Diversity, including health inequalities**

This report is concerned with a specific matter of governance that does not have any equalities implications. An impact assessment has not been completed because one is not necessary or appropriate.

#### **2.3.6 Climate Emergency and Sustainability Development**

Not applicable

#### **2.3.7 Other impacts**

None

#### **2.3.8 Communication, involvement, engagement and consultation**

Not applicable

#### **2.3.9 Route to the Meeting**

Not applicable

### **2.4 Recommendation**

- **Awareness** – For Members' information only

## **3 List of appendices**

The following appendix is included with this report:

- Item 5.1.1 - Standards Commission for Scotland's *Advice for Members of Health and Social Care Integration Joint Boards* (2024 V1.0)